

**THE LONG MARCH: ASSIMILATION POLICY AND PRACTICE  
IN DARWIN, THE NORTHERN TERRITORY, 1939-1967.**

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## ABSTRACT

This thesis is based on an analysis of the way in which successive governments formulated and administered policies of assimilation for the Northern Territory Aborigines between 1939 and 1967. The capital city of the Northern Territory, Darwin, is the site for a case study in the administration of assimilation.

The period 1939 to 1967 can be regarded as a distinct era (the assimilation era) in settler government policy and practice for Aborigines in the Northern Territory. During this time an Australian assimilation orthodoxy was constructed which described the way in which Aborigines would attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, as other Australians. What separated the period 1939 to 1967 from others, (for it could reasonably be argued that assimilation as an aim or a desired outcome existed both before 1939 and after 1967), was that it was government policy that successful assimilation would be rewarded with full civil rights or citizenship. Conversely, if Aborigines chose not to or could not successfully assimilate, then they could not expect to enjoy the benefits of full civil rights. The maintenance of this nexus identifies the period as a discrete era in settler policy.

The thesis poses two questions which reflect the primary concerns of the successive governments during this period. How did the governments imagine Aboriginal assimilation could be facilitated and how were the unassimilated to be governed? The responses to both questions changed significantly in the period under review, influenced by contemporary perceptions of race and the construction of Aborigines within that discourse, as well as by changing theories about the ways in which social change could be facilitated, and finally by the changes in the nature and role of citizenship in Australia.



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## INTRODUCTION.

This thesis is based on an analysis of the way in which successive governments formulated and administered policies of assimilation for the Northern Territory Aborigines between 1939 and 1967. The capital city of the Northern Territory, Darwin, is the site for a case study in the administration of assimilation.

The period 1939 to 1967 can be regarded as a distinct era (the assimilation era) in settler government policy and practice for Aborigines in the Northern Territory. During this time an Australian assimilation orthodoxy was constructed which is best represented by the policy statement on the meaning of assimilation issued in 1963.

The policy of assimilation means that all Aborigines and part-Aborigines will attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, as other Australians.<sup>1</sup>

The Macquarie Dictionary reflects the adoption of this orthodoxy in defining the present meaning of assimilation as the process whereby individuals or groups of differing ethnic heritage, such as migrant or minority groups, acquire the basic attitudes, habits and mode of life of another all-embracing national culture (distinguished from acculturation). What separated the period 1939 to 1967 from others, (for it could reasonably be argued that assimilation as an aim or a desired outcome existed both before 1939 and after 1967), was that it was government policy that successful assimilation would be rewarded with full civil rights or citizenship. Conversely, if Aborigines chose not to or could not successfully assimilate, then they could not expect to enjoy the benefits of full civil rights. The maintenance of this nexus identifies the period as a discrete era in settler policy.

I chose 1939 as the starting point because it was the year in which the federal government released its policy for Australian Aborigines entitled the New Deal. Issued by John McEwen, the Minister for the Interior, this policy was constructed on the basis that there should be a nexus between the successful assimilation of individual Aborigines and citizenship. Henceforth, the objective in governing Aborigines would be to raise their status so as to entitle them by right and by qualification to citizenship. The policy predicted that a process of transformation, from tribal nomad to assimilated citizen, would take place over a period ranging from years to generations. Individuals who were judged to have been successfully assimilated would be rewarded by being granted citizenship. This nexus, which was always difficult to sustain in reality, was broken formally in 1967 when after a referendum two changes were made to the Australian constitution. The first allowed that Aborigines be included as citizens in the census and the second that the Commonwealth had concurrent power with the states to initiate legislation for Aborigines. In the absence of a bill of rights in the Australian constitution, the inclusion of Aborigines as citizens in the census was significant and marked

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<sup>1</sup> "Statement of policy", from Conference of Commonwealth and State Ministers Held in Darwin on 11th and 12th July 1963, on Aboriginal Welfare, in statement by leave by the Minister for Territories (The Hon. Paul Hasluck, M.P.) in the House of Representatives, 14 August 1963.



the official break in the nexus.

The title of this thesis, *The long march*, is derived from the metaphor used in the New Deal, and frequently thereafter, to conceptualise the process of assimilation. Aborigines were imagined on a long march down a straight road to citizenship and assimilation. Settlers reified Aborigines along this road according to whether they were at the beginning of the journey as tribal nomads, or near the end as almost fully assimilated individuals. On this long march Aborigines would progressively leave behind the tribal group with whom they had a primary and collective affinity, and move forward as individuals. At the end of the journey each Aborigine would, as an individual, become a citizen indistinguishable from settler Australians apart from his or her colour.

The thesis poses two questions which reflect the primary concerns of the successive governments during this period. How did the governments imagine Aboriginal assimilation could be facilitated and how were the unassimilated to be governed? The responses to both questions changed significantly in the period under review, influenced by contemporary perceptions of race and the construction of Aborigines within that discourse, as well as by changing theories about the ways in which social change could be facilitated, and finally by the changes in the nature and role of citizenship in Australia.

The main protagonists in the events analysed in this thesis were the successive federal governments and their administrations in the Northern Territory. For most of the period defined for the thesis, the Northern Territory was governed directly by the federal government. In 1939, the Northern Territory was entirely administered by the federal government. There was no Northern Territory legislature, and one member of federal parliament, who did not hold voting rights, represented the Territory. In 1947 a Legislative Council was established to make laws for "the good government" of the Territory. The federal government held the power of veto and the federal government's bureaucratic appointees held the majority in this Council. This situation lasted until 1961, when the elected members finally had, in theory at least, the opportunity to outvote the official bureaucratic appointees and in 1962, Aborigines were granted the franchise for the Northern Territory and federal parliaments. The federally appointed bureaucracy thus held extraordinary powers over both administrative and legislative proceedings in the Territory, whether administering from Darwin or Canberra. This situation was exaggerated by the stability of the Liberal Country Party Coalition government, and consequently its bureaucracy, which remained in power federally from 1949 to 1972. Paul Hasluck was the Minister for the Territories from 1951 to 1963, and Harry Christian Giese was the Director of Welfare, the administrative body responsible for Aborigines in the Northern Territory, from 1954 to 1972. The federal governments were afforded a unique opportunity to directly implement policy for Aborigines.

The thesis primarily analyses the settler perspective on assimilation as policy and practice. Aboriginal responses, aspirations and concerns will be described only to the extent that they were interpreted by, or mirrored settler constructions. This methodology is used neither to disempower nor to deny the legitimacy of Aboriginal responses and action. The concept of assimilation as a pre-condition for citizenship and full civil rights, its interpretation and administration by governments and its acceptance in the settler

community was generally a non-Aboriginal construction. Assimilation policy and practice during the period being studied represented the way settler governments attempted to control, govern and change Aborigines in the Northern Territory.

I chose Darwin as the site for a case study in the practical administration of assimilation because it was, and still is, the major settler population centre in the Northern Territory. From here the Northern Territory was governed (administered). The term the "Berrimah line" is used in the Territory to describe the imaginary frontier which separates Darwin from the rest of the Territory. Berrimah lies on the outskirts of Darwin, straddling the main north-south highway. A further factor in choosing Darwin was that in 1953 the Aboriginal community of Darwin was formally divided. Those described as "part-Coloured", "Mixed Bloods", "part-Aborigines" and "Halfcastes" were granted full citizenship rights. This group was imagined at the end of the long march. The Aborigines referred to as "fullbloods" were made wards of the state and generally resided at the Bagot Settlement on the Aboriginal reserve in Darwin.<sup>2</sup> The measures undertaken to facilitate the assimilation of each group were quite different and consequently each group was governed in quite separate ways. Because the Aboriginal community in Darwin was regarded as "sophisticated", it was made subject to a number of programs meant to facilitate individual transition into the settler community. In this and other ways, the Bagot Settlement was meant to be a showcase for government policy, and, consequently, it provides the basis for a good case study of how settler administrations imagined assimilation could be facilitated. During the 1950s and into the 1960s, Darwin was promoted as a model for the successful assimilation of Aborigines into the settler community. Finally, I chose Darwin because it has been my home for the past ten years.

The thesis argues that what was finally achieved in the years from 1939 to 1967 was not assimilation in the orthodox sense, that is, social, cultural and political assimilation. By 1967, most Aborigines in the Northern Territory were certainly not living "like us" after the fashion of settler Australians. From the settler perspective, whether one looked to missions, pastoral stations or government settlements, Aborigines were generally living in segregated, often grossly impoverished conditions. In most cases, Aboriginal social and cultural practices had endured but few Aborigines had achieved an economic independence which conformed with the ideals of settler capitalism. Instead during this period, Aborigines had been incorporated into a relationship with government by which they could be literally governed. I do not want to contend that the relationship established between settler governments and Aborigines was in any way satisfactory from an Aboriginal perspective. I have not sought an Aboriginal perspective in this thesis. Rather, the thesis proposes that from the settler viewpoint, the removal of discriminatory legislation and the final incorporation of Aborigines at the 1967 referendum, satisfied the settler community's desired and expanded image of itself as an egalitarian pluralist society. It also represented a change in the way citizenship was defined.

Ann-Mari Jordens' definition of citizenship is most appropriate for the thesis: a status bestowed on

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<sup>2</sup> The terms "Half-caste", "Part-Aborigine", "Mixed-blood", "Full-blood", "Coloured" and "Part-Coloured" are used throughout this thesis as accurate representations of the contemporary terminology. See this thesis, p.11.

those who are full members of a community; all who possess the status are equal with respect to the *rights and duties* with which the status is endowed.<sup>3</sup> The theories of scientific racism and social Darwinism had held that Aborigines would never be able to fulfil the *duties*, that is the reciprocal obligations of citizenship. The New Deal policy statement of 1939 and the 1951 assimilation policy statement represented the rejection of racism and acknowledged that Aborigines could become citizens because eventually individuals would be able to fulfil the obligations of citizenship. In the interim Aborigines needed to be governed. In a continuum of the protectionist imperative, unassimilated Aborigines were made subject to legislation which was designed to save them from the worst excesses of settler exploitation. During the assimilation period, this legislation was also meant to ensure opportunities for Aborigines' tutelage, to guarantee they would receive the kind of training and assistance necessary to enhance the likelihood of assimilation. The case was put for the need for benign intervention by government in Aboriginal lives to assist and manage assimilation. These legislative measures, referred to increasingly as "special measures", were regarded as essential if governments were to provide for the welfare and the control of unassimilated Aborigines. Following the International Labour Conference's adoption of the Indigenous and Tribal Populations Convention in 1957, the use of the term "special measures" came under greater scrutiny. Specifically, the Convention set down that "special measures" should in no way exclude indigenous groups from the general rights of citizenship. Governments had the responsibility to ensure progressive integration of indigenous peoples into the life of their respective communities and while special measures could be adopted to facilitate this process, artificial assimilation and forced segregation were denounced.<sup>4</sup> The settler governments' problem had become how would, or could, unassimilated Aborigines be governed with no reference to discriminatory legislation.

Recent theoretical works have used the term "welfare colonialism" to describe both the process and the outcome of this re-negotiated relationship between Aborigines and the government. Robert Paine first introduced the term welfare colonialism in White Arctic in 1977. He contends that to understand Canada's northern policy, it has to be recognised that policy was conceived in a colonial circumstance and consequently, life in individual northern settlements is dominated by the colonial encounter. At the same time, settler behaviour towards Inuit, according to Paine, may be characterised as solicitous rather than exploitative, as liberal rather than repressive and so he sought a way to describe the phenomenon of a non-demonstrative colonialism. Thus the term welfare colonialism attempts to define and describe a relationship between settler and indigenous (centre and periphery), in which the form of colonialism is "non-demonstrative", and the objective existence of which is difficult at times to demonstrate. Paine takes the view that this kind of colonialism is based on two illegitimate positions; the colonisers are illegitimately privileged, whereas the colonised are illegitimately devalued.<sup>5</sup>

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<sup>3</sup> Ann-Mari Jordens, Alien Integration: the Development of Administrative Policy and Practice within the Australian Department of Immigration since 1945, Administration, Compliance and Governability Program Working Paper No. 6. August 1992. Jordens has based her definition on T.H. Marshall, Sociology at the Crossroads and Other Essays, London 1963.

<sup>4</sup> Convention concerning the Protection and Integration of Indigenous and Other Semi-Tribal Populations in Independent Countries. International Labour Conference Convention 107, 26 June 1957.

<sup>5</sup> Robert Paine, ed., The White Arctic. Anthropological Essays on Tutelage and Ethnicity, Newfoundland Social and Economic Papers No.7, Institute of Social and Economic Research, Memorial University Newfoundland, University of Toronto Press, Canada, 1977. pp.3-4.

Jeremy Beckett describes the relationship between settlers and Aborigines in Australia as *colonial* too, firstly because one cannot cancel out the colonial past, and secondly, the settler majority will not abrogate its control of the past. The term *welfare* encapsulates the good intentions of the settler government to an enduring "problem". It also refers to the extent to which the problem has been resolved through the apparatus of a welfare bureaucracy. Beckett proposes that these operations are, by necessity, part of national and local government activities and reflect those concerns. Beckett finally characterises welfare colonialism as requiring the consent of the client group. To this extent the state requires mechanisms to articulate Aboriginal opinion and then to channel that opinion in a direction which is consistent with the official solution.<sup>6</sup> The "reconstruction" of a pan-Aboriginal identity, suggests Beckett, responded to the need for a unified Aboriginal voice.<sup>7</sup> Neither Beckett nor Paine specifically suggests that citizenship is a pre-condition of a relationship based on welfare colonialism, but both refer to a legitimate indigenous voice. This pattern is located also in settler indigenous relations in North America and Europe.<sup>8</sup>

The thesis draws also on the use of the term "Aboriginalism" which was initially based on Said's Orientalism and derives much of its theoretical foundation from Foucault. Attwood defines Aboriginalism as a "hegemonic system of theory and practice" which has permeated colonial structures and power.<sup>9</sup>

...[the] contention is that power, knowledge and Aborigines are mutually constitutive - that they produce and maintain one another through discursive practices which can be known as Aboriginalism.<sup>10</sup>

Attwood proposes that the relationship between knowledge and power is revealed by asking the following questions: who produces the knowledge, when and for where, about and for whom is this knowledge, for what purpose is the knowledge created, how and in what form is it produced and what are the effects of this knowledge?<sup>11</sup>

This challenge to essentialism and the teleological assumptions embedded in Aboriginal scholarship involves the historicising processes that have constructed Aborigines, thus revealing how Aboriginal identity has been fluid and shifting, and above all contingent on colonial power relations.<sup>12</sup>

The analysis for this thesis is located in the context of Aboriginalism, in which the discourse both produces "authoritative and essentialist truths" about Aborigines, and which is characterised by a mutually supporting

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<sup>6</sup> Jeremy R. Beckett, "Welfare colonialism: A reply to Jeremy Long", *Oceania*, vol.60, no.3, March 1990. Jeremy R. Beckett, ed., *Past and Present, The Construction of Aboriginality*, Aboriginal Studies Press, Canberra 1988.

<sup>7</sup> Jeremy Beckett, "The past in the present; the present in the past: Constructing a national Aboriginality", in Beckett, *Past and Present*, pp.207-208.

<sup>8</sup> Peter Jull, *A Guide for Australian Research into Northern Regions and Indigenous Policy in North America and Europe*, North Australia Research Unit Discussion Papers, no.3, January 1992. Jull argues that welfare colonialism, in its current form in Australia, "involves many different government offices and departments designing programs and policies which are meant to re-make indigenous people in some other image." While settler society is no longer shooting at Aborigines, land and resource use policies are sometimes ruthless all the same.

<sup>9</sup> Bain Attwood, "Introduction", in Bain Attwood and John Arnold, eds., *Power, Knowledge and Aborigines*, Special edition of *Journal of Australian Studies*, La Trobe University Press, Bundoora, 1992.

<sup>10</sup> Attwood in Attwood and Arnold, *Power, Knowledge and Aborigines*, p.ii.

<sup>11</sup> Attwood in Attwood and Arnold, *Power, Knowledge and Aborigines*, p.iii.

<sup>12</sup> Attwood in Attwood and Arnold, *Power, Knowledge and Aborigines*, p.xv.

relationship between power and knowledge.<sup>13</sup> The thesis will show what specific essentialist and teleological assumptions informed the assimilation policies.

Attwood contends that most European knowledge about Aborigines is constructed in the latter's absence and that this disempowers Aborigines. They are made into an "object of knowledge" over which they have no control, a process which conversely empowers the European settlers.<sup>14</sup> A further contention of specific relevance to this thesis, is that Aboriginalism can be regarded as having produced the reality of what it had imagined by influencing government policies and practices. This factor in turn determined Aborigines' terms of existence, "racialising the aboriginal social body and so making Aborigines of the indigenous population."<sup>15</sup> The proposition that Aborigines became what the settler Europeans imagined them to be lies outside the terms of reference defined for this thesis. It will become clear, however, that settler policy in the Territory determined the terms of Aboriginal daily existence. The imagined processes of Aboriginal assimilation defined policy and practice absolutely so that not only were the Aborigines the "objects of knowledge" but their legitimacy within the settler society was withheld as a result of Aboriginalist constructions. For this reason, from the settler perspective, 1967 marks a watershed in settler indigenous relations as it represents the formal incorporation of a legitimate relationship between Aborigines and government.

be x If the agenda for indigenous rights is considered, Aborigines in the Northern Territory are now in a unique position relative to Aborigines in the rest of Australia, even in the post-Mabo context. The settler governments' responses to Aboriginal intransigence regarding assimilation in the Northern Territory, and the decisions which were made which would enable Aborigines to be engaged in a relationship with the settler governments, informs our understanding of this unique position. Therefore, while it is important to locate settler-Aboriginal relations in the widest context, the particular conclusions that can be reached for the Northern Territory do not necessarily translate to the states, because in a number of ways the Northern Territory differed from the states and the Territory is/was a territory and not a state. As will be elaborated in the thesis, politically and economically the Northern Territory was undeveloped according to settler definitions, Aboriginal people were in much greater numbers in proportion to the settlers than in the Australian states, and the popular perception was that the Territory was the last frontier. There was therefore a dual process underway in which successive federal governments sought not only to assimilate Aborigines, but also to the x assimilate the whole of Northern Territory population into a relationship by which it could be governed and which would ensure that the settlers and Aborigines would conform with the requirement to live "like us" in the rest of Australia. On the one hand, the term "like us" was used to separate the settler from the indigenous community and, on the other, to define the relationship between the Northern Territory and the Australian states.

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<sup>13</sup> Attwood in Attwood and Arnold, Power, Knowledge and Aborigines, p.i.

<sup>14</sup> Attwood in Attwood and Arnold, Power, Knowledge and Aborigines, p.ii.

<sup>15</sup> Attwood in Attwood and Arnold, Power, Knowledge and Aborigines, p.ii. This argument forms the central thesis in Bain Attwood, The Making of the Aborigines, Allen and Unwin, Sydney, 1989.

The assimilation period in the Northern Territory has most often been the subject of study by researchers from the social sciences. Colin Tatz's doctoral thesis of 1964, *Aboriginal administration in the Northern Territory of Australia*,<sup>16</sup> has endured as the most valuable description and analysis of the administration of Aborigines during the Hasluck years. Social scientists subsequently writing about the Territory as part of the series published by the Social Science Research Council of Australia, including C.D. Rowley in his trilogy,<sup>17</sup> used Tatz as their main reference. The documents to which Tatz was given access by the Welfare Branch and the Department of Territories were subsequently made subject to the thirty year close period. Tatz's thesis now represents a valuable insight into the contemporary assimilationist perspective - Tatz is critical of the assimilationist administration because, he argued, it had failed to provide the opportunity for assimilation of individual Aborigines, which was after all, the stated policy. All too often, according to Tatz, government intervention resulted in pauperism rather than independence. Tatz represents an articulate contemporary criticism of assimilation from the perspective of an assimilationist who regarded citizenship and incorporation into the settler society as crucial policy goals. "Special measures" in legislation and administration were synonymous with discriminatory legislation and practice and Tatz was opposed to both. Tatz's work represents a particular point of view, and it would be a mistake to assume that among his contemporaries who were opposed to assimilation and discriminatory legislation, agreement could be reached either in terms of analyses or possible models for action.

Rowley's trilogy endures as the canon in analysing settler policies and practices in governing Aborigines.<sup>18</sup> The most recent and major theoretical work undertaken with specific reference to Northern Territory of relevance to this thesis is, *White power white flour?*, Tim Rowse's doctoral thesis,<sup>19</sup> which describes the processes leading to and incorporating welfare colonialism in Central Australia from 1914 to 1987. Rowse defines welfare colonialism as social policies directed towards the sustenance and training of indigenous people, without necessary reference to the immediate productivity of their lands or labour. It is the extension of an administrative interest into a hinterland still avoided by profit-motivated investment. Rowse identifies rationing as the single most important mechanism of statecraft, and follows the transition from rationing to cash. He describes the way in which Aborigines in Central Australia were incorporated into a reciprocal relationship with the state. Rowse's formidable theoretical work has guided and influenced the writing of this thesis.<sup>20</sup>

In arguing that Aborigines in Australia have become incorporated into a system of welfare

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<sup>16</sup> Colin Tatz, *Aboriginal administration in the Northern Territory of Australia*, Ph.D. thesis, Australian National University, Canberra, 1964.

<sup>17</sup> Charles Dunford Rowley, *The Destruction of Aboriginal Society*, Penguin Australia, Ringwood, 1986. *Outcasts in White Society*, Penguin Australia, Ringwood, 1973. *The Remote Aborigines. Aboriginal Policy and Practice*, Australian National University Press, Canberra, 1971.

<sup>18</sup> Rowley, *The Destruction of Aboriginal Society*, *Outcasts in White Society*, and *The Remote Aborigines*.

<sup>19</sup> Tim Rowse, *White flour white power?: Colonial authority, rationing and the family in Central Australia*, Ph.D. thesis, University of Sydney, 1989.

<sup>20</sup> See also Tim Rowse, *Remote Possibilities: The Aboriginal Domain and the Administrative Imagination*, North Australia Research Unit, Australian National University, Darwin, 1992.

colonialism, Jeremy Beckett links issues related to Aboriginal identity with welfare colonialism.<sup>21</sup> He contends that cultural values and modes, whether formed before conquest and dispossession or under conditions of "colonial exclusion", cannot be cancelled by decree. Moreover, he argues, expropriation and marginalisation, which are the more common outcomes of colonialisation, have produced "a level of poverty and deprivation that is beyond the capacity of the market or the welfare apparatus to remedy".<sup>22</sup> Therefore normal access to funds available through state resources would not be adequate and special measures need to be justified. This is achieved, he argues, by "rehabilitating the minorities which must be preserved as part of the national heritage".<sup>23</sup> Beckett concludes that for the present, the desirable incorporation of indigenous peoples into the nation state can take place only through special structures which institutionalise colonial distinctions; once the new political constituency has been created, then it also must be controlled and maintained. Beckett does not address the particular circumstances of the Northern Territory, but provides a theoretical framework with which to analyse the outcomes of policy and practice.

Barry Morris's major work, Domesticating Resistance, though set in New South Wales, is a particularly useful reference in locating policy changes within the context of contemporary discourse nationally about race and social change.<sup>24</sup> In particular, the terms "legal custodianship" and "bureaucratic intervention", which Morris has used to describe and categorise two separate but inter-related ways of governing Aborigines, have been used in this thesis.

As historical research, this thesis differs in its intent from the analyses offered by social scientists such as Rowley, Beckett, Morris and Rowse. History is concerned with intent, processes and serendipity as well as outcomes. The social sciences tend to use history simply as a diorama or a back drop against which particular theories are explored. While I share the benefit of hindsight with the social scientists, as an historian my concern has been to understand the intentions and concerns of the people who acted in the past, as much as to theorise about the outcomes of their actions.

The only history written specifically about the assimilation era in the Northern Territory is Jeremy Long's The Go-Betweens,<sup>25</sup> an account of the patrol officers, a specialised group which was a part of the administration of assimilation policy. The patrol officers were the legacy of the influence of Professor A.P. Elkin and the anthropologists who promoted a colonial model for the government of Aborigines in the Northern Territory. The original purpose of the patrol officers, who were trained in anthropology, was to maintain contact with Aborigines living outside areas of frequent contact with settlers, to ensure their health and safety, and to guide such groups on the long, slow march towards civilisation. As a result of policy

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<sup>21</sup> Beckett, "Introduction", and "The past in the present", in Beckett ed. Past and Present, and Jeremy Beckett, "Aboriginality, citizenship and nation state", in Jeremy Beckett, ed., Aborigines and the State in Australia, special issue series, Social Analysis, Journal of Cultural and Social Practice, no.24, December 1988.

<sup>22</sup> Beckett, "Aboriginality, citizenship and nation state", in Beckett, Aborigines and the State, p.14.

<sup>23</sup> Beckett, "Aboriginality, citizenship and nation state", in Beckett, Aborigines and the State, p.14.

<sup>24</sup> Barry Morris, Domesticating Resistance: The Dhan-Gadi and the Australian State, Berg, Oxford New York, 1988.

<sup>25</sup> J.P.M. Long, The Go-Betweens. Patrol Officers in Aboriginal Affairs Administration in the Northern Territory 1936-1974, North Australian Research Unit, Australian National University, Darwin, 1992.

changes in the 1950s which aimed to ensure all Aborigines were connected to government settlements, missions or pastoral stations in as permanent a way as possible, the role of the patrol officers changed and they were finally disbanded. Jeremy Long began his own distinguished career as a patrol officer. He is quoted frequently in this thesis, not as the author of the Go-Betweens, but as an officer of the Welfare Branch who was involved in research in the policy and administration of Aborigines and later, as a researcher and writer with the Social Science Research Project on Aboriginal policy established in 1963.

Barbara Cummings' Take this Child,<sup>26</sup> describes events which come within the period of this thesis. It is a moving, personal account of the effects of policy and practice on a group of Aboriginal women of mixed descent who were removed from their parents and taken to be grown up in a missionary institution in Darwin called the Retta Dixon Home. The account of policy in her text is only very brief, and while this thesis is not about the impact of policy on Aboriginal lives, Cummings' work is a reminder that these stories must be told before there can be a thorough understanding of the assimilationist era. Maisie Austin, also of mixed descent, offers a quite different perspective on growing up in the camps in Darwin in the 1950s and her account is both nostalgic and naive.<sup>27</sup> Nevertheless, her detailed descriptions of many aspects of daily life in the camps, and in particular her descriptions of the physical environment, provide an invaluable resource. When considered in conjunction with each other, Cummings' and Austin's books demonstrate only too clearly that interpreting Aboriginality and growing up in Darwin in the 1950s and 1960s is a difficult and complex task about which few generalisations can be made.

The main text concerning the circumstances under which the New Deal was formulated is Andrew Markus' Governing Savages<sup>28</sup> which concludes its narrative at the beginning of the period for this thesis, in 1939. Markus provides a useful description of key protagonists and establishes a chronology of events. Ultimately, however, Tony Austin's I Can remember the Old Home So Clearly,<sup>29</sup> is not only a more vivid portrayal of the same period, but also his analysis of the contemporary racist discourse is more thorough.

An invaluable work in gaining insight into the motivation of the protagonists in the assimilation period is Paul Hasluck's Shades of Darkness.<sup>30</sup> It is a personal account of Aboriginal affairs from 1925 to 1965. It is particularly useful because Hasluck sets out to defend both policy and practice during this period and to establish the historical context which informed his beliefs. When I interviewed Hasluck in 1991, he reiterated and defended the views expressed in Shades of Darkness in such a way that it was clear that this was his definitive statement about his role in this period.

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<sup>26</sup> Barbara Cummings, Take This Child... From Kahlin Compound to the Retta Dixon Children's Home, Aboriginal Studies Press, Canberra, 1990.

<sup>27</sup> Maisie Austin, Quality of Life... A Reflection of Life in Darwin During the Post-war Years, Colemans Printing Pty., Ltd., Darwin, 1992.

<sup>28</sup> Andrew Markus, Governing Savages, Allen and Unwin, Sydney, 1990.

<sup>29</sup> Tony Austin, I Can Remember the Old Home So Clearly: The Commonwealth and "Half-caste" Youth in the Northern Territory 1911-1939, Aboriginal Studies Press, Canberra, 1993.

<sup>30</sup> Paul Hasluck, Shades of Darkness, Aboriginal Affairs 1925-1965, Melbourne University Press, Carlton, 1988.



Recent scholarship would indicate that in searching for suitable parallels and paradigms for settler indigenous relations in the Northern Territory, the Canadian northern frontiers are particularly apt.<sup>31</sup> Both frontiers share harsh environments and extremes of climate hostile to settler development, a significant indigenous population relative to the settler presence and, historically, the on-going tension between the pressure to assimilate and the assertion of separate and legitimate indigenous identities. On both frontiers, there has been a transition to welfare colonialism in the period after 1945, and more recently, the issue of landrights has been paramount in defining settler and indigenous relations. Texts such as J.R. Miller's Sweet Promises and Skyscrapers Hide the Heavens<sup>32</sup> and Helen Buckley's From Wooden Ploughs to Welfare,<sup>33</sup> demonstrate clearly that there are paradigms for settler-indigenous contact which can be applied equally to the Australian and the Canadian northern frontiers. The points of comparison are more marked in some instances than when similar comparisons are made between settler-indigenous contact in Northern Australia and first contact in early Australian colonial settings.

The Commonwealth Government Archives has been the main resource for my research, particularly the correspondence files for the Department of Territories for the period 1951 to 1962. At the time of writing this thesis, the Archives had released very few files for 1963, in keeping with the thirty year embargo. As part of an agreement with Aboriginal and Torres Strait Islander Commission, however, I was granted access to some Commonwealth Government files in the closed period.

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X This thesis aims not only analyse the outcome of the assimilation era and the theoretical framework in which assimilation is located, but also the beliefs and aspirations of the settler protagonists who acted during the era being studied. It is the latter which will be the main contribution of the thesis to the historiography of this period. The numerous correspondence files, reports, policy statements are the repository of this information. Understanding the outcomes of particular decisions does not necessarily inform us about why those decisions were made, nor what outcomes were expected by protagonists and other contemporaries. For example, Paul Hasluck, Minister for Territories, developed the government settlement program in the Northern Territory, which he regarded as the cornerstone of successful assimilation. On settlements, individuals would acquire the "tools of assimilation" and then move off the settlements into settler society. In Hasluck's perception it was critical that settlements be regarded as transitory. In fact, settlements developed into self-contained and generally segregated communities. They were also the principal sites at which Aborigines were governed and, eventually, the main distribution points in the transition to social security benefits. Government settlements developed characteristics which were quite contrary to those Hasluck envisaged.

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<sup>31</sup> Peter Jull, The Politics of Northern Frontiers in Australia, Canada and Other "First World" Countries, Australian National University, North Australian Research Unit, Darwin, 1991.

<sup>32</sup> J.R. Miller, ed., Sweet Promises: A Reader on Indian-White Relations in Canada, University of Toronto Press, Toronto, 1991 and Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada, University of Toronto Press, Toronto, 1991.

<sup>33</sup> Helen Buckley, From Wooden Ploughs to Welfare. Why Indian Policy Failed in the Prairie Provinces, McGill-Queen's University Press, 1992.

The thesis comprises eight chapters. In chapters one, four and eight changes to policy are located in the context of contemporary events and shifts in the prevailing discourse. The remaining chapters concern the policy and practice of assimilation in the Northern Territory and at the site for the case study, Darwin.

### *Terminology*

The term Aborigines is used in this thesis to refer to all Indigenous Australians unless otherwise specified in the text. The terms "Half-caste", "Part-Aborigine", "Mixed-blood", "Full-blood", "Coloured", and "Part-Coloured", are used in this thesis as accurate representations of contemporary terminology. These terms were used by settler contemporaries in the period covered by this thesis to categorise quite specific groups of Aborigines for administrative purposes in the government of Aborigines. The terms were adopted also by the general community. For at least part of this period these terms represented the legacy of Scientific Racism and Social Darwinism, and, more specifically, the eugenics movement. The preferred terms change over the period 1939 to 1967 and the relevance of these changes is discussed in the thesis. The way in which non-Aborigines categorised Aborigines and the way in which Aborigines chose to categorise themselves provides an invaluable insight into the predominant and changing discourse about race and cultural difference during this period. Contemporaries using these categories believed the terms were inoffensive and in some instances even progressive.

These terms, however, should not be read uncritically nor as unproblematic. Rather the terms reflect the way settler Australians ordered Aborigines in relation to themselves. It will be clear in the text that the terms are only used when it is necessary to recognise particular administrative categories and that the term Aborigines is used when these categories are not relevant. I recognise that readers will no doubt find the terms offensive but ask that they move beyond this initial reaction to an understanding of the more profoundly disturbing sub-text which the terms imply. We continue to struggle today with appropriate terms to describe Aborigines and Aboriginal differences, aware that our efforts will be challenged by new ways of defining and describing our world and by the changing ways in which Indigenous Australians choose to be named.

## CHAPTER ONE.

### THE HALFWAY HOUSE.

"Once a tribe is parasitic it is in the halfway house to extinction."<sup>1</sup>

W.E.H. Stanner, 1939.

This chapter explores the origins of the construction that there should have been a nexus between successful assimilation and full citizenship rights. Firstly, however, a brief history of Darwin, in which those economic factors which determined the patterns of settlement and influenced the nature of contact between Aborigines and settlers in the Northern Territory, is presented. The settlement of Darwin, the site for this thesis, began in 1869 at which time the Northern Territory was governed by the colony of South Australia. In 1910 the Commonwealth government assumed control over the Northern Territory. In settler Australian history this period, between 1869 and 1910, is marked as a time when the colonists were intent on nation building in all the possible meanings of the term, culminating in the federation of the colonies in 1901. In the newly federated Australian nation, citizenship was not an automatic right granted to all who resided within its geographically determined borders. Citizenship was constructed as a complex reciprocal relationship between individual and state, and it represented a way of controlling nationalist hegemony in the task of nation building. Aborigines were excluded from the mutual rights and obligations of citizenship when the colonies federated. Racism was the fundamental reason for the exclusion of Aborigines, and the way in which this was manifest in national aspirations will be discussed in part three of this chapter.

When racism was challenged by egalitarianism, the former grounds by which Aborigines had been excluded from citizenship were no longer applicable and the possibility of Aboriginal citizenship was admitted. Settler intellectuals, reformers and governments sought to reinterpret the nature of relations, both past and present, between settlers and indigenous peoples in order to understand how Aborigines might be rehabilitated and transformed so as to be eligible to be citizens. I argue in part four that settlers believed settling Aborigines was of paramount importance in any process which aimed to transform and rehabilitate Aborigines.

#### *A prelude in memory of Darwin*

From 1837 to 1843, the H.M.S. Beagle, under the command of John Lort Stokes, explored and surveyed the coasts and rivers of the north coast of Australia. While much of the coast was charted, there were nevertheless many unexplored waterways, bays and harbours which Lort Stokes had been instructed to

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<sup>1</sup> W.E.H. Stanner, White Man Got No Dreaming. Essays 1938-1973, Australian National University Press, Canberra, 1979, p.12.

explore. The journals of the voyage were later published as Discoveries in Australia.<sup>2</sup> The events of September 1839 begin this narrative. The Beagle, with the advantage of a light wind, had left Port Essington, at that time a struggling British outpost on the northern coast of Australia, on 4 September 1839. Having left Clarence Strait, the Beagle charted a route via the western extremity of the Vernon Isles and headed for a bay to the south, the opening to which Captain Parker King had previously observed but had not explored. The Beagle anchored outside the entrance to the harbour. One of the crew, Mr Forthsyth and Lort Stokes, Commander R.N., provisioned a boat for four days to sustain further exploration, but night fell before they could venture far.

September 9. - Before the veil of darkness was quite removed, we could faintly distinguish the mouth of the opening; and the sight of the daylight was most cheering. A wide bay appearing between two white clifly heads, and stretching away within to a great distance, presented itself to our view. Far to the southward, between the heads, rose a small table-topped hill. As we pulled in towards the eastern entrance point, the river-like appearance began to wear off, more land making its appearance towards the opening. On reaching this point Mr. Forthsyth and myself climbed up the cliffs, whilst breakfast was cooking. From the summit we had a good look at the bay, and were delighted to find large openings in the south-east and south-west corners of it. The table hill before mentioned, stood on the point between them. To see the eastern part of it, however, it was necessary to cross the opposite, where some talc slate, pieces of which measured four inches in length, was found embedded into the quartz. The point was called in consequence, Talc Head. The other rocks near it were a fine-grained sandstone:- a new feature in the geology of this part of the continent, which afforded us an appropriate opportunity of convincing an old shipmate and friend, that he still lived in our memory; and we accordingly named the sheet of water Port Darwin.<sup>3</sup>

Meanwhile, some others of the crew had been on shore and had received a visit from a party of natives who "evinced the most friendly disposition."<sup>4</sup> About twenty-seven people in family groups had approached (to) shore party without hesitation. According to the Commander of the Beagle, they had clearly never seen a white person before and began to rub the skin of one of the party to see if it was painted.

They came fearlessly to our party, as they were collecting shells at the extremity of a long flat. One of the officers, who happened to be extremely thirsty, placed such confidence in their friendly manner, that he allowed them to conduct him alone to a small well near the beach.<sup>5</sup>

Though this particular group of Aborigines had not seen a white person before, the meeting described was probably not their first encounter with visitors and they seemed quite aware of the existence of worlds other than their own.<sup>6</sup> In the following days, the Beagle moved into the harbour and anchored at the eastern point which Lort Stokes named after Lieutenant Emery, who successfully dug a freshwater well there.<sup>7</sup> Friendly relations continued, and Lort Stokes' journal records those humorous and probably delightful moments in first contacts such as the natives' surprise at the use of a flint and their even greater amazement when cigars

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<sup>2</sup> J. Lort Stokes, Discoveries in Australia: With an Account of the Coasts and Rivers Explored and Surveyed During the Voyage of the H.M.S. Beagle, in the Years 1837-38-39-40-41-42-43, vol.ii, T. and W. Boone, London 1846. Facsimile edition 1969.

<sup>3</sup> Lort Stokes, Discoveries in Australia, pp.5-6.

<sup>4</sup> Lort Stokes, Discoveries in Australia, p.9.

<sup>5</sup> Lort Stokes, Discoveries in Australia, p.12.

<sup>6</sup> Bitterli has discussed some of the characteristics of first encounters in Urs Bitterli, Cultures in Conflict, Polity Press, Cambridge, 1989, p.27.

<sup>7</sup> Lort Stokes, Discoveries in Australia, p.13.

were smoked.<sup>8</sup> Lort Stokes considered the Aborigines of Darwin a fine looking people. The men wore pieces of bamboo eighteen inches long through their noses. Their surveying complete, the Beagle and its crew headed west to continue surveying and charting the northern coasts.<sup>9</sup>

There were only a handful of white visitors to Port Darwin until 1869, a decade after Charles Darwin, one time a shipmate on the Beagle, had published his On the Origin of the Species. The single British settlement on the north coast, Port Essington, was finally closed in 1849 and deemed a dismal failure not the least because malaria had become endemic. At the same time the British governments began the necessary processes to grant limited self-government to the thriving, fledgling colonies, and England made no further attempts to settle the northern coasts.

### *Settling Darwin*

In July 1863, the South Australian colonial government was granted the Northern Territory of South Australia. Exploration from the south to the interior of the continent and from the north coast inland had increased settler knowledge about the physical landscape. Reports by explorers, Gregory and Stuart in particular, had referred to the potential grazing lands in the area called the Northern Territory in glowing terms.<sup>10</sup>

In taking its first steps to settle the Northern Territory, the South Australian Government's activities conformed to the settler capitalist paradigm as described by economic historian, Donald Denoon.<sup>11</sup> After analysing five settler colonies in the southern hemisphere - Australia, South Africa, Uruguay, New Zealand and Argentina - Denoon identified a sufficient number of characteristics in common in the patterns of settlement to conclude that a paradigm could be constructed. In each case, settlement had begun with a random strategic outpost or garrison of the mother country, and the establishment of capitalist modes of production was rarely immediate. The outposts were located in areas where there was no dependable local production because the indigenous communities relied on hunter-gatherer economies as opposed to the village production models of the colonies. The regions shared quite significant geographical similarities, including the consequences of the indigenous land management practices which had rendered open woodland and savanna so suitable for pastoral activity. Settlement radiated out from the garrisons and outposts into areas in which there was plenty of land but little labour. Pastoralism eventually dominated production and typically, there was very little economic diversification. Subsequently, pastoralism also reproduced the frontier patterns

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<sup>8</sup> See for example, Lort Stokes, Discoveries in Australia, pp.19-20.

<sup>9</sup> Lort Stokes, Discoveries in Australia.

<sup>10</sup> Augustus Charles Gregory, Journals of Australian Explorations, Hesperian Press, Victoria Park Western Australia, 1981 and William Harman, ed., John McDouall Stuart, Explorations in Australia: The Journals of John McDouall Stuart During the Years 1858, 1859, 1860, 1861 and 1892, Hesperian Press, Carlisle Western Australia, 1984.

<sup>11</sup> Donald Denoon, Settler Capitalism: The Dynamics of Dependent Development in the Southern Hemisphere, Clarendon Press, Oxford, 1983.

of settlement. British capital and modes of production dominated each of these settler societies.

Some historians have challenged the extent to which various aspects of this paradigm describe the settlement of the Northern Territory.<sup>12</sup> Of significance to this thesis, however, is not so much that the paradigm fits every possible variation, but that it describes the expectations of the contemporary settler protagonists. Whatever the hardships and setbacks in establishing settler capitalism which individuals might experience in the short term, ultimately, successful settlement would be achieved. As Denoon argues, the settlers were "besotted" with their belief in a "golden age"<sup>13</sup> in which their own magnificent destiny was located.<sup>14</sup> In the Northern Territory, explorers such as Gregory and Stuart, who travelled though the most harsh and uncompromising landscapes, nevertheless envisaged in their journals a land transformed by settler diligence into thriving farms and vast grazing properties. For example when Stuart reached Van Dieman's Gulf, he wrote that "If this country is settled, it will be one of the finest Colonies under the Crown, suitable for the growth of anything and everything..."<sup>15</sup> And however tarnished and tawdry might have been the experiences of the first settlers, those who followed believed that sooner or later the right combination of factors would result in the establishment of economically viable settlements. This belief in the inevitability of the success of settlement was profound. The settlers were equally buoyed by the conviction that governments would not only reflect this optimism but also would legislate to facilitate successful settlement wherever and in whatever way was necessary.

In this context, South Australia set about finding a site which would be amendable to building a settlement, with land suitable for agriculture and a harbour with waters deep enough for a port. The Chief Surveyor, Goyder, chose a small peninsula which Lort Stokes had originally described favourably, which overlooked a good harbour.<sup>16</sup> In 1869 the first permanent white settlers arrived to survey and prepare for the establishment of a township, to be named Palmerston, which overlooked Port Darwin.<sup>17</sup> It is not surprising that the site finally settled upon by the Chief Surveyor, Goyder, as being suitable for the northern settler outpost, was also a camp area for the traditional owners of the country, the Larrakia. On a coast line identified by its vast mangrove estuaries which, though rich in marine life, were also infested with sandflies, mosquitos and "sickening vapours", high ground assailed by breezes and fresh water springs was much sought after. On one side of the peninsula, the high cliffs finally give way to a large network of mangroves and river estuaries which meander round the harbour to the west, from an area now called Frances Bay. Sandy beaches and rocky cliff faces replace the mangroves on the opposite side of Beagle Bay on the Cox Peninsula which forms the limit of the Darwin Harbour and the outlet into the Arafura Sea. On the Eastern side of the peninsular, the high cliffs of Emery Point, Myilly Point and East Point are interspersed with

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<sup>12</sup> Lyn Ann Riddett, *Kine, kin and country: The Victoria River District of the Northern Territory, 1911 - 1966*, Ph.D. thesis, James Cook University, 1988.

<sup>13</sup> Denoon, *Settler Capitalism*, pp.207-208.

<sup>14</sup> Denoon, *Settler Capitalism*, pp.205-230.

<sup>15</sup> Hardman, ed., Stuart, *Explorations in Australia*, p.408.

<sup>16</sup> Lort Stokes, *Discoveries in Australia*, vol.ii, chapter one.

<sup>17</sup> For detailed account of the settlement of Darwin (Palmerston) see James Cameron, "The northern settlements: outposts of empire", in Pamela Statham ed., *The Origins of Australia's Capital Cities*, Cambridge University Press, Sydney 1989.

idyllic sandy beaches. It is estimated that on Goyder's arrival there were approximately two hundred and fifty Larrakia.<sup>18</sup> Not surprisingly, the Larrakia call themselves a saltwater people.

The South Australian colonial government, which governed the Northern Territory of South Australia from 1869 to 1910, had no pro-active policy towards the Aboriginal communities encountered in the Northern Territory during exploration and settlement.<sup>19</sup> Legally, the Larrakia were in the same situation as all the Aboriginal groups in the Australian colonies which had been invaded. There was no legal recognition of their ownership or custodianship of the land; they were British subjects and there was no recognition of their system of tribal law.<sup>20</sup> While violence, death and dispossession characterised the struggle for land outside the immediate area of Palmerston, dispossession of the site for Palmerston was quiet.<sup>21</sup> The township of Palmerston itself served as a refuge from the worst excesses of the frontier, particularly as dispossession increased in the hinterlands. Despite the absence of overt violence, the Larrakia nevertheless rapidly lost exclusive ownership of their lands.

In the township, the nature of the relationship between the Aboriginal and non-Aboriginal groups was defined by a complex web of factors and more subtle frontiers. For example in the accounts of contemporaries, W.J. Sowden and Dominic Daly, of Aboriginal settler relations in Palmerston during the very early period of contact, the paradox of prejudice is apparent. The language reflects the ascendancy of scientific racism and social Darwinism. At the same time, contact with Aborigines in daily life was intimate and apparently mutually enjoyed on occasions.<sup>22</sup> Generally, three main factors drew the settlers and Aborigines into direct contact within the boundaries of Palmerston and can be regarded as the frontiers of contact: the exchange of labour for goods; sexual relations; and trade in intoxicating substances such as tobacco, alcohol and opium. Other Aboriginal groups quickly joined the Larrakia in Palmerston and permanent camps were established by groups from as far away as Borroloola and the Daly River region.<sup>23</sup>

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<sup>18</sup> For the basis for this calculation of the approximate population figure see Maria Brandl, Adrian Haritos and Michael Walsh on behalf of the traditional owners, Kenbi Land Claim: To Vacant Land in the Cox Peninsula, Bynoe Harbour and Port Patterson Areas of the Northern Territory of Australia, The Northern Land Council, Darwin, 1979, p.93.

<sup>19</sup> For detailed accounts of South Australian policy see, Rowley, The Destruction of Aboriginal Society; Gordon A. Reid, A Picnic With the Natives, Melbourne University Press, Carlton, 1990; Tony Austin, Simply the Survival of the Fittest: Aboriginal Administration in South Australia's Northern Territory 1863-1910, Historical Society of the Northern Territory, Darwin, 1992.

<sup>20</sup> The South Australian policy (or lack of it) is described by Rowley, The Destruction of Aboriginal Society, Chapter 12, "The South Australian Frontier, 1860-1911".

<sup>21</sup> At the site chosen for Palmerston, there were no negotiations over ownership of land, treaties or other forms of recognition of prior ownership. Goyder relied on the considerable assistance given by the Larrakia in establishing camp and in surveying the site. There was one incident in which J.W.O. Bennett was killed, May 1969. Reid, A Picnic With the Natives, p.35. See also Austin, Simply the Survival of the Fittest, chapter two.

<sup>22</sup> William J. Sowden, The Northern Territory As It Is, 1882, facsimile edition, Darwin Government Printer for the Northern Territory History Unit, University Planning Authority. Mrs. Dominic D. Daly, Digging, Squatting and Pioneering Life, Sampson Low, Marston, Searle and Rivington, London, 1887, facsimile edition, Hesperian Press, 1987.

<sup>23</sup> Memorandum, Baldwin Spencer, Special Commissioner and Chief Protector, Department of Aboriginal Affairs Darwin, to the Minister for External Affairs, Melbourne, 8 February, 1912.

Aborigines were attracted to Palmerston and remained in significant numbers in the community.<sup>24</sup> Dispossession from their own tribal lands, along with a desire to experience town life at first hand and to meet traditional ritual and social obligations, no doubt reinforced this pattern of contact.

The Commonwealth government took control of the Northern Territory in 1911 and Palmerston was re-named, Darwin. South Australia had incurred an unserviceable debt in its attempts to make the colonisation of the Territory profitable and wanted to be rid of its white elephant. As a colony, and then as a state, South Australia had relied heavily on external investment for its own development and had neither the resources nor perhaps the disposition to continue its own heavy investment in the Northern Territory which yielded only debt.

At the time of the Commonwealth takeover of the Northern Territory there was, alongside the white settler community, a significant alien<sup>25</sup> population, the Aboriginal groups and an emerging "Coloured" community. The alien population was the consequence of a brief period in settlement of the Northern Territory when the South Australian government had intended to establish Palmerston as a trading entrepot based on the models of Singapore and Penang. Labour was recruited from Asia in the form of "coolie" labourers under private contracts. The Port of Darwin was exempt from customs duties so that it acted as a free port. Palmerston was imagined as "a racially mixed, tropical commercial colony".<sup>26</sup> Initially settlers from Asia were encouraged and until 1910, there were more settlers from Asia than from other Australian states, or who could be described as Europeans.

In the following years the Commonwealth government attempted to redress this imbalance, at least in theory, by promoting White settlement in the North. The context for such actions is discussed in part three of this chapter. In the interim, settlers relied on Aboriginal, "Coloured" and alien (mainly Chinese) labour which governments as well as union organisations regarded as problematic. Such labour was cheap, frequently exploited, and it directly contravened the White Australia Policy formulated by the federal government. The North could not function without Aboriginal labour, however, and Darwin depended on alien workers as well as Aboriginal labour for a number of services.<sup>27</sup> Sexual liaisons in the Territory between Aboriginal women and settler and alien males were also regarded as a grave threat to a White Australia. Crude and often ruthless attempts to control miscegenation were on-going but were generally ineffective. Some of the measures taken by the Commonwealth in its attempt to control these frontiers of contact are discussed in chapter two of this thesis.

Under South Australian rule, economic growth in Northern Territory had been sluggish, apart from the initial boom of the 1870s, and continued to be so under the Commonwealth Government. Like its

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<sup>24</sup> Kenbi Land Claim, p.115.

<sup>25</sup> Term used by contemporaries synonymous with Asiatics.

<sup>26</sup> Christine Doran, "Colonising the Territory", Northern Perspective, vol.13, no.2, 1990, pp.13-21.

<sup>27</sup> A typical analysis of this dilemma to be found in Atlee Hunt, Memorandum, Northern Territory of Australia, 1915.



predecessor, the federal government showed a marked reluctance to invest its own funds in northern development, reflecting a model of economic development still dependent on external investment, and in any case, the newly formed federal government did not have a significant reserve of funds at its disposal as it did not have primary control over income taxes. There was as yet no precedent for the federal government to act as a major investor. At the same time, settlers had expected the SA Government and then the federal government to finance infrastructure to support settlements. All governments, colonial, state and federal, showed a marked reluctance to invest and instead sought investment from British companies and other major private investors demonstrating that they were still controlled by a mode of production in which they were the recipients rather than the initiators of infrastructural developments. To facilitate development, infrastructural investment was recommended in numerous reports over the next two decades and overseas investment was sometimes enthusiastically sought, but the Northern Territory remained an economic backwater.<sup>28</sup> While there was little obvious economic growth in the years between 1911 and 1927, and no appreciable rise in population, this was a period of consolidation in terms of asserting the presence of the white settler economic activity in this vast region. Settlers, accompanied by their cattle and horses, identified every creek, gorge and river; they crossed the grassy plains, the spinifex and the deserts; they struggled over the escarpments, until almost all the land had been named and surveyed, and all the traditional owners of the country had been encountered. The rhetoric calling for investment and instant economic development masked the ultimately more successful (or from an indigenous viewpoint insidious) activity of the familiarisation of the landscape.

Darwin was assured of its survival independent of the vicissitudes of economic development elsewhere in the Northern Territory because of its dual role as an administrative centre and a regional port. It did not flourish, but neither did it flounder. Darwin was one of the few major ports on the northern coast of Australia and so had a significant role in servicing the vast and developing hinterland. Until 1939, after which time transport by road and air became safer and more reliable, it was generally quicker to bring supplies by ship to Port Darwin from the southern ports than overland. The distribution of supplies relied on small trading vessels plying the northern waters and navigating the rivers to supply depots. Darwin also served as the South Australian and then federal administrative centre for the Northern Territory. Houses were constructed, roads built, the seas fished and market gardens cultivated to provide the necessities for the small but salaried establishment of public servants. Even while the Northern Territory became an ever-increasing source of debt, Darwin endured as a commercial, trading and administrative centre.

By 1939, Darwin had a permanent Aboriginal population of about 250 although the numbers swelled during busy visiting times. There was the "Coloured" community which was in the majority and was descended in various combinations from Asian, European and Aboriginal forebears and which was the most obvious and active group in the town. Generally, the European community was made up of government employees, the elite being the public servants who came to the Territory for a short period as part of a

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<sup>28</sup> Alan Powell, *Far Country. A Short History of the Northern Territory*, Melbourne University Press, Carlton, 1988, chapter 8.

promotion structure. Other Europeans were active unionists and had affiliations with the "Coloured" community.<sup>29</sup> Rapid depopulation of Aboriginal groups, which characterised so many sites of contact on the frontier of indigenous and settler relations in Australia, was not a feature of the encounter in the Darwin region. Isolation from the rest of Australia, an unforgivingly harsh environment and limited economic development slowed the settler invasion. In Darwin, the saltwater people were part of town life, but were governed as a separate group based on their race and were segregated from the rest of the community wherever possible.

### *Nation building and citizenship*

In order to understand the way in which successive governments devised policies for the management of Aborigines in the Northern Territory in the period to 1939, it is necessary to consider in the first instance the role of citizenship. Before 1939, citizenship and assimilation were neither inextricably nor explicitly linked in the contemporary Aboriginalist discourse, though, certainly, the construction of the nexus has its origins in this period and we can track the steps by which these two factors moved closer together.

The role of citizenship in maintaining nationalist hegemony is crucial to understanding the influence of racist discourse at the time of the federation of the Australian colonies and in later decades. In the early years after federation, Aborigines and Asiatics were excluded from access to citizenship, that is they were denied the franchise and were not included in the census.<sup>30</sup> No provisions existed which would enable the franchise to be extended to either group at a later date. Contemporary opinion was that there was no need for such a provision. Aborigines were expected to die out naturally from natural selection, and immigration regulations, it was assumed, would put an end to Asian immigration. Two main questions are addressed here: on what grounds were Aborigines excluded from citizenship and how did the subsequent changes in racist and Aboriginalist discourse admit the possibility of Aboriginal citizenship?<sup>31</sup> Firstly, citizenship and nationhood are located in the context of federation.

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<sup>29</sup> For a delightful portrait of Darwin during the 1930s based on remembrance and recollection, see Eric W. Sager, *Discovering Darwin: The 1930s in Memory and History*, Historical Society of the Northern Territory, Darwin, 1993. Xavier Herbert has written the most evocative albeit satirical accounts of Darwin at this time in *Capricornia*, Angus and Robertson, Sydney, 1981, first published in 1938 and *Poor Fellow My Country*, Collins Fontana, Sydney, 1976.

<sup>30</sup> Legally, Australians were defined as British subjects until the 1949 Nationality and Citizenship Act. The rights of a citizen include many other rights than the right to vote or inclusion in the census. These are not specifically set out in the Australian constitution which does not include a bill of rights. Aborigines' rights were limited by the discriminatory legislation which the states and federal governments passed for the protection of Aborigines. The terms civil rights and citizenship rights are used interchangeably in this thesis unless otherwise specified.

<sup>31</sup> Rowse has argued that two fundamental questions could be identified and should guide an initial discussion of the origins and the formulation of assimilation policy:

...on what basis were such intellectuals confident that Aborigines' cultural rehabilitation was now an essential task for the state? and what notions of "citizenship" were to guide the rehabilitative work that they projected?

Rowse, *White power, white flour?*, p.147.

The Australian colonial governments set out quite consciously not only to federate but also to establish a nation, an entirely new entity which would be born out of and rise above the fractious and self-interested colonies. Historian Gordon Greenwood argues that Prime Minister Edmond Barton's phrase, "a nation for a continent and a continent for a nation" was more than political rhetoric and embodied the aspirations of the settlers.<sup>32</sup> Nowhere else on earth did the natural boundaries of a continent contain the boundaries of a nation. At the very core of this emerging nationalism, argues Greenwood, was the protagonists' demand to control the composition of the society. Paraphrasing colonial settler aspirations, Greenwood asks,

Was the continent to see repeated the evils of other civilizations, the ravages of war, the co-existence of great wealth and abysmal poverty, the rigid class structure of privilege, or was it, on the other hand free of taint of older societies, to produce a civilization in which the individual dignity of *man* had full respect?<sup>33</sup> (my italics)

Australians subscribed aggressively to a belief in the nation state. Crucial to its success would be that within its borders the nation would be united by one language and one cultural identity. Only then would political freedom, equality of opportunity and prosperity be possible. R.A. Gollan summarised this nationalism by arguing "at its heart was an equalitarian social doctrine", a belief in the "equality of opportunity" and a conviction that in Australia, "*men* had a right to a good life".<sup>34</sup> The right to control citizenship was crucial in controlling the composition of the new nation. Later, in 1911 when the future of the Northern Territory was under consideration, "founding father" Alfred Deakin reiterated his belief that Australia should be a white *man's* country. When speaking in favour of the Northern Territory Acceptance Bill which resulted subsequently in the Commonwealth government's acquisition of the Territory from the South Australian state government, he argued,

To me the question has been not so much commercial as national... Either we must accomplish the peopling of the Northern Territory or submit to its transfer to some other nation. The latter alternative is not to be tolerated. The Territory must be peopled by the white race.<sup>35</sup>

Settler Australia's priorities in nation building can be located in the evolution of citizenship in western settler democracies. No Statue of Liberty symbolically welcomed settlers to the newly formed Australian nation. The concerns for liberty, equality and fraternity enshrined in the French and American constitutions were treated indifferently over a century later by those who drafted the Australian Constitution. A brief review of the evolution of citizenship in western and settler democracies places the concerns of those who drafted the Australian constitution in context. T.H. Marshall's definition of citizenship from 1951, provides a starting point.

Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal

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<sup>32</sup> Gordon Greenwood, "National development and social experimentation", in Gordon Greenwood, ed., Australia. A Social and Political History, Angus and Robertson, Sydney, 1972. p.196

<sup>33</sup> Greenwood, "National development and social experimentation", in Greenwood, Australia, p.196.

<sup>34</sup> R.A. Gollan, "Nationalism, the Labour movement and the Commonwealth", in Greenwood, Australia, p.146.

<sup>35</sup> Greenwood, " National development and social experimentation", in Greenwood, Australia, p.226.

citizenship against which achievement can be measured and towards which aspiration can be directed. The urge forward along this path thus plotted is an urge towards a fuller measure of equality, an enrichment of the stuff of which the status is made and an increase in the number of those on whom the status is bestowed.<sup>36</sup>

According to Marshall, the nature of citizenship changes and is re-defined over time depending on the aspirations of citizens. Marshall's own definition of citizenship, is no longer necessarily definitive. As Ann Curthoys points out, for example, in "Feminism, citizenship and national identity," there has been a reorientation within recent feminist debates about citizenship.

There has been a shift of interest from the problem of how to characterize the state to one of *deconstructing the idea of the citizens who inhabit the state*, from a focus on social structure (the state) to one on political discourse and culture (citizenship).<sup>37</sup> (my italics)

Indigenous and ethnic groups in Australia have challenged and redefined our current understanding of citizenship as well. Inevitably, however, argues Curthoys, the focus on citizenship, that is, legal, political and social rights, directs us back to concerns about power, the constitution and the boundaries of the state. "Who belongs, and to what do we belong?"<sup>38</sup> In finding the responses to this question, the changing focus of citizenship can be identified.

Marshall argues that historically, citizenship was comprised of three elements, civil, political and social and which were developed in that order.<sup>39</sup> By locating federation within a structure which seeks to identify the development of citizenship, the concerns of the "founding fathers" are better understood. To what kind of nation did they aspire to belong? The Australian colonies federated at that time in the evolution of western concepts of citizenship when social and economic welfare were the most preoccupying concerns of the usually male decision makers who were most often colonial politicians. As well, the union movement and the newly formed Labor Party demanded that citizenship be defined in such a way that the rights of workers could be included and protected. Marshall has subsequently categorised these demands to expressly define the rights of workers, which were relatively successful, as "industrial" citizenship in which the crucial development was collective bargaining.

...the acceptance of collective bargaining was not simply a natural extension of civil rights; it represented the transfer of an important process from the political to the civil sphere of citizenship... Trade unionism has, therefore, created a secondary system of industrial citizenship parallel with and supplementary to the system of political citizenship.<sup>40</sup>

Industrial citizenship represented "a universal right to real income which is not proportionate to the market value of the claimant."<sup>41</sup>

More recently, Beilharz, Considine and Watts have argued that the working concept of citizenship constructed and adopted by the federal and state governments in the early years following federation in

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<sup>36</sup> T.H. Marshall, *Citizenship and Social Class*, Cambridge at the University Press, Cambridge, 1950, p.28-29.

<sup>37</sup> Ann Curthoys, "Feminism, citizenship and national identity", *Feminist Review*, no.44, Summer 1993, p.36. See also Ann Curthoys, "Single, white, male", *Arena*, December/January 1993/1994, pp.27-28.

<sup>38</sup> Curthoys, "Feminism, citizenship and national identity", p.36.

<sup>39</sup> Marshall, *Citizenship and Social Class*, pp.10-11.

<sup>40</sup> Marshall, *Citizenship and Social Class*, p.44.

<sup>41</sup> Marshall, *Citizenship and Social Class*, p.47.

Australia, was that "industrial citizenship" was advanced over "social citizenship".<sup>42</sup> They quote Clarke, from 1906, who said that Australians "have faith that the State can in some way make it possible for every man to earn a living wage."<sup>43</sup> The Australian constitution represented a compromise between the demands of liberal and labour, capitalist and worker. Beilharz et al. argue that the image which fired nation building was that of

...a minimum welfare state, the logic of which was that the market would look after *men* and their families if capitalists were kept to their side of the bargain.<sup>44</sup> (my italics)

In its final version, the Australian constitution represented the contemporary view expressed though the efforts of the "founding fathers" that civil liberties were beyond assail in the new nation and that the future lay in ensuring the right of every *man* to a decent living wage as an industrial citizen. The worker's paradise was founded on trade-off between labour and capital, demonstrated in Justice H.B. Higgins' Harvester Judgement in which he aimed to regulate both capital and labour. Manufacturers earned the right to protective legislation only by themselves protecting their employees. By establishing a basic wage, the relationship between worker and employer was theoretically regulated for mutual advantage.<sup>45</sup> In contemporary discourse about industrial citizenship it is obvious that it was premised on a quite specific beliefs about gender and the state. In the Harvester Judgement, Justice Higgins enshrined the gender specific nature of the relationship between individual and the state in the concept of a basic wage for male bread winners.<sup>46</sup> The new Australians belonged to a highly regulated, egalitarian, industrial economy.

Australia's xenophobia and white Australia policies were linked with the quite direct economic threat posed to working conditions by unregulated "Coloured" labour. Out of a population of approximately four million, almost eighty percent were primarily wage earners at federation, who did not want competition from cheap ("Coloured" and Asian) labour.<sup>47</sup> Beilharz et al. quote one of the federation protagonists:

The working classes are seeking to realise a state of society where all members are qualified and accustomed to participate in industrial as well as political control. This can be accomplished only by a process of striving which the tropical races have not yet begun.<sup>48</sup>

There had been a small window of opportunity for South Australia to work to establish Palmerston as a colonial economy based on cheap coolie labour. By the beginning of the twentieth century, however, it was obvious that Australians did not want to belong to a nation in which the right of every man to earn a reasonable income without any threat from cheap "Coloured" labour was not protected.

In order to protect the rights and values of the industrial citizen at federation, Australia granted citizenship exclusively to white settler Australians who were predominantly of British stock. Aborigines were

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<sup>42</sup> Peter Beilharz, Mark Considine and Rob Watts, Arguing About the Welfare State. The Australian Experience, Allen and Unwin, Sydney, 1992.

<sup>43</sup> Clarke 1906, quoted in Beilharz, et al., Arguing About the Welfare State, p.121.

<sup>44</sup> Beilharz et al., Arguing About the Welfare State, p.21.

<sup>45</sup> Beilharz et al., Arguing About the Welfare State, p.21.

<sup>46</sup> For analysis of the contemporary discourse about gender and citizenship, see Pat Grimshaw, Marilyn Lake, Ann McGrath and Marian Quartly, Creating a Nation. 1788-1990, McPhee Gribble, Penguin Books Australia, Ringwood, 1994. Chapter 8, "Gendered Settlements".

<sup>47</sup> Gollan, "Nationalism, the Labour movement and the Commonwealth", in Greenwood, Australia, p.146.

<sup>48</sup> Beilhardz et al., Arguing About the Welfare State, p.20.

not included as citizens and neither were most aliens. At the same time, the most effective method available to regulate membership of the new nation and to ensure its unity in language and culture and common purpose was by regulating (industrial) citizenship. As Beckett has argued, citizenship represented a way of controlling national hegemony.<sup>49</sup> In the Australian Constitution, Section 127 set down that Aborigines would not be counted in the census and Section 41 excluded them from the franchise. Research by Stretton and Finnimore has shown that originally, the writers of the Constitution had intended that all Australians would be eligible to vote. The nation builders believed that immigration regulations would limit the number of aliens and that Aborigines would die out so there was no perceived need to specifically exclude either group. Section 41 of the Constitution was drawn up originally to protect the franchise which had been granted to women in some of the Australian colonies including the women of South Australia and the Northern Territory.

No adult person who has or acquires a right to vote at elections for the more numerous House of Parliament of State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.<sup>50</sup>

When the Federal Franchise Bill was introduced in 1902, however, Section 41 was amended specifically to exclude Aborigines and read:

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 the electoral roll, unless so entitled under section 41 of the constitution.<sup>51</sup>

Legal opinion subsequently varied in interpreting the meaning of Section 41, but none of the interpretations favoured Aboriginal voting rights.

Why were Aborigines excluded from citizenship and a role in the processes of nation building at federation? Settler Australia was engaged in a process of colonisation of Aboriginal land. By definition, colonial relations are characterised by exploitation, domination and violence. Scholarship in recent years has established the extent to which settlers constructed Aborigines in the context of scientific racism and social Darwinism as part of an on-going racist discourse which supported colonisation. Historian Bain Attwood argues that Aborigines faced two successive conquests: the first dispossession and the second conducted by the settlers determined to "civilize" them.<sup>52</sup> Racist discourse enabled the protagonists to justify their actions in pursuit of successful colonisation at almost any cost.<sup>53</sup> Within this discourse, racism was regarded as a scientific rather than moral issue. Barkan, for example, argues that the pejorative use of the term "racism" did not appear until the 1930s<sup>54</sup> and that at the turn of the century, racial theories which constructed a hierarchy of races with the Nordic at the top, were considered "factual, free of prejudice and generally

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<sup>49</sup> Beckett, "Aboriginality, citizenship and nation state", in Beckett, ed. Aborigines and the State in Australia.

<sup>50</sup> Pat Stretton and Christine Finnimore, "Black fellow citizens: Aborigines and the Commonwealth franchise", Australian Historical Studies, vol.25, no.101, 1993, p.523.

<sup>51</sup> Commonwealth Acts, 1901-1902, Number 8 of 1902 in Stretton and Finnimore, "Black fellow citizens", pp.521-530.

<sup>52</sup> Attwood, The Making of the Aborigines, p.1.

<sup>53</sup> For example, see Morris, Domesticating Resistance.

<sup>54</sup> Elazar Barkan, The Retreat of Scientific Racism. Changing Concepts of Race in Britain and the United States between the World Wars, Cambridge University Press, Cambridge 1992. p.18-19.

pertinent to social and political analysis."<sup>55</sup> Race, he argues, was perceived to be a biological category, "a natural phenomenon unaffected by social forces".<sup>56</sup> Race accounted for and explained the differences in languages, cultures, social organisation and physical appearance. According to the scientific principles of biological evolution, Aborigines would eventually become extinct. Contemporaries regarded this as inevitable as the passing of the dinosaurs. The belief prevailed that Aborigines were as an "anachronism in a progressive nation"<sup>57</sup> and it was assumed that they would eventually disappear. Theories based on scientific racism constructed an inherent Aboriginal inferiority in which Aboriginal "blood" determined the limits of individual progress. As a race, and as primitives, Aborigines were regarded as incapable of assuming the levels of sophistication required to live as "civilised" settlers, much less to assume the obligations of citizenship.<sup>58</sup> When consideration was given to the notion that Aborigines might move to participate in the dominant culture, the use of terms such as adaptation and absorption indicated the way in which the outcome of contact between the races was considered to have a rational scientific foundation. By being constructed as ahistorical, the Aborigines were denied the potential to change or transform.<sup>59</sup> To this end Aborigines were categorised according to the degree of Aboriginal "blood"; thus the terms "full-blood", "half-caste", "octoroon" and so on, reflected the way in which settlers imagined Aborigines in relation to themselves in the racial hierarchy. Settler Australia's claim to egalitarian beliefs was qualified by scientific racism; equality was espoused as possible between equals, and one of the factors in determining equality was race. Membership (citizenship) of the nation-state involved one in a sophisticated two-way relationship with government and this relationship was regarded by settler Australians as simply beyond either the comprehension or capabilities of Aborigines. Consequently Aborigines were quite explicitly excluded from exercising political and civil rights in the Australian Constitution.

The theoretical bases for racism, scientific racism and social Darwinism, were generally discredited by the 1930s. Certainly Aborigines, as a race, were not dying out at the rate that had been predicted by those theories based on social Darwinism. The eventual challenges to the theoretical basis for racism and the ascendancy of egalitarianism and environmentalism necessarily made for a reappraisal of the future role of Aborigines in the nation. In The Retreat of Scientific Racism, Barkan makes the case that intellectuals in the United States and Britain had rejected the theoretical basis for scientific racism in the decade before 1939. This process of rejection initially had less to do with questioning the morality of racism than the fact that scientific racism could not be successfully proved using scientific evidence. In the nature versus nurture debate, the weight of evidence suggested that environment was the greater determinant of the human condition. Barkan suggests that the rise of Nazism, which became synonymous with scientific racism, probably hastened popular rejection of racist theories which were at their most oppressive and dogmatic

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<sup>55</sup> Barkan, The Retreat of Scientific Racism, p.2.

<sup>56</sup> Barkan, The Retreat of Scientific Racism, p.2.

<sup>57</sup> Beckett, "Aboriginality, citizenship and nation state", in Beckett, Aborigines and the State, p.8.

<sup>58</sup> Stretton and Finnimore, "Black fellow citizens", describe the prevalence and nature of the racist discourse which surrounded the debate over the place of Aborigines in the Constitution.

<sup>59</sup> Patrick Wolfe, "On being woken up: The Dreamtime in anthropology and in Australian settler culture", Comparative Studies in Society and History, vol.33, no.2, 1991.

between the two wars.<sup>60</sup>

If the legitimacy of egalitarianism had been accepted instead of racism, then logically there should not have been a theoretical impediment to Aborigines sharing the same rights as ordinary citizens. Racism, however, endured, not just as prejudice and bigotry, but as a cultural and social construction in Aboriginalist discourse. Equal status as citizens for Aborigines could not be regarded as automatic, because citizenship represented a considerably more complex relationship between individual and state than recognition of basic rights. The legacy of Scientific racism and social Darwinism is well documented in settler historiography. The most overwhelming aspect of this legacy was that Western, Christian, capitalist civilisation, according to settler constructions, remained at the pinnacle of human societies. In *Shades of Darkness*, Paul Hasluck, one of the chief architects of the assimilationist discourse, argues strongly for historians to understand the values of Australian society during the period in which assimilationist policies were being formed in the 1930s. Hasluck argues that the superiority of Western civilisation was not only obvious, but was a source of pride. The Christian missionaries, for example, could not be blamed if they thought the beliefs of Christianity offered a considerably more enlightened view on the nature of existence than the dreamtime explanations which did not have the benefits of geography, biology or astronomy.

Those white persons who had passed through the Book of Genesis to the Darwinian theory of evolution would certainly never have entertained the idea that the aboriginal stories of the dreamtime... might be another valid explanation of the place of man in the universe.<sup>61</sup>

Although social philosophers found the organisation of Aboriginal society interesting, Hasluck argued, it would be unlikely to provide an alternative "way of handling the routine working life of an industrial society".<sup>62</sup> The most hopeful future - or, in the view of others, the ideal future - for the Aborigines was to become civilised and Christian.<sup>63</sup>

Scholars such as McGregor, McGrath and Hirst have described the role of the imagined dichotomy constructed around the concepts of primitive and civilised which began to re-emerge in the 1930s in the Aboriginalist discourse.<sup>64</sup> According to Torgovnick, for example, the characteristics which were generally allocated to primitive societies are always relative to a civilised norm: legality of custom; the paramount importance of kinship in social and economic organisation; the importance of ritual for individual and group expression and a relative indifference to Platonic modes of thought.<sup>65</sup> Hirst and McGrath both draw attention to the origins of the word "civilization" which has as its core the word for city. To understand what

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<sup>60</sup> Barkan, *The Retreat of Scientific Racism*, p.xi.

<sup>61</sup> Hasluck, *Shades of Darkness*, p.8.

<sup>62</sup> Hasluck, *Shades of Darkness*, p.8.

<sup>63</sup> Hasluck, *Shades of Darkness*, p.8.

<sup>64</sup> Russell McGregor, "Protest and progress: Aboriginal activism in the 1930s", *Australian Historical Studies*, vol.25, no.101, October 1993. Ann McGrath, "Citizenship, rights and Aboriginal women", in Renate Howe, ed., *Women and the State: Australian Perspectives*, a special issue of the *Journal of Australian Studies*, La Trobe University Press, Bundoora, 1993, describes the way in which the dichotomy between primitive and civilized was premised on masculinist presumptions, pp.100-101. John Hirst, "Australian History and European Civilization", *Quadrant*, May, 1993.

<sup>65</sup> See Marianna Torgovnick, *Defining the "primitive" - or Trying to*, *Gone Primitive: Savage Intellectuals and Modern Lives*, University of Chicago Press, Chicago, 1991, pp.18-23.



is entailed in a city is to understand one of the chief features of civilisation, a fact well understood by educated nineteenth century society.<sup>66</sup> In a rather crude summary, Hirst argues that cities emerge in societies of large populations; they are made possible when food production extends beyond the immediate clan/family group; food and goods are distributed and organised by governments who claim taxes; the work of the government requires record keeping and writing; writing is used to inscribe the law which controls large populations; the ultimate enforcers of the law are soldiers paid by the government.

These key features of civilisation are absent from the small, undifferentiated, face-to-face society of hunter-gatherers such as the Aborigines were before the arrival of the Europeans.<sup>67</sup>

Western epistemology described and determined its own superiority. As the influence of scientific racism and social Darwinism declined during the 1930s, McGregor has found evidence of a revival of the Enlightenment view that progress in civilisation may be attained by all humanity regardless of race.<sup>68</sup> In such a construction, Aborigines, therefore would have had the potential to progress to a civilised state and hence to citizenship. The crucial concept is here is the admission that Aborigines had the *potential* for civilisation and therefore citizenship.

Before I consider how contemporaries thought Aborigines might be civilised or made citizens, however, I first want to address the construction of the crucial relationship between civilisation, citizenship and government. Foucault maintains that the modern state has integrated a new kind of power which originated in the Christian institutions and which he labels pastoral power. The "modern state", for which the term nation state appears interchangeable, is not an entity which has developed "above individuals". On the contrary, he argues that it is a sophisticated structure in which individuals can be integrated (assimilated) under one condition:

that this individuality would be shaped in a new form, and submitted to a very specific set of patterns.<sup>69</sup>

Foucault continues the analogy by claiming that pastoral power is directed towards salvation, not in the next world, but in this world. Health, well-being, security, protection are all elements of this salvation. In response, and concurrently, officials and institutions grew to administer this new state pastoral role.

Part of the process of incorporating (assimilating) individuals into a the modern state is that governments must necessarily govern. Foucault defines government as the word was literally used in the sixteenth century. To govern, in a sense, is to structure the possible fields of action of others.

"Government" did not refer only to political structures or to the management of states; rather it designated the way in which the conduct of individuals or of groups might be

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<sup>66</sup> Marshall, Citizenship and Social Class, pp.14-18. The formative period in the development of civil rights was the eighteenth century, characterised by the assertion that there was "one law for all men" which followed the abolition of serfs and servile labour. In English towns, observed Marshall, the terms "freedom" and "citizenship" were "interchangeable". The Oxford English Dictionary details the origins for the word citizenship meaning an inhabitant of a city or a town. pp.442.

<sup>67</sup> Hirst, "Australian History and European Civilization", p.30.

<sup>68</sup> McGregor, "Protest and progress", p.559.

<sup>69</sup> Michael Foucault, "The Subject and Power", in Hubert L. Dreyfus and Paul Rabinow eds., Michael Foucault: Beyond Structuralism and Hermeneutics, Harvest Press, Brighton, 1986, p.214.

directed: the government of children, of souls, of communities, of families, of the sick. It did not only cover the legitimately constituted forms of political or economic subjection, but also modes of action, more or less considered and calculated, which were destined to act upon the possibilities of action of other people.<sup>70</sup>

Foucault believes that power (government) can be exercised only over free subjects. Individual and/or collective subjects are free by definition when they are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments may be realised. An analysis of power relations within a society must then be more than a study of institutions because power relations are rooted in a system of social networks. A feature of modern states is the extent to which the state controls these power relationships so that when societies seek to incorporate individuals into a relationship with the state, they effectively seek to govern those individuals.

In this context, both government and the exercise of power, are located in the relationship between individual and state. Citizenship represents the mutual obligation arising out of the contract between the two partners, and a way of regulating national hegemony. Whereas a primitive individual was believed ungovernable, a civilised individual was by definition a potential citizen and governable. Aborigines therefore, classified as primitives, could not expect to enjoy the benefits of citizenship; Aborigines who were civilised, however, could expect access to citizenship, its obligations and benefits. The origins of the construction of the nexus between the civilised individual and citizenship becomes clear.

#### *Finding new directions*

Two obvious questions were presented in the 1930s to those settler Australians who were searching to find an alternative future for Aborigines which was not based on biological racism: firstly, by what process could Aborigines be made citizens and how could this citizenship be recognised in law; and secondly, how could Aborigines, who were by settler perceptions still living in a primitive state, be assisted to progress towards civilisation and governability? It was in response to the latter question that the concept assimilation was finally introduced into the lexicon of social change. It had not been an easy or straightforward process to arrive at that solution. The 1930s was a watershed period for policy and practice in the government of Aborigines, but like all times of transition, there were confusing upheavals and inconsistencies. Compromises had to be reached, old practices endured while attempts were made to both devise and implement new practices. Not until the 1960s would there be another period of such uncertainty and which would result in such radical change in policy making about Aborigines.

Both Rowse and Cowlshaw have identified some of the points consensus which were reached during the 1930s among contemporary reformers. Most importantly, there was unanimous agreement that the state should intervene in the process of Aboriginal reform and transition both of which would be guided and facilitated by the state's use of experts. Cowlshaw has argued that intellectuals and anthropologists in particular, working in the 1930s, shared two essential assumptions: firstly, that the settler presence was

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<sup>70</sup> Foucault, "The subject and power", in Dreyfus and Rabinow, Michael Foucault, p.221.

legitimate and its' knowledge and technology were superior to that of Aborigines and secondly that Aborigines were "redeemable", in that they could be "benignly fitted to the dictates of the civilized life".<sup>71</sup>

Before the 1930s, Australian governments, could count very little experience in directing any process of social change aimed at incorporating individuals into membership of the nation. Patterns of immigration had not really provided such a challenge because immigrants were predominantly from England, Scotland, Ireland and Wales and it was assumed, as Beckett argues, that those who came to Australia would willingly embrace the opportunities offered to become part of a dynamic and new egalitarian political environment. Beckett suggests that in the emerging assertion of national identity for Australians, the process of assertion was regarded less as a result of a mixing of cultures and more as a rejection of aspects of conservative British values and anti-colonialism. The strongly egalitarian political culture, however, maintained its roots in the culture of the British Isles. Perhaps more importantly, such immigrants were unequivocally committed to the ideological goals implicit in the concept of industrial citizenship. There had been no reason for federal or state governments to formally describe and implement processes for social change such as assimilation because Australia was essentially a monocultural society. Indeed, Beckett argues that terms such as assimilation were used rarely in the Australian context before 1940.

The term assimilation had been used infrequently and inconsistently to describe the way in which Aborigines might be absorbed into settler society. The use of the term assimilation to describe social and cultural change, according to the Oxford Dictionary, is relatively recent. Assimilation is defined as the act of becoming or being made like the other. Originally the term "assimilation" was used in a scientific context, to describe the process by which substances or organisms were caused to become like or to resemble another: the action of making or becoming like; the state of being like; similarity, likeness. The modern scientific notion of assimilation differs little: to absorb or incorporate; to convert into a substance of its own nature; to absorb into a system, incorporate.<sup>72</sup> In America, "assimilation" was more widely used and referred to the way in which immigrants became accustomed to the American way of life. American Robert J. Park, defined the process of assimilation in 1927 in terms of its role in ensuring the hegemony of the nation state.

It is the name given to the process or processes by which peoples of diverse racial origins and different cultural heritages, occupying a common territory, achieve a cultural solidarity sufficient at least to sustain a national existence.<sup>73</sup>

Park argued that an immigrant was assimilated into American life when he had acquired the language and social ritual of the new country, and could participate in the common political and economic life of the community. Park argued that solidarity within the modern states depended less upon the homogeneity of the populations than on the "thoroughgoing mixture of their heterogeneous elements."<sup>74</sup>

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<sup>71</sup> Gillian Cowlishaw, "Helping anthropologists: Cultural continuity in the constructions of Aboriginalists", Canberra Anthropology, vol.13, no.2., 1990, p.8.

<sup>72</sup> The Shorter Oxford Dictionary, Volume 1. Oxford University Press, 1973. p.119.

<sup>73</sup> Robert E.Park in Edwin R.A. Seligman and Alvin Johnson, editors, Encyclopaedia of Social Sciences, Volume 1, copyright 1930, reprinted 1959. pp.281-283.

<sup>74</sup> Park in Seligman and Johnson, eds., Encyclopaedia of Social Sciences, pp.281-283.

In order to focus upon the processes by which the status of individual Aborigines could be raised to the point of eligibility for citizenship, the Australian settler community had to: re-interpret the past; revise its perception of the Aboriginal problem, and find new directions for the future. Reformers wanted the ameliorative and protectionist policies promoted by federal and state governments which were based on the racist beliefs that Aborigines would die out, to be replaced by policies based on egalitarianism in which there could be a future for Aborigines as citizens. Within the intellectual community in Australia, two epistemologies were pursued as relevant to the future of Aborigines in Australia. In the first instance, part of the task of re-directing the future for Aboriginal-settler relations involved a revision of the past. If scientific racism and social Darwinism were invalid theories, then how could the results of contact between settlers and indigenous peoples be explained? Aborigines had not been displaced simply by a superior human type. If Aborigines were to march into a new future, then there must surely be evidence of the pathway mapped in the past. In Australian historiography, Grenfell Price<sup>75</sup> and Hasluck<sup>76</sup> were lonely practitioners in addressing past relations between settlers and Aborigines. While neither was specifically involved in devising the new policy directions in the 1930s, they act as informed chroniclers for the period. Grenfell Price's White Settlers and Native Peoples was not published until 1950, but the research had been completed before 1939.<sup>77</sup> Hasluck's Black Australians was first published in 1942.<sup>78</sup> The second epistemological pursuit involved the privileged knowledge about Aborigines which anthropologists claimed. Led by A.P. Elkin,<sup>79</sup> social anthropologists in Australia actively sought to influence government policy. They argued that their careful study of Aboriginal society enabled them to offer expert advice on the most effective forms of intervention to guide social change. Elkin influenced both Hasluck and Grenfell Price. A more broadly based humanitarian viewpoint, in some instances united in formal organisations such as Aboriginal progressive associations and Aboriginal rights groups, wove the moral imperative through the weft of intellectual activity. Among intellectuals and humanitarians, there was no doubt that reform was necessary.

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<sup>75</sup> A. Grenfell Price was an author, historian and the Master of St Mark's College, University of Adelaide. His other works included: The History and Problems of the Northern Territory, Australia, the John Martagh Macrossan lectures, University of Queensland, Adelaide, 1930 and White Settlers in the Tropics, American Geographic Society New York, 1939.

<sup>76</sup> For a detailed biography of Hasluck see Robert Porter, Paul Hasluck: A Political Biography, University of Western Australia Press, Nedlands, 1993. For Hasluck's reminiscences of his life before 1940, the period during which his ideas were forming, see Paul Hasluck, Mucking About: An Autobiography, Melbourne University Press, Carlton, 1977.

<sup>77</sup> A. Grenfell Price, White Settlers and Native Peoples. An Historical Study of Racial Contacts Between English-speaking Whites and Aboriginal Peoples in the United States, Canada, Australia and New Zealand, Cambridge University Press, Cambridge, 1950. See also "Rough Notes on the Position of the Northern Territory." CRS A432/81 34/1674, AAC. Grenfell Price travelled to the Northern Territory during the Dry Season in 1932. He described the position of the Aborigines and Halfcastes as a "fundamental problem" to the future development in the North.

<sup>78</sup> Paul Hasluck, Black Australians. A Survey of Native Policy in Western Australia, 1829-1897, Melbourne University Press in association with Oxford University Press, Melbourne, 1942.

<sup>79</sup> Robyn Maynard, A.P. Elkin, in David Carment, Robyn Maynard and Alan Powell, eds. Northern Territory Dictionary of Biography, vol.1, NTU Press, Casuarina, 1990, pp.90-91. Also, Tigger Wise, The Self-made Anthropologist, Allen and Unwin, Sydney, 1985. At this time Elkin was President of the Association for the Protection of Native Races; editor Oceania; Chairperson of the Australian National Research Council Committee for Anthropological Research, self-appointed Director of research and in 1938 published Australian Aborigines: How to Understand Them.

In White Settlers and Native Peoples, Grenfell Price constructed a paradigm for contact between settlers and natives based on his reading of the histories of the settlement of Australia, United States of America, Canada and New Zealand. He defined three historical stages in settler-indigenous relations. During the opening stages of a pioneer invasion of moving frontiers into indigenous lands, whites decimated natives and caused the death of natives by introducing new diseases to which indigenous populations had no immunity. In addition, during this phase, settlers occupied native lands and slaughtered those who defended their land. But when both disease and slaughter had abated, Grenfell Price asked, why did rapid depopulation continue, given that inherent racial inferiority could no longer exclusively explain the phenomena? In answer to his own question, he argued that the reason lay in the ridicule and disruption settlers brought to native religion and social organisations. Indigenous people were thereby "reduced...to a state of despondency".<sup>80</sup> They became as a result, the "unhappy people" who "neither desired to live, nor to have children to undergo similar conditions".<sup>81</sup> Grenfell Price described native peoples deprived of their traditional lands and modes of life as forming "islands of malnutrition, disease, and social, educational and cultural weakness" among surrounding whites.<sup>82</sup>

In his analysis of Australian Aborigines, Grenfell Price had been influenced by the work of anthropologists during the 1930s and particularly Elkin, for whom he had great respect. During this period anthropologists observed a similar phenomena to that later described by Grenfell Price, though in the 1930s most anthropologists still considered their primary concern in Australia should be to record the "remnants" of "traditional" Aboriginal society. In 1934, for example, even Elkin wrote:

In view of the great and peculiar interest of the Australian aboriginals representing one of the lowest types of cultures available for study when under the influence of a higher culture... steps should be taken without delay, to organise the study of those tribes... as yet, comparatively uninfluenced by contact with civilization.<sup>83</sup>

Nevertheless, anthropologists such as Elkin could not ignore the processes of change in Aboriginal society and, during the 1930s, began to offer detailed analyses based on their observations. In his travels to the far north-west of Australia in the 1920s, Elkin had observed the rapid depopulation of indigenous groups which had resulted from neither the immediate effects of violence, nor disease. There was, he discovered an extraordinary paucity in Australian research addressing this problem and he looked for explanations elsewhere. He found Pitt-Rivers' theories about the devastating effects of disturbing "cultural equilibrium" as a cause of rapid depopulation both attractive, plausible and worthy of development.<sup>84</sup> Elkin pursued the possible links between the destructive effects of dispossession, subsequent "detrribalisation" and the consequent depopulation. He identified this second phase of culture contact and subsequent cultural adjustment, following initial contact, as one in which natives developed a sense of inferiority and scorn for

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<sup>80</sup> Grenfell Price, White Settlers and Native Peoples, pp.1-2.

<sup>81</sup> Grenfell Price, White Settlers and Native Peoples, pp.1-2.

<sup>82</sup> Grenfell Price, White Settlers and Native Peoples, p.2.

<sup>83</sup> Elkin, Oceania, vol.5, no.1, 1934. See also Donald Thomson, Recommendations of the Policy in Native Affairs in the Northern Territory of Australia, Commonwealth Parliamentary Papers, December 1937, Melbourne.

<sup>84</sup> Wise, The Self-made Anthropologist, p.84.

their native culture. It was, he argued, a dangerous phase likely to result in despondency and depopulation.<sup>85</sup>

Elkin and other anthropologists discerned patterns in this detribalising phase.<sup>86</sup> For example the anthropologist W.E.H. Stanner,<sup>87</sup> who had spend time undertaking field work in the Northern Territory, elaborated the causes of detribalisation in a statement in 1939 which became the orthodox paradigm for this process.

The blacks are ceasing, or have ceased, to make their ancient stone tools. They smoke tobacco. Some of them wear white's clothes. They are eager for tea and sugar and white flour and do everything they can (except in a few isolated regions) to obtain manufactured European articles. Moreover scientists have noted for years a serious undercurrent of unrest among these tribes. They are tending to drift away from their traditional tribal lands to live near white settlements where they can secure more readily the tobacco, tea, sugar, new foods, clothing and manufactured articles they have learned to value and to crave. This tribal drift is threatening to dissolve such so-called uncivilised tribes into small floating segments, each of which is likely to leave the main tribe and attach itself in parasitic fashion to a cattle station, mission, farm settlement. Once this stage has been reached the tribes will never return to the old nomadic life in the bush. Once a tribe is parasitic it is in the halfway house to extinction.<sup>88</sup>

Because the Aborigines so actively sought European goods and had come to rely on rations, "they were thought to be in a morally perilous state".<sup>89</sup> Such Aborigines, who were thought to have fallen from a state of self-sufficiency (or who were about to fall), were therefore in need of supervision and rehabilitation.<sup>90</sup>

In Grenfell Price's paradigm, during the second historical stage of settler-indigenous contact, the dispossessed and detribalised indigenous groups had been gathered onto what he regarded as unsuitable reservations, a move generally initiated, he argued, by misguided nineteenth century British philanthropy. In Grenfell Price's assessment, inappropriate attempts to educate and train reserve residents had generally failed, and the group had therefore become, to use his term, "decadent".<sup>91</sup> Grenfell Price subscribed to the orthodox image of the detribalised natives as despondent, dependent and imperilled. Hasluck's history of settler-indigenous relations in Western Australia, published in 1942, is located in the second historical stage of settler-indigenous contact. Australia's protectionist policies were, he argues, developed in response to the depredation apparent in this second historical stage of contact. Hasluck had travelled throughout Western Australia, so he had the opportunity to witness Aborigines. These observations, when combined with extensive research persuaded him of the true magnitude of the poverty, disease and dispossession which the

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<sup>85</sup> The view that indigenous cultures experienced problems surviving contact through depopulation, which resulted from a loss of meaning in life is referred to by Thomson in Recommendations of the Policy in Native Affairs.

<sup>86</sup> For analysis of contemporary perceptions of detribalisation see Rowse, *White power, white flour?*, section "Detribalisation and the state," pp.148-162.

<sup>87</sup> Robyn Maynard, W.E.H. Stanner in Carment, Maynard and Powell, eds. Northern Territory Dictionary of Biography, pp.272-273.

<sup>88</sup> Stanner, White Man Got No Dreaming, p.12.

<sup>89</sup> Rowse, *White power, white flour?*, pp.148-168.

<sup>90</sup> Rowse, *White power, white flour?*, pp.148-168.

<sup>91</sup> Grenfell Price cites Margaret Mead's work on the Antlers as an instance in which American settler policy had created a reservation which was a pathetic caricature of settler social and cultural organisations. White Settlers and Native Peoples, p.44-45.

government policy of protection had been unable to arrest because it lacked funds and had neglected the Aboriginal community.

In Black Australians, Hasluck undertook a more detailed analysis of the role of government policy and the implementation of policy in this second historical phase than did Grenfell Price. Hasluck identified three main principles which had characterised native policy in nineteenth century Western Australia. Aborigines were to be civilised and converted to Christianity with the eventual aim of being received "into the brotherhood of society and the Christian church"; Aborigines were to have the full status and legal rights of British subjects; and finally the physical well-being of Aborigines should have been fully protected.<sup>92</sup> Such good intentions had rarely been enacted, and Hasluck concluded that after seventy years of contact, the first two ideals had been abandoned and the third reduced to an annual issue of blankets and rations of tea and sugar. Colonists, he believed, had been swayed by self-interest. Policy directions were generally forgotten and native administrations viewed their primary task as a job of "mitigating a nuisance or the ameliorating the plight of a distressed people".<sup>93</sup> Good intentions had been distilled into all that the phrase "to soothe the dying pillow" implied.

More recently, Rowse has argued that the protectionist policies for Aborigines derived from the perceptions of poverty which Australia inherited from the days of the poor laws introduced to alleviate life-threatening poverty among those British citizens dispossessed by the Industrial Revolution. In considering the links between pauperism and protection, Rowse draws on the distinction made by all poor law reformers, the distinction between the deserving and the undeserving poor, or the poor and the pauper. The pauper lacked the qualities of "self-respect, responsibility, prudence, temperance, hard work" and relief given to such individuals had to be of a kind which must necessarily ensure his condition remained inferior to that of "the poorest independent labourer", thus "the institutionalised humiliation embodied in workhouse routines".<sup>94</sup> Marshall argues that the Poor Laws in no way aimed to provide the impoverished with access to living standards and expectations equivalent to the general community. They were specifically punitive and aimed only to stave off death. The Poor Law, he argues, treated claims of the poor, not as an integral part of the rights of citizens, but as an alternative to them - as claims which could be met only if the claimants ceased to be citizens in any true sense of the word. For paupers forfeited, in practice, the civil right of personal liberty.<sup>95</sup>

The stigma which clung to poor relief expressed the deep feelings of a people who understood that those who accepted relief must cross the road that separated the community of citizens from the outcast company of the destitute.<sup>96</sup>

Likewise, in Australia, the protection legislation ultimately offered no more than protection from starvation and death. Not only were detribalised Aborigines imperiled by the apparent disintegration of their societies, but the response of the settler community had exacerbated their dependency.

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<sup>92</sup> Hasluck, Black Australians, p.13.

<sup>93</sup> Hasluck, Black Australians, p.86.

<sup>94</sup> Rowse, White power, white flour?, p.161.

<sup>95</sup> Marshall, Citizenship and Social Class, p.24.

<sup>96</sup> Marshall, Citizenship and Social Class, p.24.

Both Hasluck and Grenfell Price, writing as they were in the late 1930s and early 1940s, asked what lessons could be learned from the past and concluded that settler neglect and government and administrative mismanagement of native peoples were the most plausible explanations for the present problems. Hasluck, Grenfell Price and Elkin sought new directions for the future of Aborigines, based not only on their observations of the failure of the policy of protection but also their respective searches reflected their rejection of the racist discourse, and instead they embraced the possibility that Aborigines could be civilised. In seeking future directions, however, they each took quite separate paths. Writing in the early 1940s, Hasluck argued firstly that in the past, the measures implemented to assist natives to adapt themselves to the new cultural conditions had been "too weak and irregular" for any conclusions to be reached and that no particular system had been tried for long enough, nor thoroughly enough, to justify anyone saying that one or the other method was good or bad.<sup>97</sup> Secondly, Hasluck contended that the fundamental principle which established that Aborigines and Halfcastes were British subjects had been forgotten as had been the fact that "protective restrictions" and "special measures" were intended to apply only temporarily.<sup>98</sup> Instead, the belief which had prevailed finally in native administration was that Aborigines were "primitive savages who may become British subjects if they can fight their way out of their natural disadvantages".<sup>99</sup> Hasluck called for a revival and acceptance of the idea that Aborigines and Halfcastes should be "trained and guided towards civilized life".<sup>100</sup>

The training will have to be slow, patient, constant and continuous. The cankers that may spoil the work are those numerous fixed ideas about the nature and the destiny of the aboriginal which would declare the work useless and undesirable before it has begun and at every pause in its progress.<sup>101</sup>

Hasluck did not put forward any more specific suggestions in Black Australians, about how Aborigines might be guided towards a civilised life. In later years, however, he devised and oversaw the implementation of policies which, he believed, would advance Aborigines to civilisation and citizenship.

✓ Grenfell Price's conclusions led him to envisage a quite different future for Aborigines to Hasluck's. Even though much of Grenfell Price's research was undertaken during the 1930s, the fact that he did not publish his White Settlers and Native Peoples until 1950, meant that, unlike Elkin and Hasluck in their works reviewed here, he had the opportunity to reflect on the various changes in policy and practice achieved during the whole of the previous two decades. According to Grenfell Price, the final and most recent stage reached in settler indigenous relations, had begun slightly before the 1930s, at which point certain settler governments had realised the importance of "scientific policy and administration"; of adequate reservations; of practical education and of industries "suited to the native temperament and traditions".<sup>102</sup> This corresponded with the indigenous peoples entering a period of recovery and numerical increase, frequently the result of a significant increase in "aboriginal-white mixed bloods",<sup>103</sup> which Grenfell Price

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<sup>97</sup> Hasluck, Black Australians, p.204.

<sup>98</sup> Hasluck, Black Australians, p.205.

<sup>99</sup> Hasluck, Black Australians, p.206.

<sup>100</sup> Hasluck, Black Australians, p.206.

<sup>101</sup> Hasluck, Black Australians, p.207.

<sup>102</sup> Grenfell Price, White Settlers and Native Peoples, p.2.

<sup>103</sup> Grenfell Price, White Settlers and Native Peoples, p.2.



considered had created "heterosis or Hybrid vigour".<sup>104</sup> At this point, he saw two opposing options available: firstly, assimilation, which he described as the "old harsh policy" or alternatively, a policy which would support vigorous native minorities. The latter option was modelled on the Roosevelt-Collier policy, "New Day for American Indians", which Grenfell Price regarded as a glowing example of an "enlightened and generous policy".<sup>105</sup> Grenfell Price contrasted the New Day with Canadian policy which while promoting segregation, did not foster a positive celebration of native identity.<sup>106</sup> The indigenous population in Canada, like Australia, had begun to increase significantly during the 1930s.<sup>107</sup> Canadian government policies set down that the future of Canadian Indians would be in absorption. Canadian historian, Miller, has more recently argued that the contemporary Canadian policy was that complete assimilation was "the only possible euthanasia of savage communities".<sup>108</sup>

The basis of the American New Day policy was to restore tribal organisation, community spirit and family life so that the Indians could regain their former pride and self-sufficient life. For Grenfell Price, this represented a fundamental revolution. The American Indians had suffered dreadfully from the impact of settlement, and subsequent misguided policy. Previous policies had aimed to absorb Indians as rapidly as possible. The New Day aimed to rehabilitate Indians as a "vigorous minority", so that the Indian would be "a worthwhile factor in American life".<sup>109</sup> The key features in implementing the policy were threefold: tribal constitutions and secured charters of incorporation as a form of Indian government and restoration of lands; an arts and crafts policy which aimed to both restore pride in traditional aspects of Indian life and raise capital; and massive increase in funds for medical and educational services.<sup>110</sup> Elkin also believed that in the "last" stage in settler native contact, "contra-acculturation" could take place during which natives returned to their old faiths in a modified form and regained a sense of worth in their arts, crafts law and customs.<sup>111</sup> Grenfell Price and Elkin both reached that same conclusion that when native groups reached this third stage they tended to survive, but, unless they reached this stage, they perished or were assimilated by the white population.<sup>112</sup>

Unlike Grenfell Price, however, Elkin did not have in mind a vigorous minority as his final objective. Elkin believed that Aboriginal cultural integrity should be promoted and protected as a way of facilitating, over time, the ultimate social assimilation of all Aborigines.<sup>113</sup> Elkin wanted most of all to protect Aborigines from the morally perilous process of unregulated detribalisation. Elkin's vision was nevertheless tempered by a modified form of racial determinism and he was, in the end, doubtful about the

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<sup>104</sup> Grenfell Price, White Settlers and Native Peoples, p.41.

<sup>105</sup> Grenfell Price, White Settlers and Native Peoples, p.3., and the New Day policy is outlined pp.41-59

<sup>106</sup> Grenfell Price, White Settlers and Native Peoples, pp.97-98.

<sup>107</sup> Miller, Skyscrapers, pp.212-213.

<sup>108</sup> Miller, Skyscrapers, pp.110-111.

<sup>109</sup> Grenfell Price, White Settlers and Native Peoples, pp.57-58.

<sup>110</sup> Grenfell Price, White Settlers and Native Peoples, pp.45-49.

<sup>111</sup> Rowley, The Destruction of Aboriginal Society, pp.308-309.

<sup>112</sup> Grenfell Price, White Settlers and Native Peoples, p.196.

<sup>113</sup> This view is set out in A.P. Elkin, "Anthropology and the future of the Australian Aborigines", Oceania, vol.v, no.1, September 1934.

ability of the Aborigine to finally achieve a civilised role.<sup>114</sup> He believed in the dual principles of guardianship and tutelage, regarding both as the undoubted responsibility of the government. In Rowley's analysis of Elkin's legacy which he wrote in the 1970s, he argues Elkin was looking for some way in which the remaining units of traditional Aboriginal society could be allowed to adjust slowly and not be overwhelmed and smashed by economic exploitation, or:

... by the temptation for individuals to throw away their complex but brittle order of duty and responsibility for the industrial mess of pottage; by the effects of the white man's obvious disregard and contempt for indigenous authority and for the sanctions which upheld it; and by the contagious effects of scepticism, and of scorn of the comic savage.<sup>115</sup>

Elkin therefore wanted governments to be given the power to control the movements and actions of pioneers advancing on the frontiers of White Australia and, in the far north of Australia, such frontiers still existed. According to Elkin, governments needed greater powers to control Aborigines in employment or other contact situations in which there was a possibility of settler exploitation of Aborigines.

One of the factors about the American New Day policy which most impressed Grenfell Price, was the attempt to enlist scientific expertise and scientific methodology in the Indian renaissance. The Phelps-Stokes inquiry of the 1930s into the Navajo Indians had praised the directions most recently taken by some anthropologists by which they left behind their concern for Indians which had focused on a largely "antiquarian and museum interest" in favour of a scientific concern for Indians, "leavened by a sense of altruistic responsibility for Indian heritage and Indian life".<sup>116</sup> Australian anthropologists were also just beginning to have a direct influence on government policy decisions. Elkin positioned himself to ensure that he could have the maximum input into government policy during the 1930s, in particular.

In devising policy for Aborigines during the 1930s, the differences of opinion which developed and will be outlined in chapter two, derived not from any disagreement about whether the state should intervene in Aboriginal lives. Rather, differences of opinion were based on the various opinions about the imagined future for Aborigines. Would Aborigines be fostered as a separate and vigorous minority within the nation without penalties and lesser rights, or must all efforts be based on the premise that complete assimilation was the only possible future and one towards which all measures would be directed? The full benefits of citizenship would be granted only after successful assimilation had been completed.

### *Conclusion*

The invasion of the Northern Territory began in earnest a decade after Charles Darwin had published his magnum opus. The settlement of Darwin was conceived and developed in an era when the

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<sup>114</sup> Russell McGregor, "The concept of the primitive in the early anthropological writings of A.P. Elkin", paper presented at the regional conference of the Australian Historical Association, June 1990, Darwin, subsequently published in *Aboriginal History*, vol.17, part 2, 1993.

<sup>115</sup> Rowley, *The Destruction of Aboriginal Society*, p.309.

<sup>116</sup> Grenfell Price, *White Settlers and Native Peoples*, p.49.

supremacy of Western Christian civilisation was taken for granted, supported by the theories of scientific racism and social Darwinism. In the racist discourse which supported the settlers' colonial agenda, Aborigines were conceived as an inferior race destined to give way and to die out when confronted by a superior and civilised people. At federation, Aborigines were excluded from the task of nation building because settlers believed, literally, that as a race, Aborigines had no future.

Once discredited, the theories of scientific racism and social Darwinism could no longer be used to justify the exclusion of Aborigines from access to citizenship and full civil rights. At the same time, however, for settler Australians citizenship represented a complex relationship between individual and state determined by the reciprocal obligations and duties which both reinforced the nationalist hegemony and aimed to maintain standards of living. Unregulated access to citizenship contradicted the very principles which had guided the formation of the nation, and on which its continued economic success depended. New approaches were sought therefore, which would protect the nation's prosperity and integrity but would admit Aborigines as citizens. In order to participate in settler Australia, therefore, Aborigines first had to demonstrate that they were capable of fulfilling the duties and obligations of citizenship.

Contemporaries looked to the past and to models from other settler capitalist societies for guidance in finding new directions which would enable them to justify the possibility of Aboriginal transformation. For a start, if scientific racism and social Darwinism were insupportable theories, then new explanations were needed to make sense of the results of contact between Aborigines and settlers. Opposing the racist theories which had historicised Aborigines, the new researchers were motivated by what was the revolutionary idea that Aborigines as a group could be transformed over time from being primitive and ungovernable to being civilised and citizens. The principle question then became, how could Aborigines be facilitated to make such a transition from being primitive and hence ungovernable to civilised and governable? It was in response to this question that the term assimilation was introduced into the lexicon of social change.

## CHAPTER TWO.

### A NEW DEAL IN A WHITE MAN'S COUNTRY.

"Politically, the Northern Territory must always be governed as a white man's country, by white man for white man".<sup>1</sup>

Dr. C. Cook, Chief Protector of Aborigines, 1938.

The history of settling Aborigines in Darwin, part one of this chapter, illustrates how the expectations of the outcomes and function of Aboriginal settlement varied over the period from 1911 to 1939 as the Aboriginalist discourse changed. Over time there was a move towards more systematic forms of control over Aboriginal lives and this was particularly evident during those periods when the government sought new directions in Aboriginal policy, namely: the period immediately following the Commonwealth takeover in 1911; Bleakley's investigations and recommendations made in 1927; and the period culminating in the Commonwealth government's new policy, the New Deal, published in 1939.

According to the New Deal, described in part two of this chapter, Aborigines were expected to eventually progress to civilised ways of living and hence to citizenship. Ironically, while the metaphor for the process of assimilation was that of a long march, settlement was imagined as crucial to Aboriginal transformation. Settlement, civilisation and citizenship formed the opposite to primitive and ungovernable nomadism in this settler constructed dichotomy. Thus settling was integral to any process which aimed to assimilate Aborigines.

Part three of this chapter concerns the period to 1945. The military forces stationed in the Northern Territory during the Second World War, and immediately after, were regarded as having been particularly successful in raising the standard of living of those Aborigines living on the Army labour camps. I argue that the pedagogic intervention and institutional control over Aborigines which the Army was able to attain epitomised the federal government's ambition to implement bureaucratic custodianship in its settlement program. Also during this period, segregation was finally rejected as an option for Darwin's "Coloured" and "Halfcaste" communities and all intervention was directed towards the active promotion of their assimilation into the white settler community.

#### *Domesticating the Saltwater People.*

By describing how Aborigines were governed in Darwin from 1910 to the 1930s, firstly the context in which intellectuals and reformers sought new directions for Aboriginal transformation is established and secondly, the question can be posed that if Aborigines were not citizens, then what was their relationship to the state and to other Australians?

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<sup>1</sup> Memorandum, September 1938, Government policy re Aborigines in the NT part 2, CRS A452 52/541, AAC.

Successive policy makers, inevitably, imagined themselves to be progressive. Within the Aboriginalist discourse, the image of the settled, ordered village life was overwhelmingly powerful and attractive to settler governments. The great leap in Western civilisation was, after all, marked historically by the transformation from a nomadic lifestyle to one more settled and sophisticated. Reflecting the contemporary discourse of the late 1930s, Elkin, Hasluck and Grenfell Price had expressed their conviction that if nomadic groups were vigorously encouraged to settle, then this transformation could be expected to take place in a vastly contracted space of time, especially if Aboriginal transformation could be facilitated by judicious and scientific intervention in Aboriginal lives by trained and qualified settlers. Previous rationales for settling Aborigines had included the desire to segregate Aborigines because of the conflation of infection and contagion and the need to protect Aborigines from the excesses of the frontier. How these various rationales affected policy and practice will be considered in the context of settling Aborigines in Darwin between 1913 and 1939.

As a way of identifying these changes, Barry Morris argues that during the same period in New South Wales, the policies directed towards Aborigines on reserves could be characterised as evolving from a form of "legalistic custodianship" to one of "bureaucratic custodianship".<sup>2</sup> These terms are equally useful in describing the changing forms of government intervention in the Northern Territory. Legal custodianship is a form of control exercised from outside the community "in a sporadic manner to facilitate repressive interventions," whereas bureaucratic custodianship, is a form of control exercised from within the community in "a systematic way to facilitate pedagogic interventions".<sup>3</sup> Although the same evolution can be observed in policies devised for Aborigines in Darwin, significant regional factors resulted in variations from the patterns which Morris describes for New South Wales. Three particular factors stand out: Aborigines were the majority population in the Northern Territory; the process of physical dispossession was on-going in the Northern Territory and Aborigines were necessary to the opening of land and the pastoral industry in particular.<sup>4</sup>

In the early part of this century, contemporaries used the theories of racism to help them to understand why Aborigines were in such a depressed and degraded state. As outlined in chapter one of this thesis, contemporaries believed Aborigines were clearly dying out as a consequence of the inferiority of the race to which they belonged and because in the competition for the survival of the fittest they were faring poorly. In response to the parlous conditions in which many Aborigines existed, the Aborigines' Ordinance 1910, passed by the South Australian government<sup>5</sup> and the almost identical Aborigines' Ordinance 1911, passed by the Commonwealth government, aimed primarily to protect Aborigines in the Northern Territory from the worst excesses of the frontiers, and also to: control sexual relations between Aboriginal women and

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<sup>2</sup> Morris, *Domesticating Resistance*, Chapter 5, "The Evolution of State Control (1880-1940): Segregated Dirt or Assimilation?"

<sup>3</sup> Morris, *Domesticating Resistance*, p.91.

<sup>4</sup> The model of legal custodianship, based on external and unsystematic control, applied in the regions of the Territory beyond the "Berrimah line" much longer than was possible in Darwin.

<sup>5</sup> *Northern Territories Aborigines Act, 1910*. See Rowley, *The Destruction of Aboriginal Society*, chapter 12.

settlers; control substance abuse by Aborigines and associated "debased" activities; protect Aborigines from the grossest forms of frontier exploitation and to regulate the conditions under which Aborigines were employed.<sup>6</sup>

In order to give some direction to the implementation of the Aborigines' Ordinance in the Northern Territory, however, expert advice was sought first from Dr. Herbert Basedow, the first Chief Protector of Aborigines in the Northern Territory,<sup>7</sup> and then Professor W. Baldwin Spencer.<sup>8</sup> Not surprisingly given the times, both recommended the establishment of an Aboriginal reserve and living area for Aborigines residing in Darwin as a way of both protecting and controlling Aborigines.<sup>9</sup> Spencer had noted with some distaste, that under South Australian control "the natives have been for so many years allowed to do exactly what they liked", and "none have been under any restraint up till now".<sup>10</sup> Until 1913, Aborigines in Darwin lived in camps of their own making in and around Darwin, the largest congregation of camps being situated on grassy flats which caught the breeze atop the high cliffs above Lameroo Beach and in the shelter of the rainforest trees by the beach.<sup>11</sup> The Commonwealth government accepted Spencer's recommendations and work began on the Darwin Aboriginal compound later in 1913. The camps in and around Darwin were demolished and all Aboriginal people were compelled to reside at the government compound. The camps had belonged to the Larrakia, the Wagait and to those whose traditional country was as far (a way) as the Alligator and Daly Rivers.

The compound was located on Myilly Point at Cullens Beach which was then about two and a half miles out of the centre of the town and was named the Kahlin Compound.<sup>12</sup> It was within walking distance for the Aborigines who worked in the town but considered sufficiently far out of town for the purposes of supervision and segregation. Powers granted under the Aborigines' Ordinance ensured that residence at the Compound was compulsory, unless, with special permission from the Chief Protector, the person concerned slept at the home of his or her employer.<sup>13</sup> No unauthorised person could enter the compound. The establishment of the Kahlin Compound reflected a strong desire on the part of government to control and protect, to guide and to teach Aborigines. The pedagogical intent was clear in both Spencer's and Basedow's recommendations. Spencer placed considerable emphasis on medical supervision, training and employment

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<sup>6</sup> For account of the Aborigines' Ordinance see Rowley, The Destruction of Aboriginal Society, pp.230-234.

<sup>7</sup> Dr. Herbert Basedow was a doctor of medicine and had undertaken extensive research in anthropology and had some contact with Aboriginal people in both South Australia and the Northern Territory. His recommendations are discussed in Tony Austin, Exceptionally assimilable: the Commonwealth and half-caste youth in the Northern Territory 1911-1939, Ph.D. thesis, University of Queensland, 1989, pp.71-73.

<sup>8</sup> D.J. Mulvaney, "Sir Walter Baldwin Spencer", in Carment, Maynard and Powell, Northern Territory Dictionary of Biography, pp.268-270.

<sup>9</sup> Professor W. Baldwin Spencer, Preliminary Report on the Aborigines of the Northern Territory, 1913. See also Administrators' Report, 1912.

<sup>10</sup> Spencer, Preliminary Report on the Aborigines of the Northern Territory, p.42 and p.48.

<sup>11</sup> This area is now located in central Darwin stretching along the Esplanade where five star hotels have been built.

<sup>12</sup> The establishment of the Kahlin Compound and its early years are described in Austin, I Can Picture the Old Home So Clearly, pp.49-60.

<sup>13</sup> Spencer, Preliminary report on the Aborigines of the Northern Territory, p.48.

and the establishment of reserves. He hoped to oversee a staff made up of protectors, medical officers, superintendents of reserves, male and female instructors of craft, trade and domestic subjects, stockmen and teachers.<sup>14</sup> Rowse identifies Spencer's recommendations as the first instance of the state assuming a relationship with Aborigines in the Territory based on this notion of "tutelage and guardianship".<sup>15</sup> Not that either Spencer or Basedow believed that Aborigines could ever achieve the level of sophistication of which other races were capable, but certainly some order and discipline could be introduced into their lives for their own protection. Spencer was enthusiastic about the prospect of a self-sufficient agriculturally based industrial settlement. The able-bodied would be self-supporting as a consequence either of working in the compound gardens or obtaining jobs in town. This way of life would have a civilising influence on the Aboriginal residents of the reserve.<sup>16</sup> Until the Aboriginal people could be trained and could develop worthwhile skills they could never be raised from their depressed condition. With this apparently in mind, Spencer also recommended a school at the compound for the children.<sup>17</sup>

In establishing the Kahlin Compound, the federal government signalled its intentions to take measures to improve the environment in which Aborigines lived, evidence of a tentative ideological shift in state policy Morris also identified in New South Wales, away from the emphasis on inherent, "natural Aboriginal essence" towards one in which the "Aboriginal problem" was seen in terms of social and environmental factors.<sup>18</sup> The reasons for the establishment of the Compound were not exclusively altruistic, however. In townships such as Darwin, governments not only wanted to protect Aborigines from settler exploitation, but also to protect settlers from the threat of disease which was said to derive from both Aborigines insanitary habits and their inherently amoral behaviour which were, in racist terms, both considered characteristics of Aborigines. Contemporaries believed the basis of Aboriginal ill health was the "natural proclivity of Aborigines to engage in unsanitary and unhygienic practices and social vices".<sup>19</sup> Morris has described the emergence of a scientific/medical discourse, "which defined the moral degradation of Aborigines in terms of biology".<sup>20</sup> Segregated Aboriginal reserves were expected to provide the likely solution to the physical peril in which settlers who lived close to Aborigines found themselves as well as uplifting the Aborigines.<sup>21</sup> For example, as the boundaries of the town of Darwin drew closer to the boundaries of the Kahlin Compound, the fact that Aborigines were considered as a source of infection became an issue for residents who lived close to the Compound. In an investigation undertaken in 1923 into the location of the Compound, witnesses were asked to comment of the threat to public health posed by the location of the Compound.<sup>22</sup> Overall, Aborigines were regarded as living in a state of moral and physical

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<sup>14</sup> Austin, *Exceptionally assimilable*, pp.71-72.

<sup>15</sup> Rowse, *White flour, white power?*, Strehlow's strap, pp.33-40.

<sup>16</sup> Spencer, *Preliminary report on the Aborigines of the Northern Territory*, p.48.

<sup>17</sup> Austin, *I can Picture the Old Home So Clearly*, pp.43-49.

<sup>18</sup> Morris, *Domesticating Resistance*, pp.112-116.

<sup>19</sup> Morris, *Domesticating Resistance*, p.114.

<sup>20</sup> Morris, *Domesticating Resistance*, p.113.

<sup>21</sup> The point of view is described in Suzanne Parry, *Disease, medicine and settlement: the role of health and medical services in the settlement of the Northern Territory, 1911-1939*, Ph.D. thesis, University of Queensland, 1992, chapter 5.

<sup>22</sup> Austin, *I Can Picture the Old Home So Clearly*, p.87.

peril which not only threatened their own well-being, but that of the settler community as well. Contemporaries believed the physical and moral danger to which Aborigines were prey derived from living in squalid conditions; the presence of malnourishment and untreated disease; substance abuse; the sexual exploitation of Aboriginal women and the presence of sexually transmitted disease and the use and exploitation of Aboriginal labour. Evidence for this diagnosis included personal witness and apparent depopulation attributed at the time to racial inferiority and venereal diseases.

Spencer promoted the idea of a separate institution for "Part-Aborigines" and more particularly, he suggested separating the "Part-Aboriginal" children from their full-blood mothers.<sup>23</sup> In a more specific discussion of the fate of the Territory's "Part-Aboriginal" community, Spencer ultimately sought separation and education and recommended that "no half-caste children should be allowed to remain in any native camp".<sup>24</sup> In his assessment of Basedow and Spencer's recommendations, Tony Austin concluded:

Both... seem to have concluded that the supposed superiority of Half-castes over other Aborigines meant some could play a useful supervisory and pedagogic role in the attempt to gradually draw Aborigines into the European economic sphere. Beyond that, they were expected to emerge from institutions with the education and skills to find employment: they would do so far more easily than other Aborigines and, to this extent, were less a cause for despair.<sup>25</sup>

Finally, however, the compound accommodated both "full-blood" and "Part-Aboriginal" people.

In the years following the establishment of the Kahlin Compound, the Commonwealth government did not provide sufficient funds to develop the infrastructure at the Compound for Aboriginal transformation nor was sufficient funding available for staff to exercise the degree of control, tutelage and guidance Spencer had recommended. Thus, despite intentions to the contrary, control continued to be exercised in a fairly arbitrary and sporadic way, even though the majority of Aborigines within the town boundaries of Darwin were forced to reside in the Compound. During the 1920s, the Commonwealth invested the barest minimum of its limited resources in the development of the Northern Territory. The provision of funding for improvements to the physical environment and to providing staff for Aboriginal living areas was low on its priorities. In 1928, however, the Commonwealth government responded to renewed pressure, from both within the Territory and in the southern cities, to intervene in settler indigenous relations in the Territory and as a result it commissioned Bleakley, who was the Queensland Chief Protector of Aborigines, to report and make recommendations concerning future policies for Aborigines in the Northern Territory.<sup>26</sup> The Bleakley Report was published in 1929.<sup>27</sup>

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<sup>23</sup> Austin, I Can Picture the Old Home So Clearly, p.46.

<sup>24</sup> Administrator's Report, 1912

<sup>25</sup> Austin, Exceptionally assimilable, p.85.

<sup>26</sup> For a detailed analysis of the Bleakley report and the government response see Rowley, The Destruction of Aboriginal Society, pp.260-271, and Austin, I Can Picture the Old Home So Clearly, chapter 5. See also, Raymond Evans, John William Bleakley, Australian Dictionary of Biography, Melbourne University Press, Carlton, 1979, pp.325-326.

<sup>27</sup> The Aborigines and Half-Castes of Central Australia and North Australia. Report by J.W. Bleakley, Chief Protector of Aborigines, Queensland, 1928, Commonwealth Parliamentary Paper No.21, 1929. See also AAC CRS A431/1 46/1928 for ministerial comment and cabinet submissions.



The conditions at the Kahlin Compound described in Bleakley's report were physically grim and there was little, if any, moral protection offered to inmates which had, after all, been one of its functions. In 1928, the accommodation at the Compound consisted of galvanised iron huts with earthen floors. This rudimentary accommodation was stretched to the limit and was always overcrowded. Bleakley's observations are evidence of the continuing preoccupation with the great moral peril in which Aboriginal women were thought to have been placed and the physical degeneration this caused. At the Compound there were no separate quarters for single females and the girls shared the huts with their "sweethearts".<sup>28</sup> Women sent to Darwin who had left tribal husbands behind were equally at risk. Adequate supervision was impossible given that there was one superintendent and one matron to oversee both the Compound and the Halfcaste Children's Home. Residents at the Compound were mostly impoverished, ill-nourished, often idle and living without purpose or means and were thereby forced to survive on the government rations.<sup>29</sup> However resourceful individuals might have been in overcoming such crippling odds and finding meaning to their lives, the settlers only saw a depressed and downtrodden people with apparently little hope locked away in inadequate institutions. In the 1920s, similar descriptions of depressed and impoverished Aboriginal reserves could be drawn from anywhere in Australia. These reserves were founded on the belief in the inevitability of the demise of Aborigines as a race. The problem for the settler community, however, was that despite its overwhelming neglect of Aborigines, as a race they had not died out.

There was, however, in Bleakley's report, a new element recognised and promoted in settler and indigenous relations. Bleakley argued that one of the main reasons for keeping the Compound within the town was that the Aborigines provided a source of cheap domestic labour.<sup>30</sup> In the past, Aborigines had been made to work in order to avoid the effects of pauperism; while I doubt that rationale had changed, it was expanded to incorporate the fact that Aborigines were now regarded as a legitimate form of cheap labour in North Australia and were crucial to the success of the developing pastoral industry. This represents a shift in perceptions. At the same time there had been on-going attempts to settle white women and hence settler families in the North, firstly, to counter the racial imbalance in the Northern Territory and secondly, as part of the wider national project which begged settler Australians to populate or perish. The question of whether white women could be expected to thrive (and breed successfully) had been the subject of much research and discussion in the 1920s and 1930s, particularly in relation to settlement in the Far North of Queensland. In the Northern Territory, one possible solution put forward was that settler women would have been much more likely to be attracted to the harsh North if cheap domestic labour were readily available. Aboriginal women were identified as a likely source for providing cheap domestic labour, as long as some form of suitable training could be provided. By the time Bleakley was writing his report, Aboriginal and "Part-Aboriginal" women were regularly employed as domestic labourers and had proved relatively efficient

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<sup>28</sup> Bleakley Report.

<sup>29</sup> Bleakley Report.

<sup>30</sup> Bleakley Report.

and, perhaps more importantly, were readily available. The terms of the Aboriginals' Ordinance could ensure a regular supply of workers.<sup>31</sup>

Bleakley's recommendations encompassed the whole of the Northern Territory Aboriginal population. For Aborigines in Darwin, he recommended the Kahlin Compound be reformed and that sufficient funds be made available so that the Compound be reorganised on "attractive village lines".<sup>32</sup>

Encouragement could be given to them to improve their little homes, better the living conditions in them, and cultivate habits of cleanliness and neatness. The women, having the opportunity to observe the living conditions of their places of employment, will be keen enough to emulate them, if given the chance, and take pride in doing so.<sup>33</sup>

Bleakley's vision expanded to include the construction of a recreation hall. The "inmates" could have their own moving picture shows; the men could form a brass band, a form of music to which Bleakley believed the "Aboriginal takes very keenly".<sup>34</sup> The site of the Compound, overlooking the sea, lent itself to the provision of facilities such as a cricket wicket, a football oval, tennis courts and boating all of which, he argued, could be organised under a sympathetic management with "profit and pleasure to the people".<sup>35</sup> A canteen or retail store at the Compound would not only be convenient for the inmates, but would enable "better control" to be exercised over their purchases.<sup>36</sup>

Bleakley acknowledged the role of civilising (settling) in working towards citizenship and as a pre-condition of citizenship. He maintained a certain incredulity, however, that the process could be considered anything other than long term.

The aboriginal of the Territory, though quite equal physically and mentally to his cousins in the more advanced States, is still in a very primitive condition. It would be useless attempting to educate the present generation in the duties and responsibilities practiced by the white man's civilization. If by benevolent training, their confidence can be won and the young people trained to appreciate the settled family life, develop the desire for self-dependence and pride in its part in the village betterment, learn something of the spirit of social service, that will be a great stride in citizenship in one generation.<sup>37</sup>

Bleakley devoted a short paragraph to suggesting that a religious organisation might be prevailed upon to establish not only religious instruction, but also a night school to train and instruct Aborigines in simple skills such as trading transactions. For Aboriginal children, once organised into institutions, simple instruction might also begin, chiefly of a manual or domestic nature. Finally, the Compound would continue to provide care for the "indigent relics of local tribes" unable to care for themselves.<sup>38</sup> The advent of the Depression delayed the implementation of most of the reforms recommended by Bleakley.

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<sup>31</sup> For discussion of the context and complexity of the issues about white women and settlement in Northern Australia see Lyn A. Riddett, "Guarding civilization's rim: The Australian Inland Mission Sisters in the Victoria River District 1922-1939", *Journal of Australian Studies*, no.30, September 1991, pp.29-44.

<sup>32</sup> Bleakley *Report*, p.13

<sup>33</sup> Bleakley *Report*, p.13

<sup>34</sup> Bleakley *Report*, p.14.

<sup>35</sup> Bleakley *Report*, p.14.

<sup>36</sup> Bleakley *Report*, p.14.

<sup>37</sup> Bleakley *Report*, pp.13-14.

<sup>38</sup> Bleakley *Report*, pp.13-14.

Just prior to the Bleakley commission, Dr. Cecil E. Cook was appointed Chief Protector of Aborigines and Chief Medical Officer for the Northern Territory in 1927, a position he held until 1939.<sup>39</sup> His dual roles represented the significance of the conceptual conflation of infection and contagion among contemporaries. Saunders has characterised Cook, who was still a young man of twenty-nine when he took up his appointment, as being idealistic, enthusiastic and as having approached his duties with zeal.<sup>40</sup> Like Bleakley and Spencer before him, Cook argued that improved living conditions for Aborigines would result in physical as well as moral uplift. He believed this could be achieved by systematic intervention and guidance.<sup>41</sup>

Cook's interpretation of the future of Darwin's Aboriginal community was premised on his adamant support of the theories of eugenics and the consequent distinction between the Aborigines and "Part-Aborigines", and his faith in the rehabilitative potential of village life.<sup>42</sup> Taking Bleakley's vision a step further, Cook believed that Aborigines had the capacity to become economically independent and that a legitimate future could be mapped out towards such a goal. He believed emphatically that the future for Aborigines of mixed descent lay in the settler community and that ultimately, "colour" could be "bred" out. Cook argued, therefore, that the ultimate objective for the detribalised Aborigines in town districts must be their conversion "from a social incubus to a civil unit of economic value".<sup>43</sup> Why, he asked, spend thousands of pounds promoting settlement in the Territory when there existed a native population of some 18,000 who could be converted into an economic asset, (keeping in mind of course that this should be done without detriment to the White Australia Policy)? Under existing policy, Aborigines had the opportunity to be nothing more than a social and economic liability.<sup>44</sup>

Cook outlined these ideas in a comprehensive policy he put to the federal government early in 1936. Cook believed that, at the very least, Aborigines could be "elevated to a civilised peasant class".<sup>45</sup> The means by which this new objective would be achieved, he was convinced, was by the establishment of a new institution, to be called a *settlement*, which would replace the Kahlin Compound. The new settlement would fulfil four functions: it would provide decent sanitary living conditions; it would remove the Aboriginal community from the centre of town and as a result remove them as a source of both contagion and infection; it would provide accommodation for the native workforce and it would begin the process of teaching the Aboriginal community the skills they would need to become active, economically independent participants in the wider community.<sup>46</sup> Apart from providing a workforce for the town, the Aborigines at the new

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<sup>39</sup> Ellen Kettle, Cecil E. Cook, in Carment, Maynard and Powell, Northern Territory Dictionary of Biography, pp.60-61.

<sup>40</sup> Suzanne Saunders, "Another dimension: Xavier Herbert in the Northern Territory", Journal of Australian Studies, no.26, May 1990, p.53. (Suzanne Saunders now writes under the name of Suzanne Parry.)

<sup>41</sup> For analyses of Cook's period of administration see Austin, I Can Picture the Old Home So Clearly, chapters 6 and 7, and Markus, Governing Savages, chapter 6.

<sup>42</sup> Markus, Governing Savages, Chapter 6 and Austin, I Can Picture the Old Home So Clearly, pp.20-29 and pp.113-118

<sup>43</sup> Memorandum Cook to Administrator, 6 February 1936, CRS F1 37/159, AAD.

<sup>44</sup> Memorandum Cook to Administrator, 6 February 1936, CRS F1 37/159, AAD.

<sup>45</sup> Memorandum Cook to Administrator, 6 February 1936, CRS F1 37/159, AAD.

<sup>46</sup> Memorandum Cook to Administrator, 6 February 1936, CRS F1 37/159, AAD.

settlement would be gainfully employed in a number of industries for which the Territory had proved suitable but "which the cost of white labour renders unprofitable".<sup>47</sup> The examples Cook gave to support his argument included the cultivation of hemp, sisal and coconuts and the development of the forestry industry. Aborigines on the settlements would grow vegetable gardens, establish orchards and produce the livestock and poultry which would make them self-sufficient.<sup>48</sup>

The federal government accepted Cook's recommendations for the new settlement. By the late 1930s, there were more funds at the governments' disposal, but more pressing, the threat of war in the Pacific had resulted in the government establishing a much greater military presence in Darwin. A bitter debate ensued, however, about the location for the new settlement which mirrored the debate about whether government policy would support the concept of indigenous groups as a vigorous minority or whether the preferred model was that the indigenous communities would become assimilated and indistinguishable in settler society. The battle which followed between Cook and Elkin over the site for the new settlement was primarily symbolic of their deep animosity, but at the same time their arguments encapsulated their respective versions of the future for Aborigines. Elkin and Cook shared their belief in the transforming potential of village life, but their agreement stopped there.<sup>49</sup> Elkin favoured a site on the Cox Peninsula located on the opposite side of the Darwin Harbour. By boat, it was a short journey from Darwin across the sea, but by road it was at least ninety miles away. The road was in poor condition and would have been impassable for many months during the Wet Season. Of the sea crossing, Elkin wrote:

No doubt that the crossing would sometimes be anything but pleasant... but it adds to the isolation and that is a good thing.<sup>50</sup>

There, wildlife was relatively abundant and would provide Aborigines with ample opportunity to hunt and fish.<sup>51</sup> For Elkin, those elements which were fundamental to Aboriginality would be protected. Elkin argued that Aborigines could not be made into whites (though dark in colour) in a generation, so that something of their own organisation should be retained on the settlement and "some respect paid to their own view of life".<sup>52</sup> Punishments and external control would not, he believed, make Aborigines give up their faith in magic or their view of sex.

Changes have come very slowly in western civilization, and they will not occur faster in aboriginal culture.<sup>53</sup>

He believed the first responsibility of governments was to ensure that Aboriginal social, economic, judicial and spiritual organisations were not undermined. Only then would it be possible for Aborigines to cope with the problems and challenges associated with their transition into a new society.

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<sup>47</sup> Memorandum Cook to Administrator, 6 February 1936, CRS F1 37/159, AAD.

<sup>48</sup> Memorandum Cook to Administrator, 6 February 1936, CRS F1 37/159, AAD.

<sup>49</sup> Wise, *The Self-made Anthropologist*, p.57-59. Elkin's encounter with the Pallottine mission at Beagle Bay in the Kimberley had left an powerful imprint. The neat rows of mudbrick huts, and the cultivation of fresh fruit and vegetables, all accomplished with native labour, had formed the fledgling images of a vision which Elkin actively promoted.

<sup>50</sup> Memorandum, Elkin to Patterson, Minister of the Interior, 30 December, 1936, CRS F1 37/159, AAD.

<sup>51</sup> Memorandum, Elkin to Patterson, 30 December 1936, CRS F1 37/159, AAD.

<sup>52</sup> Memorandum, Elkin to Patterson, 30 December 1936, CRS F1 37/159, AAD.

<sup>53</sup> Memorandum, Elkin to Patterson, 30 December 1936, CRS F1 37/159, AAD.

It was crucial to Elkin's view that Aborigines should not enter any such process alone but rather as integrated members of their community. Change would take place as the community gradually progressed. In this way individual Aborigines in transition could avoid the dire consequences of becoming a floating member of a disintegrated society because they would be able to rely on the support of their community to meet the problems and challenges with which they would be confronted.<sup>54</sup> For those who had already fallen i.e. "the native who is emerging from the tribal state or who is in the deplorable condition of being a 'hanger-on'", Elkin felt the missions rather than the government might best provide comfort.

Their recent loss of all stability of character through the destruction of their ancient spiritual beliefs leaves them in a condition which cannot be met by providing them with ordinary physical needs, education and training. If these people are to be given any stability of character they must be provided with something of a spiritual nature to replace the ancient beliefs they have lost... Church Missions... are better able to provide the service necessary for this class of native than any government institution.<sup>55</sup>

For Elkin, rounded and psychologically-integrated persons were possible only in culturally integrated societies; the culture which Aborigines shared was a source of individual psychological strength for its members.<sup>56</sup>

Cook believed that Elkin was confused as to the purpose of the settlement. Cook did not want to segregate detribalised natives in isolated settlements because, in his view, segregation could not provide Aborigines with a pathway to economic independence. The settlement he envisioned would convert the Aborigine into a civilised citizen playing a useful part in the economic and social life of the community.<sup>57</sup> He thought it was crucial that Aborigines be employed and, therefore, the new settlement needed to be close to the town. In addition, Cook had no ethical difficulty with the concept of the Aboriginal community providing cheap labour to Darwin, or to the rest of the Northern Territory, and he argued that Darwin still needed just such a commodity. If Aboriginal labour was adequately controlled, then the individual would learn useful skills, he/she would become an active participating member of the community and, at the same time, fulfil a need in the community. There was also the matter of supervision; he argued it would be much more difficult to adequately supervise Aborigines on the Cox Peninsula.<sup>58</sup>

A third party was involved in the debate over the location of the compound, a party whose role demonstrates much about the nature of the politics of Aboriginal affairs at this time. The author, Xavier Herbert, had arrived in Darwin shortly after Cecil Cook in 1927.<sup>59</sup> In the following years he was actively involved with Aborigines and with Aboriginal affairs, and was employed by the Commonwealth government to work with Aborigines at different times for short periods. His relationship with Cook was chequered, and

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<sup>54</sup> Markus, *Governing Savages*, p.149.

<sup>55</sup> CRS A452 52/541, AAC.

<sup>56</sup> Rowse, *White power, white flour?*, p.168.

<sup>57</sup> Memorandum, Cook to Administrator, Transfer of Aboriginal Compound, 20 January 1937, CRS F1 37/159, AAD.

<sup>58</sup> Memorandum, Cook to Administrator, Transfer of Aboriginal Compound, 20 January 1937, CRS F1 37/159, AAD.

<sup>59</sup> Herbert's time in the Northern Territory is described in Suzanne Saunders, "Another dimension", pp.52-65.

had deteriorated in the latter half of the 1930s. Nevertheless, they had agreed on many issues and in particular, that the future for "Part-Aborigines" ought to be determined by policies which promoted their incorporation into white society and which actively promoted marriages between Aboriginal and "Halfcaste" women and white men. At the same time, Herbert had cultivated a correspondence with Elkin and actively set out to discredit Cook. Saunders has found evidence that the site favoured by Elkin for the new settlement was in fact chosen by Herbert who then requested Elkin to write in favour of the site. Herbert wrote:

It will be a victory if I win the day with my choice of site... I shall have won a tremendous victory over the local lads.<sup>60</sup>

A much greater victory for Herbert was the publication of Capricornia in 1938, and the award of the Sesquicentenary prize to Herbert for Capricornia. Herbert neither forgave nor forgot his treatment at the hand of the Commonwealth government in the Northern Territory during the 1930s and nor did he forget successive governments' negligent parsimony towards Aborigines.

A severe cyclone in March 1937 effectively destroyed the Kahlin Compound and brought the matter of the site of the new settlement to a head. The Department of the Interior finally took Cook's advice, and work began on the area of land five miles out of Darwin, as Cook had recommended. The 727 acre site designated for the new settlement was bounded on the west by the sea, and by mangroves and creeks on the respective northern and southern boundaries. It was named the Bagot Reserve after Ned Bagot, an early South Australian pastoralist. The term compound endured unofficially, however, despite the intended name change. Aboriginal and "Halfcaste" labour was employed to construct the Compound which had an initial budget of £38,000.<sup>61</sup> The transfer was completed by May 1938 and the construction of the main buildings was finished by 1939.<sup>62</sup> Between 1938 and 1940, thirty-five acres of land was cleared for planting coconut, tobacco, peanuts and sweet potatoes crops. Vegetable gardens were cultivated and experimental rice planting was underway. A teacher was appointed to the native school in 1938 and it was expected that some eighty children would be in attendance. Following an inquiry into factors underlying native depopulation which found that the high infant mortality rate was instrumental, an ante-natal and infant welfare centre was established.<sup>63</sup>

Influenced by the theories of eugenics, Cook imagined that the Northern Territory "Coloured" community would set out on a quite different road, a journey to citizenship. He actively sought to elevate and uplift the "Coloured" community in Darwin. He established a housing program in order to raise the standard of living and to provide an opportunity for social advancement for those "Halfcastes" who were

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<sup>60</sup> Saunders, "Another dimension", p.60.

<sup>61</sup> A freehold property of some 369 acres was compulsorily purchased and combined with the Ludmilla Creek Reserve crown land. See CRS F1 38/710, AAD and CRS F1 38/354, AAD for details of establishment of Bagot Settlement.

<sup>62</sup> Clinic patients were transferred to Bagot in December 1937 and the remainder of the residents moved in May 1938. Construction of permanent buildings was not completed until late 1939. See CRS F1 38/354, AAD.

<sup>63</sup> See Parliament of the Commonwealth of Australia, Report on the Administration of the Northern Territory for the Year Ended 30th June 1938, Report on the Administration of the Northern Territory for the Year Ended 30th June 1939, and Report on the Administration of the Northern Territory for the Year Ended 30th June 1940.

able to live independently.<sup>64</sup> He introduced the system of exemptions from the Aboriginals' Ordinance for those "Halfcastes" who were responsible and upstanding. He encouraged "Coloured" women to marry white males to literally "breed the colour out", and removed the legal obstacles to such marriages. He implemented a range of policies aimed at providing a future in the white community for "Halfcaste" children, premised on removing these children from their Aboriginal mothers and community.<sup>65</sup> The "Coloured" community in Darwin actively supported many of Cook's initiatives: they sought exemptions from the Aboriginals' Ordinances; participated in the Halfcaste Housing Program and there were successful marriages between "Coloured" women and white men. When the "Coloured" community lobbied for full civil rights it based its campaign on its successful assimilation.

#### *A map for the long march.*

In the late 1930s, the Commonwealth government responded to pressures to revise its policy for Aborigines in the Northern Territory.<sup>66</sup> The government wished to establish for its "own guidance" some "final objective" so that it could frame all its policy and actions towards that objective.<sup>67</sup> I want to now consider the way in which both locating old pathways and new directions described in chapter one, and the existing policy and practice of governing Aborigines in the Northern Territory, influenced the final policy document, which was called the New Deal for Aborigines in the Northern Territory.

Three general factors are relevant in determining why reform was demanded at this particular time. The first two factors represent the combined effect of an increase in both the settler and indigenous populations of the Northern Territory during the 1930s along with the simultaneous decrease in the isolation of the Territory. The effect of these two factors was compounded by a significant and increasing build up of troops in the Territory leading up to 1939. Both these factors served to highlight the third factor which was the quite drastic administrative problems encountered in governing/controlling Aborigines and settler-Aboriginal relations in the Territory. During the 1930s, the Australian public had also been made much more aware of the nature of relations between settlers and Aborigines and of the living conditions of Aborigines. Events such as the publication of the "Bleakley Report" in 1928; the publicity given to the events at Caledon Bay in the Northern Territory in the late 1920s;<sup>68</sup> the publication of Xavier Herbert's Capricornia and the lobbying by humanitarian groups all contributed to an increasing exposure of the treatment of Aborigines in the Territory.<sup>69</sup> Even the London press was interested in the situation of

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<sup>64</sup> Cook's policy is outlined in memorandum, Cook to Administrator, Half-caste housing policy, 2 February 1932. For details of program see CRS F1 48/81, AAD.

<sup>65</sup> Austin, I Can Picture the Old Home So Clearly, pp.140-151.

<sup>66</sup> For narrative of events leading up to the drafting of new policy see Long, The Go-Betweens; Markus, Governing Savages; Rowley, The Destruction of Aboriginal Society and Austin, I Can Picture the Old Home So Clearly.

<sup>67</sup> Commonwealth Government's Policy with Respect to Aborigines. Issued by the Honourable John McEwen, Minister for the Interior, February, 1939. Commonwealth Government Printer, Canberra, in CRS A452 1952/541, AAC.

<sup>68</sup> Mickey Dewar, The "Black War" in Arnhem Land. Missionaries and the Yolngu 1908-1940, Australian National University North Australia Research Unit, Darwin, 1992.

<sup>69</sup> The influence of these events provides a major focus in Markus, Governing Savages.

Aborigines in Australia and gave considerable publicity to the poor diet, health, housing and employment conditions of Aborigines in northern Australia.<sup>70</sup> Grenfell Price had characterised government treatment of Aborigines in the Territory up to this time as one of "meanness and neglect", and his was an opinion widely shared at the time.<sup>71</sup>

Cook reflected many elements of the new analysis when, in 1935, he identified two reasons for the "rancorous and conflicting criticism, from individuals and organizations, purporting to be authoritative"<sup>72</sup> on the matter of the Aboriginal problem. Firstly, he identified the Commonwealth government's failure to evolve a definite and progressive policy directed towards "the ultimate orientation of the aboriginal within the civilized community".<sup>73</sup> Secondly, he accused the government of never having based its policy of protection upon logical principles, but rather upon expedient responses to pressure groups.<sup>74</sup>

As one view or another is favoured by the government of the day so general aboriginal policy is varied to the embarrassment of executive officers and with the result that such little advancement as is made is effected in a series of inco-ordinate[sic] spasmodic forward movements checked and offset by detours and retrogressions so that the progress of aboriginal protection in the Territory resembles nothing so much as the course of a man in an advanced stage of motor ataxia.<sup>75</sup>

As pressure for reform mounted, the Commonwealth government had called an initial Premiers' Conference in Adelaide in 1936, to instigate efforts to review Commonwealth policy on Aborigines which was followed by the inaugural conference of government authorities, the 1937 Commonwealth and States Conference on Native Welfare. The latter conference represented a renewed attempt to tackle the issue of race relations in Australia. Clearly, the objective of offering protection to a dying race could no longer be the single guiding principle in policy and administration.<sup>76</sup> Rowley has since argued that the 1937 Conference was based on "the crude assumptions of the stock breeder".<sup>77</sup>

... the basic assumptions of this conference were that after the inevitable frontier catastrophe there were certain things to be done, almost on the analogy of mopping-up operations, before the Aboriginal minority disappeared, this time into White Australia by eventual absorption of the part-Aboriginal.<sup>78</sup>

Writing in 1942, Hasluck was also unimpressed with at least some of the recommendations of the 1937 Conference. He summarised it thus: the declared policy was the eventual absorption of "Halfcastes" into the white community and their education to that end; the improved education and employment of "detrribalized and semi-civilized natives", but their exclusion from "economic and social conflict with the white

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<sup>70</sup> W.E.H. Stanner and Dianne Barwick, "Not by eastern windows only: Anthropological advice to Australian governments in 1938", *Aboriginal History*, vol.3, 1-2, 1979.

<sup>71</sup> Grenfell Price, *White Settlers and Native Peoples*, pp.140-142.

<sup>72</sup> Memorandum, Cook to Administrator, Aboriginal Protection, October 1935, CRS F1 38/46, AAD. Cook's proposal for policy development was submitted personally to the Minister for the Interior, Paterson, on his visit to the Northern Territory in August 1935.

<sup>73</sup> Memorandum, Cook to Administrator, Aboriginal Protection, October 1935, CRS F1 38/46, AAD.

<sup>74</sup> Memorandum, Cook to Administrator, Aboriginal Protection, October 1935, CRS F1 38/46, AAD.

<sup>75</sup> Memorandum, Cook to Administrator, Aboriginal Protection, October 1935, CRS F1 38/46, AAD.

<sup>76</sup> For detailed analysis of these conferences see Rowley, *The Destruction of Aboriginal Society*, chapter 17.

<sup>77</sup> Rowley, *The Destruction of Aboriginal Society*, pp.136-137. Representatives at this Conference still presumed that admission to settler society would depend on racial origin and the colour of the skin rather than manner of living or abilities.

<sup>78</sup> Rowley, *The Destruction of Aboriginal Society*, pp.319-320.



community"; the preservation of the "uncivilized" native in his normal state in inviolable reserves.<sup>79</sup> The former two declared policy directions gained Hasluck's support. The final recommendation he characterised as having an "air of unreality".<sup>80</sup> Though Rowley is dismissive of the indications for change at this Conference, its acknowledgment that absorption of Aborigines into the white community was inevitable was a significant indicator that new directions were regarded as possible.

After the 1937 Conference, the federal government was subsequently lobbied by, and sought advice from, anthropologists in order to devise a more appropriate and scientific policy for the administration and government of Aborigines. McEwen, the Minister for the Interior, specifically sought advice from Elkin on the formulation of the 1939 government policy.<sup>81</sup> Elkin was quick to note, however, that the Minister requested of him that he obtain opinions from informed groups all round Australia so that the policy would appear more than just the "Elkin plan".<sup>82</sup> In 1938, McEwen travelled to the Northern Territory accompanied by E.W.P. Chinnery, Government Anthropologist for the Mandated Territory in New Guinea, who had been recommended by Elkin as a most suitable adviser.<sup>83</sup> Their purpose was to see at first hand the circumstances under which Aborigines were living in the Territory, and to make recommendations to Cabinet for the development of a suitable policy. They identified a widespread demand from settlers for better living conditions for Aborigines and for greater government control over the relations between settlers and Aborigines. Elkin's relationship with J.A. Carrodus, the influential Secretary of the Department of the Interior,<sup>84</sup> was close and Elkin was invited by Carrodus to comment informally on drafts of the policy statement.<sup>85</sup> The final policy document is a fairly accurate record of the direction and demands made by Elkin and his supporters regarding the future of Aborigines.

The government was also lobbied, however, by others who considered that the concerns of the anthropologists were in direct contradiction with the economic reality and with the future prospects for successful development of the North. In the Territory, Cook and the Administrator, C.L.A. Abbott, were proponents of this viewpoint. They premised their versions of the imagined Aboriginal future upon the belief that the pathway to citizenship for Aborigines was via Aboriginal economic independence. Cook believed Aborigines should be liberated from the misleading philanthropic intentions of missionaries and anthropologists who sought to trap them in reserves and deny them full participation in the new society. Cook argued in 1935, for example, that philanthropists and anthropologists had failed to comprehend the difference between a truly colonial environment, such as that which existed in the mandated Territories of

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<sup>79</sup> Hasluck, *Black Australians*, pp.205-206.

<sup>80</sup> Hasluck, *Black Australians*, pp.205-206.

<sup>81</sup> Memorandum, Policy for the Aborigines - Professor A.P. Elkin, CRS A1 38/31785, AAC.

<sup>82</sup> A.P. Elkin, "Aboriginal policy 1930-1950: Some personal associations", *Quadrant*, vol.1, no.4, Spring 1956-1957, p.31.

<sup>83</sup> Sheila Walters, E.W.P Chinnery, in Carment, Maynard and Powell, *Northern Territory Dictionary of Biography*, pp.56-57.

<sup>84</sup> See Markus, *Governing Savages*, chapter 8, for Carrodus's influence in the period to 1939. Also Lyn Anne Riddett, Joseph Aloysius Carrodus, in John Ritchie, general ed., *National Dictionary of Biography*, Melbourne University Press, Carlton, 1993.

<sup>85</sup> In March 1938, Carrodus sent Elkin a copy of the proposed government policy, and on 7 March 1938 Elkin replied, in Government Policy on Aborigines, part 2, CRS A452/1 52/541, AAC.

New Guinea, and the circumstances in the Northern Territory. In the latter, inter-racial reactions were determined by the fact that the natives were in a considerable majority and that policies determining their welfare were framed within the existing native social organisation. General policy in Australia, argued Cook, must, however, be regulated in the interests of the white intruder and should be followed regardless of its destructive effect upon the native social organisation with which it was incompatible.<sup>86</sup> Later in 1938, both Cook and Abbott appealed to McEwen that when he was devising policy for the Northern Territory, he should not compare the situation of the Australian Aborigines with people in other colonial settings. Abbott considered his own experience of natives in New Guinea, Papua the Solomons and Nauru of no value in considering the Aboriginal problem.<sup>87</sup> Cook was more specific.

Politically, the Northern Territory must always be governed as a white man's country, by white man for the white man.<sup>88</sup>

The policy entitled the New Deal was issued for the Commonwealth government by John McEwen in 1939. Egalitarianism, as opposed to racism, was adopted as a guiding principle in the new policy directions. Henceforth, the government's long term goal would be that Aborigines would and could eventually live as settler Australians (Western and Christian) and as citizens. This belief was expressed in the opening paragraphs of the New Deal.

... I have assumed that the final objective of the Government in its concern for these native Australian people should be the raising of their status so as to entitle them by right, and by qualification to the ordinary rights of citizenship, and enable them and help them to share with us the opportunities that are available in their own native land.<sup>89</sup>

The policy objective set out in the New Deal was consciously long term. In the final paragraph of the policy statement, the reader is entreated to realise that to raise the status of Aborigines in the Territory to the point at which they would be able to assume the obligations of citizenship was a distant objective.

To this end, I have envisaged a long-range policy realizing that to transform people from a nomadic state to take their place in a civilized community will certainly take not only many years, but many generations.<sup>90</sup>

The document stresses that such a process of change would not be easy and that Aborigines immediate needs could and should not be neglected.

The policy is framed to define a final objective and to reconcile *the long march* towards that objective with the obligations to give immediate care and attention to the needs and training of these people.<sup>91</sup> (my italics)

Individual Aborigines would qualify as citizens when they had raised their status sufficiently to engage in the reciprocal obligations of citizenship. Hence there would be a nexus between the successful assimilation of the individual and access to citizenship.

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<sup>86</sup> Memorandum, Cook to Administrator, Aboriginal Protection, 7 October 1935 and Memorandum further to the above, outlining recommendations with respect to Darwin, 6 June 1936, CRS F1 38/46, AAD.

<sup>87</sup> Memorandum, Abbott to the Secretary Department of the Interior, Policy-Aboriginals, CRS A452 52/541, AAC. Abbott's views are set out in C.L.A. Abbott, Australia's Frontier Province, Angus and Robertson, Sydney, 1950.

<sup>88</sup> Cook suggested an alternative structure for the administration of native affairs in memorandum, September 1938, CRS A452 52/541, AAC.

<sup>89</sup> Commonwealth Government's Policy with Respect to Aboriginals.

<sup>90</sup> Commonwealth Government's Policy with Respect to Aboriginals.

<sup>91</sup> Commonwealth Government's Policy with Respect to Aboriginals.

A revised bureaucracy was to work towards training Aborigines to qualify "one by one" for full citizenship right and would be allocated the dual role of both caring for and controlling Aborigines and settler-Aboriginal relations. The former network of protectors operating under the control of the chief protector had been discredited during the process of review and was replaced by a Native Affairs Branch under a Director of Native Affairs. Unlike the previous administration which had been headed by a medical doctor and staffed by police officers, the new administration was to employ officers, called patrol and district officers, who would be trained in anthropology by Elkin at the University of Sydney where a Chair in Anthropology had been funded, originally, to provide training for government officers employed in Papua New Guinea.<sup>92</sup> The Director of Native Affairs in the Northern Territory would, henceforth, also be an officer with training in practical anthropology. This system was based on the colonial model used in the Mandated Territories of New Guinea and represented a personal victory for Elkin who held that only with correct training, could white officials appreciate the magnitude of the problem Aborigines faced in the existing cultural clash. Using the tools of anthropology, the white officials would understand the complexity of Aboriginal social and religious life and, consequently, intervene in the most appropriate way to facilitate change.<sup>93</sup> Elkin later reflected that the re-named and re-structured bureaucracies which had been established in the Northern Territory and elsewhere in Australia during the 1930s were especially significant. "These were not merely changes in name", he suggested, but also expressed a "more forward looking and less pessimistic attitude".<sup>94</sup>

The New Deal represented a general consensus reached by the government and its key advisers, that the nature of intervention by government in Aboriginal lives would be determined by the stage of contact and the development of the individual Aborigine in relation to the settler community. The racist categories of the past were rejected, and instead, settler intellectuals and anthropologists imagined Aborigines as being at various stages on a long march towards civilisation and citizenship. They were able to see manifestations of this construction when they observed Aborigines living in the Northern Territory and when they looked to the past to examine models of settler indigenous contact. The categories which had defined Aborigines by race (degrees of Aboriginal blood), were replaced by a linear reification of the proximity of Aborigines to settler ways (civilisation). At the beginning of the journey were the tribal Aborigines or Myalls ("aboriginals in their native state"); some way along the road were the semi-detribalised Aborigines; undertaking the most dangerous stage of the journey were the fully detribalised Aborigines and finally, with the end in sight, were the "half-castes" who, if given the opportunity and help by settlers, were ready to complete their long march.<sup>95</sup>

The New Deal attempted to differentiate government intervention so that it was most appropriate for each category. The anthropological lobby led by Elkin had the greatest success in influencing government

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<sup>92</sup> Cowlshaw, "Helping anthropologists", p.2.

<sup>93</sup> Grenfell Price, *White Settlers and Native Peoples*, p.146.

<sup>94</sup> A.P. Elkin, *Citizenship for the Aborigines: A National Policy*, Australasian Publishing Co. Pty. Ltd., Sydney, 1944, p.11.

<sup>95</sup> *Commonwealth Government's Policy with Respect to Aborigines*.

policy with regard to the "Myalls and semi-detribalized" Aborigines. As described in chapter one, Elkin had imagined a process in which the original structures of tribal Aboriginal society could be both protected and provide the mechanism for gradual assimilation. Patrol officers were to establish stations on the boundaries of inviolate Aboriginal reserves. These stations would act as buffers between "tribal natives and outer civilization" and in this way regulated and gradual contact with civilisation would be established while "ancient tribal life" was protected.<sup>96</sup> In districts where settler interests such as pastoral activities were already established, stations would be set up to bring what was described as "the benefits of intensive control and administration" within reach of both Aborigines and settlers.<sup>97</sup> "Non-official interests affecting native life and progress" stated the New Deal, could be "supervised and co-ordinated" from convenient centres.<sup>98</sup> Finally, it was hoped that these stations would control the drift of Aborigines to the towns and centres of European settlement, while providing guidance and training.

... the form of uplift provided on these stations will aim at preparing the aboriginals gradually to develop in their own way, within their own reserves, rather than to drift into distant settlements seeking employment or sustenance only to become hangers-on, as many of them now are.<sup>99</sup>

Patrol officers were also to care for and to provide for the needs of the Aborigines. They would make regular visits to "even the most backwards peoples" to provide necessary medical treatment, give assistance where required and report on general matters.<sup>100</sup> Elkin had advocated successfully on behalf of missionaries, and had established the necessity of religion in the assimilation process. Aborigines who were semi-detribalised, he argued, would find in religion a stability and moral guidance which had been lost from their own lives. The proposed establishment of native courts acknowledged the significance of Aboriginal authority.

The New Deal prescribed that some semi-detribalised and most fully detribalised Aborigines living in the Territory towns and population centres would be cared for, trained and controlled within the confines of reserves in settlements, established for their rehabilitation. They would be trained in the skills they would need to function as industrial citizens and at the same time settler industrial citizenship would be protected from competition from cheap labour. Within the compounds, individual small houses would be constructed for Aboriginal use. Aborigines would be able to garden, fish and engage in animal husbandry. Native schools and hospitals would be provided and, where it was appropriate, Aborigines would continue in employment in the towns.

For the "Halfcaste" community, the New Deal clearly stated that the only possible future was in the White settler society. Control was deemed necessary only over the children born of an Aboriginal mother and a white father. Since the publication of the Bleakley Report in 1928, these children had been institutionalised and in theory, at least, had received the kind of care and training which would enable them

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<sup>96</sup> Commonwealth Government's Policy with Respect to Aborigines.

<sup>97</sup> Commonwealth Government's Policy with Respect to Aborigines.

<sup>98</sup> Commonwealth Government's Policy with Respect to Aborigines.

<sup>99</sup> Commonwealth Government's Policy with Respect to Aborigines.

<sup>100</sup> Commonwealth Government's Policy with Respect to Aborigines.

to find employment and a future in the white community. The assumption was that like poor whites and immigrants, "Halfcaste" families would, through hard work and frugality, enter the dominant capitalist society at the bottom and find their level subsequently. In this sense, the New Deal did nothing more that acknowledge existing practice.

Reflecting action that was already under way in Darwin, the New Deal recommended that the settled village life was the best option for those Aborigines imperiled by the apparent degradation of detribalisation. Settled village life would transform Aborigines. There was imagined a dichotomy between detribalised paupers and productive villagers. The New Deal specified that the key elements of care, training and control guided by the objective of assimilation could be most efficiently implemented for detribalised Aborigines in village-like settlements controlled by government. Once the settled life was embraced it was assumed that any material rise in the standard of living would be accompanied by an "uplift" in the character of the individuals involved. Aborigines could then be presumed to have reached the next stage along the pathway to civilisation.

Cook and Elkin both claimed credit for the policy directions articulated in the New Deal.<sup>101</sup> When Cook received a draft of the proposed policy in April 1938, he found little to criticise in the actual policy itself, claiming that it was in fact almost identical to that which he proposed in 1935.<sup>102</sup> Elkin, in his subsequent correspondence with Carrodus, implied that he and Carrodus were largely responsible for drafting the document<sup>103</sup> and he later took credit for the content.<sup>104</sup> Andrew Markus argues that, by the time McEwen took over the role of Minister for the Interior in 1937, the change in direction was already underway in practice in the Northern Territory, largely under the aegis of the reforms implemented by Cook. The evidence for such an assertion is convincing. The changes, however, had been in practice rather than in policy and hence had been inevitably *ad hoc*. Whatever changes were being implemented in practice, the point to be made here is that these were not reflected in policy until the New Deal. There was now a policy framework within which changes in practice could be made in a uniform way.

Cook subsequently lobbied the Minister to appoint him to the newly created position of Director of Native Affairs. While Cook conceded that he was probably the most hated man in the Northern Territory, this was because he had done his job. He had given the Commonwealth a policy and strategy to deal with "Halfcastes" in 1933 and had provided a policy which had been approved in 1935 and which was now to be adopted as Commonwealth policy. He and his branch had worked in the face of difficulties "calculated to dismay the most zealous".<sup>105</sup> Funding had been abysmal, but he had always thought that Aboriginal affairs

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<sup>101</sup> According to Abbott, McEwen consulted him when formulating the document, but I could find little evidence of Abbott's direct input. Abbott, Australia's Frontier Province, p.139.

<sup>102</sup> Memorandum, Cook to Administrator, 29 April 1938, CRS A452 52/541, AAC.

<sup>103</sup> Government Policy on Aborigines, part 2, CRS A452/1 52/541, AAC.

<sup>104</sup> Elkin, "Aboriginal policy 1930-1950", p.31. See also Elkin, Citizenship for Aborigines, p.20.

<sup>105</sup> Memorandum, Cook to Administrator, CRS A452 52/531 AAC.

would be his life's work.<sup>106</sup> Elkin's influence prevailed, however, and his choice, E.W.P. Chinnery, was appointed to the newly created position of Director of Native Affairs.<sup>107</sup>

In formulating the New Deal as its policy, the federal government had found a way to give expression to community demands for a new direction in the government of Aborigines. Citizenship was established as the final goal of all government intervention. For some Aboriginal groups, the long march lay ahead. Settlement, tutelage and guardianship would be the key to their transformation and rehabilitation. The advent of war, however, laid waste the best laid plans.

#### *A Forced March.*

As the war in the Pacific advanced towards the coast of northern Australia, the Northern Territory was occupied progressively by the military services whose needs overrode all other considerations. By 1942, all civilians, who were not employed in essential services, had been evacuated from the town of Darwin and Darwin was occupied by the combined Australian military services.<sup>108</sup> After February 1942, when Darwin was first bombed, and in the succeeding months, the battle for northern Australia was intense. Suggestions that Aborigines in the north in remote locations might assist the Japanese more out of ignorance than out of treachery were taken seriously as were recommendations that Aborigines' bush skills should be used to advantage in defending the north.<sup>109</sup> As the Japanese advanced and the military services were entrenched in the Northern Territory, there was inevitably a demand for labour. In a pattern now well established, the Aborigines were identified as the most likely, and for that matter the only, source. The military services had employed some Aborigines before 1942, but after the Darwin bombing, the Army established Aboriginal labour camps along the north-south road between Darwin and Alice Springs, which were close to the military installations situated at Larrimah, Mataranka, Manbulloo, Adelaide River and Koolpinyah.<sup>110</sup>

By the end of 1945, over one hundred thousand servicemen and women had served in the Northern Territory. Between 1939 and 1945, a greater number of settler Australians had passed through the Northern Territory than in the entire period since the settler invasion began in 1869. The servicemen and women knew nothing of the social etiquette of race relations in the Northern Territory<sup>111</sup> and nor were they any

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<sup>106</sup> Memorandum, Cook to Administrator, CRS A452 52/531 AAC.

<sup>107</sup> Markus, Governing Savages, p.155. See also CRS A1 38/31785, AAC for relevant correspondence between Elkin and McEwen.

<sup>108</sup> For a detailed account of the evacuation and occupation of Darwin see Alan Powell, The Shadow's Edge: Australia's Northern War, Melbourne University Press, Carlton, 1988.

<sup>109</sup> For example, see correspondence in Melbourne Department of the Army, 240/701/217 MP508/1, Australian Archives Melbourne (AAM). Special forces were established in the Northern Territory to take advantage of Aborigines' bush skills in the surveillance of the vast northern coastline and are described in Powell, The Shadow's Edge, chapter 9.

<sup>110</sup> The circumstances surrounding the establishment of the labour camps are described in Powell, The Shadow's Edge, chapter 9 and Robert A. Hall, The Black Diggers: Aborigines and Torres Strait Islanders in the Second World War, Allen and Unwin, Sydney, 1989, chapter 7.

<sup>111</sup> Hall, The Black Diggers, p.138.

better informed about the terms of conditions of the Aboriginals' Ordinance. In his history of race relations in the South of the United States of America, Goldfield defines racial etiquette as a system of behaviour that served to reinforce the supremacy of the white race and the inferiority of the black.

... It was a theater where everyone had to learn his lines and adhere to the script. An act of bad manners was not merely a regrettable faux pas, but a major social transgression that threatened order, violated expectations, called into question the rectitude of social and racial givens, and challenged integrity.<sup>112</sup>

In the Northern Territory, initially, the military personnel were required to observe the conditions of the Aboriginals' Ordinance and to conform to the tenets of the social etiquette of race relations. Eventually, however, as Hall argues, the Army abandoned its "subservience to social norms", and to the terms of the Aboriginals' Ordinance and began to reshape race relations in the North in the Aboriginal labour camps.<sup>113</sup> As the war progressed Aboriginal workers were attracted to the Army camps and wherever possible attempted to leave behind the poor living and employment conditions on the Northern Territory pastoral stations for a better life.

The Army's methods of training and organising Aboriginal labour established an enduring paradigm for Aboriginal transformation. The Army's methods were characterised by guardianship, tutelage and institutional forms of control, the familiar themes of the New Deal. The pedagogic intervention and institutional control over Aborigines, which the Army achieved, epitomised the bureaucratic custodianship which the federal government hoped for in its settlement program outlined in the New Deal. One of the clearest examples of the extent to which bureaucratic custodianship was embraced as a paradigm for promoting and facilitating Aboriginal assimilation can be found in the reports of the young anthropologists, Catherine and Ronald Berndt, in which they described and analysed the Army's Aboriginal labour camps.

Between 1944 and 1946, Catherine and Ronald Berndt visited the Army labour camps as part of a survey of Aboriginal living and working conditions in the Northern Territory, commissioned by the British pastoral company, Vesteys, then known as the Australian Investment Agency. Elkin had recommended the Berndts for the survey and they continued to consult with him while conducting their fieldwork. The results of this survey were suppressed, however, until the publication of Berndt and Berndt, End of an Era, in 1987.<sup>114</sup> The Berndts had expected their report would be published by the Department of Anthropology at the University of Sydney and by the Association for the Protection of Native Races, Sydney. Elkin, however, believed the report would be more influential were it treated privately.

We relied almost solely on the good offices of Professor Elkin and Mr E.W.P. Chinnery to urge the pastoral firm concerned and the government of the day to implement some of our recommendations.<sup>115</sup>

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<sup>112</sup> David R. Goldfield, Black, White and Southern. Race Relations and Southern Culture 1940 to the Present, Louisiana State University Press, Baton Rouge, 1990, p.2, also pp.2-7.

<sup>113</sup> Hall, The Black Diggers, pp. 138-140.

<sup>114</sup> Catherine. H. Berndt and Ronald. M. Berndt, End of an Era. Aboriginal Labour in the Northern Territory, Australian Institute of Aboriginal Studies, Canberra, 1987.

<sup>115</sup> Berndt and Berndt, End of an Era, p.xiv.

In their report, the Berndts praised many aspects of the Army camps though it should be kept in mind that their assessment involved comparisons with prevailing conditions on pastoral stations. On a typical pastoral station, according to the Berndts, inadequate food was provided for the Aboriginal workers and their dependents which led to nutritional problems and susceptibility to disease; Aboriginal workers were provided with the minimum of medical services or none at all; low birth rates and infant mortality were common; the Aboriginal station camps usually did not have running water or rudimentary sanitation, and shelters were makeshift. Working conditions were characterised by irregular or non payment of wages/rations and consistent breaches of employment regulations. No educational facilities were available. Relations between Aborigines and settlers were hostile and sometimes violent. Prostitution and enforced sexual relations were often imposed on Aboriginal women.<sup>116</sup> It was a sorry litany of neglect and abuse.

By comparison, the Berndts reported favourably on the Army labour camps.<sup>117</sup> In their eyes the Army had achieved the goal which had eluded civilian governments. Their enthusiastic description of the success of the Army camps echoed the voices of Grenfell Price, Hasluck, Elkin, Cook, Bleakley, Spencer and others, in many ways. The ideal of the transforming power of the settled village life had been at last realised. The level of organisation and control achieved in the camps could only have been dreamed of by previous administrations in the Northern Territory not to mention governments elsewhere in Australia. The Northern Territory Administration, located in Alice Springs and still under Abbot, struggled throughout 1942 to maintain some control of the Army labour camps. By the end of 1943, the Army had won complete control of the camps which were most often placed under the command of mature age Non-Commissioned Officers (NCOs). According to the Berndts, the Army camps provided adequate housing, regular supplies of the nutritious food, medical services, regular employment and suitable rates of pay.<sup>118</sup> Writing in 1944, Elkin praised the Army's treatment of Northern Territory Aborigines, pointing out that good health and a soundly balanced diet were essential for cultural advance.<sup>119</sup> Hall, in his account, describes the way in which the settlements were organised using highly regulated military methods. The NCOs were instructed to maintain a roll of all Aboriginal labourers, showing their European, Aboriginal and clan names; the names of their dependents and the number of their blood slide for malaria control. A roll of the aged, infirm, widows and children was also kept. Records of rations (the recipient's thumb print as receipt) were kept and periodic inspections of kits were made to ensure the contents had not been traded or gambled away. Messing was introduced to ensure that an adequate diet was maintained and that rations were being used efficiently. Food was banned from being taken into the camp area as this was considered a health hazard.<sup>120</sup> Bill Harney, who worked as a patrol officer during the war and who was a friend of Elkin,<sup>121</sup> visited all the Army camps and shared the Berndts' enthusiasm for the improved conditions.

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<sup>116</sup> Berndt and Berndt, *End of an Era*. These conditions are summarised, pp.217-220.

<sup>117</sup> Berndt and Berndt, *End of an Era*, chapter eight.

<sup>118</sup> Berndt and Berndt, *End of an Era*, pp.163-171.

<sup>119</sup> Elkin, *Citizenship for Aborigines*, pp.23-25.

<sup>120</sup> Hall, *The Black Diggers*, pp.150-155.

<sup>121</sup> Ruth Lockwood, William Edward (Bill) Harney, in David Carment and Barbara James, *Northern Territory Dictionary of Biography*, Northern Territory University Press, Casuarina, 1992, pp.84-86.



Army life was to them [the Aborigines] a medley of superstitions and ritual mixed with regulations and procedures. Yet out of it all there emerged a measure of good. Control that was impossible in peace time was quickly obtained, and their health and well-being vastly improved by proper care.<sup>122</sup>

As the Army gained confidence in Aboriginal labour, the duties available to Aboriginal workers expanded to include semi-skilled work, such as the storage and reconditioning of tools, stripping and assembly of motor vehicle parts, saw-milling and driving.<sup>123</sup> The Berndts were also enthusiastic about the treatment of Aboriginal women who were able to use their skills as house servants or who acquired new skills as nursing aides or orderlies. These women now had access to some cash and the opportunity to spend it at the Army canteens which, compared with the pastoral stations' depots, were well supplied and the stock was reasonably priced.<sup>124</sup> Generally, the women's placement on army settlements meant they were able to stay with their children and menfolk. In both the provision of domestic arrangements and in wage and ration allocations, the Army reinforced the nuclear family as the primary unit for reorganising Aboriginal lives. When the pressures of fighting the Pacific campaign diminished, rudimentary education was introduced for Aboriginal children on the Army camps.<sup>125</sup> Hall has suggested that, generally, the women were protected from sexual exploitations by being in the camps.<sup>126</sup> The Berndts, claimed that the Army settlements provided increased surveillance and thus protection for Aboriginal women.<sup>127</sup>

The Berndts also regarded the interactions with the non-Aboriginal Army personnel as significant. The Berndts depicted these Europeans as indifferent, ignorant and often as prejudiced against the Aborigines as anyone in pre-war Darwin. Unlike pre-war Darwin, however, where "social barriers were well-defined and upheld", on Army settlements Army rules applied equally to all.<sup>128</sup> Social barriers were blurred and "there were more opportunities, encouraged through independent propinquity, for an exchange of views".<sup>129</sup> Aborigines had access to a whole range of new socio-cultural experiences. Even in pre-war Bagof Reserve socio-cultural diversity, although reasonably wide, was not nearly so obvious. When Catherine Berndt later wrote about the Army camps in 1961, she argued that the social interaction, unprecedented in the traditional past, worked simultaneously in two directions: accommodation and differentiation. Differentiation was manifest in the spheres of ritual and ceremony. Accommodation was most obvious in the Aborigines' adherence to the obligations and responsibilities of Army life.<sup>130</sup> Bill Harney had also observed that the exchange between different Aboriginal groups had provided a new understanding for all. He observed that the relatively peaceful relations which had developed between different tribal

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<sup>122</sup> Douglas Lockwood and Ruth Lockwood, eds., Bill Harney. A Bushman's Life, Viking O'Neil, Penguin, Victoria, 1990, p.134.

<sup>123</sup> Powell, The Shadow's Edge, p.257. See also Berndt and Berndt, End of An Era, pp.163-165.

<sup>124</sup> Berndt and Berndt, End of an Era, p.164.

<sup>125</sup> Berndt and Berndt, End of an Era, pp.170-171.

<sup>126</sup> Hall, The Black Diggers, p.156.

<sup>127</sup> Berndt and Berndt, End of an Era, pp.156-177.

<sup>128</sup> Berndt and Berndt, End of an Era, p.177.

<sup>129</sup> Berndt and Berndt, End of an Era, p.177.

<sup>130</sup> Catherine H. Berndt, "The quest for identity: The case of the Australian Aborigines", Oceania, vol.xxxii, 1961-1962, pp.18-19.

groups, all confined to the same area, boded well for post-war settlements and reserves. Harney had observed the consequences of many different tribal groups coming together in large numbers - there were as many as twenty different tribal groups at Mataranka alone. According to Harney, each group acquired a new understanding of the lives and beliefs of others. Aranda natives from Central Australia were taken to Darwin and gazed in wonderment at the salt water. Coastal natives went to the desert and marvelled.<sup>131</sup> Hall has subsequently agreed with the Berndts and Harney that the army settlements were "pivotal" in providing a vision of a more "egalitarian future".<sup>132</sup>

The Army camps had demonstrated that a higher standard of living could be achieved for Aborigines and neither the Berndts, Harney or the Army questioned the methods employed to achieve this settled and ordered life and neither did Elkin.<sup>133</sup> Issues of individual liberty did not arise. At the same time, Aborigines were part of the complex egalitarian regime which the Army imposed on all. They were expected to fit into Army life, with its obligations and responsibilities, but the price demanded was not a complete break with their own past.<sup>134</sup> In fact, the Berndts were emphatic that Aborigines would find it difficult to return after the war to pastoral stations and government settlements which did not live up to the standards established by the Army camps.<sup>135</sup> The Berndts, however, underestimated the power of the pastoralists' lobby. The Commander for the Northern Territory, Brigadier Dollery, wanted the Army labour camps to be a model which would endure after the Army had departed. He put forward plans to form an Aboriginal Employment Company and later a corps of Army educators in which adequate education and vocational training would ensure the continuation of the improved status of the Aboriginal workers.<sup>136</sup> The pastoralists' lobby believed that the available labour pool of Aboriginal workers was threatened by the Army's superior conditions and treatment.<sup>137</sup> Consequently, plans for the Army to continue as a major employer of Aboriginal labour after 1945, supported by both Chinnery and Abbott, were successfully opposed by the pastoralists. They claimed that Aborigines:

... will not only be discontented when they are forced to return to the only life that they have hitherto known in the Territory, but they believe that the soft treatment accorded to them by the Army will also make them arrogant, insolent and overbearing.<sup>138</sup>

When the Northern Territory Administration (NTA) resumed control from the military, the legacy of the Army camps was obvious. Hall has found ample evidence that the social control exercised by the

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<sup>131</sup> Lockwood and Lockwood, eds., Harney, *A Bushman's Life*, pp.134-137. There was a grimmer aspect according to Harney who observed that old men who had lived in town too long soon discovered that they were regarded as "rubbish" because "they had lost their Dreaming in the flesh-pots of civilisation".

<sup>132</sup> Hall, *The Black Diggers*, pp. 160-161.

<sup>133</sup> Elkin, *Citizenship for the Aborigines*, p.24.

<sup>134</sup> Berndt, "The Quest for identity", pp.18-20.

<sup>135</sup> Berndt and Berndt, *End of an Era*, pp.175-176.

<sup>136</sup> Hall, *The Black Diggers*, pp.160-161.

<sup>137</sup> The stance of the Australian Investment Agency is characterised thus; "Any alteration in the existing status quo would, from their point of view, mean extra inconvenience and expense for themselves. They argued that any change would undermine their authority and power." They resented any interference with Aborigines ("their property"), and saw the government regulations as a source of annoyance and vexation, with no adequate justification.

<sup>138</sup> Archie Cameron, Federal MP, quoted in Powell, *The Shadow's Edge*, pp.261-262.

Army was used as a benchmark on settlements in post war days.<sup>139</sup> In 1945, the Acting Director of the Native Affairs Branch, V.C. Carrington, urged that the good work undertaken by the Army should not be ignored.

They have learned to work regularly for pay; to be able to purchase from canteens and to live in a community. This advance in status is something which should not be ignored or allowed to lapse. The aim should be to prevent degeneration by close contact with the fringe of white civilization and at the same time to continue the uplift of the race.<sup>140</sup>

Of immediate concern was the sudden demobilisation of Aboriginal workers and their anticipated unemployment.<sup>141</sup> Carrington summarised his concerns.

These natives have acquired civilized status and are not likely to return to kangaroo, yams and loincloth or less after having been properly clothed, fed and supplied with tobacco and other luxuries or amenities in a white community.<sup>142</sup>

In April 1945, the Native Affairs Branch presented a revised interpretation of policy for the future of Northern Territory Aborigines.<sup>143</sup> Chinnery, in his role as Director of Native Affairs, reiterated his belief that the welfare of all natives in the Northern Territory should be entrusted to the various missions and that the government should exercise only a supervisory role. The Administrator, C.L.A. Abbott, however, was unwilling to see the government shelve all responsibility.<sup>144</sup> Francis Moy, who succeeded Chinnery as Director of Native Affairs, was not committed to a missionary solution, and neither was the federal Labor government which would stay in office until 1949. The missions continued, however, to have the responsibility for the Half-caste children who had been removed from their parents,<sup>145</sup> as well as for some single mothers and their children.<sup>146</sup> At the 1948 Conference of Commonwealth and State Aboriginal authorities, the function of government settlements was reiterated. Government settlements would: be a haven for aged and infirm natives; be provided with schools and hospitals; set up training programs aimed to fit the Aborigines for local employment and ensure the natural resources on reserve lands were developed for the benefit of Aborigines.<sup>147</sup>

Inevitably perhaps, the reality of life on the settlements did not match the ambitious rhetoric and the funds, human resources and organisational skills which the Army had been able to muster were no longer available. The resettlement and reconstruction of the Northern Territory was low on the federal

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<sup>139</sup> Hall, *The Black Diggers*, p.161.

<sup>140</sup> Memorandum Carrington, Acting Director of Native Affairs, to Administrator, 14 February 1945, CRS F1 45/122, AAD.

<sup>141</sup> Memorandum Abbott to Interior, "Native Affairs Branch: Resumption of Complete Control of Natives, NT.", 22 November 1945, CRS F1 42/269, AAD. Native Affairs lobbied for a speedy handover to their control, and Abbott was desperate for Chinnery to be returned to Darwin.

<sup>142</sup> Memorandum, Carrington to Chinnery, November 1945, CRS F1 45/122, AAD.

<sup>143</sup> Memorandum, Administrator to Secretary Interior "Native Affairs: Future Policy," 20 April 1945, CRS A452 52/541, AAC.

<sup>144</sup> Memorandum, Administrator to Secretary Interior "Native Affairs: Future Policy," 20 April 1945, CRS A452 52/541, AAC.

<sup>145</sup> The Child Endowment benefit was payed to the Mission for the upkeep and education of the Half-caste children.

<sup>146</sup> Cummings, *Take This Child...*, chapter 5.

<sup>147</sup> Resolutions passed by the Conference of Commonwealth and State Aboriginal Authorities held at Parliament House, Canberra, on 3rd and 4th February 1948, CRS F1 48/204, AAD.

government's funding priorities. Consequently, in Darwin there was a serious shortage of housing and accommodation in the aftermath of the bombing and military occupation.<sup>148</sup> In late 1945, the Army transferred almost all its Aboriginal employees and their dependents from the Army labour camps to the Bagot Reserve in Darwin. Well over four hundred men, women and children camped in overcrowded, dirty conditions in the heat and humidity of the November build-up.<sup>149</sup> In the opinion of the NTA, Bagot Reserve was so badly run-down as a result of the military occupation, that it was no longer a suitable living area of Aborigines, and the facilities there could be put to better use by providing temporary camps for civilian evacuees, former Darwin residents, returning home from southern havens. Less convincingly, the NTA argued that when Bagot had been initially constructed, the site had been selected because it was a reasonable distance from the town. However, a road to Nightcliff, serving both the K.40 Camp and recreational reserves, now passed directly by the reserve.<sup>150</sup> The Department finally approved of a new Aboriginal reserve to be established at Berrimah, approximately seventeen miles south of Darwin, at the site of a former makeshift Royal Australian Air Force (RAAF) base constructed during the hostilities.<sup>151</sup>

The living conditions at Berrimah were appalling even when judged by the standards of other Aboriginal living spaces. The Berrimah reserve was sufficiently far out of town, however, to ensure that the Aborigines would remain segregated from the "Part-Aborigines" and the residents would be isolated from the bad influences of the town.<sup>152</sup> A report on the conditions of the main buildings on the Berrimah reserve conducted in 1949 indicated they were in such a parlous condition as to require complete rebuilding if the area were to continue to operate as a Native Settlement. Buildings had been constructed with black iron and sawn soft wood which had fallen prey to severe termite attack. The area was dusty in the Dry and in the Wet poor drainage meant that mosquitoes thrived in the rank grasses and stagnant water. The kitchen and hygiene facilities were completely inadequate.<sup>153</sup> During the period of its use, the Berrimah Reserve housed around two hundred adults and fifty children. The largest camping areas were allocated to those from Milirgimbi, Daly River and Melville Island though this was varied.<sup>154</sup> There was neither a school nor a health clinic.

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<sup>148</sup> Powell, *The Shadow's Edge*, chapter 8.

<sup>149</sup> Memorandum, Abbott to Interior, "NAB, Resumption of Complete Control of Natives, NT," 22 November 1945, CRS F1 42/269, AAD. The Build-up is the term used to describe the weather in the Top End from October to the arrival of the monsoon.

<sup>150</sup> Report and recommendations to the Government Secretary from V. J. White, Chief Clerk, 3 September 1946, CRS F1 42/269, AAD.

<sup>151</sup> Memorandum, "The Northern Territory of Australia. Proposed Aboriginal Reserve - Berrimah", CRS A452 52/226, AAC. The reserve was gazetted on 25 February 1948, and the notice appeared in the Commonwealth of Australia gazette No.39, 4 March, 1948, CRS F1 50/34, AAD.

<sup>152</sup> Driver to Interior, "Berrimah Aboriginal Reserve", 16 October 1947, CRS F1 52/226, AAC.

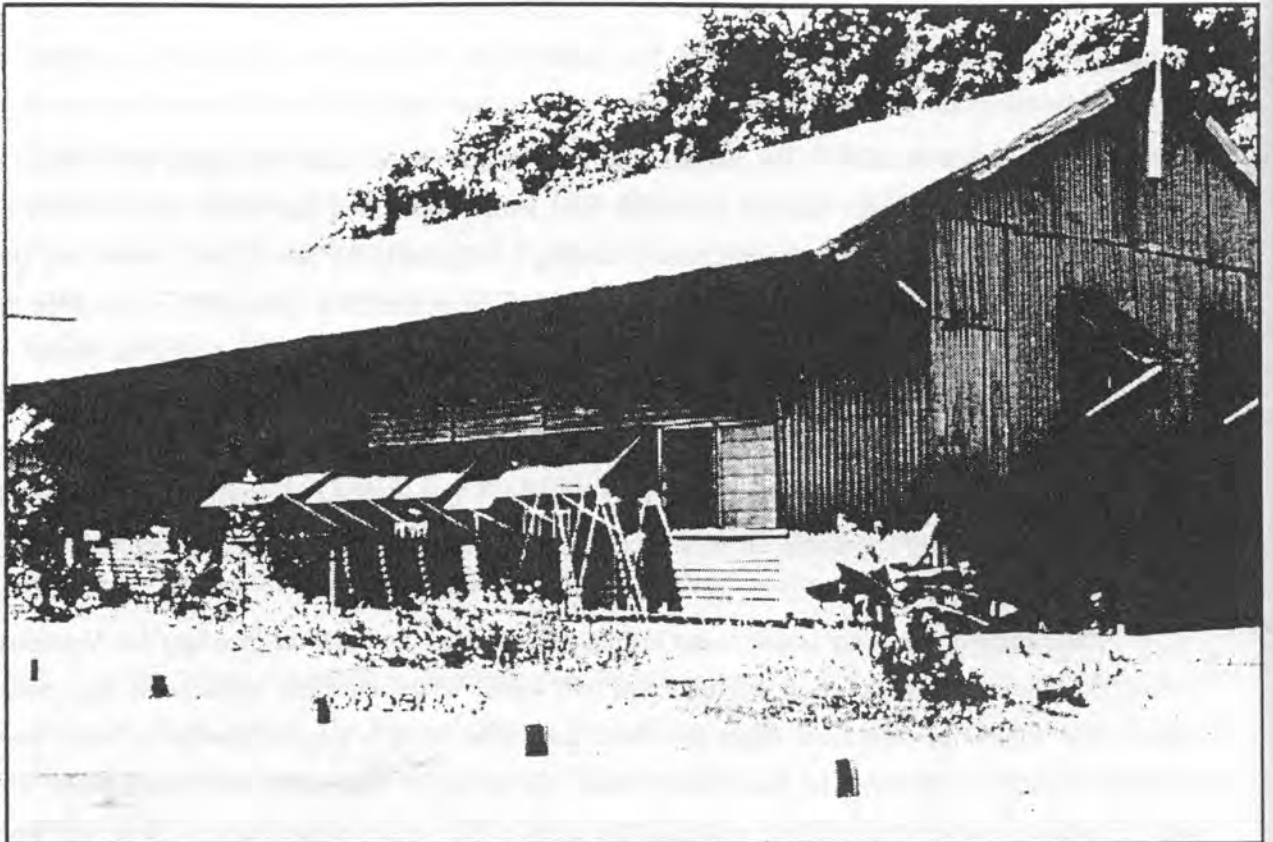
<sup>153</sup> Report by Patrol Officer Sweeney, Berrimah Native Settlement, 26 March 1949, CRS F1 50/34, AAD.

<sup>154</sup> Report by Patrol Officer Sweeney, Berrimah Native Settlement, 26 September 1949, CRS F1 50/34, AAD.

## *Conclusion*

Successive governments of the Northern Territory had sought to settle Aborigines for a range of reasons which included the provision of protection from settler exploitation and rescue from the parlous effects of detribalisation. The expected outcomes of settling Aborigines in the period under review had also changed, culminating in the New Deal in which settlements were identified specifically as the sites for Aboriginal assimilation and advance towards citizenship. In practice, however, only during the period of military occupation, were Aborigines subject to the intensive intervention in their lives which the New Deal prescribed. Darwin's Aborigines had occupied the Bagot Settlement for a few short years before they were evacuated and dispersed. When they returned in 1945, they were moved to the Berrimah Reserve, at which supervision was practically impossible, living standards appalling and tutelage and guidance forgotten.

The success of the Army labour camps highlighted the extent to which the paradigm for Aboriginal assimilation subsumed concerns about individual and civil rights. While communal messing, kit inspections, curfews, and regimes of regulations might have been acceptable during a wartime emergency, there were those in the settler community who raised doubts about the validity of such measures in peace times. The post-war discourse about human rights, challenged the premise that rights belonged only to those who were successfully assimilated, and will provide the focus for chapter three of this thesis.



**Photograph 1.** Part of Old Retta Dixon Home, Bagot Reserve in early 1950s.  
N4744.20, Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS).



Photograph 2. Bagot Reserve, Darwin, probably about 1951.  
N4807.28, Haynes.J3.B.W. AIATSIS, Canberra.

## CHAPTER THREE.

### CHALLENGING DIRECTIONS: COMRADES ON THE LONG MARCH.

"Don't talk about blacks, don't talk about whites, don't talk about coloured people, but call me comrade".<sup>1</sup>  
Yorkey Peel at inaugural meeting in Darwin of Halfcaste Progress Association, 1951.

In the immediate post war years, Australians generally embraced the principles of human rights and universal citizenship, based on their acceptance of biological egalitarianism. The United Nations Declaration of Human Rights became a benchmark against which the way the state treated individuals could be measured. The dual concepts of universal human rights and citizenship, however, necessarily challenged the role of industrial citizenship as a mechanism which regulated and protected the standard of living and fostered the nationalist hegemony. Within the discourse on human rights, Aborigines throughout Australia were quite clearly the subjects of discriminatory legislation and there was plenty of evidence that they were the victims of prejudice and bigotry. Generally policies based on assimilation, Australia-wide, offered full citizenship rights to individual Aborigines who had successfully assimilated, but the declaration of human rights stated that no-one should be discriminated against on the basis of race. This chapter considers the way in which the successive federal governments from 1939 to 1951 incorporated and responded to the demands for rights for all Aborigines, keeping in mind that the project to settle and assimilate Aborigines appeared thus far to have been unconstrained by issues of personal liberty.

In chapter one, I presented Barkan's argument that during the 1930s scientific racism was finally discredited for its failure to stand up to rigorous scientific inquiry. Kapferer uses the term "biological egalitarianism" to define the subsequent ideology based on the belief that everybody is born equal and that consequently, neither birth, occupational status, wealth nor religion may be regarded as impediments to basic human rights.<sup>2</sup> The term "universal citizenship" is used to describe the construction that every human has an equal right to the status of citizenship, the latter being equated with full civil and political rights. This chapter argues that the conceptual framework for citizenship which supported national hegemony was challenged not only by the epistemology of human rights but also by the development of the welfare state which provided a safety net for those who were unable to participate fully in the obligations of (industrial) citizenship. These issues are the subject of part one of this chapter.

The proposition that biological egalitarianism and the principles of human rights mapped the path for the liberation of the "Coloured" community in the Territory is considered in part two. The "Coloured" community defined itself as successfully assimilated and argued therefore that its claim to live as citizens

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<sup>1</sup> Memorandum Meeting of part-Aborigines at Parap Parish Hall - Sunday Night 2 March 1951, Ted Evans to Director Moy, CRS F1 51/744, AAD.

<sup>2</sup> Bruce Kapferer, Legends of People and Myths of State. Violence, Intolerance, and Political Culture in Sri Lanka and Australia, Smithsonian Institution Press, Washington, 1988, p.67.



should be granted. In contemporary discourse, however, the ideals implicit in biological egalitarianism did not easily translate into equality for the unassimilated. The standard of living of individuals and family groups determined the pathway to either exclusion from citizenship or inclusion as a citizen.

I analyse the struggle by Darwin Aborigines and the North Australian Workers Union (NAWU) for equal wages for equal work for Aborigines in part three. The government failed to acknowledge that the principles of human rights had any place in governing Aborigines and I show that the Aborigines' Ordinance was endorsed as the exclusive mechanism for governing Aborigines. Regulations proliferated to ensure Aborigines were locked into the custodianship of the bureaucracy as a separate and segregated group. Federal agencies such as the High Court and the Conciliation and Arbitration Commissions had no jurisdiction in governing Aborigines. Because they were an unassimilated group, access to citizenship and civil rights was denied them. The egalitarian discourse, so readily embraced in Australia, applied only to the assimilated.

*Citizenship and human rights and the welfare state.*

In his history of the United Nations (UN), Paul Gordon Lauren argues that the racist practices of the Nazis acted as the final catalyst in the struggle against racism and imperialism.<sup>3</sup> The war forced the hand of the colonial powers into agreeing to declarations against racist, imperialist and discriminatory practices. The fledgling UN declared that World War Two was not the consequence of economic disputes or territorial greed. Instead it declared that:

The great and terrible war which has now ended... was a war made possible by the denial of democratic principles of the dignity, equality, and mutual respect for men, and by the propagation in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races.<sup>4</sup>

The discourse of anti-colonialism was founded upon the principles of biological egalitarianism.<sup>5</sup> In 1946, the UN established the Commission for Human Rights for the protection of minorities, and the prevention of discrimination on the grounds of race, sex, language, or religion. The Commission wrote an international bill of rights which provided an authoritative interpretation of the United Nations Charter and which was endorsed by the UN as the Universal Declaration of Human Rights.<sup>6</sup> Article one of the United Nations Charter states its major goal is the achievement of human rights and fundamental freedom "for all without distinction as to race, sex, language, or religion".<sup>7</sup> Lauren considers the significance of the Declaration should not be under-rated as a recognised international criteria by which the conduct of the state in its

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<sup>3</sup> Paul Gordon Lauren, *Power and Prejudice. The Politics and Diplomacy of Racial Discrimination*, Westview Press, Boulder Colorado, 1988.

<sup>4</sup> Conference for the establishment of the United Nations Educational, Scientific, and Cultural Organisation, (UNESCO) 16 November 1945, quoted in Lauren, *Power and Prejudice*, p.136.

<sup>5</sup> Simon During cautions against the glib assumptions implicit in the comfortable division of time into colonial and postcolonial. Colonial powers granted political rights to dominions, while cultural and economic supremacy endured. Concepts used here reflect the contemporary perceptions and meanings in anti-racist and anti-colonial discourse. Simon During, "Postcolonialism and globalisation", *Meanjin*, vol.51, no.2, 1992.

<sup>6</sup> Lauren, *Power and Prejudice*, p.158.

<sup>7</sup> Lauren, *Power and Prejudice*, p.155.

relations with individuals could be judged.<sup>8</sup> He says that governments and private citizens alike invoked the Declaration in challenges to existing practices as well as in the process of creating new laws, "thereby endowing it with growing moral, political, and even legal force".<sup>9</sup> The criteria, the language and an authoritative forum to combat racism were now established globally.

At the same time, some in the settler democracies believed that the experiences of individuals in World War Two had resulted in a collectively transformed global consciousness which questioned typically racist stereotypes, racist etiquette, and the morality of racism.<sup>10</sup> American historian Goldfield has argued that both internal colonialism and external colonialism was challenged.<sup>11</sup> A participant at the Congress of Racial Equality in 1942 declared,

If this war should end with the continuation of white overlordship over brown, yellow, and black peoples of the world, there will inevitably be another war and continued misery for the colored peoples of the United States, the West Indies, South America, Africa, and the Pacific.<sup>12</sup>

Between 1939 and 1945, many enlisted Australians encountered Aborigines for the first time during the military occupation of the Northern Territory. There is certainly evidence that in these encounters between settler troops and Aborigines in the Northern Territory, racist stereotypes, racist etiquette and the morality of racism were challenged.<sup>13</sup> In chapter two, for example, I described the way Aborigines on the Army labour camps were treated, which both ignored and replaced practices based on previous racist stereotypes. Certainly, some individual settler Australians regarded the experience of living and working with Aborigines in the North as personally transforming. The magazine SALT devoted an issue to expressing the views of servicemen who had extensive contact with Aborigines in Northern Australia.<sup>14</sup> The language of universal citizenship and biological egalitarianism prevails in these articles. In "Atlantic charity begins at home", for example, Sergeant W. Smith, argued that in the Army labour camps, discipline extended to Aborigines only to the extent it was required by hygiene.

... give the black what every man is entitled to - a wage sufficient to maintain human dignity - and he loses his dirt and his servility.<sup>15</sup>

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<sup>8</sup> Lauren, Power and Prejudice, p.181.

<sup>9</sup> Lauren, Power and Prejudice, p.182. The Declaration inspired a series of additional resolutions, binding covenants, international treaties, and even national legislation and judicial decisions designed to combat racial discrimination and other violations of human rights.

<sup>10</sup> Goldfield, Black, White and Southern, p.2, also pp.2-7.

<sup>11</sup> Goldfield, in Black, White and Southern, describes individual expressions of this perspective in America, typified William Faulkner's sentiments cited in a letter to his stepson. "...you young men will have wasted your precious time, and those who don't live through it will have died in vain", unless radical changes in race relations could be effected. Goldfield tells of one black southern leader who observed that if a share-cropper had "enough sense to come out of the rain he will say that the white man cannot lick Hitler with his right hand and keep the Negro down with his left." p.32. The immediate effects of the Second World War on the post period 1945-1950 are analysed in chapter 3, A Season of Hope.

<sup>12</sup> Lauren, Power and Prejudice, quotes activist Walter White, p.143.

<sup>13</sup> Aboriginal and Part-Aboriginal enlistment and conscription had initially presented problems, described in Powell, The Shadow's Edge, and Hall, The Black Diggers.

<sup>14</sup> SALT, Volume 11, No.7, 3 December 1945.

<sup>15</sup> Sergeant W. Smith, "Atlantic charity begins at home", SALT, vol.11, no.7, 3 December 1945.

He believed the Atlantic Charter, like charity, must begin at home. Sergeant V.C. Hall, in "Cold ashes for 'Jacky' or what?"<sup>16</sup> expressed his belief that Aborigines had always been an economic asset in the Northern Territory, a fact which would now be known to the thousands of Australian troops who had served in the North.

Let us hope that the white man's gratitude for the native's efforts will be more than the cold ashes of the camp fires Jacky helped them build.<sup>17</sup>

The principle that all members of the human race had the right to a reasonable standard of living was reiterated. Nationally, the question prevailed that surely, if Aborigines and "Part-Aborigines" had fought and died in defence of Australia, then full citizenship rights could no longer be denied to them?

The second challenge to the role of citizenship in controlling national hegemony in Australia after 1945 was the development of the welfare state. Beilharz, Considine and Watts have argued convincingly that the period between 1941 and 1945 should be described as the "heroic age in the history of the national welfare state".<sup>18</sup> The development of the industrial citizen had established the conditions of work as a right unrelated to individual productivity. In the emerging welfare state, the government was under an obligation to provide the means by which a minimum basic standard of living could be achieved as a right for all citizens. The Depression had demonstrated that wage regulations could not be the exclusive mechanism by which social justice was achieved. In summing up Australian society at the conclusion of the 1930s, Macintyre argues that with the Depression finally overcome, Australians were seeking new solutions to the old problems of social justice and equality.<sup>19</sup> The Department of Social Security was established in April 1939,<sup>20</sup> at which time Australia still had fairly rudimentary welfare provisions - the old-age and invalid pensions and maternity allowances. Governments were exploring a number of ways in which the range of welfare benefits could be increased and more widely distributed.<sup>21</sup> By 1945, Australian citizens could claim access to eligibility for child endowment, widows and old age pensions and unemployment, sickness and funeral benefits.<sup>22</sup> Beilharz and his co-authors define and describe the construction of the Keynesian welfare state from 1945-1975, as a "conscious commitment" to using the fullest resources of the central government

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<sup>16</sup> Sergeant V.C. Hall, "Cold ashes for 'Jacky' or what?", SALT, vol.11, no.7, 3 December 1945. Victor Charles Hall had worked as a policeman in the Northern Territory since the 1920s. See Glenys Simpson and Helen J. Wilson, Victor Charles Hall (Vic) in Carment and James, Northern Territory Dictionary of Biography, pp.79-80.

<sup>17</sup> Hall, "Cold ashes for 'Jacky' or what?".

<sup>18</sup> Peter Beilharz; Mark Considine and Rob Watts, Arguing About the Welfare State. The Australian Experience. Allen and Unwin, Sydney, 1992, p.82.

<sup>19</sup> Stuart Macintyre, The Succeeding Age. The Oxford History of Australia 1901-1942, Oxford University Press, Melbourne, 1987, p.303.

<sup>20</sup> The Department of Social Security did not begin to fully function until April 1941 when it took over the administration of the Invalid and Old Age Pensioners Act and the Maternity Act from the Department of the Treasury.

<sup>21</sup> T.H. Kewley, Social Security in Australia, Sydney University Press, Sydney, 1974.

<sup>22</sup> Child endowment was introduced in 1941 by Prime Minister R.G. Menzies, followed in 1942 by the widows' pension. The National Welfare Scheme was unveiled in 1943 by treasurer Chifley of the Australian Labour Party, beginning with unemployment benefits and funeral benefits; these were followed by unemployment and sickness benefits in 1945. In 1944-45 the federal government also introduced a pharmaceutical, hospital and tuberculosis benefits scheme. Constitutional impediments at this stage prevented the federal government from consolidating a more complete program of social legislation. Beilharz et al. Arguing the Welfare State, p.82.

to assure full employment of all male workers.<sup>23</sup> This commitment was spelled out in the White Paper on Full Employment of May 1945 - a policy binding on all governments to 1975.<sup>24</sup> The welfare system was thus much more of a safety net; full employment for all males was the greater determinant of the standard of living.

The language of human rights gave an authoritative voice to the concepts of biological egalitarianism and universal citizenship. The emergence of the welfare state challenged the exclusivity of industrial citizenship. Both aimed to ensure all citizens had the right to access to a reasonable standard of living. It should have become more difficult to justify the exclusion of Aborigines from citizenship. In theory, at least, the mechanism was in place by which Aborigines could have access to the means by which they could achieve a basic standard of living regardless of individual participation in the workforce. Could this work in practice?

When Chinnery took over as Director of Native Affairs in 1939, one of his first tasks had been to address the issue of Aboriginal citizenship using the guidelines set down in the New Deal. While there were both policy and procedures in place for exemptions for "Halfcastes", the matter of citizenship for Aborigines had had little attention. In the Northern Territory, Aborigines classified as "Halfcastes" had been eligible for exemption from the Aborigines' Ordinance since 1936.<sup>25</sup> Members of the "Halfcaste" community in Darwin were influenced in the 1930s by the same arguments in support of citizenship as elsewhere in Australia, and argued for their eligibility on the grounds that they were civilised and therefore were different from the primitive Aborigines for whom exclusion was appropriate.<sup>26</sup> Nationally, during the 1930s, the struggle for Aboriginal rights in Australia had been premised generally on the assumption that only assimilated, European-orientated Aborigines would be eligible to enjoy the benefits and undertake the obligations of citizenship. McGregor concludes that the Aboriginal political leaders in New South Wales in the 1930s based their demands for citizenship rights not on any concept of Aboriginality, but on an ideal of civilisation which took into account the dichotomy between stone aged and civilised described in chapter one of this thesis. In New South Wales, for example, neither the Aborigines Progressive Association nor the Aborigines League agitated for immediate and universal citizenship for Aborigines, and both explicitly made the attainment of civilisation an the essential prerequisite of citizenship. McGregor argues that during the

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<sup>23</sup> Beilharz et al. argue that Keynes, 1936, The General Theory of Employment, Interest and Money, influenced the Canberra bureaucrats; in particular, L.F. Giblin and H.C. Coombs, D.B. Copland, R.I. Downing and R.Wilson, p.83. Between 1939 and 1956 public employment rose from 67000 to 154000 and the federal bureaucracy asserted its supremacy over state and local governments. Wider functions in regard to social security and housing were among the most important outcomes of this process of consolidation and centralisation. Arguing the Welfare State, p.107.

<sup>24</sup> Beilharz et.al. Arguing About the Welfare State, p.82.

<sup>25</sup> In 1936, the Chief Protector of Aborigines in the Northern Territory was given the power to exempt Halfcastes as then defined from the Aborigines' Ordinance, and the Commonwealth Gazette published notices re the exemptions. Rowley, The Destruction fo Aboriginal Society, p.356.

<sup>26</sup> Sue Stanton, "The Australian Half-Caste Progressive Association: The fight for freedom and rights in the Northern Territory", Journal of Northern Territory History, no.4, 1993.

1930s, after 150 years of exclusion from white society, an ideology of incorporation was both radical and liberationist.<sup>27</sup>

With their adherence to Enlightenment notions of universal human rights, the Aboriginal activists' expressed desire for incorporation into white society could be interpreted as an instance of the hegemonic force of the Western intellectual tradition in the colonial context.<sup>28</sup>

The most readily available method for granting citizenship rights to Aborigines who could demonstrate they were civilised was to exempt them from discriminatory legislation.<sup>29</sup>

Nationally, access to social security was a significant factor in the Aboriginal struggle for citizenship rights for the assimilated during the 1930s, though this argument was more compelling after 1945. Aborigines (including unexempted "Halfcastes") were specifically excluded from access to social security.<sup>30</sup> Southern Aboriginal rights groups such as the Australian Aborigines League and the Aborigines Progressive Association lobbied not only for enfranchisement but for access to social security for assimilated Aborigines in the 1930s. The proposals submitted by the Australian Aborigines' League to the Prime Minister Lyons, for the 1937 Conference are an indication of the degree to which Aboriginal rights groups regarded citizenship as the key to equality with non-Aboriginal Australians.<sup>31</sup> The Aborigines' Progressive Association President, William Ferguson, argued in 1940:

We do not ask that wild aborigines should be made citizens, but we do expect that we educated aborigines should be treated as fellow Australians, and given the same political rights and social services as our white Australians. We are not unreasonable and do not ask that community services be given to all natives for we know that many are not able to understand these matters and as little able to benefit them.<sup>32</sup>

Chinnery began working in 1939 on the criteria for determining which "European-orientated Aborigines" in the Northern Territory might qualify for citizenship, guided by the policy set down in the New Deal. Chinnery argued that to qualify for citizenship, the Aboriginal person should be "capable of exercising the privileges and fulfilling the obligations of citizenship".<sup>33</sup> To demonstrate *he* could fulfil *his* obligations *he* should be of good character and vouched for by a European. *He* should be capable of providing an adequate wage for *himself* and or *his* family and of living in the manner of a European. Finally

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<sup>27</sup> McGregor, "Protest and progress", pp.556-560.

<sup>28</sup> McGregor, "Protest and progress," p.559.

<sup>29</sup> Exemptions, were not what many of the activist groups wanted because exemptions could also be revoked at the discretion of the administering body.

<sup>30</sup> The first attempt to give Aborigines access to the inaugural Invalid and Old-age Pensioners Act in 1908 failed, and the refusal was considered to be consistent with the White Australia Policy - Asians and other coloured groups were excluded also. Later, as with all Australians, Aborigines who did want to qualify for pensions needed to prove beyond doubt to the welfare administrators that they were able to conform to rigid eligibility criteria. Access to welfare was not considered a right but a privilege. Aboriginal people not only had to satisfy the normal eligibility requirements, but also had to prove there were "no cultural impediments" to the proper expenditure of the benefits. William DeMaria, "White welfare: Black entitlement. The Social Security access controversy, 1939-59", *Aboriginal History*, vol.10, 1-2, 1986, pp.25-39.

<sup>31</sup> Andrew Markus, "William Cooper and the 1937 petition to the King", *Aboriginal History*, vol.7, no.1, 1983, pp.55-56.

<sup>32</sup> Quoted in DeMaria, "White welfare: Black entitlement", p.29.

<sup>33</sup> DeMaria, "White welfare: Black entitlement", p.30.

he should have the capacity for education.<sup>34</sup> Chinnery submitted his recommendations to Senator Hattil Spencer Foll, who was now the Minister for the Interior.<sup>35</sup> Foll presented the submission to the Cabinet with the following conclusion concerning those Aborigines who were not European-orientated.

It was considered that for some considerable time the number of aboriginals who would be entitled to citizenship rights would be very small, probably not more than ten to twelve for the whole of Australia.<sup>36</sup>

In 1943, Aborigines who held exemption certificates were granted access to social security. Those living on reserves were usually not eligible for exemptions and the notion that they ought to be was strongly resisted by the federal government.<sup>37</sup> Some Aboriginal mothers were able to directly access child endowment after 1941; most frequently, however, the endowment was paid to the settlement or mission.<sup>38</sup>

Generally, issues about Aboriginal citizenship received scant attention from the federal government during the period from 1939 to 1945, firstly because the governments' priorities were largely determined by the war effort, and secondly because of the instability which characterised governments during this period. Between April 1939 and July 1945, six different governments were formed and there were two Ministers for the Interior.<sup>39</sup> Some advances were nevertheless made and, under the Commonwealth Electoral (War-time) Act 1940, Aborigines who were members of the Australian Imperial Forces were entitled to vote at Commonwealth elections. This Act applied for the period of the war and for six months after.<sup>40</sup>

In 1946, the issue of citizenship for Aborigines<sup>41</sup> in the Northern Territory was again taken up.<sup>42</sup> Joseph Carrodus, the Secretary of the Department of the Interior, presented a report on Aboriginal citizenship to his new Minister, Herbert Victor Johnson,<sup>43</sup> which included the recommendations of the Chief Electoral Officer. Both Carrodus and the Chief Electoral Officer argued that no responsible authority would seriously advocate the granting of "all political and other rights, powers, and privileges, with their concomitant obligations and liabilities to aborigines generally".<sup>44</sup>

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<sup>34</sup> DeMaria, "White welfare: Black entitlement", p.30.

<sup>35</sup> Senator Hattil Spencer Foll served as Minister for the Interior in the Menzies Ministries from 26 April 1939 to 7 October 1941.

<sup>36</sup> DeMaria, "White welfare: Black entitlement", p.30.

<sup>37</sup> DeMaria, "White welfare: Black entitlement", p.36.

<sup>38</sup> Commonwealth of Australia Child Endowment Act 1942, see Rowley, *The Remote Aborigines*, pp.93-94.

<sup>39</sup> Colin A. Hughes and B.D. Graham, *A Handbook of Australian Government and Politics 1890-1964*, Australian National University Press, Canberra, 1968, pp.17-37.

<sup>40</sup> In 1941, Maurice Blackburn, then a Labor member of the House of Representatives, unsuccessfully challenged the Electoral Office for using the narrow meaning of section 41 to deny Aborigines who were eligible to vote in state elections. Finnimore and Stretton, "Black fellow citizens", pp.531-532.

<sup>41</sup> In this context the term Aborigines excludes Part-Aborigines.

<sup>42</sup> At this time, Aborigines were disqualified from voting in the Commonwealth and in Queensland and Western Australia, and were eligible to vote in the states of Victoria, New South Wales, Tasmania and South Australia.

<sup>43</sup> Herbert Victor Johnson was Minister for the Interior from 13 July 1945 to 1 November 1946.

<sup>44</sup> Memorandum, Granting of franchises to Australian Aborigines, J.A. Carrodus to Secretary, 13 March 1946, A431 1949/822, AAC.

The bulk of the full-blood aborigines in Australia are still living in a primitive state or in camps and reserves. Few of them either desire to or are fitted to accept the responsibilities of full citizenship according to the advanced standard of a highly civilized community.<sup>45</sup>

There were, however, a small number of "full-blood aboriginals" who, through association and education and "the process of time and evolution", had acquired and "developed civilized habits and faculties" sufficiently to become useful contributory units in the community life of the nation, and to withhold full rights and privileges of citizenship to these few seemed unjust.<sup>46</sup>

The difficulty, according to Carrodus, lay in determining quite precisely what qualifications should be required to entitle an Aboriginal to receive the full rights and benefits of citizenship. One option he favoured was to pass legislation so that a certificate of citizenship could be issued to those who had submitted satisfactory evidence of their qualification. Carrodus recommended that it would be advisable to stipulate that the certificate could not be granted unless the applicant: possessed and was known by a surname and one or more christian names; was able to write legibly his name and signature and the figures from one to twenty in the correct consecutive order; was available for employment, or was employed; was of good behaviour and repute, and was "living under civilized conditions", or had served with the Defence Forces of the Commonwealth.<sup>47</sup> Carrodus concluded:

I am strongly of the opinion that a full-blood aborigine or a person who has a preponderance of aboriginal blood should be given the franchise, provided he can appreciate the value and the responsibilities of full citizenship and lives more or less in the manner similar to white people. There are a number of such persons in the Commonwealth, many of them being well-educated and decent living citizens.<sup>48</sup>

He reiterated his belief that it would be "ridiculous" to consider citizenship for Aborigines "who have had very little contact with white men and civilization and live a nomadic tribal life."<sup>49</sup> They neither wanted nor would appreciate the privilege. These recommendations were subsequently accepted. For the majority of Aborigines in the Northern Territory, therefore, their standard of living, that is their unassimilated state, excluded them from citizenship.

The Conference of Commonwealth and State Aboriginal Authorities of 1948, recommended that the full benefits available under the Social Services Consolidation Act should be made available to all Aborigines except those living under "primitive or nomadic conditions" and that legislation should be accordingly amended.<sup>50</sup> In 1950, the Director of Native Affairs, Moy,<sup>51</sup> submitted a new set of recommendations to

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<sup>45</sup> Memorandum, Granting of franchises to Australian Aborigines, J.A. Carrodus to Secretary, 13 March 1946, A431 1949/822, AAC.

<sup>46</sup> Memorandum, Granting of franchises to Australian Aborigines, J.A. Carrodus to Secretary, 13 March 1946, A431 1949/822, AAC.

<sup>47</sup> Memorandum, Granting of franchises to Australian Aborigines, J.A. Carrodus to Secretary, 13 March 1946, A431 1949/822, AAC.

<sup>48</sup> Memorandum, Granting of franchises to Australian Aborigines, J.A. Carrodus to Secretary, 13 March 1946, A431 1949/822, AAC.

<sup>49</sup> Memorandum, Granting of franchises to Australian Aborigines, J.A. Carrodus to Secretary, 13 March 1946, A431 1949/822, AAC.

<sup>50</sup> Resolutions passed by the Conference of Commonwealth and State Aboriginal Authorities, 3 and 4 February, 1948, CRS F1 48/204, AAD.

determine Aboriginal access to Social Security. He argued that the determining factors for access should be: contribution to community during active life; understanding of the value of money; good character; reasonable intelligence and a decent standard of living. Moy was particularly concerned for those Aboriginal men who had worked all their lives in the Northern Territory, but who were now living on reserves with kin and were therefore ineligible for pension rights.<sup>52</sup> The proviso remained in place, however, that Aborigines who lived on reserves would not be eligible for pensions.

There was one unexpected leap forward on road to citizenship, however, the implications of which would come into play some years down the track for Aborigines, but which had more immediate effects on the "Part-Aborigines" struggle for full and unqualified rights. In 1949, the federal government passed the Nationality and Citizenship Act 1948-1950.

...a person born in Australia after the commencement of this Act shall be an Australian citizen.<sup>53</sup>

Prior to this Act, under section 6 of the Australian Nationality Act, any person born within the Crown's Dominions and allegiance was a British subject, *Civis Britannicus Sum*. Under the new Nationality and Citizenship Act, Australian citizenship could be acquired: by birth in Australia; by birth to an Australian citizen while abroad; upon application for naturalisation subject to certain provisions - good knowledge of English and of the responsibilities and privileges of citizenship, the intention to reside permanently in Australia and to swear allegiance to the Crown. Throughout the lengthy debate over this Bill in the House of Representatives, the implications for Aboriginal citizenship were not once mentioned.<sup>54</sup> Writing ten years later, historian Brian Fitzpatrick expressed his surprise that the implications for Aboriginal citizenship which would result from the Nationality and Citizenship Act had been ignored so resoundingly ten years earlier.

... without fanfare or tattoo - were Jackadgery and Nimitybelle, born in 1949 or since, given status with your child or mine. The dark youngsters, being Australian citizens by birth, will at the age of twenty-one presumably appear on the electoral roll and vote, whatever the states' statutes provide.<sup>55</sup>

*Call me comrade*

The "Halfcaste" or "Coloured" community in the Northern Territory, meanwhile, had become dissatisfied with the exemption system which regulated their access to citizenship, particularly after 1945.<sup>56</sup> Adding weight to their argument was the fact that subsequent to the passage of the Nationality and Citizenship Act 1948-1950, immigrants could be granted full citizenship rights, yet "Part-Aborigines" were

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<sup>51</sup> Moy was appointed the Director of Native Affairs in 1946. See Jeremy Long and Julie T. Wells, Frances H. Moy, in Carment and James, *Northern Territory Dictionary of Biography*, pp.135-137.

<sup>52</sup> Memorandum, Payment of pensions to Full-Blood Aborigines in the Northern Territory, Moy to Administrator, 14 September 1950, CRS F1 50/607, AAD.

<sup>53</sup> Nationality and Citizenship Act 1948-1950.

<sup>54</sup> Commonwealth of Australia Parliamentary Debates, Session 1948, Second Session of the Eighteenth Parliament, September to December 1948.

<sup>55</sup> Brian Fitzpatrick, "Lesser tribes without the law", *Meanjin*, No.75, vol.xvii, no.4, Summer 1958, p.404.

<sup>56</sup> For a detailed account of the struggle of the Half-Caste community, see Stanton, "The Australian Half-Caste Progressive Association."



still only eligible for exemptions. Full exemption from the Aboriginals' Ordinance had been granted to "Part-Aborigines" who had served in the Armed Forces and who could produce a clean discharge, a gesture described as a "step towards uplifting halfcastes in the scale of our social structure."<sup>57</sup> By 1948, 293 "Part-Aborigines", the majority of whom lived in Darwin, had been granted exemptions from the Aboriginals' Ordinance on the basis of their manner of living. Moy observed that almost without exception, "Part-Aborigines" in the Territory earned at least an award rate of pay, "and are striving to lead the lives of ordinary citizens".<sup>58</sup> Exempt persons were required to carry evidence of their status in the form of the despised Dog Licences. All Australians had carried a compulsory identity card during the war years but, as these were no longer valid, exemption certificates were again required. Many "Halfcastes" who were eligible for exemptions refused to apply for or carry the Dog Licence as a matter of principle. In daily life, almost the only occasion when the Dog Licence was required in practice was before alcohol could be served in an hotel. Moy had promoted a policy of *laissez faire* in the use of the Dog Licences, rather than actively pursuing the necessary legislative changes.<sup>59</sup> Failure to enforce the use of the exemption certificates in any systematic way, however, meant that there were considerable and sometimes confusing inconsistencies. The status of individuals within families, for example, varied,<sup>60</sup> and the inconsistencies in enforcement of the regulations caused confusion for whites and "Coloureds" alike.<sup>61</sup>

Darwin was the centre for the "Coloured" community's struggle for liberation from the regime of exemptions and a brief review of the political and ideological allegiances in the town will provide a context for the struggle. Although a Legislative Council was finally established in the Northern Territory in 1947,<sup>62</sup> its powers were so limited that the union movement continued as the only really effective voice of opposition to federal government policy. The North Australian Workers Union (NAWU) was the most influential union, and its militancy in the period 1945-1952 reflected the ascendancy of its members who also belonged to the Communist Party of Australia (CPA).<sup>63</sup> Under their leadership the struggle for better living conditions and

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<sup>57</sup> Report on the Administration of the Northern Territory for the Year Ended 30th June 1946, p.31.

<sup>58</sup> Report on the Administration of the Northern Territory for the Year Ended 30th June 1948, pp.21-22.

<sup>59</sup> Memorandum, Recent incidents involving Part-Aborigines in Alice Springs and Darwin, Driver to Director of Northern Territory Affairs, Department of the Interior, 9 April 1951, CRS F1 51/783, AAD. The policy of *laissez faire* Moy had adopted is outlined in greater detail here.

<sup>60</sup> Jack McGinness was a married man with seven daughters and two sons. Four of his daughters were classed as unexempted because they were born before McGinness and his wife were exempted. His remaining children were exempted. Joe McGinness, Son of Alyandabu, University of Queensland Press, St. Lucia, 1991, p.63.

<sup>61</sup> Mrs Vi Stanton (Jack McGinness's daughter) was married to a settler Australian and had two children before it came to the attention of the authorities that she was an unexempted person. She had always believed that she had full citizenship rights. McGinness, Son of Alyandabu, p.63.

<sup>62</sup> The Northern Territory Legislative Council was established by the Act (assented 12 June 1947) to amend the Northern Territory (Administration) Act 1910-1947. The Council was established with seven officially appointed members and six elected members. The Administrator had both the deliberative and casting vote. Dean Jaensch, The Legislative Council of the Northern Territory: An Electoral History 1947-1974, Australian National University North Australian Research Unit Monograph, Darwin, 1990.

<sup>63</sup> Alastair Davidson, The Communist Party of Australia: A Short History, Hoover Institution Press, Stanford California, 1969. The CPA policies for Aborigines were progressive and are described in Andrew Markus, "Talka longa mouth" in Ann Curthoys and Andrew Markus eds., Who are our Enemies? Racism and the Australian Working Class, Hale and Ironmonger, Neutral Bay, 1978, pp.147-150.

equal wages for Aborigines and citizenship rights, gathered momentum.<sup>64</sup> The NAWU newspaper, the Northern Standard was Darwin's only press after 1945 until 1952. Under the radical editorship of CPA members such as Arthur Olive, the Standard promoted citizenship rights for "Part-Aborigines"; took up the struggle for equal wages for all Aboriginal workers particularly those in the pastoral industry; kept an ever watchful eye on the activities of the Native Affairs Branch (NAB) with a vigilance not previously known in Darwin and provided an on-going socialist analysis of current events. The NAWU used the national union network to promote equal wages for Aborigines and sought support for the struggle, both moral and financial.<sup>65</sup>

In a small town such as Darwin, members of the NAWU and the CPA formed a significant community, bound by their adherence to class analysis and dedication to direct action.<sup>66</sup> Protagonists at this time who were CPA members included George and Moira Gibbs, Jack and Esther Meaney,<sup>67</sup> Arthur Olive and Murray Norris. The aforementioned men formed the leadership and the hard-core of the NAWU until 1952 at which time the CPA members were voted out of their executive roles by conservative factions. They nevertheless remained active in both the Party and the union movement in Darwin but in less overtly influential roles. Non-CPA unionists included Jack McGinness,<sup>68</sup> who would become the first Aboriginal President of the NAWU, and President of the Halfcaste Progress Association. Many "Coloured" workers were unionists, but I am not aware of any CPA members in Darwin who also identified, or were identified by the government, as "Halfcaste" or "Coloured" in the period to 1952. Other settler men and women were linked to the "Coloured" community by marriage and friendship. May Day was celebrated annually as a public holiday on which a march and picnic were held. The bonds of friendship, marriage, comradeship and solidarity between the "Coloured" community, the "Halfcaste" community and the workers were in evidence on these occasions. This group generally identified itself as quite distinct from the "Full-blood" Aboriginal

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<sup>64</sup> The struggle over Aboriginal wages was never separate from the general field of industrial action. The period after 1945 was one of great industrial unrest. Bolton cites the figure of 5.5 million working days lost to strike action between 1945 and 1947. The ACTU put its weight behind three major industrial demands at the Congress of 1945; a substantial increase in the basic wage; an end to wage pegging; a forty hour week. None of these demands were met during the next few years. Geoffrey Bolton, The Middle Way. The Oxford History of Australia 1942-1988, Oxford University Press, Melbourne, 1988. The NAWU organiser Norris pointed out that by 1947 there was a backlog of claims in every category of unionised employment in the Territory. See also Curthoys and Markus, eds., Who are our Enemies, pp.152-153 for NAWU policy after 1945.

<sup>65</sup> The Australian union movement in the period prior to 1927 did not allow Aborigines or Aliens as members. Thereafter different unions enacted different rules and even these were not always followed in practice. In the Northern Territory, attempts to allow membership for Aborigines and Halfcastes in the 1930s were generally unsuccessful. See Markus, "Talka longa mouth", in Curthoys and Markus eds., Who are our Enemies?, pp.142-145.

<sup>66</sup> For a personal account of Aboriginal involvement in the union movement see McGinness, Son of Alyandabu.

<sup>67</sup> See Julie T. Wells, Jack Meaney and Esther Meaney in A Biographical Register of the Australian Labour Movement 1788-1975, University of New South Wales Press, Sydney, forthcoming 1995.

<sup>68</sup> Sue Tjalingmara Stanton, John Francis McGinness, in A Biographical Register of the Australian Labour Movement 1788-1975, forthcoming.

community in terms of social and cultural activities, and of needs, despite a more deep rooted affiliation based on comradeship and universal brotherhood.

The May Day celebrations of 1948 reveal a great deal about the position of the "Coloured" community in Darwin in the immediate post war years and the way the NAB implemented its *laissez faire* policy. On Sunday afternoon in April 1948, a large crowd gathered at the Botanical Gardens to watch the first public corroboree performed in Darwin since before the war. According to the Northern Standard, never shy of superlatives, it was "one of the finest spectacles ever witnessed in Darwin".<sup>69</sup> Wearing "primitive dress", over two hundred "full-blooded natives" from the Waugite, Brinkin, Milingimbi, Melville and Bathurst Island "tribes" took part.<sup>70</sup> They were lead by Mosaic from the Waugite group, who was described by the visiting American dancer Ted Shawn as the greatest primitive dancer in the world. Howell Walker, from the National Geographic Magazine who was also present, reported that the corroboree was "the finest I have experienced in my many travels".<sup>71</sup> Following the corroboree, a spear-throwing competition was held which was judged by the NAB patrol officer, Bill Harney. For the spectators, settler and "Coloured", such events reinforced the perceived dichotomy between the primitive and the civilized. The "Coloured" community did not derive its identity from the secret/sacred rituals of traditional Aborigines and neither did the settler community presume that "Full blood" Aborigines had any but the most obscure and distant affinity with the "Coloured" community. The protagonists who gathered in the Botanical Gardens on that Sunday afternoon were nevertheless bound in other ways. The corroboree was staged to raise funds to support Jane Ah Matt, a young "Coloured" woman who was the NAWU representative in the Queen of May competition. The money was being raised to build a children's playground at the Leprosarium. Jane Ah Matt's candidature for the Queen of May competition, however, had drawn the attention of the NAB. As part of her fund-raising activities, Jane was attending many functions where alcohol was present, and as she was not an exempted person, her attendance at such functions was in fact illegal. Officials of the NAB approached Jane informally to recommend that she apply for an exemption from the Aborigines' Ordinance. Showing a good deal of pluck, young Jane repeatedly refused to apply for the exemption on the grounds that all her friends knew she "wasn't aboriginal".<sup>72</sup> The NAB turned a blind eye and instead Moy once again implemented a policy of *laissez faire*. Jane Ah Matt was the runner up in the Queen of May Day competition.<sup>73</sup>

A policy of inaction, which is what the *laissez faire* approach had in fact become, was finally unworkable and the NAB responded to pressure for reforms from the "Coloured" community. Moy announced in the February 1949 sitting of the Northern Territory Legislative Council (NTLC) that he would refer the matter of citizenship rights for "Halfcastes" to the Crown Law Officer. He had been concerned for

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<sup>69</sup> The following account is taken from the Northern Standard, 23 April 1948.

<sup>70</sup> Northern Standard, 23 April 1948.

<sup>71</sup> Northern Standard, 23 April 1948.

<sup>72</sup> Half-caste matters - general CRS F1 51/783, AAD.

<sup>73</sup> Northern Standard, 7 May 1948.

some time that the Aboriginals' Ordinance included the "part aborigine" but considered he should observe their behaviour first before acting in haste.

I am now firmly of the opinion that the Aboriginals' Ordinance is not the proper piece of legislation to deal with these people... I feel the part-aborigine... has earned himself the right to live as a normal citizen.<sup>74</sup>

The redrafting of the Ordinance was a laborious process, however, and the patience of the "Part-Aboriginal" community, already stretched to the limit, was tested when, in early 1951, as the result of an incident in Alice Springs in which a "Part-Aborigine" was prosecuted for liquor offences, Moy issued instructions to enforce the use of the Dog Licence.<sup>75</sup> That one should not be able to drink with a workmate at the end of the day's labour because of his colour challenged the fundamental principles of egalitarianism and mateship.

It should not be surprising that access to alcohol would be the issue which galvanised the "Halfcaste" community to action. "Coloured" men identified sufficiently with the dominant settler mores to feel the loss of the privilege of alcohol keenly. Any campaign which focused on drinking rights could count on the support locally of the NAWU and of the union movement nationally. By drinking at the pubs and being included in drinking rituals, "Halfcaste" and "Coloured" men had been identified as mates and as equals. These bonds were reinforced at work and in sports, particularly Australian Rules Football. They expected and received support from their settler mates in the struggle for equal rights. The intrusion of the state deeply offended a fundamental ingredient in the expression of the Australian male worker's identity. Kapferer has argued that in Australia, drinking is a sign of personal autonomy and an "ingredient in the formation of personal power".<sup>76</sup> Australian male drinking is "symbolic of mateship" and is thus germane to egalitarianism.<sup>77</sup> He suggests that mateship is an "egalitarian principle of natural sociality and reciprocity between equals" and as such is independent of "artificial mediating institutions" such as those implicit in the concept of the state.<sup>78</sup> The culture of drinking with mates (males) stresses the Australian egalitarian individualism. The intrusion by the state into the domain of the personal power expressed in drinking rituals was finally the factor which spurred the Northern Territory community to action.<sup>79</sup>

The "Part-Aboriginal" community formed the Halfcaste Progress Association in Darwin in March 1951 and could readily call on the support of mates and comrades.<sup>80</sup> At the inaugural meeting they also called on the Atlantic Charter, the Four Freedoms and the Declaration of Human Rights to support their

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<sup>74</sup> Northern Territory Legislative Council Debate (NTLCD), 10 February 1949.

<sup>75</sup> Memorandum, Recent incidents involving part-Aborigines in Alice Springs and Darwin, Driver to Interior, 9 April 1951, CRS F1 51/783, AAD. John Benjamin Neale was incorrectly arrested and charged with drinking as an unexempted person.

<sup>76</sup> Kapferer, *Legends of People and Myths of State*, pp.155-156. Drinking is analysed in the context of the ANZAC Day March which I would argue represents more closely the values of Australian society in the 1940s to early 1960s than the present and is thus a useful analysis for this thesis.

<sup>77</sup> Kapferer, *Legends of People, Myths of State*, p.158.

<sup>78</sup> Kapferer, *Legends of People Myths of State*, pp.158-160.

<sup>79</sup> See also Ann McGrath, "Beneath the skin: Australian citizenship rights and Aboriginal women", in Howe, ed. *Women and the State: Australian Perspectives*.

<sup>80</sup> *Northern Standard*, 9 March 1951. There had been an organisation called the Halfcaste Progress Association in Darwin during the 1930s, but it had not been active since that time.

struggle for an end to racist legislation.<sup>81</sup> Yorky Peel, who was a member of the NAWU and linked to the "Coloured" community by marriage, summed up the sentiment of the meeting when he declared:

Don't talk about blacks, don't talk about whites, don't talk about coloured people, but call me comrade [mate?].<sup>82</sup>

The effect of the Nationality and Citizenship Act 1948-1950 was evident.

We want full citizenship rights. We will not tolerate this Dog Licence system any longer. At the rate we are going we may have to consider whether we shouldn't apply for naturalization papers - in our own land.<sup>83</sup>

Another speaker pointed out that "foreigners" had more rights than "people who have lived here always."<sup>84</sup> Needless to say, the Halfcaste Progress Association could rely on the support of the Northern Standard, which predicted that this "widespread movement" which was developing in Darwin would "smash the ordinance" and win equal rights for a "cruelly oppressed section of the people".<sup>85</sup> The President of the NAWU, Murray Norris, who was in Melbourne at the time the Progress Association was formed, claimed that when he described the conditions of Aborigines and "Halfcastes" in the Territory to an audience of 450 shop stewards, their anger was such "... they growled like tigers".<sup>86</sup>

Darwin "Coloured" women were also active participants in the struggle for civil rights and their voices were heard at the inaugural meeting of the Progress Association. Mrs Angeles, Mrs Gil Clark, Mrs Joe Ruddick and Mrs Sheila Clark all spoke in support of full citizenship rights for "Coloureds" and "Halfcastes".<sup>87</sup> Ann McGrath has argued recently that by being identified with the right to drink, the struggle for citizenship for the Aboriginal ("Halfcaste") community can be located in the masculinist discourse about citizenship and nationhood. Drinking was an important status symbol for Aboriginal men, she contends, but it excluded women from the struggle for liberation.<sup>88</sup> In Darwin at this time, however, "Coloured" women were active participants and supporters of the struggle for civil rights a fact which sits uneasily with McGrath's assertions for their exclusion in this instance. A significant factor in the struggle for full citizenship rights in Darwin, however, was that most of the women who were active were married and fitted the labels of civilized and assimilated. Unlike their husbands, who were reminded of their separate status at the pub, these "Coloured" women could conceivably have encountered very few instances when their rights were questioned. McGrath cites the case of Vi Stanton who was not aware that she was unexempted until after she was married and a mother.<sup>89</sup> Stanton was quite naturally outraged when she

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<sup>81</sup> Memorandum, Meeting of part-Aboriginals at Parap Parish Hall - Sunday night 2nd March 1951, Evans to Moy, CRS F1 51/744, AAD.

<sup>82</sup> Memorandum, Meeting of part-Aboriginals at Parap Parish Hall - Sunday night 2nd March 1951, Evans to Moy, CRS F1 51/744, AAD.

<sup>83</sup> Northern Standard, 9 March 1951.

<sup>84</sup> Northern Standard, 9 March 1951.

<sup>85</sup> Northern Standard, 9 March 1951.

<sup>86</sup> Northern Standard, 23 March 1951.

<sup>87</sup> Northern Standard, 9 March 1951.

<sup>88</sup> McGrath analyses the relationship between grog and citizenship in McGrath "Beneath the skin", in Howe, Women and the State.

<sup>89</sup> McGrath, "Beneath the skin", in Howe Women and the State, p.107. This incident is also described in Barbara James, No Man's Land: Women in the Northern Territory, Collins Australia, Sydney, 1989, pp.259-261. Also interviews by Julie T. Wells with Vi Stanton, 9 May 1990, 4 December 1990, 19 March 1991, 4 April 1991.

discovered her status, but the point which nevertheless must be made, and which McGrath missed, is that she had lived her life thus far unaware of her legal status. How could this have been possible? Vi Stanton's husband was Jim Stanton, an active settler unionist and her father was Jack McGinness,<sup>90</sup> President of the Halfcaste Progress Association. Alngindabu Lucy McGinness,<sup>91</sup> from the Kungarakany language group on the Finnis River, was Vi Stanton's grandmother who lived in Darwin with family members including the Stantons. The McGinness and the Stanton families were politically radical but were nevertheless respected Darwin families and were regarded as worthy community members. Moy's *laissez faire* practice no doubt contributed to Stanton's misunderstanding of her legal status. We can presume that it was only because Jane Ah Matt had assumed a public profile that the NAB bothered to follow up the issue of her status as an unexempted person. Had Vi Stanton or Jane Ah Matt been unmarried mothers, however, they would have had no doubt as to their status as unexempt persons because their children most probably would have been taken away from them. Unmarried, unexempted women did not have rights as mothers. The "Coloured" community's struggle for full civil rights was firmly located in its view of itself as a fully assimilated group, which included recognition of the primacy of the family and women's role in the family. Women outside the family were necessarily outsiders.

Though Moy had issued the instructions to enforce the use of the Dog Licences which had finally lead to the formation of the Halfcaste Progress Association, there is evidence that the NAB, including Moy, supported the formation of the Association. According to Long, the officers of the NAB provided "behind the scenes" prompting to the "Coloured" community in Darwin to organise themselves and to hold meetings to protest against the exemption system.<sup>92</sup> Moy was convinced that both the CPA and the NAWU had a hand in the formation of the Association and, consequently, he had instructed NAB officer Ted Evans to attend the inaugural meeting and to report on the proceedings. Evans was fairly certain that George Gibbs, a CPA member and union activist, was one of the instigators.<sup>93</sup> In his subsequent reports to the Administrator and to the Minister for the Interior, however, it appears that Moy deliberately chose to downplay any involvement on the part of the CPA and NAWU in the Progress Association.<sup>94</sup> After Moy had received a deputation from the Progress Association which included Jack McGinness, Babe Damaso, Johnnie Ah Mat, Bill Muir and Alex Taylor, he informed the Administrator that he was impressed by the "demeanour and sincerity" of the delegates, who were well-known to him and represented the "steadier element".<sup>95</sup>

I am certain that we will have nothing to fear from outside influences such as I am certain caused the calling together of the public meeting.<sup>96</sup>

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<sup>90</sup> Stanton, John Francis McGinness, in A Biographical Register of the Australian Labour Movement.

<sup>91</sup> Mickey Dewar, Alngindabu Lucy McGinness, in John Ritchie, ed. Australian Dictionary of Biography. This name is also spelled Alyandabu.

<sup>92</sup> J.P.M. Long, "Administration and part-Aboriginals", Oceania, no. 37, 1966-67, p.194.

<sup>93</sup> Report, Meeting of Part-Aboriginals in Darwin, Moy to Administrator, 8 March 1951, CRS F1 51/744, AAD. Evans suggested that Peel and Brown were also involved in organising the meetings.

<sup>94</sup> The significance of this action can be measured against the assertions of CPA complicity described in part three of this chapter on Aboriginal industrial action.

<sup>95</sup> Memorandum, Australian Halfcaste Progress Association, Moy to Administrator, 16 March 1951, CRS F1 51/744, AAD.

<sup>96</sup> Memorandum, Australian Halfcaste Progress Association, Moy to Administrator, 16 March 1951, CRS F1 51/744, AAD.

This statement should certainly be read both in the context of the events surrounding the Aboriginal strike action early in 1951, discussed in part 3 of this chapter in which CPA and NAWU intervention/support was clearly established, and also as an indicator of the atmosphere of caution which had been created by the federal Liberal-Country Party Coalition government's action to outlaw the CPA.

The question remains, however, why Moy, who supported citizenship rights for the "Coloured" community, took so little action to bring about its liberation? One part of the answer must lie in the general incompetence of the NAB at this time. Hasluck has claimed that when he was appointed as the Minister for the Territories later in 1951, he was "gravely disappointed" at the state in which he found the NAB in Darwin.<sup>97</sup>

I could get no sense at all out of the head office of the branch in Darwin. The head of the branch [Moy] seemed to be half-asleep whenever I sought his views and the activities carried on by his clerks were desultory ... Here and there in the field there were some good and knowledgeable officers who responded to my questioning and seemed to welcome the possibility of having a minister who took an interest in what they were doing.<sup>98</sup>

The NAB policy of *laissez faire* disguised a level of inaction which had rendered the NAB ineffective in its task of administering Native Affairs. At the same time, the Ministers of the Interior who followed after John McEwen, provided little in the way of initiative or leadership. Long has suggested that Joseph Carrodus, Secretary of Department of the Interior was much more influential than any of the ministers in directing the government of Aborigines in this period. Carrodus, Long argues, was a firm believer in the wisdom of limiting the commonwealth government's involvement in Aboriginal affairs and had helped to discourage his political masters from giving way to public pressure for a more interventionist approach.<sup>99</sup> The point had clearly arisen at which NAB inaction could neither maintain the status quo nor respond to legitimate demands for reform.

In the meantime, the Progress Association conducted a vigorous campaign. It was supported by the Northern Standard, and by the union network which the NAWU was able to access. Jack McGinness, President of the Progress Association and an NAWU member, was sent as a delegate to the All-Australian Trade Union Congress in Melbourne in September 1951, to promote the cause. His speech typifies both the triumph of egalitarianism over racism and the failure of egalitarianism to embrace the unassimilated. Crucial to the liberation of the "Halfcaste" community was its imagined separation from the Aboriginal community.

We part-Aborigines have an unjust ordinance imposed on us... there was no justification for withholding our inalienable right, the right to live as ordinary people without segregation. We are educated in the same schools, take part in the sporting and industrial sphere on an equal footing with other people, but because our skin is dark and we have original Australian as part of our ancestry we are classed as somebody tainted who should be kept apart...you can see gentlemen that we are worse than foreigners in our own country.<sup>100</sup>

<sup>97</sup> Hasluck, Shades of Darkness, p.81.

<sup>98</sup> Hasluck, Shades of Darkness, p.81.

<sup>99</sup> Long, The Go-Betweens, pp.89-90.

<sup>100</sup> The full text of the McGinness speech is cited in McGinness, Son of Alyandabu, pp.60-65.



Photograph 3. "Jack McGinness and his sister Margaret viewing family photographs".  
People Magazine, vol.8, no.4, September 1957.



McGinness appealed to the meeting to support the Northern Territory "Halfcaste" community's struggle to live as "good citizens" and as "true Australians".<sup>101</sup> The needs of the Aboriginal community were, argued McGinness, quite separate and distinct from the "Coloured" community. He focused on the conditions under which Aborigines worked on the pastoral stations and the failure of government to intervene to prevent their exploitation.

... I would like to say that all Governments in Australia, both State and Federal, have neglected to face up to the problem that must be solved so that these people can be brought from their present stage of outcasts and slaves. And, gentlemen, it is slavery that is imposed on these people.<sup>102</sup>

Although the legislation which finally liberated the "Halfcaste" community from discrimination was not passed until 1953 for reasons outlined in chapter four, the principle upon which their liberation would be achieved was adopted earlier at the Native Welfare Conference in late 1951, following the appointment of Paul Hasluck to the portfolio of Minister for Territories.<sup>103</sup> In the Conference Report's Statement on Citizenship Status, the principle adopted was that all persons born in Australia should have the opportunity to enjoy the full benefits and obligations of citizenship and that any "limits which may be set on these privileges" would be in order that the interests of individuals might be "protected and safeguarded", so that the exemption system would be abolished.<sup>104</sup> In the Northern Territory, not only did the separation of the Aboriginal and "Halfcaste" communities become considerably more marked after 1945, but the liberation of the Territory "Halfcaste" community depended on re-enforcing that separation. In the linear reification of Aborigines, those who had settler "blood" were imagined as further along the road to citizenship and in the assimilationist discourse, their social and cultural practices demonstrated affinity with the settler rather than Aboriginal society. By calling on the egalitarian discourse, and by emphasising their own successful assimilation, the "Coloured" community were finally liberated from discriminatory legislation. More than ever, the construction that there should be a nexus between successful assimilation and citizenship rights was confirmed. The price was separation from, and loss of the opportunity to identify with, the Aboriginal community.

### *Fellow travellers*

Unlike the "Coloured" community, which the Northern Territory Administration (NTA) chose to govern in a *laissez faire* way in the period between 1945 and 1951, the Aborigines were subject to increased regulation and more vigorous enforcement of the Aborigines' Ordinance, and as a consequence, Aborigines were more segregated from the settler community than in previous periods. Two sites of action in Darwin in this period demonstrate the proposition that Aborigines were the subjects of the politics of exclusion, and of bureaucratic custodianship. Firstly, in the NAB's negotiations over Aboriginal workers' wages, Aborigines

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<sup>101</sup> McGinness, *Son of Alyandabu*, pp.60-65.

<sup>102</sup> McGinness, *Son of Alyandabu*, pp.60-65.

<sup>103</sup> For an account of the interim campaign see Stanton, "The Australian Halfcaste Progressive Association".

<sup>104</sup> Minutes of the Native Welfare meeting of Commonwealth and State Ministers held at Canberra, 3rd and 4th September 1951, CRS F1 51/1001, AAD.

were excluded from all processes of conciliation and arbitration, despite efforts by the unionists. Secondly, when Aborigines attempted industrial action, the NTA responded by enforcing the conditions of the Aborigines' Ordinance, which demonstrated yet again that Aborigines did not have the rights of citizens, and that for the unassimilated, separate laws applied. The failure of egalitarianism in Australia to come to terms with unassimilated groups was obvious.

In Darwin the NTA employed most of the Aborigines and the NAB supervised the employment of all Aborigines according to the regulations set down in the Aborigines' Ordinance. The regulations stipulated that all able bodied Aboriginal men, and women who were not constrained by child-rearing responsibilities, who resided on reserves must work in order to receive rations. Aborigines who lived on reserves were ineligible for social security. Consequently it was incumbent on the government to find work for all able-bodied Aborigines, and as there were few private employers in Darwin, government departments employed the majority of Aborigines. The main employers were the Navy, the Army, the RAAF, QANTAS, the Municipal section of the NTA, the Department of Health and the NAB. In 1946, Aboriginal male workers were paid six shillings a week and one meal a day and the female workers four shillings, plus rations.<sup>105</sup> Approximately thirty Aboriginal women were employed as domestics in Darwin, in the majority of-cases in homes where there were small children. Private employers were most likely to hire gangs of Aboriginal workers for particular jobs on contracts organised by the NAB. The NTA was adamant that Aboriginal workers in Darwin were in no way in direct competition with white workers. Generally Aborigines were described as unskilled and were formed into work gangs which left the Berrimah Reserve every morning in open trucks heading for Darwin. The NAB argued that the majority of Aboriginal workers were unskilled, unable to work without close supervision and incapable of working a full eight hour day. Journalist Gordon Williams from the Argus observed in 1951,

They scythe the tall grass around these blazing streets and roads, collect the bottles that give a quaint colour to the footpaths, paddocks, and facades of the rambling village, and generally act as the well-known hewers and drawers.<sup>106</sup>

The NAWU challenged the government to adhere to the principle of equal wages for equal work, which was not only fundamental to Labor's ideology, but to the negotiated relationship between labour and capital in Australia. The unions argued that by being excluded from the opportunity to earn an equal wage, Aborigines were also excluded from the opportunity to raise their standard of living. Because the government was exclusively responsible for the working conditions of Aborigines, the relationship between the Commonwealth and the union was necessarily adversarial. The NAWU pressed for Aboriginal workers to be included in the system of Arbitration and Conciliation so that they could be protected from possible exploitation, and to ensure the maintenance of a fair wage for all workers. The NAWU demanded that all workers should be subject to the same regulatory mechanism. The NTA claimed that were equal wages introduced for Aboriginal workers in Darwin (and elsewhere in the Territory) nothing but hardship would result. Aboriginal workers, unable to compete, would lose their jobs and, as a result, many would need to be

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<sup>105</sup> The variations of these rates are described in folios 49-51, CRS F1 58/1710, AAD.

<sup>106</sup> Argus, 9 March 1951.

repatriated to their country. While the NTA did not necessarily regard this as a problem, the settlements and missions were still recovering from the neglect of the war years and were having difficulties finding work for existing residents. A further factor in the NTA's deliberations was its on-going belief that Aborigines would not be able to manage the full cash wage implicit in any grant of equal wages.<sup>107</sup>

The Commonwealth resisted the NAWU's efforts to have Aboriginal workers included in the system of Arbitration and Conciliation. Initially, in January 1946, the NAWU successfully argued that clause three of the Works and Services Award, which excluded Aborigines from the provisions of the award, should be deleted. The Union argued that it was the avowed aim of the government to raise the status of Aborigines and therefore there should not be a clause barring them from achieving the ordinary status of white workers. In October of that year, however, the NAWU received advice from the Commonwealth Crown Law Solicitor that the Aborigines' Ordinance had precedence over the Works and Services Award and therefore Aborigines were exempt from the provisions of the award.<sup>108</sup> In an atmosphere of increasing industrial unrest,<sup>109</sup> the government refused the NAWU representation at the conference of government representatives and pastoralists called for February 1947 to consider the conditions of Aboriginal workers in the pastoral industry, despite the NAWU's direct representations to the Minister for the Interior and the Prime Minister.<sup>110</sup> The NAWU tried again in 1948 to have Aboriginal workers included in industrial awards and applied to the Conciliation and Arbitration Commission to have Aborigines included in the Cattle Station Industry (Northern Territory) Award. Conciliation Commissioner Portus, however, refused the application and declared the matter to be one between the NTA and the pastoral associations.<sup>111</sup> This decision was reinforced in a later judgement in 1950, in which the Arbitration Commission would not decide on the case put by the NAWU to have Aborigines included in their awards.

...I have no power to fix rates for Aborigines as this matter is covered by Regulations under the Northern Territory Ordinance.<sup>112</sup>

In 1948, the discriminatory clauses in the NAWU constitution had been deleted to allow for Aboriginal membership but little was gained as the cost of membership fees was prohibitive for Aboriginal workers and they were excluded from awards anyway.<sup>113</sup> Repeatedly, Aborigines were excluded from the system of conciliation and arbitration which ensured a fair wage for all workers. Instead, the sovereignty of the Aborigines' Ordinance as the exclusive mechanism for the government of Aborigines as a separate group

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<sup>107</sup> Memorandum, Welfare of Natives, Administrator to Secretary Interior, 9 June 1947, CRS F1 47/331, AAD.

<sup>108</sup> Northern Standard, 8 October 1946.

<sup>109</sup> Earlier in the year, a delay in Arbitration decision to implement the 40 hour week prompted a Territory wide stoppage of twenty-four hours on January 24 in support of industrial action nationally. Northern Standard, 10, 17, 24 January 1947. The 40 hour case went before the Arbitration Court in May 1946 and dragged on for nineteen months. Bolton, The Middle Way, p.61.

<sup>110</sup> Northern Standard, 6 December 1946; 13 December 1946; 10 January 1947.

<sup>111</sup> Rowley, The Remote Aborigines, p. 287. See also Rowley, The Destruction of Aboriginal Society, p.338. Rowley quotes Portus' judgement:

... the Administration is much better equipped than a court of arbitration to attend to the welfare of the aboriginals living and working on the cattle stations.

<sup>112</sup> Rowley, The Remote Aborigines, p.287.

<sup>113</sup> Notes on Deputations, Visit of the Minister for the Interior, April 1950, CRS F1 50/243, AAD.

was reinforced. The regulation of Aboriginal wages and working conditions were to be determined exclusively in the regulations in the Aboriginals' Ordinance.

P In the meantime, in 1946 the NAB had begun the slow process of reviewing all Aboriginal working conditions guided by the belief that greater regulation would lead to improved working conditions. Most pressing were the negotiations between the pastoralists and the NTA over the wages and working conditions for Aboriginal station workers.<sup>114</sup> The NAB arrived at a definition of a basic wage for Aborigines in the pastoral industry - a wage which would enable a man to support himself, his wife and his children, and finally arrived at the figure of £2/15/- per week. At least part of this wage was to be paid direct to the employee in cash. This represented Moy's estimation that Aborigines in the pastoral industry were seventy percent efficient when compared to non-Aboriginal workers.<sup>115</sup> For the towns, the principle of equal pay for equal work was affirmed for the "Coloured" workers at the 1947 Conference of Directors of Native Affairs. For those Aborigines whose ability was not equal to the white standard, a lower rate would be paid with the approval of the NAB.<sup>116</sup> The conditions for employment of Aborigines set down in the 1947 Conference were affirmed at the Conference of Commonwealth and State Aboriginal authorities held in 1948.<sup>117</sup>

Aboriginal workers were far from content with their working conditions, and no doubt the memory of the superior conditions of employment offered by the Army before 1945 endured as a benchmark. Consequently, Darwin Aboriginal workers took their first industrial action on 3 February 1947 before the NAB had completed its review of Aboriginal employment. Over one hundred Aboriginal workers employed as domestics and general labourers, met outside the Parap Police Station, which was half way between the Berrimah Aboriginal Reserve and township of Darwin, and announced they would strike until their demands were met.<sup>118</sup> The Melbourne Herald reported the strikers had some difficulties in communicating their precise demands, because "few full-blood aborigines speak what might be called good English".<sup>119</sup> When asked who their leaders were, they replied "There is no leader. This is all about blackfellow talk".<sup>120</sup> The NAB reported to the NTA that the leaders were Melville Islanders, "a sophisticated element" who had been

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<sup>114</sup> The Ministry for Post-War Reconstruction, Northern Australian Development Committee lobbied for uniform conditions throughout the North.

<sup>115</sup> Minutes of Meeting of Directors of Native Affairs of South Australia, Queensland, and Northern Territory under the Chairmanship of Professor A.P. Elkin, Melbourne, 3 and 5 February, 1947, CRS F1 47/331, AAD. The cash wage was irrespective of other conditions governing the employment such as the provision of food, clothing or accommodation. Elkin was against Aborigines being handed the cash wage as he claimed it left them vulnerable to exploitation.

<sup>116</sup> Minutes of Meeting of Directors of Native Affairs of South Australia, Queensland, and Northern Territory under the Chairmanship of Professor A.P. Elkin, Melbourne, 3 and 5 February, 1947. Recommendation on Natives in Employment, CRS F1 47/331, AAD.

<sup>117</sup> Resolutions Passed by the Conference of Commonwealth and State Aboriginal Authorities, Canberra 3 and 4 February, 1948, CRS F1 48/204, AAD. The introduction of workers compensation, holiday pay and sick leave were recommended.

<sup>118</sup> The report of the incident by the Chief Clerk, Native Affairs, folios 40. Report from Driver to Interior, Aboriginals' Stop Work Meeting, folio 41, CRS F1 58/1710, AAD.

<sup>119</sup> Herald, 3 February, 1947. Douglas Lockwood was the reporter for the Melbourne Herald.

<sup>120</sup> Herald, 3 February, 1947.

employed by "Europeans and Asiatics" for over twenty years and on whom the remainder of strikers were entirely dependant.<sup>121</sup> It was alleged the NAWU instigated and choreographed the strike through their associations with this "sophisticated" element.<sup>122</sup> The Acting Director of Native Affairs nevertheless later permitted the NAWU representative, Frank Whiteoak, to enter Berrimah Reserve to discuss the workers demands which were: full award wage rates of pay rather than just an increase in the cash component of their salary; abolition of trust accounts; a government store at Berrimah; mosquito nets, blankets and clothes for their wives and children; a school for their children.<sup>123</sup> Even though the NAB had not completed its revision of the provisions for employment under the Aboriginals Ordinance, some demands were immediately conceded for Aborigines employed in the Darwin area. The Trust Fund was abolished and payments made directly to employees on a weekly basis. Male workers would receive £2 a week plus rations and clothing. The issues of clothing, blankets and mosquito nets would conform with the provisions recommended in the Carrington Report and all private employees would be contacted regarding these provisions.<sup>124</sup>

The NTA subsequently met with all parties with vested interests in the proposed changes to Aboriginal workers conditions, except the Aboriginal workers.<sup>125</sup> In discussing Aboriginal workers' efficiency, the participants agreed that "native labour" was "well below the standard of white", but given the shortage of white labour and the satisfactory work being undertaken by the Aboriginal workers, the new conditions should be passed on.<sup>126</sup> The NAB concluded, however, that few Aborigines were worthy of consideration for higher wages. Aborigines were not working at anywhere near the capacity of white workers, they did not have the capacity to do so, and therefore must remain outside the award system. The final agreement fell short of the significant increase in cash wages requested by the striking Aborigines. In a later conference with the Aborigines who had been on strike, the NAB made it clear that those who did not want to work under the conditions laid down by the Aboriginals' Ordinance would be repatriated to their own country.<sup>127</sup> The NTA argued it could not afford to have Aborigines idle in Darwin.

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<sup>121</sup> Report of the Chief Clerk, Native Affairs, 5 February 1947, CRS F1 58/1710, AAD.

<sup>122</sup> Murray Norris, Some of the history of the re-building of the NAWU 1942-1951, unpublished manuscript compiled during 1982. Copy held at Miscellaneous Workers Union, Darwin.

<sup>123</sup> Northern Standard, 7 February 7 1947. See also Report of the Chief Clerk Native Affairs, to the Government Secretary, 5 February 1947, CRS F1 58/1710, AAD. White, the Chief Clerk, consulted later that day with representatives who again presented their demands. He "selected nine natives" whom he thought sufficiently capable of expressing themselves, four from Bathurst and Melville Islands, two from Katherine, one from the local "Waugite" group, one from Port Essington and one "miscellaneous".

<sup>124</sup> Rowley, The Destruction of Aboriginal Society, p.337. V.J. Carrington had been the Acting Director of Native Affairs in 1945.

<sup>125</sup> Memorandum, Aboriginals' Stop Work Meeting, Driver to Interior, 11 February 1947, folio 41, CRS F1 58/1710, AAD. In attendance were representatives from the Navy, Army, RAAF, QANTAS, the Municipal section of the NTA, the Department of Health, the NAB and the NAWU.

<sup>126</sup> Report of Conference convened by Director of Native Affairs of Employers of Native Labour in Darwin, Driver to Interior, 20 February 1947. See also Moy to Government Secretary Interior, 13 February 1947, CRS F1 58/1710, AAD.

<sup>127</sup> V.J. White to Government Secretary, 5 February 1947, CRS F1 58/1710, AAD. The same V.J. White, who had hoped for more than cold ashes for "Jacky" wrote in his report that he had made it clear to the Aborigines that were any radical changes to be instituted in their employment conditions (higher wages) then they may well be required to return to their own country because employment would no longer be available in Darwin.

The differences between the NTA and the NAWU continued to rankle in the following years.<sup>128</sup> Moy argued that "natives" should be paid at a rate commensurate with their ability and unless they were permitted to learn new skills they would never become efficient. Aborigines could be paid equal wages when they were successfully assimilated workers. The NAWU argued that if Aboriginal workers could do the work then they should be paid award wages. Conversely, they argued that if Aborigines were paid equal wages then they would have the opportunity to prove that they were equal to the work. Following the election of the Liberal Country Party Coalition government in December 1949, Philip McBride, who was appointed the new Minister for the Interior, visited the Territory in April 1950.<sup>129</sup> The NAWU sent a deputation to McBride whom Moy briefed to expect a question on Aboriginal wages. According to Moy, the Minister could expect the NAWU to argue that no matter where the Aborigine was employed, he was by definition in competition with white workers and was undermining their conditions. The Minister should be aware, continued Moy, that the rates paid to the Aboriginal worker bore no relation whatever to those of the basic wage earner with whom the Aborigine was in no way in direct competition. When McBride was subsequently asked to express an opinion on the payment of equal wages to Aboriginal workers, he replied that such an option must surely be in the distant future by which time the proposed government training programs would have had the effect of providing a trained and skilled Aboriginal work force. Meanwhile, he concluded:

it was no use having a big native population as mendicants in the community; they had to be employed.<sup>130</sup>

Darwin Aborigines again took industrial action late in 1951 and in January and February 1952. In this instance, the government response demonstrated the extent to which the Aborigines' Ordinance had precedence over any questions of justice and individual liberty, a view which was finally upheld in the High Court. There had been clear pattern in both the NTA's and the federal government's response to Aboriginal action. In particular, Aborigines who showed leadership, that is, those who were "outspoken" or "cheeky", were targeted and were removed from their sphere of influence by the NAB which was empowered to take such action under section 16(1) of the Aborigines' Ordinance which stated that the Chief Protector (Director of Native Affairs) could hold any Aborigine or Half-caste within the boundaries of a reserve or Aboriginal institution and had the right to transfer them to another reserve or institution. Another effective technique was to discredit the character of the leaders by listing their numerous convictions for offences such as drinking alcohol, or with being off the reserve without permission. Such convictions could then also be used as the basis for transferring the offender/leader to other reserves. Aborigines from Darwin who were identified as troublemakers were most frequently sent in exile across Darwin Harbour to the Aboriginal

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<sup>128</sup> For example see: Northern Standard, 28 November, 1947; 26 November, 1948; 26 August 1949; 2 September, 1949.

<sup>129</sup> Long, claims in The Go-betweens, that the December 1949 election of the Menzies government had little immediate effect on the Native Affairs Branch. Under Menzies the first Minister was Phillip McBride, who held the position for ten months, followed by Eric Harrison who was Minister for the Interior for seven months. Much more influential was the departure of Carrodus. pp.89-90.

<sup>130</sup> Notes on Deputations. Visit of the Minister of the Interior. Notes taken at an interview of the Minister for the Interior with the Darwin Trades and Labour Council at Darwin, 3 April 1950, CRS F1 50/243, AAD.

reserve at Delissaville or to the reserve at Snake Bay on Melville Island.<sup>131</sup> Delissaville was the site originally favoured by Elkin for the location of the Aboriginal settlement to replace the Kahlin Compound.<sup>132</sup> Another equally powerful threat was that of repatriation. Aborigines who could or would not work were no longer eligible for rations and, therefore, could not expect to stay on in Darwin.

The Aboriginal industrial action of 1951-1952 was again focused on demands for equal wages. The NAWU had prepared a typed statement of the strikers demands for equal wages and set up a committee to ensure national coverage would be given to the sit down strikes.<sup>133</sup>

We, the members of the main aboriginal tribes in Darwin area now demand that a minimum amount of seven pounds (£7.0.0.) per week for both male and female aboriginal workers be paid in future.

For years we have been exploited, working for miserable sums of five shillings (5/-) and thirty shillings (30/-) a week and have decided by a unanimous vote of all tribes not to do any more work unless our present demand is met.

Any attempt to intimidate our leaders will be met with resistance on our part and we shall call upon Union friends in Darwin and other parts of Australia to assist us.

We ask all workers to recognize the justice of our claims and support our demands.<sup>134</sup>

The response of the Minister for the Interior to the initial strike action was swift. His instructions were that if Aborigines went on strike again, then their food rations would be cut off in keeping with the conditions of the Aborigines' Ordinance which stated that all able-bodied Aborigines must work for rations.<sup>135</sup> Union representatives, Peel and Carne, interviewed Moy seeking clarification of the NTA's position.<sup>136</sup> The official response was that the Minister simply wanted to make clear the conditions of the a previous ministerial directive of June 1950 which stated that "ablebodied[sic] aborigines must work to receive rations and tobacco".<sup>137</sup> The NAWU, however, ensured the response was publicised as a threat. The Argus, meanwhile, claimed the NAB had ordered that the bus which took the Aborigines from Berrimah into town to the pictures every Wednesday night would be cancelled while the workers were on strike.<sup>138</sup>

Strategically, it was crucial for the NAB to identify leaders quickly. On this occasion the NAB went to greater lengths than in 1947 to cast doubt on the integrity of the protagonists who were quickly prosecuted on a variety of charges under the Aborigines' Ordinance and wherever possible were discredited and

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<sup>131</sup> The Delissaville Native Reserve, now called Belyuen, was established in 1941. It is located on the Cox Peninsula on Darwin Harbour. Aborigines were frequently sent to Delissaville for alcohol related offences. Because of its isolation, alcohol was much more difficult to obtain. Snake Bay, now called Milikapiti, is on Melville Island.

<sup>132</sup> See part one, chapter two, this thesis.

<sup>133</sup> Northern Standard, 1 December 1950.

<sup>134</sup> Acting District Superintendent of Native Affairs, Sweeney obtained a copy of this document from Laurence, one of the Aboriginal activists who claimed to have been given the document by a union member. Copy of document in Driver's report to Director, NT Affairs, Canberra, CRS F1 51/704, AAD.

<sup>135</sup> Memorandum, Starving of Striking Natives, Moy to Administrator, 12 December 1950, CRS F1 51/704, AAD.

<sup>136</sup> Northern Standard, 8 December 1950.

<sup>137</sup> Memorandum, Starving of Striking Natives, Moy to Administrator, 12 December 1950, CRS F1 51/704, AAD.

<sup>138</sup> Argus, 30 November 1950

accused of being "cheeky" and "sophisticated". The NTA implied once again that the NAWU were both the instigators and manipulators of the strike action. Laurence Urban<sup>139</sup> was declared the ringleader and the NAB asserted he had been "briefed by certain unionists to stir up strife," though Tommy Play-up-Jimmy and Nipper Rankin were also very vocal.<sup>140</sup> The Melville Islanders involved in this dispute were described also as "outspoken".<sup>141</sup> Charges against Aborigines for drinking and disorderly conduct, which were common, were cited to indicate unreliable character. Lawrence, for example, was described as "incorrigible".<sup>142</sup> The Argus published the official government response to the issue of leadership and manipulation.

They stopped work at the orders of fast-talking, plausible, scar-faced Waugitj, but the resolution they handed an official was certainly not written by a native.<sup>143</sup>

The Minister had the opportunity to put the threat to cut rations into action when on the 15 January 1951, the Aboriginal workers of Darwin again went out on strike and issued the same demands.<sup>144</sup> On this occasion, Moy took more drastic action and requested the Crown Law Office to give an opinion as to whether the leaders of the strike, on this occasion Fred Nadpur Waters and Tommy Play-up Jimmy, could be prosecuted under section 33 of the Aborigines' Ordinance which made it illegal for any person to entice an "aboriginal or halfcaste" away from his lawful employment.<sup>145</sup> Before he received an answer, there was further disruption. The police alleged that during the afternoon of 16 January, Lawrence and about another ten Aborigines from Berrimah had gone into town and threatened Aborigines still working and had demanded they stop work.<sup>146</sup> On 17 January, Lawrence and another leader Billie were arrested after allegedly leading a procession of 50 Aborigines who "carried numerous weapons ranging from long sticks down to pieces of iron" for which both men were charged, but not for offences under the Aborigines' Ordinance.<sup>147</sup>

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<sup>139</sup> Laurence Urban was subsequently referred to only as "Laurence" and then as "Lawrence". This is the only instance encountered in which "Urban" was added to his name.

<sup>140</sup> Memorandum, Moy to Government Secretary, 28 November 1950, CRS F1 51/704, AAD.

<sup>141</sup> Memorandum, Driver to Director NT Affairs Canberra, 29 November 1950, CRS F1 51/704, AAD. Of the Melville Islanders, some were said to be "frequent offenders", and though it was not stated I assume the reference is to alcohol related offences.

<sup>142</sup> Memorandum, Driver to Director NT Affairs Canberra, 29 November 1950, CRS F1 51/704, AAD. Lawrence had a string of convictions for drinking and had been sentenced to hard labour on a number of occasions, some of which are listed here.

<sup>143</sup> The Argus, 30 November 1950.

<sup>144</sup> Memorandum, Leydin to Interior, 16 January 1951, CRS F1 51/704, AAD. A guaranteed wage of £7 weekly and equal citizenship rights with "white men". Attention to indifferent living conditions and poor food was submitted in the demands. See also Northern Standard, for January 1951.

<sup>145</sup> Memorandum, Strike by Aborigines in Darwin, Leydin to Director of NT Affairs, 16 January 1951, CRS F1 51/704, AAD. Jeremy Long claims that Moy addressed group of demonstrators during "mid-January", but I can find no record of this. Long, The Go-Betweens, p.93.

<sup>146</sup> Memorandum, Strike by Aborigines in Darwin, Leydin to Interior, 22 January 1951, CRS F1 51/704 AAD.

<sup>147</sup> On this occasion, Lawrence was charged under the provisions of Section 11 of The Observance of Law and Order Ordinance 1921/30 which stated that no person may interfere with another pursuit of employment. Billie was charged under Section 41 of the Police and Police Offences Ordinance for hindering a policeman in the course of his duty. CRS F1 51/704, AAD.



At the initial hearings, the Magistrate indicated he believed there was substantial evidence of interference on the part of the NAWU and that Lawrence was "the tool of other persons".<sup>148</sup>

The desire or intention of these people, so far as this Court is concerned can be a matter of conjecture only, but their actions would seem to be directed against the maintenance of law and order in the community rather than in the interest of aborigines.<sup>149</sup>

Following adjournments the cases were heard before the magistrate on 19 and 24 January. Billie was found guilty and sentenced to one month's imprisonment but was released on bond.<sup>150</sup> The magistrate dismissed the case against Lawrence in the hearing on 19 January on the grounds that the police had been unable to prove their case.<sup>151</sup> On the charges of interfering with another Aborigine's (Mucklejar's) right to work, he was convicted and sentenced to imprisonment for four months. The NAWU lodged an appeal and Lawrence was released on recognisance to prosecute the appeal at the next sitting of the Supreme Court. The magistrate directed that Lawrence was to stay at Bagot Reserve until the appeal hearing on 7 February. He was thus isolated from the main strikers who were still at Berrimah, and he was denied all rights to visit town.<sup>152</sup>

The strikers returned to work on 18 and 19 of January but sat down at Berrimah again on 22 January. The Administration in Darwin gave serious consideration to terminating the employment of all the strikers and sending them back to their own "tribal countries or other reserves" which it was empowered to do under Section 16 of the Aboriginals Ordinance, but Moy wanted to wait on the outcome of Lawrence's coming trial before taking such drastic action.<sup>153</sup> Before going to trial, however, Lawrence left Bagot on 7 February and "indulged in intoxicating liquor and offensive behaviour" and subsequently was sentenced to a further four months imprisonment which he served in Fannie Bay Gaol. Lawrence was convicted of being drunk, of disorderly behaviour and leaving the Aboriginal reserve without the permission of the Director of Native Affairs.<sup>154</sup> The Northern Standard claimed the trial was a farce and that Lawrence was clearly set up.<sup>155</sup>

On 12 February 1951, the Aborigines again went on strike with Fred Nadpur Waters<sup>156</sup> leading the stoppage.<sup>157</sup> Nadpur Waters had lived all his life in Darwin and was probably a member of the local

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<sup>148</sup> Extract from Magistrate's summing up in Leydin to Interior, 6 March 1951, CRS F1 51/704, AAD.

<sup>149</sup> Extract from magistrate's summing up in Leydin to Interior, 6 March 1951, CRS F1 51/704, AAD.

<sup>150</sup> Memorandum Leydin to Interior, 22 January 1951. Subsequently an appeal was lodged against Billie's conviction and was upheld. CRS F1 51/704, AAD. Northern Standard, 16 March 1951.

<sup>151</sup> Northern Standard, 19 January 1950. The magistrate was not convinced by the evidence of "Micky", the Aborigine whom Lawrence had allegedly threatened. On another occasion Micky is referred to as Micky Cashman. See also High Court Action No.2 of 1951, Summary of Facts.

<sup>152</sup> High Court Action No.2 of 1951, Summary of Facts.

<sup>153</sup> Memorandum, Leydin to Interior, 22 January 1951, CRS F1 51/704, AAD.

<sup>154</sup> After a meeting with his solicitor, the Native Affairs Branch and Peel, the Acting Secretary for the NAWU, Lawrence withdrew his appeal against the earlier charges.

<sup>155</sup> Northern Standard, 9 February 1951.

<sup>156</sup> Julie T. Wells, Fred Nadpur Waters, Carment and James, Northern Territory Dictionary of Biography, pp.222-223. In official correspondence "Nadpur" was rarely used and he was called Fred Waters.

<sup>157</sup> McGinness describes Nadpur Waters as a "full Aborigine of the Larrakia tribe" from Darwin in McGinness, Sons of Alyendabu. Markus, in his account, refers to Fred Waters incorrectly as Fred Wells in Markus, "Talka longa mouth", in Curthoys and Markus, eds. Who Are Our Enemies, pp.152-153.

Danggalaba clan which would have made him a natural leader. At various times he had lived at the Kahlin, Berrimah and Bagot Reserves. The now familiar technique of putting into doubt the character and reliability of the Aboriginal protagonist was employed.<sup>158</sup> Moy described Waters as "well-spoken, very sophisticated".<sup>159</sup> After discussion with Leydin, Moy decided that Waters should be removed from Darwin under Section 16(1) of the Aboriginals' Ordinance. Moy normally would have sent Waters to Delissaville but claimed in his report to the Administrator that the Native Council there did not want Waters because he had previously attempted to initiate similar stop work action.<sup>160</sup> Moy also rejected the alternative of Snake Bay, because Waters could too easily make himself understood there. Moy argued,

... I feel that he is a case calling for drastic action... and I have issued an order... committing him to Haasts Bluff Aboriginal Reserve.

He will then be in completely strange country with no opportunity of impinging his ideas on the backward, and fairly tribally coherent group which resides there.<sup>161</sup>

Waters was subsequently "shanghaied" by the Native Affairs Branch and sent to Haasts Bluff, a government settlement west of Alice Springs.<sup>162</sup> The Minister for the Interior, Anthony, fully supported the NTA's actions in removing the leading Aborigines in an effort to prevent "further unsettlement" and Communist influence.<sup>163</sup>

Under the regulations laid down in the Aboriginals' Ordinance, it had been possible to gaol, banish and intimidate the strike leaders and therefore the Aboriginal community did not undertake any further industrial action. The NAWU in association with other national unions, however, took Fred Nadpur Waters' case to the High Court. The NAWU rallied the national union network to pressure the government to grant basic human rights to Aborigines by repealing the Aboriginals' Ordinance altogether. At the same time as Waters was sent to Haasts Bluff, the NAWU President Norris was in Melbourne in his capacity as the advocate of the NAWU. Coincidentally, Dr. H.V. Evatt was also in Melbourne, at the hearing of the Communist Party Dissolution Bill before the High Court. According to Norris, Evatt took a great interest in the Waters' case and advised the NAWU to take out a writ of *Habeas Corpus*. The case was heard before Justice Fullagar, who decided he had no jurisdiction to give a decision in the case.<sup>164</sup> Before he had formally announced his refusal of an order *nisi* for *Habeas Corpus*, the NAWU, together with their associated unions in Melbourne, took out a writ of injunction in the High Court on Fred Nadpur Waters'

<sup>158</sup> Police records showed Waters' convictions for consumption of opium and alcohol. See Affidavit F.H.Moy, in the High Court of Australia, 3 March 1951. The Native Affairs Branch described Waters as Waugite native and "a bad influence" in the Darwin area. He and his "consort", Maggie Shepherd had numerous drinking convictions. Moy to Administrator, "Strike by Natives- Monday 12 February 1951," CRS F1 51/704, AAD.

<sup>159</sup> The Melbourne Age, published the government line, called him Fred "the Clever Man" Waters and suggested he had been the "behind the scenes" man in the previous strikes. Age, 14 February 1951.

<sup>160</sup> Driver to Interior 6 March 1951, CRS F1 51/704, AAD. The Native Council had also voted not to allow Aboriginal activist Lawrence to return to Delissaville.

<sup>161</sup> Memorandum, Strike by Natives- Monday 12 February 1951, Moy to Administrator, CRS F1 51/704, AAD.

<sup>162</sup> Waters was located at his "half-caste step-son's house" in Parap. He was escorted to Haasts Bluff by patrol Officer Ted Evans. Memorandum, Driver to Interior, 6 March 1951, CRS F1 51/704.

<sup>163</sup> The Age, 20 February 1951.

<sup>164</sup> In the High Court of Australia No.2 of 1951, Waters v. the Commonwealth of Australia and Others, Judgement (oral) handed down by Justice J. Fullagar, 19 March 1951.

behalf,<sup>165</sup> against the Acting Minister of State for the Interior, H.L. Anthony; Chief Protector Moy; the Superintendent of Haasts Bluff; Administrator Driver and the Offer-in-Charge of the Police for the Northern Territory. An application was also made for an interim injunction to restrain the Director from detaining Waters at Haasts Bluff, which Fullagar refused.<sup>166</sup> According to Norris, Doctor Evatt had advised the unions to issue these further writs.<sup>167</sup>

Before the High Court, the NAB argued its action was legitimate under Section 16(1) of the Aboriginals' Ordinance. The NAWU claimed (ill-advisedly) that Waters was employed at the time of his arrest and therefore the Administrator had acted illegally by contravening that section of the Aboriginals' Ordinance which forbade the removal of an Aborigine who had contracted employment. Fullagar's final decision, however, was based on his interpretation of S75 of the Constitution which sets out the circumstances where the High Court has original jurisdiction. Based on the precedent *R.v Bernasoni*, Fullagar decided that S75 could not be applied to the Territory because the Territory was not part of the federal organisation created by the Constitution and therefore the High Court did not have jurisdiction.<sup>168</sup> The most significant aspect of his judgement was in response to the application for an interlocutory injunction. Justice Fullagar decided that the Director of Native Affairs had not acted illegally in sending Waters to Haasts Bluff. He considered further that there had been neither an abuse of power, nor an absence of *bona fides* on the part of the Director. Fullagar argued that though the events of 12 February 1951 had been the immediate cause for Waters' removal, the plaintiff had for some time taken a "leading part" in disturbances around Darwin, and that "he had been incited thereto by officers of the union".<sup>169</sup> He argued that it was part of the Director's responsibility to not only consider the welfare of the individual but:

he may legitimately take into consideration a number of other factors in addition to the welfare of the particular aboriginal concerned, and that these include the welfare of other aboriginals and the general interests of the community in which the particular aboriginal dwells.<sup>170</sup>

Thus, he argued, in the matter of personal liberty, he did not consider that a *prima facie* case had been made:

The powers given by the Ordinance are extremely wide, but I consider it impossible on the material before me that the inference could be drawn that they were either misunderstood or abused.<sup>171</sup>

The High Court dismissed the case saying it had no jurisdiction.<sup>172</sup>

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<sup>165</sup> Fullagar considered that it was most unlikely that Waters had been consulted regarding the undertaking of legal proceedings, which, under the circumstances, was a reasonable assumption.

<sup>166</sup> *Waters v The Commonwealth of Australia and Others*, in CRS F1 51/704, AAD.

<sup>167</sup> Norris, *Rebuilding the NAWU*.

<sup>168</sup> *Waters v The Commonwealth of Australia*. I am grateful to Freya Dawson, Faculty of Law at the Northern Territory University, for her assistance in reading the judgement handed down by Fullagar.

<sup>169</sup> *Waters v The Commonwealth of Australia*.

<sup>170</sup> *Waters v The Commonwealth of Australia*.

<sup>171</sup> *Waters v The Commonwealth of Australia*.

<sup>172</sup> *Waters v The Commonwealth of Australia*. Had the unions decided to pursue an appeal before a full sitting of the High Court, particularly regarding the interpretation of S75, Fullagar's interpretation might have been reversed. There were good reasons, however, why this action was not pursued. In his summing up, Fullagar suggested that there was a strong case that Norris had perjured himself over the dates of Gibbs' application to take out a licence to employ Waters and suggested that the whole case put by the union had a

The most significant aspect of the judgement was Fullagar's decision not to grant an interim injunction on the grounds that Waters' personal liberty had not been abused. Constrained by the law, Fullagar argued for and upheld the sovereignty of the Aboriginals' Ordinance as a separate law for Aborigines. He made clear there were two quite separate sets of criteria against which individual liberty could be measured. What was patently clear was that unless Aborigines could be granted citizenship rights, then any reform or change remained completely at the whim of those administering the iniquitous Aboriginals' Ordinance. Of the governments' response to the strike action, Rowley later concluded:

The re-locating, as "trouble-makers", of potential leaders was to remain a strong weapon against the evolution of leadership, which under all the circumstances of institutionalisation ... could only emerge in protest against imposed authority.<sup>173</sup>

Meanwhile, the NAWU had harnessed the powerful union network to disseminate information about the treatment of Aborigines in the Territory. Unions passed in-principle motions of support for equal wages and citizenship rights for Aborigines at meetings across Australia and representations were made to government.<sup>174</sup> Norris attended rallies, meetings and informal gatherings furthering Waters' case.<sup>175</sup> Southern newspapers reported on the "appalling" living conditions of Territory Aborigines.<sup>176</sup> A feature article entitled "Outcaste in Our Desert Concentration Camps", was typical. It told the story of Fred Nadpur Waters, was accompanied by a large photograph of Albert Namatjira and called for full citizenship rights for Aborigines and the repeal of the Aboriginals' Ordinance.<sup>177</sup> The Northern Standard excelled:

Such inhuman acts bear comparison with the worst deeds of the Gestapo. But the Australian working class will answer Ming and Moy and their minions.<sup>178</sup>

Southern Aboriginal rights organisations immediately rallied to the cause. These were not the "ratbag communists" but respectable middle class people who had at their disposals funds, research skills and dedication.<sup>179</sup>

✓ The Minister was eventually required to direct that Waters be returned to Darwin with as little "fuss" and embarrassment to the administration as possible.<sup>180</sup> According to Norris and reported in the Standard, Waters acknowledged the role of the union in his release. "That fella Administrator never let me

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"false ring". Fullagar considered that the only conclusion to be drawn was that an attempt had been made to set up a fictitious contract of employment with a view to bringing the case within the exception section 16 of the Ordinance.

<sup>173</sup> Rowley, The Remote Aborigines, p.294.

<sup>174</sup> Representations made by Unions and Other Organizations and Persons Regarding Conditions for Aborigines, Darwin, CRS A431/1 50/3697 Parts A and B, AAC.

<sup>175</sup> For example see Address by Mr Murray Norris, President of NAWU, 12 February 1951, in Dr Barry Christophers Papers MS 7992 Box 9, National Library of Australia.

<sup>176</sup> For example see Argus, 9 March 1951.

<sup>177</sup> The Sunday Sun and Guardian, 18 February 1951, by Olaf Ruhén.

<sup>178</sup> Northern Standard, 16 February 1951.

<sup>179</sup> In Melbourne, Alan Marshall and Pastor Doug Nichols had pledged their support and established the Victorian Council for Aboriginal Rights. Joe McGinness and Norris both attribute the foundation of the Council for Aboriginal Rights in Victoria to the Fred Waters' case. McGinness, Son of Alyandabu, p.65. Norris, Rebuilding the NAWU.

<sup>180</sup> Telegram from Interior, 19 March 1951, CRS F1 51/704.

out, he put me in, Union got me out."<sup>181</sup> When asked by the press if he had promised the Administrator to be a good boy he replied, "I'm a man and I'll cause trouble till I die while my people want me".<sup>182</sup>

### Conclusion

When Justice Fullagar decreed that a *prima facie* case could not be made concerning any transgression of Fred Nadpur Waters' personal liberty, he confirmed that the Aborigines' Ordinance had precedence over all other legislation in the government of Aborigines. In the Northern Territory Aborigines would continue to be governed as a separate group defined by their racial origins. The High Court could offer Aborigines no protection against actions which could quite reasonably have been described as gross transgressions of personal liberty and of human rights. On the one hand the Australian settler community supported the Universal Declaration of Human Rights, and on the other, its government continued to support racist legislation and discriminatory practices. Federal agencies such as the High Court and the Conciliation and Arbitration Commission were bound to treat Aborigines as a separate group over whom they had no jurisdiction. The "Coloured" community, however, had found a pathway to liberation. Egalitarianism and the concept of universal citizenship were embraced readily for those in Australia who were assimilated and therefore governable. By highlighting their successful assimilation, the "Coloured" community made the case that they should be granted full citizenship rights without qualification. In making such a case they quite deliberately separated themselves from the "full blood" Aborigines. The "Coloured" community collected the prize for completing the long march, and joined the settler community in Darwin as equals.

The question of how to govern unassimilated Aborigines had thus far been resolved by resorting to a regime of separate regulations and segregation. This was, no doubt, exacerbated by the fact that since 1939, the concerns of the war and post-war reconstruction had preoccupied successive federal governments. Policy and practice had been, in most instances, *ad hoc*. The stability of the Liberal Country Party government during the next decade presented the opportunity for an invigorated approach to Aboriginal assimilation. Whether it could do so without discriminatory legislation was the task which confronted the government in the period after 1951.

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<sup>181</sup> Norris, Rebuilding the NAWU.

<sup>182</sup> Norris, Rebuilding the NAWU.

## CHAPTER FOUR.

### A GUARDIAN ON THE LONG MARCH.

"Our race relations problem in Australia is softened for us by the big disproportion in numbers between the two races. There is no uncertainty about who will swallow whom".<sup>1</sup>  
Paul Hasluck, 1952.

In 1951, Paul Hasluck was made Minister of the newly created Department of Territories. Since writing Black Australians in 1942,<sup>2</sup> Hasluck had worked for the Australian Department of External Affairs and with the Australian delegation to the United Nations and had been elected to the House of Representatives. Despite a maturing of his intellect, he adhered to the basic premises which directed the policy he advocated in Black Australians.<sup>3</sup> Part one of this chapter analyses Hasluck's ideological beliefs. In his capacity as Minister for the Territories for over a decade, he influenced both the process and path of change. Hasluck was personally committed to Aboriginal advancement and was devoted to liberal ideology, though both were tempered by pragmatism. Hasluck was a firm believer in the construction that only successfully assimilated individuals should be considered for citizenship. He rejected racism and sought to find a way to redefine the status of unassimilated Aborigines in the Australian community. Hasluck aimed to introduce new legislation and to reform the bureaucracy in order to confirm that Australia no longer regarded Aborigines as a racial problem. He believed this aim could be achieved by removing all references to race in policy and in legislation and instead, Aborigines would be governed as a social problem.

An analysis of the drafting and passage through parliament of the Welfare Ordinance, one of the two major legislative reforms initiated by Hasluck, the focus of part two, encapsulates the paradox inherent in the contemporary Aboriginalist discourse. The principles upon which the Universal Declaration of Human Rights was founded, were recognised by some Australians as matching their own aspirations. At the same time, the dual roles of citizenship and assimilation in supporting the nationalist monoculturalist hegemony were still in place. It was as if there was an epistemological vacuum into which recognition of cultural difference had been drawn. Hasluck could not finally grant full citizenship rights to unassimilated Aborigines, and instead constructed a relationship in which the state had the role of guardian, *in loco parentis*, to Aborigines as wards. The Welfare Ordinance (NT) 1953-1955, and its sister legislation, the Wards Employment Ordinance (NT) 1953-1958, enabled both the perpetuation and the enhancement of bureaucratic intervention in Aboriginal lives on the grounds that Aborigines were a social problem. The Register of Wards, which was drawn up in a census of all Aborigines in the Territory, was crucial in the effective implementation of bureaucratic custodianship. The Register attempted to assimilate Aboriginal identity by renaming every individual with a Christian name and surname.

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<sup>1</sup> Paul Hasluck,

<sup>2</sup> Hasluck, Black Australians.

<sup>3</sup> See this thesis, chapter one.

The Welfare Ordinance came under the scrutiny of the Supreme Court of the Northern Territory and the High Court of Australia shortly after its gazettal as part of the appeal process against Albert Namatjira's conviction for supplying alcohol to Aboriginal wards, an offence under the Licensing Ordinance. Both Courts made it clear that the special measures supposedly necessary to the effective government of Aborigines would not be judged by criteria based on human rights. The failure of both Courts to uphold the challenge to the Ordinance is described in part three of this chapter. During this period, there was popular and parliamentary opposition to the directions in which Hasluck guided his Ministry, which will be discussed in chapter seven of this thesis.

### *Hasluck's good society*

Paul Hasluck was elected as the Liberal Party member to the House of Representatives for Curtin, Western Australia, in 1949. He was the Minister for the Territories from 1951 until 1963.<sup>4</sup> Hasluck was a great publicist for the assimilation policy and his writings and speeches are an excellent resource for locating the principal constructions in the liberal assimilationist discourse of the period which are analysed in the following text. In Native Welfare in Australia: Speeches and Addresses<sup>5</sup> published in 1953, Hasluck outlines his interpretation of the role of citizenship in maintaining national hegemony, and of the way in which social policy ought to guide social change and assimilation for Aborigines. As the decade progressed, and the demands of his ministerial role increased, Hasluck less frequently spelled out his political philosophy in such detail, though neither did he retreat from the positions he took in this text. In the pamphlets publicising the activities of the Department of Territories published later in the decade, cited in the subsequent chapters of this thesis, Hasluck's voice can clearly be heard, though the tone is considerably less didactic than in Native Welfare in Australia. Not until 1988, in Shades of Darkness,<sup>6</sup> Hasluck's account of his ministerial role in the government of Aborigines, does he again describe in such detail the philosophical context in which his political beliefs were located.

In Shades of Darkness, Hasluck began by providing his definition of a society as being formed of people organised to live together, the organisation of which covered the laws, the institutions and the form of authority that gave them a continuing coherence.<sup>7</sup> Hasluck believed that a good society, which was by definition a democracy, depended on individuals perceiving no competing demands on their loyalty to the state. Class, race, gender or other identifying characteristics should be secondary or irrelevant and he rejected terms such as "community" or "cultural groups" in favour of "society".<sup>8</sup> Both "organisation" and "conformity" are, he argued, characteristics of society and a crucial prerequisite of a good society is the compatibility of its members.<sup>9</sup> A society in which any group is treated as inferior or is discriminated against

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<sup>4</sup> Entry "Right Honourable Sir Paul Meena Caedwalla Hasluck", Who's Who in Australia, xxvith edition 1991, p.557.

<sup>5</sup> Paul Hasluck, Native Welfare in Australia: Speeches and Addresses, Paterson Brokensha, Perth, 1953.

<sup>6</sup> Hasluck, Shades of Darkness.

<sup>7</sup> Hasluck, Shades of Darkness, p.2.

<sup>8</sup> Hasluck, Shades of Darkness, p.2.

<sup>9</sup> Hasluck, Shades of Darkness, p.2.

will inevitably lead to a sense of injustice and that "worm of discontent" will lead either to revolt or separatism.<sup>10</sup> Hasluck argued that social problems arose when people who differed in their social habits, motives or standards were living together in one society.<sup>11</sup> Society therefore limited threats to its cohesion by controlling its membership and one way this could be achieved was by regulating eligibility for citizenship. A society organised as a nation state would be in peril of falling prey to the debilitating effects of divisive and conflicting minority groups unless that state could exercise the right to control citizenship, that is, membership of the society.

Social policy, Hasluck argued, was shaped by decisions concerning the way in which people live together in society, the relationships between the members of society, their behaviour towards one another, the benefits they receive and the services they render, and the *adjustments* that have to be made so that they can live agreeably together.<sup>12</sup>

Mutual advantage and mutual restraint - both self-restraint and compliance with the law - go hand in hand.<sup>13</sup>

Social policy should always have a better society as its goal and as such its mandate ought to be to provide steps that would assist the disadvantaged or the underprivileged to a position where they were capable of taking their rightful place "alongside all other members of society and sharing for mutual benefit in all that a society gives to and demands from its members".<sup>14</sup> A cohesive social policy would ensure there was a minimum of groups which could assert separate identities. Social policy defined both obligation and benefit.

Within this context, Hasluck sought to chart a future of Aborigines which would not threaten the health of Australia's good society and would at the same time potentially transform (assimilate) Aborigines. He constructed a dichotomy in which segregation or assimilation became the choices. Hasluck favoured assimilation, but to understand how he arrived at that position, it is necessary to understand his rejection of segregation. Firstly, as a young man, Hasluck rejected biological determinism in favour of egalitarianism and, therefore, to categorise and define individual potential by race was an anathema to him. It did not follow that everyone was necessarily equal at any point in time, but rather that each person had the potential and ought to be given the opportunity to achieve equality, at least before the law. Segregation based on race represented to Hasluck the worst aspects of the previous protectionist policies, the consequences of which he had seen in his travels in Western Australia in the 1930s.<sup>15</sup> He argued that the period of protection was stigmatised by considerable neglect and while on occasion "compassion and kindness" may have prevailed, they offered no other future to the Aborigine than that he be the "dumb object of pity until he died".<sup>16</sup> At the 1951 Native Welfare Conference, Hasluck characterised the past policies of protection.

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<sup>10</sup> Hasluck, *Shades of Darkness*, p.3.

<sup>11</sup> Hasluck, *Shades of Darkness*, p.2.

<sup>12</sup> Hasluck, *Shades of Darkness*, p.2.

<sup>13</sup> Hasluck, *Shades of Darkness*, pp.2-3.

<sup>14</sup> Hasluck, *Shades of Darkness*, p.3.

<sup>15</sup> For an account of this period in Hasluck's life, see Paul Hasluck, *Mucking About: An Autobiography*, Melbourne University Press, Carlton, 1977.

<sup>16</sup> Hasluck, "The Native Welfare Conference, 1951", in Hasluck, *Native Welfare in Australia*, pp.17-18.



... the attitudes of white Australians were shaped chiefly by the fact that the primitive aboriginal and the detribalised aboriginal, who had learnt only a smattering of European ways, did not follow the same habits of life as the rest of the community, were not restrained by the same beliefs and customs as the white people but had beliefs and customs of their own, and could not look after themselves and earn their own living in the normal way. Therefore, the white people took measures to protect the native people from injury and to supply their wants but did both on a lower scale than would have been thought fitting for the rest of the community.<sup>17</sup>

Secondly, Hasluck rejected the possibility of a segregated vigorous cultural minority because he perceived an inherent racism in such a concept.<sup>18</sup> Hasluck also believed that to have segregated groups within a society bode ill for that society. To promote Aborigines as a separate group within Australia was a threat to social cohesion.

We do not want a submerged caste or any social pariahs in our community but want an homogenous society.<sup>19</sup>

A policy of segregation would result in the very situation in Australia which "we have tried to avoid... the existence of a separate racial group living on its own".<sup>20</sup> Finally, he did not believe that segregation could offer a future to individual Aborigines. Those natives "who are losing their grip on their tribal life or who have lost it altogether" would be left materially and spiritually disadvantaged by segregation.<sup>21</sup> For those "at a lower level" segregation might offer temporary relief, but even that was doubtful. No apology, he argued, should be made for promoting the benefits of civilisation above all other possibilities. The only future for Aborigines could be along the pathway to civilised ways of life.

We know that culture is not static but that it either changes or dies.<sup>22</sup>

Hasluck was equally dismissive of any assertion of a separate Aboriginal identity as he was of racism, regarding both as potentially divisive and likely to result in segregation and a threat to society.<sup>23</sup> In his address to the Australian and New Zealand Association for the Advancement of Science (ANZAAS) Conference in 1952, Hasluck acknowledged that many of the "better-educated aborigines of the southern cities", who were now at the stage of being initiators in their own futures, asserted their "colour consciousness" by claiming the right to "separate recognition".<sup>24</sup> Their demands for their own Aboriginal member of Parliament, or a separate Christian church, Hasluck interpreted as their way of stirring up pride in their race. Hasluck argued that if such a view was allowed to take hold it would create yet another "impediment" to solving the problem of human relationships between black and white.<sup>25</sup> Integral to Hasluck's assimilation/segregation dichotomy was his belief that once Aborigines had made contact with the

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<sup>17</sup> Hasluck, "The Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, p.14.

<sup>18</sup> See this thesis, chapter one.

<sup>19</sup> Hasluck, "From protection to welfare, 1952", in Hasluck, Native Welfare in Australia, p.35.

<sup>20</sup> Hasluck, "The Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, pp.17-18.

<sup>21</sup> Hasluck, "The Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, pp.17-18.

<sup>22</sup> Hasluck, "The Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, pp.17-18.

<sup>23</sup> Speech to House of Representative Estimates Committee, October 1955, in CRS A452 1956/735 Part 2, AAC. Later he claimed to deplore the growth of race consciousness.

<sup>24</sup> Hasluck, "The future of the Australian Aborigines", presidential address delivered to ANZAAS Conference at Sydney, 22 August 1952, in Hasluck, Native Welfare in Australia, p.54.

<sup>25</sup> Hasluck, "The future of the Australian Aborigines", in Hasluck, Native Welfare in Australia, p.54.

settler community, they could not turn back to their "primitive bush life", as if there had occurred in the act of contact a final loss of innocence and hence right to identity.<sup>26</sup>

To Hasluck, segregation implied that the primary affiliation of the individual would be to his own group, whereas assimilation aimed to promote the primacy of the relationship between the individual (Aborigine) and the state. Instead of imagining that the Aboriginal problem derived from the fact that Aborigines were a separate racial group, individuals who were experiencing difficulties in fully participating in settler society would be regarded as a social problem waiting for a solution - a solution which might be imminent or generations away. Time was irrelevant. Social policy may come to a dead end but "social change has no terminus".<sup>27</sup> Social policy would then ensure that individual Aborigines conformed to the essential characteristics of non-Aboriginal Australia and would gain access to benefits and services such as health, housing and education. Unlike segregation, Hasluck argued, assimilation represented the future not only for Aboriginal Australia, but for Australia as a nation. His definition of the meaning of assimilation is, I argued in my Introduction, the orthodoxy for the assimilation era.

The policy of assimilation means that all Aborigines and part-Aborigines will attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, as other Australians.<sup>28</sup>

In support of assimilation, Hasluck argued it was, in any case, inevitable. In Australia, relative population numbers meant that Aborigines would always be in a decreasing minority and hence there could be no doubt about who would swallow whom. More importantly, Hasluck believed, that he was opening a world of opportunity to individual Aborigines.<sup>29</sup>

It gives to the aboriginal and the persons of mixed blood a chance to shape his own life. If he succeeds, it places no limit on his success but opens the door fully. Segregation of any kind opens the door into a peculiar and separate world for coloured people only.<sup>30</sup>

A policy of assimilation offered hope to the individual and ensured the good health of the society. Hasluck routinely referred to the position of Aborigines in Australia as a "social evil". He believed both the Australian settler community and the Aborigines, that is, the nation, were diminished by the inferior treatment of Aborigines.<sup>31</sup>

Hasluck believed that in promoting assimilation he had arrived at an exclusively Australian solution to the Aboriginal "problem". In the Cold War discourse of the 1950s, this was a significant claim. During an address to the House of Representatives in 1951, Hasluck demonstrated the government's sensitivity to criticism of its treatment of Aborigines from outside Australia, particularly when expressed through the

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<sup>26</sup> Hasluck, "A national problem", 1950, in Hasluck, Native Welfare In Australia, pp.5-6.

<sup>27</sup> Hasluck, "The future of the Australian Aborigines", in Hasluck, Native Welfare in Australia, p.49.

<sup>28</sup> Commonwealth Parliamentary Papers, vol.iii, 1962-1963.

<sup>29</sup> Hasluck made numerous references to this proposition. For a thorough exposition see his speech on the Estimates Debate, House of Representatives, 2 October 1955, CRS A452 1956/735 Part 2, AAC.

<sup>30</sup> Hasluck, "Report on the Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, p.18.

<sup>31</sup> For example see Hasluck, "A national problem", in Hasluck, Native Welfare in Australia.

United Nations as part of the struggle to end colonialism. He rejected any suggestion that the foundations for the new directions in native welfare were a consequence of anything but the fundamental principles of equality and justice Australians held so dear.

Some persons who advocate the cause of the natives will quote any source except an Australian source when they tell us about human rights. We do not have to learn these things in a strange accent... In placing before the House, proposals for the advancement of native welfare, I base my case on the long-familiar British and Australian precepts and examples of kindness to the suffering, help for the weak and respect for the worth and dignity of the human person, offering an Australian view that was shaped in this land of freedom.<sup>32</sup>

He identified two fundamental Australian principles. The first was "equality of opportunity". Every Australian shared a belief in a "fair go" for all. Each person should be able to lead the most useful life suited to his capacity and that such opportunity should be open to all who dwell within our borders. The second basic principle was a belief in Australia as a classless society in which *men* succeeded on their merit. Therefore,

coloured people who live in Australia should not be regarded as a class but as part of the general community *whenever and as soon as their advancement in civilization permits them to take their place on satisfactory terms as members of that community.*<sup>33</sup> (my emphasis)

These two tenets ensured the well-being of the Australian community for they gave all Australians the chance for a "happy and useful life," and because Australians wanted to build a society "in which there shall be no minorities or special classes", Australian society would not be complete until it had incorporated and assimilated the Aboriginal people.<sup>34</sup>

Hasluck cautioned that those who chose to divide the process of assimilation, or tried to reduce it to concepts such as "economic assimilation", were in danger of selling short civilisation itself. He raised the matter during a discussion over the future education of Aboriginal children.

In our efforts in the Northern Territory we surely have to aim at advancement to what is highest and best in Australian life. We want to give the primitive and under-privileged child something more than an occupation and a few possessions. We cannot argue that his economic advancement in itself sufficient for assimilation and we have no grounds for confidence that if we advance him that far he will be set fair to attain everything else that civilization has to offer.<sup>35</sup>

While Hasluck played no part in the devising the New Deal of 1939, his interpretation and definition of assimilation was critical in the government of Aborigines from 1951 to 1963. It is certainly true that the most frequent characterisation of assimilation policy in that period and in later years as meaning simply that Aborigines should become "just like us" is justified. Neither the policy nor the practice of assimilation, however, is illuminated unless the assimilationist discourse is also understood. Assimilation, as

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<sup>32</sup> Hasluck, "Report on the Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, p.15.

<sup>33</sup> Hasluck, "Report on the Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, p.15.

<sup>34</sup> Hasluck, "Report on the Native Welfare Conference, 1951", in Hasluck, Native Welfare in Australia, p.15.

<sup>35</sup> Hasluck to Secretary, Accommodation of State Children and Others in the Northern Territory, 7 January 1957, folios 175-181, CRS A452/1 57/761, AAC.

defined by Hasluck, was a complex and detailed philosophical position which challenged the legitimacy of the popular, contemporary aspirations of universal citizenship and human rights in favour of a highly regulated process of social change which had as its cornerstone the maintenance of the good society. It was the role of assimilation, as a process of social change, in preserving the good society which is critical in coming to terms with the assimilationist discourse. Those who advocated that full civil rights should be immediately granted to all Aborigines, advanced the rights of the individual over the common good, which, from Hasluck's point of view, was a short-sighted if not a perilous proposal. Hasluck imagined that individual Aborigines would undergo a process of transformation/assimilation to the point where apart from their "dusky colour" they would be indistinguishable from settler Australians and would live as citizens. Some individuals were simply awaiting the opportunity to be fully incorporated into settler society. For others, who belonged to groups who had thus far only limited contact with civilisation, assimilation and citizenship could not reasonably be expected in their lifetime. In such communities, successful assimilation of members might well be generations away. Only after individual Aborigines were successfully assimilated could they expect to enjoy the mutual benefits and obligations of citizenship. As Minister for the Territories, Hasluck advised and devised policy based on the premise that a nexus ought to exist between the successful assimilation of each individual and access to citizenship in order to protect and promote the good society.

There can be no doubt that Hasluck was committed, both morally and philosophically, to the advancement of Aborigines and to their ultimate incorporation into settler Australia. Hasluck was a deeply moral and highly principled man who found racism abhorrent. His parents had belonged to the Salvation Army and it seems reasonable, firstly, to assume that his sense of social justice was honed in an environment in which care and compassion for the poor and disadvantaged were the responsibility of all Christians and, secondly, to speculate that Hasluck's determination to offer more than amelioration in any act of intervention in the lives of the disadvantaged may equally derive from these childhood experiences in which he witnessed both deprivation and good works at first hand. Hasluck's biographer, Porter, concludes that Hasluck's upbringing instilled within him a strong sense of duty and a view that one's life should contribute to the good of society. Porter argues this sense of duty was associated with a belief in social justice and fairness, and was more a product of Hasluck's practical experience than it was influenced by theoretical or ideological tenets.<sup>36</sup> I think what Porter means when he asserts that Hasluck was not attracted by theoretical beliefs of either a philosophical or a political kind was that Hasluck was not attracted by either socialism or communism, both theoretical positions which attracted individuals who were concerned about social justice in this period. Nevertheless, Hasluck's political philosophy derived from a highly developed and theoretical standpoint about the role and government, social policy and social change.

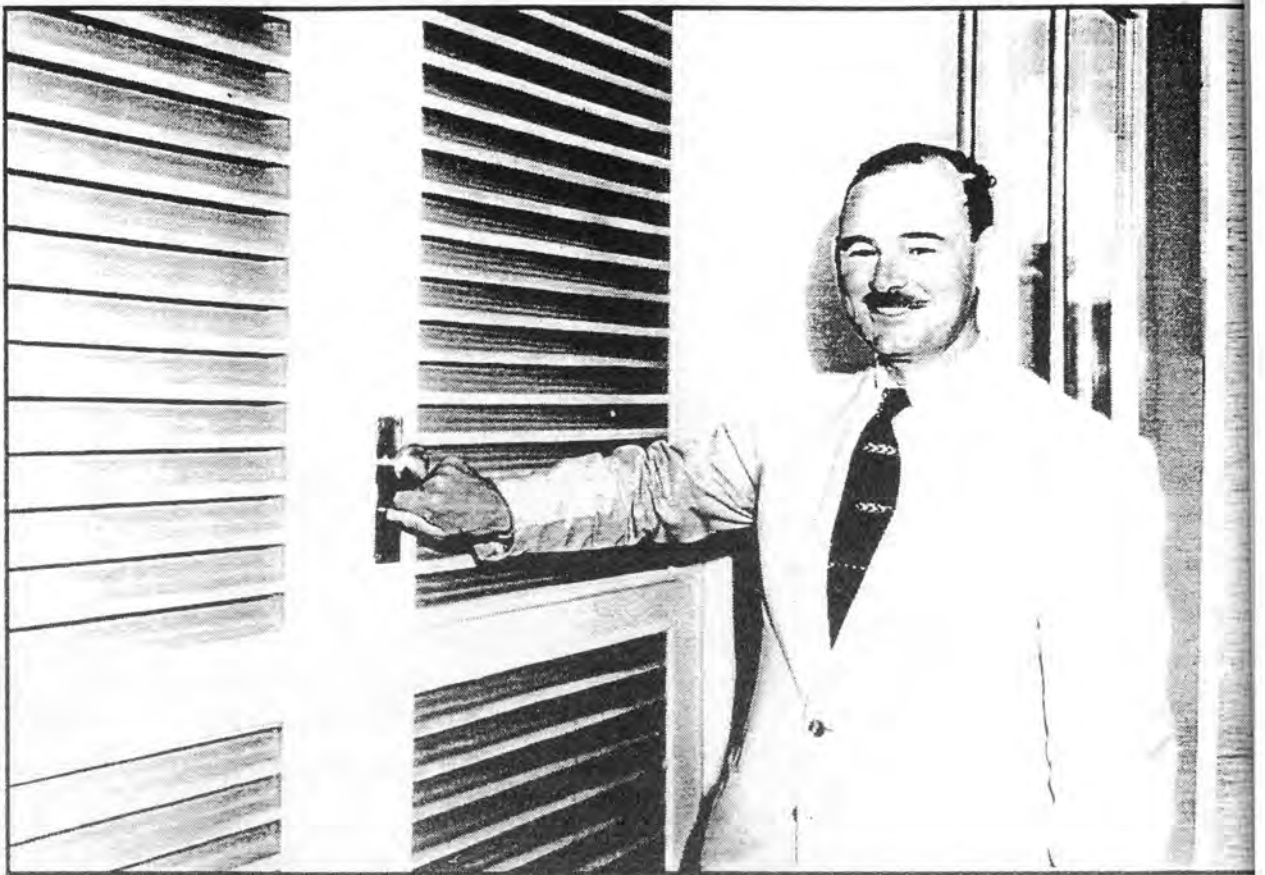
There was an element of religious zeal in Hasluck's ability and determination to sustain a long term vision of the best possible world in the face of temptations to acquiesce to the more immediate gratification of short term goals, also, a legacy of his rigorous religious upbringing. Like the road to Salvation, the long

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<sup>36</sup> Robert Porter, Paul Hasluck: A Political Biography, University of Western Australia Press, Nedlands, 1993, pp.14-15.



Photograph 4. Hasluck on tour in the Northern Territory, probably 1958.  
Giese Collection. PH351/67, State Library of the Northern Territory.



Photograph 5. Paul Hasluck during a visit to the Northern Territory, (no date).  
Giese Collection. PH120/124, State Library of the Northern Territory.

march would be arduous. Progress on such a journey could not be hurried, forced or imposed and while help for the traveller would always be available, like salvation, successful assimilation was necessarily the consequence of personal commitment and an act of faith. The potential for spiritual and material salvation (assimilation) resided within each individual.

*For those in need of special care.*

As the Minister for the Territories, Hasluck was responsible for finding a way of reconciling his strong views about how social policy and social change should support the maintenance of a good society, with the demands of the practice of government. A brief explanation of the way the Northern Territory was governed in this period and an outline of the revised bureaucracy will provide a context for the analysis of how such a reconciliation was effected, if at all. In 1951, the administration of Australian Territories was changed from the Department of External Territories, to the Department of Territories, of which Hasluck was appointed the first Minister.<sup>37</sup> In governing the Northern Territory, the Minister for Territories was responsible firstly for the formulation of policy and the allocation of appropriate resources to implement measures for the social and economic development of the Territory. Hasluck's contribution to this aspect of his ministry is discussed in chapter six of this thesis. Secondly, he was responsible for the constitutional development of the Northern Territory and, finally, he was charged with formulating and implementing Commonwealth policy on matters relating to Aborigines.<sup>38</sup>

Prior to Hasluck taking office, and to the Liberal-Country Party victory of 1949, a Northern Territory Legislative Council (NTLC) had been constituted in 1947. It consisted of the Administrator as President, seven official members who were appointed by the federal government and who were senior public servants and normally the departmental heads of the various federal government departments, and six elected members. Until 1959, the official members were in the majority and the federal government held the power of veto. In particular, any ordinances concerning Aboriginal matters were the exclusive preserve of the Minister. Because the Northern Territory electorate comprised so few voters, the Northern Territory member of the House of Representatives did not have voting rights at this time, and there was no representative in the Senate.<sup>39</sup> The usual procedure for initiating legislation for the NTLC was that the Minister of a particular federal department would issue instructions to the relevant head of department in the Northern Territory to draft a bill. The draft would need the approval of the relevant minister before it could proceed to the NTLC, where usually it would be introduced by the departmental head in his capacity as an official member of the NTLC. Most often the bill would be passed as the official members were unlikely to vote against the directions of their federal ministers.

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<sup>37</sup> The organisation and functions of the Department of Territories are described in Tatz, *Aboriginal administration in the Northern Territory*, pp.31-33.

<sup>38</sup> Porter, *Paul Hasluck*, pp.169-170.

<sup>39</sup> For a detailed account of the way in which the Northern Territory was governed in this period see, Alastair Heatley, *Almost Australians: The Politics of Northern Territory Self-government*, Australian National University North Australia Research Unit Monograph, Darwin, 1990, pp.1-29.

Based on the status and position of the official members, and their ability to dominate the business of the NTLC, some Northern Territorians claimed they were governed by bureaucratic dictatorship.<sup>40</sup> Writing in 1964, political scientist Hughes argued that the bureaucratic dictatorship resided in the use of the official majority in the NTLC to 1960; the veto of the Commonwealth Government before and since that date to override the votes of the elected members; the wide powers possessed by officers of the Northern Territory Administration and Commonwealth Departments operating in the Northern Territory and their alleged insensitivity to public opinion.<sup>41</sup> During Hasluck's period as minister the NTLC elected members and supporters undertook a long-term and concerted campaign to increase their participation in government and decision-making. While Hasluck oversaw quite significant constitutional developments in the Northern Territory, he steadfastly maintained the view that until the Territory was capable of at least some degree of economic independence which could sustain a growing population, there could be no justification for an increase in self-government. Mirroring the process he advocated for Aboriginal advancement based on gradualism,<sup>42</sup> Hasluck imagined the Territory's political advancement progressing through a series of stages, one of the first and most important being the establishment of local government. In this way Territorians would be provided with practical political experience, and when they had demonstrated their facility at this level of government, they would then be ready to make a transition to the next level involving greater responsibility and autonomy. This process would run parallel with on-going economic and social development.<sup>43</sup> During Hasluck's period as minister, much of the relationship between the NTLC elected members and their supporters, and Hasluck was defined by the issue of the Territory's constitutional development and it provides at least part of the context in which the development of legislation for the government of Aborigines should be located.

Almost immediately Hasluck took office as Minister for Territories, he called for a conference of all the ministers of native affairs. Significantly, neither Elkin nor any representative of the anthropologists or other non-government agencies was invited. Not surprisingly, Elkin disapproved of such action, firstly, because of the high attrition rate of ministers and, secondly, because Hasluck's actions had excluded him. He subsequently wrote to Hasluck noting that such a meeting may be logical democracy but would ultimately be unhelpful.<sup>44</sup> For Hasluck, however, this conference in Canberra was the culmination of his endeavour, both private and official, to approach the problem of "the natives as a social problem" and to give clearer recognition to "the claims of the aboriginal as an individual".<sup>45</sup> The Conference statement issued on Aboriginal citizenship reiterated that assimilation was the objective of all native welfare so that all persons

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<sup>40</sup> For discussion of the role of the official members see Porter, Paul Hasluck, pp.176-177.

<sup>41</sup> Colin A Hughes, "The marriage of Mick and Gladys: A discretion without appeal", in B.B. Schaffer and D.C. Corbett, Decisions, Case Studies in Australian Administration, Cheshire in association with the Australian Regional Groups of Royal Institute of Public Administration, Melbourne, 1965, p.302.

<sup>42</sup> Hasluck, Shades of Darkness, chapter nine. See also this thesis, chapter six, part one for discussion of gradualism and social change.

<sup>43</sup> Porter, Paul Hasluck, pp.175-176.

<sup>44</sup> Tigger Wise, The Self-made Anthropologist, p.228.

<sup>45</sup> Hasluck, "The Native Welfare Conference, 1951", in Hasluck, Native Welfare In Australia, pp.13-19.



born in Australia could enjoy full citizenship rights.<sup>46</sup> The Conference considered there were many Aborigines and "Part-Aborigines" ready to assume citizenship rights immediately, and legislation would be proposed to facilitate that action.<sup>47</sup> At the same time, especially in the North, there were those who for many years to come:

would require the benefits of *special legislation* in order that their own interests may be safeguarded and in order that their advancement to civilization may be assisted.<sup>48</sup> (my italics)

Hasluck headed off suggestions that race would be a determinant in identifying those who would come under the ambit of such special legislation.

The more correct statement of our view is that those persons to whom special legislation applies are wards of the State who, for the time being, stand in need of guardianship.<sup>49</sup>

Once individuals ceased to be in need of tutelage and guardianship they would cease to be wards.

Immediately after the 1951 Native Welfare Conference, Hasluck set about the task of directing the NAB in Darwin to put into practice these revised policy directions. In the following year, however, Hasluck found that the NAB did not necessarily share his vision. He claimed the NAB was initially uncooperative and finally hostile to his proposed reforms. More damning, however, was his accusation of the Branch's gross inefficiency and ineptitude.<sup>50</sup> He subsequently issued instructions to the NTA to draft plans to establish an administrative structure to replace the NAB which would incorporate the welfare needs of all the Northern Territory community not served already by federal departments, but which would include a special authority to oversee the particular needs of the Aboriginal community. In its report to the Minister in April 1952, the Committee recommended in accordance with the Minister's directions, that the administration of Native Affairs should henceforth be the responsibility of a Welfare Branch. The activities of the new Directorate would embrace all sections of the community requiring special care and assistance including those people now subject to the Aborigines Ordinance (with the exception of "Halfcastes"). The Committee recommended that some form of "Native Authority" must remain to care directly for the "full-blood" population. These proposed administrative changes, however, could not be implemented until the new legislation governing Aborigines had been drafted.

One of the Minister's first actions following the Conference was to instruct the Territory Administrator to establish an inter-departmental committee to put into effect the recommendations of the September 1951 Conference for a new legislative mechanism to govern Aborigines in the Northern

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<sup>46</sup> Commonwealth and States Conference on Native Welfare, Canberra 3-4 September 1951. For report of the conference made to House of Representatives, see Hasluck, "The Native Welfare Conference, 1951", in Hasluck, *Native Welfare In Australia*, pp.13-19.

<sup>47</sup> For discussion of the 1951 Conference, see Rowley, *Outcasts in White Society*, pp.391-93, in which he summarises the complexity of addressing the issue of citizenship rights nationally because of the plethora of differing state and territory legislation. See also, Long, *The Go-Betweens*, pp.94-97.

<sup>48</sup> Commonwealth and States Conference on Native Welfare, Canberra 3-4 September 1951, in CRS F1 51/1133, AAD.

<sup>49</sup> Commonwealth and States Conference on Native Welfare, Canberra 3-4 September 1951, in CRS F1 51/1133, AAD.

<sup>50</sup> Hasluck, *Shades of Darkness*, p.81. See also, part two, chapter three, this thesis.

Territory.<sup>51</sup> The Inter-departmental Committee met in December, but made little progress, claiming to have found Hasluck's instructions concerning the drafting of new legislation to replace the *Aboriginals' Ordinance* vague and difficult to interpret. In reply to Administrator Leydin's request for some clarification, the Minister suggested that the Committee was to work not on the assumption that *Aborigines* were equal, but rather that they had the potential to be equal.<sup>52</sup> By June, however, the Inter-departmental Committee had made little progress and the Minister suggested this time that instead of continuing to grapple with definitions of race and grounds for exemption, a process which was so obviously fraught, the Committee should get away from both and give consideration to repealing the *Aboriginals' Ordinance* and replacing it with one comprehensive welfare ordinance. Those whom it could be shown were unable to manage their own affairs, regardless of colour, could be brought under the protective care of special legislation by declaration apropos of a welfare ordinance.<sup>53</sup> Hasluck considered that the "political advantages of this, having regard to the Government's declared policy would be apparent" and he wanted to announce the policy changes in August 1952.<sup>54</sup> This system would be "analogous to the kind of action customary under the laws in respect of neglected children, the feeble-minded, or other persons who need special care".<sup>55</sup> This was not the last occasion on which Hasluck would draw the analogy between the status of adult *Aborigines* and that of children or the feeble minded.

Subsequent ministerial instructions were that the new legislation would be drafted without using the term "*Aborigine*" or "*Aboriginal*". The Darwin Committee was antagonistic to the proposition that such legislation could be drafted both on principle and because of practical drafting difficulties.<sup>56</sup> The members found the Minister's directions offered little in the way of practical assistance as to how the declarations of wards might be made.

My idea is that the original declarations under the new Ordinance should be both in respect of groups and of individuals. In effect you declare those few hundreds who are still nomadic and not in touch with missions or settlements by designating their tribes and their country; you declare that greater number who are in fact at present receiving special care and assistance by designating the mission or settlement where they are receiving it; and you declare those who are under permits for employment or who are in station camps. My anxiety is not that we may not have a complete list but that the declarations should be complete enough to ensure that those who actually need the protection of the Ordinance will in fact receive it. I would not mind much if we missed out a few hundreds and ignored quite a lot of the mixed blood people, so long as we could be sure that our protection and care were given where actually needed... In other words, we allow the undeclared natives to sort themselves out into those who need special care and those who do not. Particularly

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<sup>51</sup> The first conference of local officials in Darwin was held December 1951. See The Inter-Departmental Committee on Matters Affecting Native Welfare in the Northern Territory, CRS F1 51/1133, AAD. The Committee included Leydin, the Administrator; Dr. Watsford, Department of Health; Moy, Director of Native Affairs; Newby, McCaffery, Vidgen, and Dodd. The Committee's first recommendations were submitted to Hasluck April 1952, CRS F1 51/1133, AAD.

<sup>52</sup> Memorandum, Hasluck to Leydin, 2 January 1952, CRS F1 51/1133, AAD.

<sup>53</sup> Memorandum, Lambert to Administrator, Native Welfare, 5 June 1952, CRS F1 51/1133, AAD.

<sup>54</sup> Memorandum, Lambert to Administrator, Native Welfare, 5 June 1952, CRS F1 51/1133, AAD.

<sup>55</sup> Memorandum, Hasluck to Administrator, 28 July 1952, CRS F1 51/1133, AAD.

<sup>56</sup> Memorandum, Moy to Administrator, Native Welfare, 20 June 1952, CRS F1 51/1133, AAD. Specific difficulties which Hasluck's proposals presented included the need for a thorough review of all legislation which used the term "*Aborigine*" or "*Aboriginal*", such as the Social Services Consolidation Act, the Electoral Act, the Methylated Spirits Ordinance and the Registration of Dogs' Ordinance.

in the case of the mixed blood people I think there is virtue in ignoring them, in a benevolent way, unless they draw attention to themselves by their own unsatisfactory life.<sup>57</sup>

Ironically, even while attempting to individualise the relationship between Aborigine and state, Hasluck acknowledged and used an Aboriginal collective identity. Hasluck also wanted to keep the right to declare Aborigines who, having been granted their freedom, had strayed. He contended that in his experience even the "most promising native has a relapse into primitive ways and it is necessary to bring him under guardianship again".<sup>58</sup>

Despite the apparent difficulties drafting the bill and defining the status of unassimilated Aborigines, Hasluck formally announced the revised policy for Northern Territory Aborigines in August 1952. He argued again that existing policy and legislation which were based on the attempt to define "aboriginal", had finally become difficult, unsatisfactory and offensive because both were based on the premise that Aborigines were a racial rather than a social problem. The new legislation would be founded on the principle that all Aborigines were citizens until such times as it could be proved that a given individual was unable to meet the obligations of that right and was thus in need of special care and assistance. Under the existing system the way to citizenship was open to those eligible for exemption but that path was "hedged by conditions which some coloured Australians find irksome and offensive" and sometimes created needless difficulties and anomalies.<sup>59</sup> Under the new system, no person would be brought under regulations on the basis of colour "or a fraction of colour, or any other racial or genealogical reason", but rather on the basis of special needs.<sup>60</sup> Those "coloured Australians" capable of managing their own affairs would be autonomically citizens with full citizenship rights. The individual in need of special care and who would require "guardianship and tutelage" would be declared a *ward* of the state just as any citizen such as a "neglected child" might be.<sup>61</sup>

The task for the Darwin Committee was to determine what set of descriptors could be used to remove citizenship from an adult individual based on his/her manner of living, and then accord him/her the status to which the only satisfactory analogy seemed to be to that of a neglected child? At that time, the only adults who were ever declared wards of the state and placed under the care of a guardian were usually feeble minded or mentally defective, and this action could only be taken after a court order. Otherwise the practice was reserved for children. For the Inter-departmental Committee, Section 14 of the new draft bill became the most troublesome, for it was here that the grounds upon which the administrator could declare someone a ward of the state would be set down. In the draft submitted in October of 1952, entitled the Native Welfare Ordinance, the conditions set out in Section 14 made clear that only Aboriginal and "Part-Aboriginal" persons could be declared wards. The Minister, however, insisted that the words "Aboriginal"

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<sup>57</sup> Memorandum, Hasluck to Administrator, 28 July 1952, CRS F1 51/1133, AAD.

<sup>58</sup> Memorandum, Hasluck to Administrator, 28 July 1952, CRS F1 55/1133, AAD.

<sup>59</sup> Statement by the Minister for Territories, Hasluck, in Northern Standard, 8 August 1952.

<sup>60</sup> Statement by the Minister for Territories, Hasluck, in Northern Standard, 8 August 1952.

<sup>61</sup> Statement by the Minister for Territories, Hasluck, in Northern Standard, 8 August 1952.

and "part-Aboriginal" must be deleted altogether from Section 14 and from the title of the Ordinance,<sup>62</sup> in keeping with the policy announced in August of that year which had indicated quite clearly that individuals would be declared wards on the basis of their inability to manage their own affairs, and not on the basis of race. He gave instructions that Section 14 should contain a precise definition of the "mode of living of the declared person, his capacity to manage his own affairs, the nature of the persons with whom he customarily associates and his own need for special care and assistance".<sup>63</sup> This would provide the exclusive criteria by which a person could be declared a ward.<sup>64</sup> At the same time, after reviewing the draft bill of the proposed new legislation from the NTA, Hasluck decided that it would be preferable to have the conditions of employment for Aborigines covered under a separate ordinance, and suggested the Committee might look at this possibility.

Employment should be given the wide meaning of any gainful occupation and should allow room for other activities besides wage-earning.<sup>65</sup>

The Wards Employment Bill was drafted to comply with these new instructions.<sup>66</sup>

In November 1952, the Acting Government Secretary received a memo from the newly appointed Administrator, Wise,<sup>67</sup> who had been briefed by the Inter-departmental Committee<sup>68</sup> about its ongoing difficulties in interpreting the Minister's intentions for the Ordinance.<sup>69</sup> The Darwin Committee members claimed they were finally unable to clarify whether it was the Minister's intention that legislation should be drafted to deal genuinely with the welfare of all the Northern Territory community or the Aboriginal community exclusively, and with transparent frustration, the Committee begged for clearer directions from the Minister's Department.<sup>70</sup> The Committee argued, firstly, if the intention of the ordinance was to indicate Aborigines without reference to their race by a recitation of details such as lifestyle, manner of living, associations, etc., then for the legislation to work, the definition of lifestyle would be so precise as to legally distinguish Aborigines as a class anyhow. If the ordinance was intended to cover all members of the community, irrespective of race, this failed to accommodate the fact that Aborigines had special needs. The terms of the proposed employment ordinance would, for example, not be appropriate for European wards.

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<sup>62</sup> For Hasluck's review of this draft see memorandum, Minister to Secretary, Native Welfare Ordinance, 23 October 1952, CRS F1 52/1160, AAD.

<sup>63</sup> Minister quoted in memorandum, Administrator Wise to Acting Government Secretary, Native Welfare Ordinance, 7 November 1952, CRS F1 52/1160, AAD.

<sup>64</sup> Minister quoted in memorandum, Administrator Wise to Acting Government Secretary, Native Welfare Ordinance, 7 November 1952, CRS F1 52/1160, AAD.

<sup>65</sup> Memorandum, Minister to Secretary, Native Welfare Ordinance, 23 October 1952, CRS F1 52/1160, AAD.

<sup>66</sup> For description and analysis of the Wards Employment Ordinance see Rowley, *The Remote Aborigines*, pp.297-307.

<sup>67</sup> Frank Wise was appointed as Administrator in mid-1951, replacing Driver whose term of office concluded in June 1951. Wise, a former Labor Premier from Western Australia, was Hasluck's choice for the appointment. See Barbara James and Rhonda Jolly, Frank Joseph Scott Wise, in Carment and James, *Northern Territory Dictionary of Biography*, p.234.

<sup>68</sup> See Moy to Administrator, Native Welfare Ordinance, Minister's comments, 3 November 1952, CRS F1 52/1160, AAD.

<sup>69</sup> Wise to Acting Government Secretary, Native Welfare Ordinance, 7 November 1952, CRS F1 52/1160, AAD.

<sup>70</sup> Wise to Acting Government Secretary, Native Welfare Ordinance, 7 November 1952, CRS F1 52/1160, AAD.

The Criminal Law Consolidation Act in which tribal law and custom were given due consideration would be inappropriate. Perhaps, Wise suggested, it was the Minister's intention to make the Ordinance applicable to anyone, but by administrative directive to restrict its use to Aborigines.<sup>71</sup>

Wise cited the case of the artist Ian Fairweather to indicate the difficulty in legally establishing a situation in which anyone could be declared a ward who lived "after the manner of wards". While in Darwin and before departing for Timor on a raft, Fairweather lived in "the lice-infested, incredibly broken-down hull" of the pre-war patrol vessel Kuru.<sup>72</sup> He was described as undernourished, idle, and unclean in his clothes and person, "but it is thought there would be some hesitation in declaring him a ward".<sup>73</sup>

Finally, Wise urged that in view of the time it would take to prepare drafts and sort out the new legislation, it might be better to put before the NTLC the amended Aborigines' Ordinance and thus at least ameliorate the lot of the "Part-Aborigines" who had continued campaigning vigorously throughout 1952 for full civil rights.<sup>74</sup>

This would take care of our biggest immediate problem and make possible the preparation, after full consideration of all implications, of an ordinance which could well serve as a model of enlightened native legislation and implement adequately the Minister's bold, imaginative and sympathetic aims.<sup>75</sup>

Moy, the Director of the NAB, had lobbied for some time for this option, but had shown none of Wise's flair for diplomacy in his negotiations with the Department.<sup>76</sup> The Minister agreed with Wise's recommendation that the amended Aborigines' Ordinance and the amended Licensing Ordinance should go before the NTLC sitting of January 1953, on the condition that it was made clear in everything that was said and done "that this was a temporary palliative during a transitional period and does not satisfy long-term policy on native welfare."<sup>77</sup>

✓ A further draft of the Welfare Bill was prepared and presented to the Minister on 4 December 1952, this time prepared with help from a Departmental officer sent from Canberra.<sup>78</sup> Again, in the covering letter, Wise commented on the difficulty of drafting legislation specifically for Aborigines which did not use that term.<sup>79</sup> The Minister was undeterred and gave instructions for the Welfare Bill to be presented at the January sitting of the NTLC of 1953.<sup>80</sup> While Hasluck was on holiday on Norfolk Island,

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<sup>71</sup> Wise to Acting Government Secretary, 7 November 1952, CRS F1 52/1160, AAD.

<sup>72</sup> Wise to Acting Government Secretary, 7 November 1952, CRS F1 52/1160, AAD.

<sup>73</sup> Wise to Acting Government Secretary, 7 November 1952, CRS F1 52/1160, AAD.

<sup>74</sup> The Inter-departmental Committee had received specific instructions to ensure citizenship would be made available to the Half-caste community. The Aborigines' Ordinance had been redrafted previously to exclude the term "half-caste", and the Darwin Committee recommended these amendments to the existing Aborigines' Ordinance.

<sup>75</sup> Wise to Acting Government Secretary, 7 November 1952, CRS F1 52/1160, AAD.

<sup>76</sup> Moy to Administrator, 3 November 1952, CRS F1 52/1160, AAD.

<sup>77</sup> Memorandum, Lambert to Administrator, 23 December 1952, CRS F1 52/1160, AAD.

<sup>78</sup> Lambert wrote that he was sending Rose to Darwin, 15 October 1952, CRS F1/1160, AAD.

<sup>79</sup> Wise to Secretary, Native Welfare Ordinance, 4 December 1952, CRS F1 52/1160, AAD.

<sup>80</sup> Memorandum, Lambert to Administrator, 23 December 1952, CRS F1 52/1160, AAD.

for the present ignored.<sup>94</sup> Under section 14, of the Welfare Ordinance, the Administrator could declare a person a ward if that person, by reason of-

- (a) his manner of living
  - (b) his inability, without assistance, adequately to manage his own affairs;
  - (c) his standard of social habit and behaviour; and
  - (d) his personal associations,
- stood in need of special care and assistance.<sup>95</sup>

The revised Welfare Bill was introduced to the NTLC in June 1953 and, as Tatz observed, once it was clear that the problem of excluding anyone but Aborigines from the proposed legislation was solved, the Bill was passed "without strenuous opposition and little amendment".<sup>96</sup> The amendments had at least satisfied the official members. In the Northern Territory, the Alice Springs newspaper, the Centralian Advocate, was a lone voice in its strident criticism of the Welfare Ordinance and the Councillors who assented to its passage. If the Bill had been "revolting" and "dangerous" when it applied to anyone, the Advocate argued, why were the Council members now satisfied knowing that these dangerous and revolting conditions would apply only to Aborigines? In particular, the Advocate called attention to the provisions of the Policy Clauses and noted that there was little if any change between these and the old Aborigines' Ordinance and that the same punitive approach remained. The Advocate concluded that there was no real change between this new Ordinance and the old but a lot of "ballyhoo".<sup>97</sup>

The term "Aboriginal" had been removed from all legislation, as Hasluck directed. Once the Welfare Ordinance was gazetted, Aborigines would become citizens whose access to the rights of citizenship would then be held in abeyance pending the successful assimilation of the individual. When considered in combination with the Wards Employment Ordinance and associated legislation such as the Licensing Ordinance, the federal and Territory governments and administration were granted (or maintained) extraordinary power over the lives of wards (Aborigines), individually and collectively. Each person who would be declared a ward would have the Director of Welfare as his/her guardian. The Director could exercise power over marriage, property, housing, travel and employment, to name but a few domains. Rowley later agreed with the Centralian Advocate that there was little difference between the Welfare Ordinance and its predecessor. The powers granted to the Director of Welfare were almost identical to those held previously by the Chief Protector of Aborigines and presumably the Director of Native Affairs. Significantly, however, Rowley points out that the Director of Welfare's powers were now more detailed and explicit and that sufficient administrative and financial means were made available so that the Ordinance could be implemented effectively.

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<sup>94</sup> See Marsh's draft. Also, Memorandum, Wise to Secretary, Bill for Welfare Ordinance 1953, in which Crown Law Officer's point is raised, CRS F1 52/1160 part 2, AAD. Also, Leydin advised the Secretary in Canberra as early as June 1953 that unless declarations were made immediately, there would exist no authority by which Aborigines could be controlled or protected in memorandum, Leydin to Secretary, Native Welfare Ordinance, 18 June 1953, CRS F1 52/1160, part 2, AAD.

<sup>95</sup> Welfare Ordinance no.5 of 1953-1955.

<sup>96</sup> NTLCD, 3 June 1953. Also see Tatz, Aboriginal administration in the Northern Territory, p.25.

<sup>97</sup> The Centralian Advocate, 26 June 1953.

could not vote for the bill in their capacity as official members. Their difficulties would disappear if the people for whose protection the provisions relating to wards were intended could be referred to as "Aborigines".<sup>89</sup>

It is considered by the members that the legislation must unavoidably be discriminative having regard to its aims and that its purposes will best be met by an unambiguous relation of the Bill to the people in whose interests it has been prepared.<sup>90</sup>

Wise subsequently wrote that the Bill, in its present form, so fundamentally violated the traditional concept of British law that it was absolutely unacceptable.<sup>91</sup>

Hasluck was exasperated and replied that it had become increasingly harder for him to understand the opposition to the Bill and the speeches made by some official members of the Council.

It is apparent that what we have to deal with is the fear in the minds of some of your officers and that such a danger exists. I know from a good deal of experience in distinguished company that drafting is often used in international affairs to serve political and psychological purposes, and I am quite ready to accommodate myself to the same idea in the present situation. We have to find some words which will satisfy the critics but at the same time will express policy.<sup>92</sup>

The drafting would no doubt have dragged on endlessly had it not been for the inspiration of Roger Marsh, then the Assistant Secretary, Welfare and General Services, who suggested the provisions of the Electoral Act could be used to amend Section 14. The Administrator would be able to declare a person a ward if in need of special care, but only if, by notice in the Gazette, that person was ineligible to enrol as an elector for the House of Representatives. For this to work, the Northern Territory Electoral regulations would need to be amended after the proposed Welfare Ordinance commenced, to read:

No aboriginal native of Asia, Africa or the Islands of the Pacific (except New Zealand) and no person declared a ward in by or under the Northern Territory Welfare Ordinance 1953 shall be entitled to have his name placed on or retained on any Roll or to vote at any election unless:-

- (a) any declaration of him as a ward under the Northern Territory Welfare Ordinance 1953 has been revoked.<sup>93</sup>

Under the existing Electoral Regulations, Aborigines could not vote. The Bill was again redrafted so that section 14 excluded those eligible to vote under the Northern Territory Electoral Regulations, thus effectively restricting the application of the Ordinance to Aborigines. Marsh discussed the potential difficulty of Aborigines being made citizens on the repeal of the Aborigines Ordinance which would actually make them ineligible to be declared wards, a difficulty which the Crown Law Officer later raised. This fact was

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<sup>89</sup> Memorandum, Wise to Leydin, Native Welfare Bill, 30 March 1953. Members included Leydin, Government Secretary; Vidgeon, Director of Works; Barclay, Director of Lands; Edmonds, Acting Crown Law Officer; Moy, Director of Native Affairs; Stahl, Director of Mines; Ryan, Legal Draftsman; Huthnance, Senior Investigations Officer. Administrator to Hasluck, 2 April 1953, CRS F1 52/1160 part 2, AAD.

<sup>90</sup> Administrator to Hasluck, 2 April 1953, CRS F1 52/1160 part 2, AAD.

<sup>91</sup> Memorandum, Wise to Secretary, Welfare Bill, 14 April 1953. This covering comment was sent with more extensive comments from the Committee on the draft bill, CRS F1 52/1160 part 2, AAD.

<sup>92</sup> Hasluck to Wise, memorandum in response to Wise to Hasluck 14 April 1953, 17 April 1953, CRS F1 52/1160 part 2, AAD.

<sup>93</sup> Memorandum, Marsh to Secretary Lambert, 27 April 1953, CRS F1 52/ 1160 part 2, AAD.

for the present ignored.<sup>94</sup> Under section 14, of the Welfare Ordinance, the Administrator could declare a person a ward if that person, by reason of-

- (a) his manner of living
  - (b) his inability, without assistance, adequately to manage his own affairs;
  - (c) his standard of social habit and behaviour; and
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The revised Welfare Bill was introduced to the NTLC in June 1953 and, as Tatz observed, once it was clear that the problem of excluding anyone but Aborigines from the proposed legislation was solved, the Bill was passed "without strenuous opposition and little amendment".<sup>96</sup> The amendments had at least satisfied the official members. In the Northern Territory, the Alice Springs newspaper, the Centralian Advocate, was a lone voice in its strident criticism of the Welfare Ordinance and the Councillors who assented to its passage. If the Bill had been "revolting" and "dangerous" when it applied to anyone, the Advocate argued, why were the Council members now satisfied knowing that these dangerous and revolting conditions would apply only to Aborigines? In particular, the Advocate called attention to the provisions of the Policy Clauses and noted that there was little if any change between these and the old Aborigines' Ordinance and that the same punitive approach remained. The Advocate concluded that there was no real change between this new Ordinance and the old but a lot of "ballyhoo".<sup>97</sup>

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<sup>94</sup> See Marsh's draft. Also, Memorandum, Wise to Secretary, Bill for Welfare Ordinance 1953, in which Crown Law Officer's point is raised, CRS F1 52/1160 part 2, AAD. Also, Leydin advised the Secretary in Canberra as early as June 1953 that unless declarations were made immediately, there would exist no authority by which Aborigines could be controlled or protected in memorandum, Leydin to Secretary, Native Welfare Ordinance, 18 June 1953, CRS F1 52/1160, part 2, AAD.

<sup>95</sup> Welfare Ordinance no.5 of 1953-1955.

<sup>96</sup> NTLCD, 3 June 1953. Also see Tatz, Aboriginal administration in the Northern Territory, p.25.

<sup>97</sup> The Centralian Advocate, 26 June 1953.



The old means were to be used to attain new ends, through the addition of more services and by intensive education and training... By basically the same methods as before, they were to be processed individually for assimilation, which indicates humane intention, but little attention to the background and social context...<sup>98</sup>

Hasluck subsequently sought to distance himself from responsibility for the Welfare Ordinance, claiming that the legalists had distorted his vision and perverted his intentions.<sup>99</sup> A careful reading of the archive, however, would indicate Hasluck was an active and uncompromising participant in drafting the Welfare Ordinance. He gave permission for the Electoral Regulations to be amended to ensure that the nexus between successful assimilation and citizenship would not be broken. Porter concludes in his biography of Hasluck that,

... while Hasluck was not seeking to be deceptive about the intent of the legislation, he encountered considerable practical and intellectual difficulties in instituting special measures to advance the interests of Aborigines, while attempting to remain faithful to his earlier conviction that the existence of racially based legislation was undesirable in the light of the government's new policy approach.<sup>100</sup>

The successful passage of the Welfare Ordinance represented a small triumph for Hasluck in his battle to assert his power to control the NAB. Early in 1953, Moy had been recalled to Canberra and was subject to an internal Public Service inquiry.<sup>101</sup> When the Welfare Ordinance was finally enacted in 1953, the Native Affairs Branch was replaced by the newly constituted Welfare Branch. In September 1954, Harry Christian Giese was appointed to the position of Director of Welfare, a position which he held until 1964 when it was changed to that of the Director of Social Welfare, which he then held until 1972. Though his qualifications for the position were doubtful, and he had no training in anthropology, Giese was Hasluck's personal choice.<sup>102</sup> Hasluck claimed that "experts could be hired like bicycles".<sup>103</sup> He wanted someone who had "intelligence, energy, an interest in people and capacity to learn from experience".<sup>104</sup> If Hasluck was seeking a loyal lieutenant, he found one, at least in the immediate future, in Harry Giese. With Giese's appointment, Hasluck believed that at last the administrative structures were in sufficiently satisfactory order, "to raise a head of steam, overcome the forces of inertia and to start running".<sup>105</sup> The Welfare Branch administered welfare services to wards and non-wards, unlike the previous NAB which had been exclusively responsible for administering to Aborigines. As will be discussed in chapter six, the Welfare Branch was allocated a substantial budget and rapidly expanded.<sup>106</sup>

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<sup>98</sup> Rowley, *The Destruction of Aboriginal Society*, p.239.

<sup>99</sup> Hasluck, *Shades of Darkness*, p.86.

<sup>100</sup> Porter, *Paul Hasluck*, p.201.

<sup>101</sup> Long, *The Go-Betweens*, p.98, and Hasluck, *Shades of Darkness*, p.85.

<sup>102</sup> Long, *The Go-Betweens*, pp.114-115.

<sup>103</sup> Hasluck, *Shades of Darkness*, p.85.

<sup>104</sup> Hasluck, *Shades of Darkness*, p.85.

<sup>105</sup> Hasluck, *Shades of Darkness*, p.87.

<sup>106</sup> The organisation and functions of the Welfare Branch are described in Tatz, *Aboriginal administration in the Northern Territory*, pp.33-35.

There was, however, one final hurdle. Before the Welfare Ordinance could be gazetted, every person who was to be declared a ward had to be registered as such. This effectively meant that for the first time, a census of every Aboriginal adult in the Northern Territory had to be taken. The results of the census were compiled to form the Register of Wards which represented the first real step in transforming the relationship between Aborigines and government in the Territory. The compilation of the Register was necessary to and facilitated effective bureaucratic intervention in Aboriginal lives. It took four years to complete and the difficulties were many. The reorganisation and transfer from the Native Affairs Branch to the Welfare Branch had to be put into place first and the NTA, perhaps inevitably, complained of insufficient staff to complete the census.<sup>107</sup>

In June 1953, Gordon Sweeney, a district Superintendent in the Welfare Branch, raised some of the difficulties that would accompany the first, accurate census of the Northern Territory Aboriginal population. He estimated the census would take at least two years to complete and, at best, would be eighty percent accurate.<sup>108</sup> Questions such as how the census would proceed and in what form the information would finally be presented had yet to be resolved. Also, many regions in the Northern Territory were isolated during the Wet Season and often for many months afterwards, and while most Aborigines were in contact with settlements, missions or cattle stations, they were not necessarily available to visiting Branch officers at any given time. Most difficult of all was the complex problem of deciding how Aborigines would be named in the Register using a consistent orthography.<sup>109</sup> Individual Aborigines were known by a number of names, names changed depending on circumstances and there were elaborate systems of naming taboos. This problem was compounded by the many different languages spoken by Aborigines in the Northern Territory and the fact that, in some areas, very few Aborigines spoke English. The Northern Territory News saw some advantages as likely to arise from renaming Aborigines in the Northern Territory.<sup>110</sup> Part of the process of identification would involve a change to the peculiar names such as "Murdering Jack, Sugar Bag. and Horse Ears Charlie" by which many Aborigines had for so long been named.<sup>111</sup> Various alternative forms of identification were considered including finger printing.<sup>112</sup> In 1955, the Polaroid company made contact with Hasluck and suggested that the successful technique it had developed for the identification of natives in South Africa and Kenya, comprising an individual photographic record, might be duplicated in the Northern Territory, but Hasluck rejected the proposal and I am uncertain whether Hasluck initiated the inquiry.<sup>113</sup>

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<sup>107</sup> Long, The Go Betweens, p.125., indicates the task was far from complete by the end of 1954 and that staff shortages were largely responsible.

<sup>108</sup> Sweeney to Acting Director of Native Affairs, Re Proposed Aboriginal Census and a System of Identification and Naming of Individual Wards, 30 June 1953, CRS F1 52/1160 part 2, AAD.

<sup>109</sup> Long, The Go-Betweens, p.125.

<sup>110</sup> NT News, 23 March 1955.

<sup>111</sup> NT News, 24 March 1955.

<sup>112</sup> Long, The Go-Betweens, p.125.

<sup>113</sup> Letter, Polarizers to Hasluck, Identification Camera, 18 January 1955, CRS A452 54/617, AAC. Polaroid's proposal was rejected, Wise to the Secretary, Identification of Aborigines, 15 February 1955, CRS A452 54/617, AAC.

The resolution of the problems involved in naming and identifying individual Aborigines demonstrates the way in which the government sought to define Aboriginal identity to conform with the demands of efficient administration. The Regulations for the Welfare Ordinance of 1957 described the exact details to be included in the Register which were: the European name of the ward; the tribal name of the ward; the group name of the ward and of his mother, father, consort and children; the name of the wards' linguistic group; the sex of the ward; the date on which the ward was born, if the date were known; the date on which the ward was declared to be a ward; particulars of any marks, scars or other characteristics which serve to identify the ward; the date of and cause of death and the place of interment.<sup>114</sup> The official renaming used the names of marriage sub-sections, totems and conception places as none of these names were associated with taboos. In the final edition of the Register, each ward was given an English christian name, a sub-section name and either a totem name or the name of his/her conception dreaming. Each Aborigine could be identified by a christian name and by an Aboriginal name which became a surname and which would henceforth be the name under which Aborigines and government negotiated with each other. Thereafter, settlement staff, missionaries and pastoralists were encouraged to keep an accurate census. Bagot had been the first government settlement to register Aborigines.

Using the criteria based on the Universal Declaration of Human Rights, Rowley subsequently labelled the Register as an abhorrence and Tatz found it deeply offensive.<sup>115</sup> In the Northern Territory, the Register of Wards was known as the "Stud Book", an offensive term chosen to name a document which deeply offended. In his presidential address to the ANZAAS conference in Adelaide in 1958, the anthropologist Stanner described the Register as an "inadequate piece of work", anthropologically, for its failure to recognise the legitimacy of Aboriginal culture.<sup>116</sup>

I condemn it on a number of grounds, not the least of which is its barbarous spelling of Aboriginal names in a kind of pidgin-phonetic.<sup>117</sup>

Stanner argued that the Register showed no understanding of Aboriginal naming systems, of local organisation, of the structural divisions of groups and of language differences. That these factors were not of vital importance to the local administration made Stanner wonder because they certainly were to the Aborigines concerned. Perhaps, he suggested, the fact that such matters were dismissed as if of no consequence:

... may have to do with the insistent official view that henceforth the Aborigines must be treated as "individuals" and not as "groups".<sup>118</sup>

In his criticism, Stanner identified the singular, albeit most sinister, achievement of Register of Wards. The Register would be the means by the which "assimilation through individualism"<sup>119</sup> would be facilitated, which was of course, the aim of the assimilation policy. The Welfare Branch arrived at a solution to naming

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<sup>114</sup> Regulations under the Welfare Ordinance 1953-1955, Regulations no.9 of 1957. For correspondence and drafts relating to the drafting of the regulations see CRS F1 57/748, AAD.

<sup>115</sup> Tatz, *Aboriginal administration in the Northern Territory*, p.26.

<sup>116</sup> Stanner, "Continuity and Change Among the Aborigines", in White Man Got No Dreaming.

<sup>117</sup> Stanner, "Continuity and Change Among the Aborigines", in White Man Got No Dreaming, p.43.

<sup>118</sup> Stanner, "Continuity and Change", in White Man Got No Dreaming, p.43.

<sup>119</sup> Stanner, "Continuity and Change", in White Man Got No Dreaming, pp.43-44. Stanner referred to the assimilation policy as a series of "delusive slogans".

Aborigines which reflected the needs of the bureaucracy. It had never set out to name Aborigines according to Aboriginal cultural priorities and even in the present, orthographical difficulties continue in the Territory. Rather, under the Minister's instructions, the Branch's aim was to cut across Aboriginal naming systems and tribal affinities in order to establish the existence of a single individual with whom the state could negotiate. The compilation of the Register was part of the concerted attempt to implement a contract between government and individual in the first ever census of Aborigines in the Northern Territory.<sup>120</sup>

Once the Register was complete, the Welfare Ordinance and associated legislation could finally be gazetted. Hasluck had been deeply frustrated by the time it had taken to complete the Register and had stated in the strongest terms early in 1957, that he would suffer no further delays in gazetting the Ordinance.<sup>121</sup> When the NTLC sat in April 1957, the Director of Welfare reported that 15,211 names had been entered on the Register which would serve as the method of gazetting wards. Inauspiciously, the wrong Welfare Ordinance (1953-1956 instead of 1953-1955) was gazetted on 18 April 1957. The Attorney General's advice was that his office was unaware of "any principle of interpretation by which the incorrect reference to 1956 could be read as 1955".<sup>122</sup> On 13 May, notices appeared in the Gazette repealing the bogus Ordinance of 1956 and attendant regulations and appointments and fixing 13 May 1957 as the date on which the Welfare Ordinance 1955, came into operation.<sup>123</sup> R.C.(Dick) Ward, elected Labor Party member of the NTLC for Darwin and opponent of the Ordinance, described the bungling gazettal of the incorrect Ordinance.

On the 18th April, or thereabouts, when the notice as to the commencement of the Ordinance first appeared, there was a typewritten notice hanging from a peg on one of the walls near this chamber which, in effect, purported to be a Government Gazette and which purported to refer to a schedule which set out persons who had been declared wards. Lying on the table with the notice was a heap of papers, most of them typewritten, and a number of names of people who were presumably aborigines... this was the register.<sup>124</sup>

In chapter seven of this thesis, the nature and context of the opposition to governing Aborigines as wards is described and analysed. The two contemporary voices presented here represent aspects of the critical responses to the Welfare Ordinance from the left. The Labor Party member for Darwin, Dick Ward, was one of the most articulate and steadfast opponents of both the principle and, in the following example, the processes involved in administering the Welfare Ordinance and associated legislation. At the April sitting of the NTLC, Ward wondered at the time it must take to interview 15,000 persons concerning their manner of living, their standards of behaviour and social habits and associations and to then determine their inability to manage their affairs.<sup>125</sup> As some of the names had been recorded many years ago, no doubt at least some wards would have changed their circumstances and should be reviewed before they were included in the declarations. "The Director of Welfare may find himself in the invidious position of having to start all over again".<sup>126</sup> Ward asked whether the Director had interviewed each of the 15,211 persons himself as it

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<sup>120</sup> See also Long, The Go-Betweens, p.127.

<sup>121</sup> See CRS A452 58/4955, AAC.

<sup>122</sup> For summary of Attorney General's advice, see folios 16-20, CRS F1 57/748.

<sup>123</sup> Welfare Ordinance, 1953-1955.

<sup>124</sup> Ward, NTLCD, 11 June 1957.

<sup>125</sup> Ward, NTLCD, 2 April 1957.

<sup>126</sup> Ward, NTLCD, 2 April 1957.

seemed to him that to comply with the terms of the Ordinance, Giese should have seen each one and satisfied himself of the appropriateness of the declaration.

I sometimes wonder whether they have been put on the list because they happen to be aboriginal natives of Australia, or because they happen to be identified by some tribal mark or tribal name, and whether merely because of that they are ready to be declared.<sup>127</sup>

Early in June, an amendment to the Ordinance was proposed which would give the Director of Welfare increased control over the copyright and payment to wards for paintings and crafts. Ward observed on this occasion,

There is a provision in the Mental Defectives Ordinance that property of a mental defective can be sold, but it can only be sold by order of the Supreme Court. A native, even if he is in need of protection, is not necessarily a mental defective, yet all his property can be sold or anything else done with it without any supervision of the courts. That seems to me to place the native in a lower category than the mental defective.<sup>128</sup>

The amendment was passed by the votes from the official members.

In 1958, Brian Fitzpatrick, the noted labour historian and founder of the Australian Council for Civil Liberties, claimed to have taken a particular interest in the laws relating to "the indigenes" after he learned of that the Northern Territory Administration had "powers of a miraculous nature".<sup>129</sup> His derisory dismissal of the Welfare Ordinance encapsulates the failure of the new legislative regime to challenge racism and to separate special measures from discrimination as Hasluck had intended. "Delicately trained men" observed Fitzpatrick, had sat down "under green eye-shades" in Canberra and applied their ingenuity as draftsmen to the task of "seeming to recognise aborigines as human beings, without doing so".<sup>130</sup> The results in the form of Northern Territory legislation should, he claims, be considered "veritable masterpieces of their craft".<sup>131</sup> He outlined the difficult path such legislation was obliged to follow. The Citizenship Act of 1948-49 had established that all Australian born were citizens. Australia's role as an active signatory to the United Nations enshrined its belief in the Declaration of Human Rights. Aborigines were effectively citizens yet needed special provisions to ensure their welfare. Fitzpatrick did not doubt Hasluck's goodwill and acknowledged that thus far the conditions of Aborigines in the Northern Territory had been improved in several important aspects, not the least of which was that full citizenship had been ceded to "Part-Aborigines".

Moreover, a determinedly liberal administration of the Welfare Ordinance, and the Wards Employment Ordinance supporting it, may after many musters secure "just and favourable conditions of work" for the full-bloods, as enjoined in the Universal Declaration of Human Rights. All this is germane, and substantial or else full of promise. Still, it is hard not to forbear from a wry grin when the mountain labours and brings forth a ward.<sup>132</sup>

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<sup>127</sup> Ward, *NTLCD*, 2 April 1957.

<sup>128</sup> Dick Ward, *NTLCD*, 10 June 1957.

<sup>129</sup> Fitzpatrick, "Lesser tribes without the law", p.401.

<sup>130</sup> Fitzpatrick, "Lesser tribes without the law", p.401.

<sup>131</sup> Fitzpatrick, "Lesser tribes without the law", p.401.

<sup>132</sup> Fitzpatrick, "Lesser tribes without the law", p.405.

*Peace, order and good government.*

The use of the Welfare Ordinance to govern Aborigines (wards) in the Northern Territory came under the scrutiny of the Supreme Court of the Northern Territory and the High Court of Australia in late 1958. Just as in Fred Nadpur Waters' appeal in the High Court, the legitimacy of actions taken under the auspices of the Aborigines' Ordinance had been challenged, so in the Albert Namatjira's appeals before both the Supreme and High Courts, the legitimacy of actions taken under the auspices of the Welfare Ordinance was challenged. The case is significant because Namatjira, the gifted Aranda painter, had become a symbolic figure in the nation's quest to find a pathway to citizenship for all Aborigines which did not compromise the basic principles of human rights and yet recognised, at the same time, the need for special legislation for the care and protection of Aborigines. For those who believed that citizenship rights should be an unqualified right of every person, Namatjira's status as an unexempted person under the Aborigines' Ordinance had been a source of both outrage and shame. For those who believed that granting Aborigines rights before they were capable of exercising those rights responsibly without assistance, Namatjira's tragic last days were proof that they had been right all along.

There were very few Aborigines who were not declared wards in 1957 using the criteria set down in section 14 of the Welfare Ordinance. National attention had been focused on whether Albert Namatjira would be declared a ward. He was, after all, able to support himself and his extended family without assistance and was able to manage his own affairs adequately, which meant he did not fit the first two criteria by which one might be declared a ward. The second two criteria - his standard of social habit and behaviour, and his associations - were much more difficult to interpret. Once an Aborigine was no longer a ward, he/she was subject to the same regulations as non-Aborigines which included severely restricted access to Aborigines and Aboriginal living areas. Aboriginal non-wards were subject, in theory, to absolute separation from their kin, country and community. This difficulty had had implications for the pastoral industry and the Welfare Ordinance had been amended in November 1955 (before gazettal) so that Aborigines of mixed descent could request that they be declared wards. The Northern Territory Pastoral Lessees' Association had been active in advocating this amendment as on the stations many "Part-Aborigines" lived, associated with and tribally married wards, yet because of their status as "Part-Aborigines" they would not have been afforded the same "protection" as wards.<sup>133</sup> If Namatjira were not declared a ward, then his associations with his kin and country would, in law, be severely restricted. Here was the irony. If Namatjira were declared a ward, then he would be identified as an Aborigine. As a citizen, he would lose the right to live as an Aboriginal person.

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<sup>133</sup> Withnall, Crown Law Officer to Director of Welfare, Welfare Ordinance: Power to Declare Persons of Mixed Blood To Be Wards, 15 January 1957, folios 215-217, CRS F1 55/154, AAD. Giese noted there were approximately 63 persons who had asked to be declared Aborigines under Section 3A of the Aborigines Ordinance, Giese, NTLCD, 29 November, 1955.

When the Register of Wards was finally gazetted, Albert Namatjira's name was not included. The vigorous campaign which the southern rights groups had undertaken to ensure Namatjira would be a citizen had been successful. For Aboriginal rights groups, such as the recently formed Federal Council for Aboriginal Advancement (FCAA), which demanded full civil rights for all Aborigines,<sup>134</sup> Namatjira's camp at Morris Soak, just West of Alice Springs, was a potent symbol of the failure of Australian egalitarianism. Writing in 1963, Batty concluded that the image of "the pathetic aborigine in his outback camp" had meant that Namatjira had become "one of the most controversial figures in the country".<sup>135</sup> Namatjira's particular circumstances, and indeed his wishes, were irrelevant to the extent that his status was symbolic. According to the Universal Declaration of Human Rights, argued the supporters of his citizenship, no Aborigine should be denied citizenship, least of all Namatjira. The government had succumbed to public pressure but there were many who thought the move ill considered. Writer and former officer in the NAB, Vic Hall, commented in 1962 on what he thought was the mistaken interpretation of Namatjira's life in the desert:

The whiteman worships something he calls the standard of living, and this he confuses in his mind with culture.<sup>136</sup>

According to the settler law at that time, Namatjira could choose between the Aboriginal world, or banishment from his "associations".

Among the privileges which Namatjira had been granted with citizenship was the right to access alcohol but he was also subject to those regulations which governed the supply of alcohol to wards. In the following twelve months as a citizen, Namatjira drank heavily and supplied alcohol to Aborigines who were wards. After many warnings from the police, Namatjira finally appeared before the Court of Summary Jurisdiction in Alice Springs, 7 October 1958, charged under the Licensing Ordinance 1957, with having supplied liquor to Henoah Raberaba who was an Aborigine and a ward on 26 August 1958.<sup>137</sup> On a number of previous occasions, Namatjira had been warned that he would be charged as a non-Aboriginal person if he continued to supply liquor to wards. Attention had been particularly focused on Namatjira as a supplier following the alcohol-related death of a young woman at Namatjira's camp at Morris Soak. The evidence suggested that Namatjira had taken the alcohol back to his camp, and, in the drunken brawls which had ensued, the young woman died.<sup>138</sup> Not long after, Namatjira and Henoah Raberaba, while travelling together in a taxi from Alice Springs back to Hermannsburg, shared a bottle of rum. Namatjira was convicted and sentenced to six months hard labour for supplying liquor to a ward, the minimum penalty for a first offence under section 141 of the Licensing Ordinance.<sup>139</sup>

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<sup>134</sup> See part one, chapter seven, this thesis.

<sup>135</sup> Joyce D. Batty, *Namatjira, Wanderer Between Two Worlds*, Hodder and Stoughton, Melbourne, 1963, p.115.

<sup>136</sup> V.C. Hall, *Namatjira of the Aranda*, Rigby Ltd., Adelaide, 1962, p.45.

<sup>137</sup> For an account of the hearing in the Magistrates Court see Batty, *Namatjira*, chapter 11.

<sup>138</sup> Batty, *Namatjira*, pp.119-122.

<sup>139</sup> Batty, *Namatjira*, p.130.

An appeal was lodged in the Supreme Court of the Northern Territory against both Namatjira's conviction and his sentence. A Melbourne barrister, Maurice. J. Ashkanasy, was briefed by the Federal Council of the Aborigines Advancement League to appear for Namatjira at his appeal, which, after delays, began 15 December 1958 in Alice Springs before Justice Kriewaldt.<sup>140</sup> Whilst no doubt a learned judge, Kriewaldt was a conservative man if the language he used in his final judgements is a reasonable indicator. There would be no place for the developing discourse about human rights in Kriewaldt's court.

All my life the duty of Christians towards heathens, and the duty of the more fortunate towards the less fortunate has been impressed upon me.<sup>141</sup>

He believed that the laws regulating prohibition of alcohol for Aborigines were both necessary and wise given the serious social consequences he had witnessed as a result of Aborigines consuming alcohol. The great majority of violent crimes committed by Aborigines, observed Kriewaldt, were while they were under the influence of liquor. The week before this hearing, Kriewaldt had heard the tragic case of manslaughter arising out of Fred Nadpur Waters' death. Nadpur had died as a consequence of injuries he had received at the hand of his long-term partner, Maggie Shepherd, in a drunken argument at Bagot.<sup>142</sup>

On the first day of the hearing, Ashkanasy announced that Namatjira's defence would include a writ against the Commonwealth of Australia that the Welfare Ordinance was unconstitutional.<sup>143</sup> The writ can be summarised as making three claims. Firstly, that the enactment of the Welfare Ordinance 1953-1957 was beyond the powers conferred upon the NTLC in that it was not a law for the "peace, order and good government of the said Territory".<sup>144</sup> Secondly, Ashkanasy claimed that the declarations of the claimants as wards by the Administrator in the in the Gazette of 13 May 1957 were invalid as there had been no proper application to each of them of the standards referred to in section 14. Thirdly, the declarations were invalid, because there was no process in place for appeals against the declarations.<sup>145</sup> If the Welfare Ordinance could be proved unconstitutional then clearly, there could be no case against Namatjira as Henoah Raberaba would not have been a ward of the state. While Namatjira knew the claimants, I could find no evidence that he was party to the writ or necessarily supported this line of defence.

Ashkanasy's first proposal, that the federal government did not have the power to delegate to the NTLC the right to legislate for the Northern Territory, was not upheld.<sup>146</sup> The second proposition was that the Welfare Ordinance was not a law for the "peace, order, and good government" of the Northern Territory

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<sup>140</sup> Peter Elder, (Rudolf) Martin Chemnitz Kriewaldt, in Carment and James, Northern Territory Dictionary of Biography, pp.105-109.

<sup>141</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, between Albert Namatjira and Gordon Edgar Raabe respondent. Judgement delivered by Justice Kriewaldt 23 December 1958, p.4

<sup>142</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.28.

<sup>143</sup> The writ was taken out in the names of Enos and Keith Namatjira and Otto Pareroutja, of the Aranda, and Claude Emitja of the Loritja. For copy of the writ see Teleprinter message, to Acting Secretary Territories from Acting Administrator, 10 December 1958, folios 3-4, CRS A452/1, 58/4576, AAC.

<sup>144</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, pp.5-7.

<sup>145</sup> For copy of the writ see Teleprinter message, to Acting Secretary Territories from Acting Administrator, 10 December 1958, folios 3-4, CRS A452/1, 58/4576, AAC.

<sup>146</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, pp.5-7.



and hence it was not a law authorised by section 4.U of the Northern Territory (Administration) Act. Kriewaldt agreed with the unexpressed premise that every ordinance passed by the NTLC must be for the peace, order and good government of the Territory to be valid.<sup>147</sup> Ashkanasy put before the Court two examples of possible laws that would be outside the ambit of power conferred on the NTLC to make laws for peace, order and good government: a law for the periodical sacrifice of human beings and a law for the enslavement of part of the population of the Northern Territory. Any law "which interfered drastically" with the liberty and property and status of a substantial part of the inhabitants of the Territory, "to such an extent that the feelings of all decent people were outraged" could not be a law for the peace, order and good government of the Northern Territory.<sup>148</sup> The final step in this argument was that the Welfare Ordinance had transgressed beyond what had been authorised because it was not a law for peace, order and good government.

Justice Kriewaldt, however, rejected the proposition that the NTLC had only the power to enact wise laws. Protection against slavery did not rest on the provisions of the phrase, "peace, order, and good government", but on the fact that the Northern Territory was a "civilized community".<sup>149</sup> It was, he argued, inconceivable that either the nominated or elected members of the NTLC would vote for such legislation. The suggested limitation on the legislative power of the Council was incapable of definition, argued Kriewaldt, and therefore the argument rejected. To examine the Welfare Ordinance to determine whether it offended against non-existent criteria, therefore, was out of place.<sup>150</sup> Had Kriewaldt been convinced that the Welfare Ordinance transgressed the human rights of Aborigines, it is at this point in his judgement that he could have acted. Supporters of Aboriginal rights would have argued not only was it conceivable but it was a fact that the NTLC had voted for legislation which had enslaved a proportion of its population by declaring adult Aborigines to be wards of the state and depriving them of both their liberty and property rights. Kriewaldt, however, was not prepared to make such a radical decision.

Ashkanasy had also challenged the Welfare Ordinance on the basis that the liability to be declared a ward was based on standards of "uncertain meaning and capable of capricious application".<sup>151</sup> The Northern Territory community was protected from the terms of the Ordinance only by section 14(2), the electoral regulations, which could at any point be subject to change. This line of attack harkened back to the original opposition to the Welfare Bill debated in the NTLC in January 1953, that "anyone" residing in the Northern Territory could be declared a ward and therefore may be deprived of *his* liberty, *his* property, and have "a status similar to that of a child".<sup>152</sup> Kriewaldt concluded, however, that the law so far had only been applied to Aborigines. He could see no reason why the Ordinance should not be interpreted as if it were in form what it was in fact, an Ordinance designed to extend help and guidance to the Aborigines of the Northern Territory. He concluded:

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<sup>147</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.7.

<sup>148</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.7.

<sup>149</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.9.

<sup>150</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.9.

<sup>151</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.9.

<sup>152</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.10.

Those of us who have lived for more than a year or two in the Territory realise that the legislation for the protection and advancement of aborigines is essential if they are to escape extinction. It seems to me that a law which, even though not restricted to aborigines, will, if regard be had to realities, apply to them practically exclusively, is a law for the peace, order, and good government of the Territory. If that be the essential character of the legislation, it is not the business of the Courts to inquire into the wisdom of individual sections of the law.<sup>153</sup>

The second thrust of Ashkanasy's attack on the Welfare Ordinance was made on the basis that the Welfare Ordinance was a legitimate statute, but that the process of the declaration of wards had been invalid unless it could be proved that the Administrator had personal knowledge of every person declared a ward.<sup>154</sup> The Register of Wards was tendered as evidence. The Crown Law Officer, Withnall, who was acting for the prosecution, made the following admissions, but argued that the admissions were irrelevant to the appeal in any case. The Crown admitted that in declaring Aborigines as wards, officers from the Welfare Branch had used their general knowledge of the Aborigines concerned together with their personal knowledge where it existed and had not interviewed every Aborigine named on the Register. Neither the Administrator, the Director of Welfare, nor any Welfare Branch officer had ever called on Henoah Raberaba to show cause why he should not be declared a ward, nor was he given any notification that it was proposed that he be declared a ward and nor was he invited to give reasons or informed that he might give reasons against the making of the declaration.<sup>155</sup> While Kriewaldt agreed that it would not have been possible for an administrator to personally interview every person declared a ward, he considered this line of argument doomed to failure. While it would have been preferable, he argued, that the criteria for declarations were more clearly established, and that the steps in making declarations more precisely set out, no such considerations were of sufficient weight to challenge the validity of the declarations.

Ashkanasy's final argument rested on the presumption, which Kriewaldt accepted, that one of the general principles of natural justice was that usually when power over an individual's liberty, property, or status is given to an administrative authority then the persons so affected would have had the right to be heard by that authority before the power was exercised. The Crown had freely admitted that such an opportunity had not been given to Henoah Raberaba and that no wards had been notified of the intention to declare them wards or of the appeal proceedings. Kriewaldt, however, concluded that there was little sense in "giving notice that would not be understood".<sup>156</sup> Based on his own experiences, Kriewaldt concluded that it would have been impossible to explain to about nine-tenths of the Aboriginal individuals concerned, who fell within the provisions of s.14, who the administrator was, what the declaration would mean and what was the right of appeal.

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<sup>153</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.11.

<sup>154</sup> Ward, elected member of the NTLC, had raised this point when the Welfare Ordinance had finally been gazetted in 1957.

<sup>155</sup> Crown Law Officer Withnall, quoted in Northern Territory of Australia in the Supreme Court, No.194 of 1958, p.13.

<sup>156</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.19.

A right of prior objection expressly enacted would certainly have deserved the stigma of being hypocritical.<sup>157</sup>

Justice Kriewaldt thus rejected the challenge to the both the legitimacy of the Welfare Ordinance and to the regulations for the procedures for declaring Aborigines as wards. He argued that there could be no doubt that the legislation was expressly for Aborigines, and that while there were aspects of the Ordinance which might ordinarily be said to transgress the principles of natural justice, Aborigines had no understanding of such matters and therefore there was no point, and it would be hypocritical, to attempt to apply these principles to legislation enacted exclusively for Aborigines. The conviction against Namatjira was upheld, but Kriewaldt reduced the sentence to three months imprisonment. In March 1959, Ashkanasy applied to appeal to the High Court which also concluded there had been no impropriety in the procedures and sentencing in the Supreme Court. While the Welfare Ordinance was closely scrutinised, its legitimacy was upheld. Neither the High Court nor the Supreme Court took up the challenge to hand down a judgement that the legislation was discriminatory or against the best wishes of the Aborigines (wards). In both cases the Courts concluded, in effect, that the Welfare Ordinance was necessary for the effective government of Aborigines.

### *Conclusion*

In Darwin, the decade of the 1950s had begun with Aborigines marching through the streets demanding equal rights and taking industrial action to further their cause. The federal government had responded by threatening to stop rations and neither the local nor federal governments had doubted that the CPA had been active in promoting, if not initiating, Aboriginal activism. In late 1951, a new Minister, Hasluck, was appointed to a new ministry responsible for Aborigines in the Northern Territory, with the promise that in the future, racist and discriminatory legislation would have no place in the government of Aborigines. Why had the legislative reforms not been able to match the Minister's promise?

Firstly, Hasluck believed absolutely that it was good government to maintain the nexus between the successful assimilation of the individual and access to the rights and obligations of citizenship. If full citizenship rights were to be granted to the unassimilated, particularly if such action were to be directed at a group such as Aborigines, the possibility of segregation was admitted and segregation raised the spectre of groups within a society which would give their loyalty first to their own group and only secondly, if at all, to the state. This fear of separate, segregated groups as a threat to the cohesion of a good society drove the assimilationist discourse in this period otherwise dominated by the politics of the Cold War. Assimilation had to come before access to full civil rights.

Secondly, in drafting the new legislation, the status of unassimilated Aborigines had presented particular difficulties. Hasluck ought to have been alerted to the difficulty he faced in defining a status for

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<sup>157</sup> Northern Territory of Australia in the Supreme Court No.194 of 1958, p.19.

Aborigines, when having settled on that of ward of the state for Aborigines in this twilight zone, he repeatedly had to use the analogy of the relationship between the state as guardian to children, the insane and the feeble-minded to represent the imagined relationship between Aboriginal wards and the state. Yet this analogy did not seem to worry him. The Minister's attempts to eliminate legislation based on race ended in a farce, with both the Supreme Court of the Northern Territory and the High Court of Australia deciding that the Welfare Ordinance and associated legislation were clearly and exclusively for the government of Aborigines. Hasluck had wanted all Aborigines to be potential citizens, enthusiastic travellers on the long march. In fact he declared them wards of the state and instead gave Aborigines the same status as neglected and delinquent children.

Had Hasluck been in a position to brief a more experienced and perhaps more enlightened administration to draft the kind of legislation he proposed, the results may have been different, but I doubt it. Even though Hasluck was genuinely committed to Aboriginal advancement and even while he found racial discrimination deeply offensive, all his actions were ultimately directed by his belief that citizenship was an exclusive club. The good society had to be protected. To admit those who did not understand either the privileges or obligations of their membership was abhorrent to him, threatened the fabric of the good society and potentially diminished its status. Until such times as each individual could prove his or her worth, and every possible assistance in the form of guidance and training would be provided, each Aborigine must necessarily continue to labour on the long march.

Hasluck cast a long shadow over the government of Aborigines, well after his transfer to a more senior portfolio at the end of 1963. None of the ministers who succeeded him had any particular expertise in Aboriginal affairs and were therefore more inclined to accept the advice of Giese, Hasluck's once loyal deputy.

Assimilationism in this period was driven by ideology and was both deeply conservative and more insidious than the oversimplified characterisations have allowed. The practice of assimilating Aborigines in the Northern Territory in this period is the subject of analysis in chapter five. In chapter seven, the opposition, popular and parliamentary, to the construction of the nexus between successful assimilation and citizenship is analysed.

## CHAPTER FIVE.

### THE SLOW EVOLUTIONARY PATH.

"We recognize now that the noble savage can benefit from measures taken to improve his health and his nutrition, to teach him better cultivation, and lead him in civilized ways of life. We know that culture is not static but that it either changes or dies. We know that the idea of progress, once so easily derided, has the germ of truth in it. Assimilation does not mean the suppression of aboriginal culture but rather that, for generation after generation, cultural adjustment will take place. The native people will grow into the society in which, by force of history, they are bound to live".<sup>1</sup>

Hasluck, 1951.

At the same time as the Department of Territories was setting in place the legislative mechanisms to govern Aborigines, it was also working towards implementing assimilation in practice. In the decade following 1951, the government settlement program for Aborigines in the Northern Territory underwent unprecedented expansion funded by the federal government. In the initial period, there was great optimism regarding the settlements and the positive outcomes which were envisaged for Aborigines and for settler-Aboriginal relations. The Department of Territories promoted the settlements as the sites where Aborigines would be rehabilitated and successfully assimilated in readiness to slough off the status of ward and advance to full citizenship rights on equal terms with other Australians. Because Aborigines/wards were outsiders and were administered under separate legislation, settlements were also the principal sites for governing Aborigines/wards. The government proudly, and rightly, pointed to significant advances, particularly in the provision of health care and education. In practice, however, the settlements in the Northern Territory rapidly became segregated, entrenched and closed communities. To use Morris' term, the settlements were governed by the politics of exclusion. Part one of this chapter identifies the key characteristics of the Northern Territory settlement program and its imagined role in the assimilation of Aborigines. The federal government policy was premised on the notion that social amelioration would be facilitated primarily by taking those measures necessary to raise the standard of living of Aborigines; this would be achieved by guidance and tutelage.

The actual methods of control and government on the settlements are considered in part two. Morris has drawn on Foucault's theoretical models for institutions, and identifies enclosure, surveillance and pedagogy as the principal characteristics of the settlement program in New South Wales. Earlier research by Rowley and Long similarly identified the settlements in the Northern Territory as being managed like institutions. While these categories are useful in analysing the settlements in the Northern Territory, I argue that there is a need for caution when applying theoretical models weighed down by hindsight. We must also

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<sup>1</sup> Hasluck's address to Native Welfare Conference, 1951, cited in The Aborigines and You, prepared under the authority of the Minister for the Territories with the co-operation of the Ministers responsible for aboriginal welfare in the Australian states, for use by the Aborigines' Day Observance Committee and its Associates in connexion [sic] with the celebration of National Aborigines' Day in Australia, 12 July, 1963, p.5.

consider the way in which contemporaries imagined that assimilation might be facilitated by the settlement program and their own observations concerning its failures, successes and possible alternatives.

Part three describes the Bagot settlement in Darwin and identifies the ways in which the bureaucracy increased its activities and intervention at Bagot to facilitate and hasten assimilation. I describe the physical landscape and the way in which space was controlled and enclosed to re-enforce authority, and the ways in which the environment was used in order to transform individuals. I conclude by arguing that as the administration gradually increased its control over Aboriginal lives, the Aboriginal protagonists underwent a progressive loss of autonomy. The practice of techniques based on pedagogy, surveillance and discipline are described using examples from settlement life.

Research by Welfare Branch officers in the late 1950s and early 1960s, however, began to identify the settlements as being responsible for creating individuals who manifested the characteristics of institutionalisation including apathy and loss of personal direction. Implementers of the policy were sufficiently concerned about the program to initiate a review of the apparent failure of settlements to facilitate assimilation.

#### *The essential machinery, or tools of assimilation.*

Throughout the 1950s, the Department of Territories reiterated its policy of assimilation as the only solution to what it constructed as "the Aboriginal problem". In Our Aborigines, and similar publicity materials, the Department of Territories emphasised that it was policy to classify the Aboriginal problem as social and not racial.<sup>2</sup> The Department was not concerned how two groups of people of different race might live together in the same community while maintaining racial separateness but, rather, how all Australians would live as one. Clearly, the advancement of assimilation would require the cooperation and commitment of every Australian.

Governments [state and federal] now all agree that the problem reduces itself to one of assimilation; i.e. that to survive and prosper, the numerically small aboriginal group within the vastly larger white Australian group, has to learn to live and work and think as white Australians do so that they can take their place in social, economic and political equality with whites in the Australian community.<sup>3</sup>

The choices which the government believed Aboriginal youth, in particular, would have to make were encapsulated in the film Question for Johnny,<sup>4</sup> made in 1950, and shot in Alice Springs, featuring an Aboriginal youth, Johnny, who must decide his future. Johnny is shown playing happily with his "Coloured"

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<sup>2</sup> Our Aborigines, prepared under the authority of the Minister for Territories, with the co-operation of the Ministers responsible for aboriginal welfare in the Australian States, for use by the National Aborigines' Day Observance Committee and its associates in connexion [sic] with the celebration of National Aborigines' Day in Australia, 12 July, 1957.

<sup>3</sup> Our Aborigines, p.5.

<sup>4</sup> Question for Johnny, Producer unknown, directed by Christopher Ralling, 1950. Copy held at the State Film Library, Darwin.

and Aboriginal school friends in the schoolyard. At thirteen years of age, Johnny is in his last year of school and must decide his future. He climbs up a high rocky outcrop near the schoolyard to a vantage point from which he can see both of the worlds in which his future might lie, for we are left in no doubt that Johnny must choose either one or the other. Will he identify with the old men of the tribe as an Aborigine, or will he seize the future and embrace the settler ways? Two scenes hold images of particular significance. In the first, the younger children at the school are being given a lesson on time. The classroom is conducted outside and the children are arranged in neat rows. In their books, they have had clock faces stamped onto the page and at the front of the class is a very large clock with moveable hands. The narrator tells us that in order to allay the suspicions of the old Aboriginal men of the area about what the younger generation learns at school, the school authorities have given them an open invitation to visit the classes at any time. There is such a visitor on this day. He is shown as a dark figure, his face shaded by a large battered hat, moving slowly between the desks of the children as they learn to tell western time. He is an anachronism out of time. Fear crosses the faces of the children as he passes. The second significant image is conjured up later by Johnny as he contemplates his future. In the dark of night the ancient faces of the old Aboriginal men are illuminated by the play of the flickering campfire light as they chant and call up the Aboriginal ways. We, the audience, know that Johnny must turn his back on them, but it is Johnny who must gather his strength and turn away from their extraordinary power. In Question for Johnny, there is no doubt that Aboriginality is a primitive and, therefore, sinister and powerful force concerned with magic and ritual and the dark side. Johnny's future lies in the settler community.

The Welfare Ordinance and associated legislation and regulations provided the statutory framework for the implementation of Department of Territories' Aboriginal welfare policy based on the concept of wards. The settlement program was the "key means" by which the governments' aim of assimilating Aboriginal people would be achieved.<sup>5</sup> The Department described the settlements as "those places in the community" where the Government was "directly entering the native welfare field".<sup>6</sup>

All the work done on settlements has as its prime aim the education and training of Aborigines for full citizenship and to enable them to take their place in our Society[sic] as equal with other members, in all respects.<sup>7</sup>

The Department of Territories described the government settlements and missions in the Northern Territory as the "essential machinery in providing for the care, welfare and advancement of aborigines".<sup>8</sup> Elsewhere, the government referred to the settlements as the "tools of assimilation".<sup>9</sup> Thirteen government settlements

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<sup>5</sup> Progress Towards Assimilation. Aboriginal Welfare in the Northern Territory, Published by the Department of Territories, Commonwealth of Australia, under the authority of the Hon. Paul Hasluck, M.P., Minister for Territories, Canberra, July 1958, p.13.

<sup>6</sup> Native Welfare Program in the NT 1957, CRS A452/1 1959/2266, AAC.

<sup>7</sup> Information sheet on Native Settlements in the Northern Territory to accompany application forms for positions of superintendents, managers and driver mechanics, CRS A452 1956/735 part 2, AAC.

<sup>8</sup> Our Aborigines, p.18.

<sup>9</sup> Native Welfare Programme in the NT, 1957, CRS A452/1 1959/2266, AAC.

and fourteen mission stations were either established or consolidated in the Northern Territory during the 1950s.<sup>10</sup>

Such stations and settlements are not places established for the purpose of dragooning the aborigines in this direction or that or for holding them stationary at one point in their advancement to civilization. For many years to come however, they will be needed and, if competently staffed and fully supported, can become one of the greatest formative influences in the advancement of the people and their preparation for a fuller life.<sup>11</sup>

The 1951 Native Welfare Conference recommitted the government to a policy of maintaining and strengthening the role of government settlements in the Northern Territory,<sup>12</sup> and the Darwin Committee, established to enact the recommendations of the 1951 Conference, defined the role of government settlements. The settlements would: provide adequate education for the children through the Commonwealth Education Department; inculcate an appropriate standard of hygiene and the acceptance and use of proper housing; provide circumstances in which the health authority could combat endemic and epidemic diseases; ensure care of mothers by providing both pre-natal and post-natal care at child welfare clinics and give care to the aged and infirm. Aborigines who moved to the settlements would be actively involved in training programs in agricultural production, pastoral pursuits and the development of other appropriate economic activities, such as the development of marine and forestry resources; those with aptitude would be prepared and placed in employment. The Committee wanted all services and goods to be paid for in cash to provide Aborigines with a chance to understand and use money.<sup>13</sup>

As the decade progressed, the critics argued that the settlements were segregated and that Aborigines who lived there were treated as second class citizens. In response to these criticisms, the Department of Territories issued a detailed policy statement in 1957 clarifying the principal function of settlements and emphasising the government commitment to the program. The policy stated that the prime function of the settlement was to prepare the Aborigine, by "providing *him* with an appropriate environment suited to *his* stage of social development, for *his* ultimate and inevitable contact with white civilization".<sup>14</sup> With this overall purpose in the mind, the settlement program would specifically: establish settled communities to teach the habits and skills necessary to live in a permanent community; provide welfare services fitted both to their needs and their stage of development; provide means for education and training of adolescents and children; introduce all members of the community to the general concept of work as a

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<sup>10</sup> Government settlements: Areyonga, Bagot, Beswick, Borroloola, Bungalow, Delissaville, Haasts Bluff Hooker Creek, Jay Creek, Maningrida, Snake Bay, Warrabri and Yuendumu. These settlements are now self-governing Aboriginal communities known by Aboriginal rather than settler names. For a brief summary and description of the stations, missions and institutions for people of mixed race see Progress Towards Assimilation. The annual Administrators Reports for the NT and the annual Welfare Branch reports give statistical and other information on the settlements and missions during this period. See also Tatz, Aboriginal administration in the Northern Territory, chapters iv, v and vi.

<sup>11</sup> Our Aborigines, p.18.

<sup>12</sup> Action arising out of the first meeting Native Welfare Council, 4-5 September 1951, CRS A452/1 51/1721, AAC. See also Commonwealth States Conference on Native Affairs September 1951, folios 56-58, Statement on Governmental and Mission Stations, CRS F1 51/1001, AAD.

<sup>13</sup> Conference on Native Affairs, Darwin, December 1951, CRS F1 51/1133, AAD.

<sup>14</sup> Native Welfare Programme in the NT, 1957, CRS A452/1 1959/2266, AAC.



worthwhile aim in life and prepare the younger age groups for a wider life outside the settlement.<sup>15</sup> In the instructions issued to the superintendents of settlements, the functions of settlements were defined more specifically, the first being to "break down the Aborigines' nomadic habits by settling them in communities".<sup>16</sup> Aborigines would be taught at the settlements the "habits and skills of living in a permanent community".<sup>17</sup> Welfare services, such as infant welfare, health, nursing and feeding services, would be provided. Children would be educated in basic skills. All community members would be introduced to the concept of work as a "worthwhile aim in life" and for the younger generation, "the settlement must create new wants in young people which can only be satisfied in the outside community and by their own efforts".<sup>18</sup> The settlements were training centres which would bridge the gap between the present situation of Aborigines and the skills they would need to gain acceptance in the wider community.

Department policy dictated that the character and main functions of each settlement should vary according to its geographic location, the degree of contact with settlers and the sophistication of its residents. The Department presented the settlements as staging posts arranged in a linear progression along the road to civilisation. The programs for the priority areas of housing, education and healthcare on each settlement would depend on the character of the residents.<sup>19</sup>

There can be no "assembly-line" approach to the problem, but the programme should be geared to enable people to be treated as individuals, to be moved through various staging camps, and to be given in each the special assistance which their particular stage of development requires at that time.<sup>20</sup>

A critical feature of the imagined role of settlements was that they would eventually cease to exist. The settlements were regarded as temporary and so the need for settlements and stations would diminish as Aborigines advanced. The quite large reserve lands on which many settlements were located were expected eventually to be used and developed for economic activities by Aborigines as they "advanced".<sup>21</sup>

✓ The Department sought to explain to the settler community the connections it had made, quite understandably, between Aboriginal hygiene, or lack of it, and acceptance by the settler community. Hasluck believed the term "aboriginal" connoted dirtiness, a low standard of housing, poor education, and, in general, a standard of living far below that which is customary in the white community.

... their personal practices and methods of living are so deficient by all normal standards of hygiene that their physical presence may be repugnant...<sup>22</sup>

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<sup>15</sup> Native Welfare Programme in the NT, 1957, CRS A452/1 1959/2266, AAC.

<sup>16</sup> Functions of settlements outlined in instructions to superintendents quoted in Tatz, *Aboriginal administration in the Northern Territory*, pp.19-20.

<sup>17</sup> Tatz, *Aboriginal administration in the Northern Territory*, pp.19-20.

<sup>18</sup> Tatz, *Aboriginal administration in the Northern Territory*, pp.19-20.

<sup>19</sup> *The Aborigines of Australia*, Australian Commonwealth Film Unit, for the Department of Territories, 1964. This film is discussed chapter six of this thesis.

<sup>20</sup> Native Welfare Programme in the Northern Territory 1957, CRS A452/1 1959/2266, AAC. This is an excellent summary of policy

<sup>21</sup> *Progress Towards Assimilation*, p.13.

<sup>22</sup> *Our Aborigines*, p.29.

Improvements in health and housing were given particular priority in keeping with the argument that a major factor in preventing social acceptance for many Aborigines by white Australians was their lack of knowledge about fundamental health practices.

As the differences in habit between the two peoples become less it may be possible to reduce the meaning of "race" so that it has a simple reference to a few transmissible physical characteristics, such as skin colour. Thus, administratively, social amelioration comes before any attempt to tackle race relations... In many cases, teaching a native personal hygiene will do more to break down race prejudice than to demonstrate scientifically that race is unimportant.<sup>23</sup>

Programs were advocated and established which would therefore not only treat Aboriginal health problems but also educate Aborigines about health, hygiene and nutrition.<sup>24</sup> The government argued that individual Aborigines should not be provided with a high standard of housing unless they had demonstrated a level of development which would enable them to manage the responsibility of caring for a house. When Aborigines first lived in houses, argued the Department, they often "befouled them" and quickly rendered them uninhabitable.<sup>25</sup>

Neither socially nor economically can an aborigine leap from his primitive whirly[sic] into a modern house - nor does he wish to do so. He must be assisted to follow *a slow evolutionary path*, and if, in following this slow path, the various stages of his housing are far below what is considered normal in the white community, this is not a measure of neglect of his welfare nor lack of effort on his behalf.<sup>26</sup> (my italics)

This argument is of interest because one of the main criticisms of government policy over the coming decade was its failure to provide housing on a par with that of the settler community.

The settlement program reflected the belief that the greatest hope for an assimilated Aboriginal future was in the hands of the new generations. The highest priority was to establish schools and appropriate education programs for children.<sup>27</sup> For adults, the emphasis was on establishing various programs to suit the individuals at their various stages of development. At the same time, however, every settlement was regarded as a training centre for children as well as adults.<sup>28</sup>

The long term object of native education must be education for living in full citizenship as part of the Australian community. It must embrace the spiritual and the cultural, provide training in health and hygiene, and include preparation for work and other useful endeavour.<sup>29</sup>

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<sup>23</sup> Paul Hasluck, "The future of Australian Aborigines", Address to ANZAAS 1952, in Hasluck, Native Welfare in Australia, p.51

<sup>24</sup> For a contemporary appraisal of health programs delivered by the Department of Territories see Tatz, Aboriginal administration in the Northern Territory, chapter vi. Also Ellen S. Kettle, Health Services in the Northern Territory: A History, 1824-1970, Australian National University North Australia Research Unit, Darwin, 1991.

<sup>25</sup> Our Aborigines, p.30.

<sup>26</sup> Our Aborigines, p.30.

<sup>27</sup> Tatz, Aboriginal administration in the Northern Territory, chapter vii and pp.163-166, for policy directions. The Administrators' Reports, and the Welfare Branch Reports for the period provide a detailed account of the policy directions for education for Aboriginal children.

<sup>28</sup> "Today every settlement is a training centre", Progress Towards Assimilation, p.20.

<sup>29</sup> Our Aborigines, p.30.

While education was considered crucial if the younger generation were to be gainfully employed in the future, the question of the current generation of adults was more vexed.<sup>30</sup>

Full citizenship rights for aborigines should include the right to receive the same conditions as all other Australians for work of similar class, and the right, in proper circumstances, to full membership of appropriate trade unions and professional associations.<sup>31</sup>

In circumstances in which Aborigines lacked "economic and other skills" compared with "white Australian workmen", to enforce equal remuneration would militate against Aborigines own interests, and they could very easily be "legislated out of employment".<sup>32</sup> On the settlements able bodied Aborigines would be trained in work skills as they would be trained in so many other skills necessary to their assimilation.

The Department of Territories' first priority in both establishing and consolidating the settlements was, however, to put in place a suitable infrastructure for white staff to manage these settlements.

Success or failure [of the settlements] hinges on the personal qualities of the people who administer them. Settlement life demands sacrifice and genuine concern for the future of aborigines, from the superintendents, managers, nurses, teachers, and technical officers who are playing important parts in the difficult task of fitting aborigines to live a full life like other Australians.<sup>33</sup>

The Department was particularly keen to appoint married men to management positions on the settlements as their wives could then act as part-time matrons and it was therefore necessary to ensure adequate housing was available for the managers. I did not find any evidence on the record that the possibility of miscegenation was still a cause for concern, but it was possibly a consideration in the Department's preference for appointing married men to positions of authority on the settlements. In 1951, the NTA established the following priorities for the building programs on government settlements: the superintendents' residences; latrines and ablution blocks; infirmaries; nurses' quarters; communal kitchen and dining facilities; school teachers' residences and school buildings; assistant superintendents' residences; stores and other buildings including a recreation hut; churches and, finally, native dwellings.<sup>34</sup>

In writing about Canada's far north in the period 1945 to 1975, historian Helen Buckley identifies a real decline in living conditions for indigenous peoples on the Prairie in Canada which correlated with a corresponding increase in white prosperity over the same period. Mechanisation and the associated decrease in the demand for casual labour is cited as contributing to the diminishing sources of income available to Indians.<sup>35</sup> Indians consequently moved onto the reserves in greater numbers as the opportunities for independent living decreased. The advent of family allowances also attracted Indians onto the reserves and the subsequent contact with the basics of a cash economy undermined more traditional economic cultural practices. Significantly, the advent of government agencies which delivered services to the reserve residents

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<sup>30</sup> Tatz, *Aboriginal administration in the Northern Territory*, chapter iv.

<sup>31</sup> *Our Aborigines*, p.31.

<sup>32</sup> *Our Aborigines*, p.31.

<sup>33</sup> *Progress Towards Assimilation*, p.13.

<sup>34</sup> Conference on Native Affairs, Darwin, December 1951, CRS F1 51/1133 AAD.

<sup>35</sup> Buckley, *From Wooden Ploughs to Welfare*, chapter three, "New Adjustments 1945-1975".



# OUR ABORIGINES

Illustration 1. Cover illustration, Our Aborigines, Canberra, 1957.



**Illustration 2.** Cover illustration, Progress Towards Assimilation. Aboriginal Welfare in the Northern Territory, Canberra, 1958.

further undermined opportunities for independent living. The move onto the reserves/settlements, she argues, duplicated colonial relations between settler and indigenous protagonists.

Staffed by whites, they [the reserves] offered little employment for the long term residents, while taking over the management of their affairs and introducing set roles: white officials and their families on one side, native people on the other. Ironically, at a time when colonial powers elsewhere were booking passage home, a colonial society was establishing itself in Canada's northlands.<sup>36</sup>

Similarly, the expansion of the settlement program in the Northern Territory also meant the incursion of settlers into Aboriginal domains and a loss of autonomy on the part of the indigenous protagonists, which was contrary to the intended outcomes of the settlement program. The characteristics of welfare colonialism have their origins in this period. By 1961, for example, the Welfare Branch employed the following white staff at the Bagot settlement: a superintendent, a settlement clerk, two assistant managers, a farm manager, a maintenance carpenter, a ganger, a part-time matron, a head teacher, an assistant teacher and the nursing staff employed by the Commonwealth Health Department.<sup>37</sup> The actual role of each of these employees was to coopt and control some aspect of each individual Aboriginal's autonomy in order to retrain that aspect of the person's life. This distinctly colonial action took place under the guise of welfare. The settlement program also ensured that settler economic interests and patterns of consumption would have priority wherever possible.

#### *Unauthorised entry forbidden*

Although the primary function of the settlements was to train Aborigines in the skills necessary for assimilation, settlements were also the exclusive sites for the government of Aborigines who were wards. The methods used to achieve this end relied on the enforcement of authoritarian, repressive regulations and techniques of control which were in direct contrast with the optimistic and liberal rhetoric of rehabilitation and assimilation.

I have referred previously to Morris' argument that the "appealing dichotomy" constructed between repressive, punitive measures and the pedagogical is false.<sup>38</sup> He argues that colonial relations are, by nature, exploitative and aim to achieve domination. It is only the means (by which the end is achieved) which changes. Settlements were the sites for the implementation of bureaucratic custodianship, a more systematic form of intervention in which pedagogic and totalising forms of control were implemented, but which was effectively a continuum of the racist discourse.

The materialistic view of the individuals as the product of his or her environment upholds the pedagogic rationality of an institutionalisation that tries to control the social environment of the inmate. Pedagogic policies that seek to correct or retrain the inmate are

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<sup>36</sup> Buckley, *From Wooden Ploughs to Welfare*, pp.72-73.

<sup>37</sup> Parliament of the Commonwealth of Australia, *Report on the Administration of the Northern Territory for the Period 1 July 1961 to 30th June 1962*, Commonwealth Government Printer, Canberra.

<sup>38</sup> "The use of sheer force not only disciplines bodies, but also creates meanings, and shapes consciousness. The pedagogical not only manipulates attitudes, but also habits, bodily movements and gestures". Morris, *Domesticating Aborigines*, p.91.

based on a view of the individual as a social being that stands in direct contrast to the biological determinism attributed to Aboriginality.<sup>39</sup>

Morris argues that institutional control by the state was intended not as a negative expression of repressive power that depersonalises and humiliates individuals, but as "a positive pedagogic force that seeks not only to confine Aborigines, but also to remodel them as individuals, which is very much an act of power".<sup>40</sup> Hasluck, Grenfell Price, Elkin and the Berndts all argued for pedagogical intervention in Aboriginal lives, the purpose of which would be Aboriginal rehabilitation and rescue from the constraints of the previous racist discourse.<sup>41</sup>

Morris characterises the government settlements in New South Wales in the period from 1914 onwards as institutions in which the methods employed to rehabilitate and assimilate Aborigines were similar to prisons and reformatories which aimed to rehabilitate deviants. Control of the residents on government settlements relied on enclosure, segregation, pedagogic regimes for Aborigines and codified rules for the conduct of managers to both maintain control and exercise power over individuals. The emphasis on the closer surveillance of Aborigines, and more developed techniques for obtaining biographical information about the inmates was in keeping with the practices of bureaucratic custodianship, found in the wider society, particularly after 1945.<sup>42</sup> In the Northern Territory, the settlements also represented a form of totalised control, and because the statutory law was based on protecting those with the status of a minor, in practice the application of statutory law became indistinguishable from the regime of settlement regulations.<sup>43</sup> The Director of Welfare in the Northern Territory was the legal guardian of all Aboriginal wards, a group accorded the same status as minors. Without the Director's express permission Aboriginal wards could not for example, marry, leave the reserve or settlement area, dispose of property, travel across state borders or leave the country, drink alcohol, own a gun, negotiate wages, open a bank account or apply for social security benefits. In an effort to protect Aboriginal female wards from sexual abuse, the Director could exercise his power to decide with whom a ward could cohabit, under sections 61 to 70 of the Welfare Ordinance. If wards offended against the Welfare or Wards Employment Ordinances or associated legislation, they could be charged, and if convicted fined or even jailed. For example, "indigents" who had been supplied with articles issued under the Ordinance were not permitted "to sell or otherwise dispose of the articles" without the express permission of the Director. Under section 16, wards would be charged with offences against the Ordinance if they were found drunk and disorderly on the settlement or if they used profane or indecent language.<sup>44</sup>

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<sup>39</sup> Morris, *Domesticating Resistance*, p.109.

<sup>40</sup> "In this we are not dealing with a benevolent, pedagogic apparatus of state power, nor are we simply dealing with power in its repressive instance, but with the gradual extension of power through mechanisms of discipline which produce trained individuals. As Foucault (1977) so aptly puts it, such "disciplines" constitute a policy of coercion that act upon the body, a calculated manipulation of its elements, its gestures, its behaviour." Morris, *Domesticating Resistance*, p.129.

<sup>41</sup> See this thesis, chapters one and two.

<sup>42</sup> Morris, *Domesticating Aborigines*, p.129.

<sup>43</sup> See Tatz, *Aboriginal administration in the Northern Territory*, chapter ix, for discussion of criminal law and Aborigines.

<sup>44</sup> See Welfare Ordinance, 1953-1960.

The regulations for the Welfare and Wards Employment Ordinances outlined most aspects of the measure of control available to govern wards on the settlements.<sup>45</sup> Each settlement was under the control of a superintendent whose responsibility was to ensure settlement regulations were enforced. Surveillance played a crucial role in the exercise of power by the superintendent, and the Director of Welfare relied on information provided by the superintendents in decision making. Therefore the superintendents's duties (there were no female superintendents), included submitting a quarterly report in which the detailed information recorded included: keeping the Register up-to-date; recording all movements of wards on and off the settlements; determining who was eligible for appropriate payments and ration allocations and responsibility for the management of settlement canteens. The wife of a male staff member usually took up the position of matron, and exercised a role which incorporated pedagogy and surveillance by,

... caring for and overseeing native women and girls. This involves teaching sewing and other domestic arts and the care of women folk in the native camp as well as the oversight of the cooking or whatever communal feeding may be carried out.<sup>46</sup>

Of these duties, responsibility for the control of the movement of Aborigines was a critical function for the superintendents. For example, Section 14 of the regulations charged the superintendent with carrying out the Directors orders to ensure that recalcitrant wards were not permitted off the settlement between the hours of sunset and sunrise and Section 17 provided for penalties of up to ten pounds or one months imprisonment for offences against the regulation.<sup>47</sup> Superintendents, with the permission of the Director, continued the practice of transferring Aboriginal wards thought to be "troublemakers" or "cheeky" to other settlements or reserves to limit their sphere of influence. Non-wards were not permitted onto the reserve without the permission of the Welfare Branch; a ward did not have the right to invite non-wards onto the settlement and hence to his or her living site.

By the early 1960s, some contemporary protagonists began to identify patterns of behaviour in settlement residents as manifesting the same characteristic behaviour of residents of institutions such as dependency and apathy, which were attributed to loss of autonomy. These outcomes were quite the opposite to those intended for settlements. How had such a gap developed between the purpose and the outcome? An analysis of the methods of implementing policy at Bagot provides at least part of the answer. The differences between Bagot and the bush settlements, however, should not be forgotten. In Darwin, Aborigines lived in a segregated enclave within a modern town; Aborigines on settlements such as Papunya, Yirrkala, and Hooker Creek lived in communities remote from settler urban centres but near kin and country or even on traditional lands, with considerably less settler contact/intrusion. Such communities might only be accessible by air for

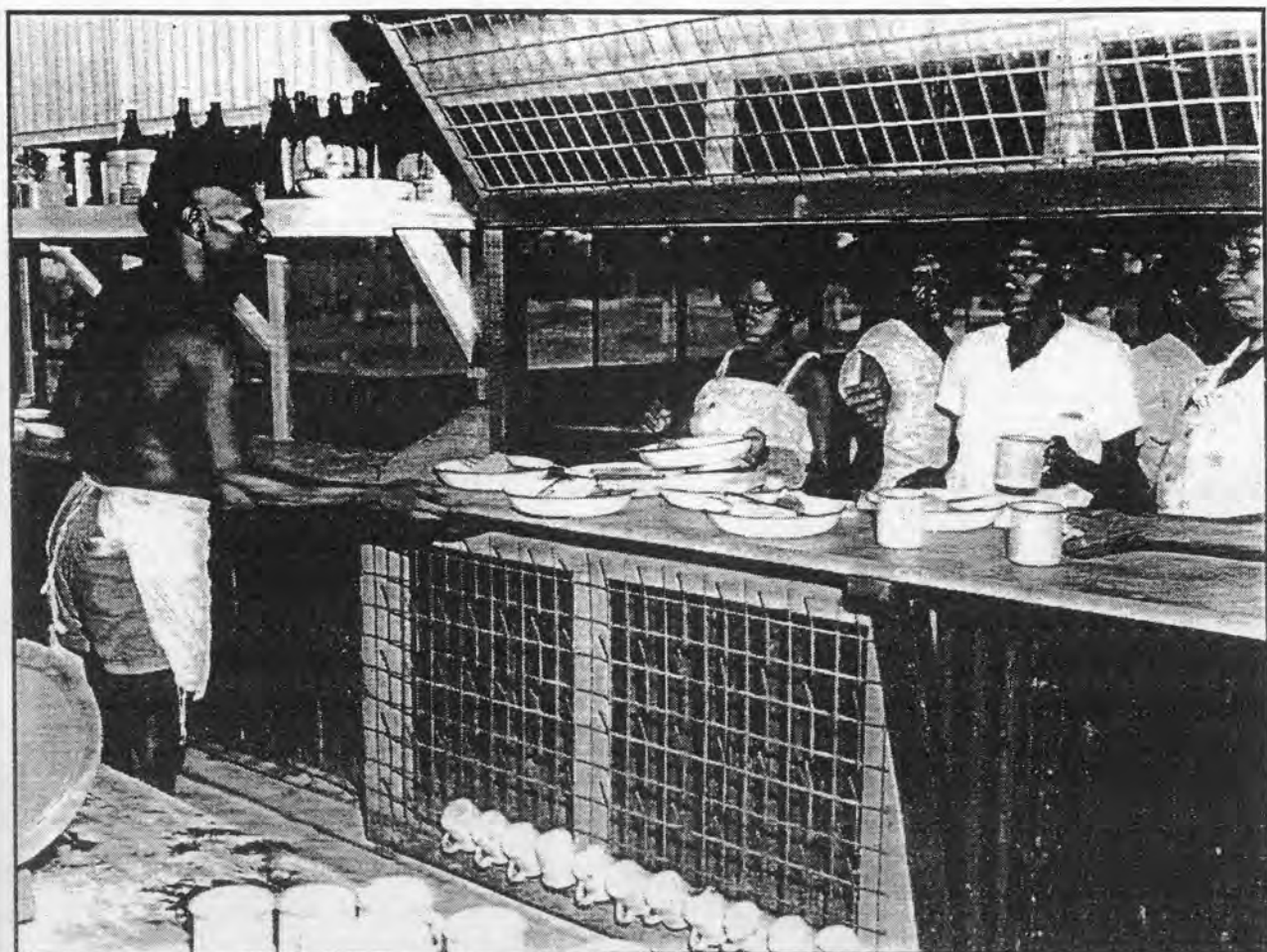
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<sup>45</sup> The Aborigines Ordinance and subsequently, the Wards Employment Ordinance, laid out the conditions of employment for wards on and off the settlement. It was a settlement regulation that all able-bodied residents should work and thus earn their keep. The employment regulations determined the scale of rations including food, clothing and accommodation. Those unable to work such as nursing mothers or the aged were rationed according to a combination of social security and Welfare Branch allocations.

<sup>46</sup> Information sheet on Native Settlements in the Northern Territory to accompany application forms for positions of superintendents, managers and driver mechanics. CRS A452 1956/735 part 2, AAC.

<sup>47</sup> The Northern Territory of Australia Regulations 1957, No.59, Regulations under the Welfare Ordinance 1953-1955.





Photograph 6. Communal messing at Bagot Native Reserve, 1951.  
CRS L13799 A1200/1 AAC.



Photograph 7. The Canteen at Bagot Native Reserve (no date).  
CRS L13808 A1200/1 AAC.

months at a time in the Wet season. Intervention and institutionalisation took on different meanings in the bush from in the towns. The metaphor of Aborigines on a long march was so appealing because of the apparent differences between Aborigines.

*"Better control" or "no control."*

In 1951, the Aborigines in Darwin moved from the Berrimah Reserve on the outskirts of Darwin back to the Bagot Government Settlement close to the town.<sup>48</sup> Bagot was to be the showpiece in the Department of Territories successful implementation of assimilation policy on government settlements. The Aborigines at Bagot were considered relatively sophisticated and were expected to respond quickly to efforts to raise their standard of living and hence to advance them towards civilization. In implementing the first priority of the settlement program to raise the standard of living of Aboriginal wards, however, I propose that Aborigines at Bagot increasingly lost autonomy. The way in which housing and food were regulated will serve as examples.

The Aboriginal community was moved from the Berrimah compound firstly because the reserve was in a parlous state of disrepair and the Bagot reserve was no longer needed as a repatriation camp and secondly because "no amount of talented supervision" could overcome the impossibility of taking control of compound residents given the organisation of the space.<sup>49</sup> There had been a great deal of adverse publicity exposing the conditions at the Berrimah Compound which undoubtedly prompted action even before the disruption of the strikes late in 1950.<sup>50</sup> Administrator Driver,<sup>51</sup> announced to the press the likely benefits the Aboriginal community's return to the Bagot Settlement. First he suggested the strikes probably had more to do with the poor conditions at Berrimah than any real industrial grievance. Aborigines would notice a significant improvement in their living standards at Bagot. Instead of the sprawling, squalid and crude conditions, the residents would be provided with their own separate huts and good cooking, washing and hygiene facilities. From the point of view of the management of the residents:

The new compound will give us *better control* over the natives and they will be looked after much better...

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<sup>48</sup> The removal to Bagot began officially 10 February 1951 though several groups had already taken up residence prior to this date, memorandum, Berrimah Aboriginal Reserve - resumption of area, Administrator to Department of Territories, 13 October 1951, CRS F1 50/34, AAD.

<sup>49</sup> Patrol Officer Sweeney to Acting District Superintendent, Report Berrimah Native Reserve, 26 September 1949, CRS F1 50/34, AAD.

<sup>50</sup> Douglas Lockwood had written an article, which was syndicated nationally, describing the gross poverty, squalor and neglect at the Compound, Melbourne Herald, 22 March 1950. See also, Northern Standard, 31 March 1950. The Department of Native Affairs had already begun the lengthy process of reviewing the Berrimah Compound in late 1949, see Patrol Officer Sweeney to Acting District Superintendent, Report Berrimah Native Reserve, 26 September 1949 CRS F1 50/34, AAD. Moy's response to the article makes clear that the conditions were poor by any standards. Moy to Administrator, Report on Berrimah and Bagot Compounds, 5 April 1950, and Moy to Administrator, Rationing Aborigines at Berrimah, CRS A452 53/510, AAC. The revocation of Berrimah Compound was gazetted 11 September 1952, Commonwealth Government Gazette, no.65.

<sup>51</sup> Arthur Robert (Mick) Driver, was administrator of the Northern Territory from 1946 to 1951. M.E. Driver in Carment and James, Northern Territory Dictionary of Biography, pp.49-50.

We were not able to keep a proper check on them at Berrimah, because it was a difficult place to supervise.

The natives could wander in and out of the camp as they liked and could go on "walkabouts" around town and get into trouble.<sup>52</sup> (my italics)

The boundaries of the area of land originally reserved for Bagot in 1938 were unchanged. Darwin had expanded, however, and Bagot was no longer so isolated from white settlement. Bagot road which was constructed along the eastern border of the settlement, now carried significantly more traffic as it was the only road to the developing northern suburbs and the camps at Nightcliff. On the northern boundary small freshwater creeks crossed the land and the mangroves still separated the settlement from Nightcliff. On the southern boundary, also bordered by creeks and mangroves, subdivisions brought reserve and town into closer contact. On the western boundary, the land stretched down to the sea, to a sheltered beach and mangal which the settlement dwellers used for fishing, collecting a variety of bush foods and to get away from the prying eyes of the settlement staff. Some of the land had been significantly degraded after use by the Army, but there was still enough good land for cultivation. Like all the government settlements, Bagot was a closed community and all Aboriginal wards in Darwin were compelled to reside there. They could not live elsewhere without the permission of the Director of Welfare. Generally, Aboriginal wards were not permitted to leave Bagot between the hours of sunset and sunrise; non-wards, settler or Aboriginal, were not permitted to enter the reserve without the permission of the superintendent or an appropriate officer from the Welfare Branch. Aborigines could not invite non-wards onto the reserve of their own accord.

The minimum number of people residing at the Bagot settlement at any one time was roughly 250 but, with visitors, numbers sometimes swelled to over 400. There was a core of residents who were Larrakia or who belonged to other language groups indigenous to the wider Darwin region, as well as the transient residents. Children at Bagot attended the Bagot school; the number of pupils fluctuated, but on average there were fifty children at the school. As the decade progressed, the number of permanent residents increased.<sup>53</sup> Bagot also provided accommodation for Aborigines who needed to come into Darwin, and all visitors to Darwin who were Aboriginal wards were required to stay at Bagot. Aborigines visited Darwin for a range of reasons. Because there was a hospital on the reserve, many Aborigines visited Bagot as part of health care and treatment. Others came into town for business and pleasure and to meet with relatives. Aborigines came into town for activities organised by the Welfare Branch, such as the eisteddfods or cultural celebrations, while others came to Darwin for work. There was usually a contingent of workers from the Tiwi Islands living at Bagot who were employed by the Royal Australian Air Force. It was not necessarily easy for Aborigines to organise to visit Darwin without the assistance of the Welfare Branch, firstly, because wards did not usually have access to independent forms of transport and, secondly, they did not necessarily have cash to pay the fares and associated expenses. In any case Aborigines could not leave a reserve or move to another without permission from the settlement superintendent or appropriate welfare branch officer.

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<sup>52</sup> *Argus*, 13 February 1951.

<sup>53</sup> See *Administrators' Reports* for this period.

Many Aborigines from outlying regions stayed in Darwin for a number of years. Bill Neidjie, for example, of the Gagadju people whose home country is Kakadu, lived at Bagot during the late 1950s and early 1960s and was highly regarded by the Welfare Branch as a good worker.<sup>54</sup> He was a "trainee gardener" and was one of the few workers considered sufficiently competent to receive instruction in the use of the rotary hoe.<sup>55</sup> The Daniels' brothers, Davis, Dexter and David,<sup>56</sup> and their families who were from Borrooloola lived at Bagot and were employed in Darwin for many years. Davis was employed by the Commonwealth Health Department as an orderly. Both Dexter Daniels and Davis Daniels were active in the struggle for Aboriginal rights and their families maintain strong connections with Darwin. Also from the Borrooloola area and residents at Bagot for some time were the Roberts brothers.<sup>57</sup>

The Department policy was that settlements should aim to be self-sufficient as a way of reducing the costs for food as well as providing work and training for the able-bodied who were compelled to work in order to obtain rations. At Bagot, this bucolic ideal included cultivating market gardens and tropical fruit orchards, raising poultry and pigs and animal husbandry. The Administrator's reports for 1953-1955 proudly describe the expansion of the agricultural area.<sup>58</sup> The poultry raised was sufficient for the needs of the community<sup>59</sup> and the Bagot settlement won prizes at the Darwin Agricultural Show for excellence in cultivation of tropical fruits and vegetables.<sup>60</sup> In the following years the gardens were an enduring feature of the Darwin landscape, and, for the administration, a visible symbol of its success.

The provision of health care and children's education came under the administration of the Commonwealth Departments of Health and Education respectively. For the first time in Darwin, Aboriginal children had access to primary and pre-school education established specifically for their use. A school was set up at Bagot in 1949, and became the responsibility of the Commonwealth Department of Education in 1950.<sup>61</sup> The children were at last assured of access to education and the cultural practices related to the

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<sup>54</sup> Part of Neidjie's story is told in Bill Neidjie, Stephen Davis and Allan Fox, Kakadu Man ... Bill Neidjie, Mybrood, N.S.W., 1985.

<sup>55</sup> Report from Bagot Settlement, 27 September 1961, Welfare Branch monthly Returns Bagot Aboriginal Reserve, CRS F1 61/219, AAD.

<sup>56</sup> Julie T. Wells, Majandula Davis Daniels in A Biographical Register of the Australian Labour Movement 1788 to 1975. Davis and Dexter Daniels were active in the Northern Territory Council for Aboriginal Rights. Dexter Daniels was especially active in the Newcastle Waters and Wave Hill strike action. See Hardy, The Unlucky Australians, Thomas Nelson, Australia, 1968, and chapter eight, part one, this thesis.

<sup>57</sup> Part of the Roberts' story is told in Douglas Lockwood, I, The Aboriginal, Rigby, Adelaide, 1972 (first published 1962) which was made into the film, I the Aboriginal, 1969, by Cecil Holmes.

<sup>58</sup> Preliminary investigations conducted by an officer from the Animal Industry Branch who suggested that by planting good pasture grasses, a dairy herd could be established. At the conclusion of 1957, fifteen acres had been planted with "buffel grass, para grass, elephant grass, guinea grass and cento." The pasture grasses were developed but finally no cattle were ever grazed. An experimental sisal plot had been established. Parliament of the Commonwealth of Australia, Report on the Administration of the Northern Territory for the Period 1 July 1953 to 30th June 1955, Commonwealth Government Printer, Canberra, p.38, and Report on the Administration of the Northern Territory for the Period 1 July 1955 to 30th June 1956, p.36.

<sup>59</sup> Report on the Administration of the Northern Territory for the Period 1 July 1958 to 30th June 1959, Appendix xxvi.

<sup>60</sup> Report on the Administration of the Northern Territory for the Period 1 July 1956 to 30th June 1957, p.38.

<sup>61</sup> Tatz, Aboriginal administration in the Northern Territory, chapter vii, Education.

place of the school in non-Aboriginal culture. The children participated in sporting programs with other schools and in eisteddfods, hosted visiting children from other schools and entered their work in the Darwin Show. The Administrators' reports indicate the extent to which the achievements of the children and the school and pre-school were a source of considerable pride to the Administration.<sup>62</sup> The children were regarded as the great hope for future assimilation. The Welfare Branch assumed responsibility for setting up pre-schools on the settlements in 1954.<sup>63</sup> The Commonwealth Health Department took over the responsibility for Aboriginal health in 1952.<sup>64</sup> The Bagot Hospital had been in use since 1945 but medical facilities were upgraded so that again the residents had access to improved health care. In the area of infant welfare and care of young children, considerable improvements were also made both by increasing access to medical attention and increasing instructional and preventive programs. In the fields of both education and health care, however, improvements are gauged here only against the previous services, and by not using criteria based on cultural appropriateness, sensitivity and autonomy, or a comparison with similar services for non-Aborigines. In 1964, for example, Tatz compared the health, hygiene and nutrition services provided to Aborigines on settlements with the United Nations World Health Organisation's basic standards, and found that against this measure not even the United Nation's most basic recommended standards were necessarily being met.<sup>65</sup>

Despite these improvements in the provision of services and in the physical landscape, the housing and accommodation for the Aboriginal residents at Bagot remained inadequate. The gap between policy and practice in the provision of housing at Bagot is the focus of the first case study in settlement management. Accommodation for Aborigines at Bagot, in 1951, was marginally better than at the Berrimah Reserve and was composed of a rambling collection of huts used as married quarters, single men's dormitories, single women's accommodation, ablution blocks and rudimentary settlement facilities. Generally, the huts constructed of black iron and timber were too small and could only be used for sleeping and perhaps for storing a few meagre possessions. They were overcrowded, and quickly became dilapidated. Cooking facilities, electricity, running water and ablution facilities were not provided for each hut. Few improvements were made to housing and accommodation in the following years. During 1955-1956, two Sidney Williams huts were erected to provide a recreation facility and a laundry was built. In the following year, a steel and iron building was dismantled in the town and re-erected at Bagot to make up a garage and workshop, and the kitchen was reorganised around a new oil-burning stove. During 1957-1958, a new ration store and recreation hut were completed and seven cottages were repaired and repainted.<sup>66</sup> These minimal improvements were made despite the fact that adequate housing was considered to be crucial to any process

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<sup>62</sup> Challenges to the success and suitability of education program for children in schools are identified by Tatz in chapter eight. Suffice to note that the challenges which Tatz identified as significant formed part of the new thinking which challenged the fundamental premises of assimilation and its nexus with citizenship.

<sup>63</sup> Tatz, *Aboriginal administration in the Northern Territory*, pp.185-188.

<sup>64</sup> Report on the Administration of the Northern Territory for the Period 1 July 1949 to Year 30th June 1953.

<sup>65</sup> Tatz, *Aboriginal administration in the Northern Territory*, chapter vi, Health, Housing, Hygiene and Nutrition.

<sup>66</sup> Report on the Administration of the Northern Territory for the Period 1 July 1958 to 30th June 1959.

of social amelioration and, by default, provided a way by which families could make the transition to conform to patterns of behaviour and to the consumption practices of the dominant culture.

A major reason for the continuing shortage of adequate housing at Bagot was the Department of Territories' decision to put as first priority the provision of a suitable infrastructure for white staff to manage the settlements as discussed in part one. Unlike other settlements, there was alternative accommodation in Darwin for settler staff and in 1958, there were only two staff residences at Bagot. Nevertheless, improved housing for Aborigines at Bagot was contingent on funds being available based on Territory wide priorities. The establishment and maintenance of the white infrastructure for settlement management was the first priority for allocation of funding, and native dwellings the last. Attempts by Aboriginal residents and departmental officers to improve settlement facilities met with little success. The first attempt in 1951 was an initiative taken by Middleton, an officer with the Commonwealth Building Station, who suggested setting up a native co-operative house-building program, using cheap local materials, various techniques he had witnessed used successfully in the "Third World", and settlement labour. There was some initial interest in his project but finally the Department of Territories rejected the proposal.<sup>67</sup> The Welfare Branch then considered options for native housing co-operatives at the same time as it was exploring options for housing co-operatives, building societies and home loan schemes for the Part-Coloured Housing Program described in chapter six of this thesis. Hasluck rejected the housing co-operatives for wards fearing such co-operatives might get "into the wrong hands", a decision which reflected the tensions brought about by the advent of the Cold War.<sup>68</sup>

Neither Bagot residents nor Welfare Branch officers could make improvements in the living conditions at Bagot without the specific approval of the Department of Territories which had other priorities. According to Patrol Officer Ted Evans,<sup>69</sup> Bagot residents, Ted Cooper, John White, Harold Woody, Mickey Jibu and Holder Adams showed an interest in improving their living standards and raised the idea that they might begin by erecting their own cottages on Bagot Reserve. Evans, was keen to foster their interest in this idea and sought permission for these men to choose sites for their houses so that they could begin clearing the land. There were two alternatives presented in 1956. The first was that the men could manufacture adobe bricks from suitable soil available in the vicinity of Bagot or, the more desirable alternative, that Administrative Officer General might explore the possibility of advancing loans to the men so that they could cooperatively manufacture cement bricks. Evans considered there was enough black iron in stock at Bagot for use in roofing and that bush timber could be used as lintels. Evans commented,

... an early decision is essential if we are to foster the interest shown to date and if we are to indicate to the native population generally that we are sincere in our desire to assist them where they show signs of independence.<sup>70</sup>

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<sup>67</sup> A report based upon an extended visit to the Northern Territory, and some inspections made in Western Australia. G.F. Middleton, March 1951, Department of Works and Housing, Commonwealth Building Station. Housing For Native Population, CRS F1 51/1113, AAD.

<sup>68</sup> Memorandum, Hasluck to Secretary, 20 January 1956, CRS F1 55/1119, AAD.

<sup>69</sup> E.C. (Ted) Evans was appointed as a cadet patrol officer in 1946. See Long, *The Go-Betweens*.

<sup>70</sup> Memorandum, Evans to Director of Welfare, Self Help Native Housing Scheme, 3 August 1956, CRS E460/T1 74/729, AAD.

The enthusiasm of the natives was to be tested, however, and in April 1957, Evans again raised the matter with Giese. This time, he suggested they should at least get the program started with one house using the adobe brick method. Evans was prepared to give up the odd weekend to helping with the task.<sup>71</sup>

By August 1958, there was still no adobe house. Teddy Cooper had moved to one of the settlement stores which had one end converted into a flat. Holder Adams had moved to a portion of a converted Sydney Williams hut at Winnellie on the outskirts of Darwin. Giese, however, was more interested in waiting for a housing commission to be established so that its potential as a source of housing and housing funds could be determined.

I consider... that we should be giving consideration - and very serious consideration - to the question of providing some type of small housing unit on the Bagot Reserve which would provide a transition stage between their present accommodation and accommodation in the future in houses similar to those which we are allocating to part-coloured persons.<sup>72</sup>

In November of 1958, the Administrator gave his approval for Giese to have the Surveyor General survey a specified area of the reserve with a view to sub-dividing the area into a number of building blocks for the erection of housing commission houses which would be available,

to those native families from Bagot who have demonstrated their ability to command award wages and where we think their general standard of living would fit them to handle effectively this type of accommodation.<sup>73</sup>

At this stage, the Housing Commission Bill had not been passed in the NTLC but the Administrator was of the opinion that the actual blocks would be transferred to the Commission on the condition they agreed to erect low rental houses suitable for people "graduating" from the Bagot Reserve and that they agree to reserve these houses for that purpose.<sup>74</sup> Meanwhile various house plans were drawn up, though again it was considered that it would be best to wait on the establishment of the Commission before any decisions were made. Finally, in August 1959, the proposal for a self-help native housing scheme was deemed a waste of time in view of the advent of the Housing Commission. When he made this announcement, Giese recommended to his staff:

Meanwhile, if you have any further thoughts on this matter, or if at Bagot you feel that it is worth considering the extension of evening woodwork classes aimed perhaps at doing simple improvements in the home (such as building shelves or cupboards, fitting and repairing locks etc.) with a view to having wards at a satisfactory stage of readiness to use a house properly by all means set them in action and keep me posted with the position.<sup>75</sup>

When Creed Lovegrove,<sup>76</sup> began his term as superintendent at Bagot in 1961, he despaired over the poor housing conditions. At the time there were six different types of accommodation available to residents of Bagot. There were twenty concrete cottages containing two bedrooms, a dining room, small

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<sup>71</sup> Memorandum, Evans to Giese, Self Help Native Housing Scheme, 10 April 1957, CRS E460/T1 74/729, AAD.

<sup>72</sup> Giese to District Welfare Officer, 13 August 1958, folio 15, CRS E460/T1 74/729, AAD.

<sup>73</sup> Folio 24A, CRS E460/T1 74/729, AAD.

<sup>74</sup> Acting Administrator to Director of Welfare, 5 December 1958, CRS E460/T1 74/729, AAD. This program was finally established in the early sixties and is described in chapter seven.

<sup>75</sup> Giese to District Welfare Officer, 14 August 1959, folio 27, CRS E460/T1 74/729, AAD.

<sup>76</sup> T.C. (Creed) Lovegrove was appointed as a cadet patrol officer in the Department of Territories in 1951, Long, The Go-Betweens.



stove alcove and a shower room. This accommodation was considered adequate to house one family of a married couple and three children. In fact, there was an average of eight persons per house with ten or more people in eight houses and a maximum of sixteen in one house, adding up to a total of 162 people in twenty small cottages. There were five Kingstrand cottages, (a pre-fabricated aluminium house)<sup>77</sup> which Lovegrove claimed could house no more than a married couple with one child. The average was seven to eight people per house. None of the Kingstrand houses had been modified to provide either sleeping, cooking or dining facilities. There were wooden dormitories which were not properly weatherproofed and were in a bad state of disrepair. Though this accommodation was meant for single men, there were in fact three of these buildings housing a total of eighty-four people including eleven married couples with children. Concrete dormitories, again designed for single occupants to the maximum of twenty-two persons per hut, housed a total of fifty-five including thirteen married couples and children. There was one timber and iron flat, consisting of two bedrooms, dining room, kitchen, sleepout, storeroom, toilet shower, designed for a married couple with four children. A family of non-wards occupied the hut - a husband and wife, eight children and one grandchild. Finally there was a timber and concrete house in an unsound condition, suitable for a married couple with six children. At the time of the report there were twenty-one people living there including two married couples with families and six other single men. Lovegrove pointed out that adequate lighting in the toilet blocks and ablution facilities had been requested since 1957 but still nothing had happened. The implications for settlement hygiene did not require elaboration.<sup>78</sup>

Settlement staff were reduced to systems of surveillance and punitive regimes, reminiscent of, but less successful than, the model of the Army labour camps, in order to ensure a reasonable standard of settlement hygiene in the face of overcrowding and inadequate facilities. Lovegrove recorded:

Hygiene inspections are carried out daily and constant pressure is applied to the group but I feel sure that if pressure were released and inspections not carried out, within a month Bagot would be something akin to a pig sty. I only say this to indicate that there seems to be no natural repulse to filth amongst the majority of these people.<sup>79</sup>

In February 1961, Bagot's assistant manager, Rogers, recorded the methods he used to enforce regulations to promote basic standards of hygiene:

House proud occupants have cleared the area surrounding their cottages. Great efforts have been made by individuals to keep their cottages clean internally and externally. This is an endless operation which must never be neglected and I am very pleased to advise that the majority of residents of Bagot now have become agreeable to cleanliness and commence their daily chores before the Staff start rounds of the camp. As normal the exceptions to the above are people who fall into two groups - lazy or smart alec types. They have been dealt

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<sup>77</sup> The Kingstrand house was an iron framed aluminium clad pre-fabricated building, designed by Dowsett Engineering for the Welfare Branch. The Stage 1 Kingstrand comprised one room and a verandah. Various other rooms could be added. The Kingstrand house and its variations are described in greater detail in Barbara Wigley and Julian Wigley, "Black Iron: A History of Aboriginal Housing in the Top End of the Northern Territory. A Report to the Northern Territory Trust of Australia (Northern Territory)", December 1992.

<sup>78</sup> Settlement report for period 1 February 1961 to 30 April 1961, submitted by Creed Lovegrove, Bagot Settlement, 15 June 1961, Welfare Branch Monthly Returns Bagot Aboriginal Reserve, CRS F1 61/219, AAD.

<sup>79</sup> Report from Bagot Settlement, 27 September 1961, folios 55-61, Welfare Branch Monthly Returns Bagot Aboriginal Reserve, CRS F1 61/219, AAD.

with, gentle shock tactics have produced surprising results. No smoko's [sic] for dirty people. No special treats, no canteen etc. We only reached the no smoko stage that shock was enough.[sic]<sup>80</sup>

Elsewhere, however, Lovegrove acknowledged a greater understanding of the complexity of the problems facing settlements. He argued that poor housing conditions resulted in settlement dwellers using community facilities at Bagot, which in turn they accepted complacently, a factor at least in part to blame for the failure of families to assimilate.

In our attempts to promote social change one of our main targets should be the family unit and wherever possible this should function as a close knit unit and not be split up as it is under our present system of communal feeding, communal sleeping, communal bathing and communal use of toilets and such things.<sup>81</sup>

Lovegrove had argued that it was unlikely that couples on the settlement would learn home management while they were occupying communal sleeping quarters and nor would there be motivation to take pride in the home. He compared the cases of Doris Mazlin and Topsy Secretary. Doris had achieved a significant rise in her standard of living when she was given access to her own house and managed an independent household. This situation changed dramatically, however, when she was forced to share her house with other families.<sup>82</sup> Doris had not lost any of her initiative argued Lovegrove, she had just "lost hope".<sup>83</sup> Topsy Secretary, however, did not currently share her accommodation with other families.

The house is badly in need of painting but undeterred by this Topsy has kept the house in a tidy condition, beds in the house have clean sheets and bedspreads, there are pictures on the wall and Kathleen, Topsy's daughter occupies a room of her own and has her own dressing table and wardrobe both home made. There is a state of orderliness about the house.<sup>84</sup>

Lovegrove argued that adequate housing was not necessary only as it related to standards of living.

If these people are able to occupy accommodation which is not overcrowded then there will be an improvement in the management of the home as far as women are concerned and a desire to produce something for themselves as far as the men are concerned. If, as in the case of Doris, they have to occupy overcrowded dwellings then the initiative will be killed and may be replaced by a lethargic attitude.<sup>85</sup>

There was a clear correlation between bureaucratic intervention and loss of autonomy on the part of settlement residents. The proposition from Ted Cooper, John White, Harold Woody, Mickey Jibu and Holder Adams to build their own shelters, mediated by Evans, was never taken up. Years passed and still overcrowding continued while plans were drawn up and funding organised for elaborate housing programs

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<sup>80</sup> Bagot Report, February 1961, Welfare Branch Monthly Returns Bagot Aboriginal Reserve, CRS F1 61/219, AAD.

<sup>81</sup> Settlement report for period 1 February 1961 to 30 April 1961, Lovegrove, Bagot Settlement, 15 June 1961, CRS F1 61/219, AAD.

<sup>82</sup> Doris Mazlin and her husband Frank now shared the house with Moses and Topsy, pensioners; Robert Bathurst, his wife and two children and one single man.

<sup>83</sup> Settlement report for period 1 February 1961 to 30 April 1961, Lovegrove, Bagot Settlement, 15 June 1961, CRS F1 61/219, AAD.

<sup>84</sup> Settlement report for period 1 February 1961 to 30 April 1961, Lovegrove, Bagot Settlement, 15 June 1961, CRS F1 61/219, AAD.

<sup>85</sup> Settlement report for period 1 February 1961 to 30 April 1961, Lovegrove, Bagot Settlement, 15 June 1961, CRS F1 61/219, AAD.



Photograph 8. Topsy Secretary and daughter Kathleen. probably taken in the late 1950s.  
N4897.22 AIATSIS, Canberra.

organised in collaboration with the Housing Commission. In fact there were no avenues, either formal or informal, for Aboriginal initiatives on the settlement at the interface between the bureaucracy and the residents. Such action was just as likely to be interpreted as "cheeky" and punished. The extent to which scope for initiative had been co-opted by the bureaucracy is illustrated nowhere better than in the example of lighting in the toilet and ablution blocks. Neither the settlement residents nor successive settlements superintendents in the previous five years apparently considered taking the matter into their own hands by providing some sort of makeshift lighting. In Lovegrove and Rogers' response to the apparent indifference of the settlement residents to tidiness and hygiene, the temptation to impugn and blame Aborigines, to label them pathetic, indifferent and lazy, is obvious. The superintendent, however, lived in a fully serviced house on the settlement called the "big house" by the residents. The home of the assistant manager was only slightly less grand. The use of the "big house" probably derives from the same term for the manager/owner's house on pastoral stations. In both instances, the use of the term demonstrates that for the Aboriginal protagonists, the big houses both symbolised and reinforced the authority and power of those who resided in them.

Meanwhile, living conditions at Bagot remained squalid and perilously overcrowded. Despite government claims, funds were not available to provide houses of a reasonable standard for every family group at Bagot. Policy dictated that settlements were only temporary and, therefore, the Department argued, if residents were ready for a house of the standard found in suburban Darwin, then they should no longer be living at the settlement, a proposition which is discussed in chapter seven.

The way in which food was controlled at Bagot is the site for a second study of the progressive loss of Aboriginal autonomy to bureaucratic intervention and regulation. Communal feeding, or messing as it was sometimes called, had been a feature of settlement life in Darwin for many years, though elsewhere in the Territory it was not introduced until the late fifties. Since the establishment of the Kahlin Compound in 1913, the Commonwealth Government had been providing rations for Darwin's Aboriginal community. Cook, who was responsible for the establishment of Bagot in the late 1930s, had envisaged a self-sufficient village community. The mess kitchen would be supplied with products grown and produced by the settlement residents. In this way, the community would learn the skills to eventually progress to the stage where they could manage independently.<sup>86</sup> Later, in 1947, Moy summed up the practical benefits of messing from an administrative viewpoint. It ensured: economy of supplies; that all residents received adequate nutrition; effective hygiene and the control of natives. To provide cooking facilities to Aboriginal families would necessitate: individual supplies of stores; storage facilities in huts to prevent infection and contamination; constant supervision to ensure correct hygiene procedures were being observed and a kitchen for each family group. Moy did not consider the Aboriginal women at Berrimah sufficiently advanced to properly prepare food for their families.<sup>87</sup>

A large percentage of aborigines are improvident. They have poor ideas of conserving supplies. It is against their whole training and upbringing. Before the next rationing period

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<sup>86</sup> Memorandum, Chief Architect, Plans for Bagot, 21 May 1937, CRS F1 38/354, AAD.

<sup>87</sup> Moy to Administrator, Rationing Aborigines at Berrimah, 6 April 1950, CRS A452 53/510, AAC.

we would have hungry people begging around town. Once more the care and attention of aborigines would be subject to the severest criticism.<sup>88</sup>

Successive governments were convinced that, depending on the stage of development of settlement residents, that communal messing would ensure adequate nutrition, teach nutrition by example, provide an economic use of rations and be an avenue for employment on the settlement. In observing the introduction of communal feeding in Central Australia at a much later period than at Bagot, for example, Rowse concluded:

... communal feeding was the social organisation of rationing which most forcefully imprinted on the act of giving the donor's assumption of superiority... the setting of cooked food in front of an individual Aborigine in a communal dining room went further than ever before in distancing the recipient from the cultural resources which had given indigenous meanings to food and to its exchange.<sup>89</sup>

Communal feeding set about disassembling domestic groups in order to reassemble them according to western concepts of nuclear domestic arrangements.<sup>90</sup> The justification for communal feeding in the Centre focused on control, nutrition, equity without waste, and on training to use tables and chairs, cutlery and plates.<sup>91</sup> Rowse concluded that communal feeding demonstrated the paradox of the assimilation program. On the one hand the administration was attempting to displace the Aboriginal camp, to "empty commensality of its customary meanings and emotional texture" with organised feeding, and yet it claimed to extol the "fundamental importance of something it called the family unit".<sup>92</sup>

Messing was used as a measure of social control, and as a way to enforce discipline. When the Aboriginal residents returned to Bagot in 1951, the Native Affairs Branch issued a press release which announced that improved messing facilities would include separate dining rooms for men and women.<sup>93</sup> The only justification for separating the sexes would be that control would be more readily maintained. For example, when Micky Marine and his family were suggested as candidates for occupancy of a better hut, the superintendent at Bagot considered it necessary to bring to the attention of the Acting Director of Native Affairs aspects of the family's behaviour. In the past three months there had been three disputes at their cottage; more importantly Bessy, Micky's wife, persisted in carrying food from the dining room back to her cottage, which the Superintendent claimed made the task of keeping others from removing food from the dining room extremely difficult. The Superintendent recommended other more suitable families for the experiment.<sup>94</sup> The economy of messing was another factor. On one occasion the superintendent complained about the fact that the Whites and the Potts were being issued with rations instead of attending the communal dining room. The Superintendent drew attention to the cost: a family of four would normally be rationed

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<sup>88</sup> Moy to Administrator, Rationing Aborigines at Berrimah, 6 April 1950, CRS A452 53/510, AAC.

<sup>89</sup> Rowse, *White power, white flour?*, p.352.

<sup>90</sup> Rowse then argues that there is a considerable body of evidence to suggest that in the Centre, Aboriginal people tended to avoid supervised meals and that they imposed at least some of their own concepts of the social observations of eating when they could.

<sup>91</sup> Rowse, *White power, white flour?*, p.351.

<sup>92</sup> Rowse, *White power, white flour?*, p.348.

<sup>93</sup> *Northern Standard*, 12 January 1952.

<sup>94</sup> Superintendent of Bagot Reserve to Acting Director of Native Affairs, 23 March 1954, CRS F1 51/1113, AAD.

with 12ozs of bread each, thus constituting 48ozs of bread altogether. However, the nearest large loaf available was 64ozs.<sup>95</sup> This practice had promoted both inequity and extravagance!

Communal feeding was also meant to teach Aboriginal women, by example, about non-Aboriginal foods and home economics. Aboriginal women, however, had few opportunities to take control of food and rations whether they chose to follow settler or Aboriginal ways. Whether access and control over food is considered as Aboriginal women's traditional province or as an area of women's responsibility in an assimilated family, communal messing denied Aboriginal women autonomy and serves as an example of the effective institutionalisation of settlement residents. Few if any of the houses at Bagot had electricity, stoves in working order, refrigerators or any adequate means of storing food for any length of time and so it was extremely difficult to cook and store food in the houses provided on the settlement.<sup>96</sup> Aboriginal women did not therefore have the opportunity to practice western home management even if they wanted to. The only time the settlement women were explicitly given control of food was when the dry rations were provided on the weekends. The alternatives of bush tucker and camp fire cooking were actively discouraged. In Darwin, opportunities to access the range of bush foods were largely limited to fishing. Advances in the provision of infant welfare services meant that the babies and young children were fed daily at the infant welfare centre, and the preschoolers and school children were provided with a hot meal at school every day. Settlement women helped prepare these meals but under strict supervision.

Settlement women rarely had access to cash so that they had few opportunities to buy food or other goods which might have assisted them in learning western home economic practices. Before the Social Services Act of 1959, Aborigines were eligible only for child endowment, unemployment and sickness benefits. Pension and Maternity Allowance payments began in April 1960, but the women rarely received any cash payments at this time. Most of the Maternity Allowance money was kept by the Welfare Branch to defray the costs of extra food and the cost of a layette for pregnant and lactating women. Women were not eligible for Unemployment Benefits and had to be over 65 to receive the Old Age Pension. The pensions were not paid directly to the recipients and in many cases individuals received no more than pocket money.

By the end of the decade, officers from the Welfare Branch began to express concerns about the extent to which specialist non-Aboriginal staff had taken over the roles of Aboriginal women on the settlements generally, and at Bagot in particular. Aboriginal women's control over food had, for example, been reduced to:

... visiting the hospital and the kitchen on time for meals... putting the weekend dry rations to use and cooking damper, meat and fish on the weekends...<sup>97</sup>

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<sup>95</sup> Superintendent of Bagot Reserve to Acting Director of Native Affairs, 23 March 1954, CRS F1 51/1113, AAD.

<sup>96</sup> As an example of description of the conditions of the houses see memorandum, Rogers Assistant Manager Bagot to District Welfare Officer, 6 September 1960, Bagot Settlement - Social and Cultural Change, CRS F1 62/217, AAD.

<sup>97</sup> Differences in Activities and Response Between European Housewives and Aboriginal Women on Settlements, Appendix 1, in Report on the Needs of Aboriginal Women for Training and Homecraft and Other Domestic Activities and Social Activities, submitted to the Director of Welfare by S.D. Weier and

The Branch was concerned that Aboriginal women were involved in a much wider process which was diminishing their control over domestic and child rearing responsibilities. It commissioned a report to find ways to increase Aboriginal women's skills not just in food preparation but in home management and the domestic economy in order that control and responsibility could be returned to them. Two home economics teachers, the Misses Weier and Murdoch, were recruited from Queensland to investigate the problem and to make recommendations. Their report concurred with the Welfare Branch view that the intervention of specialists on the settlements, which had aimed to improve the standard of living, had left women with very little to do to look after their families.

Unless some corrective is applied, mothers will find themselves never learning to do these things, and doing less and less because of the inefficient, unhygienic and even dangerous (to the health of their children) methods which they employ in carrying out their domestic tasks, and which, for this very reason, they cannot be allowed to continue to employ. Furthermore, mothers will find themselves with very little work to do, whilst their children will find themselves being "processed" by specialists instead of being brought up by parents who are able to use the services of specialists as they consider the occasion demands.<sup>98</sup>

The report recommended the implementation of a home management training program for Aboriginal women on the settlements and the establishment of home management centres. Weier and Murdoch provided a detailed curriculum for a training program, in which women who enrolled would attend classes for six hours each day and on Saturday mornings for periods of about ten weeks. The curriculum duplicated that taught to girls in high schools in Australia at the time. The program was premised on the assumption that the western nuclear family would be the basic unit of the domestic economy. Weier and Murdoch, recommended that Aboriginal women would need training in the following skills if they were to take their place in the suburbs with their non-Aboriginal sisters.

- (i) Preparing and purchasing food orders, arranging menus, (ii) making household linen, craft articles, (iii) purchasing clothes, linen, and household utensils, (iv) care of home - its furniture and furnishings, (v) full responsibility of child care - infant and pre-schools, school and adolescents, (vi) personal hygiene, household hygiene, manners, (vii) entertaining family and friends, (viii) personal grooming, decorating home, beautifying garden, (ix) sports, socials, church, hobbies, (x) saving of money, economical spending of money.<sup>99</sup>

The training program was divided into several stages. Briefly, in stage one, women would be trained in personal and general hygiene which would include nose wiping, daily showering and care of hair and nails. General hygiene training would include covering drinking water, grooming pets, sweeping round the wurlies, correct disposal of garbage and procedures for shaking and airing blankets. At stage two of the program, the women would preferably be living in houses occupied by a single family unit, so that the women could be trained in housecrafts such as uses of furniture, food storage, use of cupboards and kitchen utensils and activities such as making tea towels. Those women who completed the whole program would demonstrate a

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S.W. Murdoch, 15 June 1960, folios 57-59, CRS F1 68/3879, AAD.

<sup>98</sup> Report on the Needs of Aboriginal Women for Training and Homecraft and other Domestic Activities, Weier and Murdoch, 15 June 1960, CRS F1 68/3879, AAD. For the guidelines for the investigation see E.P. Milliken, Program for Survey of Officers Investigation of Needs of Aboriginal Women, 16 July 1960, CRS F1 68/3879, AAD.

<sup>99</sup> Section A, Survey of Social Habits of Aboriginal Women and Their Position in the Family Unit, Report, 15 June 1960, CRS F1 68/3879, AAD.

range of skills including the ability to applique an infant jacket, use braid and embroidery to trim frocks, understand the importance of insisting their children wear pyjamas to bed and present afternoon tea to guests. Weier and Murdoch expected that women would need to attend the training program for at least two years before "any lasting effect" from the training could be expected, and that there would then need to be "constant supervision and guidance in their own houses" for a number of years after that, "before they could be expected to continue up to our standards of their own accord".<sup>100</sup> One of the few concessions to the rather different circumstances of Aboriginal women was contained in the suggestion that they might want to explore and experiment with the many uses of the Sunshine Powdered Milk tin (at which one suspects Aboriginal women were already expert), including its beautification. In my analysis of the implementation of the training program at Bagot where a modern home management centre was built, I argued that the training program was a failure according to the criteria established by the Welfare Branch, but was successful in that opportunities were provided for the women to have access to modern domestic facilities which they used in ways which were appropriate to their needs.<sup>101</sup>

Weier and Murdoch's solution to the intrusion of settlement staff involved the intervention of more specialist staff to implement the recommended programs. In the domestic arena, Aboriginal women had to demonstrate they were successfully assimilated before they could exercise their right to control the domestic economy which mirrored the construction that there should be a nexus between successful assimilation and citizenship. Aboriginal women had to learn settler ways in order to reclaim, from the bureaucracy, the right to raise their children and order their domestic domain. The dual processes of tutelage and guidance were unconstrained by notions of personal liberty. Aboriginal women found their autonomy challenged at all levels and within all domains. The construction of the nexus between successful individual assimilation and full citizenship rights literally determined the limits of action daily for Aborigines who were wards. The intrusion of the state into the private domain was, in many ways, more devastating than in the public domain as the following example demonstrates.

As a further remedial measure to arrest the apparent erosion of Aboriginal autonomy and to foster responsibility, the Welfare Branch decided to introduce a system of payment for food and board for settlement dwellers. Authoritarian techniques were employed in an effort to encourage self-discipline and independence. In August 1958, the Welfare Branch announced that henceforth charges for food and accommodation for all wards resident on government settlements would be introduced.<sup>102</sup> At Bagot, all wards who received award wages were contributing some amount for their board and accommodation. This would now be extended to all wards receiving less than the basic wage and charges would be based on a sliding scale.

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<sup>100</sup> Weier Murdoch Report, 15 June 1960, CRS F1 68/3879

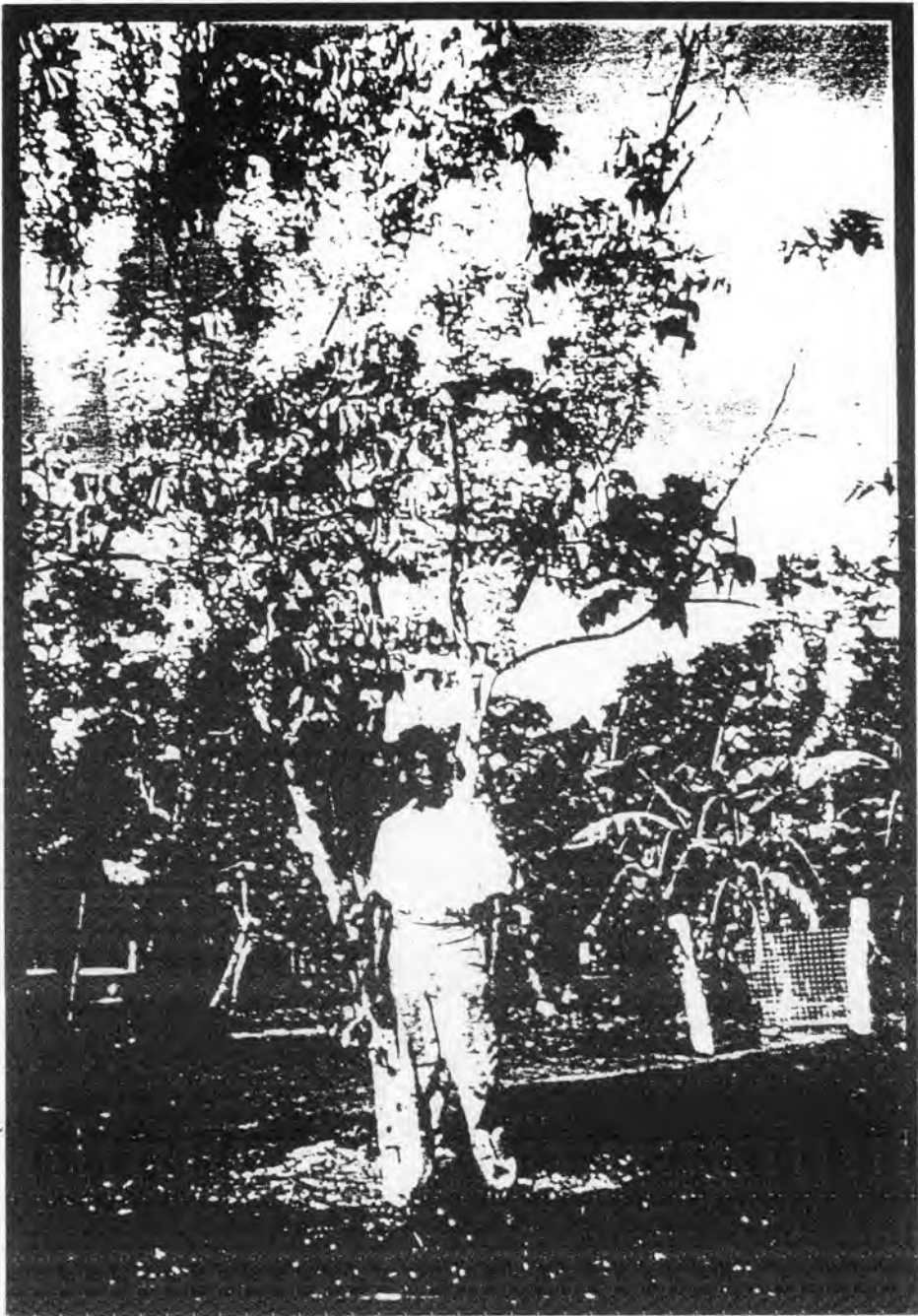
<sup>101</sup> Julie T. Wells, "A woman's work: Assimilation policy and housework in the Darwin area in the 1950s and 1960s", *Journal of Northern Territory History*, no.2, 1991.

<sup>102</sup> This would correspond with the introduction of communal feeding on all government settlements as kitchen building programs progressed. Bagot was unusual in that communal feeding had been a feature of settlement life for a number of years.

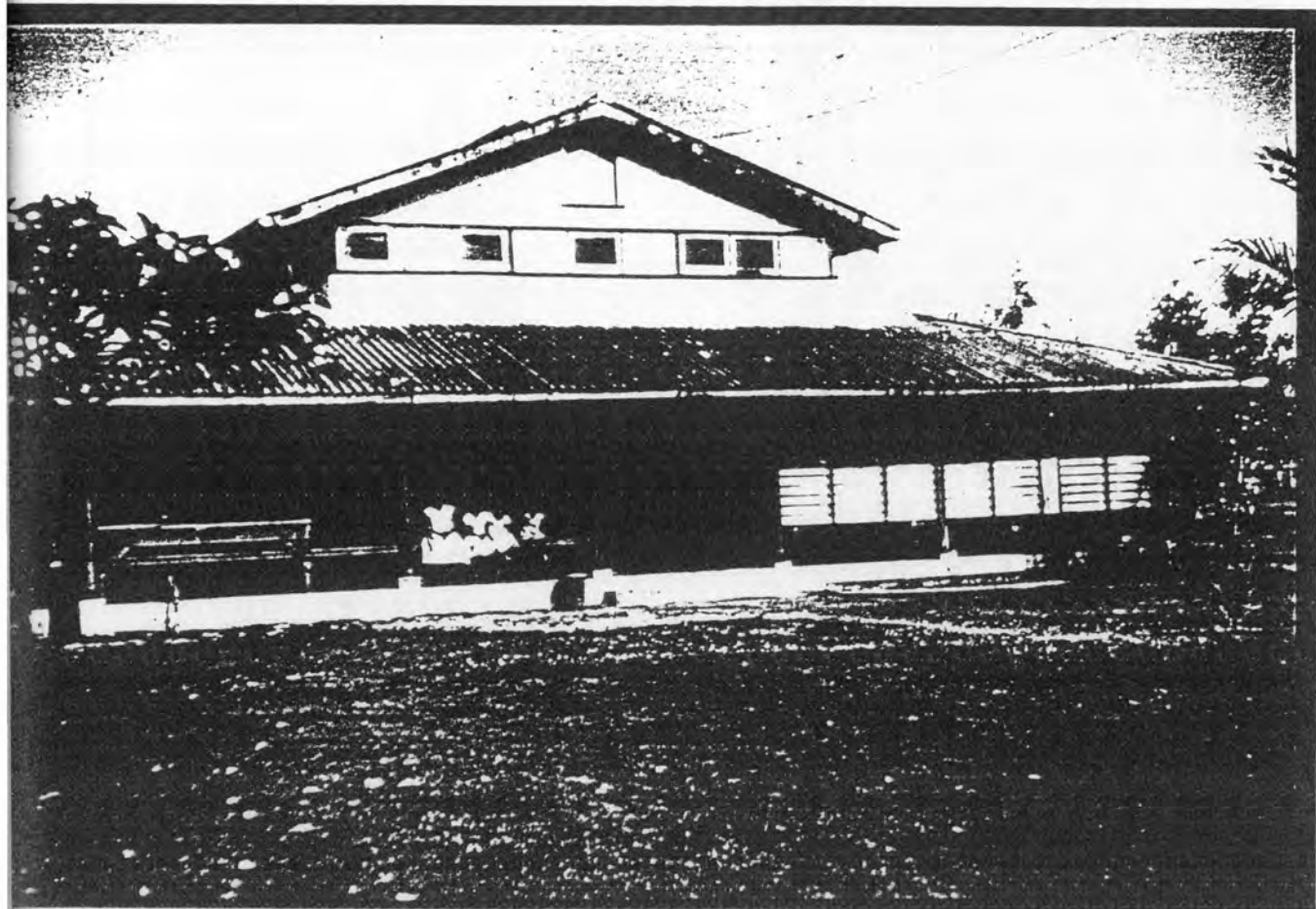




Photograph 9. "Babies bath time, Bagot Northern Territory, 1956".  
91457 Harvey.Y1.CS. N365-N3634. Eric Harvey Wilson Collection.  
AIATSIS Canberra.



Photograph 10. "Gardens, Bagot, Northern Territory, 1955/1956".  
91462-63 Harvey.Y1.CS. Eric Harvey Wilson Collection.  
AIATSIS, Canberra.



Photograph 11. Bagot School, Bagot Northern Territory, 1955/1956  
91465 Harvey.Y1.CS. Eric Harvey Wilson Collection.  
AIATSIS, Canberra.

This... was a further step forward in the Government's programme of assisting in the assimilation of wards by having them accept responsibility for their board and maintenance from their own earnings.<sup>103</sup>

At Bagot, a system was established whereby all residents would purchase a booklet of meal tickets and would not be given food unless a ticket was produced. The regime of regulations surrounding the sale of these meal tickets was formidable.<sup>104</sup> Children, the aged and infirm and repatriates were issued with meal tickets but were not charged for their ticket. The charges ranged from 2/6 per week for those earning up to 30/- per week to £3 per week for those earning the basic wage and over. Husbands were to contribute half the rate for the meal tickets for their non-working wives. Tickets issued were colour coded and serially numbered. Each ticket was valid for twenty one meals and as each meal was taken in the dining room it would be registered on the meal ticket. At the end of each week the officer in charge would collect the meal tickets which were then forwarded to Chief Accounting Officer for the record. The tickets were issued or sold on payday of each week. The superintendent at Bagot also sold tickets to casuals and transients for one hour on Friday afternoon and on Saturday morning. One of the major problems, however, was that not everyone who required a meal ticket could always make the purchase at the set times.<sup>105</sup> Under no circumstances would a ward be provided with a meal unless in possession of a ticket; there would be no refund for meals not taken; "no meals shall be provided to a Ward in the event of a lost ticket and it shall be the responsibility of such a Ward to purchase a further voucher before any meals are issued to him".<sup>106</sup>

Because the meal tickets were collected at the end of each week, statistics on the sale of tickets were available. Generally, residents at Bagot who earned the highest wages did not buy meal tickets, presumably because they lived in the few houses which had cooking facilities and some way to store food. In the month from 20 October 1958 to 24 November 1958, only four meal tickets were sold to those earning over £6 and up to the Basic Wage and four tickets were sold to those earning the Basic Wage and above. Those wards who did not have access to cash were more likely to need to use communal messing. The majority of tickets were sold to those earning 30/- per week up to and including £3 per week, at the rate of 5/- per ticket. On the first week of the system of ticket sales, 417 tickets were issued, 149 to aged, infirm, children and repatriates, for whom tickets were free, and 268 tickets in sales. These figures corresponded roughly with the average number residents at Bagot at any one time. The statistics for the following years show significant fluctuations in the numbers of tickets issued in any given week, but not in the fact that the majority who purchased the tickets were those most in need, that is, those eligible for free tickets or earning

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<sup>103</sup> Press release, 14 August 1958, Bagot Settlement. Charges for Meals and Accommodation, folio 10. See also folio 35, Initial Talk To Natives at Bagot in Relation to Payment for Meals and Accommodation, CRS F1 71/2481.

<sup>104</sup> Charges for Meals and Accommodation on the Welfare Branch Settlements. Procedure Instructions, folios 1A-1B, CRS F1 71/2481, AAD.

<sup>105</sup> Memorandum, Hamilton to Director of Welfare, Bagot Settlement - Administrative and Discipline Problems, 12 June 1962. Bagot Settlement - Social and Cultural Change, CRS F1 62/217, AAD.

<sup>106</sup> Charges for Meals and Accommodation on the Welfare Branch Settlements. Procedure Instructions, folios 1A-1B, CRS F1 71/2481, AAD.

less than £3 per week.<sup>107</sup> Significantly, the fact that when wages for Aboriginal workers who were wards were calculated, the provision of rations was deducted and was part of the rationale for the payment of less than equal wages.

Contemporary commentators demonstrated an awareness of the models which were being formulated in the early 1960s which identified institutionalised behaviour when they described the Aboriginal response to the system of communal messing and meal tickets as typical of those whose autonomy had been usurped by the institution in which they resided. Having observed communal messing and the system of meal tickets at first hand in the early sixties, Tatz argued that it had achieved nothing more than to turn settlement dwellers into fussy restaurant eaters.<sup>108</sup> Long placed the Aboriginal response to communal messing into the category of "cargo-cult fantasies". In both instances, Long and Tatz claimed to have found evidence that communal messing was achieving quite the opposite to its aim. Instead of Aboriginal wards learning about how to use settler foods, they learned nothing more than which of the foods prepared for them they liked and disliked. Tatz also observed that the sale of meal tickets had not been taken up by the Aboriginal wards as an opportunity to manage their meagre cash wage responsibly and frugally. For example, many husbands refused to pay for meal tickets for their wives claiming that was the responsibility of the Branch.<sup>109</sup> The nexus between loss of autonomy and dependency identified by the contemporary commentators has repercussions for Aboriginal and settler relations in the present. Long described the cargo cult syndrome as the Aboriginal response bureaucratic intervention. Rowse, in Remote Possibilities, proposes that Aborigines currently perceive responsibilities in terms of Aboriginal and non-Aboriginal domains and that the perception of these as discrete areas can be a hindrance in self-determining action in Aboriginal communities.<sup>110</sup> Rowse traces the identification of these domains as an historical phenomena constructed by Aborigines as a way of responding to and interpreting settler action, and in particular, settler intervention on the settlements. Aborigines who argued in the early sixties that the Welfare Branch should buy tickets for their wives had already constructed a complex system of domains of responsibility and accountability in their relationship with the settler bureaucracy.

The system of communal messing is a powerful representation of the paradox implicit in the implementation of the assimilation project. Wards were now in what can only be described as a most ludicrous situation. In order to eat, wards had to buy meal tickets which were available for sale during business hours one day per week. Given that the wards most in need did not have ready access to cash, the situation was also potentially a danger to health. What had been initially set up as a measure to supposedly introduce to wards a measure of responsibility quickly became regime by which power and autonomy were

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<sup>107</sup> In a survey carried out in 1961, the figures for tickets issued on the last pay day for July were 54, for June there were 61 and for April there were 70 and these included the free issue tickets. In the final months of 1965, the sales of tickets demonstrated a greater use of the communal feeding facility, with 112 tickets sold and 27 issued for the first week of December. CRS F1 71/2481, AAD.

<sup>108</sup> Tatz, *Aboriginal administration in the Northern Territory*, pp.153-159.

<sup>109</sup> Tatz, *Aboriginal administration in the Northern Territory*, pp.153-159.

<sup>110</sup> Rowse, Remote Possibilities, part 1, *The Aboriginal Domain*.

taken from the Aboriginal community. Those who were responsible for administering the system of meal tickets were very aware of its potential as a measure of social control.

The supervision of meal tickets has some advantages as a disciplinary measure. Superintendent Egan considers that it can be used even more effectively for this purpose...<sup>111</sup>

For both men and women, communal feeding and the associated meal tickets added yet another institutional dimension to their lives.

By the end of the decade, a number of issues began to emerge about the way in which settlements were managed and the negative effect this was having on the residents. For the superintendent and staff responsible for the daily management and supervision of the settlements, the problem was frequently perceived in terms of discipline and recalcitrance as the following example from Bagot illustrates. The Assistant Manager, Rogers, described the discipline problems he faced in a report in 1962. Bruno Wilson, Peter Australia, Clancy Cahill, Don Cooper and Andrew Henda all showed an attitude problem, claimed Rogers.

Their opinion voiced in the reserve is that it is not necessary for them to obey instructions or to refrain from drinking or pursuing any vice they choose... It is quite obvious that their european contacts have instilled a feeling of resentment toward restraint... it is not physically possible to stop their liquor consumption entirely, and repeated arrests will not assist. Therefore the iron fist has been heavily padded to bring the lads to a more agreeable frame of mind.<sup>112</sup>

Consumption of alcohol was the most obvious discipline problem and a potent symbol of Aboriginal resistance.<sup>113</sup> The enforcement of restrictions on alcohol involved the police, the settlement staff and the courts in a seemingly endless process of surveillance and punishment. Aboriginal wards who consumed alcohol could be charged and sentenced to imprisonment or fined by the court of summary jurisdiction, and or legitimately banished to distant settlements, or made to suffer the iron fist of settlement staff.<sup>114</sup> By 1960, the police were patrolling Bagot Reserve twice each night to "quell disturbances" which were alcohol related. In the academic community, social scientists and anthropologists were beginning to address the issue of the role of alcohol as an expression of Aboriginal resistance and identity.<sup>115</sup>

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<sup>111</sup> Hamilton, Assistant Director Northern Division to Director of Welfare, 12 June 1962, Bagot Settlement - Administrative and Discipline Problems, folios 6-9, CRS F1 62/217, AAD.

<sup>112</sup> Bagot Settlement Monthly Report, Acting Manager Rogers to District Welfare Officer, 22 February 1961, folios 11-14, CRS F1 61/219, AAD.

<sup>113</sup> Alcohol related offences were the main reason for wards appearing before the courts of summary jurisdiction. Of the 103 wards who appeared before the court of summary jurisdiction in Darwin for the month ending 14 May, 70 males and 19 females were charged with "ward drink liquor". Seventy-eight were fined and eleven gaoled. In the monthly reports for 1962 and 1963, the average number of Aboriginal wards who appeared before the court of summary jurisdiction of the charge of "ward drink liquor" was 40, of whom roughly one quarter were females. Court Report month ending 14 May 1960, folios 120-122 and folios 116-123 for 1962-63, CRS F1 66/345, AAD.

<sup>114</sup> For a detailed discussion of legislation pertaining to alcohol and wards and see Tatz, Aboriginal administration in the Northern Territory, chapter ix, pp.220-222.

<sup>115</sup> For example see Tatz, Aboriginal administration in the Northern Territory, chapter ix, the Case for Prohibition, pp.222-225 and the Case for Abolition of Liquor Laws, pp.228-236, and Jeremy Beckett, "Aborigines, alcohol and assimilation", in Marie Reay, ed. Aborigines Now: A New Perspective in the Study of Aboriginal Communities, Angus and Robertson, Sydney 1964.

In a discussion of discipline on settlements in 1962, Welfare Branch Officer Hamilton suggested that problem residents at Bagot could be divided into three categories: male residents who refused to take employment either on or off the settlement; female wards who refused to carry out normal household duties such as cleaning up around their residences; and female wards who refused to take their children to the hospital or infant welfare clinic for remedial or preventive care. Hamilton argued that there "was a hardened core of incorrigibles" at Bagot.<sup>116</sup> Females who refused to respond to suggestions for action, which would benefit them and their children, set a bad example to the younger women and men who refused to work, and got away with it, caused resentment and dissatisfaction.

It causes even greater dissatisfaction when some of these non-workers also appear to have money and...to spend openly large amounts on alcoholic drinks.<sup>117</sup>

Hamilton concluded his report by recommending the appointment of female social workers and an increase in the number of supervisory non-Aboriginal staff on settlements.<sup>118</sup> Hamilton's call for more staff had become a familiar refrain in almost every discussion by the Branch of the problems associated with the management of settlements. Long has described the Branch's on-going difficulties in recruiting and keeping suitable staff on settlements<sup>119</sup> and anecdotal evidence suggests that some superintendents were of dubious character. According to Long, the Welfare Branch staff who were initially recruited as patrol officers resented being placed on settlements in superintending positions.<sup>120</sup> There were also concerns in the Branch, which ran parallel to the repeated requests for more staff, that the expansion of the Welfare Branch bureaucracy had made it less flexible and responsive to its clients. The old days when settlements were administered along "loose lines" had passed and there had been a general tightening of administrative procedures and an impersonal and more business like attitude adopted by management. Overtime rates, rosters and tightening up job descriptions all demonstrated changes in management style.<sup>121</sup>

At the 1961 Conference of Mission Administrators, Long, newly appointed to the position of research officer to the Welfare Branch, located the question of discipline and management of settlements in a wider context and addressed the growing concern that settlements and missions were closed communities, run along authoritarian lines, which fostered apathy and indifference.

The alternatives to capable and active communities are helpless and apathetic congregations of people who will express their frustrations and bewilderment and fantasies of the "cargo-cult" type; in passive resentment and resistance and a concentration of energy on traditional rites; and/or in active violence within their communities or against outsiders especially

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<sup>116</sup> Report, Bagot Settlement - Administrative and Disciplinary Problems, 12 June 1962, folio 19, CRS F1 62/217, AAD.

<sup>117</sup> Report, Bagot Settlement - Administrative and Disciplinary Problems, 12 June 1962, folio 19, CRS F1 62/217, AAD.

<sup>118</sup> Report, Bagot Settlement - Administrative and Disciplinary Problems, 12 June 1962, folio 19, CRS F1 62/217, AAD.

<sup>119</sup> For discussion see Long, *The Go-Betweens*, pp.120-124. Men recruited as patrol officers were not necessarily keen to act as superintendents of the settlements. Quality staff were very difficult to attract.

<sup>120</sup> Long, *The Go-Betweens*, p.162. For new recruits, field work often meant months spent on settlements acting as gangers supervising Aboriginal labourers and hygiene workers.

<sup>121</sup> Hamilton to Assistant Director Northern Division, folios 6-9, CRS F1 62/217, AAD.

those who represent authority. These are the symptoms of social ill-health that we can now observe.<sup>122</sup>

Long identified two key factors as being responsible for the symptoms of social ill-health. He believed that at least part of the problem resided in the assumption that settlements were temporary. Instead, the settlements should be accepted as part of the landscape and all concerned could then work to achieve their advancement and development as communities,

... rather than as collections of individuals who may be capable of leaving them, as one leaves in time a training institution.<sup>123</sup>

The second factor, according to Long, was that the benevolent authoritarian rule which characterised the government of settlements, produced a loss of initiative and autonomy in the residents which manifested itself in resistance, resentment and sometimes, active violence. Too many wards had become "helpless and apathetic".<sup>124</sup>

Welfare Branch officer E.P. Milliken also presented a paper in 1961 on discipline on settlements and missions in which he expressed the opinion that there was a causal link between denial of responsibility and irresponsible behaviour.<sup>125</sup> His analysis included a discussion of the specific problems faced by superintendents who did not have a clear set of regulations covering the extent to which they could employ sanctions to enforce settlement discipline. Superintendents, he argued, had in fact very few methods available to them to enforce settlement regulations. For example, most Aborigines had so few privileges that to withdraw any as a disciplinary measure appeared churlish. In most cases superintendents resorted to the alarming practice of food deprivation, or taking an individual off the wages list or barring an offender from making purchases at the settlement store. As an alternative, Milliken advocated a set of regulations for all settlements and penalties for breaches of rules. Milliken wanted to see put in place a definite distinction between settlement regulations, *Lex Australis*, and Aboriginal law.<sup>126</sup> Long had also recommended that future policy should include representative councils on settlements, which he called village councils, which would provide a way of breaking the cycle of dependence on settlements by empowering the residents. In order to function as truly representative, the councils would have to have an identity quite separate from the superintendent. The councils ought not, for example, be responsible for enforcing regulations in which they had not had a part in making. Long imagined that the councils would gradually take over the function of running the settlements' municipal functions. The benefits were clear. Administering the settlements would make exacting demands on the community; it would provide an opportunity for individuals and groups to try their abilities, strengthen their confidence, spur them on to achievements and give them some concept of the future and purpose of their activity.<sup>127</sup>

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<sup>122</sup> Some Problems of Village Councils on Mission and Settlements, paper by J.P.M. Long, June 1961, in George Gibbs Manuscript Collection (GGMC), MLMSS 2662, KV 7154 Box AB, NT, Mitchell Library.

<sup>123</sup> Long, Some Problems of Village Councils on Mission and Settlements, GGMC KV 7154 Box AB, NT.

<sup>124</sup> Long, Some Problems of Village Councils on Mission and Settlements, GGMC KV 7154 Box AB, NT.

<sup>125</sup> E.P. Milliken, Discipline on Mission Stations and Government Settlements, Missions-Administration Conference, Darwin, July 1961 in GGMC KV 7154 Box AB, NT.

<sup>126</sup> Milliken, Discipline on Mission Stations and Government Settlements, GGMC KV 7154 Box AB, NT. For discussion focussed on Millikens' paper and on the legal aspects of discipline and punishment on settlements, see Tatz, Aboriginal administration in the Northern Territory, pp.248-252.

<sup>127</sup> Long, Some Problems of Village Councils on Missions and Settlements, GGMC KV 7154 Box AB, NT.



Significantly, Long used the term village rather than settlement to qualify the councils. The term settlement had originally been chosen to replace the discredited "compound", associated with squalor and poverty such as had been the case with the Kahlin compound. The term settlement ought to have evoked an image of the ordered, settled life of a healthy village community. Instead settlements were conceptualised now as concentration camps as will be described in chapter eight. Long considered that establishing village councils could be integral to the rehabilitation of settlements as healthy communities. Policies which had promoted the establishment of village councils in Papua New Guinea and in the Pacific had been successful and the use of the term reflects the influence of the Australian School of Pacific Administration, the principal training institute for Welfare Branch and Departmental staff.<sup>128</sup> In the following years, further studies concurred with Long and Milliken's analyses that the settlements were producing individuals who manifested the characteristics of the institutionalised. The many recommendations which derived from the studies and research were intended to facilitate Aboriginal autonomy and to counter the effects of institutionalisation. These changes would require, at the very least, a redefinition of the role of the settlements and the way in which Aborigines on the settlements were governed.

In the period from 1951 to 1963, however, the implementation of assimilation policy did little to promote Aboriginal independence. Instead Aborigines who were wards were involved in a process of bureaucratic intervention which increasingly usurped their autonomy. The boundaries between the private and the public domains did not exist in a paradigm for social change which stipulated that each individual must demonstrate successful assimilation as a precondition to access to citizenship and civil rights. At the same time any solution to the growing perception of settlements as closed and segregated communities had first to successfully challenge the policy, dictated by Hasluck, that settlements were temporary. Therefore, any intervention on the part of the state, which actively promoted the growth of settlements as healthy Aboriginal communities, was an inherent threat to the process of assimilation. The Department of Territories' policy had been that settlements were, in fact, training institutions from which successfully assimilated individuals and families would emerge to participate in settler society. The competing forces which determined policy for the development of settlements in the 1960s are discussed in chapter eight.

### *Conclusion*

At the Bagot Settlement, the Welfare Branch achieved a level of control and regulation on a par with that of the Army labour camps, which the Berndts had described as exemplary in 1945. On at least some settlements, including Bagot Reserve, there had been a rise in the basic standard of living and greater access to services such as health and education. At the same time, however, almost every aspect of settlement life negatively re-enforced the construction that there ought to be a nexus between an individual's successful assimilation and access to full citizenship and civil rights by demonstrating that unless one was assimilated there was no reason to expect access to even the most basic human rights.

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<sup>128</sup> See Long, *The Go-Betweens*, for the way in which the management of institutional communities and the new orthodoxies were incorporated into the courses offered by the Australian School of Pacific Administration (ASOPA), pp.161-162.

The assimilationist discourse in which federal government policy was located, argued that the individual represented the site in which social change could best be facilitated. Policy was predicated on the idea that each individual would set out on a long march to citizenship and he or she would seize any opportunities to hasten or facilitate the journey. In practice, Aborigines who were wards were certainly not treated as individuals and neither were there legitimate opportunities for wards to act as individuals in their negotiations with the state, regardless of the cultural context. Aboriginal wards were treated as a undifferentiated group who were restricted to living, almost exclusively, within the boundaries of institutional settings governed by separate laws. The ideal of qualified settlement staff acting to facilitate individual wards in the process of cultural rehabilitation was rarely, if ever, in evidence. The scenario described at Bagot was more representative, where settlement staff were reduced to supervising recalcitrant inmates. Settlements were categorised as segregated, institutional environments which had too much in common with concentration camps. The Department of Territories found it increasingly difficult to answer accusations that firstly Aborigines were defined as a racial group and secondly that settlements were sites of discrimination and segregation based on race.

The Department could nevertheless claim to have reached some of its objectives, intentionally or otherwise, in its first decade of government of Aborigines in the Northern Territory. By 1961, almost all Aboriginal wards were living in either regulated locations on missions and government settlements, or residential sites related to employment such as in the cattle industry. Very few Aboriginal wards lived as fringe dwellers outside the embrace of government. As white settlement had expanded more rapidly into the hinterland, Aboriginal access to traditional lands decreased; as a consequence of the reduced opportunities for independent living, Aborigines had increasingly turned to the settlements for support.

The time had come to review the functions of the federal government settlement program in the Northern Territory. It had been successful on the one hand in locating Aboriginal wards on the reserves, but whether the reserves were offering opportunities for successful assimilation or were inhibiting the rehabilitation process had become a compelling question. Also being played out in Darwin, however, was a model for assimilation which was not based on the repressive nexus between successful assimilation and citizenship rights and which will be the focus of chapter six.

## CHAPTER SIX.

### SOCIAL HUNGER: THE LONG MARCH OVER?

Hence one of the initial tasks in bringing about changes was to bring more of the people in the Territory to think of themselves as normal Australians and to habituate those in the south to think of the Territory as part of Australia.<sup>1</sup>

...with the more advanced or completely detribalized aborigines in closely settled areas...Special housing schemes are necessary there, and vigorous help from the local white Australians, to enable the aborigines to emerge from their shanties to non-segregated homes and positions of social, economic and healthful independence.<sup>2</sup>

Under Hasluck's ministry, Aborigines whom the federal government identified as near the end of their long march were governed quite differently to those who were still struggling and classified as wards. In fact, the government preferred not to use even the term Aborigine to describe this group as they were thought to be too advanced. "Coloured", "part Coloured" and "Mixed Blood" were the preferred terms. At this time elsewhere in Australia, the relationship between Aborigines and the state underwent a significant transformation, characterised by "the progressive deregulation of Aborigines as colonial beings".<sup>3</sup> Generally, governments sought ways to incorporate Aborigines into the general community rather than to exclude them on separate and segregated reserves. Policies directed at exclusion were replaced by the politics of inclusion.<sup>4</sup> In the Northern Territory during these years, both the inclusive and exclusive models existed concurrently. In chapter four, the legislative mechanisms which governed exclusion were analysed and in chapter five the practice was described. This chapter focuses on the policy and practice of the politics of inclusion of those nearing the end of their long march.

Part one argues, firstly, that Hasluck and the Department of Territories ensured that the Northern Territory enjoyed the benefits from Australia's resource based economic growth which characterised the 1950s and, secondly, that the Minister set out to assimilate the Northern Territory as part of the rest of Australia. Hasluck's priority was to create an environment in the Northern Territory which would attract settler families and would promote family values. To understand the process by which some Aboriginal groups were increasingly marginalised and others held up as models of successful individual assimilation, the economic advancement of the Northern Territory and the associated urbanisation of Darwin must be understood.

The Department of Territories' policy described a quite specific role for government and for settler society at the point where Aborigines were near the end of their long march and were ready to move into

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<sup>1</sup> Hasluck, *Shades of Darkness*, p.83.

<sup>2</sup> *Our Aborigines*, p.30.

<sup>3</sup> Morris, *Domesticating Resistance*, p.157.

<sup>4</sup> Morris, *Domesticating Resistance*, p.157.

settler society as equals. These roles are outlined in part two. The government would provide access to houses, schools and employment and the settler community would relinquish its prejudice and welcome the newcomers. With the support of the government and the community, Aborigines would complete the long march by taking their rightful place in suburban Australia as equals.

Part three focuses on the "Coloured" community in Darwin, almost all of whom were non-wards, and, therefore, lived without any legislative discrimination. The government actively sought to facilitate the final stages of their march through the same welfare system as all other non-wards in the Northern Territory. By the early 1960s, the apparent successful assimilation of the "Coloured" community meant Darwin was hailed as a model of a truly multiracial town. I conclude by drawing attention to the emergence of a new paradigm which showed that by granting citizenship and removing segregation and discrimination, assimilation would inevitably take place.

### *The Territory is on the Move.*

Hasluck's administration of the Department of Territories was defined by his aim to assimilate the Northern Territory as part of Australia. He challenged those image makers who historicised the Northern Territory as the last frontier and opted, instead, to promote progress, development and economic growth. Hasluck wanted to make Darwin a town in which young, up-standing settler families would want to settle permanently.

Assimilating the Northern Territory was not necessarily an easy task. Hasluck believed that the myths about the Northern Territory as the last frontier had been perpetuated and had generated inertia. For some settler Australians and Territorians the ideal of this last frontier would not be surrendered without a battle. Hasluck claimed that in the period after 1945, some old-timers and their values endured and he described them as "proudly isolationist", taking a sort of "grim satisfaction" in being able to recall hardship and to "prophesy more setbacks".<sup>5</sup>

Some of the post-war newcomers swaggered a little like intrepid characters who had put civilization behind them and had been transformed suddenly from soft-handed suburbanites into hard-drinking tough frontiersmen in broad-brimmed hats and elastic-sided boots. They acquired the habit of peering mistily into the distance, out to untouched inland plains, even when they lingered among the shacks at Darwin.<sup>6</sup>

More recently, Dewar has argued that in the post-war period, the Northern Territory remained attractive to writers who attempted to find some kind of quintessential Australian experience outside the urban sprawl of the capital cities.<sup>7</sup> According to Hasluck, one of the most formidable barriers to reform in the Northern Territory was the way in which both Territorians and Australians generally thought about the Territory.

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<sup>5</sup> Hasluck, *Shades of Darkness*, p.82.

<sup>6</sup> Hasluck, *Shades of Darkness*, pp.82-83.

<sup>7</sup> Michelle Sue Dewar, *In search of the Never Never: the Northern Territory metaphor in Australian writing 1937-1992*, Ph.D thesis, Northern Territory University, 1993, p.176. For discussion of the way in which the Northern Territory was represented in literature during this period, see part 3, "Outback".

Normal standards and practices were waived, conduct deviated from the ordinary, and an individual's entitlement to benefits was judged differently to the rest of Australia.

The Northern Territory was a place where things did not happen in the usual way and tasks were not done and life was not enjoyed in the same way as in the south.<sup>8</sup>

Hasluck had to do battle in Canberra to ensure that settler Territorians had access to the same rights as other settler Australians and he cites the resistance he encountered from the federal treasury when he applied for grants to fund cultural activities in Darwin as a typical example.

I am quite unable to appreciate the view taken by the officers of your department that there is one standard of amenities to be applied to people who live in Canberra and a lower standard to be applied to people who live in all other Commonwealth territories. I would myself have thought the claims of the people in the territories more remote from the centres of population and more deficient in opportunities for recreation would be rated higher than the claims of the sheltered, pampered, unproductive inhabitants of the national sanatorium that is called the national capital.<sup>9</sup>

In Hasluck's view not only the Aborigines, but Territorians generally had to be made subject to efforts to ensure their conformity with the dominant culture.

Hence one of the initial tasks in bringing about changes was to bring more of the people in the Territory to think of themselves as normal Australians and to habituate those in the south to think of the Territory as part of Australia.<sup>10</sup>

Of immediate concern to the Department of Territories, however, was Darwin's radical political profile which was singled out as target for reform. The effects of the Cold War and of Prime Minister Menzies' struggle with the union movement were felt even in the tropical Far North. The immediate and relatively easy target for reform was the press. There was certainly no other town in Australia in which the only local press was as left wing as the Northern Standard and, at the federal government's initiative, a more conservative press was established. According to an unconfirmed story, Don Whittington, who at the time was editor of the Canberra Newsletter, was approached by a senior federal public servant and was asked whether he would be interested in establishing a newspaper in Darwin for the Northern Territory. Whittington claims he was told that the federal government was concerned about the activities of the CPA-dominated NAWU and that he would receive "cover assistance" to set up an alternative press. The Liberal Country Party Coalition government viewed the Canberra Newsletter favourably. Whittington published the first edition of the Northern Territory News (NT News) in February 1952.<sup>11</sup> Shortly after, the Standard stopped publication, unable to compete with the NT News. In any case, however, within the NAWU the CPA's dominance waned significantly after 1952 as Party members went underground in the wake of the

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<sup>8</sup> Hasluck, Shades of Darkness, p.82.

<sup>9</sup> Press Release, Department of Territories, Canberra 12 April 1953, M 331/2 164, AAC. See also Hasluck to Treasurer Sir Arthur Fadden, 17 March 1953, re funding for grants for cultural activities for Darwin.

<sup>10</sup> Hasluck, Shades of Darkness, p.83. Hasluck claimed in 1988, that his initial efforts to improve housing and office space for public servants in the Territory and to improve access to pre-schools so that were on a par with Australian Capital Territory were opposed on the grounds that the Northern Territory was different and thus did not require such services. See Shades of Darkness, p.83.

<sup>11</sup> A special edition of the NT News, celebrated its fortieth year of publication, 13 February 1992. In "Tribute to our media pioneers", an unidentified writer told this story which he claimed Don Whittington describes in his incomplete and unpublished autobiography. NT News, 13 February 1992. See also Douglas Lockwood, The Front Door. Darwin 1869-1969, Rigby, Adelaide, 1968, pp.179-182.

conservative backlash. The leadership of the NAWU fell into the hands of more conservative groups, including the Catholic groupers.<sup>12</sup> Even the official May Day celebrations stopped between 1953 and 1958. A good indicator that the political climate had changed and that new alliances had been formed by the end of the 1950s was an article published in People magazine in 1957, subtitled "Jack McGinness keeps the Reds down and out."<sup>13</sup> In this portrait of Jack McGinness (former President of the Halfcaste Progress Association), who was at the time President of the NAWU, McGinness is described as an affiliate of the group within the NAWU which ousted the Reds so that the union might begin "to win its way back to a dignified place in the community".<sup>14</sup> The decline in the role of the radical union movement was accelerated by the increase in the number of elected members who could sit in the NTLC. Darwin's political profile was also influenced by the significant demographic changes of the 1950s which were in direct response to federal government policy.

In the period from 1952 to the concluding date for this thesis, 1967, the Northern Territory underwent extraordinary economic growth, the foundations for which were established during Hasluck's period as Minister for the Territories. The pattern of growth in the Northern Territory mirrored, benefited from, and contributed to the resource-based economic expansion underway Australia wide. Both rhetoric and reality reflected the claim that this was the greatest period of economic growth so far in the history of the Northern Territory.<sup>15</sup> The Commonwealth government undertook a program in which it invested heavily in promoting and fostering growth in the Northern Territory. The total expenditure provided for in Commonwealth budgets had increased from £6,100,100 in 1950-1951 to £22,000,000 in 1961-62. The government invested in the agriculture, mining, pastoral and forestry industries and in 1960 boasted,

... a new spirit is everywhere manifest. The Territory today is on the move. Its general natural resources are being surveyed, classified and increasingly exploited to produce food and other necessities, and to support more and more people under satisfactory conditions.<sup>16</sup>

Economic progress was facilitated by the development of appropriate infrastructure; expansion was rapid and returns were high. For example, by 1965, seventy-six percent of all cattle were transported by road trains on the newly constructed beef roads; the government invested, with less success, in agricultural projects and infrastructure. Mining provided the greatest and most consistent returns on investments and exceeded the pastoral industry as the major income earner after 1956.<sup>17</sup> Hasluck was on a mission to develop the Territory and he was keen to publicise his success in several pamphlets published by the Department of

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<sup>12</sup> The infiltration of the conservative Catholic groupers is described in Norris, Rebuilding the NAWU.

<sup>13</sup> "Halfcaste union boss", People, vol.8, no.2, September 1957, pp.33-34.

<sup>14</sup> "Halfcaste union boss", People, pp.33-34.

<sup>15</sup> Powell, Far Country, chapter 10, especially pp.218-229.

<sup>16</sup> Souvenir Booklet. Northern Territory Centenary of Exploration. 1860 to 1960, published by the Department of Territories, Commonwealth of Australia under the Authority of the Hon. Paul Hasluck, M.P. Minister of State for Territories.

<sup>17</sup> Powell, Far Country, pp.220-227.

Territories. Hasluck keenly edited the text to ensure the achievements of the Department were shown in the best light.<sup>18</sup>

One of the most obvious and intentional consequences of economic growth was the expansion of the Northern Territory's non-Aboriginal population. Progress of Australian Territories 1952...1962<sup>19</sup> claims that during the period of great "progress", the non-Aboriginal population had trebled since 1945; since 1954 the population in towns had increased from 16,469 to some 28,000. Darwin had expanded to a population of 15,126. A significant proportion of the population growth was the consequence of the expanded public service recruited to implement and administer federal policy in the Northern Territory. By 1960, the Commonwealth Public Service had grown to twelve branches and six of those had been created in the preceding decade. The last ten years, claimed the publicists for the Department of Territories, had not only seen a great increase in the range of government activities, but also a "welding together" of all branches of the Administration and the Commonwealth departments into an "increasingly efficient and co-ordinated administrative machine".<sup>20</sup>

As the administrative centre for the Northern Territory, Darwin was immediately affected by the economic growth and its population increased. Hasluck was determined to ensure that suitable settler families filled the new positions created in the public service to administer the expansion. In the past, Hasluck claimed, an appointment to the Northern Territory Branch of the Public Service had held "scant attraction for up-and-coming bright boys".<sup>21</sup> He wanted the public service to be made a more attractive career path in order to attract the best staff possible to the Northern Territory.<sup>22</sup> He wanted to create the kind of town to which quality public servants would be attracted and bring their families. By 1962, Darwin provided most of the services citizens might expect in southern towns: education from pre-school to High School was available; there were libraries, hospitals, ambulances, dental and medical services, transport and the federal Housing Commission. A Darwin City Council was re-established to manage modern shopping centres which were "constantly expanding", the swimming pool, various municipal services, and to foster civic pride. The "energetic council" set up reticulated water, reliable electricity and sewerage. By the early sixties, Darwin was described as a "progressive, modern city with rapidly growing new suburbs and homes designed for a tropical climate".<sup>23</sup> Regular freight schedules had eliminated the periodic shortages which characterised

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<sup>18</sup> For example see: Progress of the Australian Territories, 1952-1962, Issued under the authority of the Minister for Territories, The Hon. Paul Hasluck, M.P. October 1963. Commonwealth Government Printer, Canberra, A.C.T.; The Northern Territory, Department of Territories, Government Printer, Canberra, 1959, and Souvenir Booklet. Northern Territory Centenary of Exploration 1860-1960. Hasluck visited Darwin in 1953, and outlined to the press the achievements of his government which included a commitment to the construction of the much needed new wharf facilities; new ventures in agriculture; moves to hand over local government to Darwin and Alice Springs; straightening up the system of land tenure which had resulted in an increase in building and had restored confidence for business. Northern Standard, 5 February 1953.

<sup>19</sup> Progress of the Australian Territories 1952-1962.

<sup>20</sup> Progress of the Australian Territories 1952-1962, p.20.

<sup>21</sup> Hasluck, Shades of Darkness, p.83.

<sup>22</sup> Hasluck, Shades of Darkness, p.84.

<sup>23</sup> Souvenir Booklet. Northern Territory Centenary of Exploration.

bygone days. There were numerous clubs and societies covering "social, sporting and cultural needs".<sup>24</sup> When I interviewed Sir Paul Hasluck in Darwin in 1991, he expressed great pride in the part he had played in pursuing his vision of Darwin as the modern settler capital of the North.<sup>25</sup> Writing in 1968, Douglas Lockwood's summary of Darwin's transformation encapsulates the perception that there was initial resistance to change and a subsequent pride in the embrace of progress and modernism.

The transformation in the 1950s and 1960s was remarkable. It began slowly, almost as though tropical ennui was a natural, permanent condition. Then, gradually at first, dramatically later, the restricting skin was sloughed off. Within twenty years Darwin grew to adulthood. Simultaneously, with industries burgeoning around it, the parasitical tendencies of the past were replaced by independence, self-sufficiency, and self-respect.<sup>26</sup>

Not all groups in the Northern Territory, however, shared equally in the benefits of the boom times. The bombing of Darwin had left the town in ruins. Subsequently, the system of land tenure was locked up so that individuals found it difficult to build their own houses. Post-war shortages in building materials and lack of funding available under the Labor government had left a significant portion of the Darwin population living in camp accommodation. The main "slum" camps in Darwin were situated at Parap, in Stuart Park at the camp referred to as K-9 and also at Winnellie. There were smaller camps established at Nightcliff and on Mindil Beach. The main buildings, called Sidney Williams huts, were rented out by the government at about 15/- per week. Most often the camps were without reticulated water or electricity, and were serviced by communal ablution and toilet facilities. There was no adequate drainage and no rubbish collection.<sup>27</sup> Hasluck had declared in 1953 that there were many aspects of life in Darwin which were "frankly shocking" and were "causing us great pain and concern" - in particular, the "painful slums".<sup>28</sup>

Generally, the residents of these camps were unskilled workers and a significant proportion were from the "Coloured" community.<sup>29</sup> In this sense the camps were atypical when compared with the Aboriginal fringe camps in other Australian towns. In the decade to 1960, the failure of the federal government to provide alternative accommodation to the camps became an increasing source of tension. The situation was exacerbated by the fact that funds were quite obviously available to build houses for Commonwealth public servants. The camp dwellers were left in no doubt as to the federal government's priorities.

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<sup>24</sup> Souvenir Booklet. Northern Territory Centenary of Exploration.

<sup>25</sup> Late Sir Paul Hasluck, informal interview with Julie T. Wells at Government House Darwin, 8 November 1991.

<sup>26</sup> Lockwood, The Front Door, p.263.

<sup>27</sup> Austin, Quality of Life, pp.9-11. Austin has provided a useful description of each of the camps. Camp K9, located in Stuart Park had been originally constructed as single men's quarters. It consisted of 27 single huts and 13 double huts made of fibro cement. The huts were set up in rows at the end of which was a large corrugated iron shed which housed the communal kitchen, recreation area and ablution areas. Parap 118 Army Camp was handed over to the Territory administration in 1947 and provided immediate accommodation for sixty families. The houses at the Parap Camp were Sidney Williams huts. These huts were constructed entirely of galvanised corrugated iron over a steel frame.

<sup>28</sup> Northern Standard, 19 March 1953.

<sup>29</sup> The term "part-Coloured" was frequently used during this period and will be used for that reason on occasion in the following text.



The way in which Aborigines were conceptualised in state propaganda during this period is encapsulated in the 1963 film Aborigines of Australia, produced by Film Australia for the Department of the Territories to promote government policy and to educate the Australian community about "our Aborigines".<sup>30</sup> In Aborigines of Australia, we are taken on a voyage around Australia to see how government agencies were facilitating assimilation. In representing a cross section of Aborigines throughout Australia the film articulates the orthodox reification of Aboriginal progress on the long march. The film begins at Papunya, a government settlement out to the far west of Alice Springs in the Northern Territory, in the middle of winter in the desert cold. Aborigines who had only recently "come in", and who were at the beginning of the long march, sheltered behind spinifex and makeshift bush wind breaks. The future for these adults was limited; the children were the focus for intervention and for the future. Two Northern Territory communities, Maningrida, a remote Top End settlement and Ernabella, a mission station in the Centre and Arunken on the Cape York peninsula in Queensland were presented as longer-term sites of Aboriginal settlement and settler contact and represented the next stage of the journey. Expert Aboriginal stockmen and young children at the Ida Standley Pre-School in Alice Springs, typified Aborigines' irrevocable advance towards assimilation assisted by the tutelage and guardianship of trained officials on the settlements and missions. The alternative to supervised settlement living for incompletely assimilated but advanced Aborigines was represented as fringe dwelling. On the one hand, most Aborigines were constructed as fringe dwellers in the sense that they were imagined as "Part-Aborigines" without so-called traditional cultural affiliations. True fringe dwellers were, however, those who lived outside the embrace of government. They were portrayed as living in appallingly squalid conditions, and it was suggested that such communities were the breeding grounds of dissidence, deviance and general anti-social behaviour - a most parlous state. Should these dispossessed souls take the initiative to improve their conditions, however, the opportunity was always available to them.

Two families near the end of their journey, represented the next stage of the long march. The Dexter Daniels family in Darwin and a family from Port Macquarie in New South Wales had moved away from the reserves, had sloughed off their "Aboriginality" and as a result of guidance, education, training and assistance from government agencies, combined with a new tolerance in the non-Aboriginal community, they had been able to make the transition into the mainstream non-Aboriginal community. In the final scene of the film, a young Aboriginal woman, Margaret Valadian, addresses the film's audience from the main courtyard at the University of Queensland where she was studying for her Bachelor of Arts degree, mingling happily with students of European, Asian and Indian descent. She invites white Australians to accept Aborigines into their society and encourages Aboriginal families to take advantage of the various government financial incentives to provide their children with the best education possible.

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<sup>30</sup> Aborigines of Australia, produced by Film Australia for Department of Territories, 1963.

At each stage of the long march represented in Aborigines of Australia, the Aborigine embraced a new aspect of the dominant culture which was represented as necessarily superior. Hasluck considered this kind of publicity essential in building better relations between Aborigines and non-Aborigines, in re-enforcing the values of the dominant culture, and in reiterating that if everyone, Aborigines and non-Aborigines, was patient and helpful, then eventually all Aborigines could seize the opportunity and be "like us". The film highlighted two factors which were considered crucial to the successful assimilation and social amelioration of Aborigines living on the fringes: the challenge to community prejudice against Aborigines and the efficacy of raising the standard of living of Aborigines to a point equal to and acceptable to the settler community. In contemporary assimilationist discourse and in the context of the politics of inclusion, these factors were inter-related. By raising the standard of living of individual Aboriginal families, prejudice against the family taking its rightful place in the settler community could no longer be justified.

Much of the discourse of social change in the period after 1945 was informed by environmental materialism. Writers as diverse as Stuart Macintyre and Paul Hasluck refer to the Australia's obsession with the transforming potential of a rise in the living standards of individual family units in the post war years. The proposition was straight forward. If a family could be moved out of the squalid conditions of a fringe camp or a slum into suitably modern and hygienic accommodation, then that family would then be able to conform to the lifestyle and values of the mainstream community. During the 1950s the Liberal Country party government reflected an optimistic belief that programs such as slum reclamation would not only improve the physical living conditions, but that improved housing could provide social acceptance and moral uplift. Were sub-standard living environments permitted to endure, a further danger was perceived. Slums, fringe camps and other sub-standard accommodation were environments in which potentially dissident behaviour was fostered, which might manifest itself not only as anti-social activity but anti-government activity. Implicit in this discourse was the assumption that individual family units would welcome the opportunity for improved housing and would immediately take advantage of any programs in which such a transition was possible.

The role of the nuclear family unit should be highlighted in this paradigm for social change. The nuclear family was the basic economic unit comprising the male as breadwinner and female in the domestic domain. Various social security programs aimed to duplicate this model.<sup>31</sup> Hasluck and his contemporaries had a clear idea of the role of the ideal family in Australian society and Hasluck sought to encourage such families to settle in the Northern Territory. Like many before him, Hasluck considered civilising and populating the Northern Territory the particular responsibility of settler women. Marilyn Lake's summary of the main characteristics of this ideal 1950s family, which Hasluck wanted to attract to the Northern

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<sup>31</sup> For example see Helen Marchant and Betsy Wearing, Gender Reclaimed, Hale and Ironmonger, Sydney 1986; Jill Roe, "The end is where we start from: Women and welfare since 1901", in Cora V. Baldock and Bettina Cass, eds. Women, Social Welfare and the State, Allen and Unwin, Sydney, 1986; Sheila Shaver, "Design for a welfare state: The Joint Parliamentary Committee on Social Security", Historical Studies, vol.22, no.8, 1987.

about what race meant they formed a very clear image of the sort of social conditions the word "aboriginal" brought to mind. Consequently, White Australia considered dirtiness, lack of hygiene, low standards of housing, poor education, poor economic opportunity - a generally low standard of living - as being typically "aboriginal". Even if a coloured family did rise to a better social level, "the decrepitude of the dispossessed blacks" still set the standard by which all natives were judged; this view of "the primitive and insanitary man" was always an obstacle to the acceptance on merit of other Aborigines.<sup>40</sup> Hasluck asserted that teaching basic hygiene would consequently do more to ameliorate race relations than any elaborate programs of reform.<sup>41</sup>

Federal government intervention was guided by Hasluck's belief that those "Part-Aborigines" who were approaching the "standards of the white community" had quite different needs to Aborigines at a less sophisticated stage in development.<sup>42</sup> The fringe dwellers were, of course, defined as a social problem.

The old way of life has gone - and most of their dignity with it; they would enter the new life if they could but they are ill-equipped, often apathetic, and need constant help and a welcome which is often denied them by their white fellow Australians; denied not because they are racially different, but because their social standards and habits of hygiene and health awareness are deficient.<sup>43</sup>

In the pamphlet Fringe Dwellers, the Department of Territories outlined its perception of the problem of raising the standard of living of Aborigines on the fringe. In the case of the "fringe dwellers", argued the Department, the initial reluctance to live in houses had usually been overcome. Vigorous measures for proper housing were necessary so that those who were ready for assimilation may be helped to move further away from their own apathy and indifference and towards a position where they could no longer be disregarded by their white Australian neighbours. The ultimate object, argued the Department, must be to have these people housed in the normal residential areas, as "segregated housing does not solve the problem".<sup>44</sup> Hasluck argued that for this group it was most important to have the opportunity to: go to school; live in a decent house; obtain a fully paid job; and to exercise not only legal rights but the actual privileges of citizenship.<sup>45</sup>

They are the ones who have an immediate *social hunger* to be satisfied and that satisfaction can come to them only inside the white community for they have lost their roots in any other culture.<sup>46</sup> (my italics)

There was an unspoken assumption that "Part-Aborigines" would move in at the bottom of the economic order and like any poor whites through diligence, frugality and hard work, would earn a respected place in the dominant society and would willingly participate in the capitalist mode of production. Welfare would

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<sup>40</sup> Hasluck, "The Future of Aborigines", in Hasluck, Native Welfare in Australia, p.51.

<sup>41</sup> Hasluck, "The Future of Aborigines", in Hasluck, Native Welfare in Australia, p.51.

<sup>42</sup> Fringe Dwellers, prepared under the authority of the Minister for the Territories with the co-operation of the Ministers responsible for aboriginal welfare in the Australian states, for use by the Aborigines' Day Observance Committee and its Associates in connexion [sic] with the celebration of National Aborigines' Day in Australia, 10 July, 1959, p.12.

<sup>43</sup> Fringe Dwellers.

<sup>44</sup> Fringe Dwellers, p.19.

<sup>45</sup> Hasluck, "From Protection to Welfare", Address to the Biennial Conference of Australian National Women, Melbourne, 14 October 1952, in Hasluck, Native Welfare in Australia, p.37.

<sup>46</sup> Hasluck, "From Protection to Welfare", in Hasluck, Native Welfare in Australia, p.37.

Territory, is germane.<sup>32</sup> Firstly, the model of the male breadwinner was maintained. Post war economic recovery was based on full male employment. The Chifley government had made a bargain with working men that in return for their military service, they would be spared the humiliation of unemployment and poverty. Lake describes the way the Labor government positioned women as the wives of men, and believed women would be moved by the same anxieties. The plans for post-war reconstruction were based on the guarantee of economic freedom which would ensure a secure family life. The role of women was subsumed by the role of the family.<sup>33</sup> The Liberal ideology continued to position women as wives and mothers within the family. Mothering was the work of protection and just as women in the 1950s had to protect their families from the dangers of "germs, polio and comics", so they needed to safeguard their homes from the "insidious" growth of communism.<sup>34</sup> Menzies presented homemaking as unpaid work, but which offered women autonomy and opportunities for creativity.<sup>35</sup> Socialism, on the other hand, would interfere in every aspect of family life. Just as it was a danger to the cohesion and good health of a society for the individual to identify primarily with his/her race, so too would it have been subversive to identify with the collectivity of women.<sup>36</sup> During the 1950s and well into the 1960s, Australians ordered their lives around the touchstones of freedom and family.<sup>37</sup> There was little recognition given at this time to role of community and social and cultural affiliations in facilitating or hindering social change. Liberal ideology sought to emphasise the role of the individual rather than social (socialist) changes based on solidarity. The impact of the new disciplines in the social sciences was not generally evident in Australia until the 1960s and will be discussed in chapters seven and eight. The dominant discourse about social change and the standard of living was optimistically applied to Aborigines, immigrants and slum dwellers alike.

Hasluck frequently argued that while the link between squalid living conditions and prejudice was undesirable, it was easily understood. At the 1952 ANZAAS Conference, he urged southerners<sup>38</sup> to bear in mind that the large majority of natives were living in parts of the continent where the smallness of the local white communities and the local conditions and customs gave rise to special difficulties.<sup>39</sup> In the North of the continent, the associations of the word "aboriginal" were formed by the daily sight of people who were usually dirty, smelly, in tatters and surrounded by flies. Although few people may have had precise ideas

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<sup>32</sup> Marilyn Lake, "Freedom, fear and family", in Patricia Grimshaw, Marilyn Lake, Ann McGrath and Marian Quartly, Creating a Nation. 1788 - 1990, McPhee Gribble, Penguin Books Australia, Ringwood, 1994, p.265.

<sup>33</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, pp.265-267.

<sup>34</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, pp.267-268.

<sup>35</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, p.268.

<sup>36</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, p.270.

<sup>37</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, pp.277. See also, Kay Saunders and Ray Evans, "The evolution of the Australian housewife", in Kay Saunders and Ray Evans, eds. Gender Relations in Australia. Domination and Negotiation. Harcourt Brace Jovanovich (Australasia), Marrickville, 1992.

<sup>38</sup> In the Northern Territory those who live in the southern part of the Australian continent are called "southerners".

<sup>39</sup> Hasluck, "The Future of the Aborigines", ANZAAS Conference, August 1952, in Hasluck, Native Welfare in Australia, p.51.

cushion the transition period for those who fell by the wayside temporarily or who were unable to meet the challenge of the transition.<sup>47</sup>

The challenge to the community, the Department stated, was that much more than the "right attitude and expressions of sympathy" were needed.<sup>48</sup> Concrete, practical assistance was necessary for the material welfare of fringe dwellers and personal and individual aid was required to help them "across the threshold to assimilation".<sup>49</sup> The Department also advocated "constant vigilance" to prevent them "sliding back to the old way of life".<sup>50</sup> The white community was encouraged to demonstrate its belief that it was the right of Aboriginal fringe dwellers to be part of the community and to show enthusiasm for the protection and promotion of that right as essential to the solution of the problem. Only then could the fringe dweller cease to be a fringe dweller and find social and personal fulfilment as a full member of the community.<sup>51</sup>

For this model of social change and assimilation to work, according to the Department, settler Australians would have to come to terms with their prejudice and to acknowledge that Aborigines had the potential to change. In this context, there is an important distinction to be made between racism and prejudice. Contemporaries, who were committed to reform, undoubtedly believed that they were combating not only prejudice but the more serious evil of entrenched racism. With hindsight it is clear that they were in fact perpetuating a form of cultural racism even while they aimed to combat biological racism. The distinctions between racism and prejudice, which Morris identifies in the current context, illustrate this difference. In present popular analyses, according to Morris, racism is often reduced to a "comfortable pedagogical form of moral critique" of "prejudice" or "discrimination" in which the social construction of racism is displaced as a central issue.<sup>52</sup>

Racism is subsumed within a more general phenomenon, prejudice, which depicts the problem as an irrational response to those of a different colour, physical characteristics, customs or belief. It is seen to be essentially an irrational reaction based on fear, ignorance or misconception, which may be ameliorated by better communication and more accurate information.<sup>53</sup>

Racism is reduced to a perennial aspect of the human condition which does not require explanation. In other words, the use of racism in this way as an explanatory concept ultimately reifies it into an ahistorical phenomenon rather than a historical and social construct.<sup>54</sup> The reduction of racism to prejudice was critical

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<sup>47</sup> Howard argues that this has been an on-going paradigm for social change in the post war period. Michael C. Howard, "Australian Aboriginal politics and the perpetuation of inequality", *Oceania*, vol.liii, no.7, September 1982.

<sup>48</sup> *Fringe Dwellers*, p.31.

<sup>49</sup> *Fringe Dwellers*, p.31.

<sup>50</sup> *Fringe Dwellers*, p.31.

<sup>51</sup> *Fringe Dwellers*. Christian churches shared this view typified by the pamphlet, Rev. Gordon Rowe, *Advance Towards Assimilation*, Aborigines Friends' Association, Adelaide, 1958.

<sup>52</sup> Barry Morris, "Racism, egalitarianism and Aborigines", in Barry Morris and Gillian Cowlshaw, *Contemporary Race Relations in Australia*, *Journal for Social Justice Studies*, Special Issue Series, vol.3, April 1990, p.63.

<sup>53</sup> Morris, "Racism, egalitarianism and Aborigines", in Morris and Cowlshaw, *Contemporary Race Relations in Australia*, p.63.

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<sup>33</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, pp.265-267.

<sup>34</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, pp.267-268.

<sup>35</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, p.268.

<sup>36</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, p.270.

<sup>37</sup> Lake, "Freedom, fear and family", in Grimshaw, Lake, McGrath and Quartly, Creating a Nation, pp.277. See also, Kay Saunders and Ray Evans, "The evolution of the Australian housewife", in Kay Saunders and Ray Evans, eds. Gender Relations in Australia. Domination and Negotiation. Harcourt Brace Jovanovich (Australasia), Marrickville, 1992.

<sup>38</sup> In the Northern Territory those who live in the southern part of the Australian continent are called "southerners".

<sup>39</sup> Hasluck, "The Future of the Aborigines", ANZAAS Conference, August 1952, in Hasluck, Native Welfare in Australia, p.51.



Illustration 3. Cover illustration, Fringe Dwellers, Canberra, 1959.

*OF TERRITORIES*



**THE ABORIGINES  
AND YOU**

Illustration 4. Cover illustration, The Aborigines and You, Canberra, 1963.



in the assimilation discourse. Assimilation, based on the principles of biological egalitarianism, was the alternative to racism; only individuals practiced prejudice.

In the Department of Territories' publicity program, the extent to which prejudice was considered as a reclaimable frontier of racism is apparent. The Department produced pamphlets and information films about Aborigines and assimilation to combat ignorance, to inform, to publicise and finally to dispel prejudice. Successfully assimilated "Part-Aborigines" were portrayed in happy nuclear family groups in spotless kitchens, at church mixing freely with the congregation, or socialising with neighbours over a cup of tea. Children with beaming smiles enjoyed unsegregated educational opportunities. Earnest young adults attended university with an acute awareness of the serious and crucial role each played as models and future leaders in the assimilation of their people. These images represented the potential which each "Part-Aboriginal" person, each family of fringe dwellers, possessed to successfully assimilate. Failure to assimilate thus became an individual problem - a failure in some way on the part of each person.

#### *Satisfying a social hunger.*

The "Part-Coloured" community in the Northern Territory was no longer subject to any restrictive legislation after 1953. Government and administration, nevertheless, found it both necessary and expedient to identify this group in the Darwin community. The term Hasluck and the Welfare Branch most frequently used was "Part-Coloured", but "Coloured", "Mixed Bloods" and occasionally "Halfcaste" were also used. The term "Part-Aborigine" was infrequently used in the 1950s, as it was believed to be tainted by racist overtones. In removing the use of the term Aboriginal in identifying Aborigines, the assimilationist discourse sought to remove Aboriginal identity.

Hasluck actively discouraged attempts to promote a separate identity for "Coloured" Territorians. When the Half-Caste Progress Association applied for a special grant of land to build a community centre, Hasluck agreed most reluctantly and cautioned the Administrator to watch the Association carefully to ensure it did not become an instrument for a "new form of separateness" which might prove an "obstacle to assimilation".<sup>55</sup> Hasluck believed that such organisations were formed in response to the exclusive practices of the white community, and as such could be tolerated as transitional organisations and not a permanent solution to the "search" by the "Mixed Blood" community for recreation and a social life.<sup>56</sup> No opportunity should be lost to draw individuals away from such organisations.

We do not want half-castes to organise themselves as half-castes except for the purpose of assisting their reception into the general community. We do not want them to build up their own colour consciousness.<sup>57</sup>

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<sup>55</sup> Folio 6, M 1776/1, vol.2, 1/7/52-31/12/52, AAC.

<sup>56</sup> Folio 6, M 1776/1, vol.2, 1/7/52-31/12/52, AAC.

<sup>57</sup> Folio 6, M 1776/1, vol.2, 1/7/52-31/12/52, AAC.

In administering welfare in the Northern Territory, efforts were made to identify social and welfare problems without specific references to race. Apart from a small number of women who were usually single mothers, and the children of Aboriginal or "Coloured" mothers who had been made wards of the state, members of the "Coloured" community did not live in institutions or restricted reserve areas. There were no legislative measures in place which could restrict full participation in the community, though there were procedures by which individual "Part-Aborigines" could be declared wards at their own request.<sup>58</sup> The "Coloured" community had the same access to the welfare safety net as settler Australians. All children (non-wards) in Darwin attended the same schools; everyone had access to the hospital, to infant welfare clinics, the library, swimming pool and the other social and welfare services provided by the government. The generally parlous state of housing in Darwin meant that the sub-standard camp accommodation was not segregated or used exclusively by the "Coloured" community during the 1950s.

The Welfare Branch was the agency responsible for the welfare of all Territorians. Apart from the program outlined in the following, the Welfare Branch intervened exclusively on an individual basis in the lives of the "Coloured" community. In reading the Welfare Branch archive, there are few specific references in cases cited as to whether the client or clients belonged to the "Coloured" community, though in such a small population the officers would know anyway. Barbara Cummings refers to the Welfare Branch's "network of intelligence" which enabled the Branch to keep the "Coloured" community under surveillance, a conclusion based on her own experiences and on her interviews with Aborigines of mixed descent who lived in Darwin at this time.<sup>59</sup> Even Branch employees whose main role was to work with the "Coloured" community were not specifically identified in this period. For example, Babe Damaso, who had been active in the Halfcaste Progress Association, was employed as a Welfare Branch officer and while he worked mostly with the "Coloured" community, this was not officially acknowledged. After 1953, there were three main areas in which the state made special provisions to facilitate "Coloured" assimilation. The Part-Coloured Housing Program was one such measure. Until the establishment of the Housing Commission in 1959, this program provided funds for housing for worthy members of the "Coloured" community to facilitate their assimilation by raising the standard of living of individual families. Several families who were willing and able took the opportunity to move into the new suburban developments. The second area involved the state in assuming custody for children of Aboriginal and "Coloured" mothers, most often on the grounds that the children were labelled neglected and or delinquent and, finally, the state provided scholarships and other forms of financial assistance to enable "Coloured" children access to secondary education. The latter site of state intervention will be discussed only to the extent that the contemporary analysis of the problem highlighted the prevalent discourse about the transformative effect on individuals of a raised standard of living.

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<sup>58</sup> See this thesis, chapter four, part three.

<sup>59</sup> Cummings, *Take this Child ...*, p.106.

Hasluck first encountered the living conditions of the "Coloured" families in the camps during his visit to Darwin in 1953, but few improvements had been effected by the time he visited again in 1955.<sup>60</sup> Hasluck re-established housing for the "Part-Coloured" community as a priority after his 1955 visit and gave assurances that funding would be available once he had received appropriate recommendations for action from the Director of Welfare. Giese's initial recommendations for the program were that residences for "Mixed Blood" families would be built throughout the new Darwin sub-divisions and would be rented to select families. In each sub-division ten percent of the blocks would be allocated to "Coloured" housing with no more than two housing blocks together to minimise any depression in the value of adjacent building blocks and houses. A limited number of houses could also be made available from the annual housing program (for the construction of housing for government employees) and allocated to carefully selected "Part-Aboriginal" families.<sup>61</sup> Giese recommended that the development of housing societies and building cooperatives should be examined as an alternative source of funding.<sup>62</sup> In endorsing Giese's recommendations, J.C. Archer, the Administrator, drew the Minister's attention to the following difficulties: the abilities of "Coloured" families to pay the rent and other costs for any housing that might be provided; a possibly hostile reaction from other Darwin families earning the basic wage and equally desperate for housing; the detection of preferential treatment.<sup>63</sup>

The first "Coloured" family was selected for inclusion in the general Administration Housing Program on the assumption that some rental subsidy would be provided. Welfare Officer, Damaso selected the Talbot family.<sup>64</sup> Talbot had been working for the Municipal section for eight and a half years on a basic wage. He had been living at Parap camp in a sixty by twenty Sidney Williams hut occupied by as many as twenty people at different times. Recently he had moved to the Winnellie Camp on the outskirts of Darwin, to a larger hut which had neither power nor water.<sup>65</sup> There was a suggestion that Talbot should have had a house allocated to him some time previously because he was a permanent employee of the Municipal Department but this was never taken up as an issue. Within the Welfare Branch, there was disagreement about the suitability of the Talbot family as "guinea pigs" in the experiment in assimilation. Some Branch members favoured Jack McGinness and family who were living in a "dilapidated house" in Mitchell street in Darwin, but McGinness showed no interest in a new house. Tim Angeles and family were living at Parap Camp in a large Sidney Williams hut with established out-buildings and they were not interested in the allocation of a smaller house. J.W. Solomon and his family occupied half a hut at Parap Camp and were keen for anything better. Giese, however, agreed with Damaso and supported the choice of the Talbot family.

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<sup>60</sup> Giese had allocated funds for the beginning of a housing scheme for part-Aborigines to be included in the 1955/56 budget to the tune of £76,000 but had been forced to leave the program out due to financial restraints. CRS F1 55/1119, AAD.

<sup>61</sup> Giese summarised his original proposal for Hasluck in Memorandum, Houses for halfcastes- Darwin, Giese to Acting Government Secretary, 31 January 1956, CRS F1 55/1119, AAD.

<sup>62</sup> Memorandum, Giese to Acting Government Secretary, 31 January 1956, CRS F1 55/1119, AAD.

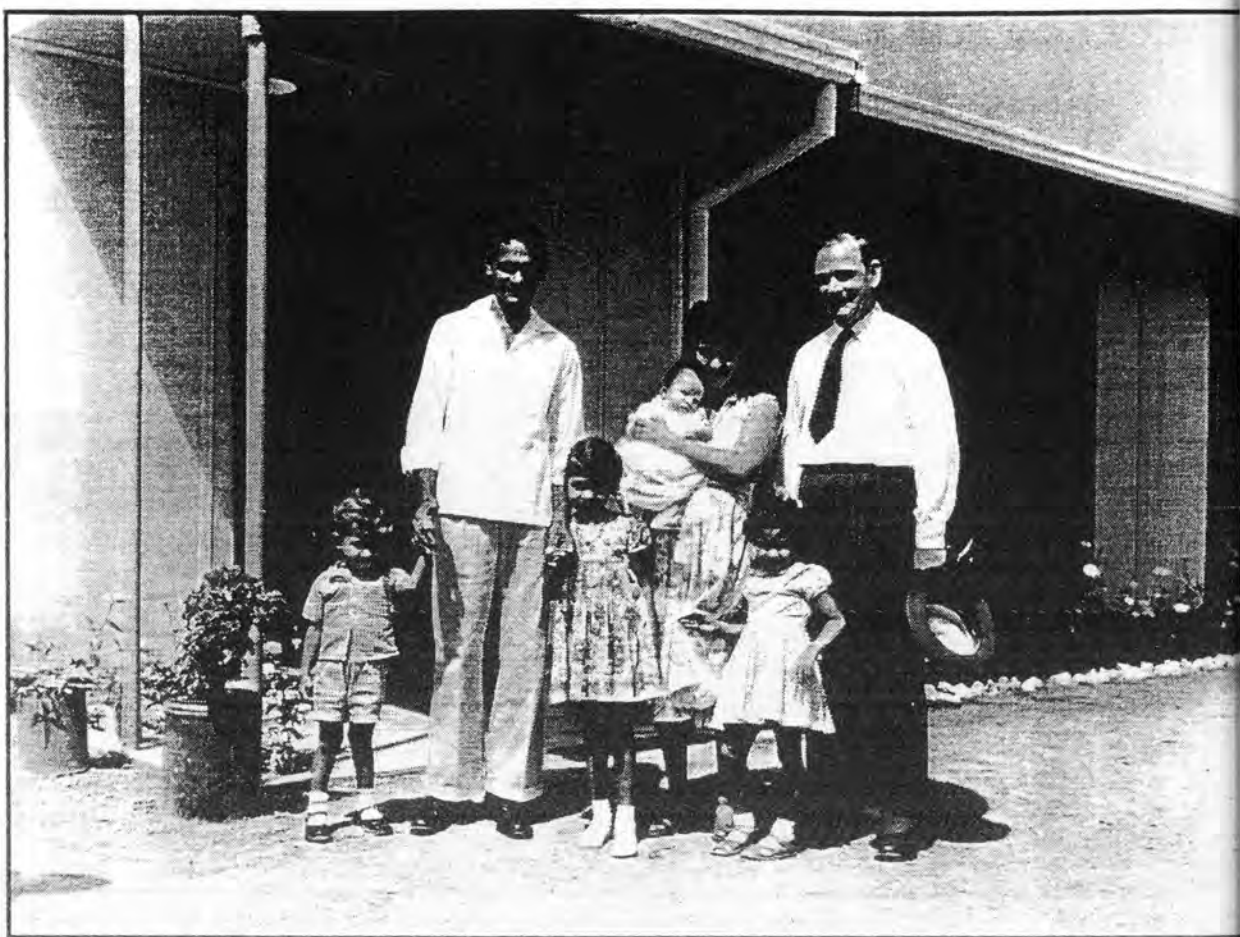
<sup>63</sup> Memorandum, Housing for Half-castes in Darwin, Archer to Lambert, 13 October 1955, CRS 55/1119, AAD.

<sup>64</sup> Memorandum, Damaso to Giese, 10 November 1955, CRS F1 55/1119, AAD.

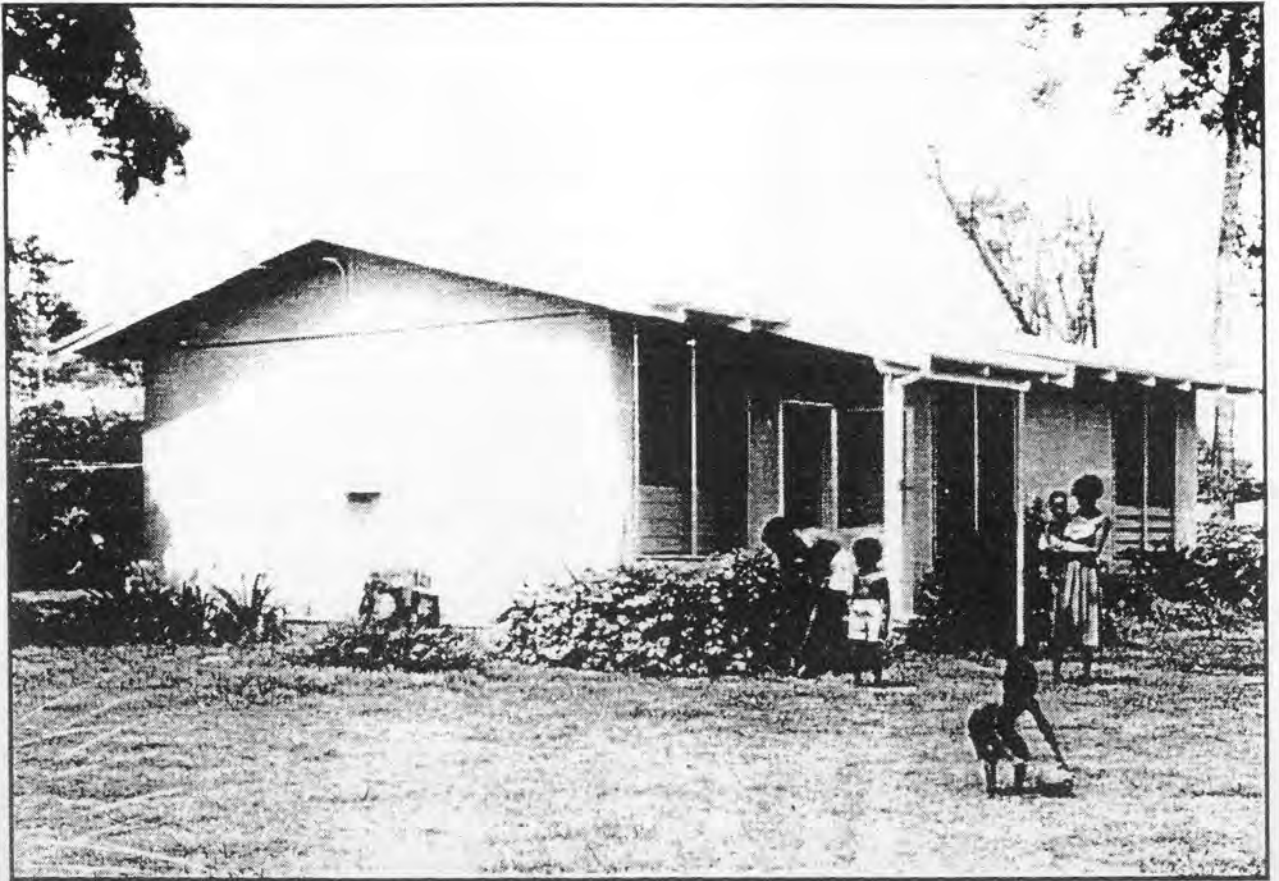
<sup>65</sup> Memorandum, Damaso to Giese, 10 November 1955, CRS F1 55/1119, AAD.



Photograph 12. "Home for Part Coloured People in Darwin, 1958."  
CRS L25485 A1200/1, AAC.



Photograph 13. "Part Coloured family outside government house," presumably built as part of the Part Coloured Housing Programme. 1958.  
CRS L28016 A1200/1 AAC.



**Photograph 14.** Michael Wilson and family.  
PH 91/8, Northern Territory Government Photograph Collection, State Library of the Northern Territory.

I have no doubt that this couple would be able to maintain a home in first class condition and would make a real attempt to adjust themselves to their neighbours and to fit in with neighbourhood activities. I told them that if they were successful in obtaining a home they would be very important people from our point of view as on the success which they achieved in maintaining the home and fitting into the neighbourhood would depend how far we could go in assisting other part-coloured people to obtain similar homes.<sup>66</sup>

Subsequently, seven houses of reasonable standard were allotted out of the industrial program to "Part-Aboriginal" tenants. The Welfare Branch was pleased to report that generally the latter tenants kept their homes as neat and tidy as any European industrial employee.<sup>67</sup>

Meanwhile, an enquiry conducted in 1956 determined that about one hundred houses would be required in the following five years to adequately house the "Mixed-Blood" families who were ready for such accommodation.<sup>68</sup> In May 1956, the plans for improved housing were finalised and approved for Darwin, based on the following guidelines: some houses would be provided under a home loan building scheme with the co-operation of the churches; some would be provided by home purchasing arrangements with the future Housing Commission; and there would be some responsibility by the Government to provide a number of low rent houses for occupation by selected tenants.<sup>69</sup> The Department of Territories insisted that there would be no segregation and that blocks made available to "Mixed-Blood" people would be scattered throughout the various sub-divisions.<sup>70</sup> Consideration had been given to using the Kingstrand house for "Part-Coloured" housing, because it was relatively cheap and quick to construct, but the principal architect rejected the Kingstrand house as unsuitable for housing in the larger centres in Australia and Giese felt certain there would be strong objections were it to be used in Darwin sub-division.<sup>71</sup> Despite the considerable research on the part of the Welfare Branch and initial approval, Hasluck rejected housing cooperatives and building societies as an alternative source of funding.

I see some very real dangers that such societies might fall into the wrong hands.<sup>72</sup>

In announcing the Minister's approval for the housing program, Secretary to the Department of Territories, Lambert, advised the Darwin Welfare Branch that the significance of housing as part of greater policy considerations should not be underestimated:

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<sup>66</sup> Memorandum, Allocation of Home to a part-Coloured Family, Giese to Acting Government Secretary, 18 November 1955, CRS F1 55/1119, AAD.

<sup>67</sup> Memorandum Houses for Half-castes: Darwin, Archer to Secretary, Department of Territories Canberra, 7 February 1955, CRS F1 55/1119, AAD. The houses were allotted to P. Hunter, A. Frith, H. Hazlebone, T. d'Antoine, B. Damaso, B. Sambona and D. Cubillo. The first four homes were a design called the Workers and the remainder a design known as Hawkesleys. The weekly rental was 30/-.

<sup>68</sup> Telegram Damaso to Giese, 22 February 1956 and memorandum Archer to Secretary, 11 May 1956, CRS F1 55/1119, AAD. Damaso calculated that a total of forty-four houses would be required, ten for the municipal section, six for the works department and twenty eight under general. Subsequently added to this list were married couples from Croker Island and Garden Point, bringing the total to fifty-six.

<sup>69</sup> Memorandum Lambert to Administrator, 18 May 1956, CRS F1 55/1119, AAD. The draft estimate for 1956/57 included the item £76,000 for low rent housing at the cost of £3,850 per house for part-Coloured families which was approved.

<sup>70</sup> Memorandum Lambert to Administrator, 18 May 1956, CRS F1 55/1119, AAD.

<sup>71</sup> Giese added that consideration would be given to construction of such accommodation in Tennant Creek and Katherine, in Giese to Assistant Administrator 15 June 1957, memorandum Part-Coloured housing - Darwin, CRS F1 55/1119, AAD.

<sup>72</sup> Memorandum, Hasluck to Secretary, 20 January 1956, CRS F1 55/1119, AAD.

We have to regard this project, not simply as a housing project, but as a measure for the advancement of these people and for the amelioration of a social problem existing in the Darwin community.<sup>73</sup>

Once the funding was approved the plans proceeded and the blocks were selected. During the planning stage, Giese had expressed his concern that the sites in the Parap area "are not sufficiently spaced over the area to obviate the development of a small part-coloured 'bloc'," and appropriate changes were made.<sup>74</sup> During 1958, twenty houses were completed and occupied.<sup>75</sup> By the beginning of 1959, twenty four houses had been built and were occupied by "Part-Coloured" families at a cost of ninety thousand pounds. The houses were scattered throughout Parap, Stuart Park and Ludmilla (referred to as the Bagot Road sub-division).<sup>76</sup> Significantly, it had not been possible to charge an economic rental for the houses, so a system of rental subsidies had to be introduced. These houses had been made available to families where the breadwinner was earning at least the basic wage. The economic rental would have been £5/10/- per fortnight. The figures were based on the male basic wage which was £13/15/10 per fortnight and the garbage and water rates which were £12/4/6 per annum. Giese recommended to the Minister that a fixed rental of £4/7/- per fortnight apply to the houses provided, as an economic rental arrangement would render the rental too high.<sup>77</sup> Those "Coloured" families who were willing and able moved out of the camps and into suburban Darwin. Their integrated presence in the suburbs contributed significantly to the image of Darwin as a site of successful assimilation as will be discussed later in this chapter.

The construction of twenty-four houses did little to alleviate the housing crisis in Darwin, however, because the federal government's priority was still to build family houses for Commonwealth Public Servants as a way of attracting suitable white families to Darwin. In 1958, there were over two hundred residents at Winnellie in sub-standard housing with no reticulated water or electricity, no adequate system of drainage and no sewerage or rubbish collection.<sup>78</sup> The Parap Camp was marginally better as some areas had been

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<sup>73</sup> Memorandum, Lambert to Administrator, 18 May 1956, CRS F1 55/1119, AAD.

<sup>74</sup> A recommended plan for the houses was sent to the Minister for approval in March 1957. Design of house on folio 104. A further £94,000 was granted for the construction of twenty new houses in October 1957. Memorandum, Laurie Assistant Administrator to Director for Works, 17 October 1957, CRS F1 55/1119, AAD. The alternative agreed upon was to exclude lots 2086, 2087, 2095 and 1902 from Stuart Park and include in their place 3182, 3264 and 3270 in Bagot Road and 1937 Stuart Park. See Memorandum Giese to Administrator, 13 August 1957, and instructions to Surveyor General from Giese, 16 August 1957, CRS F1 57/1032, AAD.

<sup>75</sup> For details of occupancy see folio 26, CRS F1 57/1032, AAD.

<sup>76</sup> In some instances, there were up to three houses allocated in the one street. Bagot Road sub-division: Lovegrove Street, 3303 3309; Ludmilla Terrace, 3341; Watts Street, 3359; Wells Street, 3362 3364 3366 3264 3270. Stuart Park: Charles Street, 1900 3046 1937; Eden Street, 2097 2093 3044 2090 2084 2089 3041; Stretton Street, 3182. Erection of 20 Houses for part-Coloured families Darwin, 9 August 1957, folio 5, CRS F1 57/1032, AAD.

<sup>77</sup> Memorandum, Housing for Part-coloured Persons, Giese to Administrator, 25 March 1957, CRS F1 55/1119, AAD. The Minister advised that rentals would be calculated as follows; weekly rental would be based on twenty percent of the basic wage; weekly allowance would be made to cover cost of garbage, sanitary and water services as approved by the administration; that the rebate of 20% be allocated for payment received within twenty-four hours of rental falling due as an incentive to prompt payment. Minister to Administrator, 14 May 1957, CRS 60/810, AAD.

<sup>78</sup> NT News, 29 May 1958.



subdivided and some improvements had been made to the huts.<sup>79</sup> Mindil Beach and Nightcliff were described by some as even worse than Winnellie. There were roughly two hundred and fifty hut dwellers in Nightcliff in 1958, comprising seventy families.<sup>80</sup> Not surprisingly there was a formidable lobby to establish a federal housing commission which would provide low cost housing. Active supporters for a housing commission included the elected members of the NTLC, the NAWU, the Housewives Progress Association and the Progress Association. One of the most influential factors in finally establishing the Housing Commission, however, was the findings of the Select Committee into Child Welfare, which highlighted not only the sub-standard living conditions of some "Coloured" and "Part-Aboriginal" families, but the contemporary construction of the nexus between sub-standard accommodation and delinquency and child neglect.

The Select Committee into Child Welfare had been appointed by the NTLC in 1957 in response to the introduction of the Child Welfare Bill. It was instructed to take evidence and make recommendations concerning the serious juvenile delinquency problem in Darwin and Alice Springs, and the higher than average rate of child neglect in the Northern Territory.<sup>81</sup> The Select Committee took evidence concerning the "Coloured" community in particular, because of the ninety-nine children who had come under the care of the State Children's Council since 1952, eighty-two of the deprived children and seven of the delinquent children were classified as "Part-Coloured".<sup>82</sup> In the period 1 July 1953 to 30 June 1954, fifty percent of the complaints brought before the Courts by the State Children's Council involved the "Coloured" community who had hitherto been classified as "Unexempted Half-castes" by the Native Affairs Branch. Of the eighty-eight children in custody in 1957, twenty-five had been sent to the Methodist Overseas Mission at Croker Island; twenty-four children were at the Catholic Mission at Garden Point; six children were at the Retta Dixon Home for Part-Coloured Children, established by the Australian Inland Mission in 1947;<sup>83</sup> three children were boarded out and the remainder were at institutions in Victoria, New South Wales, South Australia and Queensland.<sup>84</sup> The Select Committee into Child Welfare found evidence that practically all

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<sup>79</sup> Archer to Secretary, Department of Territories Canberra, 7 February 1955, CRS F1 55/1119, AAD. Some improvements had begun at the Parap camp. Twenty blocks in the new sub-division area were surveyed and provided with reticulated water and power and some with sewerage. Sidney Williams huts would be erected on these blocks in anticipation of proper housing being constructed at a later date subject to funding available in the 1956/57 budget.

<sup>80</sup> NT News, 12 August 1958.

<sup>81</sup> Child Welfare Bill of 1957, introduced into the NTLC, 2 April 1957. Select Committee appointed; second reading adjourned. The Report was presented to the NTLC, 4 November, 1957. The members of the Committee were Giese and Withnall, official members and Ward and Purkiss, both elected members. Hasluck had encouraged the administrator to win support for a select committee; he believed social legislation should represent input from the widest community forum possible. See, Memorandum Lambert to Administrator, A452 1956/744 pt 1, AAC

<sup>82</sup> Legislative Council of the Northern Territory of Australia, Report of the Select Committee Appointed to Inquire into the Child Welfare Bill, 1957, Presented by Mr H.C. Giese on 4 November 1957, First Session of the Sixth Council of the Northern Territory Legislative Council, Darwin, 1957. Commonwealth Printer, Canberra, 1957. The total number of children placed in the Councils care since 1942 was 99.

<sup>83</sup> See Cummings, Take this Child..., pp.79-87, for the establishment and early days of the Retta Dixon Home.

<sup>84</sup> Report of the Select Committee into the Child Welfare Bill. 3 children were working and 11,3,4 and 3, were at institutions in South Australia, Victoria, NSW and Queensland respectively.

the children who had come under the care of the State Children's Council came from sub-standard living areas in the camps in Darwin and Alice Springs:

... it is surely significant that the bulk of those children come from families who through various circumstances are forced to live in these areas or through their own spendthrift and shiftless conduct condemn themselves to live in these areas under the shocking and appalling home conditions which prevail there ... it was stressed that these living conditions must be regarded as playing a significantly important part in the production of broken homes which inevitably lead to the Council having to take action in respect of neglected and destitute children.<sup>85</sup>

When the chairman of the Victorian Housing Commission subsequently visited the Winnellie, Stuart Park and K-9 camps, he concluded that no matter how conscientious mothers might be they had little hope of protecting their children from the "immoral and anti-social habits" attendant in raising children in a slum environment.<sup>86</sup>

When the Select Committee Report was read in the NTLC, the consequences of the "Part-Coloured" community's liberation from discriminatory legislation also came under review. Between the successfully assimilated, high profile "Coloured" community who were moving into Darwin's new housing subdivisions and those Aborigines (wards) residing at Bagot, there was a community group whom both the Department and the NTA seemed reluctant to acknowledge, that is, those who: were of Aboriginal and mixed descent; were not readily assimilating; were not wards and who would not, under the previous legislation have been granted exemptions from the Aborigines' Ordinance. A grim portrait of the lives of many in this group emerged. Most witnesses called before the Select Committee agreed that the two main causes of the breakdown in family life, apart from the sub-standard housing, were drinking in excess and gambling.<sup>87</sup> In his address to the NTLC, Crown Solicitor Withnall emphasised that the majority of children who were victims of neglect or delinquents came from "Part-Coloured" families and that the neglect was largely the result of parental over-indulgence in alcohol. He argued the emancipation of the "Coloured" community had, in too many instances, led to the shameful neglect of their children.<sup>88</sup> The elected member for Darwin, Ward, agreed with Withnall to the extent that he acknowledged that some members of the "Coloured" community had been neglected.

I use the word "neglected" in the sense of their not having the same degree of attention given to them as was given in the past. I am not suggesting that there has been a positive omission, but there has been a relaxation or a decrease in the care and attention given previously.<sup>89</sup>

Barbara Cummings' book, Take This Child..., is a poignant account of the lives of some in that "neglected group" who belonged neither to the community of wards nor to the successfully assimilated.<sup>90</sup> Their liberation from discriminatory legislation had not, she argues, necessarily resulted in an improvement in their quality of life and Cummings is critical of their forced liberation.

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<sup>85</sup> Report of the Select Committee into the Child Welfare Bill, section 11.

<sup>86</sup> NT News, 3 July 1958.

<sup>87</sup> Report of the Select Committee into the Child Welfare Bill, section 14.

<sup>88</sup> Withnall, NTLCD, 2 April 1957.

<sup>89</sup> Ward, NTLCD, 8 October 1958, quoted in B. Cummings, Take This Child..., pp.113-114.

<sup>90</sup> Cummings, Take This Child...

There was not remedial re-training or re-education policy proposed to cope with those part-Aboriginal people, who had previously only been educated and trained as less than equal members of society.<sup>91</sup>

Cummings concludes that many of this group were "ill-equipped" to participate in the wider society and that it was generally much worse for women:

who had little chance of bettering themselves when their choices were limited to the unskilled areas of the workforce, or to remaining in often violent de facto relationships.<sup>92</sup>

Not all members of the "Coloured" community were able to find work and elected member of the NTLC, Purkiss, drew attention to the limited number of unskilled positions now available in Darwin. He argued this was a problem for the "Coloured" community, particularly for those who had come from places such as Croker Island and who had been in town only a very short time. Women were particularly disadvantaged in finding employment.<sup>93</sup>

In its conclusion, however, the Report of the Select Committee reflected the prevailing contemporary view that the blame for neglect and delinquency lay at the feet of slum dwelling. "It is among these shocking conditions of housing", argued Ward in the NTLC, "that delinquency flourishes".<sup>94</sup> Conversely, the general consensus among the witnesses called before the Committee was that improved living conditions might influence the women to take a greater pride in their homes and their surroundings which would give them therefore less time to indulge their drinking and gambling habits.<sup>95</sup> Earlier in the decade, the Welfare Branch had employed a female welfare officer in the belief that a female could more readily assess the home standards of any particular household and the outward signs of "maternal interest and pride in home displayed by the mother".<sup>96</sup> Both mother and children were likely to feel more at ease in confiding in a female welfare officer.<sup>97</sup> Most witnesses reporting to the Committee agreed, however, that if women were to be transferred to "normal homes", many "Coloured" mothers would continue to require careful supervision and training in homemangement. The plight of unmarried women with children or mothers whose partner had left and who were without any financial support was raised as a gravely serious problem. The social security net provided the most marginal support for women and children in this category. Institutionalisation of the children of women in these categories was commonplace, and in Take This Child..., Cummings has recorded the experiences of some of the "Part-Aboriginal" children who were raised in the Retta Dixon Home in Darwin.<sup>98</sup> Cummings was also raised in the Home. Like many of the other children, her mother lived in Darwin and she had siblings who were not institutionalised. While Cummings' research and text represents a deeply personal journey of discovery, the reader is made aware of the complexity and the inconsistency of the bureaucratic response to the children labelled neglected and delinquent at this time.

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<sup>91</sup> Cummings, Take This Child..., p.106.

<sup>92</sup> Cummings, Take this Child..., pp.106-107.

<sup>93</sup> NTLCD, 14 April 1958.

<sup>94</sup> Ward addressing the NTLC reported in NT News, 15 April 1958. See also NTLCD, 14 April 1958. Ward's view was supported by Brennan, NTLCD, p.463.

<sup>95</sup> Report of the Select Committee into the Child Welfare Bill, section 14.

<sup>96</sup> Report from Administrator to the Secretary, Department of Territories, CRS A452 1956/735 pt.1., AAC.

<sup>97</sup> Report from Administrator to the Secretary, Department of Territories, CRS A452 1956/735 pt.1., AAC.

<sup>98</sup> Cummings, Take this Child..., chapter 7, especially pp.109-115.

The Select Committee found evidence as well that generally the "Part-Coloured" children, who were neither neglected nor delinquent, were not progressing to post-primary education and hence remained largely unskilled and were therefore less likely to find employment. When asked for comment on the comparable intellectual capabilities of the "Part-Coloured" children, the Committee reported that the witnesses could not agree and concluded that lack of incentive or any motivation from the home was probably the main reason for lack of progress.<sup>99</sup> Children had no hope of studying when they were living in overcrowded huts with no electricity.<sup>100</sup> As a way of providing basic training for future employment, the Committee recommended that technical schools be established. Other programs were subsequently devised so that scholarships and other forms of financial assistance could be provided to send children who were considered to have academic potential to the south to boarding schools for secondary education. There was no comprehensive government high school in Darwin until 1964 and so, like most who lived in remote and rural Australia during this period, boarding school was the only option for families who wanted their children to have a secondary education. The Department of Territories actively publicised its scholarship schemes for "Coloured" children. The rhetoric in Progress Towards Assimilation is typical. The education programs were described "as perhaps the most positive steps yet taken for Mixed Race people" to have the opportunity for their children to "develop normally".<sup>101</sup> In an informal interview with Giese in 1990, he told me that persuading the government to pay for scholarships for talented children to study in the south was one of his proudest achievements.<sup>102</sup> Among those children sent to boarding schools in the south under this scheme were Michael (Mick) Dodson, Patrick (Pat) Dodson, Charles (Charlie) Perkins and James (Jim) Ramsey. The participants in the scheme do not necessarily share Giese's opinion of its success and, in particular, have weighed up the cost of alienation from kin and country against a boarding school education.<sup>103</sup>

At least in part prompted by the findings of the Select Committee, Hasluck announced in September 1958, that the federal cabinet had approved the establishment of a Housing Commission for the Northern Territory. Once the legislation had been enacted, rental homes would be made available for families earning between £25 to £30 per fortnight.<sup>104</sup> When the Housing Commission Bill was introduced into the NTLC in 1959, the debate served to illustrate the degree of resentment which had built up over the years regarding housing in the Northern Territory.<sup>105</sup> Elected members argued that it was bewildering to the man in the street to see housing so readily available to the public servant but nothing for the "Coloured" and white

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<sup>99</sup> It has not been possible to verify the findings against the testimonies of the witnesses as I could not locate the original transcripts.

<sup>100</sup> NT News, 5 August 1958.

<sup>101</sup> Progress Towards Assimilation, pp.23-24. See also Our Aborigines, and The Aborigines and You.

<sup>102</sup> See also Harry Giese, "Planning a program for Aborigines in the 1950s", Northern Territory Library Service Occasional Papers, no.18, Northern Territory Library Service, Darwin, 1990, p.6.

<sup>103</sup> For example see Cummings, Take This Child.... In Peter Read, Charles Perkins: A Biography, Viking, Penguin Books, Ringwood, 1990, Perkins' experiences and those of other Aboriginal boys from similar backgrounds who were sent to the St Francis House for a better education as borders are described, pp.24-39.

<sup>104</sup> NT News, 19 September 1958.

<sup>105</sup> Brennan, NTLCD, 12 January 1959, p.465. Brennan took the opportunity to criticise the government accepting "blood money" in taking rent for low grade accommodation in the camps.



Illustration 6. "Bathing baby."  
*Fringe Dwellers*, revised edition. 1962.



**Illustration 7.**

"Aborigines and people of mixed race are capable of doing complex and intricate work. This typist works in a Darwin office."

Fringe Dwellers.

people.<sup>106</sup> The Housing Commission Bill was supported in the NTLC, though there was some dissent and unease about the relatively high rental charges and the implications this would have for the "Coloured" community. The member for Darwin, Ward, made a special plea for the concerns of the "Coloured" community, many of whom he argued, lived in deplorable conditions" and I doubt it will be within the capacity of many of them to pay the rent asked".<sup>107</sup> Ward proceeded cautiously when he referred to the apparent administrative neglect of Aborigines of mixed descent. Though politically opposed to Hasluck and the Liberal party, he nevertheless shared Hasluck's view that difference could not be accounted for in terms of race. His longstanding opposition to he the Welfare Ordinance was based on the fact that it was racist and bound those made wards to a system in which their dignity and independence was stripped from them. He shared the view of many Australians that adequate housing and the attendant rise in living standards would go along way towards ameliorating the "aboriginal problem". Aboriginality, however, was a factor less easily accepted and about which there was considerably less certainty.<sup>108</sup> Paddy Carroll, who was also the Labor Party member for Darwin,<sup>109</sup> supported Ward's assertion that the rent would be too high. He calculated that the rent all up would be £4 per week. The average income in Darwin was around £18 per week. In Darwin, "Coloured" families were generally large and consisted of six or seven people. Carroll argued that if the rental for public servants was set at ten percent of their salary, so that percentage should apply to calculating housing commission rents, otherwise the proposed rental would be too high for those in greatest need.<sup>110</sup>

Following the passage of the Housing Commission Bill, all houses constructed during the Part-Coloured Housing Program were transferred to the Housing Commission. A new policy was formulated on rental subsidies. The Department of Territories acknowledged that if the Housing Commission let houses to "Coloured" families under normal arrangements the rent would almost certainly be more than one fifth of the basic wage. At the same time, it would be hard to justify a lower rent being charged to a "Coloured" family than to a European family where the houses were the same, "unless the difference is related to some formula involving ability to pay".<sup>111</sup> The Welfare Branch recommended that when "Coloured" families moved into Housing Commission houses, the Administration would make up the difference in rental if necessary,<sup>112</sup> and the Minister accepted these recommendations.<sup>113</sup> "Coloured" families were encouraged to occupy Housing Commission houses and rental subsidies were provided, under section 8(f) of the Welfare

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<sup>106</sup> Ward addressing the NTLC reported in NT News, 15 April 1958. See also NTLCD, 14 April 1958.

<sup>107</sup> Ward, NTLCD, 12 January 1959, p.468.

<sup>108</sup> Ward, NTLCD, 12 January 1959, p.468.

<sup>109</sup> Paddy Carroll was first elected to the Legislative Council in 1957. He lost his seat in the Council after a redistribution of the electoral boundaries prior to the 1960 election. He was an active unionist and was President of the NAWU for most of the 1960s. Rhonda Jolley, Patrick (Paddy) Carroll in A Biographical Register of the Australian Labour Movement.

<sup>110</sup> Paddy Carroll, NTLCD, 12 January 1959.

<sup>111</sup> Memorandum, Department of Territories to Administrator, 15 March 1960, CRS F1 60/810, AAD.

<sup>112</sup> Reply telegram Darwin to Canberra, 27 June 1960, folio 76A, CRS F1 60/810, AAD.

<sup>113</sup> Damaso was asked to send out a survey of those occupying part-Coloured houses to determine income and to determine those who might qualify for Housing Commission houses. Of twenty families there were six families with one white and one Coloured parent. See folio 96, and Damaso to Director, 18 October 1960, CRS F1 60/810, AAD.

Ordinance, only if and when the Housing Commission found that tenants were not able to pay their way independently because of the level of income and the size of the family to be supported.

I consider it is socially important to encourage pride in advancing Aboriginals and part-coloured people in the fact that they can and are standing up to their obligations as well as other tenants and to create the attitude that to continue to hold a tenancy is a hallmark of their new status.<sup>114</sup>

In Darwin, one branch officer observed that:

... not many part-coloured families, who would be eligible for assistance, are suitable applicants for Housing Commission accommodation. Most of those who would be in need of a subsidy are not regarded as satisfactory tenants. In some cases they are mothers with children without breadwinners.<sup>115</sup>

A final problem was that the Housing Commission houses were too small to accommodate the larger families of the "Coloured" community, but the Housing Commission eventually undertook to build three bedroom houses.<sup>116</sup>

A significant percentage of the "Coloured" community in Darwin took advantage initially of the Part-Coloured Housing Program and subsequently the Housing Commission, to move away from the camps into suburban Darwin. By 1961, over half the homes allocated in Darwin and Alice Springs since the commencement of the Housing Commission had been allocated to "Coloured" families.<sup>117</sup> Compared with similar programs undertaken elsewhere in Australia, the "Coloured" community's willingness to move into the urban subdivisions in Darwin contributed to the contemporary opinion that Darwin was an assimilation success story. Donald Horne wrote of Darwin in 1964,

In its long history of fiasco, of the ruin of a hundred schemes, three definite hopes now stand out for Darwin and the Territory: the breeding of cattle, the encouragement of mining and the development of Australia's first genuine and broadly based multiracial society.<sup>118</sup>

Horne reflects an imaginative consensus among those writing about Darwin in this period. Dewar has found writers generally described Darwin positively and as "a melting pot of different races".<sup>119</sup> Writing in 1968, Lockwood declared that in Darwin, "racial prejudice had all but disappeared".

In 1966, Jeremy Long offered an analysis of why the "Part-Aboriginal"<sup>120</sup> community had apparently been successfully assimilated in Darwin.<sup>121</sup> His analysis is valuable and is discussed in some detail here because it applies the new directions in contemporary discourse about social change, cultural diversity and pluralism (which influenced Long as a participant in the Social Science Research project about

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<sup>114</sup> Memorandum, Darwin to Canberra, 14 October 1960, folios 123-125, CRS F1 60/810, AAD.

<sup>115</sup> Memorandum, Vincent, Administration Officer to Giese, 15 June 1960, folio 76D, CRS F1 60/810, AAD.

<sup>116</sup> Memorandum, Damaso to Giese, 18 October 1960, CRS F1 60/810, AAD

<sup>117</sup> Giese to Assistant Administrator, 4 April 1961, folio 152, CRS F1 60/810, AAD.

<sup>118</sup> Donald Horne, *The Lucky Country*, Penguin Books Australia, Ringwood, 1968, (First edition, 1964), p.59.

<sup>119</sup> Dewar, *In search of the Never Never*, pp.195-196. See also Lockwood, *The Front Door*, chapter 19.

<sup>120</sup> The term "part-Aboriginal" was now back in vogue, though the majority of Darwin residents continued to refer to themselves as "Coloured".

<sup>121</sup> J.P.M. Long, "The administration and the part-Aboriginals of the Northern Territory", *Oceania*, 37, 1966-1967.



Aborigines),<sup>122</sup> and because such analyses of Darwin are few. Long considered that there had been an over-emphasis in recent scholarship concerning those southern communities of "Part-Aborigines" who were conspicuous for their failure to assimilate whereas the more "successfully" assimilated were missing from the record. The orientation of the new scholarship on assimilation and "Part-Aboriginal" communities in the South is discussed in chapter eight of this thesis. Briefly, the researchers concluded that Aborigines did not necessarily want to participate in assimilation processes which alienated them from their existing communities.<sup>123</sup>

Long began by identifying the main characteristics of an assimilated community. Participation in employment was critical. In Darwin, "Part-Aboriginal" men and women were employed in a wide range of jobs, mainly as unskilled labourers and cleaners, but also as shop assistants, office workers and plant operators. Instead of the old military camps, "Part-Aboriginal" families lived in the new Housing Commission homes in the rapidly expanding suburbs. The "Part-Aboriginal" community, observed Long, mixed freely in the Darwin community, particularly dominating sport, and the children attended the same schools as non-Aborigines. It was not in the least uncommon for "Part-Aboriginals" to have white girlfriends and boyfriends and to marry.<sup>124</sup> Lockwood identified similar characteristics which, he concluded, were evidence that Darwin was racially integrated.<sup>125</sup>

Long asked, therefore, what were the pre-conditions for the success of policies of integration/assimilation in Darwin? Firstly, he established the dichotomy of assimilation and segregation and concluded that the absence of a segregation policy was the over-riding reason for the success of assimilation. In drawing this conclusion, he argued there had never been any thorough separation of "Part-Aborigines" in the Northern Territory and certainly not after 1945. Only small numbers had lived in "segregated, supervised institutional communities" compared with Queensland, for example. The pace at which slum clearance progressed and the speed of rehousing had reduced the potential for segregated fringe dwelling. Secondly, "Part-Aborigines" in Darwin had actively participated in the economy. The rapid expansion in the Territory meant a demand for labour and thus employment remained high. Darwin was not a colonial town, characterised by a European upper strata and a coloured labouring class; "class or income divisions did not correspond with colour divisions."<sup>126</sup> "Part-Aborigines" were also active members of the NAWU in Darwin. Thirdly, the Northern Territory "Part-Aboriginal" community had fought the possibility of

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<sup>122</sup> The significance of this project is discussed in chapter eight. Long wrote this paper while he was a Research Fellow with the Social Science Research Council's Aborigines Project.

<sup>123</sup> For example Fay Gale concluded that about one third of Aborigines in South Australia took advantage of programs to facilitate their relocation off reserves and fringe camps into urban housing, but this begged the question of the future of the remaining two thirds. Fay Gale, "Administration as guided assimilation (South Australia)", in Reay, ed. *Aborigines Now*, p.109. Dianne Barwick concluded that Aborigines in Victoria wanted access to a higher standard of living, particularly better housing, but few wanted to give up the bonds of kinship and extended family. Dianne Barwick, "The self-conscious people of Melbourne", in Reay, ed. *Aborigines Now*.

<sup>124</sup> Long, "Administration and part-Aboriginals", pp.187-188.

<sup>125</sup> Lockwood, *The Front Door*, p.266.

<sup>126</sup> Obviously many Aborigines in Darwin would challenge Long's assertion about their identity. On the other hand many settlers would agree with his description of Aboriginal identification in the 1950s and 1960s.

segregation and had demanded equality and assimilation. They had not developed a racial self-consciousness. They had never accepted that they should live separately and/or be treated differently. Finally, Long argued that assimilation had been facilitated by the presence in Darwin of a substantial non-Aboriginal "Coloured" population with whom "Part-Aboriginals" could identify and be identified, rather than with the local Aboriginals with whom most of the "Part-Aboriginals" had few kinship ties anyway. The existence of local Aboriginal populations throughout the Territory had been itself a constant reminder to Europeans that the "Part-Aboriginals" were not in fact Aborigines.<sup>127</sup> The absence of significant prejudice was a consequence rather than sole cause of the successful assimilation of Darwin's "Part-Aborigines".<sup>128</sup>

In his final analysis, Long identified the absence of discriminatory legislation as the most significant of all factors which contributed to the success of assimilation in Darwin. He argued that the legislative and administrative changes made after 1953, had entailed a quite radical change in the values and assumptions underlying welfare administration:

part-Aboriginals came to be seen as people whose needs could be met by the normal social work practice, rather than as people standing outside the normal community who needed special services and had to be subject to special controls.<sup>129</sup>

Long warns against the glib assumption that the changes in 1953 entailed nothing more than the extension of the system of "exemption". The changes were more fundamental.

"Citizenship" was no longer to be a prize awarded to part-Aboriginals for progress in "assimilation", for conformity to ill-defined, and probably undefinable, standards of behaviour. It was assumed that part-Aborigines were in fact like other Australians and it was certainly clear that they wanted to be treated like the others.<sup>130</sup>

Long concluded by arguing that the terms assimilation and protection were now represented as two separate policies which was, he argued, a fallacy. Both protection and assimilation had had as their final aim the integration of Aborigines into the community. The terms rather identified the practice of administration. Thus the practice of protection was characterised by control, separation and the provision of special services. The practice of assimilation, then, should be characterised by the absence of control, separateness and special services. The latter was the preferred administrative model. The experience of the successful assimilation of the "Part-Aboriginal" community in the Northern Territory testified to this.<sup>131</sup>

Such a conclusion implicitly challenged the construction that there should be a nexus between assimilation and citizenship. The development of this challenge is analysed in greater detail in chapter seven of this thesis. Two aspects of the emerging discourse are of significance in concluding this chapter. Firstly, Long did not push his conclusion to the point of asking the obvious question that if assimilation could be achieved without separate and discriminatory measures, then why should such measures continue? Instead,

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<sup>127</sup> Obviously many Aborigines in Darwin would challenge Long's assertion about their identity. On the other hand many settlers would agree with his description of Aboriginal identification in the 1950s and 1960s.

<sup>128</sup> Long, "Administration and part-Aboriginals," pp.196-199.

<sup>129</sup> Long, "Administration and part-Aboriginals", p.199.

<sup>130</sup> Long, "Administration and part-Aboriginals", p.199.

<sup>131</sup> Long, "Administration and part-Aboriginals," p.200.

he cautiously suggested that the practice of assimilation in the Northern Territory with regard to the "Part-Aboriginal" community had marked the "real beginning" of assimilation as "a method of administration" in Aboriginal affairs. Secondly, Long attributes citizenship with a transforming potential. Citizenship is represented as an imaginary boundary separating segregation on the one side and assimilation on the other. Long shared with Hasluck a loathing of segregation which represented a world in which individuals could never reach their full potential. Unlike Hasluck, however, Long believed that by granting citizenship, assimilation would be facilitated in a way which separateness, special services and discriminatory legislation would hinder.

Finally, one factor which Long did not consider in his paradigm for the implementation of assimilation was the role of the community in the lives of "the Coloured mob". While many settler families stayed on in Darwin in the post-war years, the white community was still essentially transient. Commonwealth Public Service appointments were for a designated time after which employees had the option to return to the south, where they were frequently promoted. Even though there was less of a demand for unskilled labour than in the period before 1945, there was still a demand for labourers who were prepared to work for short periods of time. For many settler families, the transfer to the Northern Territory was only ever a brief adventure and the demands of family in the south and the implicit difficulties of living in such a remote location meant they were only ever temporary residents. There are still very few settler residents in Darwin who have stayed on to their retirement years. The "Coloured" community, however, was and is permanent. It knew no other home than Darwin and its large extended families were almost dynastic in status. To move into the Darwin suburbs did not mean leaving kith and kin behind as it might have meant for Aborigines in different circumstances, but rather an opportunity for better housing. The children attended the local schools with siblings and relatives. In the town dominated by sport, the "Coloured" families dominated. Those familiar with Darwin today, will be aware of the on-going strength of this community's ties. The recognition on the part of government of the role of community in devising social policy is reviewed in chapter eight of this thesis.

### *Conclusion.*

As Darwin rapidly expanded and earned the title of a modern capital city, the need to assimilate Aborigines inevitably became more pressing. Opportunities were provided for the "Coloured" community to live in the new suburbs and access all services without discrimination after 1953. The majority took advantage of this offer. Hasluck would no doubt have identified this as the community's desire to satisfy its social hunger. The Department of Territories provided the opportunities for a better standard of living and for a future in which segregation had no place, and, apparently, this met the needs of Darwin's "Coloured" community. Contemporary observers asked why it was that (part) Aborigines in Darwin were able to integrate into the settler community more successfully than had similar groups elsewhere in Australia. At least one of the conclusions reached challenged the construction that there ought to be a nexus between successful assimilation and citizenship. Instead, a new paradigm was constructed such as that presented by

Long, in which the absence of discriminatory legislation, i.e. access to all the rights and obligations of citizenship, aided assimilation to the point where the bestowal of citizenship was imagined as having the power to rehabilitate individuals.

Lurking in the background of this optimistic scenario, however, was ever the question of the future for those Aborigines who were unassimilated, and had no desire to leave behind kin and country.

## CHAPTER SEVEN. AN EQUAL FOOTING.

"So long as the social, economic and cultural conditions of the [indigenous] populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of those populations.

Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection".<sup>1</sup>  
International Labour Organisation Convention 107.

The sixties was a watershed period in Aboriginal policy matters and in the practice of governing Aborigines both nationally and in the Northern Territory. The nexus between successful individual assimilation and access to full civil rights was finally broken. In 1962, Aborigines in the Northern Territory voted for the first time in federal and Territory elections; in 1964, the Welfare Ordinance was finally repealed and replaced with the Social Welfare Ordinance and, in 1965, Aboriginal workers in the Northern Territory pastoral industry won their landmark case before the Arbitration Commission for equal wages for equal work. For the Northern Territory Aborigines, significant battles in the struggle for full civil rights had been won before the 1967 referendum.<sup>2</sup> On paper, at least, the nexus between the rights of citizenship and successful assimilation was not only finally broken, but granting full and unconditional civil rights for Aborigines became an end itself. The search for ways to effectively govern unassimilated Aborigines without discrimination, however, had only just begun.

Part one of this chapter argues that the settler community readily embraced the aims of civil rights for Aborigines based on the concept of biological egalitarianism. At least part of the discourse concerning civil rights assumed that if full civil rights were granted, then successful individual assimilation would be far more likely to occur which represented a complete reversal of the assimilationist paradigm for social change. As settler Australia sought to define itself as a pluralist society, the role of citizenship in maintaining a monocultural nationalist hegemony was challenged so that it was much more difficult to exclude Aborigines or other groups from access to their full civil rights on the basis of their race, no matter how precisely discriminatory legislation was linked with their manner of living. The settler community had considerably more difficulty in coming to terms with concepts which involved special measures for the government of Aborigines which were not necessarily discriminatory. The foundation principles of indigenous rights were much less readily understood, more difficult to draft into legislation and tended therefore not to be a priority in the struggles for Aboriginal rights in this period. In the Northern Territory, the Northern Territory

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<sup>1</sup> Article 3, sections 1 and 3, Convention concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries. International Labour Conference, convention 107 in Box 17, Barry Christopher papers MS 7992.

<sup>2</sup> For discussion of interpretation 1967 referendum, see Murray Goot and Tim Rowse, "The 'backlash' hypothesis and the land rights option", *Australian Aboriginal Studies*, no.1, 1991.

Council for Aboriginal Rights (NTCAR), an affiliate of the Federal Council for Aboriginal Advancement (FCAA), later called the Federal Council for Advancement of Aborigines and Torres Strait Islanders (FCAATSI), was the organisation in which the enunciation of these new directions struggled to find shape.

Aborigines were governed as wards in the Northern Territory between 1957 and 1964 even though the Welfare Ordinance 1953-1955 proved to be almost unworkable. Part two identifies the practical and administrative difficulties in implementing the Welfare Ordinance and associated legislation. These difficulties, nevertheless, served to make clear that Aborigines could be governed without being wards of the state. Increasingly, the Welfare Branch challenged the necessity to govern Aborigines as wards, and was supported in its efforts to remove the state as their guardian by the NTLC. Neither the Welfare Branch nor the elected members in the NTLC necessarily shared opinions about Aboriginal rights or agreed on future policy for Aborigines. They were in accord, however, about the need to remove once and for all the status of ward. While Hasluck remained the Minister for Territories, however, Aborigines in need of special care remained wards.

New directions were implemented quickly following Hasluck's promotion to a more senior portfolio after the federal election of December 1963. In the period under review, the progression towards greater access to full civil rights ran parallel with the refinement of legislation and regulations, defined as special measures, which could be confined by the boundaries of Aboriginal reserves. Once the Welfare Ordinance was repealed and the relationship between Aborigine and state based exclusively on the role of the state as *in loco parentis* to wards ended, the way was open to redefine the relationship between Aborigines and government. Part three argues that under the revised legislation, the settlements (and missions) endured as the necessary and mostly exclusive sites of government of Aborigines and in the Northern Territory.

#### *An equal footing.*

In the Australian community during the 1960s, the struggle for civil rights was more readily incorporated into the assimilationist, egalitarian hegemony than was the concept of indigenous rights. Ideas such as positive discrimination, affirmative action and self-determination had not yet been introduced into the settler discourse about an Aboriginal future. The granting of full civil rights for Aborigines became an end in itself. Implied in the civil rights discourse was the statement that inferior standards of living were the direct result of discriminatory practices and legislation which, if removed, would inevitably lead to a rise in the standard of living of the oppressed protagonists. Nationally and internationally, the civil rights movement grew in strength and determination. Much of the discourse and action derived from the American civil rights movements as illustrated in the freedom rides through New South Wales in the summer of 1964-1965, undertaken by Charles Perkins and supporters, in which the extent to which racism, segregation and discrimination had endured in outback Australia was exposed as a scandal and outrage.<sup>3</sup>

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<sup>3</sup> For an account of the Freedom Rides see Read, Charles Perkins, chapter 4, The meaning of the eyes.

That the impetus for reform derived from concerns for civil rather than indigenous rights can be illustrated by considering the aspirations of the key settler protagonists. Hasluck's personal commitment to an homogenous society, his nationalism and his energy in promoting both the policy and practice of assimilation meant, of course, that the recognition and promotion of indigenous rights as part of an integrated national identity did not receive his support.<sup>4</sup> Another key player, the Australian trade union movement, was committed to an ideology of equality which was based on a system of wage regulations devised to ensure the maintenance of at least a minimum basic living wage through the processes of conciliation and arbitration. It was an anathema to the foundation principles of unionism to promote alternative wage structures. The various Aboriginal rights movements, of which the FCAATSI was the most influential, were dedicated to granting full civil rights to Aborigines as their priority. Indigenous rights were subsumed in the struggle for full civil rights because the latter provided a more clearly defined goal and the former represented a major shift not only in the nation's perception of Aboriginality but it would have required a similar shift in respect of matters of citizenship, nationality and acceptance of pluralism.

In June 1957, just one month after the Welfare Ordinance was gazetted, the International Labour Organisation (ILO) passed the Convention concerning the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries. The overriding principle of this convention was that the protection of indigenous rights and identity, usually achieved by the implementation of special measures for such groups, should not reduce or impinge upon the civil rights of indigenous groups. ILO convention 107, Article 1, 2(a), stated that governments should be responsible for

enabling the indigenous populations to benefit on *an equal footing* from the rights and opportunities which national laws and institutions grant to the other elements of the population.<sup>5</sup> (my italics)

The integration of indigenous communities into the national community, the Convention stated, ought not to depend on coercion or on measures which promoted artificial assimilation. When governments instituted "special measures" for indigenous populations, such measures should in no way be discriminatory or impinge on the civil rights of such groups. The Welfare Ordinance and associated legislation governing Aborigines in the Northern Territory, qualified as "special measures" for an indigenous group, but these measures were both discriminatory and impinged on Aborigines civil rights. Nationally, Australia could not ratify this convention until after the referendum of 1967, which gave the Commonwealth the right to legislate for all Aborigines.<sup>6</sup>

The organisation in Australia which was foremost in giving expression to the demands for both civil and indigenous rights for Aborigines, and which promoted a new discourse about Aborigines, was the FCAA, later renamed FCAATSI. Towards the end of 1957, activist Jessie Street had called together

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<sup>4</sup> Rowley, *The Remote Aborigines*, pp.23-26. Rowley pointed out that the Welfare Ordinance (NT) contravened almost all articles of the Indigenous Rights Convention.

<sup>5</sup> ILO convention 107, Article 1, 2(a).

<sup>6</sup> Rowley, *The Remote Aborigines*, pp.23-26. Also for Hasluck's instructions to inform the Department of Labour that in his opinion, Australia could not ratify the ILO convention 107, see CRS M1776/1, volume 16, folio 50, AAC.

representatives of the Aboriginal rights councils of South Australia, Victoria and New South Wales to plan for the formation of a national body to promote Aboriginal rights. The Federal Council for Aboriginal Advancement formed and then held its first national conference in Adelaide, 14-16 February 1958, at which it called for the repeal of all legislation, federal and state, which discriminated against Aborigines. The FCAATSI also demanded free and compulsory education for Aborigines, equal pay for equal work and amendments to the federal constitution.<sup>7</sup> Significantly, the second annual national FCAATSI conference in Melbourne in 1959, called on state and federal governments to implement the provisions of ILO Convention 107.<sup>8</sup> Through FCAATSI the concept of indigenous rights, particularly with regard to land rights, found expression and support, but priority was still given to the struggle for full civil rights which was indicative of the wider community support which could be elicited for a concept which conformed to an egalitarian hegemony rather than to pluralism. It also reflected the widely held community belief that there could never be a general rise in the standard of living for Aborigines and they would never have the chance to assimilate successfully until full civil rights were granted.

The federal government responded to public opinion regarding Aboriginal access to civil rights and, in April 1961, set up the Select Committee on Voting Rights for Aborigines.<sup>9</sup> The Select Committee concluded that it was better that the franchise be granted to Aborigines immediately, because any other solution would be discriminatory and in response to the recommendations, the Commonwealth Electoral Act was amended by Act no.31 of 1962, which gave "Aboriginal Natives of Australia" the right to enrol and to vote as electors of the Commonwealth. Section 42 of the principal act, however, which made voting compulsory was amended also to allow Aborigines to enrol voluntarily.<sup>10</sup> Following on from the recommendations of the Committee, section 22 of the Northern Territory Electoral Regulations was amended to allow voluntary registration of Aboriginal voters in elections for the NTLC.<sup>11</sup> This did not change the status of Aborigines as wards of the state. Tatz, writing in 1979, concluded that the franchise did not represent an attempt to genuinely engage Aboriginal voters as participants in decision making and in government.<sup>12</sup> Certainly the federal government made a relatively safe concession nationally in that granting Aborigines a voluntary franchise given that the small number of Aboriginal voters would make little

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<sup>7</sup> Read, Charles Perkins, p.49. See also, Faith Bandler, Turning the Tide. A Personal History of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, Aboriginal Studies Press, Canberra, 1989, chapter one, Meeting the Challenge.

<sup>8</sup> The ILO convention 107 was adopted by FCAA at the Second Annual Conference of FCAA, 1959. Conference papers in Box 17, Barry Christophers Papers, MS 7992, National Library, Canberra.

<sup>9</sup> Tatz, Aboriginal administration in the Northern Territory, p.199. Also Rowley, The Remote Aborigines, p.403. The Committee members were K.E. Beazley, who had an established reputation as a champion of Aboriginal rights; H.G. Pearce; C.E. Barnes who would be appointed Minister following Hasluck; P.G. Brown; P. Howson; A.S. Luchetti; J.N. Nelson, the federal member of the House of Representatives for the Northern Territory. For summary of existing regulations see Ley, Chief Electoral Officer to Secretary Department of Territories, memorandum, 9 December 1960, CRS A406/62 E1957/1 Part 2, AAC. For analysis of the findings of the Select Committee see Tatz, Aboriginal administration in the Northern Territory, chapter viii.

<sup>10</sup> See Tatz, Aboriginal administration in the Northern Territory, p.201.

<sup>11</sup> See Tatz, Aboriginal administration in the Northern Territory, p.201.

<sup>12</sup> Colin M. Tatz, Race Politics in Australia: Aborigines, Politics and Law, University of New England Publishing Unit, 1979.



difference in most electorates. In the Northern Territory, however, the impact of granting Aborigines a voluntary franchise was potentially dramatic even though the franchise would probably not impinge immediately on effective government of Aborigines. For the first time in the history of the settlement of the Northern Territory, there would be members of the NTLC who represented electorates in which Aborigines were potentially a significant proportion, if not the majority, of the voters. In December 1962, at least 1,338 Aboriginal voters enrolled in time for the NTLC election.<sup>13</sup> While this figure represented only a small percentage of Aboriginal voters, some candidates recognised the Aboriginal voters in their campaigns, such as the Labor candidate for Stuart, D. D. Smith who, in a broadcast on ABC radio just prior to polling day, actually addressed the electorate in Aranda, the principal Aboriginal language in the electorate.<sup>14</sup> Now they were enfranchised, Aborigines in the Northern Territory were in the position to establish effective lobby groups within their electorates.

In anticipation of Aboriginal enfranchisement and in response to the success of the FCAATSI, a Northern Territory Council for Aboriginal Rights (NTCAR) was formed in Darwin in late 1961.<sup>15</sup> There are various versions describing the precise circumstances surrounding the foundation of the NTCAR.<sup>16</sup> In Hardy's The Unlucky Australians, credit for setting up the Council is attributed to Brian Manning and George Gibbs, both unionists and members of the CPA.<sup>17</sup> Gibbs had been a protagonist in the Aboriginal industrial action of 1947, 1950 and 1951, described in chapter three of this thesis. Faith Bandler and Frank Stevens also suggest Manning and Gibbs were the initiators.<sup>18</sup> In 1964, Tatz interviewed Jacob Roberts and Davis Daniels, the key Aboriginal protagonists in the NTCAR, and concluded that the formation of the Council arose out of a wage dispute in which Daniels, who was employed as an orderly at the Darwin Hospital, approached the NAWU for support but was informed by the President that he did not qualify for union rates. Daniels and Roberts then went to Brian Manning for assistance and the idea of a council to keep watch on Aboriginal rights formed.<sup>19</sup> Brian Manning's account of the events continues the narrative. Manning had met Shirley Andrews, who was a founding member and activist in the FCAATSI, late in 1961. She had suggested Manning meet with Dr. Barry Christophers, also a key organiser in the FCAATSI, to discuss the formation of a rights council in the Northern Territory which could affiliate with the FCAATSI. The meeting took place at Christophers' surgery in Melbourne where Manning was on a brief stopover on his way back to Darwin, and aspects of the idea were discussed.<sup>20</sup> Once back in Darwin, the

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<sup>13</sup> Tatz, *Aboriginal administration in the Northern Territory*, p.202. Tatz provides a brief overview of Aboriginal voting patterns in this election. See also Jaensch, The Legislative Council of the Northern Territory, pp.111-117.

<sup>14</sup> Jaensch, The Legislative Council of the Northern Territory, p.116.

<sup>15</sup> Material relating to the NTCAR is located in the George Gibbs Memorial Collection (GGMC) MLMSS/2662, Mitchell Library, Sydney, NSW. The collection contains mainly correspondence and some minutes from meetings. In both cases the material is incomplete.

<sup>16</sup> Kelly inaccurately gives the founding date as 1964, in John Henry Kelly, The Struggle for the North, Australasian Book Society, Sydney, 1966, p.148.

<sup>17</sup> Frank Hardy, The Unlucky Australians, Thomas Nelson, Australia, 1968, p.21.

<sup>18</sup> Bandler, Turning the Tide, p.16, and F.S. Stevens, The Politics of Prejudice, Alternative Publishing Co-operative Limited, Sydney 1980, p.88.

<sup>19</sup> Tatz, *Aboriginal administration in the Northern Territory*, p.210.

<sup>20</sup> Interview with Brian Manning by Julie T. Wells, Stuart Park, Darwin, 20 October 1992.

plans for a council began to take shape. On 27 December 1961, on the banks of Rapid Creek, then on the outskirts on Darwin, at a well-wooded, shady site much favoured for picnics and gatherings, the NTCAR was formed at a meeting attended by over two hundred interested participants, most of whom were Aboriginal. One of the Council's first decisions was to accept Dr Barry Christophers' invitation to affiliate with the FCAATSI.<sup>21</sup> While I was unable to locate a copy of the NTCAR's constitution, which was derived from the constitution of the Victorian Council for Aboriginal Rights, I did find a statement of intent which was outlined in correspondence to recruit members.

We are fighting for:-  
Full citizenship and full rights  
Repeal of existing discrimination laws  
Proper education  
Full wages  
Decent jobs  
Decent houses<sup>22</sup>

In a statement to the press in January 1962, the NTCAR explained that the constitution of the Council was built around the United Nations Declaration of Human Rights and added the Council's aims would include: equal pay for equal work; greatly increased wages and better conditions in the pastoral industry; full rights for all Aborigines in the immediate future, and a more advanced education system in order to give native children a chance to compete with whites.<sup>23</sup> The NTCAR aimed to take a leading role in forming the enfranchised Aborigines of the Northern Territory into a coherent group to lobby for full civil rights.

The Council's founding principle was that power should be placed in the hands of its Aboriginal members. On the NTCAR executive an Aboriginal membership of seventy-five percent was required and non-Aboriginal membership was subject to the approval of a meeting of the general membership. At the inaugural meeting at Rapid Creek, thirty-two men had paid the 5/- membership fee to join the Council.<sup>24</sup> Recruitment had continued over the Christmas and New Year period, so that by the 21 January 1962, membership totalled 77 most of whom gave Bagot or Bagot and another government settlement as their address. At a drive to sign up members at Delissaville, a further eighteen joined in February, and though almost all were male, Margery Knucky joined as the one hundredth member and the first female.<sup>25</sup> The process of recruiting members from the remote areas was much slower, particularly in the Wet Season when communication was often difficult and where personal networks were the most effective recruiting technique,

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<sup>21</sup> Letter of initiation tabled at Committee meeting and motion passed to accept invitation, 7 January 1962, GGMC MLMSS/2662.

<sup>22</sup> Letter Davis Daniels to Jiddi and Frank, 1 April 1962, folder 1962, GGMC MLMSS/2662. Tatz, in his thesis, has a copy of the constitution, which was developed later as part of the application of the NTCAR to incorporate in 1964.

<sup>23</sup> Jacob Roberts, press release 6 January 1962 folder Minutes of Committee Meetings, 7 January 1962 to 18 February 1962, GGMC MLMSS/2662.

<sup>24</sup> The members generally gave their addresses as Bagot, Bagot/Warrabri, Bagot/Roper, and Bagot/Beswick.

<sup>25</sup> Membership lists in folder Minutes of Committee Meetings 7 January to 18 February 1962. Sixteen members were signed up from Elcho Island, Warrabri, Yuendumu, Halls Creek and Croker Island, GGMC MLMSS/2662.

though the executive members did write letters to some known contacts.<sup>26</sup> By August 1962, the NTCAR had grown to just under 300 members, who were almost exclusively Aboriginal and male.<sup>27</sup>

The first General Meeting elected Jacob Roberts as President and Davis Daniels as Secretary. Both were Aboriginal men living in Darwin and neither were wards. Jacob Roberts resigned shortly after his election as President and was replaced by his brother Phillip Roberts Waipuldanya.<sup>28</sup> Roberts had grown up at the Roper River Mission, about eight hundred kilometres south east of Darwin, and had been educated by the Church Missionary Society. He then trained as a medical assistant with the Commonwealth Department of Health in Darwin and had been employed by the Health Department for several years.<sup>29</sup> During his period as President, he and his family moved to a Housing Commission house in Jordan Place, Rapid Creek, to join that small number of former wards who chose to live away from the settlement. Most importantly, he was granted full citizenship rights in June 1962.<sup>30</sup> First and foremost, however, he was Aboriginal.

My responsibilities to the Alawa people remain as they were. To them, I am Waipuldanya or Wadjiri-Wadjiri of the Bungadi skin. I am a Djungayi and will remain so...<sup>31</sup>

Davis Daniels Majandula, with the support of Terence (Terry) Keith Robinson,<sup>32</sup> was the mainstay of the NTCAR in the following years. Davis' home country was the Roper River area and he too belonged to the Alawa language group.<sup>33</sup> Other members of the Daniels family were active in the NTCAR at different times.<sup>34</sup> Significantly, Daniels was described as "our number one contact through Arnhem Land",<sup>35</sup> and the NTCAR correspondence files indicate the degree of personal loyalty to Daniels. He represented the NTCAR at all of the FCAATSI annual conferences in his role as Secretary, the first of which he attended in October 1962, at which he presented the Northern Territory report. His literacy skills improved during his time with the Council and he became a relatively accomplished lobbyist. After the first conference in 1962, he released a press statement which he concluded by observing:

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<sup>26</sup> Folders 1961 and 1962, GGMC MLMSS/2662.

<sup>27</sup> Tatz, *Aboriginal administration in the Northern Territory*, p.219 and folder Minutes of Committee meetings 7 January to 18 February 1962, GGMC MLMSS/2662.

<sup>28</sup> Jacob Roberts was elected at meeting 7 January 1962 and resigned from position at meeting 18 February 1962 at which Phillip Roberts was elected President, folder Minutes of Committee Meetings 7 January 1962 to 18 February 1962, MLMSS/2662 GGMC.

<sup>29</sup> Lockwood, *I, the Aboriginal*.

<sup>30</sup> Phillip Roberts ceased to be a ward as of 8 June, 1960, Lockwood, *I, the Aboriginal*, pp.237-238.

<sup>31</sup> Lockwood, *I the Aborigine*, p.238.

<sup>32</sup> Terence Keith Robinson was the key non-Aboriginal member of the NTCAR in the following years to 1964, but I have been unable to find out any biographical details about him.

<sup>33</sup> Julie T. Wells, Davis Daniels Majandula in *A Biographical Register of the Australian Labour Movement 1788-1975*.

<sup>34</sup> Dexter Daniels, Davis' brother, was involved in the revival of the NTCAR during the Newcastle Waters strike and the Wave Hill dispute, and was active in the early days but does not appear as an executive member. David Daniels was also involved in the early days. Dennis Daniels was employed as a Welfare officer with the Welfare Branch and was frequently used as an example of a successful participant in promoting Commonwealth government campaigns to promote their policies. Dexter Daniels was elected as president in 1966, and Davis was still Secretary.

<sup>35</sup> Terry Robinson to Stan Davey in response to letter from Davey to Robinson, 22 February 1964, GGMC MLMSS/2662.

I thought that it was strange that the aboriginal people was beaten right from the start when the white man moved in. Yet now it takes conferences like this to win back the things we had lost.<sup>36</sup>

For both Daniels and Roberts, membership of the NTCAR provided the opportunity to develop new skills, to travel widely and to connect with Aborigines nationally and civil rights activists worldwide. In 1964, Daniels and Roberts travelled to Nairobi at the invitation of Justice Minister Tom Mboya.<sup>37</sup> It must have been particularly galling for the Welfare Branch to witness Daniels' and Roberts' involvement in the NTCAR. Both Roberts and his brothers and Daniels and his brothers had been targeted by the Welfare Branch for special assistance to facilitate their assimilation, and had been held up as examples of the way in which the Department's assimilation policy was working. It was even arranged that the Queen of England would visit Roberts in his home in Rapid Creek as part of her Australian tour, as a way of showing the world that Aborigines could assimilate. As both men were citizens, however, the state could no longer assume a relationship *in loci parentis* and could but advise.

Two issues inevitably arose concerning the NTCAR, the first of which was the role of the CPA and the second the role of the white advisers, at that time referred to as the "European influence." The first executive meeting had agreed that Terry Robinson, a non-Aborigine, would be chairman and that Brian Manning would be minute secretary, "in order that all present should gain experience in the conduct of meetings until such times as Mr Jacob Roberts and Mr Davis Daniels feel confident to do so."<sup>38</sup> The fact that Manning was a CPA member and Robinson was an ex-CPA member created immediate controversy.<sup>39</sup> The NTCAR responded in a press statement to speculation that Aborigines were being manipulated by skilled political advisers.

Mr Roberts insists that the whole idea stemmed from himself and the big, burly secretary of the council, Mr Davis Daniel, who also works at the hospital.<sup>40</sup>

The speculation did not abate and an extraordinary meeting of the Council was called on 14 January 1962, at which the nine executive members were told that a number of people in the community had advised Jacob Roberts to have nothing further to do with Brian Manning and Davis Daniels had been advised to expel Manning from the Council.<sup>41</sup> A letter, endorsed by the NTCAR's executive, was sent to the NT News in which it was stated that all who had the welfare of the Aborigines at heart and adhered to the aims of the constitution would be welcomed as members and that the provision to keep voting power in the hands of the Aboriginal people ensured the Council would remain non-political and non-sectarian. The Council frequently was required to reiterate this view.

Now we have the vote, we are now looking for an advocate who is going to come up with a policy which is line with our wishes... If the candidates do not come up with a policy to

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<sup>36</sup> Folder Press Releases, GGMC MLMSS/2662.

<sup>37</sup> Rowley, The Remote Aborigines, p.335.

<sup>38</sup> Minutes 7 January 1962, GGMC MLMSS/2662.

<sup>39</sup> Tatz, Aboriginal administration in the Northern Territory, pp.213-215.

<sup>40</sup> NT News, 6 January 1962.

<sup>41</sup> Minutes Extraordinary Committee Meeting, 14 January 1962. Minutes of Committee Meetings, 1962, GGMC MLMSS/2662.

meet our demands, we will put up our own candidates, (who knows there might be a communist amongst them) and the rest can keep their flour bags.<sup>42</sup>

Manning claims, however, that Jacob Roberts finally resigned as President because he was uncomfortable about the CPA involvement.<sup>43</sup>

Evidence will be presented later concerning the predictable antipathy of the Welfare Branch towards the NTCAR. Opposition from other quarters was more surprising and requires a brief review of the changing political allegiances of the previous decade. The formation of the NTCAR and the FCAATSI's activity in the Northern Territory challenged the relative conservatism and complacency which had marked the NAWU's attitude to issues about Aboriginal rights in the period after 1952. The CPA members had been quite deliberately excluded from leadership roles within the NAWU and leaders such as Jack McGinness were identified specifically as anti-communist. Brian Manning had recently arrived in the Northern Territory and represented a group of new, younger activists and CPA members who were less constrained by old allegiances. Manning shared a house in Darwin with other activists which was nick-named "the Kremlin".<sup>44</sup> Significantly, Manning had no success in persuading key figures in the "Coloured" community to give their support to the NTCAR, many arguing that the CPA had no place in the Northern Territory, and one prominent figure actually punched Manning after heated debate.<sup>45</sup> Initially, the NAWU refused to give its support to the NTCAR and voted against affiliation. The NTCAR sent a copy of the NAWU letter declining the invitation to affiliate to the ACTU,

with a statement of facts concerning the true attitude of that union concerning the employment of Aboriginals and to point out that their policy was in fact contrary to the principles involved in the ACTU policy on the Trade Union assistance to Aboriginal peoples.<sup>46</sup>

Though there is no evidence in the form of minutes from the NAWU meeting available, it seems reasonable to speculate that the CPA link was a major factor in the NAWU's vote against affiliation. Paddy Carroll, the president of the NAWU, was an anti-communist and Manning believed him to have been one of the original groupers. There was open hostility between Manning and Carroll. Looking back on events, Frank Stevens described Gibbs and Manning as "two of the most able trade union organisers in the NT", and consequently he believed that the NTCAR presented a challenge to the interests of those who had gained control of the NAWU after 1952.<sup>47</sup> According to Stevens, under Carroll's leadership, the NAWU had deliberately avoided recruiting Aborigines into its ranks, "sensing the threat a large group of Aborigines would have on its leadership".<sup>48</sup> Because the NAWU would not organise Aboriginal labour, this role in the end was left to the NTCAR. Thus, asserts Stevens:

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<sup>42</sup> Response to an article in the Bulletin, Letter to the Editor, Bulletin, from Davis Daniels, Honorary Secretary and Phillip Roberts, President, NTCAR, 18 October 1962, GGMC MLMSS/2662.

<sup>43</sup> Interview with Brian Manning by Julie T. Wells, Stuart Park, Darwin, 20 October 1992.

<sup>44</sup> After 1959, the membership of the CPA grew to about 40, which represented a revival in such a small population. Julie T. Wells, interview with Brian Manning, Stuart Park, Darwin, 20 October 1992.

<sup>45</sup> Julie T. Wells, interview with Brian Manning, Stuart Park, Darwin, 20 October 1992.

<sup>46</sup> Minutes of executive committee meeting, 28 January 1962, GGMC MLMSS/2662.

<sup>47</sup> Stevens, Politics of Prejudice, p.88.

<sup>48</sup> Stevens, Politics of Prejudice, p.88. and F.S. Stevens, Aborigines in the Northern Territory Cattle Industry. Australian National University Press, Canberra, 1974, p.159.

Effectively what was happening at this stage was that the Northern Territory Council for Aboriginal Rights had taken over the industrial and humanitarian role of the Union.<sup>49</sup>

In correspondence with Shirley Andrews of the FCAATSI in late 1962, Manning observed that Carroll was still persistent in his attempts to ignore both the "Aboriginal issue" and the NTCAR, the latter of which he was said to have described as a "mushroom organisation".

Unfortunately he is resting on the laurels of the NAWU which did a great deal for the coloured people when the leadership was more progressive.<sup>50</sup>

The NAWU finally affiliated with the NTCAR, a move which was difficult to avoid in view of ACTU policy. It remained wary of the Council, however, and the conservative leaders continued to hold office. Nationally, the ACTU congress of 1963, adopted a policy on Aborigines which included a call for award wages.<sup>51</sup>

Locally, the formation of the NTCAR represented a revival in the struggle for Aboriginal rights with a vigour that could not be ignored, and its role as a lobby group to the NTLC will be discussed in part two of this chapter. It was as an affiliate of the FCAATSI that the NTCAR was able to exert most influence nationally. The FCAATSI had quickly become a large, well-funded organisation and an effective lobby group. Aborigines made up a significant proportion of its membership and were prominent on the executive.<sup>52</sup> Members included the informed middle and intellectual classes whose networks provided the organisation with practical and theoretical clout. The FCAATSI had lobbied the ACTU conferences since 1959 and, in 1961, unions in the south began to affiliate with the FCAATSI, thus increasing its access to expertise, funds and popular support.<sup>53</sup> The FCAATSI, through strenuous and diligent research, produced a comprehensive profile of the status of Aborigines throughout Australia and the Northern Territory in particular, which helped to galvanise popular opposition to contemporary policy.<sup>54</sup> The FCAATSI had a wide agenda for reform. It produced policy documents including material specific to the Northern Territory on equal wages, citizenship rights, access to social security and land rights which used the concepts of both civil and indigenous rights.<sup>55</sup> For example, the FCAATSI took up the campaign for the Yirrkala Aborigines against the bauxite mining companies and the attempted revocation of their lands.<sup>56</sup> The Council participated in the struggles of individuals in the Northern Territory against whom discriminatory legislation had been used in cases such as Peter Australia, convicted of supplying liquor to wards<sup>57</sup>; Kenny Lewis, a

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<sup>49</sup> Stevens, *Politics and Prejudice*, p.89.

<sup>50</sup> Brian Manning Assistant Secretary NTCAR, to Shirley Andrews, 7 January 1962, GGMC MLMSS/2662.

<sup>51</sup> Tim Rowse, "Assimilation and After", in Ann Curthoys, A.W. Martin and Tim Rowse, eds., *Australia from 1939*, Fairfax, Syme and Weldon, Sydney, 1987, p.136.

<sup>52</sup> Faith Bandler and Joe McGinness have both written about their roles in FCAATSI. Bandler, *Turning the Tide*, and McGinness, *Son of Alyandabu*.

<sup>53</sup> The ACTU Congress of 1963 established award wages for all Aboriginal workers as policy. Rowse, "Assimilation and After", in Curthoys, Martin and Rowse, eds., *Australia from 1939*, p.136.

<sup>54</sup> The Dr. Barry Christophers Papers, Mitchell Library, indicate the interest and research which focussed on the Northern Territory.

<sup>55</sup> See the GGMC and the Christophers Papers.

<sup>56</sup> Extensive correspondence between NTCAR and FCAA, in Yirrkala file, GGMC MLMSS/2662 1 (1)

<sup>57</sup> Tatz has an account of the Peter Australia case in Aboriginal administration in the Northern Territory, Appendix 43, p.380. See also NTCAR folder Minutes of Committee Meetings 1962, GGMC MLMSS/2662.

ward who was sent to Snake bay for a year by the Welfare Branch because it was considered in his "best interests",<sup>58</sup> and Elsie and Frank Gananggu, who were attempting to have their children returned to them.<sup>59</sup> The wide-ranging correspondence received in support of these causes demonstrated the extent of the union and FCAATSI network.<sup>60</sup>

The degree to which the NTCAR and the FCAATSI were able to organise public opposition to the way Aborigines (wards) were governed in the Northern Territory and to organise Aborigines was of considerable concern to both Giese and Hasluck. The NTCAR provided an opportunity for Aboriginal members not only to learn a range of political skills, but also for those who were non-wards, to negotiate with the government not as "cheeky" and "sophisticated natives", but as legitimate protagonists participating in the processes of government. At the NTCAR general meeting in January 1962, Lawrence had spoken to the meeting and had reminded them of the struggles of Aborigines a decade earlier and the lessons which could be learned about those factors which had brought about their defeat.<sup>61</sup> In this revival of the struggle for Aboriginal rights, it would not be so easy to intimidate leaders, to impugn their character with lists of criminal offences such as "ward drink alcohol," or leaving the reserve, and it would be certainly much harder to literally banish them. The NT News, now under James (Jim) Bowditch's editorship,<sup>62</sup> not only supported the struggle for Aboriginal rights but also was frequently outspoken in its criticism of the government of the Northern Territory Aboriginal community. During informal interviews with me, Hasluck and Giese both identified the power of the formidable FCAATSI and union networks which they believed had been established by "lefties" and "communists" who skilfully manipulated the press.<sup>63</sup> Hasluck gave an example of how the left-wing network operated out of Darwin. A "fabricated" or "mis-leading" story regarding the treatment of an Aboriginal person or group would break in Darwin, and be followed up initially in the Melbourne Herald and then in most other newspapers. Almost simultaneously his office would be inundated with identically worded telegrams of protest from unions and Aboriginal rights organisations.<sup>64</sup> He identified these groups as being responsible for eroding much of the good work undertaken by his Ministry in the previous decade.

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<sup>58</sup> NTCAR Minutes 1962, GGMC MLMSS/2662.

<sup>59</sup> NTCAR correspondence file, folder "Frank and Elsie", GGMC MLMSS/2662.

<sup>60</sup> In the case of Peter Australia, the NTCAR file lists support from a number of union groups including: NSW Teachers Federation; Amalgamated Engineering Union, Sydney; Eureka Youth league, Adelaide; Queensland Aborigines League; Operative Painters and Decorators' Union, Queensland; Australian Bank Officials, Melbourne; Plumbers and Gasfitters Employees Union Adelaide, Transport Workers Unions, SA; Union of Australian Women, Sydney; Building Workers Industrial Union of Australia; Engine Drivers and Firemen's Association, Victoria Branch.

<sup>61</sup> Minutes of General Meeting, 21 January 1962, GGMC MLMSS/2662.

<sup>62</sup> Jim Bowditch had previously been the editor of the Centralian Advocate and had opposed the introduction of the Welfare Ordinance and associated legislation. Rhonda Jolly, James Bowditch in Carment and James, Northern Territory Dictionary of Biography, pp.18-20.

<sup>63</sup> Late Sir Paul Hasluck, informal interview with Julie T. Wells at the Government House, Darwin, 8 November 1991.

<sup>64</sup> Hasluck went on to cite the case of a story intended for publication in the Herald, but which was withheld in Darwin at the last minute. Despite the fact that the story was not run because of an inaccuracy, the telegrams and letters of protest arrived all the same. He addresses a similar theme regarding misrepresentation in the press in Shades of Darkness, chapter 7.

The government, however, still had at its disposal a number of ways to control information and access to and about Aborigines in the Northern Territory. One of the most effective was that the Welfare Ordinance empowered the Welfare Branch to control access to Aboriginal reserves and to impose conditions on access. For example, film makers commissioned by the Council for Aboriginal Rights were permitted to enter Aboriginal reserves in the Northern Territory only on the condition that the Welfare Branch would have the right to review and edit the product before its release.<sup>65</sup> On another occasion, the Acting Director of Welfare refused permission for non-wards to enter Bagot for the purpose of the NTCAR meetings, which was a significant decision given that both Roberts and Daniels were Aboriginal non-wards.<sup>66</sup> A formal approach had been made to the Director of Welfare, Giese, to enable NTCAR meetings to be held at Bagot on the grounds that this would have ensured greater participation on the part of the residents by eliminating transport and childcare problems.<sup>67</sup> Later in 1962, the Branch refused Davis Daniels permission to make contact with the Aborigines in Arnhem Land involved in protests over the mining of bauxite on reserve lands, on the basis that he was not a ward and therefore was subject to the same exclusion provisions as all non-wards.<sup>68</sup> Both Tatz and Stevens provide further evidence that the Welfare Branch endeavoured in many other ways to "circumscribe" the influence of the Council.<sup>69</sup> The Welfare Branch established a file on the activities of the NTCAR and all who were associated with its activities, which anecdotal evidence suggests was about four inches thick, but regrettably it has gone missing from the Australian Archives in Darwin.

The degree of intervention and intimidation which could legitimately take place at the settlement level was such that the formation of the NTCAR and its affiliation with the FCAATSI was a critical development in providing a way for an Aboriginal voice to be heard and for demonstrating to non-wards that government rhetoric did not necessarily reflect government practice. Despite the efforts of the Welfare Branch, the NTCAR was able to utilise immediately, and to later enhance, the well-established Aboriginal networks across the Top End so that in time the Council was able not only to lobby effectively, but it was also able to provide a means for Aborigines in the remote regions to communicate with members in Darwin who were then in touch with the rest of Australia through the Council's affiliation with the FCAATSI.

Aborigines in the Northern Territory had been provided with a powerful weapon when they were granted the franchise, but while the NTCAR grew to be an effective lobby group, the processes involved in both granting Aborigines full civil rights and removing discriminatory legislation were complex, slow, and subject to lobbying from groups other than Aborigines, who had vested interests in maintaining the status quo. In particular, the government had to come to terms with the prospect of governing unassimilated

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<sup>65</sup> For correspondence and film script and the changes the Welfare Branch made see CRS F1 59/265 and for other examples CRS F1 59/273.

<sup>66</sup> Giese's reply to request for non-wards to visit Bagot for the meetings, General Meeting Minutes 18 February 1962, GGMC MLMSS/2662.

<sup>67</sup> Minutes Committee Meeting, 28 January 1962, GGMC MLMSS/2662.

<sup>68</sup> Stevens, *Politics of Prejudice*, p.174., quoting from Proceedings of The House of Representatives Report from the Parliamentary Select Committee on the Grievances of the Yirrkala Aborigines, 1964, p.27.

<sup>69</sup> Stevens, *Politics of Prejudice*, p.78., and Tatz, *Aboriginal administration in the Northern Territory*, pp.214-216.



Aborigines without "special measures", which many both in and out of government regarded as nothing more than a euphemism for discriminatory legislation.

*Special measures: the awkward curb.*

X The period in the Northern Territory during which Aborigines were governed as wards lasted from the gazettal of the Welfare Ordinance in 1957 to its repeal, after many amendments, in late 1964. As the legislative mechanism for maintaining a nexus between successful assimilation and access to full civil rights, an analysis of the amendments and the process of repealing the Ordinance identifies the changes in policy and law. The significant outcomes of such an analysis are firstly that it demonstrates, from the point of view of successive federal governments, that the principal criteria in assessing whether amendments and legislative reforms would be supported was whether, in practice, Aborigines would still be governable. Secondly, we observe the protagonists struggling to come to terms with the concept that special measures to facilitate the government of Aborigines need not necessarily be discriminatory. Many civil rights activists believed that special measures were implicitly discriminatory while other protagonists including many in government doubted Aborigines could be governed without such measures. While Hasluck remained Minister for Territories, however, there would be no break in the nexus between successful assimilation and full citizenship rights.

The context in which the amendments and final repeal of the Welfare Ordinance were enacted needs some explication. Any amendments to the Welfare Ordinance required at least a degree of agreement between the Department of Territories, the Welfare Branch and the NTLC. In the Northern Territory, however, the separation between the legislative, administrative and executive arms of government was incomplete as described in chapter four of this thesis. In considering the processes involved in negotiating amendments to the Ordinance, it is important to keep in mind firstly that the Welfare Branch answered two masters, the Department of Territories and the NTLC, both of whom potentially might be played off against each other even though the Department was obviously the more powerful. Secondly, there was an inherent conflict of interest in the role of the Director of Welfare who was also an official appointee to the NTLC, and therefore a member of the group who, before 1960, had the majority in the Council. In 1959, the Act governing the Northern Territory was amended to change the composition of the NTLC so that for the first time the official members would no longer automatically hold the majority. Much of the animosity between the federal government and the elected members derived from the elected members struggle for greater autonomy and self-government. The number of electorates was increased for the election in early 1960, after which, three non-official members were appointed to the NTLC. If the latter groups combined, they would have a majority over the official members though there remained in place numerous powers of veto which qualified the Council's scope of action.<sup>70</sup> Before the 1960 election, the elected members were confined to

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<sup>70</sup> The Northern Territory Amendment Act of 1959. Although the Administrator retained his deliberative and casting vote, it was possible for the elected members to control the business of the chamber by securing the support of only one non-official member. An Administrator's Council was established consisting of the Administrator, two official members and three others of whom at least two were to be elected members.

protest, objection and mustering whatever public support they could against actions with which they disagreed and therefore any negotiations about the amendments to the Welfare Ordinance were confined to the Department of Territories and the Welfare Branch which acted in conjunction with the NTA.

The drafting of the Welfare Ordinance had been a difficult and complex process, but despite concerted efforts, it was seriously flawed. Two specific aspects of the suite of ordinances based on the concept of wards were of greatest concern to the NTA and the Department. Firstly, those Aborigines who had not been declared wards in the initial publication of the Register in the Gazette could not be declared wards because they were eligible to vote. If one was eligible to vote, one could not be declared a ward, according to the amended electoral regulations which had become effective as of 7 November 1957. Withnall, who had been appointed Crown Solicitor, summed up the anomaly:

While these Regulations remain in this state it will be impossible for you to make a declaration that a person who was not declared prior to the coming into force of that regulation to be a ward shall be a ward. In every case where a declaration is desired after that date it can only be made upon the request of the person to be declared.<sup>71</sup>

By December 1960, there were 1600 Aborigines who had been identified as "eligible" for declaration as wards but whose names could not be gazetted until a remedy was found for this anomaly in the legislation.<sup>72</sup> The second major concern was the Director of Welfare's absolute power over the liberty and property of wards. The Director's role as the legal guardian of all wards was contentious, difficult, probably unworkable and therefore of concern to the Branch. It also meant that Giese personally took the brunt of much of the criticism about the administration of the Ordinance because of the powers he exercised over wards' liberty and property. The Welfare Ordinance had never received the support of elected members, as discussed in chapter four, and they were generally agreed that powers bestowed upon the Director of Welfare under the Welfare Ordinance were entirely inappropriate in the government of Aborigines. That the Director of Welfare should have been made the legal guardian of all wards was regarded as symbolic of the cavalier way in which the federal government imposed its will on the NTLC and, therefore, it provided a major and persistent focus for their opposition to the federal government policies. A tactic elected members frequently used in the Council was to address Giese at every question time about instances concerning, in their judgement, the unjust and unfair treatment of individuals under the Welfare Ordinance for which Giese, as Director of Welfare, was responsible. The cases of Albert Namatjira, Bruno Wilson, Bruce Potts, Margaret Dingal, Sandy Nitjenburra and many others were raised in just one sitting of the Council.<sup>73</sup>

In 1958, the Welfare Branch began its search for some way around these problems of which the most urgent was the need to work out a way to declare Aborigines to be wards, though there was little time

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Heatley, Almost Australians, pp.16-17.

<sup>71</sup> The amended Statutory Rules No.66 of 1957 Electoral Regulations. For a discussion of this anomaly see memorandum Crown Solicitor Withnall to Director of Welfare, 1 September 1958, folios 154-155, CRS F1 57/748, AAD.

<sup>72</sup> Memorandum Chief Electoral Officer Ley to Secretary Territories, 9 December 1960, CRS A406/62 E1957/1 part 2, AAC.

<sup>73</sup> The case of Albert Namatjira was constantly raised. In particular see, NTLCD, Adjournment, 13 May 1959; also pp.713, 715, 716. Bruno Wilson, Adjournment 11 May 1959; Bruce Potts, 13 May; Margaret Dingal, 15 May; Sandy Nitjenburra, 12 May in NTLCD, 1959.

devoted to the problem in 1958 because the Wards Employment regulations were being drafted. Initially, the parliamentary draftsman was consulted and he recommended that the electoral regulations could be altered, but when Hasluck was briefed on this option in mid-1959, he deemed it improper to tamper with electoral regulations again, as had been necessary for the successful passage of the original Welfare Ordinance 1953-1957, and instead asked that the possibility of abandoning any reference at all to the electoral roll be pursued.<sup>74</sup> The line of inquiry taken up again in 1959, which would enable Aborigines to be declared wards who were not included in the original gazettal of 1957, without using the term Aboriginal, and without admitting the possibility of "others" being so declared recalled all the original drafting difficulties encountered in the period to 1953, with the Welfare Ordinance 1953-1957.<sup>75</sup> The difficulties were compounded when Hasluck requested that all references to the electoral regulations be deleted from the legislation. Crown solicitor Withnall was instructed to write the first draft amendments using the above guidelines later in 1959, which he contravened immediately by including the use of the term "Aboriginal" to establish that group for whom the legislation was clearly intended. Withnall's amendments to the anomalous section 14(2), which would enable further declarations of wards, set down quite specifically that the Ordinance would only be applicable to those who had a preponderance of "Aboriginal blood".<sup>76</sup> Hasluck's response to the draft amendments was that they were incompatible with government policy which stated clearly that any special measures and any legislation would be based the standard of living of each individual and not on the basis of race and therefore Withnall's proposed amendments transgressed current policy.

Objection has been taken to the method of defining the restriction by reference to electoral enrolment. It seems to me that our sole problem is to find some other way of expressing the restriction and that we should not try to get out of our difficulty by abandoning Section (1). To exaggerate a little, the departmental submission seems to be:- I want a horse to ride. In case he goes too fast I need a curb. The curb is too awkward to use. Therefore I'll shoot the horse.<sup>77</sup>

Hasluck admitted there would be considerable difficulties in drafting amendments which would enable new wards to be declared, but insisted that there could be no change to policy, and thus the amendments were to be resubmitted.<sup>78</sup>

Withnall argued in late 1960 that Hasluck had been wrong in dismissing these amendments and those he later submitted which also included the use of the term "Aboriginal", and that as a result, he argued, an opportunity for innovation had been lost. Withnall pointed out that even in the High Court, in the case of *Namitjira v. Raabe*, the presiding judge had no hesitation in declaring the Welfare Ordinance was clearly and exclusively for Aborigines.

The attempt to exclude all reference to the aboriginal people and to keep anonymous the type of people with which the law is mainly concerned has failed. It seemed to us that this was a valid criticism though it failed to recognise that the principle of non-discrimination on racial grounds was a very important one and to be taken as a major objective in deciding upon the content of the law. Our discussions led us to the possibility of meeting

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<sup>74</sup> Memorandum Hasluck to Secretary, 18 May 1959, folio 38, CRS F1 58/2057, AAD.

<sup>75</sup> See chapter four, this thesis.

<sup>76</sup> Memorandum Milliken to Administrator, 23 October 1959, folios 102-106 and Withnall's amendments using the term "Aboriginal", folios 82-83, CRS F1 58/2057, AAD.

<sup>77</sup> Memorandum Hasluck to Secretary, 28 January 1960, folios 162-164, CRS F1 58/2057, AAD.

<sup>78</sup> Memorandum Hasluck to Secretary, 28 January 1960, folios 162-164, CRS F1 58/2057, AAD.

the problem boldly by using the expression aborigine to delineate one of the classes of persons who could be declared. Though this would be a description by race, we thought so to frame the provisions of the Ordinance that its provisions would be wholly beneficial and would not involve any deprivation of liberty or freedom of action enjoyed by the rest of the community. An Ordinance conferring only benefits could not be said to discriminate against the Aboriginal. In the end, however, it seemed that the need to demonstrate the absence of discrimination on racial grounds was too strong...<sup>79</sup>

Withnall identified the practice of governing Aborigines as an undifferentiated group in the Northern Territory. For Hasluck, however, there could be no trade with any amendments which would result in Aborigines being identified as a group on the basis of race. He maintained the view that each ward had negotiated his/her relationship with the state regardless of race.

While negotiations continued between the NTA and the Department during 1960, the first major amendment to the Welfare Ordinance, which reduced one aspect of the absolute power of the Director of Welfare, was approved in 1959. The circumstances surrounding the approval of the particular amendment showed that even though the elected members did not yet have a majority in the NTLC (the Act increasing the number of elected members in the NTLC had already been passed), the implementation of federal policy could be threatened when buoyed by the weight of public opinion. In this case, the Director of Welfare had refused permission for stockman Mick Daly to marry Gladys Namagu, an Aborigine and a ward from Western Australia.<sup>80</sup> This was well within the Director's jurisdiction in his role *in loco parentis* to all wards.<sup>81</sup> There was no right of appeal against the Director's decision and he was not obliged to, nor did he, explain or account for his decision. Ward, the elected member for the Port of Darwin and practising lawyer, took up the case and engaged with Giese in a spirited battle of letters, but in the absence of any procedures for appeal, there was finally no avenue open to Ward but to persuade the Director that he ought to change his mind. Giese's decision was extraordinarily unpopular and the case received national press coverage, highlighting the network which so annoyed Hasluck. In newspapers across the country, a photograph of Mick and Gladys, hand in hand and very much in love, was published alongside demands for justice for the young couple.<sup>82</sup> Questions were asked in the federal parliament where the FCAATSI had lobbied effectively. In the NTLC, the elected member's opposition to the decision was unanimous and sufficiently determined for the Administrator to recommend to the Minister that urgent amendments be drawn up to allow for some process of appeal against decisions taken by the Director of Welfare.<sup>83</sup> Hasluck

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<sup>79</sup> Memorandum Withnall to Administrator, 14 November 1960, folios 252-257, CRS F1 58/2057, AAD.

<sup>80</sup> For a brief account of the case see Lockwood, The Front Door, pp.182-184. A detailed analysis of the case is set out in C.A. Hughes, "The marriage of Mick and Gladys: a discretion without appeal", in Schaffer and Corbett, Decisions: Case Studies in Australian Administration.

<sup>81</sup> It was an offence for a non-ward to marry a ward without the permission of the Director of Welfare under Section 67 of the Welfare Ordinance.

<sup>82</sup> The newspaper cuttings of the incident which Dr Barry Christophers collected included the following: Melbourne Herald, 11 August 1959 (presumably by Douglas Lockwood); Age, 14 August 1959; Melbourne Sun, 18 August 1959; Adelaide News, 19 and 25 August 1959; Northern Territory News, 11 September 1959; Melbourne Sun, 4 December 1959; Melbourne Sun, 4 December 1959; Border Morning Herald, 12 December 1959; Melbourne Herald, 31 December 1959; Melbourne Age, 1 January 1960. Dr Barry Christophers Papers, Box 16.

<sup>83</sup> Archer outlined the need for the Minister to give prompt attention to amendments to section 67, Welfare Ordinance in memorandum Archer to Secretary, 10 November 1959, folios 112-113, CRS F1 58/2057, AAD.

reluctantly gave his approval. As a result, amendments to the Welfare Ordinance were approved which would firstly provide for a process of appeal against a Director's decisions under particular circumstances and secondly make provision for the revocation of wardship for wards upon their marriage to a non-ward. This opened a new pathway to liberation from discriminatory legislation for Aboriginal women in the Northern Territory, a factor discussed later in this chapter.<sup>84</sup> Hasluck gave his approval for the amendments most reluctantly. His comments show clearly that the special measures were not only for the protection of Aboriginal wards. Western, christian civilisation, Hasluck believed, also had to be protected by special measures from ridicule and from actions which might conceivably threaten its moral fibre. Hasluck drew attention to the reason why section 67 of the Welfare Ordinance had been considered necessary in the first place. He asked that co-operation be elicited from all who were authorised to celebrate the marriages of wards to ensure that each celebrant:

...will take more than usual care to satisfy himself that the parties to the intended marriage fully understand the nature of marriage, considered as a civil contract as well as a Christian Sacrament and that there are, in fact, no impediments to the celebration of the marriage. We do not want to make a farce of the marriage of wards by giving a Christian blessing or a civil seal to what may not be in fact a marriage in the usual meaning given to that term by the Churches and by the civil authorities in Australia.<sup>85</sup>

Given the circumstances in which the Department finally approved of the amendment to section 67, it might have seemed reasonable to assume that the repeal of discriminatory legislation in the Northern Territory would depend on the erosion of the voting monopoly of the official appointees. In fact, the increase in the number of elected members in the Council after 1960 was no guarantee that a more liberal voice would be heard. Groups with vested interests in maintaining the status quo, such as the pastoralists, were effective lobbyists and unlikely allies emerged. Any presumed alliances between the elected members, tenuous at best, quickly disintegrated once they had a real stake in the government of the Northern Territory. Jaensch argues that after the 1960 election, evidence of the emergence of party politics is clear though only in its most rudimentary form and on few issues was there clearly a party line. As outlined in chapter four, members' opposition to the concept of Aborigines as wards and to bureaucratic custodianship derived from vastly different interpretations of the Aboriginal "problem". Such unlikely allies as elected members Neil Hargrave, Tiger Brennan<sup>86</sup> and Dick Ward, for example, pleaded for the right of Aborigines to maintain their own Aboriginal identity, which they argued the status of ward denied, yet they shared no ideological affinity. Dick Ward was the Labor party member for the Port of Darwin, an electorate which generally returned a Labor member. It was, however, an atypical electorate because it comprised mostly urban dwellers. Ward was an advocate for civil rights for Aborigines and a long time critic of the Welfare Ordinance.

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<sup>84</sup> Julie T. Wells, Who will give Gladys away? Paper presented at the Women's Law Women's Rights Symposium, Darwin, 3 June 1994.

<sup>85</sup> Memorandum Hasluck to Administrator, 26 November 1959, quoted at folio 140, CRS F1 58/2057 AAD.

<sup>86</sup> Barbara James, Harold Charles (Tiger) Brennan, in Carment and James, Northern Territory Dictionary of Biography, pp.20-23.

It seems to me that the whole difficulty is that we just do not face up to the difference in colour. The difference is there. We cannot take a tin of whitewash, as this legislation [the Welfare Ordinance] would presume to do and change black to white.<sup>87</sup>

The elected member for Alice Springs was Neil Hargrave who was due to retire at the December 1962 NTLC elections. The Alice Springs electorate, while including the town, was best described as a bastion of the pastoral industry. In administering the Wards Employment Ordinance regulations the Welfare Branch had incurred the anger of the pastoralists for its constant intrusion in policing the industry and its treatment of Aboriginal workers. Whether or not individual officers enforced particular regulations was not necessarily relevant. Rather, it was the fact that they could insist that the letter of the law be observed which most galled. Tiger Brennan was the member for Elsey, an electorate in which the pastoral industry also represented the main economic activity, and which comprised a significant proportion of Aboriginal voters should all who were eligible enrol.<sup>88</sup> Brennan believed Aborigines should maintain their separate identity and that the degree of intervention by the federal government as manifest in the Welfare Ordinance would continue to have serious consequences for the pastoral industry. All initiative was taken away from Aborigines, he argued, and they were being forced into dependence. The final straw would be, he predicted, the granting of equal wages to Aborigines in the pastoral industry which would lead to the demise of the industry and unemployment for current Aboriginal employees. Brennan and Hargrave agreed that Aborigines were too unsophisticated to have been granted voting rights and Hargrave argued they were too "unpredictable", and claimed that Aborigines who enrolled in the 1962 election did so as a result of "undue influence".<sup>89</sup> In previous years, Hargrave had argued passionately that Namatjira should never have been granted citizenship, that he had been made a showpiece for government policy, and that denying Namatjira's Aboriginality had resulted in tragedy.<sup>90</sup> Hargrave was replaced by Colonel Lionel Rose who served as a loyal advocate for the pastoral industry as the member for Alice Springs. While united in opposition, it seemed unlikely the elected members could reach an accord over future policy.

In June 1960, a set of draft amendments was sent to the Minister for his consideration in which it was proposed that the more restrictive provisions of the Welfare Ordinance might be removed, such as those relating to co-habitation and the sale of liquor, so that the Ordinance could be regarded as concerning itself "with positive aspects of the special assistance to be given to wards".<sup>91</sup> The Department was under some pressure now to agree to the liberalisation of the provisions of the Welfare Ordinance, because of the changed status of the NTLC. When the Administrator forwarded the summary of the redrafted amendments, he had urged they be given immediate attention so that the bills put before the NTLC by the elected members could be pre-empted.<sup>92</sup> The elected members' bills proposed to eliminate the concept of wardships from the process of governing Aborigines. By November a compromise had been reached between the NTA and the Department and in late November 1960 a new series of amendments of which Hasluck approved,

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<sup>87</sup> NTLCD, 11 June 1957, p.209.

<sup>88</sup> Jaensch, The Legislative Council of the Northern Territory, pp.113-114.

<sup>89</sup> Jaensch, The Legislative Council of the Northern Territory, pp.113-114.

<sup>90</sup> Hargrave in NTLCD, 10 June 1957.

<sup>91</sup> Archer to Secretary, 16 July 1960, folios 219-218, CRS F1 58/2057, AAD.

<sup>92</sup> Archer to Secretary, 16 July 1960, folios 219-218, CRS F1 58/2057, AAD.

and which provided a mechanism by which wards could still be declared, was put to the Legislative Council.<sup>93</sup> The amendments proposed that henceforth any person could be declared a ward by the Administrator-in-Council, but only after a public court hearing and not by the Director of Welfare. The President of the NTLC outlined the reasons behind the proposed amendments.

Experience in the administration of the present Welfare Ordinance has shown its practical value to lie in the benefits it confers on wards, and that powers over individual liberty and property are not in most cases essential for the realisation of the Government's policy and programme in this field. In fact these powers have been resorted to so rarely that the Government sees a need to review the form and content of the Welfare Ordinance particularly insofar as these matters are concerned.<sup>94</sup>

While the government recognised that, for many years to come, there would be cases where it would be in the best interests of wards to interfere in their liberties:

... the Government accepts the desirability in the case of wards to observe the rule generally followed in British communities, *that personal rights shall be curtailed* only upon the order of a Court after a public hearing.<sup>95</sup> (my italics)

The new Ordinance would provide for the possibility of all members of the community to be declared wards, but with stringent safeguards applied. The Welfare (Amendment) Bill was read in the Legislative Council for the first time in June 1961. In the introductory address, Giese pointed out that the fundamental principles of the Ordinance had not changed; but:

it has been thought necessary to transfer in this bill those *powers over individual liberty and property* vested in the Director of Welfare to a court of summary jurisdiction.<sup>96</sup> (my italics)

The second major alteration was to the limitation by reference to the Electoral Regulation. There was no longer any need for sections 14(2) and 14(3) of the Welfare Ordinance.

... any person in the community will be declared a ward, but only on the authority of the Administrator in Council... it takes out of the hands of the Director of Welfare any power over the liberty or property of a ward.<sup>97</sup>

Generally the amendment Bill was supported and was finally passed.<sup>98</sup> The NTA had wanted to remove the concept of guardian from the Ordinance altogether,<sup>99</sup> but Hasluck would not agree and likened the relationship between ward and guardian yet again to that between a good parent and a child.<sup>100</sup> The

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<sup>93</sup> Secretary to Administrator, 24 November 1960, CRS F1 58/2057, AAD. Hasluck had given his consent for the amendments to be put before the NTLC immediately, if the Administrator considered it would assist in preventing the adoption by Council of any precipitate move on the part of unofficial or elected members.

<sup>94</sup> NTLCD, 28 November 1960. The instructions to the draftsman would be to draft a new Welfare Ordinance "along the general lines that it shall provide for wards only certain benefits and certain protections. "Broadly, the protection would be provided by Section 141 of the Licensing Ordinance and in Sections 61-69 of the Welfare Ordinance. The benefits would be those available and authorised by Section 8 of the Welfare Ordinance.

<sup>95</sup> NTLCD, 28 November 1960.

<sup>96</sup> Giese, NTLCD, 8 June 1961.

<sup>97</sup> Giese, NTLCD, 8 June 1961.

<sup>98</sup> NTLCD, 9 November 1961.

<sup>99</sup> Memorandum Withnall to Administrator, 14 November 1960, folios 252-257, CRS F1 58/2057, AAD.

<sup>100</sup> For Hasluck's comments on drafts submitted for amendments see Hasluck to Secretary, folios 235-252, 31 August 1960, CRS F1 58/2057, AAD.

declaration of a ward was, once again, compared in law to declaring lunacy or bankruptcy, the only difference being that the latter depended on opinion and the former on fact.<sup>101</sup>

The project to classify Aborigines as wards on a long march was thwarted yet again, however, when the Welfare Branch applied to the Administrator-in-Council in 1962 to have about two thousand Aborigines declared as wards. The Administrator-in-Council refused to make the declaration.<sup>102</sup> Equally, it was almost as difficult for individuals to have wardships revoked as it was for new wards to be declared, though neither the Department nor the Branch appeared to view either as of urgent concern. Figures released in 1962 showed that during 1960 and 1961, only sixty-seven wards had their wardships revoked. Of this group, two adults had been erroneously declared; twelve adults had their wardship revoked on the grounds of personal ability, and the remaining fifty-three adults were females whose wardships were revoked automatically by reason of a marriage to a non-ward. The few males whose wardships were revoked were granted on the grounds of a demonstrated ability to live independently in an acceptable manner and included Phillip Roberts and, hence, his wife Hannah.<sup>103</sup> Officers within the Welfare Branch were increasingly dissatisfied with the procedures for revoking wardships which required them to formally oppose any applications for revocations.<sup>104</sup>

While the processes in declaring and revoking wardships were almost unworkable, the ongoing government of Aborigines as an undifferentiated group was relatively successful. While policy stated that Aborigines would be governed as wards of the state, in practice, few Aborigines had been declared wards since the gazettal of the Welfare Ordinance in 1957 which begged the question whether the status of ward was necessary to the successful government of Aborigines and to the implementation of special measures. In practice, Aborigines were governed on the government settlements, the mission stations and cattle stations, and whether they had been legally declared wards probably made very little difference. Various rights could be granted to Aborigines, such as the franchise, but as long as Aborigines lived on settlements they were governed mostly by special measures. While the processes involved in the declarations of wards had been undoubtedly liberalised by the amendments passed in 1961, other amendments to the Welfare Ordinance made clear that the government intended to continue to govern Aborigines primarily on settlements and that to achieve this end, "special measures" were necessary. Speaking in 1964, Giese summarised why some special measures which "enabled assistance to be given to wards to help them take their places as ordinary citizens in the Territory and Commonwealth were retained" in the Welfare Ordinance (1961-1962).<sup>105</sup> The special measures provided, "in the main, safeguards and protection but with some limited restrictions."<sup>106</sup> For example, the Director of Welfare or an appointed officer could still take a ward into custody or remove a ward to a reserve or institution, but such action would normally require an application to be made to a

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<sup>101</sup> Withnall's response to the Hasluck's comments on draft amendments see Withnall to Administrator, 14 November 1960, folios 252-257, CRS F1 58/2057, AAD.

<sup>102</sup> Long, *The Go-Betweens*, p.152.

<sup>103</sup> These statistics are listed in the *NLCD*, 4 April 1962.

<sup>104</sup> Long, *The Go-Betweens*, p.152.

<sup>105</sup> *NLCD*, 19 February 1964.

<sup>106</sup> *NLCD*, 19 February 1964.



court of summary jurisdiction. Under clause 21, however, a welfare officer could take a ward into custody, subject to the ward appearing before a court of summary jurisdiction within five days. The power of the superintendents of settlements was actually increased. The new Section 62, gave the superintendent of a reserve or institution, or a welfare officer, the power to give orders or directions to a ward for the purpose of maintaining order, and the power of arrest would be vested in the event of non-compliance.<sup>107</sup> The right of the government to control access to Aboriginal reserves, already discussed in part one, continued.

### *Residual safeguards.*

Relations between Hasluck and the Welfare Branch appear to have deteriorated in Hasluck's last years as Minister. Giese, the once loyal lieutenant, had presided over the Welfare Branch for almost a decade and had sat as an official member of the NTLC for the same period. He had accumulated considerable skills as a administrator and as a politician and was less inclined to accept instructions from the Department of Territories with which he disagreed. He was, after all, at the frontline.

In December 1963, Hasluck was promoted from the Department of Territories to take up the Ministry of Defence and then in April 1964, he was appointed the Minister for External Affairs. He was replaced in the Department of Territories by a junior minister, Charles Edward Barnes, and the Ministry was demoted out of the Cabinet. Almost immediately, changes in direction were apparent not so much as a result of decisions made by a determined minister but rather as the result of the vacillations of an inexperienced minister with little prior knowledge about governing Aborigines in the Northern Territory. The Welfare Branch in Darwin was quick to take advantage of the Minister's inexperience. In February 1964, with apparent unseemly haste, the Director of Welfare introduced the Social Welfare Bill to the NTLC, the purpose of which was to repeal the Welfare Ordinance and associated legislation, including the Licensing Ordinance.<sup>108</sup> The proposed bills were designed to remove the "few remaining restrictions on the full exercise of their citizenship rights by Aborigines who were wards."<sup>109</sup> The Social Welfare Bill would remove the concept of wardship as first enunciated in the Welfare Ordinance of 1953 and instead provide assistance to any person, regardless of race.<sup>110</sup> Until the relevant archives are open, it is not possible to assess the degree to which Hasluck's departure from the Ministry expedited the end of this relationship between Aborigines and the state. In the NTLC, Giese explained the timing of the introduction of the bills in more general terms.

The decision to give voting rights to Aborigines in May 1962 and the exercise of this right by eligible Aborigines for the first time in the elections of the Legislative Council in December 1962, the increasing number of Aborigines who are having their wardships revoked and the pace of social change among the Aboriginal people are all factors which have influenced the decision to bring down this legislation at this time. It is now quite clear

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<sup>107</sup> NTLCD, June 1961. See also, NTLCD, 19 February 1964.

<sup>108</sup> NTLCD, 19 February 1964. The Bill was introduced by the Director of Welfare, Harry Giese.

<sup>109</sup> NTLCD, 19 February 1964.

<sup>110</sup> NTLCD, 19 February 1964.

that many Aborigines have advanced to a stage where they find the present restrictions of the Welfare and Licensing Ordinances increasingly irksome.<sup>111</sup>

Significantly, Giese also justified the move towards the exercise of greater civil rights for Aborigines, by referring to the paradigm for the liberation and successful assimilation of the "Part-Aboriginal" community of the Northern Territory. Having removed "Part-Aboriginals" from the provisions of the Aborigines' Ordinance in 1953, that community had achieved "greater progress" towards assimilation than in the preceding 70 years, observed Giese.

... the successful results of this social experiment should be noted and should, after ten years, be regarded as justifying comparable action in relation to Aborigines with such *residual safeguards* as still may be regarded as necessary.<sup>112</sup> (my italics)

In his speech introducing the proposed Social Welfare Bill to the NTLC, Giese used terms which were synonymous with special measures such as "residual safeguards" and "special privileges" to describe those aspects of the proposed legislation which might apply exclusively to the government of Aborigines. The proposed special measures pertained only to regulations governing the settlements and mission stations.<sup>113</sup> Clause five of the proposed Bill, for example, concerned the declaration and retention of Aboriginal reserves and the control of movements on and off the reserves. Clause 17 defined provisions for restricted access to reserves for non-Aborigines. The Bill provided for authority to be granted to certain welfare officers to suspend the rights of individuals to reside on a reserve for a period of thirty days as a disciplinary measure. These proposed provisions reinforced the argument that, from the point of view of the Department and the Welfare Branch, while Aborigines were located on reserves they would be governable, and that the reserves would be the sites at which special measures would be implemented. The practice of discrimination was embedded in the Wards Employment Ordinance and, in particular, the regulations governing Aborigines in the pastoral industry and Aborigines' work on settlements and missions, which will be discussed in part three of this chapter.

In the NTLC, however, there were other agendas to be considered and not all members shared Giese's priorities in the government of Aborigines. The deep divisions that had potentially existed between the elected members were exposed now that they held a majority in the NTLC and could influence change. Many elected members were uneasy about the introduction of the Social Welfare Bill and claimed they were quite unprepared for such radical change. They would not give their unqualified support to legislation about which they had not been consulted. The NT News described the introduction of the bills as one of the "best kept political secrets in years."<sup>114</sup> Obviously Giese, in his capacity as an official member of the NTLC, had not seen any reason to reveal to his Council colleagues his negotiations with the Department of Territories about the proposed radical changes, though it is unclear why such secrecy was necessary. Colonel Rose, the elected member for Alice Springs, subsequently proposed that a select committee be established to investigate the consequences of the Social Welfare Bill and associated bills. Rose was particularly keen that

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<sup>111</sup> NLDCD, 19 February 1964.

<sup>112</sup> NLDCD, 19 February 1964.

<sup>113</sup> NLDCD, 19 February 1964.

<sup>114</sup> NT News, 19 February 1964.

the newly formed Northern Territory Cattlemen's Producers' Association be consulted as to the implications for their industry. He expressed anxiety that the NTLC members had no forewarning of the introduction of the bill and was suspicious that there had been interference from groups outside the Northern Territory, including the Commonwealth Government, that were ignorant of local conditions. After a lengthy and sometimes bitter debate, the Council decided to appoint a select committee to investigate the implications of the intended reforms.<sup>115</sup> Only the official members, Withnall, Giese, Smith and Adams, voted against the establishment of the Select Committee.<sup>116</sup>

The Select Committee on Social Welfare Legislation was given a mandate to inquire into, report on and make recommendations concerning all aspects of the Social Welfare Bill 1964, the Wards Employment Bill 1964 and the Licensing Bill 1964 and associated legislation.<sup>117</sup> The Committee interviewed 209 witnesses of whom 92 were Aborigines. The Committee summarised the two most contentious issues as the general questions regarding the desirability of providing equality of opportunity for Aborigines and the particular questions relating to the restrictions proposed to be removed.<sup>118</sup> The appointment of the Select Committee, while receiving the support of all elected members and the endorsements of the Labor Party,<sup>119</sup> was not necessarily a popular decision. The NTCAR regarded the appointment of a select committee as a stalling tactic and an outrage and its views were well publicised in the NT News by its radical editor, Jim Bowditch, who was a vehement supporter of Aboriginal rights. At times his rhetoric excelled even that of the old Northern Standard. His paper launched a scathing attack on the appointment of the Select Committee which, it argued, would do nothing more than turn up large numbers of people who supported racial intolerance and who favoured the existence of a group of second-class citizens as a pool of cheap labour.<sup>120</sup>

We are going to hold a Select Committee into whether racial discrimination is right or wrong... We are going to inquire amongst ourselves about the rights and wrongs of the majority group denying to a minority in a community the basic freedom that we declare to the world are dear to our hearts.<sup>121</sup>

The NTCAR wrote to all members of the NTLC stating that Aboriginal voters in their electorates would be advised not to support them in the next election "if you do not vote to remove all discriminatory legislation against them."<sup>122</sup> Phillip Roberts, at that time president of the NTCAR, urged all Aborigines and "all decent people" to boycott the Select Committee as a way of showing contempt for such a farce, and stated that Aborigines throughout the Territory would be informed of what was going on "by word of mouth."<sup>123</sup> The Select Committee later concluded that only a few Aborigines whom it had interviewed had fully

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<sup>115</sup> Rose, NLCD, 25 February 1964.

<sup>116</sup> NLCD, 25 February 1964.

<sup>117</sup> For list of associated legislation which would require amendments, see section 6, The Legislative Council of the Northern Territory, Report from the Select Committee on Social Welfare Legislation Together With Proceedings of the Committee, Commonwealth Government Printer, Canberra, 1964.

<sup>118</sup> Report from the Select Committee on Social Welfare Legislation.

<sup>119</sup> NT News, 9 April 1964.

<sup>120</sup> NT News, 25 February 1964.

<sup>121</sup> NT News, 25 February 1964.

<sup>122</sup> Correspondence file 1963-1964, GGMC MLMSS/2662.

<sup>123</sup> NT News, 3 March 1964.

understood the proposed laws affecting them.<sup>124</sup> Possibly the NTCAR actions in condemning the Committee may have predisposed the Aboriginal witnesses to be less than cooperative. In early April, the FCAATSI held its annual conference in Canberra which provided the opportunity for the NTCAR to present its case in a national forum. At the Conference, Davis Daniels spoke in favour of the Social Welfare Bill and the accompanying legislation, but argued that as long as the Wards Employment Ordinance remained, full rights were denied Aborigines.<sup>125</sup>

While the Select Committee's report was being written up, Aborigines in Darwin used the annual May Day celebrations to further their campaign for unqualified civil rights and for the removal of discriminatory legislation. They were in no doubt that even if the Welfare Ordinance were repealed this would be only one step on the way to equal rights. While the ubiquitous Wards' Employment Ordinance was still in place, their struggle would continue. At the 1964 May Day march, over 250 Aboriginal men, women and children marched through the streets of Darwin behind the NTCAR banners which stated: Open the Door; Equal Work; Equal Rights; Equal Pay and Banish Cheap Labour. Four Aboriginal men carried a black-draped coffin bearing the title "Wards Employment Ordinance". (The NTCAR float won second prize in the May Day march competition.)<sup>126</sup> Responding to the same kind of public pressure which had persuaded the NAWU to affiliate with the NTCAR, the President of the NAWU, Paddy Carroll, in his speech at the May Day rally which followed the march, now called on unionists to oppose any attempts to keep Aborigines as second-class workers, a state of affairs which threatened all workers.<sup>127</sup> The Aboriginal rights activists and their supporters followed up the May Day march with a demonstration outside the NTLC chambers, where they presented a petition outlining their demands.<sup>128</sup>

We assembled outside today at the commencement of your Council so that all members would know that the words we and our leaders have spoken, and our appearance in force at the May Day March were not idle words and actions.

As citizens of Australia in moral right, if not in law, we ask that you convey to the Legislative Council the wishes of the Aboriginal people that there be no delay in casting aside all laws against us as a race.

We say that the degradation which has befallen many among us, and the fact so many have been unable to attain a higher standard of living and education bear no relation whatever to our intelligence or willingness or integrity.

These things are the product of shocking environments, lack of opportunity, and racial discrimination in its worst possible form.

We intend no threat in our attitude to this Council or to our white fellow Australia, but we indicate that an end to this base use of so many of our people is close at hand whatever decision the government may make.<sup>129</sup>

Members of the Select Committee meanwhile, had toured the Northern Territory and interviewed the witnesses who included pastoralists, cattle industry employees, missionaries, Welfare Branch staff, union officials and interested parties and it received five submissions. On the other hand, the views of

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<sup>124</sup> Section 8, Report from the Select Committee on Social Welfare Legislation.

<sup>125</sup> NT News, 3 April 1964.

<sup>126</sup> NT News, 4 May 1964.

<sup>127</sup> NT News, 4 May 1964.

<sup>128</sup> The petition was presented but was considered "not suitable" and did not receive the clerk's stamp.

<sup>129</sup> NTCAR Petition to NTLC, 1964, GGMC MLMSS/2662.

journalist and author, Douglas Lockwood, were representative of those who believed that Aborigines must have unequivocal equal rights, who boycotted the Committee and who maintained their opposition to the Select Committee throughout the period in which it sat. Lockwood did not regard the granting of human rights as the proper subject for a Select Committee, "...I regard it as astonishing that one group of human beings should establish themselves as arbiters on whether or not others should enjoy equal privileges."<sup>130</sup> Even more disturbing, he suggested, was the implication that if public opinion were against the lifting of certain restrictions then the Committee would take that into its consideration and perhaps act upon it. He expressed concern at the defamatory nature of comments made before the Committee against a whole race. Fundamental rights, argued Lockwood, should never be dependent on the level of advancement of the group involved.<sup>131</sup>

The Select Committee took umbrage at Lockwood's criticism and similar comments from others who boycotted the Committee as well as those who presented as witnesses with apparently little understanding of the reason why the Committee had been appointed.

Your Committee understood its duty to include investigation of the disabilities of aborigines under the present law, the extent of these disabilities and the means of righting them, the privileges enjoyed by aborigines and the need for the continuation of those privileges. Laws of this nature are not to be cancelled at one stroke of the pen, but with care after a full inquiry to avoid any injustice.<sup>132</sup>

Thus, the Committee defined its role as determining the implications of the changes, not the validity of the changes. In fact, there was relatively little discussion in the final Report of the implications of the repeal of Welfare Ordinance or of the successful passage of the Social Welfare Bill. The Committee agreed:

that the grant of equality of opportunity to aborigines was essential and urgent if Australia was to be accepted internationally as giving more than lip service to the principles of freedom accepted by civilized peoples and expressed by the United Nations Organization.<sup>133</sup>

The Report pointed to the fact that few of the provisions of the Social Welfare Bill were explicitly directed at Aborigines which showed that the proposed Bill would provide Aborigines with true equality before the law. In the proposed Social Welfare Bill, the only clauses relating specifically to Aborigines were those concerned with Aboriginal reserves and the Committee concluded these clauses were fair and reasonable, though not all witnesses had agreed on this point. The most contentious aspect of the Social Welfare Bill had been clause 17, which outlined the provisions for restricting and controlling entry to Aboriginal reserves and gave the power of banishment for thirty days to designated welfare officers. Some witnesses had argued that these clauses were a continuum of the "old culture" which had promoted "segregated communities".<sup>134</sup> The Committee concluded, however, firstly that there would be a patent need for settlements as "an intermediate step from tribal state to integration" for some time to come, and that settlements were needed for "training

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<sup>130</sup> NT News, 25 March 1964.

<sup>131</sup> NT News, 25 March 1964.

<sup>132</sup> Section 22, Report from Select Committee on Social Welfare Legislation.

<sup>133</sup> Section 21, Report from Select Committee on Social Welfare Legislation.

<sup>134</sup> Section 48, Report from the Select Committee on Social Welfare Legislation.

and education," and that, secondly, if the need for settlements was acknowledged, then so must the need for some measures of control.<sup>135</sup>

It is true that the clause does involve *a control over personal liberty* and as such harks back to the old Aboriginals Ordinance and to the power of banishment conferred on the Director by the original Welfare Ordinance. But, once the principle of control is admitted, it is difficult to see any other method of control where reserves and settlements are remote from any centre of administration.<sup>136</sup> (my italics)

Thus, Clause 17 was endorsed but with more rigorous safeguards against abuse of power. On those reserves where police officers were stationed, the Committee recommended that there would be no need for welfare officers to be allocated such extraordinary powers.

In assessing the evidence of the witnesses called before it and in endorsing the proposed Social Welfare Bill, the Select Committee demonstrated, firstly, that settler Australia generally had embraced the principles of egalitarianism and would not tolerate such overt discrimination as was embodied in the Welfare Ordinance and wardships. The Committee took the further step of recommending that the Commonwealth Government endeavour to have the Commonwealth Constitution amended by repealing section 127 (paragraph 60), so as to raise the status of Aborigines "to full equality with other inhabitants of Australia".<sup>137</sup> In the text of the Report, the use of the term "integration" represents a quite deliberate attempt to disassociate the Committee's findings from those policies and practices which had become associated with assimilation and, hence, discrimination. As will be discussed in chapter eight, the term "integration" would replace "assimilation" as the preferred term to describe the process which Aborigines would socially advance. The Committee recommended that a standing committee on integration be established to carry out a continuous survey of the progress of Aboriginal integration in the Northern Territory, to report to the NTLC on the effectiveness of the legislation in practice and to recommend amendments as the need arose.<sup>138</sup> The recommendation that a standing committee be appointed was consistent with other recommendations which the Committee made which aimed to limit the scope of the control exercised by the existing Welfare Branch under the Director of Welfare. In limiting the function of the proposed Social Welfare Branch, the Committee also sought to remove the taint of past practices. The Committee recommended that given that as so few of the provisions in the Social Welfare Bill directly pertained to Aborigines, there ought, therefore, no longer be any need to administer separately to the Aboriginal population as was currently the case. The administration and responsibility for health, housing and education could immediately be handed over to the responsible Commonwealth Departments.<sup>139</sup> It would be most inappropriate, according to the Committee, for the proposed Social Welfare Branch to continue to have responsibility for Aboriginal reserve lands, on which there were neither settlements nor missions, given that such a Branch as was proposed would be unlikely to have expertise in such a specialist

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<sup>135</sup> Section 49, Report from the Select Committee on Social Welfare Legislation.

<sup>136</sup> Section 51, Report from the Select Committee on Social Welfare Legislation.

<sup>137</sup> Section 14, Part iv, Report from the Select Committee on Social Welfare Legislation.

<sup>138</sup> Section 61, Report from the Select Committee on Social Welfare Legislation.

<sup>139</sup> Section 42-45, Report from the Select Committee on Social Welfare Legislation.

field,<sup>140</sup> and the administration of Aboriginal employment would be more appropriately dealt with by the Department of Labour and National Service.<sup>141</sup>

Despite its enthusiastic embrace of egalitarianism and its support for equality before the law for Aborigines, the Committee struggled, nevertheless, to come to terms with the concepts involved in those aspects of the government of Aborigines which involved "special measures". While the Committee appeared to have concluded that the special measures necessary for the administration of the Aboriginal settlements and missions were fair and reasonable, resolving the apparent inherent discrimination in most aspects of the Wards' Employment Bill simply as "special measures" or "special privileges" was much more difficult. In fact, most of the Report was concerned the Wards' Employment Bill about which it was most critical. The Committee argued that the existing legislation was unworkable and discriminatory; that almost no training and work education had been provided for wards, despite this being set down in the legislation, and that the proposed Bill did not go anywhere near resolving the problems associated with Aboriginal employment and access to social services.

The Select Committee delivered its Report to the NTLC, 12 May 1964. After debate, the Council voted that the Report be accepted.<sup>142</sup> The NT News greeted the acceptance of the Report with a headline of "Native Rights In" printed in two inch capital letters.<sup>143</sup> For some members, Rose in particular, such a vote was possible only because a compromise had been reached already with the Cattlemen's Association. Earlier, in April, the federal Minister for Labour, William McMahon had announced in the House of Representatives that he had submitted to the Northern Territory administration a proposal to incorporate Aborigines into the award wages system and that a tribunal would be established to determine wages for Aborigines.<sup>144</sup> As a consequence of this proposal, Northern Territory Cattle Producers campaign against the proposed reforms had collapsed and, at their conference in April, the Association's official opposition to the Social Welfare Ordinance and proposed changes to the Licensing Ordinance was withdrawn. The Director of Welfare, Giese, was at the conference and he had agreed to amend the legislation to ensure that pastoralists could control alcohol coming onto their stations. In what appears to have been a trade off, pastoralists were given assurance that they would not immediately be required to pay equal wages for Aboriginal labour.<sup>145</sup> Rowley has suggested that the pastoralists would have already been aware that there might be advantages in the proposed changes, not the least of which was the prospect of the legitimate removal of all Aborigines from pastoral leases other than those directly employed in station work and the likely introduction of freehold.<sup>146</sup>

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<sup>140</sup> Section 46, Report from the Select Committee on Social Welfare Legislation.

<sup>141</sup> Section 37, Report from the Select Committee on Social Welfare Legislation.

<sup>142</sup> Colonel Rose addressed the Council and indicated that he was not entirely pleased with the Report but that limited time available they had all done their best.

<sup>143</sup> NT News, 12 May 1964.

<sup>144</sup> NT News, 9 April 1964.

<sup>145</sup> NT News, April 20 1964.

<sup>146</sup> For discussion see Rowley, The Remote Aborigines, p.202 and chapter 9.

Bernie Kilgariff, an official appointment to the NTLC, introduced the Social Welfare Bill before the Council on 18 May 1964. Two days later the NTLC received notice that the Commonwealth government would give full consideration to the Select Committee's recommendations and high priority to the planning, staffing and finance needed for the full and efficient application of the legislation. The Council then went into committee to work through the various amendments and the wording of the ordinance. At the new sitting of the Council, 11 August 1964, the Administrator informed the Council that the Social Welfare Ordinance had been reserved for the Governor General's "pleasure". At the next sitting of the Council, 3 November 1964, the Governor General's assent was announced to the Social Welfare Ordinance 1964.

In including in its recommendations that the Commonwealth Government endeavour to have the Commonwealth Constitution amended by repealing section 127 (paragraph 60) so as to raise the status of Aborigines "to full equality with other inhabitants of Australia",<sup>147</sup> the Select Committee on Social Welfare Legislation had identified one of the main foci for those struggling for Aboriginal rights in the coming years. In May 1967, Australians voted by referendum to amend section 127 of the Australian Constitution so that Aborigines would be counted as citizens in the census and voted to delete Clause xxvi from Section 51 so that the federal government had the power to make laws for Aborigines. Whether assimilated or not, Aborigines henceforth would be counted as Australian citizens. In voting in favour of the referendum, the Australian community had indicated clearly, that there could be no alternative to recognising Aborigines as citizens. The term assimilation would no longer be mentioned in the same breath as citizenship.

#### *Conclusion.*

The final repeal of the Welfare Ordinance and associated legislation was as much the consequence of the fact that the legislation was both unworkable and unnecessary in practice, as it was a response by the governments of the day to the demands of the new civil rights struggle. Nevertheless, the standards by which governments would be judged in their treatment of individuals and groups were firmly located in the discourse of civil rights and equality before the law and there was general community support for full civil rights for Aborigines. Once Aborigines in the Northern Territory were enfranchised, there was greater pressure on elected members to listen to Aboriginal demands for full civil rights.

The relationship between Aborigines and the state was radically changed as a result of the successful passage of the Social Welfare Ordinance. Aborigines in the Northern Territory were no longer disenfranchised wards of the state. The existence of the nexus between individual assimilation and access to civil rights had become tenuous in law at least outside the boundaries of the Aboriginal reserve areas. But what about on the reserves, missions and cattle stations? When Aborigines crossed these boundaries, they moved into a space in which different settler laws applied, a space in which they would no longer be governed as members of the settler community equal before the law, but rather as Aborigines, to whom "special measures" applied. While there were some "special measures" which were privileges, most were

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<sup>147</sup> Section 14, Part iv, Report from the Select Committee on Social Welfare Legislation.



discriminatory laws and regulations which had been defended as necessary in governing Aborigines. After 1964 such legislation rarely defined that group for whom it was intended as "Aborigines". Henceforth they would be categorised as "slow workers", "trainees" and "improvers". To this extent the existence of the nexus between successful assimilation and access to full civil rights had become dependent on boundaries. Aborigines could now choose whether they wanted to live in the segregated reserve communities where they would be subject to particular laws governing Aborigines, or they could choose to move off the settlements in which case they would be subject to the same laws as settler Australia. Chapter eight reviews the implications for Aboriginal reserve dwellers of the persistence of these boundaries.

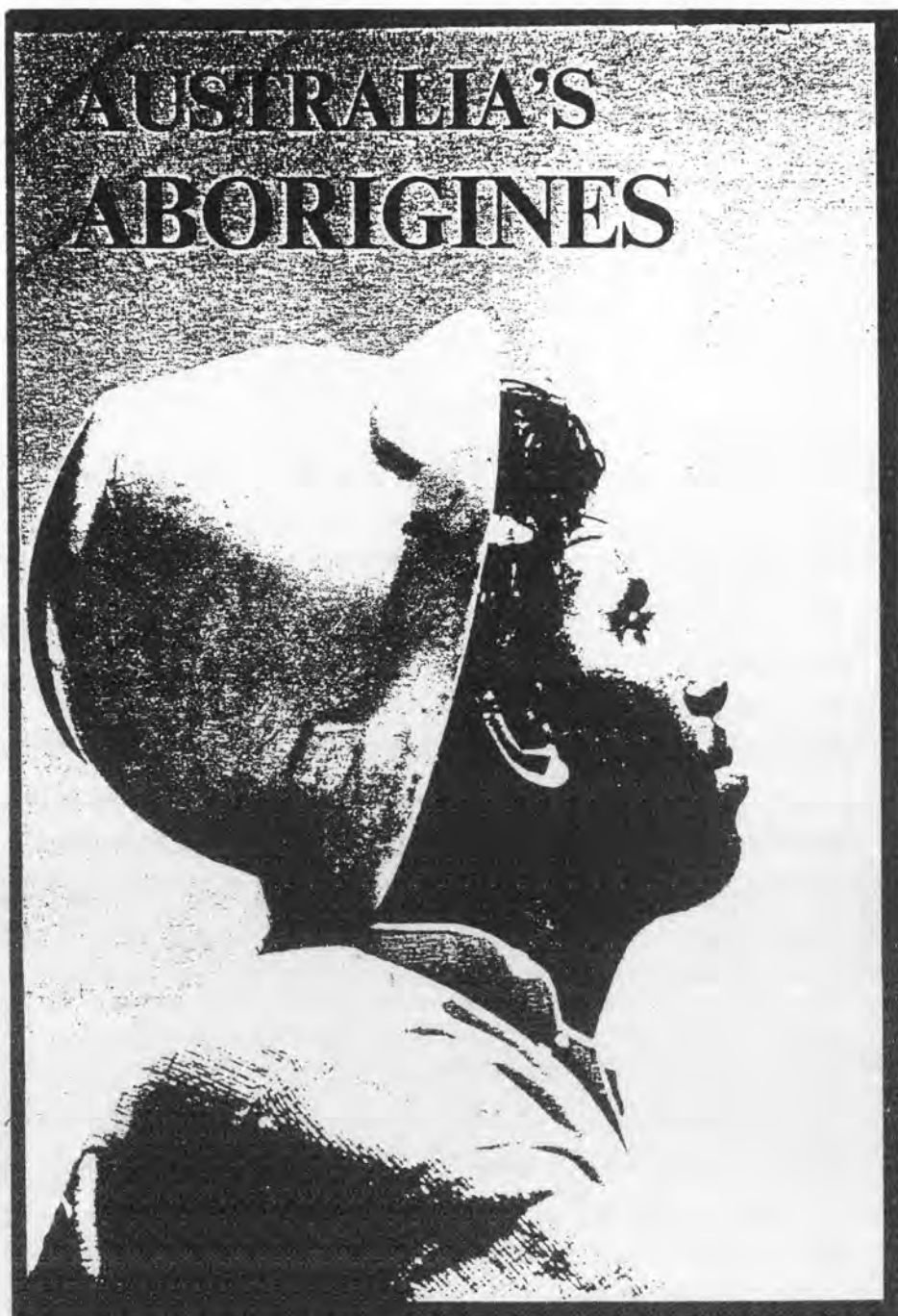


Illustration 5. Cover illustration, Australia's Aborigines, Canberra, 1965.

## CHAPTER EIGHT.

### THE UNWILLING STEP.

"One could wish that the authors of the policy of assimilation had found for it a happier name. The crunch with which the lion begins to assimilate the lamb, and what follows are images best dismissed from the mind. Yet the physiological metaphor brings us uncomfortably near the truth. Assimilation means that the Aborigines must lose their identity, cease to be themselves, become as we are. Let us leave aside the question that they may not want to, and the possibility - I would myself put it far higher than a possibility - that very determined forces of opposition will appear. Suppose they do not know how to cease to be themselves?"<sup>1</sup>

W. E. H. Stanner, 1958.

At the end of the decade of the 1950s and during the 1960s, there was no single united voice of opposition to the assimilationist orthodoxy. Instead, assimilationism was peppered by a barrage of new ideas which weakened it and left it full of holes but still standing. As in any period of social upheaval, new ideas, criticisms of old ways, indicators of new directions and rejected possibilities co-existed. Continuity and change competed. Assimilation of all Aborigines endured both as the final objective of government policy and as the settler community's aspiration for Aborigines. What changed was that Aborigines would be assimilated as groups, not as individuals. The settler community asked not so much was assimilation a good idea, but rather why assimilation was not working and what adjustments could be made to facilitate Aboriginal assimilation?

The assimilationist discourse argued that the individual was the primary unit in which the processes of social change and advancement would take place. Each individual, when given the opportunity, had the potential to embrace, in Rowse's term, bourgeois modernity while the government would provide the means and the opportunities for personal advancement. In analysing whether or not the policy had promoted assimilation and in assessing the reasons for the general failure of Aborigines to assimilate, researchers in the late 1950s and early 1960s drew on the revised paradigms for social change which had originated mostly from the social sciences. The new models suggested that in any process of social change the primary affinity of the individual to the group and the community must be recognised as paramount; efforts to direct change therefore should be channelled through the group or community as a whole. Catherine Berndt, writing in 1962, synthesised this contemporary construction by opposing mateship (affinity to community) with success (individual advancement away from community).<sup>2</sup> This paradigm challenged the primacy of the individual in the assimilationist discourse. The origins of the new directions which would guide understandings about social change in the 1960s and the implications for government policy are discussed in part one of this chapter.

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<sup>1</sup> Stanner, "Continuity and change among the Aborigines", in *White Man Got No Dreaming*, p.50.

<sup>2</sup> Catherine H. Berndt, "Mateship or success: an assimilation dilemma", *Oceania*, vol.xxxiii, no.2, December 1962.

Hasluck was quite aware of the criticisms of the Department of Territories' assimilation policy. At the 1959 ANZAAS conference, he took the opportunity to answer criticisms about the role of the government settlements and to assert that he had no intention of revising the function of government settlements as temporary staging posts. The Department of Territories' response to pressure to reconsider the role of the Bagot Settlement in Darwin, outlined in part two, demonstrates the federal government's determination to maintain the settlements as temporary sites.

After Hasluck's promotion at the end of 1963, the Department of Territories vacillated about whether the Aboriginal settlements should be promoted as potentially self-governing communities, or whether all measures should be directed to moving Aborigines off the settlements and into the community. Aborigines effectively made the decision for the government, a fact which was not translated into new policy directions until after the election of the federal Labor government to office in 1972. In Darwin, for example, generally, Aborigines neither could, nor would, move away from Bagot into the Darwin suburbs. In the process of reviewing the many reasons for the failure of the programs designed to facilitate this transition, contemporaries finally discredited the paradigm of individual assimilation as the vehicle for social change. The settlements endured as the principal sites for governing Aborigines because some Aborigines chose not to live elsewhere and some could not live elsewhere. Policies were devised which would facilitate communities to become independent and self-directed. A dichotomy was constructed between healthy (independent and self-sustaining) communities and unhealthy (dependent and anti-social) communities. The challenge to governments was to define the status of the apparently permanent communities of Aborigines living in segregated and impoverished government run settlements and reserves.

### *Mateship and success*

During the 1960s, both anthropologists and social scientists searched for new directions in understanding the relationship between Aborigines and social change with a revised interest. The agendas of the two disciplines necessarily intersected. For the social scientists, the question of Aboriginal assimilation was viewed in the wider context of questions about the ability of the individual to make the mythical transition from rags to riches, from fringe dweller to assimilated member of the community, regardless of racial or ethnic identity. Anthropologists, similarly, were considering the relationships between Aboriginal cultures, societies, change and assimilation and their conclusions also questioned whether assimilation was a legitimate goal. Here, however, I am primarily concerned with the way in which new analyses argued for a revision of the imagined ways that social change (assimilation) could be facilitated by government intervention. I am not suggesting that academics were in a position to directly influence government policy and there were certainly no formal pathways in place which would enable them to do so. They were in a position, however, to provide analysis and to give expression to settler disillusion with assimilationism.

Stanner set the agenda for the anthropologists when he published his essay, "Continuity and change", in 1958 in which he challenged the premises upon which assimilation as the articulation of a

process of social change was based.<sup>3</sup> He questioned the idea that Aborigines were on a long march from the primitive to the civilised. He rejected the concept of "primitive" in favour of regarding Aborigines as a highly "specialised and a contemporary people".<sup>4</sup> He also rejected the concept that Aborigines were "a people lying somewhere along a uniform linear serial sequence with us".

According to this model, we thus have only to "teach" or "show" Aborigines where they made their mistakes and they will quickly become Europeans in outlook, organisation and custom... This is fantasy. It perishes in a single fact of life. They have to "unlearn" being Aborigines, in mind, body and estate.<sup>5</sup>

The problems associated with this "unlearning", argued Stanner, were evident in the thousands of miserable camps around the continent, which mirrored "our self-centredness" and the Aborigines' inability to work miracles.<sup>6</sup> Furthermore, he contended, there was no reason to believe that many Aborigines wanted assimilation. The imperatives to enforce assimilation as expedient were strong, argued Stanner, but ignored ethical considerations.

... the Aborigines are widely in an obscure struggle with us, and that the essence of the struggle is their wish *to go their own way*.<sup>7</sup> (my italics)

Even Elkin's faith that assimilation was a realistic goal had wavered as he observed Aborigines in rural New South Wales move into the towns but then show they preferred to stick together as a group and even revive native languages as a way of reinforcing their identity rather than assimilate in the way he had imagined. Just as Long had used the marriages between non-Aborigines and the "Coloured" community in Darwin as a measure of successful assimilation, Elkin used the lack of such marriages in rural New South Wales as an indicator that assimilation was not taking place.<sup>8</sup>

Hasluck did not shift from his position that assimilation could be the only future for all Aborigines, even in the face of increasing criticism such as Stanner's, and his vigorous defence of aspects of the assimilation policy in his address to the Australian and New Zealand Association for the Advancement of Science (ANZAAS) conference in 1959 is typical.<sup>9</sup> Hasluck began by outlining his belief that society and societal obligations were constructed on the model that either one was a contributing member of a society or one was outcast and would be made a misfit. Society neither could nor should change to accommodate non-conforming individuals who failed to respond to kindly attempts to assist them in reform and readjustment. Such individuals could expect to be subjected to correction, suppression, ostracisation and final loss of

<sup>3</sup> Stanner, "Continuity and change among Aborigines", in White Man Got No Dreaming.

<sup>4</sup> Stanner, "Continuity and change", in White Man Got No Dreaming, p.59.

<sup>5</sup> Stanner, "Continuity and change", in White Man Got No Dreaming, p.59.

<sup>6</sup> Stanner, "Continuity and change", in White Man Got No Dreaming, pp.59-60.

<sup>7</sup> Stanner, "Continuity and change", in White Man Got No Dreaming, pp.59-60.

<sup>8</sup> Wise, The Self-made Anthropologist, p.216. Chapter 14 considers Elkin's responses to the way in which Aboriginal groups in NSW apparently failed to assimilate in the way Elkin had imagined. Wise suggests that Elkin began to regard assimilation as a more complex and certainly a more long-term proposition that he had ever envisaged.

<sup>9</sup> Paul Hasluck, Some Problems of Assimilation, Address to Section F. of the Australian and New Zealand Association for the Advancement of Science, Perth, Western Australia, August, 1959 in GGMC KV7153. Rowse and Wise both describe the ideological breach between Hasluck and Elkin which culminated personally for them both at the 1959 ANZAAS Conference held in Perth. Rowse discusses the conflicting ideas of citizenship held by Elkin and Hasluck in Rowse, White power white power?, chapter four. See also Wise, The Self-made Anthropologist, pp.229-233.

liberty. The choices available to Aborigines, equally, were to remain outcast or to work towards becoming contributing members of the non-Aboriginal community. Those who championed the right of Aborigines to maintain their identities, he argued, were doing no more than condemning Aborigines to a life as depressed outcasts on the fringe of society.

Hasluck repeated his belief that Aborigines were on a long march and acknowledged that change and re-education were slow processes.

If the individual, without the support of the framework of his own society cannot adjust himself quickly there has to be a period during which he is sheltered and protected from the society he is to enter and educated in ways that will make it easier for him to enter it, [sic] if he cannot qualify to enter it, there has to be some arrangement by which he lives apart for all his days as a member of a lonely group which can have no hope for the future and will find its mental comfort and peace in memories of the past.<sup>10</sup>

Hasluck rejected Stanner's depiction of the government settlements as miserable camps. Certainly the settlements provided protection and shelter for the "lonely group", but this was only one aspect of many more important functions premised on the objectives of facilitating individuals to assimilate and integrate. If, on the other hand, settlements came to be regarded as permanent communities, then Australia would be inevitably implementing a policy based on racial groupings. The core of assimilation, argued Hasluck, was that there did not exist in Australia separate racial groups. Aborigines and "Part-Aborigines" were in varying degrees members of an homogenous Australian society; some simply needed more training than others before joining in. Thus it could never be the purpose of settlements to provide separate but equal facilities. As a warning to his critics, Hasluck observed that if the Aborigine did not have access to "protection and shelter" in circumstances which offered the clear hope of eventually entering Australian society, "he" may find solace within groups of individuals like "himself", groups which had a "tendency to harden and become less penetrable than the individual".<sup>11</sup> Settlements, with trained workers and supervising staff, would be able to monitor and avoid such anti-social behaviour. Otherwise, such groups would be vulnerable to political activists who might prey upon their discontent and naivety, and incite them into anti-government action. In the Cold War, Hasluck did not underestimate the enemy, an issue which was addressed in chapter seven of this thesis.

At least the prognosis of the administrative dilemma was clear to Hasluck: how did one avoid the folly of preventing a settlement, which was designed for protection and education in a period of transition, from turning into a fixed community of its own? It may be that at the ultimate stage of transition, the Aborigine would affirm his devoted associations with his own "kin and colour", rejecting of his own will the opportunity to "become an Australian".<sup>12</sup> Hasluck repeatedly emphasised that the process of assimilation could not be rushed or forced, and, to achieve its aims, must be able to respond to the needs of the individual.<sup>13</sup> Elsewhere, he argued that there can be no "assembly line" in the production of citizens. Each

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<sup>10</sup> Hasluck, Some problems of assimilation, ANZAAS, 1959 in GGMC KV7153.

<sup>11</sup> Hasluck, Some problems of assimilation, ANZAAS, 1959 in GGMC KV7153.

<sup>12</sup> Hasluck, Some problems of assimilation, ANZAAS, 1959 in GGMC KV7153.

<sup>13</sup> It was not uncommon for him to refer to the process as likely to take generations, during which time the Aboriginal people would live not in segregated but rather in "sheltered and protected" settlements.

individual, he argued, had to be persuaded of the need to change; of the hope for a better future; they had to find a faith by which they could live and gain confidence and self-respect. At each stage of development, the individual would need to find the motivation and will, and with the help of trained staff, the direction to take for the next stage of the journey.<sup>14</sup> Hasluck conceded, however, that settlement dwellers were members of distinct social and cultural groups who resisted attempts to interfere with their internal cohesion.

Even the outcast or the rebel needs his group... at the ultimate stage of transition when the aboriginal appears to have lost all touch with an aboriginal life, he is sometimes unwilling to step into the world from the mission or the settlement.<sup>15</sup>

Increasingly, however, Hasluck was holding out against a changing tide, compounded by the Australian anthropologists' renewed interest in Aborigines in Australia, lead at least in part by Stanner. In establishing the context for the creation of the Australian Institute for Aboriginal Studies in 1964, Peterson has speculated about reasons for anthropologists' and academics' revival of interest in Aborigines in the 1960s when compared with the post war period in Australia which he characterised as an "era of academic neglect" of Aboriginal people.<sup>16</sup> He argues that after 1945, as the Outback became more accessible, the idea that a place such as the Northern Territory could be regarded as "an internal anthropological frontier" had come to an end.<sup>17</sup> He believes that among academics there was a widespread perception that studying of Aboriginal societies and culture could no longer provide a "special insight" and instead, anthropologists enthusiastically embraced research into the Asia-Pacific region. A more pragmatic reason for the shift was that research funds were more readily available for research in the Asia-Pacific region because the government needed to train colonial administrators to work in New Guinea, in particular.<sup>18</sup> Peterson argues, therefore, that the need for an invigorated analysis of the position of Aborigines in the Australian society had therefore reached a compelling momentum by the end of the decade of the 1950s. In 1959, W.C. Wentworth, a member of the House of Representatives, circulated a document in which he outlined a proposal to establish an Australian Institute for Aboriginal Studies, an idea which he had already canvassed with leading academics in the field.<sup>19</sup> Put simply, he argued the Institute was required because so little research was being done. Wentworth's ambition was realised when the Institute was established in 1964.<sup>20</sup>

At the same time, there was a new generation of young anthropologists who were loudly challenging the old orthodoxies. In 1961, Stanner had convened a Conference on Aboriginal Studies as a precursor to establishing the Institute for Aboriginal Studies at which he had emphasised the need for

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<sup>14</sup> Memorandum, Hasluck to Secretary Department of Territories for Administrator, 7 January 1957, folios 175-181, A452/1 57/761, AAC.

<sup>15</sup> Hasluck, *Some problems of assimilation*, ANZAAS, 1959.

<sup>16</sup> Nicolas Peterson. "Studying man and man's nature: The history of the institutionalisation of Aboriginal anthropology", Wentworth Lecture, *Australian Aboriginal Studies*, no.2, 1990, pp.15-17.

<sup>17</sup> Peterson, "Studying man and man's nature", pp.15-17.

<sup>18</sup> Only four doctorates were sponsored in Australia during the 1950s: those by Barwick, Munn, Hiatt and Worsley. A further five scholars who carried out their first research in Australia all went to the Torres Strait or New Guinea for their doctoral research. Peterson, "Studying man and man's nature", pp.15-17.

<sup>19</sup> Ronald M Berndt, *Looking Ahead Through the Past*, The Wentworth Lecture of 1982, Australian Institute of Aboriginal Studies, Canberra, 1984. Berndt refers to Wentworth first discussing the idea with him in 1958.

<sup>20</sup> Peterson, "Studying man and man's nature", p.16.

redirected research and definition of Aborigines.<sup>21</sup> The Conference had been concerned with both collating and assessing previous research and in planning future directions.<sup>22</sup> As an epilogue to the impressive gathering of authorities, the young anthropologist Marie Reay and others expressed concern that while the eminent social scientists were consulted on the Australian Aborigines, the work of the younger anthropologists had been ignored at the Conference. Consequently, Reay collected essays from those whose "professional acquaintance with aborigines dated back no further than about 1950 and who had not yet begun to pronounce orthodox views on aboriginal questions" for an edited collection entitled Aborigines Now.<sup>23</sup> Reay included her own work and that of Randolph Stow, Ted Docker, Dianne Barwick, Jeremy Beckett, Jeremy Long, Fay Gale, Judy Inglis, Malcolm Kelly, Ruth Fink and others.<sup>24</sup> In her Introduction to Aborigines Now, Reay established that assimilation would be the main focus of the collection.

More than two decades had passed since the governments of Australia had adopted "assimilation" as an "enlightened policy", scientifically justified. Meanwhile, the new nations of coloured peoples had sprung up out of the old colonial empires and "self-determination" for the native peoples had emerged as a legitimate and praiseworthy goal. But no one was asking the Australian aborigine to determine his own future. Many of the younger anthropologists were questioning, in conversation, the ethical basis of assimilation policy, and some were asserting that a policy change was needed ... so I asked the authors ... to write something relevant to "assimilation" and its implications for aborigines.<sup>25</sup>

One of the new directions in research manifest in Aborigines Now, was that "Part-Aboriginal" communities were a focus for analysis. Previously, few anthropologists and intellectuals had considered the "Part-Aboriginal" communities of interest. The anthropologists had been preoccupied with ensuring that the culture remnants of the traditional communities could be recorded before they finally died out. Interest in the "Part-Aboriginal" communities had existed only to the extent that they illustrated what must be avoided when devising policy. Such communities had been represented as mistakes. Whereas the British schools of anthropology had been the most pervading influence in the emergence of Australia's anthropologists in the 1930s, the new models for social analysis took their lead from the American models and particularly the sociological approach to social analysis. This new wave of researchers was attempting to analyse and find solutions to the poverty and dispossession endemic in communities on the fringes of east coast country towns, in rural Australia and in the ghettos in the southern capitals. Dianne Barwick, who had been researching and writing about the Aboriginal people of Victoria and Melbourne in particular, observed that these Aboriginal people were conscious of their separate identity and, while detribalisation had long since been accomplished, they yet saw themselves as a distinct category in Australian society. Jeremy Beckett explored the issues raised in his research into alcohol and assimilation in two "Part-Aboriginal" communities in the west of New South Wales. Malcolm Calley had researched the Bandjalang people of the north-east of New South Wales, all of whom lived on Aboriginal stations and reserves at Tabulam, Cubawee, Woodenbong, Cabbage Tree Island, Cubawee, Coraki and Baryilgil. Fay Gale and Judy Inglis both

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<sup>21</sup> Stanner was, at this time, Reader in Comparative Social Institutions at the Australian National University.

<sup>22</sup> Berndt, Looking Ahead Through the Past, p.3.

<sup>23</sup> Reay, ed. Aborigines Now.

<sup>24</sup> Jim Bell, Ruth Fink, Malcolm Calley, and Marie Reay were all originally students of Elkin. See Wise, The Self-made Anthropologist, p.197.

<sup>25</sup> Reay, ed. Aborigines Now, Introduction, p.xv.



contributed articles dealing with "Part-Aboriginal" groups in South Australia. Katrina Wilson had studied and worked on the development of cooperatives in both Perth and Pindon in the far north west. Jeremy Long described various aspects of the acculturation or Westernisation occurring at Papunya and Haasts Bluff in the Northern Territory, the only communities other than Pindan and a study of the "Walbiri", which would have been considered by contemporaries as "Aboriginal" and not "Part-Aboriginal". In her summary of the collection, Reay argued these essays represented a serious challenge to the process of social change advocated in the assimilation policy.

These essays make it clear that it is patronizing and useless to think of "assimilation" as the raising up of an individual aborigine from a state of unenlightened primitive communism by educating him in the most shining virtues our civilization has to offer.<sup>26</sup>

The individual's affinity to a cultural group was far stronger than current policy allowed for and, more particularly, one's separate Aboriginal identity, regardless of degrees of Aboriginal "blood", was in many instances tenaciously asserted against the possibility of individual "reform". The new researchers in anthropology challenged the very premises upon which official policy was based. In particular, they attempted to represent "Part-Aborigines" not as outcasts and mistakes, but as distinct and legitimate groups.

After 1945, Western governments like that in Australia, which were committed to ever expanding welfare budgets, and which wanted to limit the possibility of socialist alternatives, required both analysis and assessment of the effectiveness of welfare spending which was premised on the assumption that if individuals were offered the opportunity for a better way of life then that opportunity would be seized upon immediately. The problem posed was why, given the chance and the support of the welfare network, did not individuals move out from moribund and impoverished communities into the mainstream. The American schools of social science, in particular, were most active in analysing whether the individual/nuclear family could best function as the primary unit for change, or whether there were there better alternatives. Research led analysts to suggest that individuals were not always prepared to move away from social and cultural groups with whom they identified and from whom they gained vital support. The unexpected community opposition to slum reclamation was frequently cited as an example of the strength of the affinity of individuals to community to the point at which individuals would sacrifice improved living conditions, such as better housing, to remain with their group.

Oscar Lewis' analysis of the culture of poverty, and the Cornell University research project on the American community given the pseudonym of "the Road" are classic and popular examples of the new orthodoxies eagerly embraced by some sections of the intellectual community in Australia.<sup>27</sup> Both studies presented new paradigms which research had proved would facilitate social advancement. These models were eagerly applied to the Australian context and as measures which might facilitate the development of healthy and integrated Aboriginal communities. These studies also provided a beginning point for analyses of

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<sup>26</sup> Reay, ed. *Aborigines Now*, p.xix.

<sup>27</sup> These new analyses feature in and influenced the work of Tatz, Long, Stevens, Rowley and others. For example, Frank Stevens' research papers have been archived in the George Gibbs Memorial Collection MLMSS/2662, Mitchell Library, Sydney. The influence of the new orthodoxies from North America is clear in this collection.

impoverished communities. Lewis identified a culture of poverty as a specific conceptual model of a subculture of western society "with its own structure and rationale, a way of life handed on from generation to generation along family lines".<sup>28</sup> As in any legitimate culture, its members were provided with "a design for living, with a ready-made set of solutions for human problems".<sup>29</sup> Significantly, Lewis claimed that this culture and way of life "transcends national boundaries and regional and rural-urban differences within nations".<sup>30</sup>

Wherever it occurs, its practitioners exhibit remarkable similarity in the structure of their families, in their interpersonal relations, in spending habits, in their value systems and their orientation in time.<sup>31</sup>

Lewis identified some seventy traits that characterised the culture of poverty, and four systems: the relationship between the subculture and the larger society; the nature of the "slum Community"; the nature of the family and the attitudes and values of the individual.<sup>32</sup> Disengagement and non-integration typified the relationship between the subculture and the dominant culture. For example, people generally did not belong to unions, use banks or shop in the main department stores. Welfare relief payments barely kept people alive. Chronic unemployment and underemployment, low wages, lack of property, lack of savings, absence of food reserves in the home and chronic shortage of cash imprisoned the family and the individual in a vicious cycle. Small quantities of food purchased at higher prices, a high incidence of borrowing and pawning of personal goods and informal credit arrangements all typified the economic restraints imposed on the impoverished. Consensual rather than legal marriage meant the men avoided legal and financial burdens and women were ensured rights over their children, exclusive rights to their own limited property and freedom from men who may have been unreliable. Initiation into sex came early and children were born to very young mothers who headed their households and ruled with an authoritarian air. Communities, however, were gregarious and supportive. Inevitably such communities were locked into cycles of poverty from which, despite the efforts of welfare agencies, there appeared no escape.<sup>33</sup> Lewis argued that poverty and depressed living circumstances could no longer be considered to be the result of the failure of the negligent individual to act to change his or her circumstances using available welfare agencies.

While Lewis described the culture of poverty, the Cornell University Program in Social Psychiatry led by American academic, Alexander Leighton, and which began in 1949, described a new paradigm for facilitating social advancement in impoverished communities. This model exonerated the individual from blame in failing to seize opportunities for self-improvement and social advancement.<sup>34</sup> The researchers selected a rural "slum" community which they called the Road, (a pseudonym). Local informants initially described the residents of the Road as mentally retarded and the products of inbreeding; alcoholism and

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<sup>28</sup> Oscar Lewis, "The culture of poverty", *Scientific American*, vol.215, no.4, October 1966, p.19.

<sup>29</sup> Lewis, "The culture of poverty", p.19.

<sup>30</sup> Lewis, "The culture of poverty", p.19.

<sup>31</sup> Lewis, "The culture of poverty", p.19.

<sup>32</sup> Lewis, "The culture of poverty", p.21.

<sup>33</sup> Lewis, "The culture of poverty", 1966, p.23.

<sup>34</sup> Alexander H. Leighton, "Poverty and social change", *Scientific American*, vol.212, no.5, May 1965.

delinquency were rampant and they were said to be lazy and unreliable employees.<sup>35</sup> Having gained the confidence of the Road community, the researchers applied intelligence tests and the results showed there was a normal range of intelligence scores.

... whatever might be wrong with the Road, it was not biologically determined by lack of intelligence. It seemed more plausible that their existed a set of cultural patterns with which those who grew up in the neighbourhood became inculcated - patterns that had the properties considered indicative of mental handicap by those in the surrounding larger society.<sup>36</sup>

The researchers then designed a long term program of social intervention which aimed to facilitate the Road community to assimilate into the wider community and so significantly enhance the lifestyles and expectations of the Road families. This project continued through the 1950s. After their initial investigations, three areas were targeted for intervention and change: the introduction of social organisation and social values through the development of leadership; education for adults and children and improved economic opportunity. The admission of the Road children above sixth grade to the consolidated school was a focus of detailed research. After some struggle the children were admitted to the school and were bussed there each day. Initially, the Road children stood apart, were awkward, silent and "their clothing was out of keeping with the typical fashion for young people and was often ill-fitting".<sup>37</sup> Five months later the principal inquired whether the Road children had dropped out. This was not the case. Instead the Road children had now "blended".

One supposes that the children began to bring new ideas about deportment, clothing, values and motivation back into the Road neighbourhood.<sup>38</sup>

Though these ideas may have been the subject of ridicule and resistance at first, as the children continued to attend school and their numbers increased, change was accepted. The Road community was defined as being on the road to "sociocultural integration".<sup>39</sup>

Communities which were not on this road were identified as bearing ten characteristics. These were: economic inadequacy; cultural confusion; widespread secularisation; high frequency of broken homes; few and weak associations; few and weak leaders; few patterns of recreation; high frequency of interpersonal hostility; high frequency of crime and delinquency; weak and fragmented network of communications. Individuals in these disintegrated communities were said to manifest a psychological profile which was typified by the use of words such as apathy, anxiety, interpersonal hostility, depression, suspicion, and an unrealistic view of human affairs.<sup>40</sup> The people of the disintegrated communities were in the grip of two interlocking and self-defeating forces, one sociocultural, the other psychological. These people did not make use of the admittedly meagre resources available to them. Even more significant for the success of the "war on poverty", they were not in a position to make adequate use of the resources that might be offered them in

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<sup>35</sup> Leighton, "Poverty and social change", p.22.

<sup>36</sup> Leighton, "Poverty and social change", p.22.

<sup>37</sup> Leighton, "Poverty and social change", p.25.

<sup>38</sup> Leighton, "Poverty and social change", p.25.

<sup>39</sup> Leighton, "Poverty and social change", p.26.

<sup>40</sup> Leighton, "Poverty and social change", pp.26-27.

a development program. Though education and employment were necessary in change, what was needed also was the development of patterns of "social functioning: leadership, followship and practice in acting together cooperatively".<sup>41</sup> People needed to learn human relations, to gain confidence that things could be better and to be assisted to modify "the unrealistic and nihilistic views of the world" and that would develop the motivation to change. Then only would people be able to make use of the employment and educational programs offered as part of the "war on poverty".

One final and pertinent factor is that the Cornell study did not consider ethnicity as a factor in their study of the process involved in sociocultural integration. This was a concern for Oscar Lewis and he defined the culture of poverty as a sub-culture of the Western capitalist social order. It was both an adaptation and a reaction of the poor to their marginal position in a class-typified, highly individuated, capitalistic society.<sup>42</sup> Lewis excluded many of the poorest societies because, while living in dire poverty, "even the simplest of these peoples have a high degree of social organization and relatively integrated, satisfying and self-sufficient culture".<sup>43</sup> Members of the lowest castes in India were given as an example. Such communities, whose cultural, social and kin organisation were intact were outside the sub-culture of poverty. Other communities, such as in Cuba, were liberated by the revolution and, hence, excluded. Landless and dispossessed victims of the withdrawal of colonial governments were more likely to inhabit the sub-cultures of poverty, depending on the extent to which the colonial powers had been able to effect the disintegration of social and cultural life.<sup>44</sup> This paradigm seemed to fit the description of many contemporary Aboriginal communities in Australia in the 1950s and 1960s.

At the expense of overgeneralising, two fundamental points can be drawn out from these studies. In both paradigms, the paramount importance of the relationship between the individual and the community was demonstrated. While Lewis identified and legitimised the principal characteristics of communities living in the culture of poverty, the Cornell study demonstrated the value of both recognising and empowering a community to take the initiative and direct and control social changes. Both concluded that if social change were to be facilitated, then the agents of intervention would need to facilitate changes for the whole community. To isolate the individual/individual family was inevitably counterproductive. In Australia, however, the Department of Territories under Hasluck's guidance had steadfastly insisted that the primary agent in any process of social change must inevitably be the individual who must break from his group or the single family who must break from its community. The power of the community was regarded as negative, a hindrance to assimilation, undeserving of support and possibly a danger to the good health of the society. Policy was directed to breaking down the ties of community wherever possible. The new research challenged the basic premises about social change on which the assimilationist discourse had been constructed.

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<sup>41</sup> Leighton, "Poverty and social change", pp.26-27.

<sup>42</sup> Lewis, "The culture of poverty", p.23.

<sup>43</sup> Lewis, "The culture of poverty", p.23.

<sup>44</sup> Lewis, "The culture of poverty", p.23.

Catherine Berndt reflected this changed perspective when she challenged assimilation as a pathway for the transformation of individuals in "Mateship or success", published in 1962.<sup>45</sup> In Berndt's work, the new orthodoxies were explicated and the confluence of anthropology and the social sciences was specifically addressed.<sup>46</sup> Berndt used the term mateship to cover family and kin relations (*Gemeinschaft*) as well as those friendship relations which emphasised equality, friendship and personal loyalty.<sup>47</sup> Berndt identified the tension between the apparently opposing forces of mateship (kinship ties) and individual success. She drew a parallel between the research, particularly from North America, which argued that individuals often resist opportunities for personal advancement in favour of maintaining community ties (mateship), and Aboriginal resistance to assimilation.<sup>48</sup> The dilemma facing many Aborigines was one which was found also in many modern Western communities and the parallels should not be ignored. To expect individual Aborigines to break away from kith and kin to become the citizen isolate was no more likely to succeed as a paradigm for social change in the Aboriginal community than it had for capitalist settler societies.

The opportunity to find expression for the new directions in both anthropological and social science research came about in 1963 when the Social Science Research Council of Australia approved its third and most ambitious project, Aborigines in Australian society. Its broad objectives were:

elucidating the problems arising from contacts between Aborigines and non-Aborigines and formulating policy implications from these; drawing together existing knowledge in various parts of Australia and undertaking such further original research as can be carried out over a period of three years.<sup>49</sup>

C. D. Rowley, formerly the Principal of the Australian School of Pacific Administration, was appointed director of the project. Rowley's three volumes of research and analysis of Aboriginal policy drew upon his commitment to indigenous rights. His work stands as a clear rejection of the view that the individual should be the primary unit by which social change will be effected. While it would take some time for the Social Science Research Council's research, description and analysis of the problems of Aboriginal and settler contact to reach the public domain and to influence policy, it was obvious that the discourse which promoted the individual as the primary unit of social change and assimilation would have little, if any, credibility. Those practices which promoted the health, well-being and natural affinities of communities on the other hand, would be promoted. No new policy was possible, however, while Hasluck remained Minister for the Territories.

Following the appointment of Barnes as the Minister for Territories at the end of 1963, however, there was finally an opportunity to incorporate the new directions indicated in the invigorated analysis of the Aboriginal problem, just as Hasluck's departure from the Ministry had meant there was an opening to reform and review legislation. At the Aboriginal Welfare Conference (no longer called the native welfare

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<sup>45</sup> Berndt, "Mateship or success", and Berndt, "The quest for identity". See also, Rowse, *White power, white flour?*.

<sup>46</sup> Berndt, "Mateship or success", pp.85-86.

<sup>47</sup> Berndt, "Mateship or success", pp.71-72.

<sup>48</sup> Berndt, "Mateship or success", pp.86-88.

<sup>49</sup> Extract from the "Note on the Series", Fay Gale, *Urban Aborigines*, Australian National University Press, Canberra 1972. Series sponsored by the Social Science Research Council of Australia.

conference) in July 1965, and at the preceding meeting of the Directors of Aboriginal Welfare from the states and the Northern Territory, a number of important changes were made to the assimilation policy. Firstly, those elements which "might imply any imposition on Aborigines of goals set only by European administrators" were removed.<sup>50</sup>

... all persons of Aboriginal descent *will choose* to attain a similar manner and standard of living to that of other Australians and live as members of a single Australian community - enjoying the same rights and privileges, accepting the same responsibilities and influenced by the same hopes and loyalties as other Australians. Any special measures taken are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance and to make the transition from one stage to another in such a way as will be favourable to their social, economic and political advancement.<sup>51</sup> (my italics)

The Department of Territories considered the word "choose" the most significant word in the revised definition of the assimilation policy because it reflected the fact that Aborigines "themselves are deciding the extent and rate of change from their traditional way of life".<sup>52</sup>

Secondly, and of perhaps greater long term significance was that the Department expressed its preference for using the term "integration" instead of "assimilation" to describe policy. The introduction of the term integration represented both a new policy direction and a new way of conceptualising social change. It recognised the significance of groups - of mates - in any process promoting social change.

Aborigines of the far north and of some central parts will remain for decades distinct groups in appearance and will retain some of their social customs and spiritual beliefs...Likewise groups of part-Aborigines, mostly distinguishable in appearance from Europeans, will continue to exist for an indefinite period in the more populous regions of the continent; but they will be part of Australian society, whether working and taking their pleasures in it, or developing their own community life and enterprises. *Each group is an integer, a whole, distinct from, while yet belonging to the total Australian community.* Both these situations may be regarded correctly as expressions of integration, though they are at the same time part of the process of *assimilation in citizenship*.<sup>53</sup>(my italics)

In the official explanation for this change, the Department referred to a redefined citizenship, one which could incorporate different languages, customs, beliefs and values under the one nation without threat or diminution of national hegemony. The introduction of the term integration reflected Australia's transition from identifying primarily as a monoculturalist society to a nation which had embraced the concept of pluralism. Just as successive governments of Aborigines in the Northern Territory had found that Aborigines could be governed effectively without the status of wards of the state, nationally, immigrant groups had asserted that good citizenship and governability were not dependent on cultural assimilation.<sup>54</sup> The principal aim of the integration policy was the same as for the assimilation policy, asserted the Department, which

<sup>50</sup> The Northern Territory Administration, Welfare Branch Annual Report 1965-1966, pp.5-6.

<sup>51</sup> The Northern Territory Administration, Welfare Branch Annual Report 1965-1966, pp.5-6.

<sup>52</sup> Quoted in Aboriginal Advancement and What It Takes, prepared under the authority of the Minister for Territories with the co-operation of the Ministers responsible for Aboriginal welfare in the Australian States, for use by the National Aborigines' Day Observance Committee, July 1967. See also The Australian Aborigines, published by the Department of Territories and issued under the authority of the Minister for Territories the Hon. C.E. Barnes M.P. with the co-operation of the Ministers responsible for Aboriginal welfare in the Australian States, July 1967, pp.40-44.

<sup>53</sup> The Australian Aborigines, p.46.

<sup>54</sup> For example, see Jordens, Alien Integration.

was to help those Aborigines in need of guidance and assistance in their progress towards that general manner and standard of living which all Australians desire to have. Unlike the previous official interpretation of assimilation, integration enabled Aborigines to:

cherish, within the bounds of citizenship responsibility, their own languages, special customs, beliefs and values, just as, for example, various immigrant or religious groups do. Such a policy is what many people call integration, and, indeed, assimilation and integration are but aspects of that process by which *groups* of different cultural or racial backgrounds become fellow members of one community.<sup>55</sup>

Finally, the government acknowledged in its publicity material, mostly in veiled terms, that while integration was the option Aborigines preferred, it was still keenly aware of the danger that separate groups might turn to anti-social, anti-government and dissident practices. The discussion in "Difficulties on the Assimilation Road" from 1967, is typical.<sup>56</sup> The writer argued that "Part-Aborigines" had been conditioned through historical circumstances to regard themselves as "a people apart, an outgroup".<sup>57</sup> It was always hard to make a transition from an outgroup to an ingroup, and the writer cautioned that an integration policy might prolong separateness. He argued that, in the 1960s, a minority group was appearing of which "Part-Aborigines" were the "focus and mouthpiece" and Aborigines "the symbol".<sup>58</sup>

Words are symbols. Integration has a stronger racial and political connotation than assimilation, and so is made to suggest that Aborigines shall remain a group apart, to be integrated with the white or European group of citizens in a plural society. It is a protest against absorption. Some political influence has been suggested in this emphasis on integration...<sup>59</sup>

Having issued a caution, and having suggested vigilance, the writer reminded the reader that most importantly, with all legal obstacles removed, "Aborigines and ourselves will be truly fellow citizens".<sup>60</sup>

No longer would Aborigines walk down a lonely road. Instead they would be mates, together on the long march. Or would they? Suppose, as Stanner had mooted, they wished to go their own way?

### *The unwilling step*

I want to now return to Darwin, to the site of the case study for this thesis. When Frank Hardy visited Darwin in the mid-1960s, after the repeal of the Welfare Ordinance in 1964, he observed that a number of changes had taken place in the previous twenty years.

... Darwin has grown from a bombed-out village into a flourishing city of more than twenty thousand inhabitants. Every third person you see is an Aborigine and it's strange at first, the enigmatic aloofness, the frequent laughter.<sup>61</sup>

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<sup>55</sup> *The Australian Aborigines*, pp.40-44.

<sup>56</sup> *The Australian Aborigines*, pp.108-110.

<sup>57</sup> *The Australian Aborigines*, p.109.

<sup>58</sup> *The Australian Aborigines*, p.109.

<sup>59</sup> *The Australian Aborigines*, p.109.

<sup>60</sup> *The Australian Aborigines*, p.110.

<sup>61</sup> Hardy, *The Unlucky Australians*, p.11.

Following the repeal of the Welfare Ordinance in 1964, Aborigines were free to move about the town as they wished, constrained only by those laws and regulations which governed all Australians. Hardy frequently visited the Don Hotel and the Chinese Restaurant, both Darwin institutions. Aborigines could legally drink in hotels following the amendments to the Licensing Ordinance in 1964 though, generally, they were not to be found in the lounges and more comfortable bars where the settlers drank.

The Bull Ring (where it got the name from only God and Darwin humourists would know) is a huge lounge beside the hotel proper with an earth floor and bamboo street wall, through which we could hear talking and singing, with juke box accompaniment. The vision is strange for a new arrival in Darwin. Almost all the drinkers - around the multi-coloured tables, standing at the bar or dancing to the box in the alcove at the rear - are Aborigines. You hardly notice the few whites. (A racist was later to tell me: "The only whites who drink in the Bull Ring are nigger-lovers and gin jockeys.") The check shirts and cotton dresses are gay and most of the feet are bare.<sup>62</sup>

Hardy had identified one of the key characteristics of race relations in Darwin, which distinguished it from so many towns elsewhere in Australia, that is, that Aborigines were such a visible presence in the town. This was because firstly, they formed such a significant proportion of the population, and secondly, they lived within the town at Bagot, not on the outskirts of the town as was the case in so many other rural and outback towns in Australia. Yet, at the same time, segregation between settler and indigenous persisted in practice even after the legal barriers had been removed and there were still codes, albeit new, governing racial etiquette in place. Ironically, this separation has its origins in the way in which the Department of Territories' policy had been implemented to assimilate both Aborigines and settler Territorians during the 1950s.

In chapter six I described the way in which the Department of Territories had actively set out to assimilate the Northern Territory, and that part of that project had been to promote Darwin as a desirable town in which young middle-class families would want to live. Following the introduction of the Housing Commission, the camps had been broken up and the "Coloured" community had been eager to take advantage of accommodation in modern homes. Both the settler and "Coloured" communities had benefited from the increased federal investment in the Territory and there was an air of affluence about the town unknown in any previous era. An integral part of this process of assimilation had been to foster civic pride in the Darwin community and, in 1959, Darwin was declared a town and a municipal council was established.<sup>63</sup> But while the settler community had thrived in the decade since 1951, the opportunities for contact between the Aboriginal (wards) and settlers in Darwin had diminished. The gap between the increasingly affluent settler community and the impoverished wards living at Bagot had widened so much that the two communities almost never came together, not even incidentally, except on public occasions such as at organised sports activities. Australian Rules Football was the most popular sport played in Darwin and was the one at which Aboriginal players excelled. Nevertheless, the Aboriginal players and fans who were wards arrived at the games *en masse* by bus, and left in the same way after the game. There had been no opportunity for Aboriginal wards to socialise with non-Aborigines after the game, whether as players or

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<sup>62</sup> Hardy, *The Unlucky Australians*, p.13.

<sup>63</sup> The Status of Darwin Bill drafted to establish the Darwin City Council was read in the NTLC, 13 January 1959.



supporters. The Welfare Branch staged annual eisteddfods, Aboriginal cultural displays and put on the annual Bagot Open Day, but such occasions were not designed to foster any meaningful relationships between the Aboriginal and settler communities, but were rather to promote the activities of the Welfare Branch.

Apart from sports events, there were few occasions when settler and Aboriginal men who were wards were likely to even meet. The bus did not leave Bagot each morning to take the Aboriginal workers to town - there was no longer a place for gangs of Aboriginal workers in Darwin and most Aboriginal wards worked in training schemes at Bagot. Neither did the Aboriginal women have any more of an opportunity for contacts off the Reserve. As mothers and wards, the women took their children to the infant welfare clinic, pre-school and the school at Bagot. They rarely went shopping anywhere else other than at the Bagot store and it had been many years since Aboriginal women had worked as domestics. Neither did the children at Bagot have many opportunities outside of those formally organised activities to mix with the settler children in Darwin, as the Bagot children attended their own school. Opportunities for personal relationships to develop were, therefore, few. For men and women, most contact between settlers and Aborigines who were wards took place at the bureaucratic interface which heightened the general perception that the boundaries of Bagot segregated the Aboriginal and settler communities.

This was the context in which a struggle ensued over the future of the Bagot Reserve which raised the question as to whether there was a place for unassimilated Aborigines in a modern capital city such as Darwin. In the deliberations which followed, the contradictions which the administration faced in interpreting the role of government settlements is apparent. Firstly, there were the on-going difficulties with a policy which dictated that the individual was the exclusive agent for change when, in practice, Aboriginal wards were treated as an undifferentiated group confined in essentially institutional settings. Secondly, while it was policy that settlements were temporary living sites for Aborigines in transition, it was clear in practice that by far the majority of Aborigines did not want to move from the settlements into the towns, or in the case of the Bagot residents, into suburban Darwin. As far as the administration could determine, even if they did want to move, this group of Aborigines had neither the skills nor the resources to facilitate such a transition and this was the basis on which it defined Aboriginal resistance to assimilation. Finally, the Aboriginal reserve lands had been set aside for the use and benefit of Aborigines yet, as temporary living sites, the status and the relationship between Aborigines and the land dedicated for their use was unresolved. These contradictions in policy and practice are clearly demonstrated in the following narrative which takes place between 1959 and 1965 during deliberations over the future of the Bagot Reserve.

Not surprisingly, the popular, contemporary perception was that settlements such as Bagot were sites of segregation and places where human rights were abused. The question which Darwinians asked, however, was whether there was a place for a government Aboriginal settlement in the heart of a modern

capital city? These views were given voice in the NTLC when Darwin was declared a town in 1959.<sup>64</sup> The objections expressed to the presence of the Bagot Reserve were many and represented a range of view points but can be summarised thus. Firstly, Darwin's growing suburbs were now much closer to the borders of the Bagot Reserve, particularly its southern boundary. From the developers' point of view, access to the attractive Reserve lands would enable further subdivisions in suburban Ludmilla. Also, the Bagot Reserve separated the rapidly developing suburbs of Nightcliff and the planned subdivisions at Rapid Creek from the rest of the town. An obvious draw-back, even were some of the reserve lands made available, was that the houses in the subdivisions would be close to an Aboriginal Reserve, which the developers believed would reduce the value of the housing blocks. The Darwin City Council had approached Giese about removing the Bagot Reserve altogether so the land could be subdivided and keep its value.<sup>65</sup> Secondly, there was community unease about the presence of a large, segregated Aboriginal community in a modern capital city. The member for Darwin and champion of Aboriginal rights, Dick Ward, gave voice to this unease when he called for the removal of Bagot on the auspicious occasion of the reading of the Status of Darwin Bill.<sup>66</sup>

There is [a] monstrosity that we have in our midst... we find a place called Bagot Reserve... there has been a lot of trouble there; more trouble lately than in earlier years, and the indications are that the trouble is growing not lessening.<sup>67</sup>

Ward argued that if it was bad for Aborigines to be close to towns, it must be worse for them to be living in the middle of a city. The Reserve should be moved out of town or closed down altogether. For Ward, the presence of the settlement was akin to condoning the existence of a concentration camp. He held the view, widely shared, that Aborigines should be liberated from repressive and discriminatory legislation and therefore have the opportunity to find their own in place in society on their terms. The settlements were the sites of segregation and discrimination and, as such, were monstrosities in an affluent egalitarian society. Generally, the Darwin non-Aboriginal community considered that a large area of Aboriginal land and a visible segregated Aboriginal presence in the middle of the town were both unwanted anomalies in a modern city. Finally, the issue of alcohol was never far away in discussions about Bagot. The values of the whole Darwin community, wards and non-wards, apparently were undermined by the illegal supply and consumption of alcohol at Bagot.<sup>68</sup>

Hasluck, however, had made quite clear he would have no truck with the prospect of moving or closing down the Bagot Settlement. Giese, on the other hand, could see sense in at least reducing the size of the Bagot Reserve lands, which would go some way to appeasing the local council and the developers and possibly make the management of the Reserve easier. By 1960, Hasluck's opposition was no longer necessarily a deterrent to Giese and, hence, the negotiations over the future of the Bagot Settlement began in earnest in late 1961. A summary of the correspondence reveals the key concerns and the way in which a

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<sup>64</sup> In speaking to support the first reading of the Bill, Ward, the NTLC member for Darwin, also remarked on how inappropriate it was for the military services to have under their control such large areas of land within the city area and pressed for their withdrawal from the town. NTLCD, 13 January 1959.

<sup>65</sup> See NTLCD, 15 May 1959.

<sup>66</sup> NTLCD, 13 January 1959.

<sup>67</sup> NTLCD, 13 January 1959.

<sup>68</sup> For example, see Drysdale, NTLCD, 28 November 1960.

compromise was negotiated.<sup>69</sup> In his capacity as an official member of the NTLC, Giese defended government policy and stated that there were no plans to reduce the size of the Bagot Reserve or to move it elsewhere.<sup>70</sup> As the Director of Welfare, he recommended to the Department that the area of the Reserve could be significantly reduced. On Giese's advice, the Administrator argued that the population at Bagot had steadily increased so that the community who regarded Bagot as their "home country" was roughly 350 people who neither wanted nor necessarily could move elsewhere. Furthermore, the federal government had a considerable capital investment at Bagot against which the cost of moving elsewhere would have to be measured. Some Bagot residents undertook employment in Darwin and for this purpose, Bagot was conveniently located. The NTA recommended that the built up area of the settlement be retained which comprised some eighty-four acres. The remainder of the land could then be made available for subdivision.<sup>71</sup> In 1959, Giese had even made a plea on behalf of the Larrakia, and argued they should have some claim to their traditional lands.<sup>72</sup>

When Hasluck was asked to consider either the removal of the Bagot Reserve from Darwin, or at least a reduction in the area of the reserve lands, he was adamant, initially, that the Bagot Reserve land was dedicated for the "use and benefit" of Aborigines and should remain so. The arguments Hasluck used to defend the maintenance of the reserve lands both anticipate the later land rights discourse and emphasised his own understanding of history. Since being appointed Minister in 1951, Hasluck had consistently rejected various applications from the NTA to resume Aboriginal Reserve lands and had observed in 1952:<sup>73</sup>

In all matters relating to reserves the phrase "use and benefit" should not be interpreted only to mean wandering over the reserve for the purpose of hunting, food gathering or practising tribal rites even if these were the only uses to which the reserve was put at the time of its creation.<sup>74</sup>

Hasluck argued that in assessing whether reserve lands were of "use and benefit" to Aborigines, the prospective use of the land as well as the current use had to be considered. Aborigines ought to have the option to use the land in the future when they had reached a sufficient stage in their development to do so.<sup>75</sup> As always, Hasluck emphasised that his vision was long term. While it was true that he hoped the need for separate settlements would diminish, Hasluck argued that "even in the long term", there would be a need for "some institutions".<sup>76</sup>

I could not justify cutting up some hundreds of acres of the Bagot reserve for housing, if in thirty years' time the only land left for the next generation of aborigines was to be a long way out in the paddocks that nobody else wanted ... I suggest that we have to look at the

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<sup>69</sup> For a précis of the correspondence see Australia, Parliament 1974, Aboriginal Land Rights Commission, Second Report, April 1974, Parliamentary Paper no.69, The Government Printer of Australia, Canberra, 1975. The significance of the correspondence being summarised in this context is discussed later in this chapter.

<sup>70</sup> For example, Giese, 15 May 1959 and 11 April 1962, NTLCD.

<sup>71</sup> Memorandum, Administrator to Secretary Department of Territories, 4 October 1961, quoted in Aboriginal Land Rights Commission, Second Report.

<sup>72</sup> Giese, NTLCD, 13 January 1959.

<sup>73</sup> Hasluck, Shades of Darkness, chapter eight, "Land Rights".

<sup>74</sup> Minute of 28 April 1952 quoted in Hasluck, Shades of Darkness, p.108.

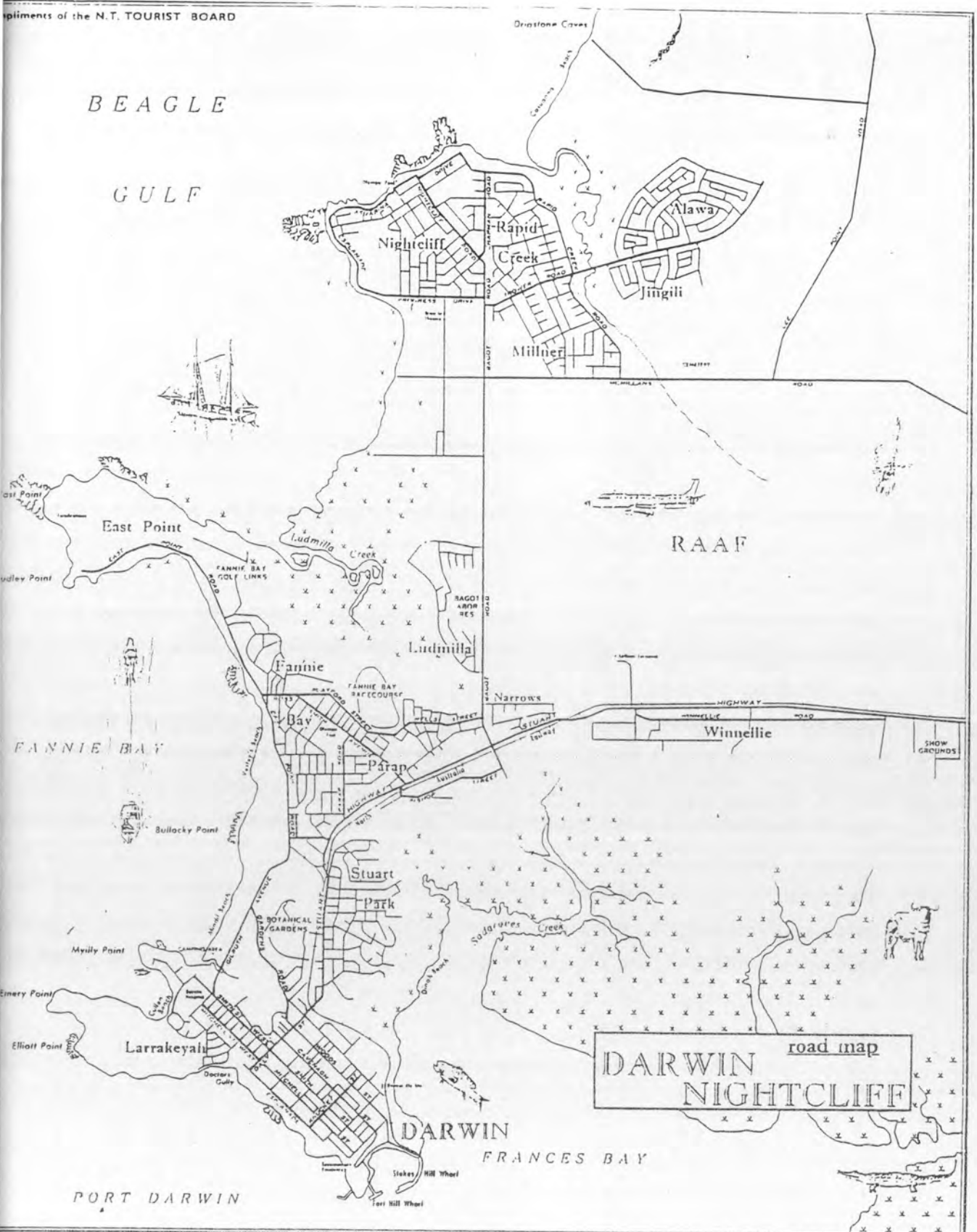
<sup>75</sup> Hasluck, Shades of Darkness, p.109.

<sup>76</sup> Secretary to Administrator, quoting Minister, 11 December 1961 in Aboriginal Land Rights Commission, Second Report, pp.56-57.

BEAGLE

GULF

Drystone Caves



road map  
DARWIN  
NIGHTCLIFF

Drawn by the Lands and Survey Branch,  
N.T. Administration, Darwin, N.T.  
1967

Map 3.

Darwin Tourist Map, 1967.  
State Library of the Northern Territory

proposal for the future development and use of the reserve for aborigines and not simply at a proposal for taking away some of it.<sup>77</sup>

In early January 1962, the Administrator outlined a possible compromise. A portion of the land proposed for revocation for residential subdivision, could be allocated to the Housing Commission on the understanding that houses would be made available to Aboriginal tenants, subject to judicious selection, to assist in the policy of assimilation.<sup>78</sup> Hasluck was persuaded by this suggestion but insisted that any changes to the reserve area should be gradual.

I am not prepared to reduce the reserve at one sweep but will only approve of a reduction stage by stage in keeping with the growing capacity of the aborigines to use the land in a new way.<sup>79</sup>

Hasluck suggested that land could be excised from the reserve in accordance with a formula determined by the number of "Mixed Blood" and Aboriginal families ready to move into Housing Commission houses. Roger Knott, the Administrator, responded with the following quite remarkable projections. The current outstanding applications for Housing Commission houses from "Part-Aboriginal" families stood at forty-nine and seven applications from Aborigines were expected over the next two years. During that time it was also expected that there would be further applications numbering about forty from "Part-Aborigines" so that all up about 100 applications for tenancies from "Mixed Bloods" and Aborigines could be expected by the end of 1964. Thus, if the ratio of two to one suggested in the Minister's minute applied, 300 residential blocks could be made available which was exactly the number of blocks that was required for the first stage subdivision on the Ludmilla boundary. Stage one of the subdivision would require the resumption of forty acres of Reserve land on the Ludmilla boundary and stage two would resume sixty acres on the settlement side of the aerodrome runway approach.<sup>80</sup> These projections were not just a marvel of coincidence. Generally, Aborigines (wards) were treated as a quite distinct group from the "Part-Aboriginal" community. In this example, however, the term "Aborigine" is used to define a quite different cohort. The "Part-Aboriginal" community and Aborigines who were not wards had the same rights of access to Housing Commission houses as settlers so that it was all the more surprising that Hasluck agreed to include this group in the projections for compensation to the Aborigines who lived at Bagot.

Nevertheless, Hasluck approved of the first stage of the subdivision only and on the condition that one in every three blocks obtained by the resumption was kept for Aboriginal housing,<sup>81</sup> and that a policy

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<sup>77</sup> Secretary to Administrator, quoting Minister, 11 December 1961 in Aboriginal Land Rights Commission, Second Report, pp.56-57.

<sup>78</sup> Secretary to Administrator, quoting Minister, 11 December 1961 in Aboriginal Land Rights Commission, Second Report, pp.56-57.

<sup>79</sup> Secretary to Administrator, quoting Minister, 11 December 1961 in Aboriginal Land Rights Commission, Second Report, pp.56-57.

<sup>80</sup> Administrator to Secretary, 20 June 1962 in Aboriginal Land Rights Commission, Second Report, p.57.

<sup>81</sup> Secretary to Administrator 10 July 1962, that Minister had approved stage one, 5 July 1962 in Aboriginal Land Rights Commission, Second Report, p.58.

opposed to segregation would require one block in three be set aside over the whole sub-division and not in any one section.<sup>82</sup> Later correspondence confirmed the agreement.

To ensure that the aboriginal people for whom the reserve was originally set aside, retain some *land rights* following revocation, the Housing Commission will make available to equivalent of one in three residential sites from the sub-division of the reserve throughout the other sub-divisions ...<sup>83</sup> (my italics)

The use of the term "land rights" in this memorandum is significant and indicates both the extent to which the mining industry demands for access to reserve lands had become a pressing issue for the government and that new terms and redefinitions were required to establish the parameters of these negotiations. A crucial principle encapsulated in Hasluck's decision was that reserve lands had been set aside for Aborigines and, therefore, if the lands were lost, there had to be some form of compensation. In the subdivision built on the resumed land in Darwin, recognition of Aboriginal prior "ownership" of land extended only as far as to give the streets in the subdivision Aboriginal names. For example, the streets in the new subdivision on the revoked Reserve lands were named after the great dancer Mosec, after Tudawali the actor, Namarluk the freedom fighter, Nadpur the activist and patrol officer Harney.<sup>84</sup> The question of compensation was resolved even less successfully though the significance of the fact that the statement of the principle of compensation had been reaffirmed at each stage of the decision making under Hasluck's ministry, ought not to be underestimated.

In May 1963, Secretary to the Department informed the Administrator that the Minister had approved of funds being provided to the Housing Commission, additional to normal funds, for building transitional houses for Aboriginal tenants as compensation for the resumption of the Bagot Reserve. These houses would be the property of the Housing Commission.<sup>85</sup> The Director of Welfare would nominate the tenants; during a limited period of training the Director would keep an oversight on the tenants and be responsible to the Housing Commission for the payment of rent, deposit and other fees including any damages caused by the tenant. At the end of the period of tenancy, the Director of Welfare and the Commission would jointly decide whether the family was capable of handling a Commission house. If so, then the agreement would become part of a normal tenancy and, if not, the family would have to undergo a further period of training.<sup>86</sup>

Following Hasluck's promotion in December 1963, the Welfare Branch in Darwin was once again quick to take advantage of the new Minister Barnes' inexperience. The conditions, enforced by Hasluck, under which Aborigines at Bagot would be justly compensated for the loss of reserve lands were liberalised, and Barnes gave permission for the stage two subdivision to go ahead. Hasluck had argued the second stage ought not to have proceeded until Aborigines had moved into the first twenty-five houses earmarked as

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<sup>82</sup> Minute, Minister to Secretary, in Secretary to Administrator, 13 December 1962, CRS F1/T65 72/8141, AAD.

<sup>83</sup> Memorandum, Administrator to Secretary, 15 March 1963, folios 168-169, CRS F1/T65 72/8141, AAD.

<sup>84</sup> See map showing revocations

<sup>85</sup> Memorandum, Secretary Territories to Administrator, 14 May 1963, folio 1, CRS F1/T65 72/8141, AAD.

<sup>86</sup> Memorandum, Revocation of Bagot Reserve and Houses for Aborigines in Darwin, Lambert to Administrator, 11 September 1963, folios 168-169, CRS F1/T65 72/8141, AAD.

compensation. The new Departmental Secretary, G. Warwick Smith, wrote to the Administrator in August 1964, informing him that permission was granted to revoke the land for the second stage of the subdivision of reserve lands for the following reasons, based on Giese's advice:

The developed area [of the reserve] is small and accommodates Aborigines working in or passing through Darwin. There is an annex to the Darwin Hospital for Aboriginal patients. There is a special school. The Welfare Branch is responsible for all welfare and municipal services within the occupied area. The branch resources are fully taxed and it is unable to develop or improve the un-occupied portion which requires clearing, drainage and beautification. The scrubland and swamps provide the seclusion ideal for drinking and gambling orgies and other forms of anti-social behaviour. The very nature of the land prevents adequate supervision by authority. There is no value in the land as separating Aborigines from the suburbs.<sup>87</sup>

Barnes thought the NTA proposal was vague about compensation to Bagot Aborigines and insisted that Hasluck's original formula be observed and that one third of houses be made available in Darwin as compensation.<sup>88</sup> This formula was finally watered down, however, and a new proposal suggested that any Housing Commission houses built anywhere in the Territory for use by Aborigines would be considered as compensation for the loss of the Bagot reserve lands.

It has been agreed that for the land allotted to the Housing Commission from within the Bagot Reserve the Commission will make available to Aborigines at least one block somewhere in Darwin for every three taken from Bagot...The Commission will continue to build houses for Aborigines throughout the Territory as the need arises and you expect that the total number of houses eventually available will occupy a land aggregate well in excess of the area of Bagot Reserve suitable for housing. It might be noted that very few of the Aboriginal occupants of Bagot are descended from the original inhabitants of the Darwin area...<sup>89</sup>

The official revocation of Bagot lands did not take place until 27 May 1965. In the Minister's press release about the revocation, he noted that the facilities on the reduced settlement area were being improved and that individual homes were being built in which Aboriginal people could gain experience of "normal" family home life under some "guidance", and be fitted to become fully responsible tenants in the general community. On the other hand, expanding opportunities for Aborigines were needed so they could obtain normal housing and employment in Darwin, whether they came direct from outlying settlements or through the special housing at Bagot.

A vital consideration in these plans had been to promote normal housing for Aborigines, but avoiding the segregation of their families into closed groups anywhere in Darwin.<sup>90</sup>

Tenancies in Housing Commission homes in the new Ludmilla subdivision, elsewhere in Darwin and in other Northern Territory towns would provide Aborigines with real opportunities to participate in the normal life of Territory communities and provide compensation to the Aborigines of Bagot for loss of reserve land.

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<sup>87</sup> Memorandum, Bagot Reserve Proposed Revocation, Secretary Territories to Administrator, 28 August 1964, folios 15-17, CRS F1/T65 72/8141, AAD.

<sup>88</sup> Memorandum, Bagot Reserve Proposed Revocation, Secretary Territories to Administrator, 28 August 1964, folios 15-17, CRS F1/T65 72/8141, AAD.

<sup>89</sup> Secretary to Administrator, 28 August 1964 in Aboriginal Land Rights Commission, Second Report, pp.59-60.

<sup>90</sup> Hon. C. E. Barnes, Press Release 2 June 1965, quoted in Aboriginal Rights Commission, Second Report, pp.61-62.

Before considering how the process of compensation worked in practice, it is important to recall that after November 1964, Aborigines were no longer wards of the state in the Northern Territory. The Welfare Ordinance and most other associated legislation was repealed and replaced with the Social Welfare Ordinance under which the government's rights to intervene in the lives of Aborigines were greatly reduced. This meant that, in theory at least, Aborigines had a choice about whether or not they would continue to live on the government settlements. They had not, however, been consulted about the revocation of their Reserve lands despite earlier Departmental insistence that the lands were dedicated for their use and benefit. The activities which the Branch described as "anti-social" and for which Aborigines used the bushlands would have been portrayed quite differently by the Aboriginal protagonists.

"Part-Aborigines" in the Northern Territory continued to access Housing Commission houses, but in order to at least appear to fulfil the terms of the agreement concerning the allocation of houses to Aborigines from Bagot Reserve in the subdivision, and as part of the general policy of promoting assimilation, the Welfare Branch had to find suitable and willing tenants. Even before the procedures for compensation were put into place, however, Chief Welfare Officer, E. C. Evans (who had promoted the self-help native housing scheme in the 1950s), warned of the difficulties the project would face. In July 1963, when it was known that the first houses would soon be available, Giese had asked Evans to oversee the nominations for suitable families who could move into the Commission houses and to prepare guidelines for selection procedures.<sup>91</sup> As stated earlier, the plan was that suitable tenants would move to Housing Commission houses in which initially they would be regarded as "in transition". The Welfare Branch would provide financial support and would help the tenants make the necessary adjustments. If the family settled in and managed the Housing Commission home, then they would transfer across to the Housing Commission as normal tenants. In his report to the Director of Welfare in 1964, however, Evans expressed serious reservations about the scheme. Firstly, he estimated that a married man with two children could not expect to pay rent and other costs to support his family in a Housing Commission house on less than £20 per week and there were certainly not twenty-five positions available in Darwin to wards which would pay £20. A conservative estimate was that the average weekly wage for wards was £8, so that a heavy subsidy would be required on the part of the Welfare Branch to help support the tenants. Secondly, the maximum number of families a welfare worker could be expected to supervise would be ten, but currently there was one welfare officer. No provision for extra funds had been submitted in the current budgets either to train extra staff or to take up the shortfall in the funds required to subsidise the tenants.<sup>92</sup> In September 1964, Evans submitted the first nominations who were David Kantilla, Nicholas Fernando and Michael Wilson, all family men. Evans argued that it would be possible to subsidise only two families and therefore the Branch could not afford to move any other tenants into Housing Commission houses unless they were earning at least the basic wage.<sup>93</sup> David Kantilla and

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<sup>91</sup> Memorandum, Giese to Chairman of the Housing Commission, 5 July 1963, folio 3, CRS F1/T65 72/8141 AAD.

<sup>92</sup> Memorandum, Transitional Housing for Aborigines, E.C.Evans to Director of Welfare, 26 May 1964, folio 12, CRS F1/T65 72/8141, AAD.

<sup>93</sup> Memorandum, Transitional Housing for Aborigines, Evans to Director, 24 September 1964, folio 18, CRS F1/T65 72/8141, AAD. Nicholas Fernando worked as a wharf labourer; Michael Wilson was a forestry trainee and David Kantilla's occupation is not given. Peter Marego and Jimmy Cooper were also considered.



family and Michael Wilson and family moved into Housing Commission houses under this scheme by 1965.<sup>94</sup> A more detailed report prepared in April 1965, showed the costs involved in subsidising tenants in the Housing Commission houses would be in the vicinity of £10 per week per household.<sup>95</sup> The Branch officer who wrote this report recommended that future tenants ought to be asked to demonstrate that they could save an increasing amount each fortnight before they became eligible for a Commission House. Giese, however, considered this impractical:

... there is no doubt that if we were to wait until all families are ready to purchase their own furniture and other home making requirements we would wait many years before we would be able to move families into these units.<sup>96</sup>

While the Welfare Branch subsequently was able to increase its budget allocation for funding subsidies to tenants in Housing Commission houses under this scheme, few residents at Bagot were tempted to leave the settlement. In December 1967, there were sixteen families in Housing Commission houses under normal tenancy arrangements, but still only two under the Welfare Branch subsidised scheme. By 1971, there were only seven Aboriginal families in Housing Commission houses under the Welfare Branch transition program. Instead of the number of tenants from Bagot increasing to fill the quota of twenty-five houses originally set down, the number of suitable tenants willing to make the transition had declined.<sup>97</sup>

Two separate official reviews addressed the problem of why, given the opportunity, individual Aboriginal families did not choose to move away from Bagot and, hence, significantly improve their standard of living? Put another way, why were Aborigines not taking advantages of the opportunities to assimilate? In both reviews economic factors were downplayed in favour of explanations which reflected the influence of the new orthodoxies about how social change could best be facilitated. In the first review in 1968, Les Wilson, the Superintendent of Bagot, addressed the specific problem of Aboriginal women in the Housing Commission transitional programme.<sup>98</sup> At a meeting at Bagot, Wilson met with a group of eight Aboriginal women who were at that time living in Housing Commission homes. The length of time in which women had been living in the wider community varied from five months to eight years. Wilson was prompted to action when, yet again, an Aboriginal woman and her four children had left her transitional

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No suitable applicants capable of earning an award wage were located on Bathurst.

<sup>94</sup> Folio 28, CRS F1/T65 72/8141 AAD.

<sup>95</sup> Memorandum, Problems Associated with Housing Aborigines in Housing Commission Homes, Richards Senior Clerk Aboriginal Welfare to Director, 2 April 1965, folios 28-30, CRS F1/T65 72/8141, AAD. An initial deposit of £5 was required for both electricity and the Housing Commission deposit, and £5.1.6. for one week's rent in advance. Furniture, crockery, linen and incidentals were calculated at approximately £400 (presumably the price of the purchase of new items). Michael Wilson, already occupying a transition house, was being given assistance at the rate of £10 per week to meet costs.

<sup>96</sup> Memorandum, Director of Social Welfare to Assistant Director Operational, 13 April 1965, folio 34, CRS F1/T65 72/8141, AAD.

<sup>97</sup> Memorandum, Special Schemes for Housing Aboriginal Families in Housing Commission Homes - Darwin, District Welfare Officer to Director, 11 October 1971, folios 120-122, CRS F1/T65 72/8141, AAD.

<sup>98</sup> Report submitted by Les Wilson, Transition Training Programme for Aboriginal Families - Bagot, Circular Memorandum no.51 of 1967/68, CRS F1 62/217, AAD. Les Wilson was the superintendent of Bagot at this time and his wife acted as a welfare officer.

home and had returned to Bagot with absolutely no intention of returning to her Housing Commission house.<sup>99</sup> The Superintendent produced a five page document outlining what were, in his opinion, the main difficulties with the transition program and with the programs to prepare settlement women for the transition. The document was circulated by the Welfare Branch to all settlements for comment by staff. According to Wilson, Aboriginal women found the isolation of the Darwin suburbs a major factor in their "failure" to remain in the transitional houses. Once their husbands were at work and the children at school the yawning silence of the day drove many back to Bagot. The stipulation by the Housing Commission that only single families could occupy houses meant others were unable to deal with the prospect of not being able to fulfil obligations of hospitality and reciprocity to relatives and community. Social acceptance from the non-Aboriginal community was a problem only in the sense that the requirements of the Housing Commission imposed restraints. Physical, cultural and emotional isolation were the most significant factors in what the welfare officers described as the cyclic system.

For twelve months they would train in transitional homes, transplant to Housing Commission homes, live in these for 3 months or less, when they would inevitably return to Bagot either for further training or for placement in Stage 1 homes again, because they would be so shaken as to prevent them from once again aiming for a life outside the settlement.<sup>100</sup>

Having provided a quite reasoned analysis of the situation, Wilson's recommendations that the number of female welfare officers employed to offer support to the families in the Housing Commission houses and in the training programs on the settlements should be increased, failed to come to terms with the problems he had addressed.<sup>101</sup>

A second review of the scheme was conducted in 1971 and demonstrates more clearly the influence of the new orthodoxies in analysing social change.<sup>102</sup> Economic factors were identified as significant, but not solely responsible for the failure of the scheme. After consultation with those already in Housing Commission houses, and those in transitional houses at Bagot, the report concluded that the failure ought principally be attributed to social isolation.

Although we may term the programme as assimilation there is no doubt that the process of absorbing single families into the open community is regarded by the Aborigines, at this stage of their development, as social isolation ... *loneliness* is the greatest single factor which leads to the failure of these persons to adequately cope with their new environment.<sup>103</sup> (my italics)

The same report was also critical of the method of selecting families to move into the Housing Commission houses. For example, Mrs Marjorie White was a resident at Winnellie and in 1964 refused to apply for a Commission House on the grounds that her own part-time salary and the irregular habits of her husband

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<sup>99</sup> The meeting was held 15 January 1968. Wilson explained to the women that the purpose of the meeting was to assist in determining the future of training programmes for families willing to become part on the larger Australian community. Circular memorandum no.51 of 1967/68, CRS F1 62/217, AAD.

<sup>100</sup> Circular memorandum no.51 of 1967/68, CRS F1 62/217 AAD.

<sup>101</sup> Wilson was apparently keen to have an increase in the number of welfare officers who would be directly responsible to him rather than to the Welfare Branch. See Wells, "A woman's work".

<sup>102</sup> Memorandum, Special Scheme for Housing Aboriginal Families in Housing Commission Homes - Darwin, 11 October 1971, folios 120-122, CRS F1/T65 72/8141, AAD.

<sup>103</sup> Memorandum, Special Scheme for Housing Aboriginal Families in Housing Commission Homes - Darwin, 11 October 1971, folios 120-122, CRS F1/T65 72/8141, AAD.

would mean that meeting rental payments could be a problem. She was nevertheless persuaded to move in but her husband moved out before she had the opportunity to make a success of the arrangement.<sup>104</sup> Wilson had also found evidence that many families had been persuaded to move into Commission Houses against their better judgement.<sup>105</sup> The 1971 report recommended that rather than isolate families, it might be better to think in terms of establishing "block settlements" of Aborigines. The writer acknowledged that such an idea might appear to promote segregation and ghettos, but:

If we are to tackle the problem realistically we must look at *the needs of the people themselves* ...<sup>106</sup> (my italics)

The Aborigines at Bagot repeatedly made clear by their actions that they were not particularly interested in moving into the Darwin suburbs away from kin and friends. For those who did wish to move, there were support services available, including financial support, but many found the inflexible conditions attached to living in suburban Darwin too great a burden. Given the few financial resources readily available to most Aborigines, Aboriginal visitors to Darwin usually stayed at Bagot as there were no other options apart from the unofficial camps. Once the legal constraints which had kept Aborigines residing at Bagot had been removed there had been no rush to break out of the so called concentration camp. No single reason can be given as to why this was the case, but evidence of the validity of Catherine Berndt's elegant construction of mateship and success as opposing options can be located in the Bagot Aborigines' actions. Berndt was not necessarily arguing against the assimilation of Aborigines as an ideal, but rather against the method which was used to facilitate assimilation which promoted the individual as the primary unit of social change. Aborigines did not appear to want to march, one by one, off Bagot and into the loneliness of suburban Darwin. Could the governments of the day come to terms with alternatives? Could the government respond, for example, to the challenges to make the settlements less like institutions and more like communities which supposedly would assist in the advancement of all community residents?

#### *From settlement to community*

Under Hasluck's leadership, the Department of Territories had been unable to resolve the contradiction that in theory settlements were intended as temporary staging posts to facilitate Aboriginal assimilation while, in fact, Aborigines did not want to live elsewhere and hence the settlements were clearly moving towards or had become permanent Aboriginal living sites. This contradiction was particularly obvious in the Northern Territory where settlements were often located on or close to traditional country so that ritual maintenance was ongoing and kin relationships could be maintained.

The same lack of infrastructure, isolation, sparse resources and lack of investment which limited settler economic enterprise in the Northern Territory hinterland, also frustrated likely opportunities for

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<sup>104</sup> Memorandum, Special Scheme for Housing Aboriginal Families in Housing Commission Homes - Darwin, 11 October 1971, folios 120-122, CRS F1/T65 72/8141, AAD.

<sup>105</sup> Circular memorandum no.51 of 1967/68, CRS F1 62/217, AAD.

<sup>106</sup> Memorandum, Special Scheme for Housing Aboriginal Families in Housing Commission Homes - Darwin, 11 October 1971, folio 120-122, CRS F1/T65 72/8141, AAD.

Aborigines to develop economically viable enterprises should they have chosen to. While on the one hand, the slow development of resources created a buffer zone beyond which Aborigines could manage their affairs as they wished, they were also tied to the settlements and missions by economic necessity. The question of the future of the government settlements was compounded by the likely consequences of the decision handed down by the Commonwealth Arbitration Commission to vary the Cattle Industry (NT) Award in 1965. The Department of Territories had been in no doubt that the decision would result in Aboriginal unemployment in the cattle industry, and that pastoralists would seize the opportunity to remove all Aborigines who were not employees and who had been previously classified as dependents off their the stations wherever possible. In most cases, the settlements were the only places to which this new wave of dispossessed Aborigines could go. In 1964, when the Department had been deliberating over wages paid to settlement workers, the Administrator had stated bluntly, there was "no reasonable hope" of a substantial flow of workers from the settlements to private industry because unskilled jobs were relatively scarce in the Territory.<sup>107</sup> In 1967, Department had stated categorically:

Given the current economic prospects and plans most settlements are unlikely to become economically self-sustaining communities supporting large numbers of people at an Australian standard of living from present local resources.<sup>108</sup>

Successive governments struggled with two key questions. If settlements were recognised as the legitimate living places for Aborigines, then would this not mean that governments were condoning segregation? The living conditions on most settlements were at the very least poor and often appalling, so not only would the government be condoning segregation, but also grossly unequal access to the basic facilities necessary for a reasonable standard of living. The cost involved in providing for a standard of living equal to the basic standards available off the settlements was considered by successive governments as not only prohibitive but as also likely to discourage Aborigines from ever moving away from those remote areas in which there was little hope, at that time, of any economic development. On the other hand, the contemporary research outlined in part one of this chapter generally indicated that Aborigines would be much more likely to successfully assimilate if the settlements functioned as communities rather than as training institutions for collections of individuals. To what extent then, could the government be persuaded to improve living conditions on the settlements and to promote activities which were likely to lead to the development of healthy functioning and essentially self-governing communities? These were the new challenges which began at the point where this thesis concludes. With varying degrees of success, settlement councils were set up in the hope of giving Aboriginal residents some responsibility for the management of their communities.

The principles involved in the concept of land rights were not easily understood and were certainly not embraced by the conservative federal Liberal-Country Party governments in the 1960s. It is ironic that many of the Aboriginal reserves lands were better protected under Hasluck's ministry than under the later

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<sup>107</sup> Memorandum, Administrator to Territories, 26 August 1964, folios 187-189, CRS F1 62/2540, AAD.

<sup>108</sup> Memorandum, Secretary Department of Territories to Administrator, 23 October 1967, folios 87-89, CRS F1 66/1233, AAD.

more liberal governments. Not until the election of the Labor Party Government in 1972, however, was the way finally open to complete the final phase of the transition from settlement to community. In 1974, the Aboriginal Land Rights Commission, reviewed the decision-making process set out in part two of this chapter, which had resulted in the revocation of the Bagot Reserve and the subsequent implementation of compensation. It concluded, firstly that Aborigines had not been compensated for the loss of land and, secondly:

The simple truth of the matter was that the scattered integration of Aborigines was not what they wanted. They lost a large area of useful land and have nothing to show for it.<sup>109</sup>

The Commission recommended that the Bagot Reserve should be leased to a committee of residents, and that future planning for Aborigines in towns must involve consulting them to discover their wishes.<sup>110</sup> Even in 1974, this was a radical decision. To have reached the point where such a decision could be made, however, the successive governments had undertaken their own long march from a position that settlements could only ever be temporary to admitting the possibility of permanence not just of the physical environment but of the legitimacy of the Aboriginality of the residents.

### *Conclusion.*

In 1961, Hasluck had argued against breaking up Aboriginal reserve lands which had been dedicated for the "use and benefit" of Aborigines. At the same time, however, he insisted that the government settlements were only temporary staging posts on the long march to citizenship and assimilation. Settlements could not be considered as permanent because federal policy did not permit the existence of groups segregated from the society on the basis of race. The existence of Aborigines as a group separated from society would only be tolerated as long as they were obviously making progress towards assimilation into the Australian society. Aboriginality, itself, was but a temporary state. In the stages before complete assimilation, which were determined by assessing the manner of living of individuals and assessing the ability of each to live independently, individuals were classified as wards and were excluded from both the full responsibilities and obligations of citizens, but also access to the full civil rights and citizenship. In fact, as I argued in chapter seven, Aborigines were treated as an undifferentiated group of second class citizens.

During the 1960s, the legitimacy of the long march as a metaphor for social change was challenged on many fronts. In this chapter I have argued that one of the most influential challenges derived from the revised paradigms for facilitating social change constructed by the social scientists which identified not the individual but the community as the most effective starting point in bringing about assimilation. After Hasluck, governments attempted to incorporate aspects of the revised paradigm into the practice of governing Aborigines. In the Northern Territory, Aborigines were already gathered together on the settlements and missions and, therefore, intervention which aimed to foster and promote a sense of community as a way facilitating assimilation ought to have been relatively easily incorporated into the programs for settlements. An even greater challenge to the assimilationist orthodoxy, however, was the view

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<sup>109</sup> Aboriginal Land Rights Commission, Second Report, p.62.

<sup>110</sup> Aboriginal Land Rights Commission, Second Report, p.63.

that Aboriginal culture and society were legitimate and that Aborigines had the right to maintain their identity. If this view were accepted, then no case could be made to justify denying Aborigines access to full civil rights, whether or not they had joined in and completed the long march. The greatest challenge of all to the metaphor of the long march as the paradigm for assimilation, however, was that so few Aborigines either embarked on or completed the long march. Many Aborigines did not regard assimilation as either a personal goal or one that their kin or community embraced.

In practice, no direct line can be drawn between the demise of the assimilationist orthodoxy and the assumption of an orthodox status for the newer ideologies based on land rights, self-determination and the legitimacy of Aboriginal identity. The process of change was much more arbitrary. There was but one constant - Aboriginal resistance to assimilation. Tracking the changes in the approaches to the function of the government settlements is just one way of demonstrating the responses to the questions about Aboriginal intransigence to assimilation. In the decade between 1964 and 1974, successive governments responded by changing the apparent function of the Bagot settlement from being a temporary staging post for individual training where Aboriginal wards were compelled to live, to an integrated temporary community on the way to assimilation where Aborigines could choose to live, to its final declaration as a permanent incorporated self-directed Aboriginal community.

## CONCLUSION.

"From time to time there is public criticism of the treatment meted out to Aborigines and much is made of incidents, frequently discussed out of their context. But one of the most striking facts of our time in Australia is the remarkable change in the short space of thirty years in Aboriginal conditions, in policies, in attitudes towards Aborigines, and in public interest. To those who have been closely connected with the change, it is a veritable revolution - for the better. The Aborigines are increasing; they are "on the march"; citizenship is theirs. In 1933 it was hard even to conceive of such things; but now they are inevitable".<sup>1</sup>

The Australian Aborigines, Department of Territories, 1967.

This thesis argues that the years between 1939 and 1967 were a discrete period in settler-indigenous relations in the Northern Territory, which I have called the assimilation era. I have demonstrated that what distinguished this period from any other in the policy and practice of governing Northern Territory Aborigines was the construction that there ought to be a nexus between successful assimilation and citizenship. The evidence presented in this thesis has supported the proposition that only in this period in the history of settler-indigenous relations in the Northern Territory were citizenship and assimilation linked in this way. This thesis, by analysing assimilationism in this period, has provided a context for the origins and evolution of assimilation as a national aspiration which shaped both the policy and practice of governing Aborigines.

This thesis has explored assimilationism through examination of contemporary policy and administration and the official government records for the period are the main resources on which the evidence presented in this thesis is based and therefore the principal voice heard in this thesis is that of the policy makers. While there were many more voices both supporting and contesting assimilationism, they were missing often from the official records and are, therefore, generally absent from this thesis. Most obviously, there is not an authentic Aboriginal voice here. This thesis has argued, however, that the project to assimilate Aborigines was a settler construction from which Aborigines were deliberately excluded. My purpose was to analyse the policy and practice of assimilation and, therefore, the direction of this thesis was determined by two questions: how did successive governments imagine Aboriginal assimilation could be facilitated and how could unassimilated Aborigines be governed? Both these questions mirror the preoccupations of the successive governments that attempted to implement the assimilation policy. The responses to both these questions are located in official evidence originating

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<sup>1</sup> The Australian Aborigines, p.110. In the Forward to this publication, the Minister for Territories thanks Emeritus Professor A.P. Elkin, C.M.G. for his part in writing and advising on the production of this book. I think this quote could fairly be attributed to Elkin.

from documents concerned with policy making and administration. By implementing assimilation policy, successive governments sought to control, govern and change Aborigines.

One of the main benefits of this approach has been to challenge the over-simplifications used to represent and describe assimilationism. Thus far, popular characterisations of the assimilation period have swung like a pendulum, presenting at one extreme a benign and naive interpretation, common in the contemporary settler community, that Aborigines should become "like us", and at the other that assimilationists were malevolent, brutal racists. Academics and intellectuals also have found evidence of an enduring racism in the project to assimilate Aborigines presented most often in the guise of cultural imperialism. This thesis shows, however, that such paradigms contribute little if one seeks to understand the actions of the contemporary protagonists who genuinely believed that they were building a future in which racism would have no place.

As this thesis has shown, to date there has been little historical research conducted into this period in the Northern Territory. The two most informed and only texts are Tatz's doctoral thesis completed in 1964, and Rowley's trilogy, completed in the early 1970s. This thesis has broken new ground because it offers a new paradigm for both analysing and understanding the context in which settler government action took place during this period. In the current lexicon of settler-indigenous relations, the term assimilation is constructed to represent the antithesis of indigenous self-determination and indigenous rights. Its use has become taboo in Australian government policy-making and, unless the user wants to be identified with the extreme right, the successful assimilation of individuals or groups would not be expressed as a desired outcome of any government action. It is, therefore, all the more important to remember that in the late 1930s, when the New Deal was first announced, the explicit recognition of the possibility of Aboriginal assimilation and citizenship was conceived by many in both the settler and Aboriginal communities to have been innovative, humane and just. Until we can successfully separate the intentions from the outcomes of settler policy, then the possibility of repeating the same mistakes, based on the same good intentions, will always be imminent.

In response to the question of how Aboriginal assimilation could be facilitated, this thesis has shown that settling Aborigines was regarded by governments as crucial. In the text of documents such as the New Deal and in the Department of Territories' publicity materials, there were three recurring images of Aborigines. Firstly, there was the representation of Aborigines as primitive, nomadic and ungovernable; secondly, there were the detribalised fringe dwellers who represented a danger both to themselves and to the nation and, finally, there were the civilized, settled Aborigines who were, therefore, governable. Settler Australians were asked to imagine individual Aborigines travelling along a road stretching from the primitive to the civilized. Aborigines were reified according to settler constructions of social advancement, progress and individual sophistication. It was because Aboriginal



advancement was conceived in this way that the metaphor of a journey (from the primitive to the civilised) was so attractive to contemporary settlers and, therefore, has been included in the title of this thesis. The government settlement program, a legacy of previous attempts to settle Aborigines under the policy of protectionism, was reconceptualised as one the essential tools in Aboriginal assimilation. On the settlements Aborigines would learn by example, guidance and tutelage how to live in the same way as civilised, settler Australians.

In response to the second question of how unassimilated Aborigines could be governed, this thesis has argued that the ways in which unassimilated Aborigines were governed depended on the role played by citizenship in maintaining national hegemony at any given time. Three questions guide the process of deconstructing citizenship: to what kind of nation do we belong; what kind of nation do we want to build for the future and who may belong? The origins of the construction that only successfully assimilated Aborigines could be citizens can be located in the contemporary understanding of citizenship and its role in nation building and protecting national hegemony. In the period before 1939, citizenship was the mechanism used to control membership of a highly regulated industrial nation in order to protect settler Australians from any threat to their standard of living. Settler Australia's agenda to colonise the continent of Australia as one nation and one people (white) both framed and was informed by the dominant racist discourse based on Scientific Racism and Social Darwinism. At the same time, the dominant racist discourse described Aborigines as inherently inferior and destined to die out as a race. Aborigines were not so much deliberately excluded as citizens, but ignored.

This thesis has gone on to illustrate how biological egalitarianism, which contended that all *men* were created equal and should therefore be treated equally before the law, displaced racism. Those who believed in egalitarianism argued that Aborigines could become citizens. This did not alter the contemporary perception among policy-makers that only assimilated Aborigines could possibly meet the obligations or understand the rights of citizenship, but it did renew the question of how unassimilated Aborigines would be governed? In response, the federal government changed legislation governing Aborigines so that an individual's manner of living, rather than membership of a particular racial group, would regulate access to citizenship. Unassimilated Aborigines were governed as wards of the state. Wardship was enacted as a temporary state, a staging post on the long march, and therefore the government argued, it could not be conceived of as discriminatory. Aborigines who were wards were governed at segregated sites, mostly missions and government settlements, by legislation specific to wards, referred to euphemistically as "special measures".

One of the advantages of having a case study of the implementation of assimilation policy at the Bagot government settlement in Darwin in this thesis, is that it illustrates the extent to which governments allocated to the settlements a dual role as the sites for governing unassimilated Aborigines

and as the sites for implementing programs to facilitate Aboriginal assimilation. At the same time, just as successful assimilation was a pre-condition of access to full civil rights, so too was it a pre-requisite for many other privileges or rights in both the private and public domains for Aboriginal wards of the state. Far from being the places from which individual Aborigines progressed to live in settler urban settings, I have shown that the settlements frequently became permanent Aboriginal living sites and sometimes fully integrated communities. At the Bagot settlement, the Aboriginal residents lived in impoverished and overcrowded conditions which could not be compared with the facilities provided for the settler community, either on or off the settlements. The evidence presented in this thesis shows that any attempts to up-grade facilities, initiated by the residents or by the administration, were met with a barrier constructed by policy which dictated that if Aborigines were ready for facilities on a par with the settler community, then they were assimilated and should move off the settlements and live independently "like us".

By using the Bagot settlement as a case study, the practice of assimilation policy has been observed at first hand. At such sites, the origins of the apparent gulf between expected outcomes of policy and the reality of policy in practice become clear. I have used the term bureaucratic custodianship to describe the way Aborigines were governed on the settlements. Contemporaries employed in administering policy exhibited frustration and anger at Aborigines' failure to assimilate and their apparent inability to recognise and work towards a common goal. Consequently, Aborigines were described as lazy, apathetic and indifferent to opportunities for advancement. By the end of the decade of the 1950s contemporaries identified a correlation between bureaucratic intrusion and the progressive loss of initiative on the part of the Aboriginal protagonists on the settlements. The evidence presented in this thesis shows this to be the case at the Bagot settlement.

The final chapters of this thesis have provided an analysis of the government response to a two pronged attack on the assimilation policy which derived from a single question: why were Aborigines not assimilating and becoming citizens? Aborigines' failure to successfully assimilate after the fashion set down in government policy was taken up as a popular issue, as well as being addressed by academics and by successive governments. I have argued that the revised paradigms for social change, represented in the various speculations about Aboriginal intransigence to advancement, challenged contemporary assimilation orthodoxy. Finally, those theories that promoted the individual as the primary vehicle for social change were discredited. As discussed in chapter eight, Catherine Berndt argued that the individual, confronted with the opportunity for social advancement, had to choose between mateship and success. Why would an individual want to leave the security and support of his or her community to strike out alone? I have argued that few Aborigines who lived at Bagot considered this scenario an option despite the lure of better housing and various other benefits on offer off the settlement. Increasingly, there was also greater settler awareness about Aboriginal affinity with kin and country. The revised

paradigm demonstrated that efforts to promote social change should be directed at whole communities and groups. This was a direct challenge to the assimilation orthodoxy, but Hasluck steadfastly maintained that an individual's primary affinity must be to the state and that all other loyalties be subsumed, lest they become subversive.

As the civil rights discourse consolidated, so too did the perceived correlation between access to full civil rights and the anticipation of a subsequent rise in the standard of living of individuals. The apparent successful assimilation of the "Coloured" community in Darwin, and that community's relatively high standard of living, was frequently attributed to its liberation from any form of discriminatory legislation. The Federal Council for Advancement of Aborigines and Torres Strait Islanders (FCAATSI), subscribed to such a view. The FCAATSI's goal was the repeal of all discriminatory legislation and to end segregation based on race. Conversely, the FCAATSI argued, one of the major causes of the poor standard of living of most Aborigines was their lack of access to civil rights. Full civil rights, it was argued, could actually facilitate assimilation based on a rise in the standard of living of individuals and communities.

The thesis has demonstrated that in this era, the separate strands of assimilation and citizenship were wound together like threads of DNA, providing the blueprint for the way Aborigines in the Northern Territory would be incorporated as members of the nation. Neither the question as to how Aboriginal assimilation could be facilitated nor the question of how unassimilated Aborigines could be governed were resolved in the settler imagination in the assimilation era. The search for possible solutions continues in a discourse which problematizes Aborigines. Nevertheless, the chapters of this thesis have demonstrated that the relationship between Aborigines and the state was renegotiated between 1939, and 1967 and that recognising Aborigines, firstly as wards of the state and then as citizens, represented a turn around in settler government policy. In 1939, government policy dictated that only assimilated Aborigines could be governed as citizens. After 1967, all Aborigines henceforth would be governed as citizens. The 1967 referendum symbolised both the end of the assimilation era, and the beginning of the search for an articulate pan-Aboriginal identity. By the late 1960s, cultural pluralism had finally replaced the monocultural nationalism of the previous era, at least as an aspiration. Between 1939 and 1967, settler Australia revised its understanding of the role of citizenship in maintaining national identity. Concurrently, approaches to facilitating social advancement, and hence assimilation, changed. This thesis has identified the way these changes were incorporated into policy and practice in governing Aborigines in the Northern Territory.

Australia is clearly involved in redefining its national identity as the year 2000 approaches. There has been a revived interest in deconstructing citizenship in terms of gender, race and ethnic identities. There has been little historical research so far which has been able to provide a voice for the

various meanings citizenship might represent for Aborigines. The Northern Territory Government is pressing for statehood in 2001, yet many in the Aboriginal community in the Northern Territory do not share such aspirations and identify the federal government as more representative of their interests. We need to locate the characteristics of citizenship the settler community has imposed on the Aboriginal community. In this thesis I have not aimed to give voice to Aboriginal understandings of citizenship, but it is one of the most important directions for future research.

Finally, the assimilation policy and the practices derived from it were rejected by both the settler community and the indigenous community. I hope the greatest contribution this thesis will make to the historiography of settler-indigenous relations is that, in separating the intentions of the assimilationists from the outcomes of policy, a revised understanding of past and present relations will be fostered.

**AUSTRALIAN ARCHIVES, CANBERRA. (AAC)**

**CRS A1 Correspondence files, annual single number series**

- 33/8782 Aboriginal Welfare Conference Melbourne 1933
- 35/565 Establishment of canteen at Kahlin Compound.
- 36/7014 Corroboree at Darwin Compound.
- 36/13297 Education for Aborigines, NT.
- 38/329 Wages of Aborigines and Half-castes. Conference, May 1930.
- 35/4434 Appointment of Medical Anthropologist into the Northern Territory.
- 38/31785 Correspondence between Elkin and McEwen.

**CRS A220/1 Correspondence files (Staff Personal Files)**

- S39/606 Chinnery Part 1

**CRS A263 Album of Anthropological Photographs in connection with the Aboriginal enquiry Central and North Australia**

- A263 Photographs. Aboriginal enquiry Central and North Australia by J.W. Bleakley.

**CRS A431 Correspondence files, annual single number series**

- 1946/378. Pix Weekly. Pictorial visit of photographer and artist to Northern Territory.
- 1946/1928. Article on the Northern Territory prepared by Department of Information for publication abroad.
- 1948/184. Northern Territory Industrial Arbitration.
- 1949/822. Aborigines - right to vote.
- 1950/294 Aborigines - Northern Territory - conditions of employment
- 1950/597 Citizen rights for Aborigines - Northern Territory
- 1950/2446 Publicity Northern Territory. General.
- 1950/3697 Part A. Fred Waters and Lawrence. Representations on behalf of.
- 1950/3697 Part B. Correspondence re State of Aborigines and "Fred Waters Case".
- 1951/866 Government policy re Aborigines in Northern Territory
- 1951/1200 Namatjira Albert, question of ownership of land in Northern Territory.

## **CRS A431/1**

50/3697 Parts A and B. Representations made by unions and other organizations and persons regarding conditions for Aborigines, Darwin.

## **CRS A406 Correspondence files, annual single number series with E prefix**

A406/62 E1957/1 Part 2. Part 3. Select Committee on Voting Rights.

## **CRS A432 Correspondence files, annual single number series**

1951/107 Fred Waters V Commonwealth - Wrongful arrest and detention claim for damages for false imprisonment.

A432/77 1957/3146 Welfare Ordinance (N.T.) 1953-1955 - commencement.

A432/81 34/1674 Rough notes on the position of the Northern Territory. Grenfell Price, Dry Season, 1932.

## **CRS A452 Correspondence files, annual single number series**

1951/1682 Deputations to Hasluck during visit to NT 1951.

1951/1736 Northern Territory Australian Association for the United Nations Welfare of Aborigines and descendants.

1952/226 Berrimah Aboriginal Reserve.

1952/414 Houses for Half-castes - Darwin - Northern Territory

1952/541 Government policy re Aborigines in the NT part 2

1952/538 Northern Territory Aborigines Ordinance and Regulations.

1952/539 Northern Territory Aborigines Ordinance and Regulations.

1953/8 Wards' Employment Ordinance - Northern Territory.

1953/9 Part 1. Welfare Ordinance - Northern Territory.

1953/48 Northern Territory. Native Welfare Committee - Record of meeting 29/9/1952.

1953/510 Rationing of Aborigines at Berrima Reserve NT

1953/511 Bagot Native Hospital NT

1954/12 Darwin prohibited area- for Aborigines Northern Territory.

1954/194 Education of Half-Castes, Northern Territory.

1954/617 Register of Wards under (Native Welfare Ordinance) - Northern Territory.

1955/158 Aborigines Welfare Board - re General Aboriginal Matters - Northern Territory.  
1956/735 Welfare Branch - organisation - Northern Territory.  
1956/744 Part 1. Child Welfare Ordinance - Northern Territory.  
1957/397 Statement - Commonwealth Policy on General Welfare Of Aborigines - Northern Territory.  
1957/479 Council for Aboriginal Rights - general file.  
1957/535 Citizen rights for Aborigines - Northern Territory (General Representations).  
1958/4955. Welfare Ordinance - Northern Territory.  
1961/5890 Historical information on labour employment policy for wards in the Northern Territory

**CRS A452/1**

1955/144 Permission to enter Aboriginal reserves - applications 1955-1957.  
1956/210 Regulations under the Welfare Ordinance - NT.  
1956/744 Child Welfare Ordinance - Northern Territory.  
1956/1543 Publicity - Aborigines General - Northern Territory.  
1957/535 Citizenship Rights for Aborigines - Northern Territory (General Representations)  
1957/761 Native Welfare Policy - Northern Territory  
1580 Register of Wards - Northern Territory  
1957/2842 Wards Employment Ordinance, Northern Territory.  
1958/657 Proposed inspection tour of welfare establishments by Minister and parliamentarians - Northern Territory.  
1958/1253 Visit of Minister to the Northern Territory.  
1958/4576 Writ issued out of Supreme Court N.T. - by wards against administrator and director of Welfare.  
1958/4955 Welfare Ordinance - Northern Territory.  
1959/2266 Review of policy and functions of the Welfare Branch, Northern Territory.  
1960/2479 Urgent motion in parliament on Aboriginal Welfare.  
1960/8435 Declaration of Aborigines and part coloureds as wards under the Welfare Ordinance.

**CRS A518/1 Correspondence files, multiple number series**

852/1/512 New Guinea - Moy F.H.

**CRS A461 Correspondence files, multiple number series, third system**

A461 D300/1 Aborigines and Half-castes - North and Central Australia. Report by J.W.Bleakley.

**CRS A659 Correspondence files**

1943/1/1451 Part 1,2. Bleakley's Report on aborigines of North and Central Australia. Part 1.

**CRS A659/1**

39/1/15580 Halfcaste Girls Home, Darwin. Community response to establishment of home.

40/1/7551 Halfcaste Boys Home Pine Creek

**CRS A6006 Folders of copies of Cabinet papers**

1930/06/24. Report by J.W. Bleakley on Aborigines in North Australia and Central Australia.

**CRS A1200 Photographic negatives and prints L series**

**CRS M1776/1 Volumes of Instructions issued by the Minister to the Department of Territories, June 1951 to 18 December 1963.**

M1776/1 Volume 2. Instructions to Department 1/7/52 to 31/12/52.

M1776/1 Volume 4. Instructions to Department 1/7/53 to 31/12/53.

M1776/1 Volume 15. Instructions to Department 1/1/59 to 30/6/59.

M1776/1 Volume 16. Instructions to Department 1/7/59 to 31/12/59.

**CRS M331 and M331/2 Ministerial files relating to the Territories.**



AUSTRALIAN ARCHIVES DARWIN, NORTHERN TERRITORY. (AAD)

CRS F1 Correspondence files, annual single number series

- 37/159 Transfer of Aboriginal Compound
- 38/46 Half-caste/Aboriginal Policy
- 38/366 Kahlin Compound and Half-caste Home
- 38/354 Aboriginal Compound (Bagot Aboriginal Reserve)
- 38/710 Road to Bagot Compound
- 39/549 Enquires re Aboriginal Affairs NT from Ab. Societies etc.
- 39/83 Aboriginal Trust Fund Policy
- 39/408 Aboriginals Ordinance
- 40/478 Aboriginal and Half-caste Matters General
- 40/763 Welfare of Female Half-castes
- 40/664 Appointment of Women Protectors at Alice Springs, Darwin and Jay Creek
- 40/805 Precautions taken by Native Affairs Branch for safeguard and protection of Aboriginal and Half-caste women in the vicinity of the camps along the North South Road
- 40/807 Northern Standard - Press attacks on Native Affairs Branch
- 41/549 Enquires re Aboriginal Affairs NT by Mission Societies
- 42/406 Native Affairs Branch - Staff and Policy Matters
- 45/122 Native Affairs - Staff and Policy Matters
- 45/269 Aboriginal Compound, Bagot Reserve, Darwin
- 47/331 Welfare of Natives - Conference of Directors 1947
- 47/440 Aboriginal Reserve Bagot
- 48/81 Half-caste Housing Policy Darwin
- 48/204 Aboriginal Welfare Conference
- 49/568 Proposed Aborigines Ordinance 1949 and Regulations
- 49/625 Deputations for Ministers Visit to NT
- 50/3 Aboriginal Matters - General
- 50/34 Berrimah Reserve
- 50/165 Bagot Aboriginal Native Hospital

50/243 Visit of Minister for the Interior

50/562 Native Affairs Branch Organisation

50/607 Pension Rights for Aborigines in the Northern Territory

51/572 Aboriginal Strikes

51/744 Half-caste Progress Association

51/783 Half-caste matters - general

51/1001 Commonwealth States Conference on Native Welfare, September 1951

51/1133 Conference on Native Affairs, Darwin, December 1951

52/226 Berrimah Aboriginal Reserve

52/997 Patrol Reports

52/999 Applications for Exemptions (Aborigines Ordinance 1918-1947)

52/1160 Native Welfare Ordinance Parts 1 and 2

53/800 Welfare Branch Aboriginal Ordinance 1953, declarations

54/984 Welfare Branch Commonwealth and States Welfare Conference

55/154 Welfare Ordinance

55/611 Welfare Branch Aborigines Ordinance 1953

55/1076 Employment of Aborigines - General

55/1119 Part-Coloured Housing Policy, Darwin

55/154 Welfare Ordinance

57/696 Employment of Aborigines - General

57/748 Welfare Ordinance Amendments

57/1032 Erection of 20 Houses for part-coloured families, Darwin

58/1219. Welfare Branch. Classifications of wage rates for wards employed on Welfare Branch Settlements

58/1318 Welfare Branch Training Projects for Settlements, 1958-59

58/1426 Aboriginal Employment on the waterfront

58/1710 Employment of Aborigines wages and conditions

58/2057 Welfare Ordinance

59/58 Training Courses on Bagot Settlement

59/265 Filming of three documentary films on the Northern Territory

59/273 Council For Aboriginal Rights Filming NT

59/609 Bagot Aboriginal Reserve ration returns and correspondence

59/1585 Employment of Aborigines - general

59/2159 Native Welfare Conference 1959

59/2316 Reports on wards undergoing training

59/3232 Welfare Branch payment of wages to wards

59/3271 Employment of Aborigines wages and conditions

61/219 Welfare Branch Monthly Reports

60/810 Welfare Branch Part-coloured Housing Programme

62/217 Bagot Settlement - social and cultural change

62/1365 Aboriginal Matters General

62/2540 Welfare Branch. Payment of wages to wards on settlements

62/2730 Welfare Branch. Survey of Aboriginal wards in employment as at June 30 1958

63/1697 Welfare Branch Bagot payment of wages to wards

64/658 Select Committee to enquire into proposed social welfare bill

64/1464 Bagot Settlement Home Management Centre

66/345 Control and Patrol Activities Leichardt District

66/1233 Welfare Branch. Classification and wage rates for Aborigines employed in W.B. settlements

67/1222 Information for Aborigines on the Australian way of life

67/1478 Erection of kitchen/dining room, single male quarters and 8 transitional houses Bagot Settlement

68/3879 Training Aboriginal Women in Housework and Domestic Arts - Policy, Programme and Surveys

68/5100 Personal employment and adjustment problems of Aborigines

71/1940 Welfare Division Bagot Settlement Payment of wages to wards (Aborigines)

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