

**Commonwealth Aboriginal Policy in the Northern  
Territory: 1911-1939**

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## **Acronym List**

AIATSIS = Australian Institute of Aboriginal and Torres Strait Islander Studies

ABM = Australian Board of Missions

APNR = Association for the Protection of Native Races

AWU = Australian Workers Union

CMS = Church Missionary Society

HREOC = Human Rights and Equal Opportunity Commission

MMS = Methodist Missionary Society

NAWU = Northern Australian Workers Union

NTER = Northern Territory Emergency Response

NTPLA = Northern Territory Pastoral Lessees Association

UN = United Nations

VRD = Victoria River District

## Abstract

This thesis investigates the outcomes of Australian Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. In 1911 the Australian Commonwealth acquired control over the Northern Territory, which to that point had been a jurisdiction of South Australia. It was the first time since Australia's Federation in 1901 that the Australian Commonwealth had had control over a large Aboriginal population. Due to this, the Commonwealth aimed to set the example for other Australian States and Territories in relation to the governance of Aboriginal Australians.

The way in which the Australian Commonwealth governed Aboriginal Australians between 1911 and 1939 has not been replicated. After the outbreak of World War Two in 1939 and the subsequent Nazi atrocities that occurred, the international community began to reject colonial political systems and governance methods. Many of these systems had been founded upon 19<sup>th</sup> century race paradigms and these too began to be deconstructed and rejected internationally.

Prior to these political and ideological shifts, Australian Commonwealth legislation and policy was influenced by such colonial paradigms and ideologies. This made the 1911 to 1939 period a unique era of Commonwealth governance of Aboriginal people. There were various outcomes for the Aboriginal people who were subjected to these policies and practices. This was especially evident in the areas of non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment, as these three key areas were focused on within legislation and policy.

This thesis will investigate the outcomes of Commonwealth Aboriginal policy in these three areas. Multiple research methods will be adopted to conduct this critical analysis. These include archival research, primary source analysis and secondary source analysis. By adopting such methods this thesis will analyse outcomes within the three key policy areas focused on by the Australian Commonwealth between 1911 and 1939 in the Northern Territory.

Much of the literature that has investigated this period has focused on specific outcomes in the areas of non-Aboriginal and Aboriginal relations, child welfare or employment. This thesis has been more extensive in that it provides a thorough and extensive analysis of all these areas of Commonwealth policy. This provides a holistic investigation of the outcomes of Commonwealth Aboriginal policy between 1911 and 1939 in the Northern Territory and demonstrates how these policies affected the lives of Aboriginal people in a number of areas.

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## *Chapter One: Introduction*

### **1.1 1911 to 1939: A Unique Era of Commonwealth Aboriginal Policy**

In 1901 the six separate British self-governing colonies of New South Wales, South Australia, Victoria, Tasmania, Queensland and Western Australia federated to form one nation. Federation and its subsequent processes saw Australia become a nation with its own federal government. At the time, Section 51 (xxvii) of Australia's Constitution did not allow the newly formed Commonwealth to construct laws regarding Aboriginal people. That responsibility was relegated to the States, who while ceasing to be separate colonies, still retained their own systems of government:

*The parliament shall subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to... (xxvii) The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws (Commonwealth of Australia Constitution (UK) Act 1900: 11: s51).*

In 1911 though, when the Commonwealth acquired control of the Northern Territory from South Australia via the *Northern Territory Transfer (Cth) Act 1910*, it became responsible for approximately one quarter of Australia's Aboriginal population (Attwood and Markus 2007: 1). Under Australian law, the Commonwealth was then able to legislate for Aboriginal people living within the newly defined boundaries of

the Northern Territory. The Commonwealth then sought to set a legislative, policy and enforcement example in Aboriginal affairs that might be adopted by the States and Territories.

The approach the Commonwealth adopted remained constant until 1939, when the outbreak of World War Two and post-war period influenced political and social change internationally. Changes including the rejection of colonial behaviours slowly resulted in the Commonwealth remodelling its Aboriginal policy and legislation. Initially, during the war years, Aboriginal issues in the Northern Territory were largely ignored as the attention of the Commonwealth was captured by the war. Following the conclusion of World War Two, the international community then started to initiate decolonisation processes (Donovan 1984; Reynolds 2001). Throughout the colonies of European powers, de-colonisation began and racial vilification was slowly deconstructed due to the impact of Nazi atrocities committed during World War Two. Australia became a founding member of the United Nations (UN) which came into operation on the 24<sup>th</sup> of October 1945 (Human Rights and Equal Opportunity Commission [HREOC] 2010). In 1948 Australia also became a signatory to *The Universal Declaration of Human Rights*, showing the international community that it was dedicated to the protection of human rights (HREOC 2010). This included the human rights of Aboriginal people (HREOC 2010).

Within the Northern Territory these international commitments caused a shift in Commonwealth governance of Aboriginal people. Reference to race and 'caste' were removed from legislation including the *Welfare Ordinance (Cth) 1953*. Further,

frontier violence was no longer tolerated, workers' rights campaigns emerged and there was a growing support for Aboriginal land rights. While discrimination against Aboriginal Australians continued, as seen in the Stolen Generations and Stolen Wages cases, the way Aboriginal people were governed was not as it had been during the 1911 to 1939 period (Stevens 1968; HREOC 1997; Hokari 2000; Sutton 2003). This thesis will analyse Commonwealth governance of Aboriginal people during that period of time.

Between 1911 and 1939 the Commonwealth sought to set the example for the States and Territories in Aboriginal affairs. The Northern Territory was the only jurisdiction in which they could attempt these aims. Specifically, the Commonwealth proposed to regulate Aboriginal people with regards to their relations with non-Aboriginal people, child welfare and employment and constructed legislation to allow for Aboriginal people to be controlled in these areas. The legislation which contained these measures included the *Northern Territory Aboriginals Act (SA) 1910*, the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. While the *Northern Territory Aboriginals Act (SA) 1910* was a South Australian Act, it was read in conjunction with the Ordinances between 1911 and 1939. Consequently, this era was unique in relation to Commonwealth governance of Aboriginal people in the Northern Territory. Aboriginal people faced a plethora of outcomes with regards to relations with non-Aboriginal people, child welfare and employment. Outcomes in these areas will be investigated throughout this thesis.

## **1.2 Research Aim**

The primary aim of this thesis is to examine the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. In order to achieve this aim I will initially illustrate the ideological and political influences which shaped Commonwealth governance of Aboriginal people during that era.

By identifying the ideological influences of the period I will clarify the extent of their influence over the various aspects of Commonwealth governance of Aboriginal people. I will also demonstrate how they impacted on political factors that occurred prior to Commonwealth takeover of the Northern Territory in 1911. This involves critically analysing measures adopted by State and Federal actors before Commonwealth acquisition. This includes South Australian Aboriginal legislation, previous government research on Aboriginal people and the White Australia Policy. The investigation of these areas will highlight the impact these political measures had on Commonwealth governance between 1911 and 1939.

Having clarified the ideological and political influences over the Commonwealth, this research will then conduct its primary aim of investigating the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. Investigation of outcomes will be focused on the areas of non-Aboriginal and Aboriginal relations, Aboriginal child welfare and employment. As future chapters will demonstrate, these were the key focus areas of Commonwealth Aboriginal policy.

### **1.3 Thesis Structure**

To achieve the outlined research aims, this thesis has been divided into seven main chapters. Chapter Two provides a literature review which analyses existing research in the field. This includes research into Aboriginal involvement in employment industries, Aboriginal child removal and general histories of Aboriginal affairs. This will illustrate that the majority of research conducted on Commonwealth governance of Aboriginal people has been part of wider studies, which have not been as specific as this thesis. I also discuss and highlight differences between the focus of this research and that of research similar to this thesis. This includes the works of Markus (1990) and Austin (1993; 1997). This will demonstrate the original contribution that this thesis makes towards research in the field and how this work improves on previous research.

In Chapter Two I also discuss literature regarding the theory of evolution, specifically analysing its influence over Commonwealth Aboriginal policy which was enacted and enforced between 1911 and 1939. This will illustrate why the ideological influences of the period are examined in Chapter Four, as they stemmed from literature on evolutionary ideology. Further, it will contextualise the source of many evolutionary paradigms. This is relevant to this thesis as evolutionary theories are discussed throughout future chapters in relation to Commonwealth policy development and enforcement.

Chapter Three discusses the methodology adopted for this thesis. I utilised a triangulation methodological approach which has enabled this study to combine the use of multiple sources. Consequently, cross examinations have been conducted between data sets in order to validate or discard multiple findings. Within the triangulation approach, I utilised three specific methods. These were archival research techniques, primary source analysis techniques and secondary source analysis techniques. The benefits and deficiencies of each method are discussed and I highlight the ways in which deficiencies were circumvented.

Chapter Four addresses the ideological influences over Commonwealth Aboriginal policy in the Northern Territory. The polygenism and monogenism debate of the nineteenth century defined Indigenous people as non-human (polygenism) or human (monogenism). Due to Darwin's (1871) development of evolutionary theory, monogenism became the influential paradigm amongst colonists. While the theory of monogenism defined Aboriginal people as human, its proponents still exerted racial prejudice against non-white people. The theories stemming from monogenism and evolutionary ideology further influenced colonial beliefs and discriminated against Aboriginal people. These theories include natural selection, social Darwinism, miscegenation and eugenics. Chapter Four demonstrates that these theories shaped the enactment and enforcement of Commonwealth Aboriginal policy.

Chapter Five critically analyses the political context of the Commonwealth's role in the Northern Territory between 1911 and 1939. The political context of the period had been shaped prior to Commonwealth takeover. Political actions including

South Australia's *1899 Aborigines Bill* and the introduction of the White Australia Policy shaped the political views and activities of the Commonwealth. These influences were further evident regarding the political context between 1911 and 1939. Chapter Five illustrates how the political context shaped Commonwealth governance of Aboriginal people, which later affected policy outcomes.

Having addressed the ideological and political influences over Commonwealth Aboriginal policy, subsequent chapters investigate the outcomes of those policies in the areas of non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment. Chapter Six analyses the outcomes of Commonwealth policy focused on the regulation of non-Aboriginal and Aboriginal relations. As colonial ideologies stigmatised mixed-descent people and cross racial interactions, Commonwealth policy was aimed at regulating non-Aboriginal and Aboriginal relations. In order to investigate the outcomes of this aspect of the Commonwealth's policy, Chapter Six analyses key events and Commonwealth actions including the 'half-caste' census, Baldwin Spencer's appointment as Chief Protector, Commonwealth focus on Aboriginal women, the *1937 Aboriginal Welfare Initial Conference of Commonwealth and State Aboriginal Authorities* and Federal Minister for the Interior Jack McEwen's 'New Deal'.

Chapter Seven critically examines the outcomes of the Commonwealth's Aboriginal child welfare regulations. As had been witnessed in all Australian states, colonial governments focused attention on Aboriginal children as the subjects of government intervention. This was evident in the case of mixed-descent children, who

were seen as a nefarious threat to race 'purity' and the White Australia Policy. In order to investigate the outcomes of Commonwealth Aboriginal policy in this area, I focus on five key points. These are the Commonwealth focus on mixed-descent children and their removal from Aboriginal families, Commonwealth child institutions, Chief Protector Cecil Cook's involvement in child removal processes, missionary involvement in child removal processes and the missionary dormitory system. While missions and their dormitory systems were not government institutions, they assisted with and followed Commonwealth practices.

Chapter Eight addresses Aboriginal employment, the final facet of the Commonwealth's legislative focus. Between 1911 and 1939, the majority of Aboriginal people employed in the Northern Territory worked in the pastoral industry (Kidd 2007: 72). While White Australia Policy supporters wanted the Northern Territory to be racially, socially and economically 'white', the Commonwealth desired a profitable pastoral industry. For that to occur, the industry required cheap Aboriginal labour. Consequently, the Commonwealth sought to regulate Aboriginal employment in the pastoral industry. Chapter Eight investigates the outcomes of Commonwealth Aboriginal employment policy by critically analysing discrimination in the pastoral industry, the Commonwealth's failure to uphold Ordinance employment regulations, Aboriginal wages, Aboriginal rations and the Commonwealth's trust fund system.

The seven main chapters of this study will investigate the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939.

This thesis will also serve as a warning to contemporary Australian governments that continue to construct race-based legislation regarding Aboriginal people. This research will remind Australian governments that policy which impinges on the rights of a group results in negative outcomes for the group in question. This work will illustrate that it is time for notions of race, colour and difference to be taken out of Commonwealth Aboriginal policy and for the adoption of approaches that are more inclusive, egalitarian and unified.

## 1.4 Terminology

It should be noted that throughout these chapters there will be references made to Aboriginal and non-Aboriginal Australians that are offensive by contemporary standards. Between 1911 and 1939, race ideologies influenced colonial attitudes towards Aboriginal Australians and it was acceptable amongst colonists to discuss Aboriginal people in terms of caste and ‘blood quantum’. Terms including ‘octoroon’, ‘quadroon’, ‘half-caste’ and ‘full-blood’ will appear throughout the thesis when they are used in original texts. As they do not reflect my opinion and in order not to offend, they will be placed in inverted commas. Alongside these categorisations, quotations taken from administrators and settlers between 1911 and 1939 may also contain offensive language describing Aboriginal Australians. Again, they have been included as they offer insight into the beliefs and actions of those governing Aboriginal people at the time. Further, throughout this thesis I will refer to Indigenous Australians as Aboriginal Australians. The term Indigenous was not used to describe Indigenous Australians during the 1911 to 1939 period and therefore, I will use the term Aboriginal.

Also, terms such as ‘white’ which categorise non-Aboriginal Australians according to skin colour will be placed in inverted commas. Such terms are general, offensive and fail to reflect the diverse ancestral origins and experiences of many non-Aboriginal Australians. In order for these terms to become out-dated and irrelevant, those which are offensive to non-Aboriginal and Aboriginal Australians, it is

important to acknowledge that they are not acceptable by contemporary standards and should not continue to remain in today's lexicon.

## *Chapter Two: Literature Review*

### **2.1 Introduction**

There has been much research conducted on the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. Literature relating to this topic has fallen within two main categories. These categories include literature regarding Commonwealth policy in the Northern Territory and literature focused on evolution debates and implications. Within this chapter I will discuss these areas of literature and will begin by analysing existing research in the field. This will highlight gaps in the literature and discuss how this thesis addresses those gaps. I will then investigate literature regarding evolution, as it influenced colonist's views, beliefs and actions towards Aboriginal people. Further, I will critique the ideologies inherent in evolutionary literature, as they influenced Commonwealth Aboriginal policy. Lastly, I will examine Commonwealth Aboriginal policy in relation to its three main policy themes. These are non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment and will be the focus of the investigations in this thesis.

The existing research in the field has examined a number of areas concerning outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. There have been studies relating to Aboriginal employment, Aboriginal child removal, and general histories of Aboriginal affairs.

While these various texts have contributed to the field, there are also gaps in the literature. Some texts do not provide an overall examination of Commonwealth Aboriginal policy outcomes and do not investigate how the effects of different policy areas had negative outcomes for Aboriginal people in relation to non-Aboriginal and Aboriginal relations, child welfare and employment. When analysing Commonwealth Aboriginal policy between 1911 and 1939, these areas need to be focused on as they were specifically targeted by the *Northern Territory Aboriginals Act (SA) 1910*, the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. Consequently, Aboriginal people's lives were affected across these areas as opposed to one specific part.

Further, the wider investigations conducted by Markus (1990) and Austin (1993; 1997) have on occasions been devoid of Aboriginal opinion or have not explored the political context of the Northern Territory between 1911 and 1939. In this chapter I will demonstrate that this thesis will include Aboriginal opinion and discussions of the aforementioned political context. I will also discuss how this thesis will examine and contribute to literature gaps found in other research.

Literature regarding evolution is also important to the investigation of the outcomes of Commonwealth Aboriginal policy. Evolutionary specific literature was developed in Britain, North Western Europe and America. Its ideologies were then transported to British colonies including Australia. Such literature discussed Aboriginal groups and Aboriginal Australians in terms of evolution, race hierarchies and theories including natural selection, social Darwinism, miscegenation and

eugenics. This literature influenced colonial society and the Commonwealth administrators governing Aboriginal people in the Northern Territory. Specifically, it influenced the development and enforcement of policy.

This influence was evident in Commonwealth legislation active in the Northern Territory between 1911 and 1939. I will demonstrate that this Commonwealth legislation was shaped by evolutionary literature and subsequent race theories and ideologies. The legislation will be analysed in this chapter and it will be demonstrated that Commonwealth legislation focused on the governance of Aboriginal people in the areas of non-Aboriginal and Aboriginal relations, child welfare and employment. Due to the Commonwealth focusing on these areas of governance, subsequent chapters will examine the outcomes of Commonwealth Aboriginal policy within those areas.

## **2.2 Research on the Outcomes of Commonwealth Aboriginal Policy in the Northern Territory: 1911-1939**

Research investigating the outcomes of Commonwealth Aboriginal policy in the Northern Territory prior to World War Two has generally stemmed from studies focusing on wider investigations. This has included research on the pastoral and employment industries, Aboriginal child removal and general histories of Aboriginal affairs. While these investigations may not have specifically focused on outcomes of Commonwealth Aboriginal policy in the Northern Territory, they will be examined

here as they have covered topics relevant to this study.

There have been many investigations into Aboriginal involvement in employment industries within the Northern Territory. Texts including those of Stevens (1968), McGrath (1987) and Rose (1991) were groundbreaking in that they questioned the treatment of Aboriginal employees in the Northern Territory's pastoral industry. These texts investigated the treatment of Aboriginal employees within the pastoral industry, shedding light on the fact that Aboriginal workers were exploited and mistreated.

In *Equal Wages for Aborigines* (1968), Stevens argued that Aboriginal employees in the Northern Territory's pastoral industry were treated poorly. Stevens (1968: 11) suggested it was a regular occurrence for European employers to breach regulations pertaining to Aboriginal workers' rights. In relation to these breaches, Stevens stated that "the Regulations appear to have been honoured more in breach than in fact" (1968: 11). Similarly in *Hidden Histories*, Rose suggested that the Northern Territory's pastoral industry exploited and denigrated the Aboriginal people it employed:

*Classified as wards of the state and as inmates of cattle station 'institutions' until the 1967 referendum allowed them to become citizens of their own country, their rights were massively restricted, their voice largely unheard. Neither their bodies, nor their children, nor their labour, nor the fruits of their labour were their own* (1991: xxi).

In her analysis of Aboriginal workers' contribution to the Northern Territory's pastoral industry, McGrath (1987) also argued that exploitation was rife in the industry. Further, McGrath suggested that Aboriginal people's contribution to the industry and the modernisation of Northern Australia has been neglected within Australian history:

*Aborigines worked the stations...they have made the cattle industry their own...yet so far he [male Aboriginal worker] has been excluded from our national legends because of racism and his position in the story of colonism. White male bush workers were transformed by our pastoral frontier into a glorified 'nomad tribe', while Aboriginal pastoral workers have been dismissed* (1987: viii).

While these texts have analysed the mistreatment of Aboriginal pastoral workers and rejected particular historical constructions, some of them, including McGrath's (1987) *Born in the Cattle*, have been criticised for being Eurocentric. For instance, Sykes suggested of McGrath's (1987) text:

*The research methodology [of Born in the Cattle (1987)] includes utilisation of the oral histories from Aboriginal and non-Aboriginal people... despite the oral histories, the book is a very white perspective. At one point in the middle of the*

*book McGrath writes 'When I (a white woman)...' which, by that stage, is superfluous (1989: 1-3).*

While being criticised for displaying Eurocentricism, texts including those of McGrath's (1987) paved the way for further research. Further studies conducted by McGrath (1995), Reynolds (2000), Gray (2001) and Anthony (2004) continued to investigate the pastoral industry in northern Australia. They have illustrated the hardships faced by Aboriginal pastoral workers prior to the 1960s when there were not ubiquitous rights for Aboriginal employees. For instance, Reynolds found that Aboriginal employees' contributions to the pastoral industry were great, yet were often made under duress, the threat of violence and poor conditions: "Black employees were often pressed into service, held against their will, rarely paid and made to work as long and as hard as the white boss willed. Inattention, incompetence or negligence – or what was called 'cheekiness' – resulted in assault by fist, boot or stockwhip, or all three" (2000: 8).

These texts addressed important topics relevant to this thesis including Aboriginal slavery, treatment of women in employment services and the discriminatory practices of employers of Aboriginal people. While these texts provide investigations into the treatment of Aboriginal workers in the Northern Territory, in contrast to the present work, they do not include research regarding the outcomes of Commonwealth policy in areas including non-Aboriginal and Aboriginal relations and child welfare. The present work has accomplished this by incorporating the plight of

Aboriginal workers, but also demonstrating how outcomes in other areas culminated to affect all aspects of Aboriginal people's lives.

Also important to the focus of this thesis are investigations that have been conducted on Aboriginal wages. This has included the research of Stevens (1968), the Australian Senate (2006), Anthony (2007), Gray (2007) and Kidd (2007). These studies have addressed the issue of Aboriginal wages in the Northern Territory's pastoral industry. Stevens (1968) pioneering research found that from its establishment to the late 1960s, the Northern Territory pastoral industry did not pay its Aboriginal workers, or allow them development in the workplace: "The situation which is being 'accepted' by the administration is not only one by which food, clothing, money and medical services have been withheld, but one in which the means to knowledge and skills for alternative pursuits has been denied" (1968: 57).

Kidd found that while there were sections of the Ordinances that required Aboriginal workers to be paid in the Northern Territory, this did not occur in the pastoral industry:

*In the pastoral industry...where the chief protector admitted that withholding wages [to Aboriginal workers] meant 'all the difference between working the stations at a profit or loss', the government did not pursue payments to workers. Although most pastoral stations were largely dependent on Aboriginal workers, the chief protector said the payment of cash wages would pervert their attitude to work (2007: 71).*

The most comprehensive investigation on this subject is the Australian Senate's (2006) *Senate Committee Report: Unfinished Business Aboriginal Stolen Wages*. The report examined Aboriginal stolen wages and provided a comprehensive study which encouraged further investigations. A key finding of the Australian Senate's report was that the withholding of wages had had a direct impact on the Aboriginal employees affected:

*The direct impact relates to the consequences of withholding the wages and savings of Indigenous workers as well as the misappropriation of monies and the non-repayment of wages and savings. These controls not only related to monies earned by Indigenous people but also to the control of employment conditions, the ability to undertake paid employment (for normal 'white' wages) and the ability to pursue opportunities for an improved career (2006: 5.2).*

The Australian Senate (2006) further investigated wage controls, access to Commonwealth entitlements, trust funds, savings accounts and repayments of monies.

While research on stolen wages has been extensive, the present work offers a more contextual analysis of stolen wages. This is achieved through providing a framework for how wages were part of a wider set of issues relating to Commonwealth Aboriginal employment policy in the Northern Territory. Issues include discrimination in the pastoral sector, a lack of Commonwealth enforcement of

Aboriginal legal rights, rationing and the Commonwealth's relationship with church groups who employed Aboriginal people during the period under investigation.

In relation to outcomes of Commonwealth Aboriginal policy in the Northern Territory, research has also been conducted on Aboriginal child removal. The research of Austin (1990), Cummings (1998), Zogbaum (2003) and Hossain (2006) have specifically focused on issues of Aboriginal child removal in the Northern Territory between 1911 and 1939. These studies investigated child removal while also examining the question of whether child removal processes were part of a wider eugenics movement that saw administrators, particularly Dr. Cecil Cook, attempt to 'breed out the colour'. Austin suggested that Cecil Cook's policies represented a eugenic 'solution' to the perceived Aboriginal 'problem':

*Cook's 1931 view of the fact of a growing number of people of mixed descent never really changed and his policy of 'breeding out the colour' by inducing Half-caste women to marry European men is the best-known element of his welfare policies: it represents an ultimate eugenicist solution (1990: 113).*

Other investigations conducted by HREOC (1997), Read (1999), Haebich (2000), Manne (2001) and Reynolds (2001) have also analysed child removal processes throughout Australia and include examinations of such practices in the Northern Territory. *The Bringing Them Home Report* (1997) has been the most extensive investigation of child removal processes within Australia. In relation to the Northern

Territory it found that under the Commonwealth Ordinances, Aboriginal children “could be taken from their families at any age and placed in an institution” (HREOC 1997: 116). The report also examined whether eugenics had been practiced within the Northern Territory and found that Dr. Cecil Cook was an advocate of eugenic practices: “Cook’s solution was similar to that proposed by Chief Protector Neville in WA, namely, the [biological] absorption of people of mixed descent” (1997: 118).

Haebich’s (2000: 195) investigation of child removal found similar evidence of eugenics being practiced and advocated for in the Territory. In relation to Chief Protector Cook’s advocacy for child removal and eugenics, Haebich suggested:

*Like his counterpart in Western Australia, A O Neville, he [Cook] looked to environmental and eugenic solutions. He was a staunch advocate of institutionalisation of children – in 1931 he stated it was official policy to collect ‘all illegitimate half-castes male and female under the age of sixteen years for housing in institutions for educational purposes’ (2000: 195).*

While there has been numerous research conducted on Aboriginal child removal that has argued it was part of policy and practice in Australia, there have also been a number of critiques which argue against the existence of child removal practices in Australia and the Northern Territory. This includes the works of McGuinness (1999), Meagher (2000), Bolt (2006) and Windschuttle (2010a). Bolt has argued that scholars including Robert Manne were unable to produce the names of forcibly removed

children so, therefore, such practices did not occur: “When the leading advocate of the ‘stolen generations’ still can not – after eight years of looking, name even 10 children stolen for racist reasons, is it because there isn’t actually a ‘stolen generation’ to find? Where are the children?” (2006).

Windschuttle has added to such arguments by suggesting that not only is it false that Australian state and federal governments practised child removal practices, but that they actually did not remove enough Aboriginal children from their families:

*Rather than being over-zealous in their removal of children, most states and territories did not do nearly enough, especially in the period from Federation to the Second World War. There were many more Aboriginal children who should have been removed on grounds of health and welfare, or who would have benefited from an education away from their immediate surroundings* (2010a: 618).

These texts have been analysed in this thesis in order to address opposing views regarding child removal. Critical analysis techniques have been utilised to ascertain whether such arguments are valid when compared to the available evidence.

While the texts of McGuinness (1999), Meagher (2000), Bolt (2006) and Windschuttle (2010a) provide a debate on the validity of Aboriginal child removal, they have not utilised archival and primary source materials employed by the present

investigation. These materials have indicated that Aboriginal child removal practices were adopted by the Commonwealth.

Also, McGuinness (1999), Meagher (2000), Bolt (2006) and Windschuttle (2010a) have often neglected to engage with Aboriginal opinions, perspectives and experiences relating to child removal processes and incarceration in Commonwealth facilities. The present study has utilised such sources, which has strengthened the argument that child removal processes were adopted by the Commonwealth between 1911 and 1939.

In relation to Aboriginal child welfare, there has also been research conducted on missionary incursions into the Northern Territory. The texts of the Church Missionary Society (CMS) (1923), Cole (1971) and Albrecht (1977) were produced by missionaries or authors who had been directly or vicariously involved with the activities of missions. While these texts contain primary source evidence produced by those involved in missionary activities, they have been devoid of Aboriginal opinions, perspectives and experiences. This thesis has included Aboriginal perspectives and sought their recollections of missionary assistance with the implementation of Commonwealth Aboriginal policy. I have also utilised research which has been less Eurocentric in its investigations of missionary activities in the Northern Territory between 1911 and 1939. This includes the research of Dewar (1992), Harris (1998), Albrecht (2002), Austin-Broos (2003) and Seiffert (2008).

General histories relating to Aboriginal affairs and Aboriginal policy have also incorporated discussions on Commonwealth practices in the Northern Territory. The

research of Rowley (1970), Roberts (1978) and Reynolds (1981) have included discussions of Commonwealth Aboriginal policy between 1911 and 1939. Further, they influenced more research in this area and such texts have been utilised in the present work. This includes the research of Markus (1990), Powell (2000), Rowse (2002) and Elder (2003).

Unlike the present investigation, research conducted on outcomes of Commonwealth Aboriginal policy in the Northern Territory has been specific. It has generally neglected to broadly cover outcomes in the areas of non-Aboriginal and Aboriginal relations, child welfare and employment. This is a deficiency in the literature as those three areas were the main focus of the *Northern Territory Aboriginals Act (SA) 1910*, the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. The Acts and outcomes of their enforcement intersected and had wider repercussions for Aboriginal people. Their lives were controlled within those three areas, culminating in a wider set of outcomes. These are critically examined in this thesis.

Literature that does cover wider topical areas similar to the present study is research conducted by Markus (1990). In *Governing Savages* (1990) Markus investigated Commonwealth administration in the Northern Territory from 1911 to the mid-twentieth century. Akin to this dissertation, Markus (1990) began by investigating aspects of the political and ideological influences over Commonwealth governance of Aboriginal affairs. Markus (1990) examined Commonwealth policy concerning Aboriginal people, while also investigating the influence of race theories

over Commonwealth Aboriginal policy and implementation. Markus found that the prevailing view amongst colonists was that Aboriginal people were primitive, with such attitudes influencing the development of policy and practice: “According to the dominant value system in the interwar period, Aborigines were a primitive survival from the stone age, cut off from the main current of evolution... It was an open question whether Aborigines were closer to the animal world or to modern man” (1990: 37).

While Markus critically analysed areas examined in the present study, his approach to investigating these areas differed. Rather than examining outcomes of Commonwealth practice in specific areas of governance, Markus (1990) focused on the influence of key administrators involved in Northern Territory Aboriginal affairs between 1911 and 1939. This includes pastoralists, missionaries, Chief Protector Cook, Judge Bevan, Administrator Carrodus, Ministers for the Crown, Professor Elkin and those involved with the humanitarian lobby. Markus’s (1990) approach was specific in that it analysed key events and governmental actions of the era by focusing on the actions of key historical figures. Through analysing the attitudes of these actors in relation to Aboriginal people, Markus demonstrated how the poor socio-economic position of Aboriginal people in the Northern Territory was able to manifest.

While Markus (1990) does investigate outcomes of Commonwealth Aboriginal policy regarding the three areas focused on in this thesis, he does not include Aboriginal voices, perspectives and experiences to the same extent. Markus (1990) acknowledges that between 1911 and 1939, Aboriginal voices were

overwhelmingly ignored by the Commonwealth and settlers: “White Australians did not interest themselves in the opinions of Aborigines. They were not believed to have views worthy of consideration and had almost no significance in contemporary policies” (1990: 173). Markus also acknowledges the difficulties in acquiring Aboriginal opinions from eras such as the 1911 to 1939 period: “Documentation which has survived from the past is in the nature of fragments which provide only fleeting glimpses into a world hidden from white Australians. Rarely are there sufficient fragments to be pieced together to form a totality” (1990: 173).

While Markus acknowledges these difficulties and lack of Aboriginal voices, he does not include them to the extent employed by the present investigation. The perspectives of a number of Aboriginal people directly affected by Commonwealth Aboriginal policy have been included here (Buckle 1979; McGinness 1984; Smith 1998; Bray 1991; Muir 1993). Consequently, this thesis includes the firsthand perspectives and experiences of the Aboriginal people directly targeted by Commonwealth policy.

Austin (1993; 1997) has also conducted research similar to the present work. In *I Can Picture the Old Home So Clearly* (1993), Austin analyses the impact of Commonwealth Aboriginal policy in the Northern Territory that targeted mixed-descent Aboriginal youth between 1911 and 1939. This was the primary objective of Austin’s research: “This book is primarily concerned with the bureaucratic and political response to people of mixed descent. Many other aspects of the Northern Territory’s ‘half-caste’ population remain to be studied” (Austin 1993: 2).

Austin (1993) discusses many facets of Commonwealth Aboriginal policy that are critically examined in this thesis. This includes outcomes for mixed-descent children and their Aboriginal families, outcomes for Aboriginal women as the bearers of mixed-descent children and outcomes regarding non-Aboriginal and Aboriginal relations. Similar to chapter four of this thesis, Austin (1993: 9-31) also critically examines the ideological context of the Northern Territory between 1911 and 1939. Austin found that due to ideological constructs inherent in social Darwinism and other race theories, Aboriginal people were seen as ‘inferior’ to Europeans: “It followed therefore that Aborigines were mentally inferior – particularly as the belief that moral and mental evolution had largely replaced physical evolution found favour with Darwin himself, among others” (1993: 11).

In further investigating these ideological underpinnings and constructs of Aboriginal people, Austin (1993: 9-31) framed how Aboriginal people were perceived by Commonwealth administrators in relation to ideological constructions of racial hierarchies, miscegenation, eugenics, Social Darwinism and juvenile delinquency.

In Austin’s *Never Trust a Government Man* (1997), he further examined the ideological context of the Northern Territory between 1911 and 1939. Austin (1997: 7-27) examines how ideologies relating to anthropology, Social Darwinism, miscegenation and eugenics shaped the governance of Aboriginal Territorians by the Commonwealth during the 1911-1939 period.

This investigation of the ideological context of the Northern Territory is similar to this dissertation. Within the present work, similar discussions relate to how

monogenism, Natural Selection, Social Darwinism, miscegenation and eugenics influenced how Commonwealth administrators governed and shaped hegemonic colonial perceptions of Aboriginal Territorians. This ideological contextualisation is similar to Austin's (1993; 1997), but deviates by not specifically focusing on racial hierarchies, progressivism, juvenile delinquency and anthropology. While these ideologies are not specifically analysed in this thesis, they are not ignored. The ideologies Austin (1993; 1997) includes in his contextualisation are covered in this study under the broader of scope of monogenism, Natural Selection, Social Darwinism and eugenics. These core ideologies included the theories Austin (1993; 1997) discussed and were at the base of the ideological context of the 1911-1939 period. Critically analysing these ideologies was important as they shaped how the Commonwealth governed Aboriginal Territorians in the areas of non-Aboriginal and Aboriginal relations, child welfare and employment.

While Austin's (1993) research is similar in that it examines the ideological underpinnings of Commonwealth governance of Aboriginal people, it does not discuss the political context of the period to the same extent as the present work. In contrast to Austin's research, this thesis places emphasis on the White Australia Policy's influence over the political context of the Northern Territory between 1911 and 1939. Austin (1993: 275-276) does not give credence to the importance of the White Australia Policy in framing this political context, only mentioning the policy in relation to how it shaped eugenics theories in the Northern Territory, specifically in relation to Chief Protector Cook's legislative construction and enforcement of

Aboriginal policy. Austin principally discusses the White Australia Policy in relation to its influence over Chief Protector Cook's Aboriginal healthcare initiatives, as Cook saw the need to protect 'white' Australians from health concerns relating to Aboriginal people: "Cook regarded the medical service as the 'first line of defence' of the White Australia Policy... Aboriginal protection was principally, he said, a medical and hygiene matter" (1997: 275-276).

In contrast to Austin's position, I argue that the White Australia Policy affected the Commonwealth's formulation and implementation of Aboriginal policy in a highly influential and significant way. This was due to Aboriginal people being viewed as a threat to the success of the policy, especially in areas with high Aboriginal population densities such as the Northern Territory.

Also differentiating this thesis from Austin's research is that I have drawn from influential texts including the *Bringing Them Home Report* (1997) and the *Senate Committee Report: Unfinished Business* (2006). This literature was not available to Austin and offered new research, evidence and Aboriginal perspectives regarding forced Aboriginal child removal and stolen Aboriginal wages. These original findings have been analysed and included within my investigations and the conclusion of this dissertation.

### **2.3 Literature on Evolution**

As I demonstrate in Chapter Four, between 1911 and 1939 the ideological context of

the Northern Territory's settler society was shaped by nineteenth and twentieth century race theories. These theories were developed in literature on evolutionary theories and were transported to colonies, shaping the British governance of 'non-whites' and Aboriginal people. As Chapters Six, Seven and Eight demonstrate, these evolutionary theories were influential over the Commonwealth's construction of Aboriginal policy in the Northern Territory. This was especially the case regarding legislation focused on non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment. This section will analyse and discuss the prominent texts and themes of evolutionary literature.

Literature on evolution contained historical recordings of Indigenous groups, including Aboriginal Australians that were defined by scientific and anthropological paradigms. These paradigms described Indigenous people as 'less evolved' and racially 'inferior'. The literature from this period is linked to the development of evolutionary ideology, which is pertinent to my investigations as it influenced the ideological context of the Northern Territory between 1911 and 1939.

The initial literature from this phase was influenced by Christianity and within the literature there were debates stemming from monogenism and polygenism (Green 1959: 221). Polygenists including Knox (1850) and Hunt (1864) argued that humans consisted of a number of species defined by racial characteristics. Conversely, monogenists suggested that all humankind descended from common ancestors (Adam and Eve) (Prichard 1813; Darwin 1859; Huxley 1863; Spencer 1868; Galton 1869). Due to Darwin's (1871) monogenist beliefs and influential discussions on evolution,

monogenism became the dominant theory in scientific, psychological, philosophical, sociological and anthropological literature. This is explored in Chapter Four, where it is shown that theorists including Prichard (1813), Lawrence (1819), Huxley (1863), Wallace (1864), Spencer (1868), Galton (1869) and Darwin (1871) held the monogenist belief that while there was a clear physical, moral and intellectual hierarchy amongst human races, all humans descended from common ancestors.

While these theorists favoured a human-commonality ideology, racist constructions of Aboriginal people were contained in evolutionary literature. As I show in Chapter Four, the literature of monogenist theorists including Prichard (1813), Darwin (1859; 1871) and Gobineau (1853) openly discussed the notion that Europeans, specifically Anglo-Saxons, were ‘superior’ to Aboriginal people. Such ideologies regarding the supposed superiority of Europeans became common within colonial Australia, including the Northern Territory.

Themes of racism within evolutionary literature were correlated with ideas of the physical and mental ‘inferiority’ of Aboriginal people, stemming from pseudo-sciences including phrenology. Authors including Prichard (1855) and Darwin (1859) argued that as a result of ‘scientific’ phenomena, Aboriginal peoples were physically and mentally inferior. As this thesis explains, these ideologies became the foundation for the mistreatment of Aboriginal people in sectors including employment, where unequal wages were justified on the basis that Aboriginal people were ‘inferior’.

Literature on evolution also contained arguments that Aboriginal groups would eventually become extinct in competition with ‘superior’ ‘white’ races.

Xenophobic discussions also stemmed from the perceived dangers of contact between 'inferior' and 'superior' races. Theorists including Prichard (1813), Murray (1868), DeQuatrefages (1869) and Darwin (1871) argued that miscegenation would lead to issues of 'blood purity' and the weakening of the stronger races. Within the Northern Territory between 1911 and 1939, such ideology impacted on the Commonwealth's focus on regulating non-Aboriginal and Aboriginal relations. The Commonwealth believed that through their intervention in this area, they could circumvent the growing mixed-descent population.

By arguing that humanity had descended from primates, Darwin (1871) disproved polygenism and nullified some religious arguments regarding evolution. This changed the landscape of literature regarding evolution. However, theorists including Prichard (1863), Huxley (1864) and Darwin (1871) continued to describe Aboriginal Australians and other Indigenous groups as belonging to the 'lower end' of the evolutionary scale. Darwin's (1871) new evolutionary concepts continued to popularise and reinforce archaic racist paradigms.

Literature on evolution also continued to purport the 'inevitable' extinction of Aboriginal races. Spencer (1870) constructed 'survival of the fittest' paradigms which became incorporated into what would become social Darwinist literature and theory. As various authors (Bannister 1979; Jones 1980; Elderedge 2005) suggest, social Darwinist literature discussed Aboriginal extinction to excuse the exploitation, ill-treatment and poor conditions resulting from colonisation. Consequently, this provided the excuse of 'inevitability' in relation to colonial atrocities and declines in

Aboriginal populations. Between 1911 and 1939 this was evident in the Northern Territory, where it was suggested 'full-blooded' Aboriginal people would inevitably 'die out'.

Under the banner of evolution, social Darwinist theoretical paradigms focused on people of mixed descent and demonstrated colonial concern regarding miscegenation. Theorists including Darwin (1871) proposed that while mixed-descent people were 'inferior', their extinction was not imminent. Darwin's position deviated from those contained in earlier evolutionary-based literature. This position ensured that mixed-descent people were viewed as a significant threat as it was argued that miscegenation would lead to the tainting of 'white' blood purity. This became evident in the Northern Territory which contained a large and expanding mixed-descent population. Commonwealth administrators became fixated on the regulation of non-Aboriginal and Aboriginal relations in an effort to halt the increase of the mixed-descent population.

Literature on nineteenth century evolutionary theory was constructed during an era when racism and notions of European 'superiority' were common. Consequently, common theoretical paradigms regarding Aboriginal people centred on monogenism, racism, xenophobia and social Darwinism. These themes were commonly reflected in the literature and were a catalyst for how Australia's colonial hierarchy viewed, constructed and governed Aboriginal Australians. Australian colonial administrators supported and expressed theories of race 'superiority', viewing the colonial British population as on the pinnacle of the racial hierarchy,

while relegating Aboriginal Australians to the bottom. In conjunction with these views, social Darwinist paradigms of ‘survival of the fittest’ defined the extinction of Aboriginal Australians as ‘inevitable’. This excused Aboriginal people’s poor treatment within colonial Australia. Social Darwinist theories also argued that mixed-descent people posed a racial, social and economic threat to Australia’s colonial society. Miscegenation was viewed as detrimental to the future ‘white racial purity’ and economic aspirations of Australia. These opinions were supported in the Northern Territory and became prominent amongst administrators governing in the jurisdiction, where it was common for interactions to occur between Aboriginal people, Europeans and Asians.

As I discuss in Chapter Four, between 1911 and 1939 evolutionary beliefs and literature were influential over the ideological context of the Commonwealth’s Northern Territory. These evolutionary theories and ideological paradigms then moulded the construction of Aboriginal policy and the way in which Aboriginal people were governed. This was apparent in the areas of non-Aboriginal and Aboriginal relations, child welfare and employment. These areas will be critiqued and investigated in Chapters Six, Seven and Eight.

#### **2.4 Legislative Review: Key Themes of Commonwealth Aboriginal Legislation 1911-1939**

Literature on evolution shaped colonists’ perceptions and opinions of Aboriginal

Australians. This affected the construction and enforcement of Aboriginal policy. In relation to the Commonwealth, they formulated Aboriginal legislation which focused on three main areas. These were non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment. As subsequent chapters discuss, the Commonwealth aimed to control Aboriginal people in these areas. This was to avoid the perceived advent of colonial fears relating to mixed-descent population increases, threats to 'white' race purity and a fear that any mismanagement of Aboriginal people would result in Australia failing to become a 'white' country. Due to its large Aboriginal population, geographical proximity to Asia and cosmopolitan population, the Northern Territory was viewed as an area for concern regarding these bureaucratic and Eurocentric aspirations. This section will review the legislation which aimed to address these concerns by regulating and controlling Aboriginal people in the Northern Territory between 1911 and 1939.

#### **2.4.1 Non-Aboriginal and Aboriginal Relations**

The *Northern Territory Aboriginals Act (SA) 1910* set the precedent for the Commonwealth Ordinances that followed. The Act controlled the movement of Aboriginal people, especially women. In an attempt to quell colonial fears pertaining to increasing mixed-descent populations, the South Australian government aimed to control movement and stop relations between non-Aboriginal and Aboriginal people (*Northern Territory Aboriginals Act (SA) 1910*: 5-6: s15, s16, s19, s42).

The Act also controlled the marriage of Aboriginal women. Marriages between Aboriginal women and European men were regulated, while the Act banned marriages between Aboriginal people and non-Europeans (*Northern Territory Aboriginals Act (SA) 1910: 5-7: s17c, s21.1*).

The Act further controlled Aboriginal and non-Aboriginal relations in the employment sector. The *Northern Territory Aboriginals Act (SA) 1910* aimed to control the employment of Aboriginal women by European employers, while placing a ban on the employment of Aboriginal people by Asian employers (*Northern Territory Aboriginals Act (SA) 1910: 7: s24.4, r49g*).

The theme of controlling non-Aboriginal and Aboriginal relations continued in the Commonwealth's *Aboriginal Ordinance (Cth) 1911*. The Ordinance stipulated that it could be read and enforced in conjunction with the South Australian Act (*Aboriginal Ordinance (Cth) 1911: 61: s2.1*). This specified that all non-Aboriginal and Aboriginal regulations of the South Australian Act were retained in the Commonwealth Ordinance.

The 1911 Ordinance also stipulated that if requested, any non-Aboriginal person living with an Aboriginal person had to deliver that person to the Chief Protector of Aborigines (*Aboriginal Ordinance (Cth) 1911: 62: s4, s5*). Further extending movement controls, the Chief Protector could make designated areas prohibited to Aboriginal people (*Aboriginal Ordinance (Cth) 1911: 63-64: s9*). As I demonstrate in Chapter Six, this gave the Commonwealth the ability to segregate non-Aboriginal and Aboriginal people residing in the Northern Territory.

Through the adoption of stronger movement and employment controls, the *Aboriginal Ordinance (Cth) 1918* further aimed to control and regulate relations between Aboriginal and non-Aboriginal people. Aboriginal women engaging in any form of relations with non-Aboriginal men could be removed from an area (*Aboriginal Ordinance (Cth) 1918*: 4-7: s6.1-3, pIII). The Act also allowed for the establishment of Aboriginal institutions and reserves where without Chief Protector permission, Aboriginal people could not legally leave (*Aboriginal Ordinance (Cth) 1918*: 4-7: s6.1-3, pIII). These measures further aimed to regulate and hinder contact between non-Aboriginal and Aboriginal people.

The *Aboriginal Ordinance (Cth) 1918* also aimed to control the movement of Aboriginal women. The 1918 Ordinance emphasised a focus on mixed-descent women, while making it an offence for non-Aboriginal people to ‘move’ Aboriginal women without Commonwealth approval (*Aboriginal Ordinance (Cth) 1918*: 5: s15.1, s15.4). Stronger powers of control were also provided to the Commonwealth relating to the employment conditions of Aboriginal women (*Aboriginal Ordinance (Cth) 1918*: 7-9: s22.1, s23.5, s28). In these sections, there was a clear focus on stopping their interaction with non-Aboriginal people, specifically Asian employers.

All of the sections within the three acts aimed to stop cross racial interactions and miscegenation. The Commonwealth aimed to control non-Aboriginal and Aboriginal relations in an attempt to circumvent fears pertaining to the ideologies inherent within literature on evolution. These ideologies categorised Aboriginal people as ‘less evolved’ and miscegenation as racially, socially and economically

dangerous for 'white' Australia.

#### **2.4.2 Aboriginal Child Welfare**

Another key focus of the Acts was Aboriginal child welfare. Colonial authorities believed that if administrators acquired control of Aboriginal children, they could be removed from their Aboriginal families. Subsequently, measures could then be implemented to biologically absorb such children into the 'white' population. Sections of the pre-existing *Northern Territory Aboriginals Act (SA) 1910* gave the Commonwealth paternalistic control over Aboriginal children. The Act nullified the parental rights of Aboriginal people by designating the Chief Protector the legal guardian of all Aboriginal children (*Northern Territory Aboriginals Act (SA) 1910*: 4: s9.1-3). The incumbent Governor also held the power to develop and implement regulations which impacted on Aboriginal children's custody situation, education, institutionalisation and employment (*Northern Territory Aboriginals Act (SA) 1910*: 14-15: s49a-e). While custodial and guardianship rights were placed at the behest of the Commonwealth, financial responsibilities were designated to the European fathers of mixed-descent children (*Northern Territory Aboriginals Act (SA) 1910*: 13: s47). Via such measures, Commonwealth authorities aimed to make non-Aboriginal fathers financially accountable for their role in increasing the mixed-descent population.

The *Aboriginal Ordinance (Cth) 1911* gave further custodial powers to the Commonwealth. The 1911 Ordinance gave the Chief Protector the power to take into

custody any Aboriginal person they desired, including children (*Aboriginal Ordinance (Cth) 1911*: 61: s3.1). The 1918 Ordinance also retained the clause which made the Chief Protector the legal guardian of all Aboriginal children in the Northern Territory (*Aboriginal Ordinance (Cth) 1918*: 3-4: s6.1-3, s7.1).

The Commonwealth focus on Aboriginal children constituted part of a wider aim to regulate non-Aboriginal and Aboriginal relations, while appeasing racial fears contained in evolutionary theories and literature. Commonwealth administrators believed that through strict measures, Aboriginal children could be removed from the influence of their Aboriginal families. In some instances, it was also envisaged that they could be biologically absorbed into the Northern Territory's 'white' population.

### **2.4.3 Aboriginal Employment**

As Aboriginal employees constituted 80% of the burgeoning pastoral industry's workforce, the Commonwealth sought to regulate Aboriginal employment (McGrath 1987; Kidd 2007). The employment sections of the Acts designated rights to Aboriginal workers. This included minimal employer responsibilities and Aboriginal worker's rights to adequate rations. In conjunction with these rights, the Acts provided the Commonwealth paternalistic control over Aboriginal wages and trust funds.

The initial employment regulations of the *Northern Territory Aboriginals Act (SA) 1910* designated minimum rights to Aboriginal workers in the Northern

Territory. The South Australian Act aimed to control and record the employment of Aboriginal workers, while allowing the government to revoke the employment licences of employers judged to be acting out of accordance with the employment sections of the Act (*Northern Territory Aboriginals Act (SA) 1910*: 7: s25.1-3, s31).

Alongside these regulations, the *Northern Territory Aboriginals Act (SA) 1910* provided the Commonwealth extensive powers over the wages and property of Aboriginal workers. The Act stipulated that workers' wages would be recorded, while designating administrators the power to control those wages (*Northern Territory Aboriginals Act (SA) 1910*: 8: s26.1-3, s29.1-2). The Act also placed colonial administrators in charge of all Aboriginal workers' property (*Northern Territory Aboriginals Act (SA) 1910*: 12: s46i-v).

While the Commonwealth was given overarching powers in this area, the Act was meant to ensure the official recording of any Aboriginal worker's pay and property which was seized or retained by authorities (*Northern Territory Aboriginals Act (SA) 1910*: 14: s49.m). The Act further stipulated that the Chief Protector would provide legal representation to Aboriginal workers in matters concerning their pay and property (*Northern Territory Aboriginals Act (SA) 1910*: 16: s54).

The *Aboriginal Ordinance (Cth) 1911* retained the employment clauses of the South Australian Act and provided custodial powers to the Chief Protector. It allowed the Chief Protector to remove Aboriginal workers from any areas, including employers' property if they were deemed to be being treated out of accordance with the Commonwealth regulations (*Aboriginal Ordinance (Cth) 1911*: 62: s42).

The 1911 Ordinance also gave additional rights to Aboriginal workers through an employer licensing system. Employers of Aboriginal people had to hold a licence to employ Aboriginal people and adhere to any regulations placed on that licence (*Aboriginal Ordinance (Cth) 1911*: 63: s8.1-5). Regulation 2 of the *Aboriginal Ordinance (Cth) 1911* enabled licence revocation and minimal conditions owed to Aboriginal workers by their employers (Australian Commonwealth 1911: 64). The Ordinance allowed the Chief Protector to cancel licences in cases where employers were not meeting minimum standards in areas involving wages, rations and accommodation (*Aboriginal Ordinance (Cth) 1911*: 65: s9.1-3).

The *Aboriginal Ordinance (Cth) 1918* made further refinements to the Aboriginal employee licence system. Part 4 of the Ordinance retained the licence system and controlled Aboriginal employment (*Aboriginal Ordinance (Cth) 1918*: 7-10: s23.2-4). Further, the Ordinance defined the conditions to which licence holders had to adhere. Section 23 stated that if employers failed to acquiesce to those parameters, they would fail to obtain a licence.

In reviewing the legislation pertinent to this study's critical examination of the outcomes of Commonwealth Aboriginal policy between 1911 and 1939, I identified the *Northern Territory Aboriginals Act (SA) 1910*, the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918* as the key Acts. The key areas of these acts and their outcomes will be investigated throughout this thesis.

## **2.5 Conclusion**

While there is extensive literature on the outcomes of Commonwealth Aboriginal policy between 1911 and 1939, it does not provide the same analysis as this investigation. Some literature fails to consider the overarching outcomes of Commonwealth Aboriginal policy in the key legislative areas of non-Aboriginal and Aboriginal relations, child welfare and employment. Literature has also been devoid of Aboriginal opinion relating to policy outcomes and has not considered some of the ideological and political influences that influenced the construction and enforcement of Commonwealth Aboriginal policy. This chapter has illustrated that while considering the ideological and political influences that moulded Commonwealth Aboriginal policy, this thesis provides an overarching investigation of that policy in the Northern Territory between 1911 and 1939. This chapter has also identified the prominent themes and theories embedded within nineteenth century literature regarding evolution. This literature and its theoretical paradigms further shaped colonial thinking and policy. This was further examined in relation to the Commonwealth legislative focus areas of non-Aboriginal and Aboriginal relations, child welfare and employment. This chapter has identified these themes of legislation as the focus of Commonwealth policy construction and enforcement that will form the focus of the research detailed in future chapters.

In relation to existing research and literature, there have been a number of studies which have included analysis of topics similar to this thesis. This has included research on Aboriginal employment, Aboriginal child removal, missionary activity

and general histories of Aboriginal affairs. However, they have not specifically focused on the Commonwealth's governance of Aboriginal people in the Northern Territory between 1911 and 1939. Further, they have not investigated overall outcomes of Commonwealth Aboriginal policy within the specific legislative fields critiqued in the present work. This dissertation will provide a specific analysis of outcomes of Commonwealth Aboriginal policy regarding non-Aboriginal and Aboriginal relations, child welfare and employment. It will also conduct a holistic analysis of what occurred in the Northern Territory between 1911 and 1939.

While the literature of Markus (1990) and Austin (1993; 1997) have had similar scope to this thesis and analysed outcomes of Commonwealth Aboriginal policy, they did not provide the same extensive examination. The present work is inclusive of Aboriginal opinion and perspective relating to outcomes of Commonwealth Aboriginal policy. This has provided a more thorough and inclusive investigation. Furthermore, I have provided a critical analysis of the political context shaping Commonwealth Aboriginal policy. This included considering events that occurred prior to Commonwealth acquisition of the Northern Territory, including the *1899 Aborigines Bill* and the formulation of the White Australia Policy. Unlike previous research, this analysis illustrates that these political influences and events had a significant influence on the construction, enforcement and outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939.

Nineteenth century literature on evolution also had implications regarding the outcomes of Commonwealth Aboriginal policy in the Northern Territory. This

literature defined Aboriginal Australians according to evolutionary theories embedded in scientific and anthropological literature. Theoretical and ideological constructs including natural selection and social Darwinism defined Aboriginal Australians as 'less evolved' than Europeans and subsequently racially dangerous. These texts linked with themes of racism, 'survival of the fittest' arguments, fear of mixed-descent people and racial superiority. Chapter Four will discuss the themes contained in evolutionary arguments and literature which influenced colonial thinking and policy construction.

The influence of these ideological paradigms was evident in the Commonwealth policy legislated to govern Aboriginal people in the Northern Territory. Race-based ideology, along with political influences, saw Commonwealth policy focus on non-Aboriginal and Aboriginal relations, child welfare and employment. Outcomes of these policy areas will be critically analysed in Chapters Six, Seven and Eight.

## *Chapter Three: Research Methodology*

### **3.1 Introduction**

In order to meet this study's research aims, a triangulation research methodology was adopted. Triangulation utilises combined research methods or qualitative data sources, thus enabling the researcher to utilise a variety of sources and validate research findings through cross examination (Denzin 1978). The specific research techniques and combined data sets I employed as part of the triangulation method were archival research techniques, primary source analysis techniques and secondary source analysis techniques. In this chapter I will discuss this investigation's methodology, justifying why this approach was adopted while outlining the benefits and disadvantages of the method. Further, I will demonstrate how I negotiated methodological disadvantages.

The adopted triangulation methodology incorporates the use of combined qualitative data sets. This allows the researcher to cast their 'research net' wider, consequently acquiring a variety of data and analysing it. The multiple data sets allow information to be investigated and compared, enabling the researcher to better understand their research topic. Also, triangulation method allows for various data to be validated, giving credibility and corroboration to research findings. Due to these benefits, I adopted triangulation method for this dissertation.

As part of the triangulation method, the present work utilises archival research

techniques, primary source analysis techniques and secondary source analysis techniques. Archival research techniques benefit the researcher, giving them the ability to reanalyse old data while avoiding the over-researching of subject groups including Aboriginal Australians. This is of benefit, as Aboriginal Australians have been over-researched in past studies and there is no need to emulate such practices in this thesis. However, there are also disadvantages to the method, including issues of lack of archival knowledge, ethics and legalities associated with archival research and problems with archives relating to Aboriginal Australians. While there are issues with archival research, I illustrate how they were circumvented in the research conducted for this study.

This thesis also adopted primary source analysis techniques. The benefits of primary source analysis are that it allows the researcher access to a vast array of data. This includes access to primary sources from government and missions, and the use of materials developed by historical actors directly involved with events. Disadvantages to using the approach include Eurocentric themes in material, exclusion of Aboriginal experiences in sources, and issues of fraudulence, inaccuracy and bias being contained in some research. Again, while these are issues with the method, I address how the present work effectively negotiated such problems.

Secondary source analysis was the final research method adopted in this thesis. The benefits of examining secondary sources include the ability to draw from opinion surrounding the area of research, the use of these sources to validate or discredit data, and the use of secondary sources to engage with contemporary debates

surrounding the research topic. I discuss these advantages as well as the disadvantages associated with the method. This includes sources being susceptible to bias, inaccuracy and fraudulence. While these are issues, I again demonstrate how such issues were negotiated within the triangulation research methodology adopted in this investigation.

This chapter will examine and explain the research methods adopted by this study. I will discuss the adopted triangulation research methodology and the specific methods I utilised which were archival research techniques, primary source analysis techniques and secondary source analysis techniques. I outline the advantages and disadvantages of each approach and illustrate how I negotiated the problems with each method. This will demonstrate that the triangulation research methodology was the most appropriate method for the investigation of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939.

### **3.2 Triangulation Method**

Denzin (1978: 292) first utilised triangulation method in qualitative social research. He described triangulation as a multiple set of data collection techniques including multiple theories, multiple researchers, multiple methodologies, use of multiple data sets or combinations of each. Denzin argued that in qualitative social research, a triangulation methodology had to be adopted, as no single research method met the requirements of qualitative social research: “I conclude that no single method will

ever meet the requirements...because each method reveals different aspects of empirical reality, multiple methods of observations must be employed. This is termed triangulation” (cited in Berg 1998: 6).

The justification for utilising triangulation here is that it allows for a broader understanding of the research topic. It provides a means of ‘casting’ the ‘research net’ wider and consequently acquiring more information. Larger volumes of qualitative data will be drawn from a variety of sources which can then be cross-checked in order to validate or disqualify various research findings (Denzin 1978; Bryman 1988; Reinharz 1992; Hyde 1994; Berg 1998; Bryman 2001; Liamputtong and Ezzy 2005; Babbie 2007; Babbie 2008).

As Borman *et al* (1986: 44) indicate, the corroboration that triangulation allows is vital to the validation of research findings. They argue that one source of information cannot be considered valid until corroborated, and the use of triangulation allows this to occur: “Triangulation means that each piece of information gained, or each conclusion researched, must be considered tentative or idiosyncratic until it has been corroborated by information collected by other means or from other sources” (1986: 44). As various authors (Bryman 1988; Reinharz 1992; Berg 1998) further suggest, multiple methods of research or the use of multiple qualitative data sets allows a better understanding of the topic by developing layers of information and using one type of data to validate or refine another. Through the use of triangulation, researchers are able to exhibit greater confidence in their research findings as they derive from multiple sources and can be corroborated and validated (Bryman 1988;

Reinharz 1992; Berg 1998). This multiple approach increases the likelihood that researchers will understand the varying aspects of what they are researching and that they will be able to persuade others of the veracity of their findings (Bryman 1988; Reinharz 1992; Berg 1998; Wolfram Cox 1999; Liamputtong and Ezzy 2005).

Triangulation has therefore been chosen as the overarching research method for this thesis. I cross-check, refine, corroborate and validate data collected from archival materials, primary sources and secondary sources. As Benjamin suggests, such processes are essential to historical research: “To check the reliability of evidence, historians use the tests of consistency and corroboration: does the evidence contradict itself and does it agree with evidence from other sources? Historical research always involved checking one source against another” (1983: 9).

Further justification for using triangulation is that it assists in combating the weaknesses of chosen research methods or specific qualitative materials. As Berg (1998: 4) indicates, some social science or historical texts have been flawed, as they have only presented a single research method. Consequently, they have only presented a single perspective to a research question. Further compounding this issue is that texts utilising a single research method or data set may present biased findings (Wolfram Cox 1999; Babbie 2008). This is because they have not accounted for the weaknesses inherent in singular research methods and data sets.

The use of triangulation can nullify or contain these weaknesses and biases. As Webb indicates, every research method has flaws and the use of triangulation combats the issue by utilising different research techniques:

*Every data-gathering class – interviews, questionnaires, observation, performance records, [and] physical evidence – is potentially biased and has specific to it certain validity threats. Ideally, we should like to converge data from several data classes, as well as converge with multiple variants from within a single class (1970: 450).*

Babbie concurs with this position:

*The use of several different research methods to test the same finding is sometimes called triangulation, and you should always keep it in mind as a valuable research strategy. Because each research method has particular strengths and weaknesses, there is always a danger that research findings will reflect, at least in part, the method of inquiry. In the best of all worlds, your own research design should bring more than one research method to bear on the topic (2007: 113).*

The triangulation method has numerous benefits. It allows for a developed understanding of a research topic by enabling the researcher to collate large amounts of data from a variety of sources. Triangulation then allows these various data sets to be compared to one another, which either disqualifies information or supports research findings. Triangulation can also counteract weaknesses found in research

methodologies by allowing findings to be reached based on data collected via multiple research methodologies.

As the present work investigates a wide number of Commonwealth Aboriginal policy outcomes, it is best served by a methodology which allows the researcher to examine a multifaceted subject. Triangulation allows this by enabling the researcher to utilise multiple methods and consequently draw from wider data sets. Due to these benefits, triangulation has been adopted for this thesis and has allowed me to examine data from archival, primary source and secondary source materials. This has enabled me to provide a thorough examination of outcomes of Commonwealth Aboriginal policy. I have been able to include government, mission, Aboriginal and academic understandings and experiences of Commonwealth policy outcomes in the areas of non-Aboriginal and Aboriginal relations, child welfare and employment. This has enhanced this study's investigations and consequent research findings.

### **3.3 Archival Research Techniques**

As Anderson (2004: 88) suggests, archival data provides an instrument to assist researchers in examining the social world, with data often reflecting the way in which governments have conceptualised groups and consequently governed them. Therefore, archival research techniques and the data stemming from that were adopted in this thesis.

The first benefit of archival research is that archive data can be reanalysed.

This allows contemporary reinterpretations of historical data. As Corti and Thompson (2004: 332) illustrate, research findings of earlier research can be compared in relation to other periods of time, social groups and cultures. This is relevant to study, as the analysed archival data generally stems from personal, government and church reports about Aboriginal people in the 1911-1939 period (Dove 1923; Cook 1927; CMS 1927a). The personal, governmental and church accounts regarding Aboriginal people in this era are often from European perspectives and illustrate nineteenth and twentieth century attitudes towards Aboriginal people. Within the archival data, these past research findings can be reanalysed in view of contemporary attitudes, perceptions and ideologies, thus reinterpreting past events from the perspective of twenty-first century Australian race relations.

The second benefit of archival research techniques is that it ensures groups such as Aboriginal Australians are not over-researched. Fielding and Fielding (2000: 678) suggest that this factor is a major benefit of archival data analysis as it addresses issues of hard-to-reach populations and ensures that particular groups are not over-researched. Research can build on rather than repeat previous studies. These factors justify the use of archival research techniques in this work as there are issues of restricted access to Aboriginal people in the Northern Territory. Also, Aboriginal people have been the subjects of many studies relating to the themes and events pertinent to this dissertation (McGrath 1987; Austin 1993; Austin 1997; HREOC 1997). Consequently, data already exists in regards to the topic explored and further research would be superfluous.

While there are numerous benefits to archival research techniques, there are issues with the method. A key concern for researchers using archival research techniques is determining what data needs to be retrieved by archive services (Kidd 2005: 160). As Kidd (2005: 160) argues, not knowing what archival material you require can lead to issues of time wastage and excessive workloads. Consequently, this can have a damaging effect on the writing process.

To address this issue, I conducted a literature review to identify the common themes in the research topic of this study. As these themes were identified as non-Aboriginal and Aboriginal relations, child welfare and employment, they became definable areas for archival research. This factor addressed ‘not knowing what to look for’ and allowed the archival research to be precise and time-effective.

Further assisting in the avoidance of this problem is that the archive services utilised for this thesis have facilities which allow for preliminary searches of archive data (National Archives of Australia 2010; Northern Territory Archives Service 2010). Consequently, I was able to identify what specific information needed to be accessed. This ensured that when conducting archival research, the relevant data was available for utilisation, as I made prior requests to allow archive staff to make available the relevant data.

When using archival research methods in historical research, it can also be problematic not to have a definable research timeline (Kidd 2005: 161). As Kidd (2005: 161) suggests, this hinders the researcher’s ability to identify the relevant concepts, agencies, legal possibilities and outcomes of government policy. As a result,

it can require vast amounts of time to be used in archives. As I was investigating outcomes of Commonwealth Aboriginal policy in the 1911-1939 era, this time period enabled this issue to be avoided as it served as a guide for archival research.

Another set of issues arise from copyright ownership; in order to access data, researchers are often required to obtain written permission from various owners (Corti and Thompson 2004; Anderson 2005; Kidd 2005). If proper procedures are not followed, permission to access data may not be granted or copyright breaches can occur.

Also linked to these issues are problems of practicality. If researchers do not adhere to these procedures, they may physical travel to archive services only to be denied access to data. As the present research involved the use of data which needed permission to be viewed, efforts were made to ensure that such permission was obtained before arriving at the archives. Such actions negotiated the issues with archive services outlined by Corti and Thompson (2004), Anderson (2005) and Kidd (2005).

Another issue with archival research methods is that once data has been collected and reanalysed, there can be major concerns with the accurate identification of sources (Kidd 2005: 161). Measures need to be taken to properly reference and acknowledge the data (Kidd 2005: 161). Fortunately, archival data utilised for this investigation was easily identifiable due to archive service procedures and classification acknowledging relevant authors, archive reference numbers and the form of material.

When Aboriginal Australians are the focus of the research, there are also concerns with archival research techniques (Bryne et.al 1995; Anderson 2005; Garwood-Houng 2005; Kidd 2005; Russell 2005). In relation to this thesis, the main issues with archival data relating to Aboriginal people were the exclusion of their opinions within the records, the paternalistic nature of governmental records, and archival data being offensive by contemporary standards.

As Kidd (2005: 161, 166) discusses, when archival research methods are utilised in historical research regarding Aboriginal Australians, the records generated by Aboriginal Departments of the past are often authoritarian, paternalistic and Eurocentric. This issue was reflected in the archival data utilised in this study and perceived Aboriginal people as the subjects of an authoritarian colonial gaze (Russell 2005). Furthermore, colonial authorities saw themselves as ‘experts’ on Aboriginal people, ensuring that Aboriginal perspectives and voices were overwhelmingly excluded from much of the archival data (Bryne et.al 1995; Martin 2003; Wilson 2004; Anderson 2005; Garwood-Houng 2005; Kidd 2005; Russell 2005; Wilson 2008). This was also consistent with archival material from 1911 to 1939 focusing on policy as opposed to policy impact, which would have come from the Aboriginal people affected by policy. Aboriginal accounts of policy impacts were excluded from these materials and colonial administrators adopted paternalistic recording methods which imbued the material with Eurocentricism.

As this dissertation investigates the outcomes of Commonwealth Aboriginal policy, the fact that colonial archive data reflects how Aboriginal people were

governed yet also excluded their voices is of paramount importance. While Aboriginal people's opinions and perspectives are neglected in much of the data, it allows for the exploration of colonial opinion and actions towards Aboriginal people between 1911 and 1939.

While this facet of archival data allowed for investigations of colonial opinion, it was important to examine Aboriginal perspectives. This thesis has rectified the exclusion of Aboriginal perspectives from early twentieth century archival data by using contemporary studies and archive materials inclusive of these opinions (McGinness 1981; Smith 1988; Bray 1991; Rose 1991; Muir 1993; HREOC 1997). These contemporary materials were utilised to include Aboriginal voices within research investigations and findings.

As vast amounts of archival data stem from colonial recordings and perspectives, another issue with the material is that it is often offensive to contemporary sensibilities (Bryne et.al 1995; Garwood-Houng 2005; Russell 2005). Many archives contain material that is discriminatory towards Aboriginal Australians as it can be racist, derogatory, sexist, overly personal, abusive or inaccurate (Bryne et.al 1995; Garwood-Houng 2005; Russell 2005).

Many examples of such archival material are contained in historical sources. This was evident with the majority of archival material utilised for this investigation. However, the derogatory nature of much of the archival data has been acknowledged. Further, the offensive nature of archival data stemming from colonial sources offers an historical insight into the beliefs of authority figures governing Aboriginal people

during the period in question.

Archival research methods were a key component of the research undertaken for this thesis. Information collated from personal, government and church archive data materials assisted with this work. The archival materials utilised have allowed for historical investigations to take place, offering a window into the past. While there are issues with using archival research methods, there are a number of identifiable benefits which have assisted this study in its investigations and collation of findings.

### **3.4 Primary Source Analysis**

As various authors (Benjamin 1983; Frick 1995; Budd 2009) illustrate, primary sources can include a vast array of materials. The majority of primary source materials utilised in this work derived from legislation, Hansard and government reports. While these materials are similar to those found in archives, they were accessed through different means to archive services. This included the use of government reports, legislation and Hansard. This differentiated them from the archive materials utilised in this thesis.

As Benjamin suggests, primary sources offer the researcher the ability to analyse firsthand knowledge of relevant events:

*Primary evidence records the actual words of someone who participated in or witnessed the events described. These can be newspaper accounts, diaries,*

*notebooks, letters, minutes, interviews, and any works written (or otherwise recorded, as in photographs) by persons who claimed firsthand knowledge of an event (1983: 9).*

Budd also discusses the research benefits of analysing primary sources:

*Historians refer to primary sources as evidence that provides an immediate and first-hand account of a historical event. Normally associated with archival documents, but also including material objects or the evidence of witnesses, primary sources provide the closest possible documentation of the past. They can be usefully contrasted with secondary sources, which comment on other sources (including primary sources) rather than on the past itself (2009: 520-521).*

As this research examines the outcomes of Commonwealth Aboriginal policy, I utilised primary source materials including Commonwealth reports, Church reports, legislation and Hansard. These sources offered evidence based on immediate and firsthand accounts of the development, enforcement and outcomes of Commonwealth Aboriginal policy.

The examination of legislation was a key facet of primary source analysis, as legislation outlined the administrative powers Commonwealth authorities held over Aboriginal people (*Northern Territory Aboriginals Act (SA) 1910*; the *Aboriginal*

*Ordinance (Cth) 1911; Aboriginal Ordinance (Cth) 1918*). Hansard sources were also an essential source of data, as having read the legislation, Hansard outlined its formulation and purpose (South Australia, House of Representatives 1900; Australia, House of Representatives 1902; Australian Commonwealth 1903; Deakin 2009).

Other vital sources were government conference minutes and government reports (South Australia, House of Representatives 1900; Australia, House of Representatives 1902; Australian Commonwealth 1903; Australian Commonwealth 1937). As Frick illustrates, while these sources can be difficult to decipher, they are of major benefit to research, thus justifying their use:

*If you are like the majority of library users, researchers, and students, you will ask, 'Can't I avoid government documents? I've always heard they are hard to use'. In truth there is a tremendous wealth of material in documents, a rich lode of data and opinion that you can learn to mine. Documents also provide official accurate wording for pronouncements that may of influenced history. Sometimes they provide analysis on controversial issues. So the answer to 'Can't I avoid documents?' has to be, for the sake of perspective, information, documentation and thoroughness, 'No' (1995: 87).*

Within the present work, government conference minutes and reports were essential to primary source analysis (Spencer 1913; Cook 1927; Bleakley 1929; Australian Commonwealth 1937; McEwen 1939). Reports and conference minutes offered

further insight into the ways in which Aboriginal people were governed in the Northern Territory between 1911 and 1939.

Alongside government documentation, church documentation was analysed as part of primary source analysis (CMS 1923; Dove 1923; CMS 1927a; CMS 1927b; CMS 1929; Dyer 1929; CMS 1942; CMS 1944). Church reports, church policy and the individual accounts of church staff offered insight into how Aboriginal people were treated by missionaries. This further indicated how the Commonwealth's support of and relationship with the missionaries affected the outcomes of Commonwealth Aboriginal policy.

As section 3.2 indicated, while there are major benefits to using primary documentation, there are issues with such data relating to Aboriginal Australians. Much of the material is colonial, Eurocentric and excludes the experiences, opinions and perspectives of Aboriginal people (Bryne et.al 1995; Anderson 2005; Garwood-Houng 2005; Kidd 2005; Russell 2005). This issue was addressed by utilising contemporary primary source materials, stemming from oral histories, which included Aboriginal perspectives (Buckle 1979; McGinness 1984; Smith 1988; Bray 1991; Muir 1993). The primary source materials which included the opinions of Aboriginal people offered a different perspective to the Eurocentric and colonial nature of the majority of primary sources used in this research. While there are problems with oral history sources and the primary sources which stem from them, including recollections of history being prone to mistakes and issues of authenticity, they did offer Aboriginal perspectives on outcomes of Commonwealth Aboriginal policy. Due

to triangulation, these sources could also be cross-checked against other data to ensure their validity and accuracy.

Another issue with primary source analysis is that there can be a lack of credibility in the materials. As Benjamin indicates, within the material authors can display fraudulence, inaccuracy and bias:

*Primary evidence can be fraudulent, inaccurate, or biased. Eyewitness accounts may be purposefully distorted in order to avert blame or to bestow praise on a particular individual or group. Without intending to misinform, even on-the-scene judgements can be incorrect. Sometimes, the closer you are to an event, the more emotionally involved you are, and this distorts your understanding of it. We can all recall events in which we completely misunderstood the feelings, actions, and even words of another person. Historians have to weigh evidence carefully to see if those who participated in an event understood it well enough to have accurately described it... A government, group, or institution may make statements that it wishes others to believe but that are not true. What a group says may not be what it does. This is especially true in politics (1983: 9).*

The benefit with the majority of primary source data utilised in this thesis is that it was collated when the ideological and political contexts dictated that it was acceptable to discriminate against Aboriginal people. Government and church primary source materials regarding Aboriginal Australians reflected the colonial view that such

people were 'inferior' and the negative effects of Commonwealth policy were justifiable or 'inevitable' (Spencer 1913; Gilruth 1914; Stretton 1914; CMS 1923; Urquhart 1923; CMS 1927a; CMS 1927b; Cook 1927; Bleakley 1929; CMS 1929; McEwen 1939). These colonial ideological positions were evident within utilised primary sources and were influenced by dominant theories of the era, including monogenism, natural selection, social Darwinism, miscegenation and eugenics. Using such sources has allowed for the critical analysis of Commonwealth beliefs and actions towards Aboriginal people.

There was also transparency in primary source data utilised in this study. Colonial administrators did not attempt to mask the poverty-stricken situation of Aboriginal people or withhold from expressing their racist beliefs towards them (Spencer 1913; Gilruth 1914; Stretton 1914; CMS 1923; Urquhart 1923; CMS 1927a; CMS 1927b; Cook 1927; Bleakley 1929; CMS 1929; McEwen 1939).

Triangulation also assists with issues of credibility and authenticity in primary sources. Various accounts from archives, primary sources and secondary sources can be compared to one another, and evidence corroborated to indicate whether primary sources are credible.

Primary source analysis is a vital part of the research for this thesis and a core component of the triangulation method. The analysis of primary sources has allowed for the investigation of government and church data relating to the outcomes of Commonwealth Aboriginal policy. Primary source analysis also allows for the inclusion and investigation of Aboriginal perspectives on the outcomes of

Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939.

### **3.5 Secondary Source Materials**

The final facet of the triangulation approach utilised here was the use of secondary source materials. As Benjamin (1983: 8) discusses, secondary sources record the findings of a researcher who did not observe the investigated events but analysed the primary evidence.

The secondary sources analysed within this research allowed for differing opinions regarding the outcomes of Commonwealth Aboriginal policy in the Northern Territory to be scrutinized and compared with other sources. This either validated or disqualified the research findings of other authors, as well as the various findings reached in this dissertation.

Utilising secondary sources analysis techniques also allowed for the investigation of contemporary debates surrounding events pertinent to this study. Debates that were critically analysed due to secondary source analysis techniques included those centring on the Stolen Generations, Stolen Wages, ideological debates and the History Wars (Markus 1990; Austin 1993; Austin 1997; HREOC 1997; Meagher 2000; Manne 2001; Windschuttle 2004; Kidd 2007; Windschuttle 2010a). The critical analysis of these debates allowed for different perspectives and interpretations of events to be explored. Further, when compared with other evidence offered by the triangulation method, it allowed for conclusions to be reached regarding historical events.

Secondary source analysis techniques also address some of the issues relating

to archive data and primary source data. Much of the primary data utilised for this research came from government and church sources which were Eurocentric and exclusionary of the experiences and perspectives of Aboriginal people. Secondary sources attempt to counteract this problem, as contemporary interpretations of history have been revisionist, less Eurocentric, and inclusive of Aboriginal perspectives.

While there are benefits to using secondary source analysis techniques, there are also disadvantages. As Benjamin (1983: 9) suggests, more than other sources, secondary sources are most likely to display fraudulence, inaccuracy and bias. As Benjamin illustrates, secondary sources can display the bias of researchers, influencing the way in which they interpret events and primary data: “Historians have their own attitudes towards the subjects they are investigating, and these cause them to draw different conclusions about the character and importance of religious, political, intellectual, and other movements” (1983: 9).

Researchers need to check the reliability of evidence by testing consistency and corroborating evidence. Triangulation allows this to occur, as secondary sources can be compared against data from the other research methods and can either be viewed as credible or negligible when corroborated with other evidence.

Secondary source analysis techniques are a vital component of this triangulation method. Secondary source analysis allows for the various opinions and interpretations of the outcomes of Commonwealth Aboriginal policy to be assessed. This has enabled this particular investigation to reach conclusions on outcomes of Commonwealth Aboriginal policy in the Northern Territory.

### **3.6 Conclusion**

This chapter has outlined this study's adopted methodology. I detailed the overarching methodology of triangulation in relation to its research benefits. I also discussed the specific research methods adopted which were archival research techniques, primary source analysis techniques and secondary source analysis techniques.

A triangulation research methodology was adopted for this thesis. This methodological approach utilises multiple research techniques and has allowed this study to acquire data from numerous sources. The use of numerous sources allowed for these data sets to be cross-examined and has enabled the validation of this dissertation's research findings.

Within this chapter I also justified the use of different data sets adopted under triangulation. The first method adopted under triangulation was archival research techniques. This allowed for the re-examination and contemporary interpretation of historical data while assisting with negating the over-researching of Aboriginal Australians. Aboriginal Australians as both participants and subjects have been the centre of vast amounts of research on issues relating to this thesis. Due to this, it has been unnecessary to further research Aboriginal people on distressing topics.

While there are benefits to archival research, there are problems associated with the method. This includes time wastage stemming from excessive workloads, ethics approval, copyright legalities, issues with offensive archive materials, and

issues with archival materials relating to Aboriginal Australians. While these issues were identified, this chapter has demonstrated how they were avoided or minimised. This included following proper archival procedure to avoid time wastage, following archival procedures in relation to ethics and copyright; this study also addressed the issue that while colonial archives may be offensive, they have allowed for the exploration of colonial ideals and the past governance of Aboriginal people.

Primary source analysis was the second method adopted for this research. This chapter examined the utilised primary sources while demonstrating their importance to research. They were essential to this thesis as they provide first-hand accounts and documentation of past events. However, these materials, especially those from the colonial era, can be Eurocentric and devoid of Aboriginal perspectives. While this is an issue, it was circumvented in this investigation through the use of contemporary primary source materials inclusive of the opinions and perspectives of Aboriginal people.

This chapter also addressed how primary source materials can be fraudulent, inaccurate and biased. It was demonstrated that this issue did not affect this thesis as the materials utilised for this research were generally transparent due to colonial authority's frank discussions of Aboriginal people in relation to race and Commonwealth governance.

The last technique used within the triangulation method was secondary source analysis. The benefits of secondary source analysis were addressed, including the fact that the examination of topical debates in secondary sources ensured that different

perspectives and interpretations of data were critically analysed. I highlighted that this data was then compared with data from other methods, allowing conclusions to be reached as to the outcomes of Commonwealth Aboriginal policy.

Having discussed the benefits of secondary source analysis, the issues with the method were examined. This largely related to materials again displaying fraudulence, inaccuracy and bias in secondary sources. As secondary sources are a reanalysis of secondary and primary materials, they are considered more likely to display these problems. However, this was prevented in the present work by checking the reliability of materials through comparison and corroboration. Triangulation assisted with this process throughout the dissertation.

In this chapter I have discussed the methodology adopted for this research. I explained triangulation method and discussed the specific research methods of this thesis. These were archival research techniques, primary source analysis techniques and secondary source analysis techniques. I demonstrated that the use of triangulation methodology was the most appropriate method to investigate the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939.

*Chapter Four: Ideological Influences over Commonwealth Aboriginal Policy in the Northern Territory*

**4.1 Introduction**

The ideological context of the colonial world was influenced by nineteenth-century race theories which contained theoretical paradigms linked to race hierarchies, class categorisations and debates concerned with the governance of 'inferior' races and classes. These ideological constructions were founded in North Western Europe and were then transported to the various colonies of the 'New World'. In relation to race and to various degrees, these ideologies contextualised the belief systems of colonists in Australia, New Zealand, Asia, Africa and North America. In this chapter I critically examine these ideologies and investigate the extent of their influence over colonial ideology and governance in Australia and the Northern Territory.

Ideological theories that influenced colonists have their origins in the monogenic and polygenic debate of the mid-to-late nineteenth century. This debate will be critically analysed in section 4.1 below. Monogenism was the belief that all humans descended from common ancestors, while polygenism argued that the various human races were different species. In the nineteenth century, monogenism gained ascendancy over polygenism, as influential theorists including Darwin (1859) and Spencer (1870) relied on it to form the basis of their theories. These theories included natural selection and social Darwinism and were prominent in influencing colonial

ideological paradigms. Due to this phenomenon, monogenism became the dominant theory in the Western colonial world.

While monogenism argued that all humans had common ancestry, the theory was not free of racial prejudice. Monogenists argued that non-European races were a 'degraded' form of humanity. Within these constructs, Aboriginal Australians became the primary targets of monogenist discrimination. This was due to Aboriginal Australians challenging nineteenth century European notions of race, influencing colonists to view them as 'inferior' physically, intellectually and culturally. Further, monogenists discriminated against mixed-descent people. They feared that increases in mixed-descent populations within the colonies would lead to race 'purity' issues and loss of power for 'whites'.

Monogenism and the racial prejudice inherent in its ideology influenced Darwin's (1859) construction of natural selection theory. In the late nineteenth and early twentieth centuries, natural selection became highly influential in European colonial circles. The theory was applied to human groups during the colonial era and perpetuated the idea that Europeans were 'superior' to Aboriginal races. This ideological construct underpinned the prominent colonial belief that Aboriginal peoples were destined to become extinct. Such ideology was used by colonists to justify the negative effects that colonisation had on Aboriginal people.

In 1864, Herbert Spencer applied natural selection to societal issues including race. This application of natural selection came to be referred to as social Darwinism, which at the time was another influential theory. Spencer's theory further justified the

ill effects of colonisation and was a dominant theory in colonial circles. Within Australia, social Darwinism gained prominence in the colonial institutions of government and church and influenced the way such entities treated Aboriginal Australians.

Further influencing the treatment of Aboriginal Australians were discussions within social Darwinist rhetoric relating to mixed-descent people. Mixed-descent people were becoming larger in population throughout colonies including Australia. Importantly, colonial governments feared this population growth as it contradicted extinction theories propounded by social Darwinists (Spencer 1864). This was the case in the southern states of the United States, where the term and theory of miscegenation was consequently constructed to describe these cross racial interactions (Croly 1864). Within the United States, there were laws enacted to ban miscegenation, which were supported by other 'white' colonies including Australia (Austin 1993; Reynolds 2005). Miscegenation theory and the fear of mixed-descent people became influential within Australia. This influenced not only ideology but governance of Aboriginal people in areas with high mixed-descent populations such as the Northern Territory.

Stemming from the fear of miscegenation, eugenics became popular in colonial ideology. This was due to its biological solutions to the mixed-descent 'problem'. The foundations of eugenics were constructed by Sir Francis Galton (1869), who suggested eugenics was practical Darwinism. This 'practical' aspect of the theory related to human breeding programs aimed at biologically absorbing

mixed-descent people into 'white' populations. Consequently, eugenics gained popularity in the colonies throughout the late nineteenth century and early twentieth century, as it offered an interventionist solution for colonial governments attempting to control 'degenerate' races and classes. Further, eugenics became influential in the Northern Territory during the early twentieth century and was introduced to 'breed out the colour' and cause the disappearance of Aboriginality.

Within this chapter I discuss these theories and ideological developments to illustrate the influence they had within colonial society. This is significant for the present study, since between 1911 and 1939 in the Northern Territory, these ideologies shaped the construction and enforcement of Aboriginal policy, impacting upon outcomes of Commonwealth Aboriginal policy.

## **4.2 The Monogenic and Polygenic Debate**

The ideological paradigms discussed in this chapter all had their theoretical basis constructed within the nineteenth century debate over monogenism and polygenism. The debate saw a number of scientists and anthropologists arguing in favour of monogenism, or the belief that all humans descended from common ancestors. Conversely, others argued in favour of polygenism, the belief that different human

racess were different species (Slotten 2004: 207-208). Wallace, a prominent nineteenth century monogenist, summarised the opposing views:

*Are the various forms under which man now exists primitive, or derived from pre-existing forms; in other words, is man of one or many species? To this question we immediately obtain distinct answers diametrically opposed to each other: the one party positively maintaining that man is a species and is essentially one – that all differences are but local and temporary variations, produced by the different physical and moral conditions by which he is surrounded; the other party maintaining with equal confidence that man is a genus of many species, each of which is practically unchangeable, and has never been as distinct, or even more distinct, than we now behold them (1864: clviii).*

Constructs of race and European superiority were intrinsically linked with this debate. European polygenists found it inconceivable that their ‘stock’ could be in any way biologically related to non-‘white’ races. Polygenist Robert Knox argued that humans consisted of a variety of different species and believed his assertion was made obvious due to the ‘inferiority’ of non-‘white’ peoples:

*There is a physical and consequently, psychological inferiority amongst the dark races... First, as regards [to] mere physical strength, the dark races are*

*generally much inferior to the Saxon... Secondly, in size of brain they also seem considerably inferior to the above races... thirdly, the form of the skull differs from ours (1850: 224).*

Under Christian auspices, the French Polygenist Gobineau argued that non-‘white’ races were an altogether different species:

*We must, of course, acknowledge that Adam is the ancestor of the white race. The Scriptures are evidently meant to be so understood, for the generations deriving from him are certainly white. This being admitted, there is nothing to show that, in the view of the first compilers of the Adamite genealogies, those outside the white race were counted as part of the species at all. Not a word is said about the yellow races, and it is only arbitrary interpretation of the text that makes us regard the patriarch Ham as black (1853: 99-100).*

Gobineau further refuted monogenist theory, claiming that even if brought up under similar conditions, non-‘white’ races could not obtain the same racial ‘superiority’ as Europeans :

*The Unitarians [monogenists] say that the separation of the races is merely apparent, and due to local influences, such as are still at work, or to accidental variations of shape in the ancestor of some particular branch. All mankind is,*

*for them, capable of the same improvement; the original type, though more or less disguised, persists in unabated strength and the Negro, the American savage, the Tungusian of northern Siberia, can attain a beauty of outline equal to that of the European, and would do so, if they were brought up under similar conditions. This theory cannot be accepted (1853: 98-99).*

The English polygenist, James Hunt (1864), vehemently argued that races including Africans were another species. Hunt argued this in order to not only support the dwindling America Confederacy, then losing control of their slave dependent economy in the 1860s, but slavery itself. In 1864, at the height of the American Civil War, Hunt established the Anthropological Society of London and used the platform to attack monogenist views and publications (Desmond 1994; McCalman 2009). In the same year, Hunt launched *On the Negro's Place in Nature* (1864). Within it, Hunt attacked monogenist theory, arguing that African peoples were a distinct species:

*First, that there is as good reason for classifying the Negro as a distinct species from the European as there is for making the ass a distinct species from the zebra; and if we take intelligence into consideration in classification, there is far greater difference between the Negro and Anglo-Saxon than between the gorilla and chimpanzee (1864: xvi).*

Two years later, Hunt launched *On the Application of the Principal of Natural*

*Selection to Anthropology* (1866), in which he further denounced monogenist theories:

*I have called the attention of anthropologists to the remarkable fact that some Darwinites are Monogenists, and, what is still more remarkable, that some Darwinites in this country are even teaching as a scientific induction, that there is, at the present day, but one species of man inhabiting the globe* (1866: 320).

At the time, Hunt's arguments were controversial and antagonistic as they denounced monogenist theory and supported the dwindling American Confederacy's slave trade. However, monogenist theory was still quickly becoming the dominant theory of the mid-to-late nineteenth century.

The ideological foundations of monogenist theory were established by scholars including Blumenbach and Prichard. While they conceded that there were fundamental differences between humans, they argued that these variations did not unequivocally prove different races were different species (Zammito 2006: 47). In his 1775 thesis, Blumenbach made his monogenist position clear: "No variety [of human] exists, whether of colour, countenance, or stature, &c, so singular as not to be connected with others of the same kind by such an imperceptible transition, that it is clear they are all related, or only differ from each other in degree" (cited in Bernasconi and Lee Tott 2000: 27).

Subsequently, Prichard held similar views to Blumenbach. In *Researches into the Physical History of Man*, Prichard argued: "On the whole it appears that we may,

with a high degree of probability, draw the inference that all the different races into which the human species is divided, originated from the one family” (1813: 155).

Darwin later drew from these scholars in his landmark publication *On the Origin of the Species* (1859). Within it, Darwin framed evolution in terms of common descent. Darwin further purveyed such ideology in *The Descent of Man* (1871) when he applied theories of evolution to human beings as opposed to animals and plants. Darwin (1871: 173) argued that the presence of mixed-descent people in the various colonies indicated that different races were not different species:

*If our supposed naturalist were to enquire whether the forms of man keep distinct like ordinary species, when mingled together in large numbers in the same country, he would immediately discover that this was by no means the case. In Brazil he would behold an immense mongrel population of Negroes and Portuguese; in Chile, and other parts of South America, he would behold the whole population consisting of Indians and Spaniards blended in various degrees... in one island of the Pacific he would find a small population of mingled Polynesian and English blood... Many analogous cases could be added; for instance in Africa. Hence the races of man are not sufficiently distinct to inhabit the same country without fusion; and the absence of fusion affords the usual and best test of specific distinctness... the most weighty of all arguments against treating the races of man as distinct species, is that they graduate into each other, independently in many cases, as far as we can judge,*

*of their having intercrossed* (1871: 173).

Darwin's theory gained a large following amongst European scholars. Thomas Huxley became one of Darwin's main supporters. Huxley was referred to as 'Darwin's Bulldog' after resigning his post at the Anthropological Society of London following Hunt's attacks on monogenism (Desmond 1994; McCalman 2009). Huxley suggested that the recognition that humans were of a common ancestry did not degrade humanity:

*We are indeed told by those who assume authority in these matters, of man and brute involves the brutalization and degradation of the former... is it indeed true, that the Poet, or the Philosopher, or the Artist whose genius is the glory of his age, is degraded from his high estate by the undoubted historical probability, not to say certainty, that he is the direct descendent of some naked and bestial savage... the common sense of the mass of mankind will answer these questions without a moment's hesitation* (1863: 130).

Alfred Wallace was another of Darwin's supporters and was heavily involved with the Anthropological Society of London (Clements 1983; Sloten 2004). Within the society, Wallace advocated the ideology that humans had a single origin and that their racial differentiations occurred at an early period in the history of humanity (1864: clxvi). Wallace suggested:

*Man may have been, indeed I believe must have been, once a homogeneous race; but it was at a period of which we have as yet discovered no remains, at a period so remote in his history, that he had not yet acquired that wonderfully developed brain, the organ of the mind, which now, even in his lowest examples, raises him far above the highest brutes... if therefore, we are of the opinion that he was not really man till these higher facilities were developed, we may fairly assert that there were many original distinct races of men; while, if we think that a being like us in form and structure, but with mental faculties scarcely raised above the brute, must still be considered to have been human, we are fully entitled to maintain the common origin of all mankind (1864: clxvi).*

Herbert Spencer, the prominent English philosopher, sociologist and social Darwinist, further supported Darwin's theories as they related to monogenism:

*Ethnologists find differences of still higher importance, between the Aryan stock as a whole and the Mongolian stock as a whole, or the Negro stock as a whole. Though these contrasts are partially obscured by intermixtures; yet they are not so obscured as to hide the truths that the most nearly allied varieties of man, are those which diverged from one another at a comparatively recent period; that each group of nearly allied varieties, is more strongly contrasted with other such groups that had a common origin (1868: 357).*

The French scientist and writer Louis Figuier concurred:

*When speaking of the various races of man... the majority of naturalists admit nowadays one common centre of creation for all mankind. Man, no doubt, first came into being on the great plateaux of Central Asia, and thence was distributed over all the various habitable portions of our globe (1871: 25).*

Galton, Darwin's half-cousin and prominent English anthropologist, eugenicist and statistician also supported monogenism, even though he was ashamed to be of the same species as Africans:

*The number among the negroes of those whom we should call half-witted men, is very large. Every book alluding to negro servants in America is full of instances. I was myself much impressed by this fact during my travels in Africa. The mistakes the negroes made in their own matters, were so childish, stupid, and simpleton like, as frequently to make me ashamed of my own species (1869: 339).*

Darwin's theories of evolution, which were founded on monogenism, gained a large following amongst prominent European scholars. Polygenists, including Hunt, lost ascendancy in the debate as scholars overwhelmingly agreed that humans had a common ancestry. The position that non-'whites' were an inferior species became

slowly redundant.

However, while monogenist scholars argued that all races were one species, racial prejudice was not exempt from monogenist discussion. Rather than consigning groups including Aboriginal Australians to the animal kingdom, monogenists constructed them as ‘less evolved’ or ‘degraded’ forms of human, albeit of the same species.

### **4.3 Monogenism and Racial Prejudice Against Aboriginal Australians**

Throughout this sixty year period of debate, European monogenists had vehemently argued that humans descended from common ancestry and were therefore of the same species. While this might suggest a view that all human races were equal, monogenists were not free of the prejudice that featured more clearly in polygenism. They too conveyed the argument that non-European groups were a degraded form of human.

Within these discriminatory arguments Aboriginal Australians were regularly the primary targets of inflammatory statements (Lawrence 1819; Prichard 1841; Huxley 1863; Spencer 1868; Galton 1869; Darwin 1871). Monogenist discrimination against Aboriginal Australians began with James Prichard, who struggled to classify them into any definable race category (Anderson and Perrin 2008: 971). Anderson and Perrin demonstrate Prichard’s difficulty:

*In the Natural History of Man, moreover... Prichard admits what is already discernable in the third edition of his Researches: that any correct classification of the Australians 'cannot yet be determined' ... so while Prichard continued to maintain that 'all the races of men are of one species'... clearly he had specified difficulties with the Australians (2008: 972).*

Prichard even suggested that Aboriginal Australians gave strength to polygenist arguments:

*If a person previously aware of the existence of such diversities, could suddenly be made spectator of the various appearances which the tribes of men display in different regions of the earth, it cannot be doubted that he would experience emotions of wonder and surprise. If such a person, for example, after surveying some brilliant ceremony in one of the highly civilised countries of Europe... be carried into a hamlet in Negroland, in the hour when the sable race recreate themselves with dancing and barbarous music... if he placed near the solidarity den of the bushmen, where the lean and hungry savage crouches in silence like a beast of prey... if he carried into the midst of the Australian forest, where the squalid companions of kangaroos may be seen crawling in procession in imitation of quadrupeds – can it be supposed that such a person would conclude the various groups of beings whom he had surveyed to be of one nature, one tribe, or the offspring of the same stock? It is much probable that he would*

*arrive at the opposite conclusion* (1841: 1-2).

In describing Aboriginal Australians as inferior and akin to primates, Prichard also used phrenological ‘evidence’ to support his claims:

*Among the rudest tribes of men, hunters and savage inhabitants of forests, dependent on their supply of food on the accidental produce of soil, or on the chase, among whom are the degraded of the African nations and the Australian savages, a form of head is prevalent which is most aptly distinguished by the term prognathous, indicating a prolongation or extension forward of the jaw* (1843: 99-100).

Huxley critiqued Aboriginal Australians similarly, suggesting they resembled Neanderthals:

*It is particularly interesting, as it suggests that, notwithstanding the flattened condition of the occiput, the posterior cerebral lobes must have projected considerably beyond the cerebellum, and as it constitutes one among several points of similarity between the Neanderthal cranium and certain Australian skulls* (1863: 165).

Linked with anecdotal ‘evidence’ pertaining to phrenology and questions of intellect,

Darwin further argued that Aboriginal Australians were ‘inferior’ to the point that Aboriginal women were not self-conscious:

*It may be freely admitted that no animal is self-conscious, if by the term it is implied, that he reflects on such points as whence he comes or whither he will go, or what is life and death and so forth... how little can the hard-worked wife of a degraded Australian savage, who uses very few abstract words, and cannot count above four, exert her self-consciousness, or reflect on the nature of her own existence (1871: 83).*

Debates ‘verifying’ the ‘inferiority’ of Aboriginal Australians were not only linked to nineteenth-century science, but also cultural practice. Sir William Lawrence, an English surgeon and evolutionary theorist suggested that Aboriginal Australians’ ‘inferiority’ was exemplified by their lack of cultural sensibility:

*The distinction of colour between the white and the black races is not more striking than the pre-eminence of the former in moral feelings and in mental endowments. The latter, it is true, exhibit generally a great acuteness of the external senses, which in some instances is heightened by exercise to a degree nearly incredible. Yet they indulge, almost universally, in disgusting debauchery and sensuality, and display gross selfishness, indifference to the pains and pleasures of others, insensibility to beauty of form, order and harmony, and an*

*almost entire want of what we comprehend altogether under the expression of elevated sentiments, manly virtues and moral feeling. The hideous savages of Van Diemen's Land, [and] of New Holland... exhibit the most disgusting moral as well as physical portrait of man (1819: 325).*

In 1872, British Royal Navy Admiral Sir Charles Wake similarly suggested that Aboriginal culture, specifically art, displayed the childish attributes of Aboriginal Australians and their 'inability' to display cultural progressiveness:

*The journal of the Anthropological Institute in 1872 published a revealingly titled paper by C.S Wake, on 'the mental characteristics of primitive man, as exemplified by the Australian Aborigines', in which discussion he included art. 'In all questions of morality, and... the emotional nature', Wake concluded, the Aborigines were 'mere children', lacking powers of abstract reasoning (1985: 70).*

Other monogenists, including Galton, did not feel the need to qualify their statements about Aboriginal Australians, using neither scientific nor cultural 'evidence' to justify their position: "The Australian type is at least one grade below the African negro. I possess few serviceable data about the natural capacity of the Australian, but not sufficient to induce me to invite the reader to consider them" (1869: 339-340).

Herbert Spencer further argued that the 'inferiority' of Aboriginal Australians

led to the degradation of ‘superior’ humans in contact with them: “In the Australian bush... the Anglo-Saxon race, in which civilisation has developed the higher feelings to a considerable degree, rapidly lapses into comparative barbarism: adopting the moral code, and sometimes the habits, of savages” (1868: 190).

The contact Spencer described also related to colonial anxieties pertaining to cross-racial interactions. Monogenists and polygenists alike discussed these relationships and mixed-descent population increases throughout the nineteenth century. Polygenists had long argued that due to races being distinct species, people of mixed descent were sterile and destined to perish (Knox 1850; Broca 1864; Gobineau 1853). Polygenist Paul Broca had argued that ‘evidence’ from Australia illustrated that cross-racial interactions led to the sterility of Aboriginal women:

*Strzelecki has not specified that the sterilisation of the native females [Australian Aboriginal women] was the consequence of the procreation of cross-breeds. He merely speaks of sexual relations in general; and it appears to result from the text, that a native woman who has cohabitated for some time with a European, becomes sterile in the intercourse with men of her own race, even if she has not produced a child (1864: 55).*

There was a consensus amongst polygenists and monogenists that mixed-descent people posed a threat to racial ‘unity’ and ‘purity’ but the notion that they would ‘die out’ due to sterility was quashed by monogenist scholars including Murray (1868) and

Darwin (1871). Murray argued that relations in Australia had disproved the polygenist position:

*My experience, extending over many years, leads me to believe that these people [mixed-descent people] would, under equally favourable circumstances, be as prolific as any others. Count Strzelecki says, that the Australian aboriginal female will not bear a child to an aboriginal black man after having had one with a white man. I have, however, known nothing, in a long course of observation of the native races, to warrant this opinion; on the contrary, I have seen several black children who were born after their mothers had had children by white men (1868: liii).*

Darwin also argued that sterility was not an issue as population increases were apparent in colonies including Australia:

*Our supposed naturalist having proceeded thus far in his investigation, would next enquire whether the races of men, when crossed, were in any degree sterile... thus it has been asserted that the native women of Australia and Tasmania rarely produce children to European men; the evidence, however, on this head has now been shown to be almost valueless (1871: 170).*

The monogenist argument that mixed-descent people were not destined to extinction

gained traction in colonial circles. The ideological paradigm that such people posed a threat to European 'superiority' consequently strengthened. As Rolls suggests, this occurred in Australia with mixed-descent people becoming the subjects of discrimination and government intervention:

*Descendants of miscegenation [mixed race relationships], often conceived through violence, were for long the subjects of ostracism, concern and administrative contumely. At various points they were described as inheriting the worst characteristics of both races, as being irretrievably trapped in a chasm betwixt two cultures, as having no culture at all, and always as a problem. In some jurisdictions this led to finer and sillier graduations between such descendants so as to more securely locate them within the colonial order, thereby effecting greater administrative control... They were instead conceived of as a group to whom things needed to be done in order to provide them with culture and an identity, or alternatively, to rid Australia of their presence (2005: 64).*

As future chapters indicate, the colonial desire to assimilate, biologically absorb and eventually rid Australia of mixed-descent people was evident in the Northern Territory between 1911 and 1939. The Commonwealth implemented policy and legislation that targeted mixed-descent people in terms of their relations with non-Aboriginal people, children and employment. The outcomes of such interventions will

be explored throughout this thesis.

#### **4.4 Natural selection**

Darwin was an exponent of monogenism theory and it was at the centre of his theories on the evolution of animals and humans. In order to explain the evolution of animals and humans, Darwin constructed the theory of natural selection. Darwin initially discussed the theory in *On the Origin of the Species* (1859). Natural selection became an extremely influential theory and would influence the construction of social Darwinism and colonial attitudes towards Aboriginal people.

As various authors suggest (Jones 1980; White 1981; Reynolds 1987; Moore and Desmond 2004), Darwin's theory of natural selection proposed a dynamic in evolution, with species undergoing change physiologically and in some cases psychologically. Darwin argued that through evolutionary change, species gradually developed while inheriting advantageous physiological aspects and disregarding unnecessary traits:

*Can we doubt (remembering that many more individuals are born than can possibly survive) that individuals having any advantage, however slight, over others, would have the best chance of surviving and of procreating their kind? On the other hand, we may feel sure that any variation in the least degree injurious would be rigidly destroyed. This preservation of favourable variations*

*and the rejection of injurious variations, I call Natural selection (1859: 63).*

Darwin further argued that natural selection led to a struggle for existence, with the better adapted species overcoming the inferior species, often leading to their extinction:

*Natural selection acts solely through the preservation of variations in some way advantageous, which consequently endure. But as from the high geometrical ratio of increase of all organic beings, each area is already fully stocked with inhabitants, it follows that as each selected and favoured form increases in number, so will the less favoured forms decrease and become rare. Rarity, as geology tells us, is the precursor to extinction (1859: 84).*

While in *Origin of the Species* (1859) Darwin discussed natural selection in the animal kingdom, in the *Descent of Man* (1871) he applied the theory to humans. In the second edition of the *Descent of Man* Darwin argued that natural selection in human groups acted as a benefit to whole communities:

*Judging from the habits of savages and of the greater number of the *Quadrumana*, primeval men, and even their ape-like progenitors, probably lived in society. With strictly social animals, natural selection sometimes acts on the individual, through the preservation of variations which are beneficial to the*

*community. A community which includes a large number of well-endowed individuals increases in number, and is victorious over other less favoured ones* (1879: 83).

Intertwined with discussions on humans, natural selection and the struggle for survival, the projection of Europeans as ‘superior’ to Aboriginal races became apparent in the *Descent of Man* (1871). Darwin (1871: 195) argued that the ‘civilised’ races had garnered superiority over Aboriginal peoples due to their increase in population, stronger struggle for survival and more frequent contact with the process of natural selection. Darwin argued that in contrast, Aboriginal races were not as strong as Europeans as they generally lived in fertile areas, had small numbers within their clans and did not struggle for survival to the same extent:

*Since we see in many parts of the world enormous areas of the most fertile land capable of supporting numerous happy homes, but peopled only by a few wandering savages, it might be argued that the struggle for existence had not been sufficiently severe to force man to his highest standards* (1871: 195).

In the second edition of the *Descent of Man* (1879) Darwin then argued that due to ‘inferiority’, Aboriginal races coming into contact with ‘superior’ groups would become extinct. Darwin proposed: “At some future period, not very distant as measured by centuries, the civilised races of man will almost certainly exterminate,

and replace, the savage races throughout the world” (1879: 156).

Darwin further argued that humans could survive in inhospitable conditions, but would become extinct when ‘inferior’ races met ‘superior’ races:

*Extinction follows chiefly from the competition of tribe with tribe, and race with race... when civilised nations come into contact with barbarians the struggle is short, except where a deadly climate gives aid to the native race. Of the causes which lead to the victory of civilised nations, some are plain and simple, others complex and obscure. We can see that the cultivation of land will be fatal in many ways to savages, for they cannot, or will not, change their habits. New diseases and vices have in some cases proved highly destructive; and it appears that a new disease often causes much death, until those who are most susceptible to its destructive influence are gradually weeded out; and so it may be with the evil effects from spirituous liquors, as well as with the unconquerably strong taste for them shewn to so many savages...the most potent of all the causes of extinction appears in many cases to be lessened fertility and ill-health amongst the children, arising from changed conditions of life (1879: 211-213).*

This influenced the ‘dying out’ theory proposed by colonists in areas including the Northern Territory, where Aboriginal population declines were said to be attributable to racial ‘inferiority’ rather than the adverse effects of colonisation. As various

authors (Peel 1971; Reynolds 1987; Moore and Desmond 2004) have also argued, Darwin's theories of natural selection as applicable to humans were then used to justify, explain and condone colonisation and imperialism.

Darwin's supporters used his theory of natural selection to further the ideology that the destruction of Aboriginal peoples was inevitable and a natural outcome of biological processes. As Sloten illustrates, Alfred Wallace used the theory to explain the decimation of Aboriginal people in contact with Europeans:

*Wallace said that it was the same great law of 'preservation of favoured races in the struggle for life' that led to the inevitable extinction of weaker and inferior peoples. Just as the weeds of Europe overran North America and Australia, extinguishing the less adaptable native varieties, so the morally and intellectually superior Europeans had overran, outbred, and extinguished the less adaptable aboriginal peoples. Foreshadowing social Darwinism, Wallace united European imperialism with the law of natural selection (2004: 211).*

Wallace also suggested:

*It is the same great law of 'the preservation of favoured races in the struggle for life,' which leads to the inevitable extinction of all those low and mentally undeveloped populations with which Europeans come into contact... the Tasmanian, Australian and New Zealander in the southern hemisphere, die out,*

*not from any one special cause, but from the inevitable effects of an unequal mental and physical struggle. The intellectual and moral, as well as the physical qualities of the European are superior; the same powers and capacities which have made him rise in a few centuries from the condition of the wandering savage with a scanty and stationary population to his present state of culture and advancement, with a great average longevity a greater average strength, and a capacity of more rapid increase, enable him when in contact with the savage man, to conquer in the struggle for existence (1864: clxiv).*

Francis Galton also agreed:

*Probably in no former period of the world has destruction of the races of any animal whatever, been affected over such wide areas and with such startling rapidity as in the case of savage man. In the North American Continent, in the West Indian Islands, in the Cape of Good Hope, in Australia, New Zealand and Van Diemen's Land, the human denizens of base regions have been entirely swept away in the short space of three centuries, less by the pressure of a stronger race than through the influence of a civilisation they were incapable of supporting (1869:344-345).*

Natural selection was used as an ideological justification for the ill effects of colonisation. Aboriginal Australians facing population declines in the colonies were

said to be facing ‘natural’ and ‘inevitable’ circumstances, as opposed to disease, violence and poverty resulting from colonisation.

#### **4.5 Herbert Spencer and Social Darwinism**

Shortly after Darwin’s construction of natural selection, Herbert Spencer utilised the theory to coin the term ‘survival of the fittest’, which he applied to social and racial competition. Spencer’s application of natural selection to social, economic and racial issues came to be referred to as social Darwinism (Egan 2002: 24). As various authors (Bannister 1979; Jones 1980; White 1981; Yarwood and Knowling 1982; Markus 1994; Dennett 1995) suggest, by the 1890s Spencer’s theory had been appropriated by colonists and terms including ‘natural selection’, ‘struggle for existence’ and ‘survival of the fittest’ were used to excuse poverty, colonisation, the destruction of Aboriginal societies and the exploitation of Aboriginal peoples. Rather than the outcome of colonisation, it was proclaimed that worldwide Aboriginal population declines were inevitable.

Social Darwinist assumptions that Aboriginal people would inevitably decline and become extinct were evident in colonial Australia. In 1871 an article from *The Brisbane Courier* discussed the inevitability of Aboriginal extinction:

*The extinction of the aboriginal race in this colony is merely – as it has proved in Tasmania – a question of time. The southern tribes are rapidly disappearing,*

*and the northern will follow in their wake as the country becomes more occupied. The Royal Instructions may command the Governors of the Queen's territories "to promote religion and education among the native inhabitants;" to take especial care "to protect them in their persons, and in the free enjoyment of their possessions;" and to use every lawful means" for their conversion into the Christian faith, and for their advancement in civilisation;" but it is not less true than it is lamentable to know that the doom of the race is extermination (1871).*

In 1876, *The Argus* reported on the 'certain' extinction of Aboriginal Tasmanians:

*The death of this last scion of a once numerous race is an event in the history of Tasmania of no common interest: and it may well serve to "point a moral and adorn a tale" on the question of the gradual but certain extinction of the aboriginal races of these southern lands (1876: 7).*

Also in 1876 the *Melbourne Review* wrote of Aboriginal people and the 'survival of the fittest' paradigm:

*The survival of the fittest means that might – wisely used – is right. And thus we invoke and remorselessly fulfil the inexorable law of natural selection (or of demand and supply) by exterminating the inferior Australian and Maori races, and we appropriate their patrimony as coolly as Ahab did the vineyard Naboth,*

*though in diametrical opposition to all our favourite theories of right and justice – thus proved to be unnatural and false. The world is better for it* (cited in Yarwood and Knowling 1982: 174).

In 1909 *The Advertiser* discussed the ‘certain’ extinction of Aboriginal people in South Australia: “The chief object in legislation dealing with the native races should always be the wellbeing and protection of the inferior and comparatively helpless people... they are rapidly decreasing in numbers. Certain extinction awaits the aboriginal race” (1909: 6).

The arguments inherent in social Darwinist theory were not only prominent in popular Anglo-Australian print media; social Darwinist arguments were also prominent within political circles. In 1891, Queensland politician and civil servant Archibald Meston suggested that Aboriginal people were rapidly becoming extinct, which he said was typical of all ‘savage’ and ‘inferior’ races “the Australian blacks are moving rapidly on into the eternal darkness in which all savage and inferior races are surely destined to disappear ”(cited in Reynolds 1987: 120).

In relation to Aboriginal people, South Australian parliamentarians were predicting their extinction in the late 1890s (South Australia, House of Representatives 1900). In 1899, J.H. Gordon, the member for the South District of the South Australian Parliament, excused the taking of Northern Territory Aboriginal country and decimation of the population as a ‘law of civilisation’: “We had taken their country from them. It was a law of civilisation that ineffective races must give

place to stronger ones, but it was in our power to make the process of extinction as easy as possible” (South Australia, House of Representatives 1900; vXVI: 39).

As subsequent chapters demonstrate, the views of South Australian parliamentarians went on to influence South Australia legislation regarding Aboriginal people in the Northern Territory as well as Commonwealth governance between 1911 and 1939.

Extinction theories stemming from ‘survival of the fittest’ paradigms inherent in social Darwinism were also evident in Australia’s church denominations. Bishop Frodsham exemplified such beliefs at an Australian Church Congress in the early twentieth century (Harris 1998: 93). Frodsham urged the Church Missionary Society (CMS) to commence mission work in areas including the Northern Territory as he believed Aboriginal Australians were soon to become extinct: “The Aborigines are disappearing. In the course of a generation or two, at the most, the last Australian blackfellow will have turned his face to warm mother earth, and given his soul to God who gave it. Missionary work then may be only smoothing the pillow of a dying race” (cited in Harris 1998: 93).

In 1923, the CMS discussed ‘survival of the fittest’ paradigms in relation to the Northern Territory’s Aboriginal population:

*The Aborigine has been excluded from contact with the outside world, and seems never to have been touched by evolution. What he was 10,000 years ago, so he is to-day. The explanation is that there has been no competition to brace*

*and stimulate him. In so far as he has been fit to survive he has survived; but in his case it has merely been the survival of the fit, not the more strenuous term 'survival of the fittest' (1923: 2).*

In 1928, Dick Harris arrived as a missionary in the Northern Territory and recalled extinction theories being common: “At the time of my arrival in North Australia, there was no suggestion of any future for the Aborigines. They were, rather, considered a dying race and the best we could do for them would be to ease their ‘exit’” (cited in Harris 1998: 95).

CMS policy also reflected these attitudes, with section 2(a) of their constitution stipulating that a lack of natural selection in Australia explained Aboriginal peoples’ supposed ‘retarded development’: “The explanation of the retarded development of the Aborigines lies mainly in the fact of their isolation from the rest of mankind, and in their lack of challenge and opportunity” (1944: 1).

Within Australia, ‘inevitable’ extinction theories founded on social Darwinist ideology were prominent amongst media, political and religious circles. The decimation of Aboriginal Australians would readily be condoned on the basis of ‘survival of the fittest’ arguments propounded by social Darwinism. The Northern Territory was no exception.

#### **4.6 Miscegenation**

Within social Darwinist debates there was also discussion of mixed-descent people. In the mid-nineteenth century many colonists believed that alongside ‘full-blood’ Aboriginal people, those of mixed descent would become extinct. While in the mid-nineteenth century some colonists believed mixed-descent people would become extinct, growing mixed race populations in colonies such as Australia, Jamaica, Brazil, Africa and the United States of America were disproving that such theories were applicable to humans (Williamson 1980; Young 1995). In *The Descent of Man* (1859) Darwin was also beginning to argue that mixed-descent humans were not sterile. The fact that Darwin’s position was in contrast to extinction theories regarding mixed-descent people caused angst in colonial circles. Such angst was further accentuated due to visibly increasing mixed-descent populations.

This colonial apprehension regarding mixed race people and relationships was evident in 1860s United States. Consequently, discussions concerning the matter influenced the development of miscegenation theory (Croly 1884). Following the American Civil War, an increasing number of mixed-descent children were born from relationships between ‘white’ Southern women and African American men (Williamson 1980: 89). This was due to large numbers of ‘white’ Southern men being killed in the American Civil War, leaving a large population of ‘white’ women and African American men in the southern states of the United States (Williamson 1980: 89). As Williamson suggests:

*The death of so many Southern men in the war caused a shifting in sex and*

*racial ratios in reconstruction. In the postwar South white women were in great surplus, and white men had little need to stretch across the race line to find willing mates. On the other side of the sex line, white women were faced with a shortage of white men... White women had either to share the available white males, do without, or take Negro men as mates (1980: 89).*

These redefined sexual relationships in the Southern United States raised debates concerning interaction between ‘whites’ and ‘blacks’. ‘White’ male elites in the southern states of the United States were threatened by mixed race relationships and introduced laws to ban them (Williamson 1980: 91-92). Colonial authorities asserting ‘white’ domination in other regions, including Australia, supported such measures.

In response to discussions regarding the intermixing of ‘white’ Americans and African Americans after the American Civil War, Croly wrote *Miscegenation: The Theory of the Blending of the Races Applied to the American White Man and Negro* (1864). When publishing the pamphlet, Croly (1864: 1) withheld his name as he feared retaliation for his views on the benefits of mixed race relationships. Within the pamphlet Croly coined the term miscegenation and defined it as a “blending of the various races of men” (1864: 1). Croly’s discussions were monogenist in theme, as he argued that racial discrimination was against the Christian doctrine, as all mankind were said to have descended from common ancestry:

*While the sublime inspirations of Christianity have taught this doctrine [of*

*monogenism], Christians so-called have ignored it in denying social equality to the colored man; while democracy is founded upon the idea that all men are equal, democrats have shrunk from the logic of their own creed, and refused to fraternize with the people of all nations; while science has demonstrated that intermarriage of diverse races is indispensable to a progressive humanity, its votaries, in this country [the United States of America], at least, have never had the courage to apply that rule to the relations of the white and colored races (1864: 1).*

Croly's (1864: 8-9) consideration of the benefits of miscegenation was intertwined with eugenic rhetoric, as he controversially suggested that mixed race people were superior to 'pure' races at a time when the colonial world believed in the 'superiority' of 'whites'. Croly argued:

*If any fact is well established in history, it is that the miscegenetic or mixed races are much superior, mentally, physically and morally, to those pure or unmixed. Wherever on the earth's surface we find a community which has intermarried for generations, we also find evidences of decay both in the physical and mental powers. On the other hand, wherever, through conquest, colonization, or commerce, different nationalities are blended, a superior human product invariably results. The English people are great, because they are a composite race. The French, notwithstanding that they are called Celtic,*

*are also originally of many diverse bloods* (1864: 8-9).

During the mid to late nineteenth century any suggestion that mixed race people were superior to ‘whites’ and of benefit to colonisation was highly controversial, generally being dismissed. The Royal Anthropological Institute of Britain and Ireland (1864: 116) criticised Croley, arguing that it was of concern that there was a force in America suggesting miscegenation would be of benefit to humans. The Anthropological Institute of Britain and Ireland suggested that the publication was of concern and was not based on any scientific evidence:

*We should not have thought it worthwhile to take any notice of the publication of the pamphlet under review, if it did not give us some insight into the extraordinary mental aberration now going on in Yankeedom. It is useless, however, longer to close our eyes to the phenomenon now appearing in the New World. Before we saw this pamphlet, we expected that it was merely a hoax, which some political wag had concocted for the benefit of his party. But an examination of the works dispels that illusion, and shows that the author attempts to found his theory on scientific facts!* (1864: 116).

The Royal Anthropological Institute of Britain and Ireland further argued that mixed race relationships were not scientifically beneficial and that the pamphlet moreover, should not be read by the public: “This is totally false, and such an hypothesis as the

superiority of mixed races rests on no scientific data, and is contradicted by many well-known facts. The public are warned against reading the work by the author” (1864: 116).

The argument that mixed race relationships threatened ‘white’ races and colonies encapsulated colonial ideology. Prior to Croly’s formulation and support of miscegenation, monogenist and polygenist scholars had argued against mixed race interaction (Knox 1862; Gobineau 1853). Gobineau (1853: 112) argued that miscegenation was an example of racial anarchy and created racial confusion. Gobineau also suggested that through mixed race relationships and the ‘tainting’ of ‘superior’ blood, colonial societies degenerated:

*The word degenerate, when applied to people, means (as it ought to mean) that the people has no longer the same intrinsic value as it had before, because it has no longer the same blood in its veins, continual adulterations having gradually affected the quality of that blood. In other words, though the nation bears the name given by its founders, the name no longer connotes the same race; in fact, the man of a decadent time, the degenerate man properly so called, is a different being, from the racial point of view, from the heroes of the great ages (1853: 59).*

Knox also argued that miscegenation needed to be avoided, stating that nature had told the ‘superior’ European men of the colonies that “by avoiding all intermarriage

with the aboriginal races of the soil... you may for a time escape the annihilation of your races” (1862: 567).

Colonists constructed a number of arguments against miscegenation. It was commonly suggested that mixed race children inherited the worst qualities of both parents and were assumed to be morally and physically defective (Reynolds 2005: 3). As various authors (Rich 1990; Austin 1993; Young 1995; Reynolds 2005; Rolls 2005) suggest, mixed-descent people were also seen as a biological threat to race ‘purity’ and colonial interests.

During the late nineteenth century and early twentieth century this led to mixed race Aboriginal Australians being defined along either inclusionary or exclusionary policy lines. Within Queensland, the Northern Territory and Western Australia mixed-descent people were governed on the basis of their biological characteristics, with definitions of caste prescribing their treatment and often enforcing their institutionalisation (Austin 1997; HREOC 1997). Mixed-descent people were often segregated from both Aboriginal and ‘white’ society and in the 1930s, eugenic practices were adopted to attempt their biological absorption into ‘white’ society (Austin 1993; Markus 1994; Reynolds 2005).

In the late nineteenth and early twentieth century, biological determinism also factored into New South Wales and Victorian legislation concerning mixed-descent people (Broome 2005). Rather than governing mixed-descent people on the basis of caste, as was done in the northern States and Territories, New South Wales and Victoria denied mixed-descent people their Aboriginality, often banishing them from

reserves on the basis of biological categorisation (Markus 1994; Broome 2005). This method of governance was eugenic in nature as it aimed to assimilate mixed-descent people into the wider 'white' society.

These practices stemmed from the fear of miscegenation. As Reynolds (2005: 6) suggests, miscegenation and the advent of mixed race children were the focal points on which all the anxieties concentrated about the future health of the 'white' race. Colonial opinion of the late nineteenth century and early twentieth century was largely against miscegenation. Mixed-descent people were seen as a threat to European race purity by not fitting within social Darwinist paradigms of 'survival of the fittest' and extinction. Mixed-descent people were feared in the colonial world as they were increasing in population due to marriage amongst themselves and interaction with other races. A large and growing mixed-descent population was not desired in Australia and as future chapters specify, the Northern Territory. This was due to the Territory's large Aboriginal population, proximity to Asia and cosmopolitan population. Such anxieties contained within ideology would influence aspects of the enactment and enforcement of Commonwealth Aboriginal policy.

#### **4.7 Eugenics**

Within colonial societies people of mixed descent were viewed as physical abnormalities, with high rates of disease, delinquency, alcoholism, prostitution and intellectual 'inferiority' among their populations (Searle 1974; Haller 1984; Austin

1993; Winfield 2007). Colonial Australia was no exception, with those of mixed descent being viewed as ‘degenerate’ and having inherited the vices of their ‘inferior’ Aboriginal descendants. In discussions concerning mixed-descent people, miscegenation and solutions to such ‘problems’, eugenics gained popularity. While eugenics was essentially a theory in support of miscegenation, it was envisaged that through breeding programs, the Aboriginal traits of people could be biologically absorbed by ‘superior’ races.

In 1883 eugenics was first coined by Sir Francis Galton. Galton (1909) established the theory’s name, encouraged the movement in Britain and provided it with its initial ideological foundation. The pillar of Galton’s (1909: 37-38) argument was that human abilities were inherited. Taking that position, Galton sought to minimise socio-economic factors as an influence over the intellectual and physical characteristics of humans.

As he did not believe socio-economic factors to be an influence over human intellectual and physical abilities, Galton (1909: 37-38) argued that through selective breeding programs, human stocks could be improved. Galton (1909: 37-38) suggested that either through careful breeding programs between ‘superior’ beings or programs based on the discouragement of breeding between ‘inferior’ humans, a superior race and class based society could be achieved. Eugenics incorporated these breeding programs and Galton defined the theory as “the science which deals with all influences that improve the inborn qualities of a race; also with those that develop them to the utmost advantage” (1909: 35). Galton argued that the quality of nations

could be improved through eugenics:

*Let us for a moment suppose that the practice of eugenics should hereafter raise the average quality of our nation to that of its better moiety at the present day and consider the gain. The general tone of domestic, social and political life would be higher. The race as a whole would be less foolish, less frivolous, less excitable and politically more provident than now (1909: 37-38).*

Galton's eugenics theory became popular in Britain and its colonies in the early twentieth century. This was due to eugenic ideology being founded on hierarchical structures based on race and class and in some colonial circles, it was seen to offer a solution to growing mixed-descent populations (Winfield 2007: 5). Rather than allowing the mixed-descent population to increase, eugenicists believed social progress could be achieved if governments adopted scientific engineering to influence the biological composition of citizens.

This form of eugenics was defined as 'negative eugenics', becoming an infamous governance method in the United States during this time (Larson 1995: 19). American eugenicists turned to four methods of eugenic governance based on marriage laws, sexual segregation, involuntary sterilisation and limits on immigration (Pickens 1968: 87). Sterilisation became notorious in the United States, with support for such practices gaining momentum. This related to concerns regarding what effects a large and increasing number of intellectually and physically 'inferior' mixed-

descent people would have on the economic and social order. In the late nineteenth century and early twentieth century United States legislation allowed sterilization procedures to be carried out, generally in prisons and other institutions (Pickens 1968: 87; Larson 1995: 19-20). Such practices were viewed as minor surgeries and of benefit for society.

Similar ideologies and practices were discussed and considered in colonial Australia and the Northern Territory. In the early twentieth century, eugenic theorists including Davenport visited Australia and argued that eugenics was the answer to the mixed-descent 'problem' (Austin 1993: 20). Drawing from eugenic governance methods in the United States, Davenport argued that Australian governments should have intervened and followed 'negative eugenics' methods by segregating 'inferior' races including Aboriginal Australian and discouraging them to breed (Austin 1993: 20; Larson 1995: 19-20).

Eugenic ideology and practice became influential within colonial Australia and came to prominence in the Northern Territory during the 1920s and 1930s. This was especially the case with the infamous Dr. Cecil Cook, Chief Protector of Aborigines in the Northern Territory between 1927 and 1939. As future chapters demonstrate, Cecil Cook was a staunch advocate for eugenics practice and desired to control Aboriginal children, marriages and relationships with non-Aboriginal people in an effort to 'breed out the colour'. Alongside Chief Protector A.O Neville from Western Australia, Cook preached and practiced eugenics. The work of Cook and Neville culminated in Australian bureaucrats at the *1937 Aboriginal Welfare Initial*

*Conference of Commonwealth and State Aboriginal Authorities* agreeing that biological absorption and eugenic practices would be adopted throughout Australia. This was especially the case in areas with high Aboriginal populations including the Northern Territory. As future chapters illustrate, the ideological foundations of eugenics were prominent in the development of policy and legislation in the Northern Territory between 1911 and 1939.

#### **4.8 Conclusion**

Within the nineteenth century and early twentieth century, theories and ideologies relating to race, class and the governance of both, influenced the ideological context of the colonial world. This was true in relation to Indigenous people, especially Aboriginal Australians, who were ideologically constructed by Europeans as either ‘inferior’ or a threat to their notions of ‘superiority’. In this chapter I have examined ideologies that influenced the colonial period and specifically colonial Australia. These theories include monogenism, natural selection, social Darwinism, miscegenation and eugenics.

The foundation of these ideologies stemmed from the monogenism and polygenism debate of the nineteenth century. Due to the influence of Darwin, monogenism emerged as the dominant theory in colonial circles and formed the basis for theories including natural selection and social Darwinism. While unlike polygenism, monogenism argued that all humans descended from common ancestors,

the theory and its proponents were not free from racial prejudice. Monogenists argued that while all humans descended from common ancestors, non-European groups were 'degraded'. This argument was common in Australia and Aboriginal Australians became the primary targets of such theoretical classifications. This was due to European theorist's suggestions that they challenged race categorisations and were 'inferior' to Europeans physically, intellectually and culturally.

Monogenism and the racial prejudice inherent in the theory were applied by Darwin (1859) to his theory of natural selection. Darwin applied natural selection to human groups and further perpetuated the belief that Europeans were 'superior' to Aboriginal groups. Natural selection was used to construct Aboriginal groups as destined for extinction and was utilised to justify the destructive consequences of colonisation. As future chapters illustrate, this was the case in the Northern Territory. Natural selection and the racial 'superiority' arguments inherent in the theory were used to condone the population declines and detrimental effects of Commonwealth Aboriginal policy suffered by Aboriginal people.

The other prominent theory stemming from natural selection was social Darwinism. In 1864 Herbert Spencer (1864) applied natural selection to the issues of race, class and society. This became referred to as social Darwinism and the theory constructed Aboriginal peoples, including Aboriginal Australians, as 'inferior' and destined for extinction.

Social Darwinism also discussed mixed-descent people and within the nineteenth century, cross racial interactions came to be referred to as miscegenation.

Miscegenation theory was constructed in the south of the United States of America and influenced theoretical and legislative measures adopted to combat the perceived problem of mixed race relationships. In relation to Australia and the Northern Territory, the anti-miscegenation measures adopted in the United States were supported and influential in these colonial jurisdictions.

This was evident in relation to the eugenics theory developed by Sir Francis Galton (1909). Eugenic theory aimed to address the colonial ‘problem’ of increasing mixed-descent populations. From the late nineteenth century to the early twentieth century, eugenics theory became popular in the colonies and encouraged government intervention in the breeding patterns of Aboriginal people and ‘inferior’ classes. As future chapters demonstrate, this was evident in the Northern Territory, where in order to ‘breed out the colour’, the Commonwealth implemented eugenics based programs in the areas of non-Aboriginal and Aboriginal relations and child welfare policy.

Monogenism, natural selection, social Darwinism, miscegenation and eugenics were influential ideologies in the colonial era. These theories were constructed in Europe then ideologically transported to colonies including Australia. While the theoretical forms they took varied in different colonies, they influenced the ideological context of the colonial world and the postcolonial world. As I highlight in future chapters, these theories were prominent influences over Commonwealth Aboriginal policy in the Northern Territory. These theories influenced government, church and private sector treatment of Aboriginal people in the areas of non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal

employment.

*Chapter Five: Political Context of Commonwealth Aboriginal Policy in the  
Northern Territory*

**5.1 Introduction**

When the British began colonising Australia, incursions into Aboriginal lands in the area known today as the Northern Territory were sporadic and often short lived. Successive colonial governments, including those of Phillip and Macquarie, had largely ignored the northern extremities of the Australian continent (Madigan 1944; MacKnight 1981; Harris 1985 Powell 2000). But in the early nineteenth century, as the British were further expanding into Australia, attention came to increasingly focus on northern areas. Colonial governments undertook attempts to establish trading and military posts in the region.

In 1824, Fort Dundas was established on Melville Island; this was a short lived venture, with the last British settlers leaving the post in 1828 (Knight 1981; Powell 2000). In May 1846 British settlement opportunities for northern Australia were again investigated (Queensland Government 2010). A Letters Patent was issued by Queen Victoria to establish a new colony named North Australia but again, the initiative did not succeed, with the British abandoning the initiative after two months (Queensland Government 2010).

Northern Australia and the contemporary boundaries of the Northern Territory remained part of New South Wales until 1863, when control of the area was acquired

by South Australia (Powell 2000: 100-101). Incursions into Aboriginal lands were progressively made during South Australia's tenure of the Northern Territory. In 1869 the town of Palmerston was established which later became Darwin (Powell 2000: 100-101). Following the establishment of the metropolitan hub of Palmerston, between 1870 and 1872 the Overland Telegraph was established, connecting Port Augusta to Palmerston and then Palmerston to Java and onto Europe (Madigan 1944; Kimber 1991; Powell 2000; Nettlebeck 2004).

The Overland Telegraph essentially 'opened' up the Northern Territory, encouraging pastoralists to settle and stock the land. Between 1880 and 1885, the South Australian Government also cut northern land rents to further encourage pastoral enterprise (Powell 2000: 101). Consequently, the Northern Territory's large pastoral stations were opened, including those at Daly River, Victoria River Downs, Wave Hill, Barrow Creek and Tempe Downs.

During this time, Aboriginal Australians were seen to be savage, uncivilised and an obstacle to the successful colonisation of the final frontier of Australia. Consequently, conflict ensued between colonists and Aboriginal people, who resisted the annexation of their lands. As various authors argue, with conflict escalating, Aboriginal people were subjugated through a variety of means including violence, rationing and paternalism (Robinson and York 1977; Cribbin 1984; O'Brien and Wilson 2003). As this process unfolded, the South Australian government had not enacted any laws regarding Aboriginal people.

In 1899 the political influences and context of Northern Territory Aboriginal

policy began to take shape. The South Australian colonial government debated the *1899 Aborigines Bill* and although it was rejected, the regulations contained in it went on to influence further Aboriginal policy. Also, prior to Commonwealth takeover, the White Australia Policy which was formed in 1901, would influence Aboriginal policy enactment and enforcement in the Northern Territory. Aboriginal people were seen to have no place in 'white' Australia and this was reflected in legislation aiming to exclude and control Aboriginal people within Australia and the Northern Territory.

This was evident in the Aboriginal specific legislation which influenced the governance of Aboriginal people in the Northern Territory between 1911 and 1939. The first piece of influential legislation was the *Northern Territory Aborigines Act (SA) 1910*. While this Act was South Australian, after Commonwealth takeover of the Northern Territory, it formed the basis for their Aboriginal legislation, being read in conjunction with the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. Between 1911 and 1939 these Acts were the main pieces of legislation used by the Commonwealth to govern Aboriginal people in the Northern Territory. This chapter will examine these Acts in order to illustrate the political context of the Northern Territory between 1911 and 1939.

The first attempted enactment of legislation to govern the Northern Territory's Aboriginal population was South Australia's *1899 Aborigines Bill*. The Bill sought to construct regulations specifically governing non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment. While the Bill was never enacted, several of its provisions were found in later Acts. Further, the Bill expressed

concerns about Aboriginal Australians which were discussed by Australia's first parliamentarians when formulating the White Australia Policy.

In this chapter I argue that the White Australia Policy extended beyond immigration restriction policy, linking with colonial fears concerning non-Aboriginal and Aboriginal relations and Aboriginal employment. In relation to Aboriginal Australians, the White Australia Policy had an influence over Commonwealth governance in the Northern Territory. The policy was supported by the six Commonwealth governments in power between 1911 and 1939. These governments were the Fisher Labor Government, the Cook Liberal Government, the Hughes Labor and Nationalist Governments, the Bruce Nationalist Government, the Scullin Labor Government and the Lyons United Australia Government. All these governments believed that Aboriginal people were a threat to the White Australia Policy and needed to be governed accordingly.

In order to ensure that the White Australia Policy was successful and the Northern Territory's Aboriginal population was controlled, the Commonwealth drew from, enacted and enforced three key Acts. Initially they utilised South Australia's *Northern Territory Aboriginals Act (SA) 1910*. The Act was then read in conjunction with the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. The Acts focused on three key areas: non-Aboriginal and Aboriginal relations, child welfare and employment. As well as enforcing these acts themselves, successive Commonwealth governments desired that church missions would assist with their implementation and enforcement. Consequently, the Commonwealth and missions

operating in the Northern Territory developed a governmental relationship in which the missions formed an alliance with the Commonwealth government in exchange for land and subsidies. These were given by the Commonwealth based on the effectiveness of the mission's ability to implement Commonwealth regulations.

The contextualisation of the political influences over Commonwealth Aboriginal policy in the Northern Territory is essential to investigating outcomes of that policy for Aboriginal people. In this chapter I seek to illustrate that political influences formulated prior to Commonwealth acquisition of the Northern Territory had an impact over Aboriginal policy and its outcomes between 1911 and 1939. This includes the *1899 Aborigines Bill* and the White Australia Policy, which lay the foundation for future construction and enforcement of Commonwealth Aboriginal policy.

Further, in this chapter I will examine political influences shaping Commonwealth policy between 1911 and 1939. This includes the White Australia Policy's continuing influence over successive Commonwealth governments responsible for Aboriginal affairs in the Northern Territory. I will link this with an analysis of the Aboriginal policy adopted by the Commonwealth between 1911 and 1939. This includes the three key Acts governing Aboriginal people during this period which were the *Northern Territory Aborigines Act (SA) 1910*, the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. Further, I will analyse the governmental relationship between the missions and Commonwealth. This will demonstrate the political influences shaping Commonwealth Aboriginal policy

and its outcomes between 1911 and 1939.

## **5.2 The 1899 Aborigines Bill**

In 1899, after the South Australian parliament discussed the need for legislation specifically addressing Northern Territory Aboriginal people, the *1899 Aborigines Bill* was drafted. The Bill focused on issues concerning Aboriginal employment. Its aim was to also implement regulations for non-Aboriginal and Aboriginal relations in the Northern Territory and South Australia. It was proposed that penalties could be applied to European men found near Aboriginal camps containing women, as well as penalties for Europeans engaging in sexual activity with Aboriginal women (South Australia, House of Representatives 1900: vXVI).

However, the fact that the Bill had also called for an introduction of Aboriginal employee rights led to its rejection by the South Australian parliament. If the Bill had been passed, Northern Territory pastoralists would have been forced to vastly improve their practices towards and treatment of, Aboriginal workers. This was neither in the best interests of pastoralists nor of some politicians, as many were involved with the pastoral industry (Austin 1992; Foster 2000; McGinn 2010). During the parliamentary debate over the Bill, a number of South Australian politicians opposed it due to the effect it would have had on the pastoral industry. Stirling, the Legislative Councilman for the Northern District, expressed his concern that the Bill would have a negative impact on pastoralists and Aboriginal workers:

*The Bill would have a deterrent effect on the useful employment of aborigines in Central Australia... Aboriginals had been used with good results... and if the Bill, with its provisions for licensing, became law, it would result in embarrassment to the white settler and loss of employment for the black labourer (South Australia, House of Representatives 1900: vXVI: 38)*

The employee rights contained in the Bill were also rejected on the grounds it could have encouraged miscegenation. Legislative Council member Sandford discussed this concern: “The natives would be driven away from the stations and amongst the “bad” whites and Chinamen out back. It was said that the Bill was necessary because of the Chinese taking the female blacks, but it would have the opposite effect to that intended” (South Australia, House of Representatives 1900: vXVI: 70).

While the Bill was rejected due to its employee rights clauses, some South Australian members suggested its clauses relating to non-Aboriginal and Aboriginal regulations should have been adopted (South Australia, House of Representatives 1900: vXVI: 43). Russell, the North East District Legislative Councillor argued that the anti-miscegenation measures of the Bill needed to be upheld:

*Owing to the inter-breeding with the Malays on the northern coast of the Territory for many years past there were few very natives of pure breed now there, and the morals of these people were shocking... Impose a heavy penalty*

*upon any white found near their camp between sunset and sunrise. The treatment of the lubras [Aboriginal women]... had caused a great deal of the trouble which had arisen. Let them pass stringent laws to prevent such trouble* (South Australia, House of Representatives 1900; vXVI: 43, 64)

J. H Gordon, the Legislative Councillor for the South District held similar views and supported clause 19 of the Bill as it “imposed a penalty for carnally knowing an aboriginal woman” (South Australia, House of Representatives 1900; vXVI: 39).

These concerns were reflected in the primary suggestion of the South Australian Government’s Select Committee. They argued such measures needed to be enacted for “prohibiting the illicit intercourse by such persons or their employees with female aboriginal or female half-castes while employed” (South Australia, House of Representatives 1900; vXVI: 257). The main concern for the South Australian politicians who debated the Bill was to reject the rights for Aboriginal workers contained in clauses 8 to 12, while implementing the anti-miscegenation measures contained in clause 19 (South Australia, House of Representatives 1900; vXVI: 257).

While the Bill was not passed, it laid the foundation and direction for future Acts concerned with Aboriginal people. This was evident in South Australia’s *Northern Territory Aborigines Act (SA) 1910*, which included non-Aboriginal and Aboriginal regulations and employment regulations similar to those proposed by the 1899 Bill. The *Northern Territory Aborigines Act (SA) 1910* was then read in conjunction with the *Aboriginal Ordinance (Cth) 1911* until 1918, when it was

replaced by the *Aboriginal Ordinance (Cth) 1918*. The 1918 Ordinance contained almost identical measures. Further, concerns raised in the Bill regarding miscegenation were discussed in Australia's first parliamentary debates. Within these debates, the White Australia Policy and subsequent legislation were discussed.

### **5.3 White Australia Policy and Racism in Australia's First Parliament**

During the sitting of Australia's first Commonwealth parliament in 1901, members debated the *Immigration Restriction Bill* that would form the legislative foundation for the White Australia Policy. The White Australia Policy was seen by Australia's first politicians as a necessary political and nationalist policy that would stop non-'white' immigration and segregate Aboriginal Australians from the rest of the population (Markus 1994; Austin 1997; Jayasuriya et.al 2003; Reynolds 2003; Markus 2004; McGinn 2010). While the formulation of the Bill was partly in response to concerns regarding 'white' workers losing jobs to 'coloured' labour, its construction also linked to social Darwinist fears pertaining to miscegenation, 'race purity' and nationalism that were prevalent at the time. Parliamentarians outlined their intentions to use the policy to ensure Australia was biologically, socially and nationalistically 'white' (Australia House of Representatives 1902: vol.VI: 4907).

This was a uniquely Australian nationalist sentiment, as British administrators had instructed Australian politicians not to enact legislation that could be deemed discriminatory on racial grounds. This instruction was made in order to safeguard

good relations with Imperial Japan (Evans 2002; Martens 2006). At the Colonial Conference in 1897, Joseph Chamberlain, the British Colonial Secretary, suggested to delegates that any laws that excluded “by reason of their colour, or by reason of their race, all Her Majesty’s Indian subjects, or even all Asiatics” would be an “act so offensive to those peoples that it would be most painful, I am quite certain, to Her Majesty to have to sanction it” (cited in Martens 2006: 337). When constructing immigration policy, Chamberlain further asked delegates to be mindful of British traditions and to “bear in mind the traditions of the Empire, which makes no distinction in favour of, or against race or colour” (cited in Evans 2002: 182).

Against the backdrop of a lack of support from Britain, Australia’s first Commonwealth politicians nevertheless persisted with the White Australia Policy. As Reynolds suggests, Australia’s first Prime Minister, Edmund Barton, openly discussed the ‘dangers’ of non-‘white’ races to Australia:

*Peaceful, productive minority populations became a dangerous threat not as a consequence of what they had done or might do but because of what they were. Intermarriage was an unthinkable abomination and no amount of education or training could alter non-Europeans’ innate inferiority, as Barton declared to the world* (2003: 189).

Barton also referred to Pearson’s social Darwinist description of the Northern Territory in *National Life and Character* (1894). Barton argued in favour of Pearson’s (1894) position that the Northern Territory was of global significance, as it was seen

as one of the last frontiers where ‘white’ races could prosper if non-‘whites’ were managed. After Federation and the introduction of the White Australia Policy, Barton even suggested that New Zealand should have followed Australia’s political framework:

*[About] the immigration which should be followed, I take it that the ideas and sympathies of New Zealand and Australia are practically identical...our objections to alien races...are practically the same, and...we have the same desire to preserve the ‘European’ and ‘white’ character of the race (cited in Smith 2000: 141).*

In Australia’s first sitting of parliament, the member for Ballarat and soon to be second Prime Minister, Alfred Deakin, also expressed his desire for a ‘white’ Australia. When discussing the *Immigration Restriction Bill*, Deakin suggested that both sides of the parliament were unified in their desire for a ‘racially pure’ country: “Members on both sides of the House, and of all sections of all parties... are united in the unalterable resolve that the Commonwealth of Australia shall mean a ‘white Australia’” (Australia, House of Representatives 1902: vol. VI: 4807)

Deakin further asserted that nothing had influenced the desire for Australian Federation more than the ambition for the country to remain ‘white’:

*No motive power operated more universally on this continent or in the beautiful*

*island of Tasmania, and certainly no motive operated more powerfully in solving the technical and arbitrary political divisions which previously separated us than the desire that we should be one people and remain one people without the admixture of other races* (Australia, House of Representatives 1902: vol. VI: 4804).

Deakin made clear that this debate was not only about protecting ‘white’ labour in Australia, but also about protecting ‘white’ racial purity. Deakin told parliament that miscegenation could not occur in Australia and that it was “only necessary to say that they [non-Europeans] do not and cannot blend with us [Europeans]; that we do not, cannot, and ought not to blend with them (Australia, House of Representatives 1902: vol. VI: 4804).

Deakin was supported by other parliamentarians in the debate over the *Immigration Restriction Bill*. The Protectionist Party member for Indi, Isaac Isaacs declared:

*It is a white man’s war we must face, and I would not suffer any black or tinted man to come and block the path of progress... I am prepared to do all that is necessary to insure that Australia shall be white, and that we shall be free for all time from the contamination and the degrading influence of inferior races* (Australia, House of Representatives 1902: vol. VI: 4840, 4845).

The member for Corinella, James McCay, also argued that Australia would be a union of 'white' people: "I, in common with the rest of the House, am determined to have Australia white. The Constitution says that this is to be an indissoluble union under the Crown and we are determined that that indissoluble union shall be a union of white people" (Australia, House of Representatives 1902: vol. VI: 4844).

South Sydney's G.B. Edwards further suggested that if Australia was not 'white', 'inferior' races would pollute 'white' purity:

[Non-'whites' would] *proceed from the lowest strata of society and filter up until it comes to the highest, permeating the whole nation. I don't fear that my people or friends will mix with the inferior races, but I do fear my descendants, in the future days of the Commonwealth, may be largely contaminated with them* (Australia, House of Representatives 1902: vol. VI: 5922).

After the majority of parliamentarians had declared their support for the Bill, it passed through the House of Representatives. Consequently, the core of the White Australia Policy was legislated. The policy was a series of Acts which formed its legislative basis. The prominent Act of the policy was the *Immigration Restriction (Cth) Act 1901*, which was designed to prohibit the entry of non-Europeans into Australia (Australian Commonwealth 1903). The Act drew from Natal's (South Africa) *1897 Immigration Restriction Act*, which was designed to stop the influx of Indian immigrants through language ability testing (Evans 2002; Martens 2006).

Section 3 (a-g) of the *Immigration Restriction (Cth) Act 1901* listed those who would not be let into Australia. It gave immigration officials the ability to refuse potential immigrants on a number of technicalities. This included an inability to speak specific European languages, to be a ward, being mentally or physically disabled, having specified diseases, having a criminal record, being a prostitute or having a working contract in another Commonwealth nation. While these were all grounds for refusal of entry, Section 3 (a) was the most directed towards refusing migration to ‘non-whites’. It gave officials the power to make a potential immigrant sit a language test in any European language and if they failed, they could be refused entry into Australia. Section 3 (a) stated:

*The immigration into the Commonwealth of the persons described in any of the following paragraphs of this section (herein-after called “prohibited immigrants”) is prohibited, namely:*

- a) *Any person when asked to do so by an officer fails to write out at dictation and sign in the presence of the officer a passage of fifty words in length in an European language directed by the officer.*

Dugald Thomson, the member for North Sydney at the time of the Act’s passing, outlined how the section could be used to refuse entry to ‘non-whites’:

*There is this safeguard – that under the wording...a Japanese who had studied English might be asked to write 50 words in French, Italian, German or Russian. Very few immigrants, not knowing what language they would have to write, would be able to prepare for the test (Australia, House of Representatives 1902: vol. VI: 4854).*

The Section's blatant intention to stop non-'white' immigration caused diplomatic tensions between Australia and Japan. Japan's diplomat at the time of the Act's construction, Consul Eitaki, outlined his country's disdain for the race based elements of the Act. Eitaki suggested the test was designed to exclude 'non-white' immigrants and that Japan was offended as they saw they were racially 'superior' to other 'coloured' people:

*The Japanese belong to an Empire whose standard of civilisation is so much higher than the Kanakas, Negroes, Pacific Islanders, Indians or other Eastern peoples, that to refer to them in the same terms cannot be regraded in the light of a reproach, which is hardly warranted by the fact of the shade of the national complexion... [the] educational test [is] racial pure and simple (cited in Lake and Reynolds 2008: 147, 150).*

The *Immigration Restriction Act (Cth) 1901* was neither diplomatic nor designed to allow 'non-white' immigrants into Australia. A large component of the Act centred on

providing officials a means to exclude ‘non-whites’ entry into Australia and to keep the country racially ‘white’.

The second Act which formed the White Australia Policy was the *Pacific Islanders Labourers (Cth) Act 1901*. The Act gave the Commonwealth the power to deport all Pacific Islanders remaining in Australia by 1906 (*Pacific Islanders Labourers (Cth) Act 1901*: 2-3: s1, s2, s3, s4). While most Pacific Islanders worked in Queensland, it was of concern to White Australia Policy supporters that miscegenation was occurring between them and Aboriginal people. Higgins, a Liberal Member of Parliament, exemplified this when he suggested the *Pacific Islanders Labourers (Cth) Act 1901* would help determine whether “northern Australia should be peopled by white men or not” (cited in Lake and Reynolds 2008: 151).

By providing solutions to immigration and the influx of ‘non-white’ immigrants, Australian politicians hoped the White Australia Policy would stop non-Aboriginal and Aboriginal relations occurring in areas including the Northern Territory. Reynolds suggests that this was linked with concerns regarding the increasing mixed-descent population in the area:

*[The] half-caste population was increasing much more rapidly than the white one [in the Northern Territory]. Many half-castes were of mixed Aboriginal and Asian parentage, their very existence a threat to the White Australia Policy. In the opinion of white people, half-castes were, by definition, undesirable members of the community* (2001: 149).

Due to the area's vulnerability to 'non-white' people and miscegenation, Lake and Reynolds argue that the White Australia Policy also aimed to protect the northern reaches of Australia:

*The tropical north was considered White Australia's point of vulnerability. A thousand miles away from the political capitals of the south, but close to the Dutch East Indies, Singapore and New Guinea, mixed race communities, including Aborigines, Chinese, Filipinos, Japanese, Malays and Pacific Islanders had prospered (2008: 152).*

Aboriginal Australians were not specifically mentioned in the Acts. However, in Australia's first parliament, politicians raised concerns regarding the growing mixed-descent population in areas including the Northern Territory. Commonwealth politicians hoped the White Australia Policy could be utilised in battling 'the evils' of miscegenation. Deakin exemplified this when discussing the White Australia Policy in relation to non-immigration issues: "It is not merely a question of invasion from the exterior. It may be a question of difficulties within our borders, already created, or a question of possible contamination of another kind" (cited in Lake and Reynolds 2008: 139).

At the time of Federation, the mixed-descent population in the Northern Territory was growing (Austin 1993; Austin 1997; Reynolds 2001; Reynolds 2005).

This growth challenged the validity of social Darwinist beliefs concerning mixed-descent people's alleged sterility and 'inevitable' extinction. Consequently, such growth was viewed as a threat to the White Australia Policy.

During the sitting of Australia's first parliament, members discussed their concerns regarding the racial, social and economic threat Aboriginal Australians posed to British interests in northern Australia. The member for Oxley, Richard Edwards, stated his concern about the growing number of mixed-descent children in the north and the eminent danger they posed to "white racial purity" (Australia, House of Representatives 1902: vol. VI: 6894). Member for Kennedy, Charles McDonald, feared that the south would lose control over northern Australia if the non-European population increased (Australia, House of Representatives 1902: vol. VI: 4848). McDonald suggested that rather than risking such an event, it would be better to leave areas such as the Northern Territory undeveloped:

*After a time the influence of those who had interests there would become so powerful and the number of the coloured population so great, that the power of those in the southern portions of the continent would be insufficient to keep them north of the colour line. I recognise that there are splendid resources in the northern portions of Australia which ought to be developed, but I am of the opinion that it will be better to leave them undeveloped than to attempt to develop them by employing coloured labour* (Australia, House of Representatives 1902: vol. VI: 4848).

Australia's first parliamentarians had identified the Northern Territory as a cause for concern due to relationships developing between Aboriginal people, Europeans, Asians and other non-Europeans. These relationships were disproving natural selection and social Darwinist theories of mixed-descent 'extinction' and were raising colonial fears concerning miscegenation and mixed-descent population growth. Mixed-descent people and relationships were viewed as a threat to the White Australia Policy and the racial foundations which colonists desired Australia to be built upon. This ideology and political influence was evident in the Northern Territory.

#### **5.4 White Australia Policy and the Northern Territory: 1911-1939**

After 1911, the White Australia Policy remained an influential component of the political context surrounding Aboriginal affairs in the Northern Territory. During the 1911-1939 period, successive Commonwealth Governments supported the policy, especially its themes of 'white' nationalism and race unity.

As Lloyd (2008: 81-83) discusses, after assuming control of the Northern Territory, the Labor Fisher government was the first Commonwealth government to enforce White Australia Policy initiatives in the area. This was exemplified in 1912 when Fisher installed the university scientist, administrator and anthropologist, Baldwin Spencer, as the Chief Protector of Aborigines. Like his colleagues in the

Fisher Government, Spencer was a staunch social Darwinist and supporter of the White Australia Policy (Austin 1997; McGinn 2010). Spencer believed that Aboriginal people were a 'backward' race:

*In Australia we have yet remaining with us, though in rapidly diminishing numbers, representatives of what is probably the most backward human race now extant. It reveals to us in many aspects stages that have been passed through during the early development of mankind (cited in Austin 1997: 51-52).*

In line with theories of natural selection and social Darwinism, Spencer also believed that Aboriginal people were destined to 'die out':

*In contact with the white man the aborigine is doomed to disappear, it is far better that as much as possible should be left in his native state and that no attempt should be made to cause him to lose faith in the strict tribal rules, or to teach him abstract ideas which are utterly beyond the comprehension of an aborigine (cited in Calaby and Mulvaney 1985: 126)*

Spencer (1913: 21) also expressed his desire to uphold the White Australia Policy and stop miscegenation, arguing that mixed-descent people were racially 'inferior' and dangerous to 'white' race unity in the Northern Territory.

Governments following the Fisher government were bipartisan in their support

for the White Australia Policy and it was endorsed by all major political parties until the 1960s. In the Northern Territory between 1911 and 1939 and after the Fisher Labor Government, the Cook Liberal Government (1913-1914) advocated for the White Australia Policy, as did the Hughes Labor Government (1915-1916) and then the Hughes Nationalist Government (1916-1923) (Rickard 2008: 100-110).

Prime Minister Hughes was a strong supporter of the policy, and publicly advocated the idea that Australia was for 'white' men. While Prime Minister Hughes' support of the White Australia Policy stemmed from his mistrust of Japan, which was evident at the 1919 Paris Peace Conference, it also related to issues of non-Aboriginal and Aboriginal relations and 'coloured' employment in the Northern Territory (Hudson 1978; Horne 1979). As Hudson discusses:

*For some there was a moral factor: coloured immigration would lead to developments... morally dangerous for immigration and white alike. For some there was a standard of living issue: how could struggling trade unions improve working conditions if they had to cope not only with government and company but also with coloured workers conditioned to accept very different standards? For some there was an issue of social cohesion, of how much pluralism a society could accommodate. All these considerations affected men like Hughes (1978: 55).*

Prime Minister Hughes made this evident when he discussed the vices of cheap

‘coloured’ labour and the ‘immorality’ it would bring to Australia:

*A free people on the threshold of their national career must not only fear the destruction of living standards that come with cheap coloured labour; these coloured people must also be rejected because of their vices, because of their immorality and because of a hundred things which could only be hinted (cited in Horne 1979: 77).*

Hughes believed this in spite of the fact that during his time in office, approximately 80% of the Northern Territory’s pastoral workforce was Aboriginal (Kidd 2007: 72). The issue of ‘white’ workers being unemployed was irrelevant, as they did not work in the Territory in any large capacity.

Between 1923 and 1929, the Bruce Nationalist government also supported the White Australia Policy (Jaensch 1994: 32). One of their public statements proclaimed: “the National Party stands for the integrity and safety of the Australian nation, for a white Australia” (cited in Jaensch 1994: 32).

The Scullin Labor government (1929-1932) and the Lyons United Australia government (1932-1939) were also supporters of the policy, playing a part in having the eugenicist and social Darwinist Cecil Cook maintain his position as Northern Territory Chief Protector of Aborigines from 1927 to 1939 (Austin 1990; Austin 1997; McGregor 2002; McGinn 2010).

Cook’s governance methods were guided by his social Darwinist and

eugenicist ideology (Markus 1990: 90). Further, Cook was a White Australia Policy supporter and as Kettle (1991: 90) suggests, his primary objective was to establish conditions in the Northern Territory that would ensure the viability of the policy. Chief Protector Cook argued that politically, the Northern Territory needed to be governed as a 'white' man's country: "The native actually has become an intruder in a white man's country. Politically, the Northern Territory must always be governed as a white man's country, by the white man for the white man" (cited in Austin 1990: 104).

As McGregor argues, Cook believed that the White Australia Policy would ensure this vision was realised, arguing that the policy was: "The 'only instrument of realizing the objective of an... all White Australia'... Australia was to be white not in a mere metaphorical sense, but physically, tangibly, [and] epidemically white" (2002: 294). The White Australia Policy was the driving force behind the eugenic governance methods adopted by Chief Protector Cook during his tenure in the Northern Territory.

The White Australia Policy had an influence over prominent Commonwealth administrators in the Northern Territory. The policy also influenced the way in which Northern Territory Aboriginal affairs was governed by successive Commonwealth Governments during the same period. This was regardless of party preference and was bipartisan in nature. The six Commonwealth Governments in charge of the Northern Territory between 1911 and 1939 all strongly supported the policy.

## 5.5 Commonwealth Aboriginal Policy: 1911-1939

There were three Aboriginal-specific Acts which influenced governance in the Northern Territory between 1911 and 1939. The first Act was the *Northern Territory Aboriginals Act (SA) 1910*. This Act was then read in conjunction with the 1911 Ordinance and bolstered some Commonwealth powers in the areas of non-Aboriginal and Aboriginal relations, child welfare and employment. The final Ordinance was the *Aboriginal Ordinance (Cth) 1918*, which retained most of the powers conferred in the *Northern Territory Aboriginals Act (SA) 1910* and *Aboriginals Act (SA) 1911*. The 1918 Ordinance also had stronger regulations concerning non-Aboriginal and Aboriginal relations.

These three pieces of legislation formed the core legislation which governed Aboriginal people in the Northern Territory between 1911 and 1939. They were used to control the lives of Aboriginal people with regard to their relations with non-Aboriginal people, child welfare and employment. However, between 1918 and 1939 there were amendments made to the 1918 Ordinance. This included changes to ‘consorting’ and employment laws in 1933 and ‘half-caste’ laws in 1936. These facets of the Ordinance will be discussed, but throughout the present work the 1918 Ordinance shall be referred to, rather than the *Aboriginal Ordinance (Cth) 1933* or *Aboriginal Ordinance (Cth) 1936*. This is due to the 1918 Ordinance being referred to as such within Commonwealth documentation until it was revoked in 1953 by the *Welfare Ordinance*. Also, while some changes were made to the 1918 Ordinance, its

main powers remained in force until 1953.

In the year prior to the Commonwealth's acquisition of the Northern Territory, South Australia, which had governed the area since 1863, enacted the *Northern Territory Aboriginals Act (SA) 1910*. The Act was a response to what had been discussed in the *1899 Aborigines Bill*, as well as concerns expressed in the parliament debate regarding the White Australia Policy. While the *Northern Territory Aboriginals Act (SA) 1910* was not a Commonwealth Act, its regulations were retained and read in conjunction with the Commonwealth's 1911 Ordinance.

In accordance with the ambitions of the White Australia Policy, the *Northern Territory Aboriginals Act (SA) 1910* sought to enforce non-Aboriginal and Aboriginal regulations within the Northern Territory. It was envisaged that this could be achieved by controlling Aboriginal people, especially those of mixed descent. Section 3 (1-2) outlined those Aboriginal people who would be governed by the Act (*Northern Territory Aboriginals Act (SA) 1910: 2: s3*). This included "aboriginal natives", "a half-caste" living with an "aboriginal native as wife or husband", a "half-caste" who lived and consorted with their Aboriginal families and a "half-caste child" who was under 16 years of age. 'Half-caste' referred to any person who had one Aboriginal parent and one non-Aboriginal parent and as is evident, mixed-descent people were a clear target of the Act (*Northern Territory Aboriginals Act (SA) 1910: 2: s3*).

Alongside categorising which Aboriginal people could be controlled, Section 22 of the Act sought to regulate non-Aboriginal and Aboriginal relations by controlling Aboriginal women and their marriage arrangements:

22. (1) No marriage of a female aboriginal with any person other than an aboriginal shall be celebrated without the permission, in writing of a Protector authorised by the Minister to grant permission in such cases (*Northern Territory Aboriginals Act (SA) 1910: 6: s22.1*).

If any marriage of an Aboriginal person, specifically a woman, was celebrated without the permission of the Chief Protector, the couple and the celebrant were liable for punishment (*Northern Territory Aboriginals Act (SA) 1910: 6: s22*).

Non-Aboriginal and Aboriginal regulations were also included in employment clauses of the *Northern Territory Aboriginals Act (SA) 1910*. Section 23 (1) made it mandatory for employers of Aboriginal people to obtain a licence, with it being clearly expressed that this also applied to female ‘half-castes’. This was due to administrators viewing ‘half-caste’ women as contributors to the growing mixed-descent population. In order to further stop cross racial interactions and the population increases of mixed-descent people, Section 24 (4) also made it illegal for non-Europeans, especially Asians, to hold an Aboriginal employment licence: “24. (4) No licence to employ aboriginals shall be granted to any person of any Asiatic race or of any other race prohibited in that behalf by regulation.”

Regulation 49 (1f) of the Act also allowed the Governor to make further regulations “prohibiting the granting of licences to employ aboriginals to persons of specified races”. These clauses aimed to further control and stop non-Aboriginal and

Aboriginal relations.

As part of its controlling measures, the Act also sought to control the movement of Aboriginal people, especially women. Section 11 (1) outlined that without Commonwealth consent, non-Aboriginal people could not move or travel with Aboriginal people:

*11. (1) Any person who, without the authority in writing of a Protector, removes or causes to be removed any aboriginal, or any female half-caste, or any half-caste child under the age of eighteen years from one district to another, or to any place beyond the Northern Territory, shall be guilty of an offence against this Act.*

Section 19 also stipulated that any non-authorized person travelling with Aboriginal people could be guilty of an offence. While Section 11 and 19 controlled the movement of Aboriginal people, specifically mixed-descent women, Section 42 (1) also outlawed non-Aboriginal people being near Aboriginal camps unless they were a Superintendent, Protector or a person acting under their direction. These sections aimed to regulate non-Aboriginal and Aboriginal relations by segregating Aboriginal people, specifically women, from the non-Aboriginal population.

The *Northern Territory Aboriginals Act (SA) 1910* also placed emphasis on Aboriginal child welfare. Section 9 of the Act revoked any rights Aboriginal parents had to their children:

*9. (1) The Chief Protector shall be the legal guardian of every aboriginal and every half-caste child, notwithstanding that any such child has a parent or other relative living, until such child attains the age of eighteen years, except while such child is a State child within the meaning of "The State Child Act, 1895," or any Act amending or substituted for that Act.*

Having removed the rights of Aboriginal parents, Regulation 49 (b-e) gave the Governor the ability to make regulations concerning the education, custody and employment situations of Aboriginal children (*Northern Territory Aboriginals Act (SA) 1910: 14: r49*). While Section 9 and regulation 49 gave Commonwealth authorities control over Aboriginal children, it was hoped that the responsibility came with minimal financial expense. This was apparent in Section 47 (1-2), which gave the Commonwealth the ability to seek remuneration from fathers of mixed-descent children housed in Commonwealth institutions:

*47 (1). Whenever a half-caste child whose age does not exceed eighteen years is being maintained at any aboriginal institution, or at the cost of the Government of the State, a Protector may apply to a Justice for a summons to be served on the alleged father of such child to show cause why he should not contribute towards support of such child.*

Following the summons, if the paternity of the father was proven, he would have been made to pay a weekly sum to the Commonwealth not exceeding 10 shillings for the maintenance of his child. While the Commonwealth desired to remove Aboriginal children from their Aboriginal families, especially those of mixed descent, they sought to ensure that it was at minimal expense.

Employment regulations were the other component of the *Northern Territory Aboriginals Act (SA) 1910*. Section 25 (1) gave the Commonwealth the ability to grant licences to employers of Aboriginal workers. Section 25 (1) also enabled the Commonwealth to protect Aboriginal workers by revoking the licences of those deemed unfit to be employers: “25. (1) A licence to employ aboriginals shall remain in force for one year from the date thereof: Provided that the Chief Protector may at any time cancel any such licence if he deems the holder thereof an unfit person to be so licenced.”

In order to garner if a licence needed to be revoked, Section 31 of the Act gave authorities the power to inspect licences and the working conditions provided to Aboriginal people on any properties, houses, boats or vessels. Protection and recording of Aboriginal wages was also included within Section 26 (1-2), which stipulated that employers had to record the wages given to Aboriginal workers. If they failed to do this, Section 26 (3) stated that they were guilty of an offence: “Any holder or past holder of such a licence who fails to comply with this section, or who wilfully makes an untrue return, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Twenty-five Pounds.”

While wages were meant to be recorded accurately, wage rights for Aboriginal workers were nullified by Section 29 (1-2) which allowed a Protector to direct an Aboriginal employee's wages to themselves or a police officer. Further, the Protector or police officers were then allowed to spend those wages on behalf of the Aboriginal employee, with it being directed that they were to keep receipts of such spending. As future chapters indicate, this system was susceptible to corruption, and consequently many Aboriginal employees never received their wages.

The Commonwealth Ordinances of 1911 and 1918 retained regulatory focus on non-Aboriginal and Aboriginal relations, child welfare and employment. This was achieved by Section 2 (1-2) of the 1911 Ordinance, which stipulated that Commonwealth legislation was read in conjunction with the *Northern Territory Aboriginals Act (SA) 1910 (Aboriginal Ordinance (Cth) 1911: 61: s2.1)*. This ensured that the non-Aboriginal and Aboriginal regulations of the South Australian Act relating to marriage, employment, and control of movement were retained. They were also bolstered by Sections 4, 5 and 9 of the 1911 Ordinance, which gave Commonwealth authorities further custodial controls over Aboriginal people (*Aboriginal Ordinance (Cth) 1911: 62: s4, s5, s9*)

Child welfare measures were also bolstered within the *Aboriginal Ordinance (Cth) 1911*, with section 3 giving the Chief Protector strengthened custodial powers in the areas of "care, custody or control. Employment regulations were also retained in the 1911 Ordinance. Section 8 of the Ordinance retained the licence regulations of the *Northern Territory Aboriginals Act (SA) 1910*" (*Aboriginal Ordinance (Cth) 1911:*

63: s8.1-5). Further, regulations 1 (1-4), 2 and 7 provided strict licensing regulations for employers (*Aboriginal Ordinance (Cth) 1911*: 61-62: s1, s4). Regulation 1 (1-4) outlined the application process for employers, while regulation 2 gave Protectors the ability to refuse employers a licence if they were deemed unfit to hold one (*Aboriginal Ordinance (Cth) 1911*: 64: r1, r2). Section 6 (1-3) of the 1911 Ordinance also gave Protectors the ability to remove Aboriginal employees from properties or businesses where they were being mistreated:

*6.-(1) Where any Protector or police officer has reason to believe that any aboriginal or half-caste is not being properly treated by any person having the custody or control of such aboriginal (whether as employer or otherwise), he may remove such aboriginal or half-caste from the custody or control of such person.*

Governmental wage control was also retained. Section 7 of the *Aboriginal Ordinance (Cth) 1911* gave authorities strict control over Aboriginal employees' wages. Similar to the South Australian Act, Section 7 allowed the Protector to keep Aboriginal employees' wages, or direct those wages to the control of a nominated person such as an employer, local protector or police officer.

The 1911 Ordinance remained in force until 1918, when it was replaced by the *Aboriginal Ordinance (Cth) 1918*. The 1918 Ordinance retained similar regulations and powers to those found in previous Acts. However, the new Ordinance had

stronger focus on mixed-descent people in its non-Aboriginal and Aboriginal regulations. Section 3(b-e) gave a wider definition of whom the regulations could apply to, including mixed-descent women not married to “a person who is substantially of European origin or descent and living with her husband”.

Alongside wider-ranging powers defining who could be controlled, powers of custody given to the Chief Protector were retained in Section 6 (1-3). To further control non-Aboriginal and Aboriginal regulations, sections 10 to 21 of the 1918 Ordinance also gave the Chief Protector the ability to control the movement of Aboriginal people and restrict what spaces could be used for Aboriginal institutions.

In a bid to control contact between Aboriginal and non-Aboriginal people, control of movement clauses were included in Section 15 (1, 4). The Section allowed Protectors to give authority to people desiring to move Aboriginal people, especially women, from one district to another. This was aimed at ensuring interactions and movement of non-Aboriginal men and Aboriginal women were recorded and controlled (Austin 1993; Austin 1997; McGregor 2000; Reynolds 2005). If a non-Aboriginal person was found to be travelling with an Aboriginal woman without permission, they were deemed to be guilty of an offence against the Commonwealth. These heightened movement controls were used to regulate non-Aboriginal and Aboriginal relations by segregating the populations and controlling their interactions where possible.

Non-Aboriginal and Aboriginal regulations were also bolstered in employment sections of the *Aboriginal Ordinance (Cth) 1918*. Similar to previous legislation,

Section 23 (5) of the 1918 Ordinance made it illegal for non-Europeans to employ Aboriginal people (*Aboriginal Ordinance (Cth) 1918: 8: s23.5*). As well as this clause being retained, there was more emphasis on controlling the employment of Aboriginal women. Section 22 (1) made it an offence for anyone to employ Aboriginal women of mixed descent without having the appropriate employment licence. In conjunction with Section 22, Section 28 strictly prohibited any unregulated contact between Aboriginal women and employers. If employers were found to have Aboriginal women on their premises without permission, they were guilty of an offence (*Aboriginal Ordinance (Cth) 1918: 9: s28*).

Child welfare regulations were also retained within the 1918 Ordinance. This gave the Chief Protector the ability to decide the future of Aboriginal children in terms of custody, welfare, education and employment (*Aboriginal Ordinance (Cth) 1918: 7: s6, s7*). As the previous legislation had done, the *Aboriginal Ordinance (Cth) 1918* also ensured that Aboriginal parents had minimal custodial rights over their children. The Chief Protector and district Protectors kept the status and responsibility of being the legal guardians of all Aboriginal children within their districts.

The emphasis on Aboriginal employment was also retained in the *Aboriginal Ordinance (Cth) 1918*. Part 4 of the Ordinance kept control of Aboriginal employment in the hands of the Commonwealth and also retained the licence system which had been part of previous legislation. The licensing system contained in Section 24 of the 1918 Ordinance aimed to ensure Aboriginal workers were given some employee rights, with the Chief Protector retaining the authority to revoke

licences if employers were mistreating Aboriginal workers. The main advancement in the employment clauses of the *Aboriginal Ordinance (Cth) 1918* was the fact that Aboriginal workers employed in town districts had the ability to negotiate an agreement with their employer under Section 26 (1-2): “26.-(1.) Any person residing within any Town District, and desiring to employ an aboriginal within any Town District, shall, in addition to obtaining a licence to employ aboriginals, enter into an agreement with the aboriginal in the prescribed form.”

While Aboriginal workers could now negotiate contracts, it did not cater for the fact that 80% of Aboriginal people employed in the Northern Territory between 1911 and 1939 worked in rural and remote areas (McGrath 1987; Bird 1991; Kidd 2007). In 1933, the 1918 Ordinance was changed to accommodate Aboriginal pastoral workers, specifying work conditions for those in the pastoral industry (Kidd 2007). The 1933 Ordinance stipulated that in lieu of wages, pastoralists could pay Aboriginal workers and their dependents with rations (Kidd 2007). These pay arrangements were unequal to those given to European workers and subsequent chapters in this study discuss how ration payments from pastoralists were also insufficient or avoided. This then led to health issues for Aboriginal employees.

The three Acts pertinent to this research reflected the legislative goals of the South Australian *1899 Aborigines Bill*. They were to provide Aboriginal workers with minimal rights, owing to the pastoral industry’s dependence on their labour, while also focusing on the regulation of non-Aboriginal and Aboriginal relations. This focus was founded on social Darwinist fears of miscegenation and extended to the outcomes

of such relationships, being mixed-descent children. Due to these social Darwinist concerns and aspirations of the White Australia Policy, the main focus of Commonwealth legislation centred on non-Aboriginal and Aboriginal relations, child welfare and employment.

The three Acts controlled non-Aboriginal and Aboriginal relations by making it illegal for people to consort with each other. They also allowed for governmental control of the marriage of Aboriginal women, the movement of Aboriginal people and the employment of Aboriginal people by Asian employers. Emphasis was further placed on the regulation of Aboriginal child welfare. The Acts handed control of Aboriginal children to Commonwealth authorities by nullifying the rights of Aboriginal parents. They allowed authorities to control the custody of Aboriginal children as well as their education and employment futures. Lastly, the Acts placed emphasis on the control of Aboriginal employment. Commonwealth authorities were given the power to regulate Aboriginal employment through licensing systems, to enforce minimum work conditions for Aboriginal employees, and to control the wages and saving funds of Aboriginal workers.

## **5.6 Missions and Commonwealth Legislation**

Alongside Aboriginal specific legislation, Commonwealth legislation relating to church missions was significant regarding the governance of Aboriginal people in the Northern Territory between 1911 and 1939. Missions played a vital role in the implementation of Commonwealth legislation in the Northern Territory.

Groups including the Church Missionary Society (CMS) and Methodist Missionary Society (MMS) were compelled to work with Commonwealth Governments in order to acquire land for mission reserves. After the Commonwealth assumed responsibility of the Northern Territory, the churches began their campaign to acquire land in order to establish mission stations and reserves for their religious work (Dewar 1992; Harris 1998; Baker 2005).

In 1912, a meeting of Protestant churches was held in Melbourne to allocate “spheres of activity” to each of the denominations of the Northern Territory (Dewar 1992: 14-15). Two years after this meeting, the Commonwealth divided the Northern Territory into “spheres of influence”, giving permission for the Anglican, Catholic and Methodist Churches to operate within delegated areas (Dewar 1992; Baker 2005). This led to four denominations maintaining missions in various tracts of the Territory. As Markus (1990: 69) illustrates, there were the Anglicans at Oenpelli, Roper River and Groote Eylandt; the Methodists at Goulburn Island, Milingimbi and Yirrkala; the Roman Catholics at Bathurst Island and Port Keats; and the Lutherans at Hermannsburg.

The spheres of influence were decided by powers found in the 1911 and 1918 Ordinances, which gave control of Northern Territory land to the Commonwealth.

Clauses of the *Northern Territory Aboriginals Act (SA) 1910* were also carried over and applicable for use under the *Aboriginal Ordinance (Cth) 1911*. This included section 15 (1-2), which allowed the government to grant Crown lands for the purpose of establishing missions:

*15. (1) The Governor may grant leases of any Crown Lands to any mission or other aboriginal institution for any term not exceeding twenty one years, at such rent and on such terms as he thinks fit, in blocks not exceeding in any case two hundred square miles of rectangular shape as nearly as practicable, and not less than one hundred miles apart.*

When the *Aboriginal Ordinance (Cth) 1918* repealed the 1911 Ordinance, the clauses allowing for the establishment of Aboriginal missions and reserve lands were retained in section 14 (1-2) (*Aboriginal Ordinance (Cth) 1918: 5: s14*). The other clauses that affected the establishment of missions in the 1918 Ordinance were found in section 13 (1-2), which allowed the Administrator to declare any “mission station, reformatory, orphanage, school, home, or other institution” to be an “aboriginal institution for the maintenance, custody, and care of aboriginal and half-caste children” (*Aboriginal Ordinance (Cth) 1918: 4-5: s13*). As a result of these clauses, between 1918 and 1939, 170,000 kilometres of Aboriginal reserve lands were created and used by missionaries in the Northern Territory (Harris 1998: 217).

Commonwealth subsidies to missions also affected their relationship. While

the missions needed Commonwealth financial assistance, they were funded less than government institutions, which themselves were grossly under-funded (Markus 1990; Austin 1993; Harris 1998; Morris 2001). Commonwealth funding of Northern Territory missions in the 1920s and 1930s was almost at a token level. This is exemplified by the fact that by 1927, the CMS was only receiving a total of £541 in government funding for the four missions they had in operation (Cole 1980; Markus 1990; Harris 1998; Morris 2001). After 1936, more funds were provided to missions throughout the Northern Territory, but in that year the total of all subsidies was only £1260 (Markus 1990: 86). At missions including Hermannsburg, the poor funds they received from this total equated to just over 10% of their annual requirements (Markus 1990: 86). While the lack of funding at Hermannsburg was also due to the Lutheran missionaries being viewed as an internal threat resulting from German colonial aggression in Europe, this lack of funding reflected the situation of most missions in the Northern Territory.

Mission and Church groups continually argued that subsidies were insufficient, and in 1926 the Chairman of the Australian Board of Missions (ABM) argued that a Commonwealth review of the subsidy system needed to occur (Austin 1997; HREOC 1997). The ABM's review occurred, but ten years after it was conducted, subsidies were still grossly inadequate, as the Commonwealth was reluctant to spend more than the bare minimum on Aboriginal people (HREOC 1997; Morris 2001). Such reluctance from the Commonwealth even came to be criticised by government officials including Bleakley:

*Whilst the missions express themselves as anxious to conduct their institutions on the lines desired by the Government and welcome its cooperation in the direction of them, they point out that the work cannot be effectively done without increased financial assistance. It is felt that it is hardly fair for the missions to be expected to carry on a work that is really the duty of the State, and have to beg from the public and their church supporters for the means with which to do it. The time and labour expended in the begging could be more profitably used, and the uncertainty of their income often seriously retards progress (1929: 25).*

While subsidies were often insufficient, the Commonwealth kept providing meagre financial assistance, as they did not want the missions to fail. The failure of the missions would have meant that Aboriginal people were no longer under missionary care and would become the direct responsibility of the Commonwealth. The Missions provided the Commonwealth with an opportunity to shift responsibility while providing a cheap operational system for government. Bleakley made this clear in 1929: “The cost of management is less [on missions]... the Government, with its tremendous task of developing the country, would be unwise to burden itself, and its already overtaxed machinery, with the worry of management of a number of charitable institutions (1929: 24).

For cost effectiveness, the Commonwealth hoped that the missions would

eventually become self-sufficient, so much so that Commonwealth Governments refused requests for financial assistance on the basis that missionaries needed to self-provide. Federal Minister for Home and Territories, C.L.A Abbot, exemplified this in 1929 when he replied to a request from the Hermannsburg mission for financial assistance:

*The mission must accept responsibility for the maintenance of all able bodied lubras and men, and the mission children... Consideration has been given to your request that piping should be supplied to the Mission to carry water from Koprilya Springs to the station. The Government has no funds available to meet the cost of supplying this piping and the Minister considers that work of this nature is the responsibility of the Mission (cited in Henson 1992: 45).*

While funding issues existed between the Commonwealth and missions, it was expected that for missions to receive subsidies, they would play a role in the implementation of the Commonwealth's Aboriginal policies.

Commonwealth policies regarding non-Aboriginal and Aboriginal relations were readily accepted by missionaries. Evident amongst Northern Territory missionaries was the 'educated' view of the early twentieth century: that Aboriginal people were a 'dying race'. Missionaries argued that Aboriginal people had to be recognised as the last existing remnants of the lowest stage of civilisation, which had already become 'extinct' in other countries and would eventually become extinct in

Australia (Harris 1998; Veit 2004).

Prior to the Commonwealth takeover of the Northern Territory, Bishop Frodsham exemplified natural selection theories then influential amongst missionaries at an Australian Church Congress meeting in Melbourne (Harris 1998: 93). Frodsham urged the CMS to commence mission work in areas such as the Northern Territory, as he believed Aboriginal people were soon to become extinct:

*The Aborigines are disappearing. In the course of a generation or two, at the most, the last Australian blackfellow will have turned his face to warm mother earth, and given his soul to God who gave it. Missionary work then may be only smoothing the pillow of a dying race, but I think if the Lord Jesus came to Australia he would be moved with great compassion for these poor outcasts living by the wayside, robbed of their land, wounded by the lust and passion of a stronger race, and dying – yes, dying, like rotten sheep – with no man to care for their bodies and souls (cited in Harris 1998: 93).*

Dick Harris, who arrived as a missionary in the Northern Territory in 1928, recalled natural selection beliefs being popular: “At the time of my arrival in North Australia, there was no suggestion of any future for the Aborigines. They were, rather, considered a dying race and the best we could do for them would be to ease their ‘exit’” (cited in Harris 1998: 95).

The missionaries also accepted the social Darwinist view that Aboriginal

people were physically and psychologically 'backwards'. In line with natural selection and social Darwinist beliefs, the CMS explained their ideology:

*The Aborigine has been excluded from contact with the outside world, and seems never to have been touched by evolution. What he was 10,000 years ago, so he is to-day. The explanation is that there has been no competition to brace and stimulate him. In so far as he has been fit to survive he has survived; but in his case it has merely been the survival of the fit, not the more strenuous term 'survival of the fittest' (1923: 2).*

This reasoning was also reflected in Section 2(a) of the CMS's constitution and policy: "The explanation of the retarded development of the Aborigines lies mainly in the fact of their isolation from the rest of mankind, and in their lack of challenge and opportunity" (1944:1).

Mission groups including the CMS were also concerned with miscegenation and adhered to Commonwealth policies concerning mixed-descent people. As Harris (1998: 96) indicates, it was the common view amongst missionaries that while 'full-blood' Aboriginal people were becoming 'extinct', the mixed-descent population was increasing and needed to be treated separately.

In order to adhere to Commonwealth policy, as well as their own, the CMS established missions specifically catering for mixed-descent people. The missions at Bathurst Island and Groote Eylandt were established and viewed as perfect places to cater for mixed-descent people, especially children, as they could be isolated from

both the corrupting influence of European society and their ‘backward’ Aboriginal relatives (Cole 1992; Harris 1998; Boyce 2003).

Missionaries also assisted with the implementation of the Commonwealth’s child welfare regulations. During the 1911-1939 period, Aboriginal child removal was an area where the Commonwealth and church relationship often correlated. Soon after the Commonwealth takeover of the Territory, the Commonwealth hoped that missions would play a role in eugenic Aboriginal child welfare practices. This included child removal in order for Aboriginal children to be biologically absorbed into the ‘white’ community (Spencer 1913; Bleakley 1929; Dewar 1992; Austin 1997; Harris 1998). Initially, the Commonwealth intended to send Aboriginal children to missions to be absorbed into the ‘white’ community, as well as being available for domestic service in the pastoral industry. As various authors indicate, the focus on children was consistent with the aspirations of the missions, which saw the education of Aboriginal children as the key to evangelising the Northern Territory’s Aboriginal population (Markus 1990; Dewar 1992; Harris 1998).

The missionaries’ approach to employment also affected the outcomes of Commonwealth regulations. Austin illustrates that during the 1911-1939 era, the Department of Home and Territories proposed that mission subsidies and grants be based on the education and employment skills they gave Aboriginal people:

*[Subsidies should] be determined on the basis of [how] much the Mission itself spent on Aboriginal welfare, what ‘technical and elementary education’ was*

*provided, what industrial work was carried out and how profitability, 'the results achieved' by the mission, the way the station was managed, and logistical difficulties faced. This would require detailed reports and financial statements to be made by missions and periodic inspections by government officers (1997: 102).*

Administrator Bleakley (1929: 25-26) also suggested that the best system of subsidies would be decided upon the education and employment skills given to Aboriginal people on the missions. Bleakley suggested that “special encouragement should be given to genuine effort to successfully develop the industrial and social side of work” (1929: 25-26). In 1935, Carrodus, the Head of Department of Home and Territories further suggested:

*The aggregation of a large number of aboriginals on a mission is not, in itself, a justification for the payment by Government of a large subsidy to the mission. The deciding factors are whether such aboriginals are being taught to become better members of the community... [if] they are encouraged to work and are educated to a certain extent and made capable of assisting in the development of the country, their residence on the mission station will be of undoubted advantage to them (cited in Austin 1997: 102).*

The Commonwealth envisaged that the missions would assist with the implementation

of their policies, especially those policies which focused on the employment and education of Aboriginal people.

The relationship between the missionaries and Commonwealth began due to the Commonwealth's power to grant land for the establishment of church reserves and missions. With the acquisition of land, the missionaries became further dependent on the Commonwealth due to the subsidy system of financial aid. While the subsidies given to missions were often insufficient, the Commonwealth still provided them with assistance, as the government wanted the missions to assume administrative responsibility for Aboriginal people. The Commonwealth were aware that any Aboriginal person not being provided for by missionaries would become their responsibility.

The Commonwealth's desire for missions to be operating, especially self-sufficiently, was because they provided a cheap operational mechanism for the governance of Aboriginal people. It was seen that the missionaries could play a vital role in the implementation of Commonwealth Aboriginal policy. As subsequent chapters of the present study indicate, this eventuated, as the Commonwealth and missions often held similar views regarding non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment.

## **5.7 Conclusion**

The political context of the Commonwealth's Northern Territory had been shaped prior to their acquisition of the area in 1911. The *1899 Aborigines Bill* became the

policy template for future legislation, as it adhered to social Darwinist concerns over miscegenation and Aboriginal employment. The White Australia Policy had also provided the Commonwealth with a blueprint for the Northern Territory in relation to the governance of Aboriginal people and their interactions with the non-Aboriginal population. Put simply, Australia and the Northern Territory were deemed to be for 'whites'. Aboriginal people were to be excluded from the social fabric of the country and non-'white' immigrants were to be banned entry. Aboriginal people only held a place in northern Australia as a cheap pastoral workforce, yet this situation was also a concern to White Australia Policy supporters. These political influences over Commonwealth Aboriginal governance were shaped by ideologies including natural selection, social Darwinism, miscegenation and eugenics. These ideologies lay the foundation for Commonwealth Aboriginal policy in the Territory.

The White Australia Policy played an influential role in this foundation. The policy was more than an anti-immigration measure. Australia's first parliamentarians sought to use the White Australia Policy to 'combat' race issues in northern Australia. Australia's first parliamentarians desired Australia to be racially and economically 'white', which influenced attitudes and policy directions in Northern Territory Aboriginal affairs.

The legislative instruments through which such ideologies and policies could be enforced in the Territory were the *Northern Territory Aboriginals Act (SA) 1910*, the *Aboriginal Ordinance (Cth) 1911* and the *Aboriginal Ordinance (Cth) 1918*. As the following chapters demonstrate, these Acts were utilised by the Commonwealth to

control Aboriginal people in the areas of non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment.

Not only did the Commonwealth desire to implement the Acts themselves, they sought assistance from the various church mission groups. The Commonwealth forged a political relationship with Northern Territory missions between 1911 and 1939. Due to this, the missions relied on the Commonwealth for both land and financial subsidies, with the granting of either, especially subsidies, being dependent on the extent to which the missions implemented Commonwealth regulations.

The policies, Acts and governmental relationships discussed in this chapter shaped the political context of the 1911-1939 period. As the following chapters show, they also impacted on the Commonwealth's governance of Aboriginal people in the Northern Territory.

*Chapter Six: Outcomes of Commonwealth non-Aboriginal and Aboriginal  
Regulations 1911-1939*

**6.1 Introduction**

Within colonial ideology, nineteenth-century European race theories had suggested that ‘full-blood’ Aboriginal people would ‘die out’. Miscegenation and mixed-race interaction was not considered desirable, as it threatened the ‘purity’ of ‘superior white’ races. These ‘hybrid’ interactions were feared by colonists, as European powers sought to populate the New World with their own ‘superior’ races. Mixed-race interactions threatened this racial ‘purity’ as it could have resulted in large mixed-descent populations becoming dominant in the colonies. These ideologies were evident throughout Australia, including the Northern Territory; prior to Commonwealth takeover, the *1899 Aborigines Bill* had identified colonists’ desire to stop miscegenation and the growing mixed-descent population. The introduction of the White Australia Policy had also defined colonial aspirations that Australia and the Northern Territory would be a socially and economically ‘white’ country.

However, developments in the Northern Territory had contradicted these aspirations, creating political and social angst. This was due to its large Aboriginal population, small ‘white’ population, mixed-race social base and increasing mixed-descent population between 1911 and 1939. All of these factors shaped Commonwealth Aboriginal policy in the Northern Territory. The Commonwealth

sought to control non-Aboriginal and Aboriginal relations in an effort to stop miscegenation and create a 'white' Northern Territory. In this chapter, I investigate how this control was attempted through legislation and in practice. I also discuss the outcomes of these developments for Aboriginal people.

At the turn of the nineteenth century, South Australian governmental authorities sought to investigate the extent of the 'half-caste' problem in the Northern Territory. As section 5.1 outlined, the *1899 Aborigines Bill* was rejected by the South Australia parliament. Although rejected, the Bill's recommendation to record the Northern Territory's 'half-caste' population was upheld, with the implementation of a 'half-caste' census being declared. This chapter will investigate the 'half-caste' census. It will analyse the instructions given to police who conducted the census, the social Darwinist nature of the recordings, and the police focus on prostitution, sexual relationships and mixed-descent children. While the census was conducted prior to Commonwealth acquisition of the Northern Territory, it identified miscegenation and non-Aboriginal and Aboriginal relations as a 'problem', thereby influencing future legislation and governance.

Following the census and Commonwealth acquisition of the Northern Territory, Baldwin Spencer was appointed Chief Protector of Aborigines in 1912. Approximately twelve years after the census had been conducted, it was still influential over Commonwealth governance of Aboriginal people. This was made evident by Spencer's actions during his tenure as Chief Protector. The 'Half-Caste' census had identified cross-racial interactions as a 'problem' and Spencer was the first

Chief Protector to aggressively enforce Commonwealth non-Aboriginal and Aboriginal regulations. Spencer believed miscegenation posed a threat to the viability of the White Australia Policy and sought to reconcile his fear by enforcing Commonwealth regulations. In order to enforce the regulations, Spencer (1913) aimed to control the Northern Territory's Chinese population, as he believed they were the cause of the growing mixed-descent population. Furthermore, Spencer enforced Aboriginal marriage regulations to control cross-racial interactions and uphold the colonial ideal that Australia and the Northern Territory would be 'white'.

In upholding Aboriginal marriage regulations, Spencer had focused on the control of Aboriginal women. This remained the norm throughout the 1911-1939 period, with Commonwealth authorities continually focusing on the regulation of Aboriginal women. During the period, the Commonwealth was under increasing internal and external pressure to enforce non-Aboriginal and Aboriginal regulations, leading to paternalistic control over the lives of Aboriginal women.

The focus on Aboriginal women reached its crescendo during Cook's reign as Chief Protector between 1927 and 1939. Cook sought to regulate mixed-descent women, recording their locality, 'caste' and employment situation. Cook's department upheld the marriage regulations of the *Aboriginal Ordinance (Cth) 1918* to regulate non-Aboriginal and Aboriginal relations; however, the paternalistic controls and lax enforcement of 'protective' regulations led to outcomes of sexual exploitation and prostitution of many Aboriginal women.

Debate has also been raised as to the intentions of Commonwealth regulation

of Aboriginal women. This relates to whether Commonwealth authorities sought to implement a eugenics program. I analyse these debates and critique the arguments of various authors who suggest eugenics programs did not exist (Brunton 1998; Howson 1999; McGuinness 1999; Marsh 1999; Maddock 2000; Meagher 2000; Sheenan 2003; Bolt 2006; Windschuttle 2010a Windschuttle 2010b). I examine how many administrators discussed the regulation of Aboriginal women and non-Aboriginal and Aboriginal relations in terms of being an avenue to ‘breeding out the colour’, supporting the argument that eugenics programs were implemented.

Further, the Commonwealth and State government discussions at the *1937 Aboriginal Welfare Initial Conference of Commonwealth and State Aboriginal Authorities* demonstrate that the implementation of a eugenics program was attempted. Conference delegates proposed eugenic programs in order to regulate non-Aboriginal and Aboriginal relations and stop the increase of the mixed-descent population by biologically absorbing it into the ‘white’ population. In relation to the Northern Territory, Chief Protector Cook advocated that a eugenic-based program of biological absorption could address the ‘problem’ of the increasing mixed-descent population. In particular, Cook’s persistent advocacy is investigated, as it led to other delegates agreeing and ensured that a eugenics program was officially adopted by the conference and consequently by the Commonwealth.

Following analysis of conference proceedings, I analyse the Minister for the Interior Jack McEwen’s ‘New Deal’ for Aboriginal people in the Northern Territory. After the 1937 Conference, Cook returned to the Northern Territory and aspired to

further implement eugenic practices. This policy direction changed with the appointment of McEwen as Minister for the Interior. McEwen's reforms, including his 'New Deal' policy, aimed to change Aboriginal policy in the Northern Territory. I investigate whether the reforms achieved their aim or continued previous non-Aboriginal and Aboriginal regulations.

The examination of the 'Half-Caste' census, Chief Protector Baldwin Spencer, the Commonwealth focus on Aboriginal women, the 1937 conference and McEwen's 'New Deal', will ensure that an investigation is conducted with regard to the development and practical application of the Commonwealth's non-Aboriginal and Aboriginal regulations. These regulations were formulated on the basis of colonial beliefs embedded in natural selection and social Darwinist ideology. They were also constructed and enforced on the basis of colonial fears of miscegenation and the desire of administrators, including Chief Protector Cook, to install eugenic programs as a solution to these 'problems'.

## 6.2 The Half-Caste Census

Prior to the Commonwealth's appropriation of the Northern Territory, the South Australian Government presented the *1899 Aborigines Bill* to the South Australia parliament. The proposed legislation was defeated but the Bill's recommendation to record the number and status of 'half-castes' in the Northern Territory was upheld (Austin 1992; McGinn 2010).

In 1899, the South Australia government instructed Palmerston's (later renamed Darwin) Inspector of Police, Paul Foulshch, to plan and implement a 'Half-Caste' census. Foulshch (1900: 3) gave Mounted Constable Thompson the mission of conducting a census of the Northern Territory's mixed-descent population. Foulshch advised Thompson to conduct the census from "Place to place; for the present not further south than the Katherine until instructed to do so; visiting all areas where mining is being carried on, reporting yourself when arriving to any Police Station so that your arrival and departure may be noted" (1900: 3).

Thompson adhered to his instructions, reporting on fifty mixed-descent people within the regions of Katherine, Wandii, Pine Creek, Burrundie, Rum Jungle and Palmerston. Thompson's report, *List of Half Castes in the Northern Territory* (1899), recorded the names, sex, age, mother's name, mother's tribe, 'reputed' father's name and conditions of mixed-descent people.

Fears over miscegenation were apparent within Foulshch's orders to Thompson, as he was instructed to record any instances where mixed-race

relationships (sexual or plutonic) were occurring in the specified regions:

*As further reports on the condition of the aborigines and their relations to other natives may be required by His Honour the Minister it may be advised to quietly attain the names of all persons other than natives, who are cohabitating with native women; special note should be taken of cases where native females appear to be mere children and their apparent age be stated and a list sent to this office (1900: 3).*

Mounted Constable Thompson (1889: 1) sent reports to Foulshch and recorded any instances where prostitution was allegedly occurring. This was evident in Thompson's recording of a young female named Lilly:

*I have the honour to report that there is an half black named Lilly living with a Manila man named Antonio at the old ice house on the beach. The man Antonio is employed by Captain Edwards on one of his pearling boats. I made enquiries from the Protector of Aborigines and he informs me that the parties above named are not married. I personally visited the old ice house on the beach and found that there are three other coloured men living in the same house, I have no hesitation in saying that the half black Lilly is kept by the man Antonio for the purpose of prostitution (1899: 1).*

Thompson expressed similar concern for a fifteen-year-old female named Nellie, who worked at the Playford Hotel in Pine Creek:

*Half caste Nellie is a servant for Mr. Schunke of the Playford Hotel. She is well fed and clothed. But I have no hesitation in saying that she is an arrant prostitute and the temptation is very great for her while living at a Hotel. Most of the bushmen boarding at the Hotel at different times tell it openly, that they have connections with her. She has been known to follow a man (whose name is known)... and catch him by the private parts (1899: 26).*

While in some cases Thompson's concerns regarding the welfare of women and children may have been justified, in others they were questionable. This was evident in Thompson's report on May, a girl from the Burrundie area: "Half caste May is a well grown girl, and is living with her mother in the blacks camp at Woolwonga. She [May] mixes it up a great deal with the Chinamen and has only a naga on" (1899c: 28). The girl Thompson (1899: 28) described as 'mixing it up' was six years old and according to reports, under the constant supervision of her mother. Whether the relationship was platonic, sexual or virtually non-existent in the case of May, Thompson recorded any interaction that could result in the increase of the mixed-descent population.

As well as recording mixed race relationships, Foulschk instructed Thompson to record the details of mixed-descent children: "It may also be useful to compile a list of all half cast children met with giving their names, sex, approximate age, name of

mother, tribe and reputed father if attainable” (1900: 5).

Thompson recorded and reported on mixed-descent children with a focus on children of Aboriginal and non-European ancestry. Thompson’s reports reflected the concerns raised about non-Aboriginal and Aboriginal relations in social Darwinist rhetoric, as he made efforts to ensure it was known when an Aboriginal child had Asian ancestry.

Thompson also took notice of instances where mixed-descent children were living with their Aboriginal families. For instance, Thompson was concerned for a two-and-a-half-year-old boy from Wandi, reporting “this half caste boy is living with his mother... 10 miles from Wandi. Is fairly well grown for his age, appears to be fairly well fed, but not much clothing” (1899: 25). Thompson (1899: 26) also expressed concern for two young children from Pine Creek, who while appearing to be well fed and clothed, lived with their Aboriginal families. Similarly, Thompson reported on a five year old girl named Blanche, as she had been “sent out in the bush with the blacks” (1899: 33). Such anxieties suggested that authorities were concerned that part-European children were living with their Aboriginal families. These concerns were based on race as opposed to child welfare.

The ‘Half-Caste’ census was a South Australian project, yet reflected the colonial position that miscegenation was undesirable to the aspirations of ‘white’ Australia. The census also indicated to South Australian authorities and future Commonwealth administrators that non-Aboriginal and Aboriginal relations were an identifiable ‘problem’ in the Northern Territory. The census findings and ideology

came to be reflected in subsequent Commonwealth non-Aboriginal and Aboriginal regulations. In 1911, when the Commonwealth acquired the Northern Territory, those regulations were enforced.

### **6.3 Non-Aboriginal and Aboriginal Regulation under Chief Protector Spencer**

The 'Half-Caste' census had identified non-Aboriginal and Aboriginal relations as a prominent 'issue' in the Northern Territory. When the Commonwealth acquired control in 1911, the Territory's first Chief Protector, Herbert Basedow, quickly established that he was opposed to mixed-race relationships and the growing number of mixed-descent children. While Basedow established his opposition to miscegenation, he resigned from his position after only forty-five days (Austin 1989; Zogbaum 2003).

After Basedow's resignation, Baldwin Spencer was appointed as Chief Protector of Aborigines in the Northern Territory. Spencer envisaged a Northern Territory free of a large mixed-descent population, which he deemed a threat to the viability of the White Australia Policy (Spencer 1913). This was linked to Spencer's social Darwinist belief that mixed-descent people were 'inferior':

*In practically all cases, the mother is a full-blooded aboriginal, the father may be a white man, a Chinese, a Japanese, a Malay, or a Filipino. The mother is of very low intellectual grade, while the father most often belongs to the coarser*

*and more unrefined members of higher races. The consequence of this is that the children of such parents are unlikely to be, in most cases, of much greater intellectual calibre than the more intelligent natives (1913: 21).*

While Spencer identified a number of racial groups as part of the ‘problem’, he overwhelmingly blamed the Chinese for the increasing mixed-descent population (Calaby and Mulvaney 1985: 281). Spencer said of the Northern Territory’s Chinese population: “I would like to deport the whole lot of them because with their opium and spirits they ruin the blacks and are doing no good to the country... we are turning the Chinese out (cited in Calaby and Mulvaney 1985: 281).

Spencer blamed the Chinese for Aboriginal prostitution, which was seen as a contributing factor to the increasing mixed-descent population:

*The supplying of aboriginals with opium and spirits and a wholesale prostitution of native women are common and constant practices amongst the great body of Asiatics and form the most serious evil that the Department has to contend with in the settled and more especially the mining districts... the natives can and will lend their lubras [women] freely to them, more especially since the association with the Asiatics... Nothing is more patent than the rapid degradation of the native in contact with the Chinese (1913: 15).*

Upon arriving in Darwin in 1912, Spencer quickly moved to act on his opinions

regarding Aboriginal and Chinese relations. Spencer used Section 9 of the 1911 Ordinance (which allowed the Chief Protector to make specific areas prohibited to Aboriginal people) to declare Darwin's Chinatown a prohibited area for Aboriginal people (*Aboriginal Ordinance (Cth) 1911: 63: s9*). Spencer declared:

*The Chinese quarters in Darwin, Pine Creek and the more important mining areas are now declared 'prohibited areas' and this restriction must be extended so as to apply to all other Chinese fields and quarters. The native have been for so many years allowed to do exactly what they liked in regards to frequenting all parts (1913: 15).*

Coinciding with the prohibition of Chinatown, Spencer ordered the prosecution of any Asian contravening the 1911 Ordinance. Within two weeks, a Malay woman was convicted for employing an Aboriginal person without a licence. When an appeal was launched to the Supreme Court questioning Spencer's power to issue licences and restrict the movements of citizens, it was dissolved by Acting Administrator Judge Mitchell (Austin 1997: 38).

Alongside prohibiting Aboriginal people from entering specified areas, Spencer also stressed the need for the Commonwealth to control the marriages of Aboriginal women. Spencer suggested that marriage between Aboriginal women and non-Aboriginal men should only be granted in exceptional cases. Such circumstances included cases where Aboriginal women had been cohabitating with their non-

Aboriginal partners for extended periods (Spencer 1913: 17). While encouraging the granting of marriage certificates in these circumstances, Spencer said that once government facilities had been established for Aboriginal women, non-Aboriginal and Aboriginal marriages should have been prohibited by the Commonwealth:

*Reference may be made here to the intermarriage of aboriginal lubras with men of other races. In past years there have been a considerable number of cases in which Asiatics and Europeans have lived with aboriginal women as their wives and though not legally married have treated them as such and have recognised their children. Under the Act no one except an aboriginal man may marry an aboriginal lubra except by special permission which should be and is only granted under very exceptional circumstances. In the cases referred to above it was an alternative between granting permission or separating the man and woman, the latter returning to the native camp with her children. In these instances the woman had been accustomed to the relative comfort of the white man's or Asiatic's camp and after many years absence had probably become quite unable and certainly unfitted to live the ordinary life in the native camp. To consign her to the latter would be a cruel thing to do and therefore in such exceptional cases permission to marry was given but, when proper provision for the aboriginals is made, such inter-racial marriages should not be permitted (1913: 17).*

Spencer's tenure as Chief Protector lasted a year, but during that time he used the

1911 Ordinance to impinge on the freedom of movement and marriage rights of Aboriginal people. Spencer's actions set the precedent for Commonwealth administrators in the pre-World War Two era. As a result, future administrators continued to set paternalistic controls over the lives of Aboriginal people in order to regulate non-Aboriginal and Aboriginal relations.

#### 6.4 A Commonwealth Focus on Aboriginal Women

After Spencer left his position as Chief Protector, the administrative angst surrounding non-Aboriginal and Aboriginal relations did not dissipate. In the year following Spencer's departure, Stretton, the newly appointed Chief Protector, argued that the mixed-descent population was increasing. In 1914, Stretton (1914: 32) expressed concern regarding the large female contingent of that population reaching child-bearing age. Gilruth, the Administrator of the Northern Territory, expressed similar anxiety regarding Aboriginal women. Gilruth suggested that the increase of the mixed-descent population was signifying disturbing trends:

*During my visit to the MacDonnell Range district recently I was impressed by the large number of half-caste, and even quadroon children in the native quarter at Alice Springs growing up without education or any moral control. One half-caste mother had five quadroon children – four of school age – yet, although white in complexion, these children are developing under conditions worse than those of their native ancestors and disgraceful to their European relations (1914: 8).*

In the 1922 Northern Territory Administrator report, Administrator Urquhart discussed similar apprehension regarding the increase in the mixed-descent population:

*In regard to the half-caste side of the question, the discreditable fact cannot be ignored that the number of half-castes in the Territory is increasing, and so far as can be seen must inevitably for many years yet to continue to increase. I can conceive of no legislation less drastic than such as would be intolerable to any Australian community that would be effective in putting an end to the present prevailing miscegenation (1922: 8).*

Due to such trends, administrators were coming under increasing pressure from the Northern Territory's European population. European settlers were forming the opinion that Commonwealth authorities were not properly combating the miscegenation 'issue' (Evol 1912; Combo 1921). An editorial by a contributor referring to themselves as Evol in the *Northern Territory Times and Gazette*, suggested that the Commonwealth was failing due to three main errors:

- (1) In [the] face of the White Australia Policy, officers of the Aborigines Department marry aboriginal women to Chinese, Japanese, Malays and sons of Ham;*
- (2) That aboriginal prostitution is still rampant in Darwin;*
- (3) That similar immorality is prevalent at Pine Creek (1912: 3).*

Another editorial from the *Northern Territory Time and Gazette* had sardonically

suggested drastic measures needed to be taken by the Commonwealth:

*The proper treatment for those who increase the half-caste population had been ignored. Recommended that he [white father of mixed-descent child] be advised to purchase a grindstone and a fathom or two of rope and he then adjourn to the end of the jetty, make a slipnoose in one end of the rope, attach to other end to the hole in the grindstone, place the slipnoose round his neck, and fling the grindstone into the harbour. (The secretary has since received a wireless from Mr. Ally Gator objecting to this recommendation being carried into effect as it would constitute cruelty to crocodiles. A young inexperienced saurian might make a meal of the cadaver, and expire in agony from the effects of the poison)*  
(Combo 1921: 2).

Such a comment illustrated the extreme views of some colonists. Many settlers in the Northern Territory believed cross-racial interactions were a threat to 'white' interests and argued that drastic measures needed to be adopted to stop them. With these views being published in the popular press, further pressure was placed on the Commonwealth to enforce non-Aboriginal and Aboriginal regulations.

Under both administrative and public pressure to stop cross-racial interaction, Commonwealth administrators used Ordinance regulations to control the lives of Aboriginal women. Movement controls contained in the South Australian Act, which were retained and strengthened in the 1911 and 1918 Ordinances, were used to

regulate the freedom of movement of Aboriginal women (*Northern Territory Aboriginals Act (SA) 1910*: 5-6: s15, s16, s19, s42). Further, marriage controls were utilised to ensure Aboriginal women did not marry men of other races that were deemed a threat to race ‘purity’ and the White Australia Policy (*Northern Territory Aboriginals Act (SA) 1910*: 5-7: s17c, s21.1).

While prominent administrators including Chief Protector Spencer had utilised the Acts to regulate Aboriginal women, Chief Protector Cook became the main protagonist in controlling Aboriginal women between 1911 and 1939. Cook suggested that if the Commonwealth did not adopt strict measures to control Aboriginal women, they would continue to ‘mate’ with ‘aliens’ and create a large mixed-descent population:

*In the Territory... the preponderance of coloured races, the prominence of coloured alien blood and the scarcity of white females to mate with the white male population, creates a position of incalculable future menace to the purity of race in tropical Australia... if [Aboriginal women] are permitted to mate with alien blood, the future of this country may very well be doomed to disaster* (cited in Ellinghaus 2003: 192).

As various authors suggest, in order to establish control over Aboriginal women, Cook began with the intricate recording of their locality and ‘caste’ (Austin 1990; Reynolds 2001; Anderson 2009). Cook believed the surveillance of Aboriginal

women was crucial to the control of non-Aboriginal and Aboriginal relations. Within two years of acquiring the position of Chief Protector, Cook had recorded the locality and 'caste' of the Territory's female Aboriginal population. Cook (1929: 9) stated in a 1929 Chief Protector report that there were 7,054 Aboriginal females in the Northern Territory, with 262 of those being 'half-castes'. In 1932, Cook's Chief Protector Report further stated the whereabouts of Aboriginal women, specifically mixed-descent women, employed throughout the Northern Territory:

*Four half-caste girls accompanied their employers to southern States during the year. Special agreement was made in each case and employers were required to enter into a substantial bond to return them to the Territory. Two half-caste girls, who had been employed in southern States returned to the Territory during the year... Half-caste girls employed by residents in Darwin, where the Chief Protector was satisfied as to the supervision exercised by employers, were permitted to sleep on the employers premises... Seventeen half-caste girls were employed as domestics by European employers during the year (1932: 8).*

In the 1932 report, Cook (1932: 9) estimated that there were 738 Aboriginal women in regular employment in town and rural and remote areas, with a further 834 Aboriginal women living in supervised camps. In the 1933 Chief Protector report, those figures had increased to 1,030 Aboriginal women being in regular employment and 1,213 residing in supervised camps (Cook 1933b: 11). Cook's intricate recording

of Aboriginal women allowed him to identify the 'caste' of women, where they were living and where they were employed. Cook intended to use the information to further regulate Aboriginal women in their day-to-day lives, as well as identify 'problem' areas in the Northern Territory where mixed race relations were thought to be prolific.

Cook's Aboriginal Department also strictly upheld the marriage regulations of the 1918 Ordinance. Due to Section 45 of the 1918 Ordinance, Cook had extensive powers over marriage. Section 45 stated:

- 1) *No marriage of a female aboriginal with any person other than an aboriginal shall be celebrated without the permission, in writing, of a Protector authorised by the Administrator to grant permission in such cases.*
- 2) *Whenever a Protector grants permission, he shall, as soon as practicable, transmit a copy thereof to the Administrator.*
- 3) *If any such marriage is celebrated without the permission required by this section each of the parties to the marriage and the person who celebrated the marriage shall be guilty of an offence against this Ordinance*  
*(Aboriginal Ordinance (Cth) 1918: 13-14: s.45)*

As Manne illustrates, this gave Chief Protector Cook extensive power over the marriage arrangements of Aboriginal people: "As Chief Protector under the Territory ordinance of 1918, Cook wielded immense power over the lives of the Aborigines, including the right to approve or veto marriage" (2001: 17).

Section 45 of the 1918 Ordinance gave Cook these powers over Aboriginal marriages. Cook then recorded instances where he gave Aboriginal women permission to marry and in 1932 reported: “Permission was given by the Chief Protector for the celebration of the marriage of seven female half-castes with persons other than aboriginals, as follows: To Europeans 1, To European half-castes 6” (1932: 8). In 1933 Cook (1933b) gave marital permission to “four female half-castes”, and in 1936 noted: “Permission was given by the Chief Protector of Aboriginals for the marriage of nine female half-castes, six with Europeans, and three with half-castes. Three applications were refused” (Cook 1936). In 1938, the figures outlined that permission was granted to “four female half-castes” and one application from a European to marry an Aboriginal woman was refused.

The paternalistic control of Aboriginal women was often discussed by the Commonwealth as being a form of ‘protection’. However, the outcomes of non-Aboriginal and Aboriginal regulations for women do not reflect Commonwealth ‘protection’. Aboriginal women faced governmental control of their lives which impeded their ability to work, travel and marry. Further, the Commonwealth often failed to provide them protection from sexual exploitation.

As various authors suggest, many colonists saw Aboriginal women as sexual objects, colloquially referring to them as ‘black velvet’ (McGrath 1987; Tonkinson 1988; Bird 1991). Aboriginal women were constantly sexualized in poetry and song, with a popular ballad amongst European men of the era being “And the firm rounded breasts that seductively tease are like seed-pods that sway from squat baobab trees”

(McGrath 1987: 69). Another poem about Aboriginal women suggested: “Full-breasted, lithe as a young doe, as timid as the wild creature she was, with flashing white teeth and glittering, mischievous black eyes behind long lashes, she could appear like a naked black Venus and altogether alluring to a sex starved bushman” (McGrath 1987: 69).

Not only were Aboriginal women sexualized in public media including poetry and song, but it was common knowledge amongst the Northern Territory’s non-Aboriginal community that they were being sexually exploited. As ex-station cook Jack Sullivan suggested, the exploitation of Aboriginal women was common:

*We had to sneak around to get a bit of girl, the same as the white man, instead of camping with them. You might go over and tell the girl to go down and meet you, for you could not go into their camp... You were sacked... In those days white men and we half-castes treated the blackfeller like a dog. We could go in and belt him or take his stud away for the night* (cited in McGrath 1987: 81).

As Berndt and Berndt suggest, Aboriginal people, especially women, also faced punishments including ration suppression for non-compliance: “A common reaction on the part of Europeans when Aboriginal men refused to “send down lubras” when ordered to do so, was to cut short their supply of food and to warn them of more severe penalties if they did not comply” (1987: 235).

Commonwealth administrators were also aware sexual exploitation of

Aboriginal women was occurring, as instances had been officially recorded. In 1929, Bleakley (1929: 27) advised the Commonwealth that the Ordinances were failing to prevent non-Aboriginal and Aboriginal relations and the sexual exploitation of Aboriginal women. A decade later, the Director of Native Affairs further suggested that the Ordinances had failed to protect Aboriginal women during the 1911-1939 period:

*Wherever they live – in their employers home, in the homes of their parents, or at the Compound – they are liable to be ‘visited’ by philandering Europeans, who appear to lack normal control and respect for persons and institutions – and forces of law and order... it is not unusual for them to be followed and accosted by Europeans... it doesn’t seem to matter to this type of European, who the girls are – aboriginal or half-caste, young or old, married or single, attractive or otherwise – or whether the girls are seeking adventure (cited in Australian Commonwealth 1940: 1).*

While such trends were alarming to administrators such as the Director of Native Affairs, Chief Protector Cook said that the lax enforcement of ‘protective’ non-Aboriginal and Aboriginal regulations had been positive for ‘white’ women: “The successful enforcement of such a law in Darwin, with its lowgrade cosmopolitan population and scarcity of women is calculated to be followed by an outbreak of “sex crimes” and in particular to imperil the young white female population” (cited in

Markus 1990: 96). It appears that it was acceptable for Aboriginal women to suffer sexual abuse and exploitation if it saved 'white' women from the same fate.

Interlinked with the sexual exploitation of Aboriginal women was the issue of prostitution. A major issue for Aboriginal women engaging in prostitution was that they became susceptible to exploitation and substance abuse. In 1914, Inspector Beckett (1914: 35-36) discussed the issue of sexual exploitation, prostitution and substance abuse amongst Aboriginal prostitutes. Overwhelmingly, Beckett blamed Asians and 'lower whites' for those occurrences:

*The vigorous repressive measures instituted by the Chief Protector against the purveyors of drugs and drink has had a good effect in lessening the deleterious traffic, but it is still carried on by persistent offenders, who meet the natives at night by arrangement. Mostly, these lawbreakers are Asiatics, but certain low white men also pander to the depraved desires of the aboriginals... the aboriginals who, once brought under the influence of drugs and drink, are utterly unable to repress their own desires are enticed into prohibited areas by the Chinese, who barter for the use of native women (1914: 35-36).*

While being anti-Asian in nature, Chief Protector Cook also raised concerns regarding exploitation and substance abuse among female Aboriginal prostitutes: "An important factor in the moral and physical degradation [of Aboriginal women] was the Chinese practice of inculcating opium addiction amongst natives of both sexes as a means of

procuring and retention of prostitution” (1927: 7).

In his 1929 report, Bleakley further outlined the Commonwealth’s need to address Aboriginal women’s susceptibility to exploitation as a result of prostitution:

*As practically all public roads lead through stations, and the camps of necessity in the vicinity, these simple women [Aboriginal women] are an easy prey to passing travellers, who, at times, are low enough to cheat them by paying them with bogus money, in the way of painted coins, advertisement coupons, and worthless cheque forms (1929: 9).*

Non-Aboriginal and Aboriginal regulations focusing on the recording and enforcement of marriage controls over Aboriginal women were justified on the basis it provided them with ‘protection’. However, evidence suggests that the Commonwealth’s ‘protective’ measures did little to assist the poor socio-economic position of many Aboriginal women. Due to these circumstances and in order to survive, many Aboriginal women were forced into prostitution, resulting in their sexual exploitation at the hands of colonists.

## **6.5 Non-Aboriginal and Aboriginal Regulations and Eugenics**

Various authors have argued that Cook’s focus on Aboriginal women was part of a wider effort to install a eugenics program (Manne 2001; McGregor 2002; Reynolds 2005). Such a program was based on efforts to control Aboriginal women and arrange

marriages between them and 'whites'. It was envisaged that this would result in the gradual loss of Aboriginality after generations of cross-racial breeding. This came to be referred to as 'breeding out the colour' (Manne 2001). While eugenics was contentious due to its endorsement of miscegenation, Cook and other administrators saw it as the solution to the mixed-descent 'problem'. Rather than relying on the enforcement of racial segregation, mixed-descent people could be biologically absorbed into the 'white' population. The intention of such efforts was to succeed in planning the eventual disappearance of Aboriginality.

However, other historians, academics and journalists argue that eugenics programs did not exist in Australia. They argue that there is no evidence to support a colonial desire to 'breed out the colour' or that Cook's marriage controls were eugenically driven (McGuinness 1999; Maddock 2000; Meagher 2000; Bolt 2006; Windschuttle 2010a). McGuinness has argued that while bureaucrats, including Cook, advocated for biological absorption, there is no evidence to support that such eugenic practices were ever policy:

*Did some bureaucrats in areas of policy-making advocate the steady disappearance of Aborigines by assimilation of mixed-bloods and the inevitable disappearance of full-blooded Aborigines attached to their own culture and way of life? Yes, there is clear evidence of that. But was this the basis for policy in any specific state or territory, or was the picture a lot more complicated? Is there any government policy statement, or internal policy document, as distinct*

*from views expressed by individual bureaucrats however senior, to this effect?*

*No-one has found one (1999: 2).*

Meagher argued along similar lines, asking “where’s the evidence?... that the [Commonwealth] government ever accepted it? It simply isn’t there” (2001: 78).

Windschuttle has further argued that marriage controls were not part of eugenic programs and that outcomes of those controls were not negative for Aboriginal women:

*It [marriage control] was a plan to oversee the marriage of half-caste women to white men. In practice, it was a failure. Part-Aboriginal women preferred men of their own background and few wanted to marry white men. By 1937, Cook confessed he had overseen fewer than 50 such marriages in his time in office (2010b).*

While various authors argue that eugenics was not part of Commonwealth policy, Chief Protector Cook’s discussion of how he used Commonwealth marriage regulations indicated that he utilised them for eugenic purposes:

*The attention of the Minister was invited to the grave problem which has been developing in North Australia owing to the unrestricted intermarriage of alien coloured races with aboriginals and half-castes, the result of which has been*

*the accumulation of a hybrid coloured population of a very low order... in the Northern Territory, half-caste coloured aliens constitute a perennial, economic, and social problem and their multiplication throughout the north of the continent is likely to be attended by grave consequences to Australia as a nation. In the Territory the mating of an aboriginal with any person other than an aboriginal is prohibited. The mating of coloured aliens with any female of part aboriginal blood is also forbidden. Every endeavour is being made to breed out the colour by elevating female half-castes to the white standard with a view to their absorption by mating [them] into the white population (1933b: 7).*

Cook further argued that ‘white’ men in the Northern Territory should have been prepared to partake in the proposed eugenic programs:

*[‘White’ men should] be prepared to marry half-caste females and make decent homes. Provided the girl had been reared to a moderately high standard there can be no objection to such a mating resulting as it does in the white man rearing a white family in good circumstances instead of a half-caste family under degrading conditions. Experience shows that the half-caste girl can, if properly brought up, easily be elevated to a standard where the fact of her marriage to a white will not contribute to his deterioration. On the contrary under conditions in the Territory where such marriages are socially accepted among a certain section of the population, the results are more beneficial than*

*otherwise since the deterioration of the white is thereby arrested and the local population is stabilized by the building of homes. It is not to be supposed that such marriages are likely to produce an inferior generation (1933a: 50-51).*

Cook believed that through use of Commonwealth regulations, eugenic practices would lead to the eventual disappearance of mixed-descent people:

*Generally by the fifth and invariably the sixth generation, all native characteristics of the Australian aborigine are eradicated. The problem of our half-castes will quickly be eliminated by the complete disappearance of the black race, and the swift submergence of their progeny in the white... The Australian native is the most easily assimilated race on earth, physically and mentally (cited in HREOC 1997: 137).*

The Commonwealth supported and encouraged Cook. J.A Carrodus, the Secretary of the Department of the Interior, expressed the Commonwealth's approval and adoption of Cook's use of Commonwealth regulations to biologically absorb mixed-descent people: "The policy of mating half-castes with whites, for the purpose of breeding the colour, is that adopted by the Commonwealth Government on the recommendation of Dr. Cook" (cited in Manne 2001: 65).

With support from the Commonwealth, Cook envisaged that if his eugenic programs were successful in the Northern Territory, they could be adopted across

Australia:

*In the Territory... every endeavour is being made to breed out the colour by elevating the female half-castes to a white standard with a view to their absorption by mating into the white population. The adoption of similar policy throughout the Commonwealth is, in my opinion, a matter of vital importance* (1933b: 50-51).

The paternalistic marital controls found in Commonwealth legislation were imposed on Aboriginal women by Cook and his methods supported by the Commonwealth's Department of the Interior. Contrary to the arguments of various authors, the use of Commonwealth legislation aimed to hinder the prevalence of non-Aboriginal and Aboriginal relations and decrease the mixed-descent population through marriage controls and eugenic programs (McGuinness 1999; Maddock 2000; Meagher 2000; Bolt 2006; Windschuttle 2010a).

As further part of eugenics-based governance between 1911 and 1939, the Commonwealth supported church-run institutions specifically catering for mixed-descent people. As various authors suggest, the Commonwealth supported the establishment of missions at Bathurst Island and Groote Eylandt (Cole 1992; Harris 1998; Boyce 2003). In 1922, prior to the opening of the Groote Eylandt Mission, Administrator Waters had argued that mainland missions and reserves were useless in assisting with the control of non-Aboriginal and Aboriginal relations:

*In my opinion aboriginal stations or reserves on the mainland are useless, as the occupants can come and go as they please, and are easily enticed to leave. When in Melbourne in 1911, I discussed this matter with the then Acting Minister for External Affairs, and stated that the only suitable place for an aboriginal reserve or station was at Melville Island, where half-castes could be successfully educated (1922: 18).*

Commonwealth administrators agreed, and suggested that offshore missions including Groote could be successful as they would provide 'safe havens' for mixed-descent women. When the Groote Eylandt Mission opened, Administrator Giles discussed his support, suggesting mixed-descent women could be placed there and isolated from relationships and marriages with non-Aboriginal men. Giles (1926: 14) also suggested that while on the island, they could be married to chosen partners as part of eugenic governance methods.

With the establishment of these missions, both the Commonwealth and church groups were able to control the marriages and relationships of mixed-descent women. At the Groote Eylandt Mission, Reverends would marry a couple (generally the female being a mixed-descent woman) and then send the appropriate documentation to the Chief Protector (CMS 1927a). If the Chief Protector was satisfied with the marriage arrangements, permission for the marriage would be granted.

This system of non-Aboriginal and Aboriginal marital control was exemplified

by correspondences between Chief Protector Dudley and the Groote Eylandt Mission in 1927 (CMS 1927a). A correspondence between Chief Protector Dudley and the mission specified that Linda Beattie, who was categorised as a 'half-caste', would be allowed permission to marry:

*Memo for, Mr. W.E. Harney, Groote Eylandt, Roper River, via Katherine... I have to acknowledge receipt of your letter of 7<sup>th</sup>. ultimo applying for permission to marry a half-caste girl at Groote Eylandt Mission named Linda Beattie. Your application is approved and the necessary permission has been posted to Reverend Warren. I attach here to copy for your information (cited in CMS 1927a).*

The information Dudley provided allowed Reverend Warren to officially marry Linda Beattie:

*Memo for Rev. H. E. Warren, Groote Eylandt Mission, Roper River, via Katherine... I have to acknowledge receipt of your letter of 8<sup>th</sup>. ultimo relative to the marriage of Linda Beattie a half caste girl to William Edward Harney of Bickerton Island. I enclose the necessary permission herein (cited in CMS 1927a).*

Marriage control played a prominent role in the regulation of non-Aboriginal and

Aboriginal relations on missions as well. The protocol displayed by the correspondences between Dudley and the CMS were the norm for marriages undertaken at the mixed-descent church institutions.

Various authors have argued that regulation of non-Aboriginal and Aboriginal relations and Aboriginal marriage were not part of a Commonwealth effort to implement eugenics programs or ‘breed out the colour’ (McGuinness 1999; Maddock 2000; Meagher 2000; Bolt 2006; Windschuttle 2010a). However, Commonwealth administrators such as Cook and Carrodus’s justification for these regulatory practices suggested that they did intend to ‘breed out the colour’ via eugenic methods. Further, the Commonwealth supported missions specifically catering for mixed-descent people where marriages and mixed-race interactions could be further regulated (Waters 1922; Giles 1926; CMS 1927a). Via these avenues, Commonwealth authorities intended to regulate Aboriginal marriage in order to implement eugenic programs. Commonwealth authorities including Chief Protector Cook purposefully regulated marriages with a view to ‘breeding out the colour’. It was intended that over generations, eugenic programs would lead to the gradual disappearance of Aboriginality in the Northern Territory.

## **6.6 1937 Aboriginal Welfare Conference**

In 1937 the Commonwealth held the *Aboriginal Welfare Initial Conference of Commonwealth and State Aboriginal Authorities* in Canberra. When proceedings

began on the 21<sup>st</sup> of April, the implementation of non-Aboriginal and Aboriginal regulations in areas with high Aboriginal populations, including the Northern Territory, became a focal point of discussion (Australian Commonwealth 1937). As various authors illustrate, while being a ‘taboo’ topic due to fears over miscegenation, talks on the introduction of eugenic programs were thoroughly examined (Charlton 2002; Manne 2004; Reynolds 2005).

As Neill (2002: 127) argues, ideas on racial engineering had reached their peak at the time of the conference. Prominent anthropologists, scientists, doctors and administrators saw biological absorption as a progressive policy and solution to the increasing mixed-descent population. Chief Protector Cook was one such advocate. Cook argued that within areas like the Northern Territory, the biological absorption of mixed-descent people was the answer to the ‘problem’ they posed to European interests.

In contrast to the arguments of authors including McGuinness (1999), Meagher (2000) and Windschuttle (2010a) that suggest that there were never calls for a Commonwealth-supported eugenics program, Cook told the conference that the implementation of eugenic policy was an urgent matter for the Commonwealth:

*The policy of the Commonwealth is to do everything possible to convert the half-caste into a white citizen... my view is that unless the black population is speedily absorbed into the white, the process will soon be reversed, and in 50 years, or a little later, the white population of the Northern Territory, will be*

*absorbed into the black* (cited in Australian Commonwealth 1937: 14).

Cook further urged the Conference to adopt eugenic programs to stop ‘problems’ stemming from non-Aboriginal and Aboriginal relations: “We are faced with the problem of the half-castes multiplying. To overcome that, we are suggesting a policy of treating the half-caste as a white, so that the male can take his place in a white community, and the female can be accepted as the wife of a white man” (cited in Australian Commonwealth 1937: 18).

Cook reinforced his position by arguing that if eugenic programs did not become policy, the prevalence of the mixed-descent population could lead to a race-based ‘revolt’:

*I suggest that if the half-caste is maintained at an inferior status, and he multiplies more quickly than is the case with whites, an untenable position will eventually arise. The half-caste population will probably rise in revolt, and in any case, it will create racial conflict which may be serious* (cited in Australian Commonwealth 1937: 13).

Cook’s arguments that there was a threat of a race ‘revolt’ enabled him to convince delegates that eugenic practices were needed in ‘high risk’ areas including the Northern Territory.

During the conference, delegates from South Australia, Western Australia and

Victoria supported Cook's argument. Cleland, the Chairman of the Advisory Council of Aborigines in South Australia, agreed that in areas such as the Northern Territory, eugenic programs could be beneficial:

*The number of half-castes in certain parts of Australia is increasing, not as a result of additional influx of white blood, but following on inter-marriage amongst themselves... This may be the beginning of a possible problem of the future. A very unfortunate situation would arise if a large half-caste population breeding within themselves eventually arose in any of the Australian States. It seems to me that there can be only one satisfactory solution to the half-caste problem, and that is the ultimate absorption of these persons in the white population (cited in Australian Commonwealth 1937: 10).*

Chief Protector Neville from Western Australia, the colonial bureaucrat most associated with the science of eugenics, concurred:

*Ultimately the native must be absorbed into the white population of Australia... What is to be the limit? Are we going to have a population of 1,000,000 blacks in the Commonwealth, or are we going to merge them into our white community and eventually forget that there ever were any aborigines in Australia? (cited in Australian Commonwealth 1937: 10-11).*

Chapman, the Vice-Chairman of the Board for the Protection of Aborigines in Victoria, also expressed the opinion that “we are all agreed that the most urgent problem is the absorption of the quadroons and octoroons into the white community” (cited in Australian Commonwealth 1937: 17),

Manne asserts that the delegates of the Conference, mainly Cook and Neville, had affectively advocated for a program founded on the science of eugenics:

*The Chief Protectors in Western Australia and the Northern Territory, A.O Neville and Cecil Cook advocated a complex program of eugenics involving among other things... the effective prohibition of mating between ‘full-bloods’ and ‘half-castes’; the systematic removal of the ‘half-caste’ children from their families and the ‘degraded’ life of the blacks’ camp; the encouragement of marriage between ‘half-caste’ females and white males. Such administrators called this the program of ‘breeding out the colour’ (2001: 39).*

However, authors including McGuinness (1999), Meagher (2000) and Windschuttle (2010a; 2010b) refute these claims. They suggest that administrators such as Cook were never given such far-reaching powers. The confirmed resolution of the 1937 Conference suggests otherwise. The conference delegates concluded that people of Aboriginal heritage with 50% or more ‘white blood’, or other non-Aboriginal heritage, were to be the target of biological absorption: “Resolved – That this Conference believes that the destiny of the natives of aboriginal origin, but not of the

full blood, lies in their ultimate absorption by the people of the Commonwealth and it therefore recommends that all efforts be directed to that end” (Australian Commonwealth 1937: 21).

The implications for the Northern Territory were that the Commonwealth had adopted a eugenics program to curb non-Aboriginal and Aboriginal relations and decrease the mixed-descent population. While the measures were meant to be implemented nationwide, constitutional arrangements forfeited the Commonwealth’s rights to construct Aboriginal policy for the States. This being the case, Chief Protector Cook sought to set the example for the States by enforcing the conference’s eugenic resolution in the Northern Territory.

## **6.7 McEwen’s ‘New Deal’**

After the *1937 Aboriginal Welfare Initial Conference of Commonwealth and State Aboriginal Authorities* concluded, Cook returned to the Northern Territory where he resumed attempts to implement a eugenics program. While eugenic methods of governance were the agreed approach, the appointment of Jack McEwen as Minister for the Interior in the Lyons United Australia Party-Country Party on the 19<sup>th</sup> of November 1937 changed the way in which non-Aboriginal and Aboriginal regulations were approached (Austin 1993; HREOC 1997). Like Cook, McEwen wanted the States to recognise that the Commonwealth was the leader in Aboriginal affairs. However, McEwen aimed to establish himself as a political reformer and

implemented a restructure of Aboriginal affairs in the Northern Territory.

McEwen's first change occurred when he nullified Chief Protector Cook's monopoly on power. McEwen argued that Cook was unfit to retain his position:

*Although efficient and very keen on his work, [he] has not, in my opinion those attributes that are essential in a head of an important Branch of Service. Some of the reports submitted to me by him, while I was in Darwin, were couched in most intemperate language, indicating that he had insufficient appreciation of 'public service' as it is generally understood (cited in Austin 1993: 205).*

Due to McEwen's lack of support for the Chief Protector, Cook's political advice was disregarded. This led to his resignation in 1939.

In seeking other advisors, McEwen invited E.W. Chinnery, who had been the head of the Native Affairs Branch in New Guinea, to travel with him throughout the Northern Territory in an advisory role (Austin 1993; Gray 2005). Chinnery accepted the position and was seen as the perfect candidate due to his experience.

McEwen also sought council from Professor Elkin, who was the protagonist of assimilation in New South Wales (Rowley 1971; Moran 2005). As Austin (1993) and Kidd (2007) discuss, Elkin was also a professional adversary of Cook's. This further influenced Cook's loss of power and subsequent resignation. While McEwen, Elkin and Chinnery did not support eugenics as a means to control non-Aboriginal and Aboriginal relations, they stated their aim to assist with the assimilation of Aboriginal

people into white Australia via social and economic reforms. These reforms came to be known as the 'New Deal'.

With Cook gone, McEwen and his advisers set about implementing the 'New Deal'. While touted as groundbreaking new policy, the reality was that Commonwealth policy remained stagnant, as the 'New Deal' was largely a regurgitation of previous policy. As Donovan (1984: 102) argues, Cook's 'progressive policy' was simply replaced by the 'New Deal'. The initial rhetoric of McEwen's (1939: 2) 'New Deal' showed that it was not progressive, as it categorised Aboriginal people in the same manner as previous Commonwealth administrations. The only alteration McEwen made was to prescribe an extra category of Aboriginal people. There was the 'fully tribalised', the 'semi-detribalised', the 'Myalls or Aboriginals in their native state', and the 'half-castes'. McEwen further classified 'half-castes' into sub groups:

*Two classes of half-caste exist in the Northern Territory – those born in wedlock of half-caste parents, and those born of an Aboriginal mother and a non-Aboriginal father. The former are usually cared for by their parents in the same manner as children of whites. The latter are the responsibility of the Administration (1939: 5-6).*

Further categorisations were made in relation to 'quadroons' and 'octoroons', with the 'New Deal' stipulating that they were to receive different governance and education

from the Commonwealth.

Outlining McEwen's lack of innovation was the fact that as early as 1913, Chief Protector Spencer had placed Aboriginal people into four similar categories. Spencer (1913: 15-16) suggested there were the "Aboriginals living in towns", "Aboriginals living on lands such as those around the Daly and Roper Rivers", "Aboriginals living on large pastoral areas" and "Aboriginals living on wild unoccupied land". By the mid-1930s, Chief Protector Cook had devised more definitive categories, which were essentially followed by McEwen. Cook divided Aboriginal people into the 'detribalised', the partly 'detribalised' and the 'tribal' or 'myall' (Markus 1990: 104). Cook outlined that each category would be governed differently, with the 'detribalised' being catered for in metropolitan zones, the partly detribalised in relation to their vicinity to pastoral properties, and the tribal groups on geographically specified reserves. In comparison to the work of previous administrators, McEwen had only specified one more category of Aboriginal people.

Alongside these categorisations, there were similarities between Cook and McEwen's policies and approaches towards mixed-descent people. While McEwen rejected eugenics programs, his Department focused their attention on mixed-descent people. Targeting mixed-descent people was not a new Commonwealth approach, yet McEwen (1939) still announced the 'New Deal' would aim to provide greater government control of this group. McEwen's decision to pursue this 'new' avenue can be attributed to his advisor Chinnery. Chinnery believed greater control over mixed-descent people was warranted as they were a "sociological nightmare" (cited in

Cummings 1990: 41). This approach was consistent with methods of previous Aboriginal departments. From 1911 to 1937, successive administrators had already applied and enforced the Commonwealth legislation and regulations that targeted mixed-descent people.

As well as advising McEwen to focus administrative attention on mixed-descent people, Chinnery argued that the best way to stop miscegenation was to encourage the migration of ‘white’ women to the Northern Territory (Cummings 1990; Chesterman and Gilligan 1997). As Cummings (1990; 1998) argues, this approach to miscegenation was not new. As reported by the Australian Commonwealth in 1912, Chief Protector Spencer had already indicated that the migration of ‘white’ women could be a solution to ‘problems’ arising from miscegenation: “No white man, if white women are available, will marry a half-caste aboriginal” (1912: 46-47). This statement carried with it the implication that as long as there were very few white women in the Territory, miscegenation was a problem.

In 1913, Spencer further blamed the lack of ‘white’ women for Aboriginal female prostitution and consequent issues:

*It must be said frankly that the absence of any women other than aboriginals in outlying districts is the chief reason for so many complaints in regard to the prostitution of aboriginal women, and so long as the absence of white women is a feature of the Territory, so long it be extremely difficult, if not impossible, to put an end to this serious evil (1913: 16).*

In the late 1920s, Cook had also discussed the concept of encouraging 'white' women to the Northern Territory:

*The policy of the government at the time, [was] to encourage the migration of white women into the Northern Territory. This was to be achieved by improving the conditions of medical and health services by assuring ready medical attention and assuring that the rearing of children were sufficiently attractive to the white mother (1981: 26).*

The encouragement of 'white' women's migration to the Northern Territory had already been proposed by Spencer and Cook. This policy direction in the 'New Deal' was not a new concept in the Commonwealth's battle to control non-Aboriginal and Aboriginal relations.

As well as attempts to implement methods to migrate 'white' women, McEwen's staff were directed to focus on preventing 'consorting' between non-Aboriginal men and Aboriginal women. Again, in efforts to combat miscegenation, such measures had been implemented by previous Commonwealth administrators including Basedow, Spencer, Beckett, Urquhart and Cook.

As early as 1911, Chief Protector Basedow had suggested a reserve be established for 'half-castes' in order to prevent their contact with Europeans (Cummings 1990; Austin 1997). The following year, Spencer established the Kahlin

Compound as part of an effort to curb sexual relationships between Aboriginal women and non-Aboriginal men. Spencer envisaged that the establishment of Kahlin would prove a successful venture in controlling non-Aboriginal and Aboriginal relations: “[When] the compound at Darwin, with its native houses, which is now in course of formation, is complete and under proper supervision, it will be more easy to deal with the aboriginals and to prevent the Asiatics from coming into contact with them” (1913: 15). More than a decade later, Administrator Urquhart had endorsed the establishment of the Groote Eylandt Mission. Groote was opened in 1924 to cater for and isolate mixed-descent people (Cole 1971).

In 1934, Chief Protector Cook was still addressing the ‘issue’ posed by mixed-descent people. Cook reported: “The mating of an aboriginal with any person other than an aboriginal is prohibited. The mating of coloured aliens with any female of part aboriginal blood is also forbidden” (1934: 7). Cook also recorded instances where non-Aboriginal people had been prosecuted for ‘consorting’ with Aboriginal women: “Two persons were convicted for trespassing on the Kahlin Compound aboriginal reserve... three persons were convicted for consorting with female half-castes” (1936: 13).

The ‘New Deal’ consisted of anti-consorting policy that already existed and had been previously enforced. Further, McEwen proposed the construction of town camps for Aboriginal people. McEwen justified the establishment of town camps in a policy statement:

*Many natives have already been attracted to principal towns, and there is a steady stream of them still coming in... these people live in what is, according to our standards, unsatisfactory conditions. The Aboriginal Compound at Darwin, which is now being constructed, will provide a home for detribalized natives who have been drawn to Darwin and for others who inevitably will follow them there... in accordance with this policy similar provision will be made for detribalized natives living around Alice Springs and within limits the same policy will be applied to other centres (1939: 3).*

Again, this was a repeat of previous policies. In the 1930s, Chief Protector Cook had already suggested that Aboriginal residential areas be constructed around Darwin:

*Those [Aboriginal people] living in the vicinity of Darwin and other towns would be trained for employment, although not in occupations which would bring them into conflict with whites... a residential area in Darwin would be reserved exclusively for Aborigines and barracks and other forms of accommodation would be erected, as well as schools, recreational facilities, a water supply and sanitary system (cited in Markus 1990: 104).*

The creation of town camps has left a legacy of residential areas rife with poor health, lack of education, disease, substance abuse, child sex abuse, welfare dependency and violence (Australian Commonwealth 1951; Wolfe 1987).

The outcome of McEwen's 'New Deal' for Aboriginal people was that little

changed in the short period in which it was implemented. The same approach to enforcing non-Aboriginal and Aboriginal regulations had been previously implemented. This was prominent in the legislative areas of Aboriginal categorisation and focus on mixed-descent people.

## **6.8 Conclusion**

Theories of natural selection had influenced many colonists to believe that ‘full-blood’ Aboriginal people would ‘die out’. This resulted in a colonial focus on the perceived dangers of mixed-descent people. Between 1911 and 1939, the Commonwealth’s governance over the Northern Territory was no exception. Due to colonial fears regarding miscegenation and the Commonwealth’s desire for Australia to be ‘white’, the Commonwealth focused legislation and practical attention on non-Aboriginal and Aboriginal relations. Resulting from social Darwinist constructions of such relations and people, these relations were viewed as morally, socially and economically repugnant. This was evident in the Commonwealth’s Northern Territory, which had been identified by the *1899 Aborigines Bill*, Australia’s first federal politicians and the ‘Half-Caste’ census as an area where miscegenation was rife and non-Aboriginal and Aboriginal relations needed to be controlled. If the Commonwealth was to set the precedent in Aboriginal affairs for the rest of Australia, it needed to demonstrate that it could ensure racial ‘purity’ and the viability of the White Australia Policy in ‘endangered’ areas. Their opportunity to do this lay in the

Northern Territory. These factors led to the Commonwealth's Aboriginal legislation devoting large sections to the control of non-Aboriginal and Aboriginal relations. In this chapter I have investigated the outcomes of such Commonwealth regulations for Aboriginal people between 1911 and 1939.

Non-Aboriginal and Aboriginal relations in the Northern Territory were officially identified as a colonial 'problem' in the 1899 'Half-Caste' census. Mounted Constable Thompson recorded instances of mixed-race relationships and recorded the preponderance of mixed-descent children. The analysis of the 'Half-Caste' census in this chapter found that the colonial position that non-Aboriginal and Aboriginal relations were undesirable was reflected in the census.

Further, the census identified that there was an 'issue' with such relations in the Northern Territory. This went on to influence future Commonwealth Aboriginal legislation and administrators who enforced the policy. This was made evident by Chief Protector Spencer, who was the first Commonwealth administrator to actively enforce non-Aboriginal and Aboriginal regulations. Spencer held social Darwinist beliefs and was opposed to miscegenation, blaming the Northern Territory's Chinese population for the increasing mixed-descent population. In order to stop relations between Aboriginal people and the Chinese population, Spencer declared Chinatown a prohibited area for Aboriginal people and upheld marriage regulations found in the *Aboriginal Ordinance (Cth) 1911*. I demonstrated that Spencer was the first administrator to utilise non-Aboriginal and Aboriginal regulations, resulting in loss of freedom of movement and marital rights for Aboriginal people. Additionally, Spencer

set the precedent for subsequent Commonwealth administrators in the 1911-1939 period.

After the short reign of Chief Protector Spencer, Commonwealth anxiety regarding cross-racial interactions did not dissipate. As a response to these anxieties, the Commonwealth, like Chief Protector Spencer, utilised Ordinance regulations to control the lives of Aboriginal women, who as bearers of mixed-descent children, were seen as a 'problem'. Commonwealth control over Aboriginal women reached its pinnacle during the reign of Chief Protector Cook. Cook recorded the locality, 'caste' and employment situation of Aboriginal women, as well as controlling their marital situations in order to implement eugenic programs.

While I argued that Cook's control of Aboriginal women centred on his attempts to implement eugenics programs, there are various authors who disagree with this position (McGuinness 1999; Meagher 2000; Windschuttle 2010a; Windschuttle 2010b). These arguments were examined and critiqued, referencing and analysing the reasons given by administrators, including Cook, for their regulatory actions. Cook's validation for his actions in office, including his desire to biologically absorb the Northern Territory's mixed-descent population, indicated that his methods of governance were part of a eugenics program. Furthermore, the Commonwealth justified these strict controls over Aboriginal women on the basis that they were providing them 'protection'. However, the Commonwealth failed to uphold that 'protection', leading to outcomes of sexual exploitation and high rates of prostitution amongst Aboriginal women in the Northern Territory.

The *1937 Aboriginal Welfare Initial Conference of Commonwealth and State Aboriginal Authorities* also demonstrated that eugenics programs were implemented in the Northern Territory. At the conference it was proposed that a eugenics program be accepted in areas such as the Northern Territory. Chief Protector Cook was a prominent delegate at the conference and strongly advocated that eugenics be adopted as part of the governance of Aboriginal people. Delegates agreed to use eugenic methods to regulate non-Aboriginal and Aboriginal relations and stop the increase of the mixed-descent population in the Northern Territory and Australia. While the conference's resolution was not implemented in the Northern Territory for any substantial period of time, eugenic methods of governance were officially adopted by the Commonwealth.

Two years after the conference, the Minister for the Interior, Jack McEwen, attempted to shift Aboriginal policy in the Northern Territory away from eugenics. This alleged policy shift came in the form of the 'New Deal' for Aboriginal people. This included McEwen's nullification of Cook's power, the restructuring of the Aboriginal Department, and the introduction of the 'New Deal'. While the 'New Deal' was meant to be reformist, it was for the most part, a restatement of Cook's 'progressive policy', perpetuating the same outcomes for Aboriginal people. The 'New Deal' replicated old methods of governance by categorising Aboriginal people into 'caste' groups, focusing on mixed-descent people, encouraging 'white' women to the Territory, enforcing methods to stop 'consorting', and establishing town camps. These methods adopted by the 'New Deal' were not reformist, but were rather a

restatement and rebranding of previous Commonwealth policy and ensured that outcomes did not change for Aboriginal people.

In this chapter I have explored the outcomes of non-Aboriginal and Aboriginal Commonwealth regulations between 1911 and 1939. It is clear that prior to the Commonwealth takeover of the Northern Territory in 1911, non-Aboriginal and Aboriginal relations were viewed as a 'problem' by administrators in colonial Australia. The 'Half-Caste' census had identified the 'issue' in the Northern Territory and Commonwealth legislation was developed to combat and regulate the 'problem'.

Between 1911 and 1939, this led to a number of outcomes for Aboriginal people. Aboriginal people were racially categorised according to social Darwinist constructions of 'caste'. These categorisations, based on natural selection and social Darwinist constructions, led to the segregation of 'full-blood' people, who were believed to be destined to 'die out', ensuring mixed-descent people became a point of Commonwealth focus.

Aboriginal people lost their freedom of movement and rights to choose their marital circumstances due to the colonial fears regarding miscegenation and mixed-descent people. Aboriginal women were paternalistically controlled due to these colonial anxieties, which led to their loss of rights and, in some circumstances, sexual exploitation. This was due to the Commonwealth failing to adequately provide the 'protection' on which they justified their paternalistic measures. The Commonwealth focus on non-Aboriginal and Aboriginal relations also resulted in the official sanctioning of eugenics methods of governance in order to 'breed out the colour' and

ensure the viability of the White Australia Policy.

## *Chapter Seven: Outcomes of Commonwealth Aboriginal Child Welfare Regulations*

*1911-1939*

### **7.1 Introduction**

Throughout the history of Australia, governments constructed legislation focusing on Aboriginal children. Between 1911 and 1939, what occurred in the Northern Territory was no exception, legislating for control over Aboriginal children in the *Aboriginal Ordinance (Cth) 1911* and *Aboriginal Ordinance (Cth) 1918*. As had been the case with non-Aboriginal and Aboriginal relations, the Commonwealth treated mixed-descent children differently. The Commonwealth viewed them as a racial, social and economic threat to the viability of the White Australia Policy. In combating what they perceived as a ‘problem’, the Commonwealth established institutions in the Northern Territory specifically catering for removed mixed-descent children. It was believed that such measures would assist mixed-descent children’s assimilation.

In addition, the Commonwealth used Ordinance regulations to allow mission groups to establish reserves in the Northern Territory. On these mission reserves, the Commonwealth desired that the Anglican, Methodist, Roman Catholic and Lutheran mission groups would govern Aboriginal children and implement Commonwealth child removal programs. The missionaries assisted, as they received Commonwealth funding for their efforts. Also, they were able to pursue their goal of evangelising the Northern Territory’s Aboriginal population, with a major focus of that goal being the

education of Aboriginal children. In this chapter I seek to explore the outcomes of Commonwealth child welfare regulations by critically analysing Commonwealth and missionary governance of Aboriginal children in the Northern Territory between 1911 and 1939.

During that time, the Commonwealth focused regulatory attention on mixed-descent Aboriginal children. The Commonwealth viewed them as a threat to the White Australia Policy, and sought to assimilate them into the 'white' community by forcibly removing them from their Aboriginal families. However, various authors have argued that forced child removal did not occur (Brunton 1998; Maddock 2000; Bolt 2006). In this chapter, these arguments are critiqued by drawing on Commonwealth records. These records indicate that authorities did implement child removal programs aimed at taking Aboriginal children, especially those of mixed descent, from the influence and custody of their families.

When the Commonwealth removed Aboriginal children they were placed in institutions. These institutions were used to separate children from their Aboriginal families while also providing the Northern Territory with a cheap labour force. Within these institutions there was a lack of adequate financial support from the Commonwealth. I discuss how, as a result, the Commonwealth provided poor education, housing and health outcomes to the institutionalised children.

In relation to forced child removal, Chief Protector Cook became a central figure in these Commonwealth practices. Between 1927 and 1939, child removal rates were at their highest during his tenure, and Cook's primary objective was to establish

conditions facilitating the success of the White Australia Policy. Cook viewed mixed-descent children as a threat to the policy's success, so he removed children from their Aboriginal families. Moreover, Cook's child removal practices were part of an effort to implement eugenic programs.

Alongside Commonwealth authorities, missionaries were involved with child removal processes in the Northern Territory. The Commonwealth wanted assistance from missions, which they provided in order to receive funding and pursue their goal of evangelising the Northern Territory's Aboriginal population. In line with social Darwinist beliefs, missionaries also treated mixed-descent children differently, even establishing a mission on Groote Eylandt to separately accommodate them.

Akin to the Commonwealth, missions established dormitory systems which catered and housed removed children. The dormitories were used to separate children from their Aboriginal parents, and parents were required to relinquish their children to the system while on mission land. Unfortunately, the dormitories had similar problems to Commonwealth institutions, including a lack of funding and poor conditions. Alongside these issues, the missionaries enforced regulations to break children's links with Aboriginal culture in order to assimilate and Christianise them.

In order to investigate the outcomes of Commonwealth child welfare regulations between 1911 and 1939, this chapter will critically examine the Commonwealth's focus on mixed-descent children, Commonwealth child institutions, Chief Protector Cook's involvement in child removal, missionary involvement in child removal, and the missionary dormitory system. I will highlight the various

outcomes for Aboriginal children and their families in relation to family separation, education, employment, accommodation, health and culture.

## **7.2 Commonwealth Focus on Mixed-descent Children**

In the Northern Territory, the increasing mixed-descent population was seen as the greatest threat to the White Australia Policy. While the Commonwealth controlled non-Aboriginal and Aboriginal relations in a bid to halt the increase in the mixed-descent population, the number of mixed-descent children kept rising. Consequently, the Commonwealth focused efforts on controlling their 'welfare'. This control included removing them from the influence of their Aboriginal families and assimilating them into the 'white' community.

In 1911, Chief Protector Basedow initiated the removal of mixed-descent children, urging the Acting Administrator to establish an institution to cater for their supervision (Zogbaum 2003). In the 1914 Northern Territory Administrator report, Chief Protector Stretton also expressed the need for schools to be opened to cater for the rising numbers of mixed-descent children: "There are upwards of 200 of these unfortunate half-castes amongst the children of the Territory, and, to give them the benefit of schooling, other schools (notably at Alice Springs) will have to be opened" (1914: 32).

In the same annual report, Gilruth (1914: 8), the Administrator of the Northern Territory, also expressed concern over the rising number of mixed-descent children.

In line with social Darwinist ideology, Gilruth discussed the issue of mixed-descent children being 'white' in complexion, yet being a 'disgrace' to their 'pure' race ancestors.

Alongside social Darwinist fears over increasing population numbers, administrators were concerned that Aboriginal mothers were removing part-'white' children from Commonwealth control. The fact that Aboriginal women were raising what were seen as 'white' children was discussed by Commonwealth administrators as morally outrageous and a threat to the White Australia Policy. In 1921, an editor of *The Times* highlighted the colonial angst surrounding this perceived issue:

*Those who have the White Australia fad on the brain would do well to visit the aboriginal compound at Myilly Point. In some cases kiddies with curly white hair can be seen hanging onto the breast of a black woman. They are in all shades of colour jet black to white... the thing is a public scandal... if a man is too lazy, too drunken or too mean to get a wife of his own, then he should not be allowed to create a breed which is a menace to society and a danger to society for all time (cited in Austin 1993: 88).*

While acknowledging there was colonial angst concerning mixed-descent children, a number of authors suggest the forced removal of such children never occurred in the Northern Territory and that the Stolen Generations is a false historical construction (Brunton 1998; Maddock 2000; Bolt 2006; Windschuttle 2010c). Brunton (1998: 18)

asserts that according to former Minister for Territories, Paul Hasluck, it was not the Commonwealth who supported the forced removal of mixed-descent children. Rather, it was the church denominations in the Northern Territory who formulated child removal policy and practice:

*Paul Hasluck recorded his belief that the policy of transferring 'quadroon' and 'octoroon' children out of the Northern Territory 'into southern denominational institutions' with a view to their ultimate adoption by whites in the early 1930s originated with Christian missions (1998: 18).*

Maddock has further argued that child removal was unlikely to have occurred in the Northern Territory, for if it had, anthropologists would have recorded such instances:

*The anthropologists would have ignored genocide by child removal, assuming it was happening, seems unlikely, since it was commonly held during those years that the future of Aborigines posed a problem to well-meaning Australians, that contact with other races could cause harm to full-blood Aborigines, and that offspring of mixed unions were unenviably placed (2000: 11).*

Bolt also disagrees that child removal practices were at their most prominent in the Northern Territory:

*Robert [Manne] – before the verdict [in Cubillo vs. Commonwealth] said this: ‘Nowhere was child removal conducted more systematically and tenaciously than in the Northern Territory’ and ‘we are never likely to have a more probing investigation’... So what did this probing investigation into the worst area of child removals find? That, said the judge the ‘evidence does not support a finding that there was any policy of removal of part-Aboriginal children’. Or to use Robert’s phrase, there was no policy of stealing children just to rescue them from their Aboriginality (2006).*

In contrast to the arguments of Brunton (1998), Maddock (2000) and Bolt (2006), Commonwealth administrators openly discussed their desire to remove Aboriginal children and the practices utilised for this to be achieved. These Commonwealth administrators and officials used Section 3 of the *Aboriginal Ordinance (Cth) 1911* to remove Aboriginal children, especially those of mixed descent (*Aboriginal Ordinance (Cth) 1911*: 61: s3). Further, in 1918 when the Ordinance was revised, section 5 of the *Aboriginal Ordinance (Cth) 1918* was then used for the same purposes (*Aboriginal Ordinance (Cth) 1918*: 2-3: s5).

In 1911, Chief Protector Basedow called for the removal of all mixed-descent children, and Acting Administrator Mitchell agreed, urging police to act (Zogbaum 2003: 128). Mitchell suggested that even if opposed by parents, removal would be for the benefit of the children:

*No doubt the mothers would object and there would probably be an outcry from well meaning people about depriving the mother of her child but the future of the children I think would outweigh all other considerations. It is quite possible to state the number that would be gathered in (cited in Zogbaum 2003: 128).*

In 1913, Chief Protector Spencer also reported that mixed-descent children needed to be removed from 'native' camps: "It is sincerely hoped that, as the country becomes populated, the proportionate number [of mixed-descent people] will become less... no half-caste children should be allowed to remain in any native camp, but they should all be withdrawn" (1913: 21).

In 1923, Administrator Urquhart called for an inquiry into settler opinions and facts surrounding mixed-descent children:

*In regard to the half-caste side of the question, the discreditable fact cannot be ignored that the number of half-castes in the Territory is increasing, and so far as can be seen must inevitably for many years yet continue to increase. I can conceive no legislation less drastic than such as would be intolerable to any Australian community that would be effective in putting an end to the present prevailing miscegenation, and since this cannot be stopped it remains to do the best that is possible for the unfortunate products of it. With this end in view I have been collecting information and making personal inquiries the results of which embodied in a report will have reached you before this Report is*

*published* (1923: 8).

In order to establish the report and acquire public opinion, Urquhart established a Committee of Inquiry which sought opinions and recommendations from Darwin's 'white' citizens (Urquhart 1923; Kettle 1991). Forty-seven citizens responded and the opinions of community members, including doctors, dentists and quarantine officers, suggested there was unilateral agreement that mixed-descent children should have been removed from their Aboriginal families (Kettle 1991: 81).

In 1929, Bleakley also urged the Commonwealth to remove mixed-descent children stating that "of the estimated native population in Central and North Australia of 21,000 about 800 are half-castes... these children should be rescued as early as possible" (1929: 27). Bleakley also argued that due to mixed-descent children having 'white blood', they deserved a chance in the 'white' community:

*As already indicated, the crossbreed with a preponderance of white blood should be considered separately. Their blood entitles them to be given a chance to take their place in the white community and on as favourable footing as possible. That this may be successfully accomplished, the children should be removed from aboriginal associations at the earliest possible age and given all the advantages in education... to minimize as far as possible the handicap of their colour* (1929: 29).

In 1933, Chief Protector Cook discussed how the Commonwealth removed children with no less than 50% 'white-blood' from their Aboriginal families:

*Half-castes in the Territory approximate in numbers to one-third of the European population and their rate of natural increase is considerably higher than that of any other section of the population. It has become a matter of social and economic urgency, therefore, that the living standard of the half-caste be elevated to that of a white and to the development of this policy the actives [members] of the Department have been directed. Illegitimate children of not less than 50 percent white blood are removed from the aboriginal camps at an early age and placed in institutions where they are reared at European standards (1933b: 8).*

The removals Cook described were allowed by Section 3 of the 1911 Ordinance and Section 5 of the 1918 Ordinance. Due to this legislation and subsequent Commonwealth practices, increases in child removal rates were recorded in the Northern Territory between 1911 and 1939 (Stretton 1914; Bleakly 1929; Cook 1932; Cook 1938).

In his Chief Protector report, Stretton (1914: 32) recorded that there were 16 mixed-descent children housed at the Kahlin Compound in Darwin. There was an even divide between the genders, with 8 girls and 8 boys (Stretton 1914: 32). By 1938, that number had risen from 16 to 80 (Cook 1938: 27). The gender divide was 19

males and 61 females (Cook 1938: 27).

Increases were also recorded at the Bungalow in Central Australia. In 1932, the number of mixed-descent children was 52, with a gender divide of 30 males and 22 females (Cook 1932: 8). By 1938, the total figure of mixed-descent children housed at the Bungalow had risen to 130, with a gender divide of 78 males and 52 females (Cook 1938: 28). Between 1914 and 1937, the Kahlin Compound had seen an increase of 500% in the rate of removed children they had institutionalised. Between 1931 and 1937, the Bungalow had recorded an increase of 250% in the number of child inmates.

At both the Bungalow and Kahlin Compound, there was clear evidence of increasing numbers of child inmates between 1911 and 1939. This stemmed from the Commonwealth practice of removing mixed-descent children from their Aboriginal families. Further, this statistical evidence demonstrating increasing rates of Aboriginal child removal at the hands of Commonwealth authorities is in direct contrast to the arguments forwarded by authors including Brunton (1998), Maddock (2000) and Bolt (2006). Their arguments that Aboriginal child removal did not occur in the Northern Territory between 1911 and 1939 do not correlate with the evidence found largely in Commonwealth reports.

As various authors suggest, Commonwealth administrators hoped that by removing children from their Aboriginal families, institutionalised children could be eugenically assimilated into 'white' society (Tonkinson 1988; Markus 1990; Parry 1995). In 1929, Administrator Bleakley made this evident in his report to the

Commonwealth:

*Quadroons and octoroons, under 10 to 12 years of age, should, where such can be done without inflicting cruelty on the half-caste mother, be placed in a European institution, where they can be given a reasonable chance of absorption into the white community to which they rightly belong (1929: 17).*

Chief Protector Cook expressed a similar argument to Bleakley:

*Here [child institution] it was hoped the Aboriginal child... without any conflict of tribal culture, would learn to understand and accept the responsibilities of the individuals living in a settled community and would himself, adapt to and conform to it in habit and behaviour with hygienic principles and social obligations of a new social order (1981: 14).*

Throughout the 1911-1939 period, Commonwealth administrators enforced Ordinance regulations allowing for the removal of Aboriginal children, especially those of mixed descent. Social Darwinist ideology stipulated that mixed-descent children with European heritage deserved a chance to assimilate into the 'white' community, as living with their Aboriginal families was undesirable. Families with mixed-heritage backgrounds were viewed as racially, socially and economically dangerous, posing a threat to the White Australia Policy. While various authors suggest child removal

practices did not occur, the actions of the Commonwealth led to increases of the removal rates of Aboriginal children in the Northern Territory between 1911 and 1939. This illustrates that Aboriginal children, especially those of mixed descent, were forcibly removed from their Aboriginal families on the basis of race and it was desired that they would be assimilated into 'white' society. These children then came to form a part of the Stolen Generations.

### **7.3 Conditions in Commonwealth Institutions**

As well as implementing eugenic programs, it was intended that the Commonwealth institutions would provide the Northern Territory with a cheap labour force. When the Territory's settler society believed that the institutions were not providing enough Aboriginal labour to the colonial community, institutions were regularly criticised publicly. This was made evident by Administrator Gilruth:

*Throughout the Territory, more particularly in the towns perhaps – we say that since the inauguration of this system of protection it has been increasingly difficult to secure such [Aboriginal] labour, and that this has made life much more trying for many a poor housewife in Darwin and other parts of the Territory (1914: 8-9).*

In 1927, when more Aboriginal labourers were being utilised from the institutions,

Chief Protector Cook suggested that male labour was assisting 'white' women in Darwin: "For domestic labour the European women of Darwin found [Aboriginal] male labour preferable because it was more satisfactory when water must be carried and firewood chopped and stacked" (1927: 7). Bleakley agreed with Cook, suggesting cheap labour from the institutions assisted 'white' families to settle in Darwin: "The presence of the compound at Darwin has been made necessary by the fact that owing to climatic and other conditions, life in Darwin for many of the white families would be almost impossible without some cheap domestic labour" (1929: 12).

Alongside Commonwealth authorities, the Northern Territory's European population discussed institutionalised children as being a necessary labour force. A public outcry ensued whenever the Commonwealth proposed to move the institutions further away from European settlement. Public dissatisfaction also arose when they believed that the labour services of the children were being kept from them. As Jacobs illustrates, in 1938 when Chief Protector Cook sought to monitor female domestic servants more stringently, settlers complained:

*Chief Protector Cook sought to more carefully monitor and control and the allocation of domestic servants to residents in the Northern Territory. This led to the prominent settler Jessie Litchfield to protest to the minister of the interior in 1938 about the new difficulty of acquiring Aboriginal servants in that area. She longed for the good old days, when the former protector of Aborigines came around to white homes: 'If you had no aboriginal working, he would supply you*

*with one, on request*' (2009: 341).

It is evident that for many European settler families and individuals in the Northern Territory, institutionalised Aboriginal children were seen as a cheap labour source. The children were seen to be there to perform the tasks that 'whites' did not want to do.

The fact that the children were seen as a cheap labour force came to be reflected in the education they received at Commonwealth institutions. Administrators such as Spencer wanted to ensure that institutional education was of a simple nature that trained children for their designated jobs. Spencer argued: "The main training for children should be industrial, simple agricultural work, carpentry etc. and work amongst stock for the boys, domestic work and gardening for the girls" (1913: 27).

In a 1922 Northern Territory Administrator report, Chief Protector McDonald also illustrated that institutional education centred on the children's employment, as they were performing manual and domestic labour in and around Darwin:

*The lessons [at the Kahlin Compound] include reading, writing, arithmetic, sewing, domestic work and general deportment... practically all the domestic labour in and around Darwin is performed by aboriginals and half-castes; in addition to this the greater part of the manual labour employed in and around Darwin is supplied from the compound* (1922: 19).

Chief Protector Cook also made it evident that institutional education and training of Aboriginal children prepared them for workforce entry:

*They [Aboriginal children] are reared at European standards and given statutory State school education. On completion of their schooling the girls are taught domestic arts and dress and clothing making to fit them for a higher station as the wives of higher-grade half-castes males or whites. The boys on leaving school are sent out for employment in the pastoral industry (1933b: 8).*

Depending on gender, the education the children received aimed to equip them for a future as a domestic servant or pastoral worker. This gave the children little chance of advancing past the status of a servant in colonial society. Val McGinness, who was an inmate at Kahlin Compound in the early 1920s, remembered the poor education he received:

*This teacher sort of sat up at one end facing the two classes and she just sat there, doing something, knitting or whatever she was doing. And I forget now, but I think we did learn c-a-t cat, r-a-t rat, something like that and that was all. We just sat down and scribbled on our slates. I never actually received any tuition (cited in Austin 1993: 57).*

Former inmate of the Bungalow, Clarence Smith, suggested that the education received by children there was also basic: “Well, very little, you know [in relation to

what he learnt at the Bungalow]. Spelling and so forth. Only got up to about grade three. Well, you wouldn't expect anything more anyhow – an hour and a half a day at school” (1988: 2).

Due to social Darwinist beliefs concerning the intellect of the children, lessons were short. During the early years of the Bungalow in Alice Springs, the children received one and half hours of class time a day, most of which centred on the teaching of simple skills, which could be transferable to domestic service (Cummings 1990; Kettle 1991). Lessons at the Kahlin Compound were also short, with the Inspector of Schools suggesting that the absence of class time was due to the poor concentration of the children (Kettle 1991: 90). Alongside these comments, the Inspector of Schools highlighted that it was intended children would service Darwin's colonial society as servants: “The children appear to be bright and active... their powers of concentration, however, are not great. Lessons, therefore, are not long... I believe that many excellent servants will be supplied to the residents of Darwin from time to time” (cited in Kettle 1991: 190).

A poor perception of children's intellect was also evident amongst teachers. Robb, a teacher at the Bungalow, made this clear when requesting more staff from the Commonwealth:

*School work is rendered unusually difficult owing to the low mentality of the children as a whole... the average intelligence of the half-caste is below normal, thus necessitating more individual attention than they can possibly receive from*

*one teacher... the natural irresponsibility of the children also renders them more backward than an ordinary child* (cited in Austin 1993: 166).

Children housed at the institutions not only received poor educations, but also lived in terrible conditions. Commonwealth administrators had been determined to remove as many mixed-descent children as possible, but as the number of children increased, the institutions became exceedingly overcrowded.

This was exemplified at the Bungalow. In the early 1920s, the Bungalow had two dormitories for fifty children, the first dorm being a small section of a shed which comprised a kitchen and a storeroom (Markus 1990; Kettle 1991). The second dormitory had to fit twenty to thirty children at a time, yet measured only nine meters by three and a half meters (Markus 1990; Kettle 1991). By the late 1920s, the Bungalow housed seventy inmates ranging in age from new-borns to twenty-five-year-old women (Australian Commonwealth 1929a). Regardless of age, the majority slept on blankets on the ground, and because there was no room inside, most of the inmates were affected when it rained (Australian Commonwealth 1929a).

During the Bungalow's existence, it was moved from Alice Springs to Jay Creek (45 kilometres from Alice Springs) and from there to Temple Bar (11 kilometres from Alice Springs) (HREOC 1997: 135). Both moves occurred due to previous premises being unfit for human living as a result of the overcrowded conditions (HREOC 1997: 135).

The Kahlin Compound was also regularly overcrowded. In 1928, there were

seventy-six inmates living in a house large enough to fit a single nuclear family (Cummings 1990; Kettle 1991; HREOC 1997). In the early 1930s, a separate house was established so the children could be separated from the rest of the compound's Aboriginal population (Kettle 1991: 122). At one stage there were one hundred and five children living in the small establishment (Kettle 1991: 122). At times, there were as many as 400 inmates housed throughout the compound (McDonald 1922).

Due to overcrowding in the institutions, disease became a regular issue. As Austin (1993: 163) suggests, common diseases at the institutions included chicken pox, whooping cough, measles and trachoma. When diseases were present, they spread quickly throughout the institutions. As Giles (1926: 14) reported in the 1926 Northern Territory Administrator report, this was evident at the Kahlin Compound where there were only two showers, little cutlery and poor toilet sanitation. These conditions, in conjunction with poor standards of hygiene, led to outbreaks of disease and preventable illness.

The overcrowded sleeping arrangements further enabled the spread of disease. When the Bungalow was situated at Temple Bar, children were cramped together in the sleeping quarters leading to some of them being exposed to infectious diseases, including leprosy (Kettle 1991; Austin 1993). Former inmate of the Bungalow, Ethel Buckle (1979: 5), recalled how there was often outbreaks of diseases, including chickenpox and whooping cough. Buckle discussed how when children were diagnosed with whooping cough, they were sent to Channel Island to stop the spread of the disease throughout Darwin:

*We had chickenpox. But, I mean – see, we hadn't been out our yard; we stayed in that yard all the time, and nobody was allowed to come to see us. When we had those sickness like chickenpox – the whooping cough we had – we were sent over the Channel Island... that's where we were sent; because we had whooping cough and they didn't want us to spread it around Darwin (1979: 5).*

While the majority of European settlers and administrators in the Northern Territory believed in child removal, it was often reported that the conditions at the institutions were unsatisfactory. In 1929, Bleakley reported to the Commonwealth that the housing at the Kahlin Compound was inadequate. Bleakley stated: “it is freely admitted that the housing of seventy-six children, of different sexes, in a house large enough only for one family, is not satisfactory” (1929: 15). In 1931, Walker, a doctor commissioned to report on the conditions of Aboriginal people in the Northern Territory, told the Commonwealth that conditions at the Bungalow were deplorable:

*Like sardines in a tin, male and female alongside one another, as many as five on one blanket in an area no greater than 10 yards by 7... lying as close as it is possible to pack them, I doubt if they could all lie down much less sleep inside that shameful structure... babies are born amongst the crowded mass of humanity without any privacy whatsoever (1931).*

In 1932, Reverend Davies further reported to the Commonwealth that conditions at

the Bungalow were poor: “Absolute disgrace... a standing disgrace to any civilised government... the whole place [the Bungalow] makes one boil that such a thing can be tolerated for one moment in a Christian country” (cited in Markus 1990: 29-30). By the late 1930s, conditions at the institutions had not improved. Administrator Abbot reported that he “went carefully through this building [the Bungalow] this week and to use entirely unofficial language, the whole place stinks and is in exceedingly bad condition” (cited in HREOC 1997: 138).

The institutional conditions described by officials are remembered by the former Aboriginal inmates. One former inmate of the Bungalow recalled the overcrowded conditions: “We used to sleep in the open; there were no beds... we used to sleep up during the wet weather... the boys had one room, and the girls had one room... in the summer time we just used to camp out on the flat – like a mob of sardines – in one bed” (cited in Austin 1993: 63).

Clarence Smith also recalled the conditions at the Bungalow as overcrowded and ‘hard’:

*It was more like a stable. It was just two big tin sheds. And all wooden benches for bed[s] and earthen floor in parts of it; parts of it the floor was a mixture of tar and gravel, I think it was. Cause there were no cement them days and that’s how it was used, like by making these hard floors... no mattress – just a couple of blankets – that’s all you was given, no pillow or anything (1988: 2).*

Poor bedding and accommodation was also evident in Darwin at the Kahlin Compound. Former inmate Hilda Muir recalled bedding being of a poor standard for the children:

*They had no beds... they used to spread blankets on the floor, and we slept on the floor ... there was a great big verandah, and the older girls used to get blankets and spread it all along the verandah, and we all just had to sort of, you know, lie beside each other, lie down and – We had no pillows or anything (1993: 4).*

In conjunction with overcrowded conditions, children suffered as a result of poor nutrition at the institution. In the late 1930s, Acting Superintendent Xavier Herbert described food at the Kahlin Compound as insufficient and unhealthy:

*The porridge, cooked the day before, already was sour and roped from the mould in it, and when doused with the thin milk, gave up the corpses of weevils by the score. The bread was even worse, stringy grey wrapped about congealed glue, the whole cased in charcoal. The tea had most of the leaves floating on top (cited in HREOC 1997: 138).*

Former inmate Val McGinness recalled similar food offerings regarding the diet he

received:

*Now we were virtually starving, literally starving, which prompted us to steal a good bit... breakfast was one slice of bread; you were very fortunate if you got a smearing of jam. And you had to scrounge a fruit tin or some type of tin... that was your tea pannikin and they sweetened your tea for you. You weren't allowed to sweeten your own because they reckoned you might take too much sugar or something... they used to buy the cast-off meats from the butchers... all they did was boil this meat and slice it up and handed it out... But when dinner time came we were allowed one more slice of bread and you were allowed to put it on top of the hot water to absorb the gravy... that was dinner (cited in Austin 1993: 59).*

Hilda Muir also described the food she received at Kahlin Compound as inadequate:

*We went in line again to have a little breakfast – just a little bit of ladle of porridge, just enough to put in your stomach; and a piece of bread – bread and jam, or bread and treacle; or bread and golden syrup – one piece... same thing every day. Same thing for breakfast: porridge and piece of bread, boiled beef for dinner, and at teatime we had bread and jam again, or bread and syrup (1993: 6).*

Conditions for the children at the Bungalow in Alice Springs were similar. A former inmate suggested the diet was so poor that the children had to scavenge food from the local rubbish dump:

*Food was scarce... Hardly anything... night time we used to cry with hunger, y'know, lice, no food. And we used to go out there to the town dump... we had to come and scrounge at the dump, y'know, eating old bread and smashing tomato sauce bottles and licking them. Half of the time our food we got from the rubbish dump. Always hungry there (cited in HREOC 1997: 134).*

While institutionalised at the Bungalow, Milton Liddle also recalled being hungry and having to scavenge:

*We'd hang around the Stuart Arms Hotel for scraps. When the waitresses and cooks used to bring it out to the chooks, they'd give it to us because they knew we were starving in the institution and when we couldn't get anything to eat there, we'd go out hunting all over the hills (cited in Austin 1993: 64).*

Clarence Smith also said that the Bungalow diet mainly consisted of “Hard food. Bread and jam, bread and treacle and so forth – very little meat, no butter or anything like that – just hard tucker” (1988: 3). Ethel Buckle (1979: 5) recalled the food at the Bungalow generally consisting of bread and dripping, and that inmates only ate fruit

once a year. Buckle also recalled having to look in neighbours' bins for food, as she was always hungry: "[We would] look around in the bins in somebody else's yard. Look for something to eat there, you know. We used to jump the fence and go into somebody else's house – or not the house – but their grounds. Yes, and get what we want from the bin and eat that" (1979: 5).

The catalyst for the described poor education, accommodation and nutrition received by the children was the Commonwealth's lack of spending of the institutions. As Austin (1993: 163) suggests, the Commonwealth insisted on removing mixed-descent children from their Aboriginal families, yet continually made cut-backs to institutional funding. The Commonwealth did not want to spend any capital on re-building, re-stocking or re-staffing the institutions. They constantly placed the institutes down the list of entities that required increased funding and upgrades. These cuts in funding were in spite of the fact that numbers of institutionalised children increased during the 1911-1939 period. The Commonwealth's child removal policy and institutionalisation of children dictated that funding was required. However, the Commonwealth would not properly care for the children they institutionalised.

In the Administrator report for 1914, Chief Protector Stretton (1914: 38) discussed that the Kahlin Compound was running at a profit. However, he further stated that in spite of profits, his Department was only willing to spend £120 on an iron shed for the girl's accommodation (Stretton 1914: 38). Stretton (1914: 38) then indicated that boys at Kahlin would remain in outdoor bark huts in order for the Commonwealth to save funds on accommodation.

In the Administrator report for 1926, poor conditions were still evident at the Kahlin Compound. Giles, the Acting Superintendent of the compound, said that the institution was running at a profit, yet was still overcrowded: “The total income for all industries at the Compound and Half-caste Home is £259 15s. 6d., and the expenditure is £113 14s. 11d., which shows a profit of £146 0s. 7d [yet] the place is overcrowded, there being 37 inmates, some of who are motherless and have to be fed by bottle” (1926: 14).

The lack of Commonwealth financial support was reconfirmed approximately five years later. It was estimated it would cost approximately £1,000 to enhance the lives of the children and refurbish the Kahlin Compound (Austin 1993; Markus 1990). However, it was never acted upon.

Due to financial neglect, the Bungalow also came to be criticised for its lack of appropriate conditions. In 1924, a newspaper report on the Bungalow criticised the Commonwealth for its lack of financial commitment (HREOC 1997: 134-135). It was suggested that the lack of spending was causing children to live in poor conditions:

*It is more than a scandal it is a horror. The best that can be said is that it is reasonably clean, but that is the fault of the mistress and not of the Commonwealth Government and of those Federal Ministers and members who let it remain as a blot on Australia... At the Alice Springs bungalow the appearance of everybody and everything convicts the Home and Territories Department of the progressive destruction of 50 young promising human lives*

*and souls* (cited in HREOC 1997: 134-135).

In light of deteriorating conditions, a 1931 report suggested that the Commonwealth Treasury needed to provide further funding for the Bungalow (Australian Commonwealth 1931). The Treasury refused, arguing that funds for the institution had to be kept to a minimum:

*A programme of works which requires a total expenditure not contemplated originally, and which the Minister might have discountenanced if he had been fully aware of the facts in the first instance... The necessity for economy is more than ever pronounced and it is evident that the amount of funds which can be made available in the future must be reduced to an absolute minimum* (cited in Markus 1990: 33).

The Commonwealth established the Kahlin Compound and the Bungalow in order to institutionalise children they had removed from their Aboriginal families. It was envisaged that the part-European children would be socially and eugenically assimilated into the 'white' community, where they would no longer pose a threat to the White Australia Policy. While Commonwealth justification for these practices was based on arguments suggesting it was for the benefit of the children, authorities provided improper financial assistance for the institutions. Coinciding with social Darwinist beliefs about the children's intellectual and physical abilities, the

institutions provided poor education, housing and nutrition to the child inmates.

#### **7.4 Chief Protector Cecil Cook**

Chief Protector Cook was an advocate for the removal of mixed-descent children from their Aboriginal families. Cook suggested that such children were a future threat to the White Australia Policy. Cook also believed they posed a risk to Australia's European population as a low-wage workforce and a revolutionary threat to the Commonwealth: "Indolent, destitute... a profitable field of revolutionary agitators and... numerically sufficiently strong to threaten the peace, order and good Government of the Territory" (cited in Austin 1997: 196).

Statistical population figures indicating a growing mixed-descent population caused Cook to fear such people residing in the Northern Territory (Markus 1990: 92). During Cook's early tenure as Chief Protector, the mixed-descent population was increasing annually at a rate of 20 per 1000, while the European population was declining at a rate of 10 per 1000 (Markus 1992: 92). Cook suggested that such population increases posed an "incalculable future menace to the purity of race in tropical Australia" and the future of the country "may very well be doomed to disaster" (cited in Markus 1990: 92). Cook further argued that it was the Commonwealth's duty to use the 1918 Ordinance to regulate and stop the increase of the mixed-descent population: "The Federal Government must so regulate its Territories that the multiplication of multi-colour humanity by mating of the half-

caste with alien coloured blood shall be reduced to a minimum” (cited in Reynolds 2001: 150).

In order to stop this ‘future menace’, Cook used Section 5 of the *Aboriginal Ordinance (Cth) 1918* to strictly control the lives of Aboriginal people, especially children of mixed descent. Cook was insistent on having paternalistic control over Aboriginal children and when amendments to the *Aboriginal Ordinance (Cth) 1918* were discussed, he refused to agree if any of his control was diminished (Hossain 2006: 456). In 1936, when amendments were made to the 1918 Ordinance allowing exemptions for mixed-descent people, Cook was opposed: “I have always opposed the exemption of half-castes... the half-caste is definitely not white and to retain without security his position in the white community he requires a certain amount of control and supervision” (cited in Markus 1990: 98).

Cook wanted to retain control so he could implement his eugenic program and biologically absorb mixed-descent children into the Northern Territory’s ‘white’ population. Cook had been influenced by the Territory’s first Chief Protector’s discussions on eugenic solutions to the mixed-descent ‘problem’ (Basedow 1925). In 1925, Basedow discussed the possibility of using eugenic methods of governance to eliminate Aboriginal characteristics in future generations (Basedow 1925). Cook drew from those discussions and sought to implement his own eugenic programs by using the 1918 Ordinance to remove mixed-descent children from their Aboriginal families.

As Markus (1990: 92-93) suggests, the removal of children increased significantly during Cook’s reign as Chief Protector. Kettle (1991: 122) illustrates that

during his tenure, child removal rates increased by over 70%. This prompted criticism in the press about the extent of removal, the treatment of children and the inhumanity of young babies being taken from their mothers (Haebich 2000: 195).

When the institutions at Alice Springs and Darwin were under the management of Chief Protector Cook, they were further criticised for being at their worst. Due to Cook's enforcement of child removal regulations and his desire to implement eugenics programs, the institutions were significantly overcrowded between 1927 and 1939 (Cummings 1990; Austin 1993; HREOC 1997). While this was the case, Cook continued to argue that institutionalisation was best for the children and that conditions were appropriate:

*Children are removed from the evil influence of the aboriginal with its lack of moral training and risk of serious organic infectious disease. They are properly fed, clothed, and educated as white children, they are subjected to constant medical supervision and in receipt of domestic and vocational training (cited in HREOC 1997: 137).*

Cook not only increased child removal rates but called for the sterilisation of physically and mentally disabled mixed-descent children (Hossain 2006: 454). As Chapter Four indicated, race-based theoretical paradigms were developed in other colonial nations and transported to Australia. This was the case with sterilisation, which had been discussed theoretically, then implemented practically in the United

States of America. Consequently, Cook saw it fit to introduce such a measure in the Northern Territory. During his tenure as Chief Protector, Cook corresponded with the Crown Law Officer, asking whether disabled children in government institutions could be sterilised:

*From time to time there appear amongst the half-castes removed to the Half-Caste Institutions... congenital idiots and other mentally defective children [I seek] advice from the Crown Law Officer as to whether, I as Chief Protector of Aborigines, may consent on behalf of such an aboriginal child to the performance of a minor operation directed towards the sterilization of the individual (cited in Hossain 2006: 454).*

Asche, the Crown Law Officer, declined Cook's request and suggested the 'minor operation' was a "mutilation of the individual" (cited in Markus 1990: 101). The Director of Health also said the operation would require greater justification than provided by Cook: "[The operation] would require greater justification that has hitherto been advanced for a forcible interference with the inherent physical structure and rights of the individual" (cited in Markus 1990: 101). While the Commonwealth was willing to accept Cook's eugenics program, they rejected his efforts to perform medical sterilisation procedures. Without official disapproval, Cook would have proceeded with his proposed inhumane eugenic practices.

During the reign of Chief Protector Cook from 1927 to 1939, he had attempted

to implement eugenics programs to ensure the White Australia Policy was viable in the Northern Territory. Cook viewed mixed-descent children as a threat to the policy, describing them as ‘menaces’ and ‘dangerous’ to the future economic and racial success of the Northern Territory and Australia. In order to combat what he perceived to be a ‘problem’, Cook removed mixed-descent children from their Aboriginal families and institutionalised them as a part of an effort to ‘breed out the colour’ and assimilate them into ‘white’ society. The outcome for these children was that they were separated from their Aboriginal families and placed in institutionalised care, which was often over-crowded and dilapidated. If not obstructed by the Crown Law Officer, Cook would have also medically sterilized institutionalised children with disabilities.

### **7.5 Mission Involvement in Child Removal Processes**

As previous sections of Chapter Seven illustrate, the Commonwealth removed Aboriginal children from their families, especially those of mixed descent, between 1911 and 1939. These children were then placed in government institutions including the Kahlin Compound and the Bungalow. However, the Commonwealth also utilised church missions for such practices.

Using section 15 (1-2) of the *Northern Territory Aboriginals (SA) Act* (read in conjunction with the 1911 Ordinance) and Sections 13 (1-2) and 14 (1-2) of the *Aboriginal Ordinance (Cth) 1918*, the Commonwealth allowed church groups to establish missions in the Territory. The Commonwealth then encouraged them to be

part of child removal practices, hoping they would assist with the eugenic absorption of Aboriginal children into 'white' society. The Commonwealth also desired that the missions would assist with the education of Aboriginal children in preparation for domestic service and pastoral employment in colonial enterprises.

As various authors discuss, the Commonwealth's desire for the missions to remove and educate Aboriginal children was accepted by church groups, as they saw Aboriginal children as the key to evangelizing the Northern Territory's Aboriginal population (Elkin 1934; Harris 1940; Markus 1990; Dewar 1992; Harris 1998). Missionaries such as Joynt from Roper River expressed this belief, arguing that the success of evangelisation in the Northern Territory lay with the education of Aboriginal children (Dewar 1992: 10-11). Missionaries such as Dyer also suggested that with the destruction of Aboriginal culture, Christianity could have filled the void:

*The coming of a white race to any native race means the undoing of his [the Aborigines'] old beliefs, and with them goes the old authority and the break-up of moral codes. What better to take its place than the Gospel of Christ and the Fatherhood of God? I have seen many responses to this, and children grow up to a new era of thought, which is not darkness, but light and gladness (cited in Dewar 1992: 10-11).*

In 1925, Wilkins also suggested that missionaries focused on children, as they were more susceptible to change than adults:

*It is true in accepting the western culture the old people lose little of their early acquired superstition, and none of their tabus [taboos]. They may openly profess to respect the laws of civilisation, while under the eye of their teachers, but they will resort to their tribal customs when unobserved by the white man... it is the children and young people who benefit from the teaching and they lose their faith in the superstitions of their tribe and refrain from the gruesome and horrible customs (1925).*

The missionaries' belief that children could be evangelised led to child removal processes occurring on and around missions in the Northern Territory. As Markus (1990: 80) contends, the missions adopted government policy and action by focusing on the removal of Aboriginal children. This was done in order to control their education and prevent the reproduction of Aboriginal culture.

Not unlike the Commonwealth, mission groups also focused on children of mixed descent. Many of the decisions made by groups including the CMS were due to them wanting to adhere to Commonwealth policy. If they did this, they were more likely to receive Commonwealth funding. The Commonwealth was especially supportive towards the CMS's missions catering for mixed-descent children and adults. This was illustrated in the Commonwealth's support for the establishment of the Groote Eylandt Mission:

*The Society [CMS] has entered into an agreement with the Federal Government (Department of Interior; Sub-department, Department of Native Affairs), to establish a settlement for Half Caste children, the Government providing the cost of buildings and equipment, stipends of staff, and maintenance of the children (CMS 1944: 1).*

Missionaries focused on governance of mixed-descent children. This was due to the likelihood of receiving Commonwealth funding. However, like the Commonwealth, the missionaries also focused on mixed-descent children due to the Social Darwinist views they held towards them. Many missionaries believed mixed-descent children needed to be removed from the influence of their Aboriginal families and lower-class ‘whites’ (Cole 1973; Cole 1975; Harris 1998). In 1918, Bishop Newton argued for the CMS to develop separate policy for mixed-descent children. Newton suggested that if this was not implemented, such people would sink to the level of ‘full-bloods’:

*It is important that the half-caste children be treated and dealt with separately and distinct from Aborigines. There must be a separate establishment for half-caste children, and their teaching and training, next of course to religion. The tendency of half-castes is to sink to the level of Aborigines (cited in Harris 1998: 361).*

In the 1920s, the General Committee for the Victoria CMS also discussed their

inclination to focus policy on mixed-descent children:

*While the primary objective of the Mission has been to bring the blessings of the Gospel to the aboriginal people and through the missionaries to present them to the Living Christ Himself, there has arisen the necessity to care also for a small proportion of people of mixed blood... Much of the work, therefore, in North Australia has been expanded in connection with this section of the work (cited in Cole 1973: 47).*

In order to cater for mixed-descent children, the CMS constructed the Emerald River Mission at Groote Eylandt between 1921 and 1924 (Cole 1971; Harris 1998; Boyce 2003). During September and October of 1924, mixed-descent children from the Roper River Mission were settled on Groote Eylandt (Cole 1971; Cole 1992). As various authors suggest, unlike earlier undertakings at missions including Roper River, the placement of mixed-descent children in missions was done with no consultation with Aboriginal families (Cole 1971; Harris 1998; Boyce 2003).

Not unlike the Commonwealth Government's institutions, it has been recognised that the Groote Eylandt Mission played a role in fragmenting Aboriginal families. As Dewar suggests, the Groote Eylandt Mission was established with a view to fragmenting Aboriginal families and keeping mixed-descent children away from the influence of their "familial cultural influences" (1992: 25).

In 1924, when the removal of children to Groote Eylandt began, it was a

traumatic experience for Aboriginal families. Constance Bush was one of the first children moved to Groote Eylandt and remembered the experience as traumatic:

*When we left the Roper River Mission in September 1924 to go to Groote Eylandt, I cried and cried because I was being separated from my mother. As the Holly [boat] was leaving the jetty, everyone was singing 'God be with you till we meet again', but I just cried for my mother. She was the only person I really knew in the world (cited in Harris 1998: 363).*

Gerry Blitner also recalled being taken to Groote Eylandt. On the first trip of *The Holly*, his mother had concealed his mixed ancestry from authorities, but failed to on the vessel's second trip:

*The word got round that we were going to be taken to Groote. My mother got some ashes and rubbed them on me so I would be black and not recognised. It must have worked, because I didn't go on the first trip. My mother didn't do it again, and so I went to Groote on the second trip (cited in Harris 1998: 363).*

While the missionaries separated children from their Aboriginal families, familial visits were allowed by church authorities. Marjorie Hamilton, who was an inmate at Groote, recalled how the missionaries allowed the children and parents to meet occasionally:

*When I was about nine or ten years old I was taken to Groote Eylandt in the Holly. Like most of the children I cried very much on being separated from my mother and step-father. During my stay at Groote, however, Mr. Warren [missionary] several times brought my mother and James over to see me. He also took me from time to time to see them at Roper River (cited in Harris 1998: 364).*

Gerry Blitner recalled similar circumstances:

*My mother married the King of the Mara tribe which is the tribe south of the Roper and has all the land from there down to the coast. So he became my black father. I never saw my white father again, but my black father came and saw me sometimes at Groote. My mother often came to Groote to see me and sometimes she stayed for months before she went back to Roper (cited in Harris 1998: 364).*

While some Commonwealth administrators questioned the validity of the island mission being exclusively for mixed-descent children, there was an overall agreement that such institutions would ensure a reduction in the mixed-descent population and facilitate their assimilation into the 'white' community. Prior to the opening of the Groote Eylandt Mission, Administrator Waters argued that mainland missions were useless for such segregationist purposes. Waters suggested an island mission such as

Groote was required:

*In my opinion aboriginal stations or reserves on the mainland are useless, as the occupants can come and go as they please, and are easily enticed to leave. When in Melbourne in 1911 I discussed this matter with the then Acting Minister for External Affairs, and stated that the only suitable place for an aboriginal reserve or station was at Melville Island, where half-castes could be successfully educated (1922: 18).*

When the Groote Eylandt Mission was opened, Administrator Giles suggested the mission was already showing signs of success through its segregation of mixed-descent children:

*The outstanding event of the year was the opening of the new station on the reserve at Groote Eylandt, and the transfer thereto of the Euralian [mixed-descent] children from the Roper Station. This was carried out in September, and already some of the benefits arising from the segregation of these people are apparent in the improvement in conduct and manner of life of the children under our care (1926: 14).*

In 1929, Bleakley also expressed his belief in its progress and said it should have continued to operate: “Although the last-mentioned mission [Groote Eylandt Mission]

was established as a purely half-caste establishment, in view of the excellent progress made so far, there seems no harm in allowing the experiment to be continued” (1929: 29). The Commonwealth had become supporters of the Groote Eylandt Mission. The mission served as a ‘useful’ mixed-descent institution, segregating its inmates from Aboriginal influences and lower ‘whites’ while providing facilities to assimilate them socially and biologically into ‘white’ society.

Mission groups including the CMS were a critical part of Commonwealth governance of Aboriginal people. Missionaries assisted in child removal practices in order to gain Commonwealth funding and provide assistance in an activity they believed was justified. The missionaries also targeted children, as they believed they would be more susceptible to evangelisation than adults. Similar to the Commonwealth, the missionaries also held social Darwinist views concerning mixed-descent people and children. In 1924, the CMS established the Groote Eylandt Mission in order to separate mixed-descent children from their Aboriginal families and ‘lower’ ‘whites’. This resulted in the missions and church groups aiding the Commonwealth in their endeavours to forcibly remove Aboriginal children, especially those of mixed descent. The establishment of the Groote Eylandt Mission also led to issues of separation and isolation, as children were removed not only from their families, but also the mainland. In targeting mixed-descent children, the missionaries were also complicit and active in assisting the Commonwealth in the implementations of eugenics programs. For instance, the aim of missions including Groote Eylandt was to facilitate the assimilation of mixed-descent children into ‘white’ society.

## 7.6 Mission Dormitory System

Similar to the Commonwealth, the missions established facilities to accommodate removed children. These facilities were dormitory systems and were established to facilitate control and manage contact between Aboriginal children and their families. While Aboriginal children and their parents often lived together on the same missions, they generally only saw each other at church and mealtimes. As Boyce suggests, this was due to children being separated from their families in dormitories:

*On reserves and missions where it was possible to impose white authority children were taken from their parents and raised in single sex dormitories... the view was that because the task was so difficult extremely rigid training was necessary to overcome the 'wildness' in the children (2003: 6).*

As various authors illustrate, this separation was due to the fact that, while on mission land, Aboriginal parents were forced to relinquish their children to the dormitory system (Cole 1980; Markus 1990; Dewar 1992; Harris 1998; Rowse 2002). This was achieved either by coercion or force. Dick Harris recalled the strong disciplinary measures he and other missionaries used in ensuring Aboriginal parents placed their children in the dormitory system:

*A well understood rule of the Mission was that the girls of school age could not be kept in the Aboriginal camp. Parents were required to bring their children into the dormitory or keep them well away from the Mission. Madjumadjee [an Aboriginal father] however was keeping his two girls in the camp when they should have been in the dormitory. Mr Dyer and I found Madjumadjee sitting around a camp fire with five or six other men. Mr Dyer said to me, 'That's the man, grab him.' I was at a distinct loss to know what to do, but I sat down alongside Madjumadjee and put my right arm (very lovingly!) around his neck. Catching my right arm with my left, I applied something of a 'half Nelson' on him. Madjumadjee's feet went up in the air and he bucked around like a rabbit in a trap. When released he went for his girls and brought them to the dormitory. I was left wondering about my calling (cited in Cole 1980: 16-17).*

Similar to the Kahlin Compound and Bungalow, the church-run dormitories were under-funded by the Commonwealth and faced issues of over-crowding. As Administrator Giles indicated, there were often large numbers of children placed within the dormitories: "The number of people in the dormitories at Roper is 25 girls and 28 boys, and at Groote Eylandt 21 girls and 13 boys. In addition to these some scores of natives visit the stations constantly" (1926: 14).

In the 1930s at Hermannsburg, there were over 100 children in inadequate dormitories (Markus 1990; Austin 1997). A report on the dormitories at Hermannsburg by Police Corporal Stott suggested that the facilities in which the

children were locked at night were particularly poor and often in need of disinfecting (Austin 1997: 49). Scott argued it was unjustifiable to incarcerate the children for periods of up to twelve hours (Austin 1997: 49). Further, Scott stated that there was no evidence to support the argument that such measures were necessary due to the alleged 'immorality' of the girls (Austin 1997: 49). Chief Protector Spencer also confirmed that the conditions of the dormitories at Hermannsburg were poor:

*One [dormitory], measuring 22 feet by 12 feet is used as a sleeping room for about 25 boys. It has three small barred windows and a small closet at one end. The floor is sanded, and on this the boys sleep with a bluey between each two of them. They are locked in at sundown and released at 8 o'clock in the morning. The other is somewhat larger, and has a verandah closed in with strong pickets round two sides and a closet at the end. There are six small windows, two of them opening on to the closed-in verandah. The floor of this is also sanded, and on it about 30 girls sleep. The hygienic state of these dungeons during the extremely hot summer nights can better be imagined than described. The sand is renewed once every two weeks, which is quite necessary (cited in HREOC 1997: 139).*

As well as poor conditions, the children housed in the dorms were disciplined harshly, with rigid routines being forced on them (Markus 1990; HREOC 1997; Harris 1998). If children misbehaved or disobeyed missionary rules, they often received

punishments including scolding, deprivation of privileges, cutting of rations, corporal punishment and confinement (Harris 1998: 331). Alongside punishment, the children's lives were regimented. Their lives were highly organised to include strict times for vocational training and religious instruction.

Religious education assisted with a major goal of the dormitory system, to sever the links Aboriginal children had with their Aboriginal culture and tradition. The missionaries aimed to destroy Aboriginal culture amongst Aboriginal adults but many of them believed Aboriginal children were more susceptible to manipulation and change (Austin-Broos 2003; Van Gent 2003; Seiffert 2008). The destruction of Aboriginal culture was seen to be possible through the education and segregation of Aboriginal children. This fact was openly discussed by missionaries.

Apart from social Darwinist and anthropological arguments that Aboriginal culture needed to be preserved before it became 'extinct', most Commonwealth administrators supported the missionary's destruction of Aboriginal culture. Administrator Bleakley argued Aboriginal cultural disintegration was inevitable and would be in need of replacement:

*Objections are frequently voiced against the establishment of mission stations as a measure for the protection of the primitive aboriginal. Anthropologists have expressed the view that such institutions, by encouraging them to leave their tribal grounds for the reserve, cause disintegration of their tribal life and eventual extinction... these views, though born of sincere desire for the welfare*

*of the natives and worthy of earnest consideration in any measures for the betterment of the race, apparently overlook certain important facts. The native, once having come in contact with the white man or alien and acquired a taste for his foods and luxuries, is not likely to longer remain a contented savage... the disintegration of tribal life, already encompassed by the encroachment of the white man, has created the need for something more (1929: 24).*

Chief Protector Cook, while an anti-missionary, believed that the missionaries needed to engage in a gentle, prolonged and persistent effort to destroy Aboriginal culture in order to assimilate Aboriginal children into 'white' society (Cook 1981: 56). Cook further suggested that the missions could not allow Aboriginal culture and Christianity to coexist as he believed the two distinctive cultures were "completely incompatible" (1981: 56).

With support from Commonwealth administrators, missionaries attempted to sever links between Aboriginal children and their cultural heritage. One method adopted by missionaries was to ban children from participating in traditional ceremonies, especially if they had been baptised (Henson 1992; Albrecht 2004; Veit 2004).

As Markus (1990: 74) discusses, missionaries went to great lengths to stop Aboriginal children participating in ceremonies and traditional practices. At Hermannsburg, Pastor Albrecht opened the Manangananga cave in front of women and children who were housed in the mission's dormitory system (Henson 1992: 53).

This was against local Aboriginal custom, as the cave was a sacred and prohibited area. A local Aboriginal man described the cave as a prohibited, sacred and dangerous site:

*Manangananga cave, he was dangerous place, you know, kill one another, not allowed for women go there, or men. Only old man who had to look after the place. Titus Rengkareka, his father was in charge, his brother also, two men in charge. He might be Christian, but still in charge of place... look everywhere around here, look for track, somebody might go there. If anybody go there, he had to kill them (cited in Henson 1992: 53).*

While the cave was of cultural significance to local Arrente people, Albrecht opened the cave and saw it as a sign that Aboriginal people and their children were conforming to Christian values and beliefs (Henson 1992; Van Gent 2004). Such practices were vehemently opposed by Aboriginal adults, with a man at Hermannsburg recalling his family's opposition to such practices:

*Albrecht used to bring all the people together, have big talks, with young people, young womans, old people, old womans, all the people. Things got to change. They got a bit upset. How come that bloke wants to break our Law, very important Law, and it's all tied together, with the land... and they didn't like it because it was their Law and very important Law. So they got really wild. That*

*bloke's coming in, and he's going to change our Law* (cited in Henson 1992: 53-54).

Some Commonwealth officials also questioned the missionaries' persistent attempts to destroy Aboriginal culture. While visiting the Northern Territory, Professor Elkin (1934: 1) stated that missionaries pursued the destruction of Aboriginal culture without knowledge of it and against the will of some children. Elkin argued that children became caught between their culture and the evangelical desires of missionaries:

*[Missionaries] may decide without any knowledge whatever of the moral and social laws and the religious sanctions and beliefs of the people amongst whom they elect to form a mission, that these people are living a life of degradation, immorality, sorcery, superstition, and that all is of the devil, from which they must be converted by what may be termed shock tactics. Therefore, refusing to admit that there is anything of religious, moral or social value in native life, they demand a complete break with the shameful past; marriage rules, ceremonies, myths, systems of exchange of gifts, social avoidances, and so on, are not to be modified, but abolished... moreover the missionaries method of working mainly with the children and young folk usually leads to a conflict of allegiances; as the young folk reach maturity, they feel the pull of the old folk with their clan or tribal knowledge, some of it full of mystery, and sooner or*

*later, in spite of missionaries guardianship and prohibition they will attend ceremonies, and more and more become integral parts of native life (1934:1).*

As well as using the dormitory system to remove Aboriginal children from the influence of their culture, missionaries wanted to use the system to ensure traditional marriages were destroyed. As Seiffert discusses, the destruction of Aboriginal traditional marriages was a significant reason as to why missionaries established the dormitory system: “The issue of girls being promised in marriage to men, often quite old men who already had more than three or four wives, has been a continuing issue for generations. It was one of the main reasons for the establishment of dormitories” (2008: 128).

As various authors discuss, church groups including the CMS and Methodist Missionary Society (MMS) believed they had a moral duty to undermine traditional Aboriginal marriage as it supported polygamy and child brides (Cole 1980; Dewar 1992; Albrecht 2004). While the Aboriginal child brides were not promised in a paedophilic sense, as sexual relations did not occur before puberty, the missionaries were adamant that it had to stop. The missionary Harris recalled discussing polygamy and the issue of traditional arranged marriages with some Aboriginal people on Groote Eylandt: “Wherever the Gospel has been preached throughout the world, women have gained their freedom, and if we are allowed to continue here, your women will gain their freedom too. If you do not like that, you had better tell us to go away” (cited in Cole 1980: 61-62).

Bishop White, whilst visiting Roper River Mission, discussed traditional arranged marriages as one of the biggest issues faced by missionaries:

*The chief work has been done amongst the young people, as the older men and women are largely fixed in their own ideas. One great trouble is the custom of betrothing girls, as soon as born, to old men. When they grow up, they naturally want to marry the young men who have grown up with them, but it is contrary to all tribal custom that the claims of the old men should be ignored. Sometimes they have to be resisted, sometimes the girl has to be practically bought from the old man (cited in Seiffert 2008: 124).*

Reverend Gondarra from Roper River concurred, viewing traditional arranged marriages as a threat to Christianising Aboriginal children:

*Nearly all the mission girls are promised from birth to old men as wives, which forms a great difficulty in the way of their marriage to those whom they want to marry, to allow them to marry those old camp ruffians is to lose them altogether and to lose all chance of building a married Christian community (cited in Seiffert 2008: 128).*

It was believed child removal and the placement of children into the dormitory system could fragment the marital aspect of Aboriginal culture. This was discussed by

Reverend Harris from Groote Eylandt: “As regards the child-wife problem at the moment... I am against a gaol system of dormitory for girls but know that a happy well run dormitory could be a distinct advantage” (cited in CMS 1944: 2).

Bishop White also discussed how the removal and placement of Aboriginal children from other districts into the dormitory system could play a major role in hampering arranged marriages:

*This [removal of children to missions from other districts] has already been done with some half-caste children from Borroloola... the mission has much better control of such children, and they are not hampered in the same way by being promised locally in marriage* (cited in Seiffert 2008: 128).

As Vallee (2009: 27) suggests, while the missionaries were enforcing their cultural standards on Aboriginal people through child removal and the dormitory system, they did provide marriage practices between Aboriginal men and women that were more sustainable in the colonial world. As Seiffert suggests, in some cases Aboriginal people on the missions wanted traditional marriage practices to stop: “For people who are democratically minded, it is noted on Groote, the only people who wanted the [traditional marriage] system to remain unchanged were some of the old men” (2008: 129). While Aboriginal people, especially the younger generations, may have wanted to see changes occur in their culture, missionaries did not negotiate. They forcibly removed children into dormitory systems to enforce their own cultural standards.

The missionary dormitory system reflected Commonwealth practices of institutionalisation. The missionaries fragmented Aboriginal families by removing children, either by enticement or force, and placing them in dormitories. Similar to Commonwealth institutions, the dorms were under-funded and faced issues of overcrowding. The children also faced harsh discipline, being physically punished while having strict routines forced on them. Such punishment and routine often centred on severing links between the children and their Aboriginal culture and heritage. Missionaries discussed their culturally destructive goals and were supported by the Commonwealth. In the face of opposition from Aboriginal adults, the missionaries banned children from ceremony and traditional practices, desecrated sacred sites and banned traditional marriages. While some younger Aboriginal people welcomed the banning of traditional marriages, the missionaries removed children and regulated their marriages in order to enforce their own Christian cultural norms. The dormitory system led to overcrowding in a physical sense, while leading to outcomes of cultural destruction in the social lives of Aboriginal children between 1911 and 1939.

## **7.7 Conclusion**

The Commonwealth envisaged that Australia would be a 'white' country and feared the increase of the mixed-descent population in the Northern Territory. The Territory was seen to be more susceptible to the dangers of miscegenation, due to its geographical location, large Aboriginal population and the presence of Asian men.

The Commonwealth not only focused efforts on controlling non-Aboriginal and Aboriginal relations in a bid to lower the Territory's mixed-descent population, but also the results of such interactions, Aboriginal children. The Commonwealth removed Aboriginal children, especially those of mixed descent, from their Aboriginal families, and where applicable, the influence of 'lower whites'. In this chapter I have critically examined these Commonwealth child removal practices and investigated the outcomes of Commonwealth child welfare regulations between 1911 and 1939.

The Commonwealth's regulation of Aboriginal children focused on controlling mixed-descent children. The Commonwealth believed these children were a threat to the White Australia Policy and 'race purity'. In order to combat this perceived threat, the Commonwealth aimed to biologically and socially assimilate mixed-descent children into the Territory's 'white' population. The Commonwealth embarked on a process of removing mixed-descent children, especially those with European heritage.

I critiqued the argument that this did not occur and that there were never any Stolen Generations or child removal practices in the Northern Territory. However, I found that Commonwealth practices led to the increase of child removal rates in the Northern Territory between 1911 and 1939. Alongside increasing child removal rates, Commonwealth administrators institutionalised mixed-descent children with the hope of eugenically absorbing them into the 'white' community.

After removing Aboriginal children, the Commonwealth placed them in child

institutions. The two institutions active between 1911 and 1939 were the Kahlin Compound in Darwin and the Bungalow in Central Australia. By using the two institutions, the Commonwealth desired to separate mixed-descent children from their Aboriginal families. It was further contended that these facilities would not only assimilate these children into the 'white' community, but also to use them as a cheap labour force for the Northern Territory's settler community. At the institutions, children received a poor education and lived in squalid conditions, due to overcrowding; this led to disease and a lack of bedding. Alongside the poor physical conditions of facilities, children received unsatisfactory nutrition.

These poor conditions resulted from a lack of Commonwealth financial support, and while the Commonwealth undertook child removal practice and policy, they did not properly fund the institutions catering for removed children.

Child removal and the children's subsequent institutionalisation reached its peak under Chief Protector Cook. Cook's main objective was to establish conditions in the Northern Territory that ensured the viability of the White Australia Policy. As Cook viewed increases in the mixed-descent population as a threat to this ambition, he increased the removal rates of mixed-descent children for what he perceived to be a future racial, social and economic 'benefit' for the Northern Territory. Cook also implemented eugenics-based programs in order to biologically absorb mixed-descent children into the 'white' community, including a call to sterilise mixed-descent children with disabilities. This led to dramatic increases in child removal rates during his tenure as Chief Protector between 1927 and 1939. This further compounded issues

of overcrowding at the institutions.

Alongside Commonwealth authorities, mission groups became involved with Commonwealth child removal processes. The Commonwealth desired missions to assist with child removal practices and facilitate the children's entry into the workforce as domestics or pastoral workers. Missions assisted the Commonwealth in these areas, as they envisioned Aboriginal children as the key to evangelising the Northern Territory. In order to educate Aboriginal children and in line with Commonwealth practices, the missions removed them from their Aboriginal families.

Also akin to the Commonwealth, the missions focused on children of mixed descent. Missionaries held social Darwinist views towards mixed-descent children, arguing that they needed to be removed from the influence of their Aboriginal families and 'lower' whites. This led to the CMS's establishment of the Groote Eylandt Mission, which reflected the Commonwealth facilities in Darwin and Alice Springs. The Commonwealth supported the missions in their endeavours to partake in child removal practices, again causing the fragmentation of Aboriginal families and the institutionalisation of children.

Like the Commonwealth, the missions established institutional settings to place removed children. They established dormitory systems to cater for removed children and when on mission land, Aboriginal parents were expected to relinquish their children to that dormitory system. Like the Commonwealth institutions, mission facilities were under-funded and faced issues of overcrowding and disease. The children faced harsh discipline and rigid routines, as well as having the missionaries

attempt to sever their links with Aboriginal culture while in the dormitory system. This was supported by the Commonwealth, and the missionaries placed bans on children participating in ceremonies, desecrated sacred sites at missions, and endeavoured to destroy the traditional marriage system. While some younger Aboriginal people agreed with the dismantling of traditional marriage practices, the missionaries did not negotiate or consult, destroying the Aboriginal lifestyles and belief systems of children in dormitories while attempting to enforce their own cultural norms.

In this chapter I have demonstrated that between 1911 and 1939, the Commonwealth used the child welfare regulations of the Ordinances to remove Aboriginal children, especially those of mixed descent, from their Aboriginal families. With assistance from missionaries, the Commonwealth endeavoured to assimilate Aboriginal children into 'white' society in order to ease social Darwinist concerns regarding miscegenation and the viability of the White Australia Policy. I have illustrated that the outcomes for Aboriginal people were that families were fragmented, and institutionalised children were exposed to a lack of education, squalid living conditions, inadequate nutrition and cultural destruction.

*Chapter Eight: Outcomes of Commonwealth Aboriginal Employment Regulations  
1911-1939.*

## **8.1 Introduction**

When the Commonwealth acquired control of the Northern Territory it surveyed the economic opportunities available within the region (Powell 2000: 140-141). Reports indicated that while South Australia had experienced problems establishing a pastoral industry, there were opportunities for such enterprises. Consequently, the Commonwealth began to assist with the establishment of an efficient and profitable pastoral industry.

However, at that time there were only 1729 ‘white’ citizens living in the Northern Territory and pastoral success was dependent on Aboriginal labour (Powell 2000: 139). As the Commonwealth government and pastoral industry were reliant on their labour, sections of the *Aboriginal Ordinance (Cth) 1911* and *Aboriginal Ordinance (Cth) 1918* were formulated to regulate Aboriginal workers and provide them with minimal payment, rations and conditions. In this chapter I examine the outcomes of these Commonwealth Aboriginal employment regulations between 1911 and 1939. Specifically, I focus on the outcomes of Commonwealth employment regulations in the Northern Territory’s pastoral industry which, between 1911 and 1939, was the main employer of Aboriginal people, whereby over 80% of employed Aboriginal people worked in the pastoral industry (Kidd 2007: 72).

While there was a dependence on Aboriginal labour, pastoral industry officials in the Northern Territory often breached the Commonwealth Ordinance regulations which specified Aboriginal workers' legal rights to pay, rations and conditions. Commonwealth officials and the police also failed to uphold the Ordinance regulations, enabling pastoralists to breach them with impunity.

This was evident in relation to monetary wages. Aboriginal workers were paid minimally for their work, with pastoralists arguing that they should not be paid cash wages due to their alleged low intellect and poor physicality. Commonwealth administrators and unionists agreed with the arguments purported by pastoralists, resulting in Aboriginal workers rarely receiving monetary wages.

Even when Aboriginal workers did receive cash wages, the 1911 and 1918 Ordinances allowed for the funds to be taken by the Commonwealth and placed in trust funds. Many Aboriginal employees were unaware of the trust funds, leading to the Commonwealth diverting unclaimed wages into other departments and revenue areas. If aware of the funds, Aboriginal workers still had difficulties accessing savings due to strict administrative controls.

With no cash wages being paid, the Ordinances stipulated that pastoralists were meant to provide rations to Aboriginal workers and their dependents. However, this form of payment was also avoided. In order to avoid proper rationing, pastoralists often underestimated the number of Aboriginal workers and dependents on their stations and provided insufficient rations. Such practices have raised the question as to whether Aboriginal workers and their dependents were treated as slaves (Holland

1995: 54-55). This argument will be examined in this chapter.

Alongside outcomes stemming from a lack of Ordinance enforcement and breaches of the law by pastoralists, the Commonwealth and mission relationship was also influential in relation to Aboriginal employment outcomes. This was especially the case when there was a breakdown of employment agreements between the Commonwealth and missions. As I addressed in section 5.5, the Commonwealth expected that missionaries would assist with the implementation of their Aboriginal employment regulations. When the missions refused to assist, the Commonwealth authorities cancelled subsidies and financial assistance to the missions. This resulted in conditions deteriorating on missions for Aboriginal people, leading to adverse health, disease and mortality outcomes.

Throughout this chapter I will critically examine these areas. My analysis of discrimination in the pastoral industry, the Commonwealth's failure to uphold Ordinance regulations, Aboriginal wage issues, the ration system, the trust fund system, and the Commonwealth and mission relationship will be critically analysed, with an assessment of the outcomes of Commonwealth Aboriginal employment regulations between 1911 and 1939.

## **8.2 Discriminatory Practices in the Pastoral Industry**

While the Commonwealth was trying to establish conditions to ensure the success of the White Australia Policy, they could not avoid the lack of 'white' workers in the

Northern Territory pastoral areas. For the pastoral industry to be successful and internationally competitive, Aboriginal workers were needed in rural and remote areas.

It is clear that the pastoral industry was dependent on Aboriginal labour between 1911 and 1939. In 1913, Chief Protector Spencer acknowledged that fact: “While it is true that, in some parts, the aboriginal natives give trouble, it is equally true that, at the present day, practically all the cattle stations depend on their labour and, in fact, could not get on without it, any more than the police constables could” (1913: 12).

In 1914, Chief Protector Stretton (1914: 32-33) said that the Daly River Station, the East Alligator River Station, the Bowen Straits Station, the Roper River Station and the Pine Creek station were dependent on Aboriginal labour. Stretton argued this was due to a lack of ‘white’ workers who were “difficult to obtain and there are few in the Territory who can afford to keep one at the wages demanded” (1914: 32-33). Acting Chief Protector Waters further stated that: “I doubt if many stations could be worked without native stockmen” (1922: 18).

In 1929, Administrator Bleakley also reported to the Commonwealth that without Aboriginal labour, the smaller pastoral stations would have to be abandoned:

*One fact... is universally admitted that the pastoral industry in the Territory is absolutely dependent upon the blacks for the labour, domestic and field, necessary to successfully carry on. If they were removed, most of the holdings,*

*especially, the smaller ones, would have to be abandoned* (1929: 7).

In the same year, H.E. Thonemann of the Northern Territory Pastoral Lessees Association (NTPLA) agreed with Bleakley's assessment: "The pastoralists in the Territory generally feel that the aboriginal is... essential to the progress of the Territory. The stations – I am speaking particularly of the northern and western parts – could not carry on without their assistance" (cited in Department of the Interior 1929: 20-21).

By 1929, the pastoral industry employed 80% of the Aboriginal people employed in the Northern Territory (Kidd 2007: 72). It was estimated that the industry comprised of 2,500 Aboriginal workers, plus a listed 1,500 Aboriginal dependents (Kidd 2007: 72). Dependents, who were generally family members of Aboriginal employees, also worked, adding to employee numbers by performing tasks including fencing, cooking, gardening, dam digging and road building.

By 1933, Chief Protector Cook (1933: 11) indicated that the number of Aboriginal workers had inflated to 2,906, with most of them employed in the pastoral industry. This figure increased again towards the end of Cook's (1938: 11) tenure as Chief Protector, when the number he listed in 1938 was 3,349. As Reynolds suggests, this dependence was due to Aboriginal workers being the only viable workforce in remote areas: "Aboriginal stockworkers mastered all aspects of the industry, but above all they were there – even in the most remote parts of Australia, they were the only viable workforce... They worked long hours for food, tobacco and scraps of

clothing. Their contribution was large and various” (2000: 10).

While White Australia Policy advocates wanted colonial enterprises including the pastoral industry to employ ‘white’ workers, between 1911 and 1939, Aboriginal workers were the main source of labour available to station managers. This was a result of various reasons, including the roads not being developed enough to allow ‘white’ workers easy migration to stations (Fletcher 1997; Anthony 2007). The tropical climate of the Territory and the isolated conditions of stations also meant that Aboriginal workers not only suited the conditions, but took up positions to stay close to country and family (McGrath 1987; Rose 1991). Consequently, Federal Minister Paul Hasluck suggested that in the 1920s and 1930s, Aboriginal suitability to pastoral work was paramount to the success of the industry:

*Even if it were estimated that the work they did could be done by a quarter of that number of whites, the facts were that, in the conditions prevailing at that time, white labour, male or female, would not have been obtainable; moreover black labour was peculiarly suited to the way the pastoral industry was run at the time. The severity of the ‘wet’ and the lack of any made roads meant that movement was almost impossible during part of the year and this fact and the open-range system meant that stockmen were not wanted all year round. It suited both black and white that during part of the year the blacks, still tribal, ‘went walkabout’ (1988: 53-54).*

While Aboriginal workers were an integral part of the establishment and functioning of the pastoral industry, Calaby and Mulvaney (1985: 377) have argued that the stock within the industry received more care and consideration from the Commonwealth than the Aboriginal workers. For instance, under section 8 and regulation 2 of the 1911 Ordinance, Aboriginal workers were meant to receive pay, rations, accommodation and satisfactory conditions (*Aboriginal Ordinance (Cth) 1911*: 63: s8). However, this rarely occurred. When reporting to the pastoral company Vestey's, Berndt and Berndt argued that the poor treatment of Aboriginal workers stemmed from them being defined as labour units rather than people:

*A native is only looked upon as a labour unit, the health of the people only looked at, not from a human angle, but because sickness means a lowering of the labour unit... they work for no wages, just bread and beef with tea and sugar... with few exceptions the housing conditions and supervision of these natives and their dependents is deplorable* (cited in Gray 2001: 29).

Berndt and Berndt further suggested that the pastoral company Vestey's were the main perpetrators of these breaches of the Commonwealth's regulations: "They [Vestey's] resent any interference with 'their natives' and look on Government regulations as unjust and annoying 'red tape' to be circumvented wherever possible" (cited in Stevens 1968: 21).

While conducting research into the Northern Territory's pastoral industry

Kelly further argued that large pastoral companies were breaching Commonwealth legislation and that they had “gained immensely from Aboriginal slave labour” (cited in Rose 1991: 150). Gray (2001: 29) also supports this view, arguing that large absentee landlords, particularly Vestey's, continually breached the Commonwealth regulations, and at best rewarded their Aboriginal workers with the bare minimum payable under the Ordinances.

At the time, Chief Protector Cook (1937: 13) illustrated such occurrences, reporting that in the 1930s it was often the goal of station managers to exploit Aboriginal workers in order to cut the costs of running absentee stations. In 1937, Cook (1937: 13) stated that he had to continually investigate stations in the Northern Territory. Cook (1937: 13) suggested that when he conducted such investigations, he had to order managers to pay their workers and inform them of the numerous offences they continually committed against Commonwealth legislation.

Alongside administrators, Aboriginal workers were also aware they were being exploited by pastoralists. McGinness, who worked in the Northern Territory between 1911 and 1939, suggested Aboriginal workers were aware of “what was going on, but nobody could do anything about it; there wasn't a soul that we could turn to” (1984: 23).

Further exacerbating Aboriginal workers' exploitation was the fact that pastoralists used corporal punishment as a disciplinary measure against Aboriginal workers. While not legal, corporal punishment was practiced on many stations in the Northern Territory. Such practices were common knowledge amongst the non-

Aboriginal and Aboriginal population (McDonald and Shaw 1978; McGrath 1987; Rose 1991). In 1930, John O’Keefe, an Aboriginal station cook on a Central Australian property, reported that dogs were trained to attack Aboriginal workers in order to gain their compliance (McGrath 1987: 107). In 1934, Charles Duguid (1972) conducted a report into the treatment and condition of Aboriginal people in Central Australia, and found corporal punishment to be common on stations. Duguid recorded the injuries of one Aboriginal worker:

*His right forearm had both bones broken at some time, and they had joined in a bent shape because the fracture had not been treated. His shoulder blades, and his back over the left lower ribs, showed recent injury through thrashing. He had fairly recent scars on his chest, and old scars on both forearms and upper arms (1972: 144).*

When reporting on the pastoral industry, Berndt and Berndt also found corporal punishment to be common: “The authority of European men was largely based on the threat of force. Their ascendancy rested primarily on the maintenance of fear among Aborigines. Any manifestation or even hint of rebellion was met with instant physical punishment” (1987: 124).

In a submission to the 2006 Australian Senate inquiry into Aboriginal stolen wages, Gray reported that physical punishment was used in the Northern Territory’s pastoral industry to keep workers ‘in their place’:

*It was generally accepted that 'firmness' was a necessary ingredient of workplace relations on pastoral leases, since it was important to keep the Aborigines in his proper place and to stand no insolence or disobedience. 'Firmness' was a euphemism for what today would be called physical abuse* (2006: 10).

Aboriginal workers have also discussed their experiences of physical punishment. Jack Sullivan recalled the use of ropes to tie up and then lash Aboriginal workers who had been 'cheeky': "He [station manager] never gave a hiding except with some cheeky boy. Then he would get some big boy to grab him and tie him up, but he would not belt hard like, just deal with him with a rope" (cited in McGrath 1987: 108). Sandy McDonald also recalled physical punishment, especially when Aboriginal workers fought for their rights: "And any bad boys, say a boy with a bit of intelligence who stuck up for his rights, they would flog him. See, that was going on a long time. The Aborigines got that way that they could not open their mouths out" (cited in McDonald and Shaw 1978: 125).

George Bray remembered his cousin, head stockman George Turner, having to intervene after receiving a 'hiding' from a station owner:

*I got a hiding one day from the station owner, he took to me for some reason or other. And then George turned around and told him... 'You hit that lad again',*

*he said 'I'm going to take to you with my whip', he said to him. And I stuck my chest out then and I thought: 'By gee. I've got someone, some champion now to fight for me' And yeah I felt real good after that (1991: 8).*

When investigating Aboriginal experiences of pastoral stations in the Northern Territory, Rose (1991: 175) also found that many Aboriginal workers discussed physical punishment. Rose concluded that the threat of violence played a key role in the industry: “Terror remained a key feature of European-Aboriginal social relations on VRD [Victorian River District], Wave Hill and Humbert River, and the fact that brutality appeared to be officially condemned added a further element of threat” (1991: 175).

Alongside corporal punishment, it has also been argued that capital punishment, which constituted murder, existed in the Northern Territory pastoral industry (McGrath 1987; Markus 1990; Rose 1991; Anthony 2003). Markus (1990: 57) has argued that capital punishment occurred on stations but was rarely reported. While under-reporting occurred, the murder of Lalili, an Aboriginal worker in Central Australia, was investigated by police (McGrath 1987: 111). After a dispute with ‘white’ workers, Lalili was tethered to a truck and dragged 600 metres (McGrath 1987: 111). Lalili later died due to his injuries (McGrath 1987: 111). No one was charged for the murder.

In another case, an Aboriginal worker suggested that capital punishment was a constant threat while working in the pastoral industry: “Any refusal or rudeness would

be dealt with by him [station manager]. He stressed that I must not raise my hands to anyone, even in self-defence. If any black touched a white man he would be shot down” (cited in Markus 1990: 54). Jimmy Bird, who worked in the pastoral industry, also recalled the threat of capital punishment. Bird stated: “I was working for some rough men, whitefellas who would pull their gun out and kill any Aborigines who stood up to them” (cited in Anthony 2003: 286).

Aboriginal stockman Jack Jingari also recalled a number of incidents involving capital punishment. Jingari recalled an Aboriginal female worker saving his Uncle’s life as he was going to be shot for assaulting a policeman:

*One of the working boys said: ‘This Tom White [Police Officer], he was going to shoot that boy’. And this old woman has a bucket.*

*She said ‘What’s it got to do with you? What you got to do with that boy?*

*‘You mind your own business’.*

*You knew that rim on the bucket? She hit the policeman there, he got a big cut... that old woman hit him with that bucket. Knocked him right out. Well, that rim, you know it’s hard. Uncle Paddy took the opportunity to leap on his horse and ride off into the sandstone (cited in Rose 1991: 161-162).*

Jingari also recalled an Aboriginal worker being executed, as the worker continually ran away from his drover employers:

*He was a good boy, poor bugger, he made me sorry you know... George [drover] had his .44 revolver in his pocket. George started galloping, you know. 'Hup, oh, come here, come here, boy come here, come here. Get this big goanna here. Come on quick!' Silly bugger, this boy, he didn't wake up, you know. 'What wrong George?' 'Big goanna went there. Grab him. You must be want to take him for dinner, or for supper, for them boys. Have a look in that bit of rock... jump there... see anything?'. And this boy looked around like this, you know... shot. He's finished. He's still here today. That's what they done (cited in Rose 1991: 163).*

These events should have been treated as murders, yet went unreported and unpunished at the time. For many Aboriginal pastoral workers, capital punishment was part of their workplace and a constant threat within the industry.

While the pastoral industry was dependent on Aboriginal labour, Aboriginal employees were mistreated. Pastoralists generally breached the Commonwealth Ordinances in their dealings with Aboriginal workers. Corporal punishment was common, and capital punishment existed within the pastoral industry. Consequently, between 1911 and 1939, the Northern Territory's pastoral industry and its Aboriginal workers were largely managed by the threat of violence.

### **8.3 Commonwealth Failure to Enforce Employment Regulations**

Enforcement of the Ordinances was the responsibility of the Commonwealth. Commonwealth legislation required that the Chief Protector and their subordinates ensure that employers of Aboriginal workers adhered to legislation. Section 6 (1-3) of the 1911 and 1918 Ordinances gave Commonwealth authorities the responsibility to remove Aboriginal workers from properties where they were being mistreated (*Aboriginal Ordinance (Cth) 1911: 62: s6*). Section 8 (1-5) of the 1911 Ordinance also specified that businesses who sought to employ Aboriginal workers would have to hold a licence to do so. Such licences had conditions relating to the treatment of Aboriginal workers, and if these conditions were breached, the relevant employer would have their licence revoked (*Aboriginal Ordinance (Cth) 1911: 63: s8*). The same provisions were contained in Section 24 (1-7) of the 1918 Ordinance (*Aboriginal Ordinance (Cth) 1918: 8: s24*).

While these legislative devices were available to Commonwealth administrators and police, the Ordinance regulations were rarely enforced in situations as described in section 8.1. This was not due to Commonwealth administrators and police being unaware of breaches to the law. In 1929, Bleakley (1929: 7) reported to the Commonwealth that although there was dependence on Aboriginal labour, pastoralists regularly broke Commonwealth law regarding Aboriginal workers. While Bleakley (1929: 7) discussed the breaches, he argued against the Commonwealth enforcing legislation, as he believed it would have a detrimental effect on the economic success of the pastoral industry.

Chief Protector Cook was also aware of the mistreatment of Aboriginal workers and suggested that the Commonwealth struggled to enforce regulations against pastoralists (Kidd 2007: 73). Cook argued that police were unreliable in accessing the conditions of Aboriginal workers, and when police did investigate conditions, Aboriginal workers rarely complained (Rose 1991; Kidd 2007). McGrath suggests that this was due to a fear of police and reprisal or banishment by station owners:

*Police commented generally that employees looked 'well fed and content', rarely commenting on Aboriginal grievances. Police were supposed to ask employees whether they had any complaints, but the image of police with their chains and weapons did not inspire confidence. What is more, the Aborigines learnt loyalty from childhood and few complained about their boss. Others feared threatening their station security (1987: 118-119).*

Pastoralists and police also cooperated in breaking Commonwealth employment regulations without constraint. It was a common practice for police to ignore the complaints of Aboriginal employees. Similarly, they would bypass them on inspections, only communicating with station managers. Various authors have also argued that within the pastoral industry, the police and station administration worked together, making it impossible for Aboriginal workers to ask for police assistance (Berndt and Berndt 1987; McGrath 1987; Rose 1991; Kidd 2007).

The close working relationship between pastoralists and police was likely because it was in the interest of both parties to cooperate while living in isolated areas. As McGrath (1987: 119) suggests, police were dependent on pastoralists for food, shelter and water. Consequently, it was the view of pastoralists that in exchange for such assistance, a 'good' policeman would turn a 'blind eye' to the mistreatment of Aboriginal workers:

*Employers had priority. The 'good officer' to the settlers, the 'experienced, practical man', was the one who knew when to shut his eyes. The common interests held by fellow colonisers in this sparsely peopled land need little elaboration. On control issues settlers and police cooperated closely. It paid to have a good relationship with the local police, so stations often supplied them with free beef and sometimes generous gifts (McGrath 1987: 119).*

Due to this close working relationship, police often ignored the fact that pastoralists broke the law. Aboriginal worker Sandy McDonald recalled this in relation to pastoralists giving Aboriginal workers alcohol:

*Workers and natives got on well but local government people have kept the native people down all the time... you can't get away from that. To them, the natives are third class citizens... the poor man did not get justice. If a rich man gave a drink to an Aboriginal he was let off with a warning and some patrolmen*

*did nothing about it* (cited in McDonald and Shaw 1978: 135).

McDonald also recalled police misusing their position to acquire the best Aboriginal workers for their affiliated station. He suggested “they were local men... you know, if you had a smart full blood Aboriginal, a stockman or something like that, he would take him off you” (cited in McDonald and Shaw 1978: 135).

While police turned a ‘blind eye’ to the mistreatment of Aboriginal workers, there were also instances where they actively engaged in violence against them. As the pastoral industry made incursions into Aboriginal lands, police were used to suppress Aboriginal resistance, protect pastoralists and protect cattle (Hartig 1960; Reynolds 1981; Cribbin 1984). This led to violent confrontations, further affecting Aboriginal trust of police and hampering their ability to utilise police services if dissatisfied with their treatment on pastoral stations.

The most infamous case of police violence involving the Northern Territory’s pastoral industry was the Coniston killings. The killings occurred in 1928 and were the last recorded massacre of Aboriginal Australians (Hartig 1960; Reynolds 1981; Cribbin 1984; Elder 1998). In early August 1928 near Coniston Station in Central Australia, dingo trapper Fred Brooks was involved in an argument with local Aboriginal men over the ‘lending’, or prostitution, of Aboriginal women (Cribbin 1984; Elder 1998). Two Aboriginal men, Bullfrog and Marungali, murdered Brookes for failing to pay them for an agreement reached over sexual services provided by local Aboriginal women (Cribbin 1984; Elder 1998).

Soon after the murder, Coniston Station owner Randal Stafford heard of the incident and sent a telegram to police. Mounted Constable George Murray was sent to investigate and without making extensive enquiries, embarked on a punitive expedition against local Aboriginal people (Elder 1981: 181). Murray took a punitive party comprising eight members and on the 13<sup>th</sup> of August 1928, the expedition came into contact with a Walbiri camp near the station (Elder 1981: 181). Subsequently, they shot at twenty-three people, killing three unarmed men and one woman (Hartig 1960; Cribbin 1984; Elder 1998). On the 14<sup>th</sup> of August, four Aboriginal men were sighted at Cockatoo Creek thirty kilometres from the Walbiri camp (Elder 1998: 183). The men tried to flee and the expedition fired on them, killing one man who was fatally shot in the back (Hartig 1960; Cribbin 1984; Elder 1998). Approximately three days later, near Lander River, a further three men were shot and three injured (Elder 1998: 184). Two of the injured died the next day (Elder 1998: 184). On the 24<sup>th</sup> of August, Murray called off the expedition. Following the completion of the expedition, Murray compiled a report to Government, outlining what had occurred. Murray's report to Government Resident Cawood read that the expedition had killed seventeen people in self-defence (Cribbin 1984; Elder 1998).

The Coniston killings did not stop after the initial punitive expedition. On the 27<sup>th</sup> of August 1928, Pastoralist John Morton, known for his mistreatment of Aboriginal workers, was attacked by three Aboriginal men (Hartig 1960; Cribbin 1984; Elder 1998). On the 24<sup>th</sup> of September 1928, Murray was again sent to investigate (Cribbin 1984; Elder 1998). Upon arriving at the station, Murray and

Morton went on a three-week killing spree (Elder 1998: 187). The official number of dead reported by Murray was fourteen (Elder 1998: 187). However, local Aboriginal people suggested figures of up to one hundred were murdered by Murray and Morton's punitive party (Elder 1988: 188).

After the massacres, Mounted Constable Murray and his accomplices were investigated for murder. In response to accusations of murder against the police party, the Commonwealth found that the shootings had been justified:

- 1. If a massacre of blacks was contemplated, would they not have shot everyone at Coniston where the first encounter took place and not have allowed 23 of them to go free?*
- 2. Would not the Police Party, in Morton's case, have shot the six adult male natives who were allowed to go free when Morton said they were not identified with those who attacked him.*
- 3. If a massacre was intended, is it likely that Constable Murray would have dismounted from his horse on each occasion and alone gone amongst the natives at the risk of being killed, to effect arrests when all the party could have remained mounted and, from a distance of safety, wiped out all the blacks?*
- 4. If a massacre was intended, why tend to the wounded as the evidence shows was done in several cases?*

*Constable Murray was called throughout the Enquiry. Had he desired to*

*disguise the number of natives killed, he could have done so in his official reports and evidence. Furthermore, if a massacre was intended, the Police Party could, as the evidence shows, have killed a hundred natives.*

*The Board unanimously answers the first three questions as follows:*

- a) The shooting was justified*
- b) The shooting was justified*
- c) The shooting was justified (Australian Commonwealth 1929b).*

While Murray and his accomplices were found to be innocent, Aboriginal people who recalled the massacres provided alternate views. Martin Jampijinpa, who saw his father shot during the Coniston killings, recalled Murray and his police party rounding up and shooting Aboriginal people near Coniston:

*When I was a little boy... I seen him. Murray grabbed me then and he's hold me on the shoulder. There was a big camp there. They [the tribes-people] was getting in all the bush tucker. But he shot about ten o'clock in the morning, eight o'clock in the morning. Shot at seven, eight that way... they yardem round, brigem to one mob... and they shot it two or three shot guns going, people was going. Wilson was there, Nugget Morton, whats his name was there too, Jack Cusack and Murray... they all sit round here, all the old people was sleeping here. Round em up, just like cattle... and bringem to one mob this way suddenly. And shot it there (cited in Cribbin 1984: 161).*

Neddy Jakamarra also suggested that Aboriginal pastoral workers from Stirling Cattle Station, who had been attending corroborees, were shot during the punitive expedition:

*All our mob been shot. My grandmother Maryanne... bin die poor bugger. A lot of people bin shot there. Workin man too. All the working man bin shot too. You know, they bin go to corroboree, working people, Stirling [cattle station on the upper Hanson] men, and from Barrow Creek (cited in Cribbin 1984: 163).*

Other police such as Mounted Constable Victor Hall also discussed their dislike for Murray. Hall suggested Murray had shot more Aboriginal people than he had officially recorded: “[Murray] shocked and disgusted many or all of the policeman there with his freely expressed opinions as to what was good enough for a blackfellow, and he said the number was nearer seventy than seventeen” (cited in Cribbin 1984: 164).

In the case of Coniston, the Commonwealth had condoned the massacre of Central Australian Aboriginal people. Among the murdered were Aboriginal pastoral workers and their dependents. While Rowse suggests that incidents such as Coniston were not the norm and there was interdependence between pastoralists and Aboriginal workers, Coniston sent the message that colonists could use violence with impunity in pastoral areas: “The killings around Coniston and other places, and the official failure

to censure them, suggest that the possibility of violence (in which colonists vengeance would ultimately be far greater) underlay all transactions” (2002: 64).

Incidents involving extreme police violence including Coniston led to Aboriginal workers mistrusting police in pastoral areas. Consequently, the authority which was meant to be used by Aboriginal workers in need of assistance was not utilised.

As police were not upholding the rights of Aboriginal workers and were in fact perpetrators of violence against them, the Commonwealth relied on station managers to adhere to regulations. Chief Protector Cook suggested “it was necessary for the Chief Protector to assure himself of the values earned by employees” (1981: 9) and hoped that due to this, employers would follow Commonwealth regulations. Even if station managers did uphold the regulations, the remote localities of stations, alongside non-compliance from police, made it difficult for Commonwealth authorities to regulate the industry. As Anthony discusses, the Commonwealth’s system of investigation was insufficient due to a lack of staff and the geographical vastness of the Territory:

*The stations spanned thousands of kilometres, making government monitoring of pay and conditions for Aboriginal workers largely impracticable. In the high tide of ‘official’ protection in the 1930s, there were only 48 NT protectors to cover 523,000 square miles, with stations divided by shoddy roads. On their infrequent visits, protectors made inquiries only with management or relied on the managers monthly reports. Some owners avoided being on the station when*

*protectors visited. The inspection of station provisions and employment conditions was 'nominal and superficial' (2006: 8).*

Even when investigations took place, there were often issues with revoking licences or getting Aboriginal workers to complain. Ted Evans, who was Superintendent of Welfare in Alice Springs from 1935 and later a patrol officer, recalled revoking an employment licence only to have to reinstate it on request from his Commonwealth superiors: "Someone had obviously been in touch with Canberra... I had to restore the licence regrettably. However, that's the kind of power and lobbying you're up against when you try to do something" (cited in Anthony 2006: 9).

When licences were permanently revoked, it generally occurred in town areas and did not affect the pastoral industry. For example, in 1933 Chief Protector Cook (1933b: 10) reported there were nine registered complaints against employers by Aboriginal workers. This resulted in the revoking of three licences. None of the revoked licences came from pastoral employers; rather, they were attributed to town employers in Darwin and Alice Springs (Cook 1933b: 10).

Under the Ordinances the Commonwealth had a responsibility to enforce regulations which were supposed to protect the rights of Aboriginal workers. However, the Commonwealth and police failed to achieve this. The police were unreliable in enforcing regulations, police and pastoralists cooperated in breaching Ordinance regulations and the police had been involved in frontier violence. As the police were unreliable, the Commonwealth relied on station managers to uphold

Ordinance regulations. This also generally failed to occur. Consequently, Aboriginal pastoral worker's rights were not protected and they were subjected to various forms of discrimination outlined in Section 8.1. Worse still, Aboriginal pastoral workers and their dependents were still subjected to frontier violence between 1911 and 1939, as seen with the Coniston killings.

#### **8.4 Aboriginal Workers' Wages**

Alongside discrimination and a lack of Commonwealth regulation enforcement in the pastoral industry, Aboriginal workers received minimal payment for their services. Station owners were under pressure to cut spending and ensure the success, viability and profit of the pastoral industry. While this envisaged success was reliant on Aboriginal workers, cost-cutting measures were put in place regarding their wages. It was argued that if Aboriginal workers were paid the same rates as 'whites', the pastoral industry would have gone out of business (Rowse 1998: 115).

In 1912, Chief Protector Spencer set the precedent for non-cash payments to Aboriginal workers. While Spencer acknowledged the pastoral industry's dependence on Aboriginal labour, he did not believe they should receive a cash wage and used Regulation 7 (1-2) of the 1911 Ordinance to ensure that cash wages were diverted from Aboriginal employees (*Aboriginal Ordinance (Cth) 1911*: 65: r7). Spencer (1913: 12) justified his position according to his belief that Aboriginal workers were incapable of understanding the Western financial system. Spencer argued that

Aboriginal workers should not have been taught or given financial currency, but rather should only be paid in rations: “Wild aboriginals are being dealt with, who have no idea of the value of money and no means of spending it, the remuneration for labour will take the form of food, clothes and tobacco” (1913: 22).

Spencer further justified his position on the basis that payments would be used for substance abuse or have gone to waste, as he believed Aboriginal workers did not understand the value of money:

*The contrast between the so-called civilized native in the settlement, who has learned the value of money because it buys him clothing and opium, and the native in the back blocks, is very striking. The former is, for the most part, a useless loafer; the latter, under the charge of a humane man, is a cheerful worker* (cited in Austin 1997: 32).

Spencer’s opposition to Aboriginal workers receiving cash wages had lasting implications for the Northern Territory. Similar to Spencer’s position, pastoralists continued to justify non-cash payments on the basis that they believed Aboriginal workers were of ‘low intellect’, could not perform the same tasks as ‘whites’, and if paid wages, would put the industry out of business (Calaby and Mulvaney 1985; McGrath 1987; Gray 2001; Bunbury 2002; Kidd 2007). This was exemplified in 1929 when a station owner told a Commonwealth conference that giving Aboriginal workers wages would make the pastoral industry defunct:

*There are two things I ask you to guard against, the first is giving the aboriginals in the back-blocks cash and secondly, putting the stations out of business. If you put stations out of business, you are going to make the problem of giving employment to these aboriginals very much worse (cited in Department of the Interior 1929: 21-22).*

At the same conference, Thonemann argued that payment of cash wages to Aboriginal workers would lower their 'status': "We pastoralists say that the black should be properly clothed and fed, and given tobacco and luxuries, such as in certain cases he deserves... the average black does not know the value of coin, and to give him coin is going to lower his status and not raise it" (cited in Department of the Interior 1929).

In the same year as the conference, Bleakley further reported that if given any cash wages, benevolent supervision of Aboriginal workers would be required:

*Although it is the practice, in town districts and on a few stations near the towns, to give weekly pocket money, it is generally condemned, as the native invariably uses it foolishly, often viciously, for the presence of the money is blamed for the prevalence of the opium and drink vices. Very few natives understand the use of money or values of articles and are easily defrauded by the unscrupulous trader. The simple people of the Territories want more education before they can be safely trusted to handle even a part of the earnings*

*in cash without benevolent supervision* (1929: 8).

In 1931, at an Australian Workers Union (AWU) hearing, pastoralists were continuing to argue against Aboriginal cash wages (Cowlshaw 1999). At the hearing, Bolton suggested pastoralists believed Aboriginal workers did not understand money, and that they had no intention of educating them in financial management: “The assumption is they [Aboriginal workers] don’t know the value of money – they don’t need it, and, as former member of parliament Michael Durack is alleged to have said, ‘Of course we’ll take damn good care they never find out, won’t we’” (cited in Cowlshaw 1999: 65).

In 1932, the NTPLA (Northern Territory Pastoral Lessees Association) further argued that cash wages would ‘degrade the aboriginal race’: “A large portion of the money given to aboriginals in the present stage of their development is apt to be spent on liquor and opium. Thus the money the pastoralists can ill-afford is used to degrade the remnants of the aboriginal race” (cited in Martinez 2007: 273).

Alongside public statements arguing against the payment of cash wages, pastoralists had practical amendments made to Commonwealth legislation. Between 1911 and 1939, the Commonwealth did attempt to introduce cash wages. After Spencer’s resignation as Chief Protector in 1913, the *Aboriginal Ordinance (Cth) 1911* was amended. Amendments entitled Aboriginal workers to a 25 shilling-per-week wage (Australian Commonwealth 1914; Kidd 2007). The pastoral industry lobbied the Commonwealth and argued that the amendment would cause the industry

to fail in the Northern Territory (Kidd 2007: 71). In response, the Commonwealth excluded Aboriginal workers in regional and remote areas from receiving the payment (Kidd 2007: 71). This measure appeased pastoralists as payments were excluded to 80% of the Aboriginal workforce, as they were primarily employed at regional and remote pastoral stations (Kidd 2007: 72)

Following the Commonwealth's first attempt to introduce a cash wage, a similar strategy was attempted in 1927. The Commonwealth proposed to introduce a 5 shilling-per-week pastoral wage. However, the amendment to the *Aboriginal Ordinance (Cth) 1918* was blocked by the pastoral industry. They argued it was not warranted, due to them maintaining worker's dependents (Kidd 2007: 71-72).

In 1930, the *Apprentice (Half-Castes) Regulations 1930* was introduced in order to make pastoralists train and pay the mixed-descent boys they acquired from government institutions (Austin 1987; Kidd 2007). The regulations required that wages be paid of 19 to 34 shillings per week, most of which went into trust funds. The NTPLA suggested wages should not be given to 'half-caste' workers, as their capacity to work varied:

*Anyone who knows the conditions knows that even though one half-caste may have all the outward appearance of a white man his brother may be quite indistinguishable from a full-blooded black. Their aptitude for performing a white man's work of course varies with each individual, and to lay a hard and fast rule down in respect of their employment has the opposite effect to that*

*which was intended, i.e. it brings the good man back to the level of the inefficient worker* (cited in Austin 1987: 137).

Further, the NTPLA suggested it was not fair ‘half-castes’ were paid as much as ‘white’ men:

*It does not seem right that whereas the wages and conditions of employment of white men should be the subject of careful investigation the wages and conditions of employment of people in a different scale of civilisation altogether should be arbitrarily fixed on the white man’s basis* (cited in Austin 1987: 137).

Under pressure from the pastoral industry, the Commonwealth changed the *Apprentice (Half-Castes) Regulations 1930*. In 1932, the wage was cut to 10 shillings per week (Australian Commonwealth 1932).

In 1933 the Ordinance was again changed in order to allow the government to set minimum wages and conditions for Aboriginal workers (Australian Senate 2006: 21). Rural wages were set at 5 shillings per week but non-payment on the grounds of maintenance of dependents remained the norm (Australian Senate 2006: 21). As Gray argues, the 1933 changes to the 1918 Ordinance found in regulation 14 essentially allowed pastoral employers to negate paying Aboriginal workers cash wages:

*Regulation 14 prescribed conditions on the grant of a licence to employ*

*aboriginals in country districts. The grantee of a licence was required to pay wages at the rate of 5s per week for each aboriginal employed by him, plus food, clothing and tobacco. However, the loophole allowing country employers to avoid paying wages was greatly expanded by a new provision under regulation 14 that 'where it was proved to the satisfaction of the Chief Protector that the grantee of the licence is maintaining the relatives and dependents of any aboriginal employed by him, the Chief Protector may exempt the grantee from the payment of any wages in respect of that aboriginal' (2006: 15).*

The Commonwealth viewed this situation as fair:

*In order to serve the best interests of the aboriginal coming in contact with white civilisation and to permit the white pioneer successfully to settle in available pastoral country, the Department's policy has been to require that the employer of aboriginal labour shall satisfactorily maintain his aboriginal employee and his tribal dependents, no further wage being demanded (Cook 1933b: 7).*

While Aboriginal workers were essential to the success of the pastoral industry, they were paid minimum amounts for their contributions. The Commonwealth, pastoralists and unionists fought against the introduction of cash wages for Aboriginal workers,

suggesting it would destroy the economic strength of the industry. Alongside publicly advocating against cash wages, pastoralists were also influential in having amendments made to the Ordinances to exempt themselves from paying Aboriginal workers monetary wages. Between 1911 and 1939, Aboriginal workers rarely received proper monetary remuneration for their work, being paid less than ‘white’ workers due to pastoral opposition and the Commonwealth’s willingness to underpay them. This situation flew in the face of Aboriginal workers being the backbone of the pastoral industry.

## **8.5 Trust Funds**

Further compounding monetary issues for Aboriginal workers was that if they were to receive a cash wage, it was generally taken by the Commonwealth under Regulation 7 (1-2) of the Ordinances (*Aboriginal Ordinance (Cth) 1911: 65: r7*). Regulation 7 allowed the Commonwealth to take Aboriginal cash wages. These were held in trust funds by Commonwealth officials, or were retained by employers in savings accounts (*Aboriginal Ordinance (Cth) 1911: 65: r7*).

In 1913, the Commonwealth established its first trust fund. The fund held 10% of wages paid to Aboriginal workers (Stretton 1914: 32). Under the system, the wages were taken by a local protector or police officer and kept in the trust fund (*Aboriginal Ordinance (Cth) 1911: 65: r7*). The police or Commonwealth Protector was required to keep receipts for the accounts, listing any transactions that were spent on behalf of

an Aboriginal employee. Chief Protector Stretton summarized how the initial trust fund worked:

*This [system] provides for rations, clothing and a sum of money weekly for all natives permanently employed. The native does not draw the money week by week, but it is paid into his trust account, held by the Chief Protector, and is available for the purchase of goods as required (1914: 32).*

By 1917, the Commonwealth had developed close to 500 accounts worth approximately £1448 (Kidd 2007: 79). Almost a decade later, the fund size had increased, and Administrator Playford specified that if not claimed within six years, the funds would be put into revenue:

*On 1<sup>st</sup> July 1925, the Aboriginal Trust Fund showed a balance of £1,770 16s, 5d. The receipts during the year were £1,417 11s. 1d. and withdrawals £1,590 19s 3d., leaving a balance of £1,597 8s. 3d. This fund is constituted by charging 5s. for a licence to employ aboriginals , 2s. 6d. for each agreement entered into for the employment of an aboriginal, and 2s. per week for each aboriginal employed. All moneys in the fund that remain unclaimed for a period of six years revert to revenue (1926).*

Funds kept increasing, and by 1933, Chief Protector Cook (1934: 6) placed the

amount of the Darwin trust fund at £2,693 1s. and 3d., and the fund in Alice Springs at £783 2s. and 1d. The issue with these funds was that Aboriginal workers were often unaware of their existence, and when they went unclaimed, the Commonwealth converted the money to other revenue and department areas. For example, in 1917 there was approximately £1202 worth of unclaimed wages in the Aboriginal trust funds (Kidd 2007: 79). As no Aboriginal workers came forward to request their savings, the Commonwealth transferred the unclaimed wages to Treasury (Kidd 2007: 79).

Evidence to the 1919-20 Royal Commission on income tax further revealed authorities were releasing wages to various parties and that the funds generally failed to reach the Aboriginal workers who owned them (Kidd 2007: 79). While the Royal Commission revealed the trust fund system was susceptible to theft and corruption, immediately after the proceedings, £1184 of unclaimed money was transferred to consolidated revenue and the Aboriginal workers whose funds had been stolen were not reimbursed (Kidd 2007: 79).

Even when aware of the existence of trust funds, Aboriginal workers struggled to access their accounts. As Kidd (2007: 79) explains, this occurred in 1921 when an Aboriginal worker tried to gain access to his savings. While adults over twenty-one were meant to gain control of their earnings, he was denied permission to access his funds on the grounds that he was a 'spendthrift' (Kidd 2007: 79). The Commonwealth retained the £220 (\$10,470 [modern equivalent]) he had earned from eight years of pastoral work (Kidd 2007: 79). Clarence Smith also recalled issues with his trust fund,

suggesting he was never able to access his cash wages until he was twenty-one: “I was getting five shillings a week. Well, that just went into my bank account of course, that was held by the Welfare or the Aboriginal what’s a-name. I never seen any of it till I was twenty one” (1988: 14).

Val McGinness also recalled trouble accessing his account, arguing that the Commonwealth made a lot of money from the trust fund system:

*One day I was really fed up with this thing, you know, and I went up to this poor old Harry Partridge... Come on my turn I said, ‘Oh, I’m going to give this old coot a bit of a stirring up’, you see; I was really mad at them, you know, not at him but the system. So I said... ‘I want 5 pounds please, Mr. Partridge?’ He said, ‘5 pounds?’, he said, that was a lot of money you see. He said, ‘What are you going to do with 5 pounds?’. I said, ‘I’ve got to pay for my lessons, Mr. Partridge’. ‘Lessons’, he said, ‘What are you learning?’. I said, ‘I’m learning to mind my own business’ (laughter) ‘Oh, alright, you don’t have to be cheeky’, he said, ‘I’ll give you the 5 pounds’... so he wrote this order up with the – what you call them – I felt sorry for the old soul after, and I mean, it wasn’t his fault, really. He was only doing his job you see... I’ve seen those records from the trust fund... the government made a lot of money out of that (1984: 22).*

McGinness also suggested that while he had viewed records, he was unsure where his money had gone as his official records were non-existent:

*Whatever happened to that trust money that we put in there, I really don't know that day to this... there was no bank book; there was no record of anything as far as I can remember. But they said that the money that we put in went towards building houses for part-Aboriginals that were exempted from the Aboriginal Department, or something to that effect anyway... I got a hundred and fifty pounds from my house, for the amount that I put in. But the balance of the trust money that we was putting in ever since 1922, approximately, I don't know what happened to that (cited in Australian Commonwealth 2006: 15-16).*

When Aboriginal workers did receive cash wages, they went into trust funds established by the Commonwealth. This led to a number of issues for Aboriginal workers. Many workers were unaware of the trust funds' existence, which led to the Commonwealth diverting unclaimed wages to other departments. Even when Aboriginal workers were aware of the trust funds, they often had trouble accessing them. Paternalistic Commonwealth measures made it difficult for Aboriginal workers to use their own savings.

## 8.6 Rations instead of Cash Payments

Between 1911 and 1939, pastoralists justified the non-payment of cash wages on the grounds that they would care for Aboriginal workers' dependents. Dependents included children, spouses, the aged and infirm. However, pastoralists also avoided this form of payment.

As Markus (1990: 50) suggests, pastoralists avoided proper ration distribution by purposely underestimating the number of Aboriginal workers they employed. Due to this, Commonwealth officials were unaware of the number of Aboriginal employees in the pastoral industry and could not estimate the number of dependents. If the numbers of both workers and their dependents were unknown, it made it extremely difficult for authorities to ensure proper rations were being received. As Anthony suggests, this was further compounded by pastoralists declaring workers as dependents, negating paying them a cash wage and only having to provide them with rations:

*The government and station managers breached regulations for employment licences by incorrectly classifying people on stations as 'dependents', when in fact many of them were also workers. Aboriginal women had especially significant work roles and were also assisted by Aboriginal children, the elderly and invalids. They ran the homestead and attended to cooking, fencing, gardening, managing dairy cattle, building roads and shelter and digging*

*dams... many workers on the homestead and station property were denied wages because they were classified as 'dependents' (2006: 4).*

Even when Aboriginal workers and dependents did receive rations, they were often insufficient. The rations on stations were the bare minimum, with workers only given a small amount of food, clothing and tobacco (Berndt and Berndt 1987; Anthony 2007; Martinez 2007). The quantity of the rations Aboriginal workers received often varied, as employers would cut amounts in order to save money. In 1913, Chief Protector Spencer illustrated the lack of sufficient meat given to Aboriginal workers: “A constant occurrence on practically all stations where cattle are killed is to distribute the offal and bones, often with plenty of meat attached to them, amongst the natives, who gather round the killing yard like crows round a dying sheep” (1913: 16).

In the Chief Protector report for 1921, MacDonald also discussed fictitious recording of rations: “Very often the employer gives articles, such as clothing &c. to his aboriginal workers upon which is placed a fictitious value... the clothing of the aboriginals by private employers is a matter requiring attention, and decided improvement is called for in this direction” (1922: 19).

Berndt and Berndt further reported fictitious ration recordings made by station managers:

*These fictitious amounts which dependents, and the aged and infirm did not receive were recorded obviously to deceive anyone who might have some*

*official reason for checking the book, or as a basis for compiling returns to the Department of Native Affairs. In addition, killers [cattle] said to be slaughtered especially for Aborigines were recorded. This again was a misstatement of fact when only offal bones and very little meat were available to people not directly employed (cited in Rose 1991: 154).*

Some police also reported poor rations. An officer from Daly River recorded that Aboriginal workers in the area were mainly fed corncobs and peanuts and “were lucky if they got a clay pipe and stick of tobacco when the year’s work was done” (cited in Kidd 2007: 72). While the North Australian Workers Union (NAWU) fought against payment of cash wages in the 1930s, they also recorded poor rationing. In 1931, the NAWU secretary, Robert Toupein, suggested most Northern Territory stations were giving workers insufficient rations:

*On these great cattle stations, owned chiefly by absentee capitalists, the aborigines worked them as stockmen, drovers and general rouseabouts. They are paid no monetary wages and are given the roughest and poorest of food, principally damper and beef... and they are given the scantiest of clothing (cited in Martinez 2007: 275).*

Strehlow, who had been a patrol officer in the Northern Territory during the 1930s, also recalled the inferiority of rations given to Aboriginal workers:

*Only old and infirm aborigines received rations – a whole four pounds of flour a week, plus some tea, sugar, and tobacco. They received no meat, no milk, and neither fruit nor vegetables. The supplying ration depots were generally situated in areas devoid of native game and vegetable food (1957: 13).*

During a field trip in the summer of 1934-1935, Stanner witnessed similar conditions: “The fresh meat allowance is either low or non-existent, the proportion of carbohydrates is relatively far too high because of the great use of white flour and polished rice, and other vital constituents are insufficient” (1979). And Stevens suggested that rations given to Aboriginal workers were foods deemed unfit for ‘white’ consumption:

*A hunk of dry bread, a piece of cooked beef and a pannikin of sweetened tea... the aged and the infirm did not fare quite as well, receiving a small helping of flour, infrequently, some sugar, with a sprinkling of tea leaves, soap and tobacco. As an occasional treat they received mouldy jam or weevilly porridge, thrown out of the store as being unfit for white consumption (1968: 17).*

Due to poor rations being distributed to Aboriginal workers, many workers were often living in perpetual starvation. As a result, deterioration in the health of workers was common. It has even been suggested that the common stereotype of ‘laziness’ that

was associated with Aboriginal workers may actually be attributed to their malnourishment and consequent inability to perform arduous tasks for long periods (Berndt and Berndt 1987; Curthoys and Moore 1995).

Alongside poor nutrition, the health of Aboriginal workers and their dependents was affected by limited access to medicines and sanitary water. Medical supplies and clean water should have been part of the rations Aboriginal workers received. However, Berndt and Berndt (1987: 218) reported that drinking and washing water for Aboriginal workers was almost non-existent on most of the stations in the Northern Territory. Anthony also found clean water to be rare for Aboriginal workers, suggesting “there were mostly no amenities or provisions for hygiene, washing or sanitation, including water pumps” (2007b: 8). If Aboriginal people did become ill due to their poor diet or lack of sanitary water, the medical attention they received was sporadic or minimal. During their report for Vestey’s on pastoral conditions, Berndt and Berndt were told by a pastoralist that many stations did not bother providing medical assistance to Aboriginal workers: “All you want for treatin’ them niggers is epsom salts an aspro an maybe a bit of ointment. That’s if you want to bother doin’ anythin’ at all with ’em” (1987: 218).

Riley Young, an Aboriginal worker, also recalled medical treatment being poor while he was employed:

*He [station owner] don’t want to give it [medicine to] blackfellow; blackfellows died. ‘Long as there’s another blackfellow coming in again for work, next time’.*

*That kind of law; they used to leave him for four or five days, that man was finished. [They] told the manager: 'Hey, one boy finished.' [The manager would say :] 'Ah poor bugger. Always doing a good thing for me. Good work, poor old fellow'. Just tell us joking. 'Ah, take him and bury him in there' (cited in Rose 1991: 151).*

Anthony argues that the lack of medical attention was a breach of Ordinance regulations and exacerbated illnesses afflicting Aboriginal workers:

*The incidence of illness on stations was made worse by the lack of medical attention. Employers failed to make contributions to the Government Aboriginal Medical Benefits Fund, which was required between 1933 and 1947 under Regulation 12 of the 1933 Ordinance... there was a lack of Occupational Health and Safety standards for station workers making Aboriginal work injuries common. Pain and suffering sustained from work injuries were often not acknowledged, and injured Aboriginal people were put back to work immediately unless they were incapacitated (2007b: 8).*

Poor nutrition and lack of medicine also impacted female Aboriginal dependents and their children, with infertility and child mortality rates being high on stations. Read (1995: 278) argues that mothers often received insufficient rations which adversely affected their health. At times of child-birth, Aboriginal mothers were generally

undernourished and unhealthy, leading to complications including the death of babies and mothers (Read 1995: 278). Strehlow also suggested that “the few children that were born at these places of despair rarely survived for long” (1957: 12). Berndt and Berndt (1987: 218) have also proposed that resistance to disease was extremely low due to poor diet and malnutrition. Strehlow made this evident when he argued that: “whenever epidemics imported from the south swept their way north, the adults, too, died like flies” (1957: 12). The terrible conditions suffered by Aboriginal workers meant that death was a common occurrence.

Various authors argue that non-cash payments and a lack of rations led to Aboriginal workers and dependents being treated as slaves (Holland 1995; McGrath 1995; Gray 2007; Read 2007; Australian Institute of Aboriginal and Torres Strait Islander Studies [AIATSIS] 2008). Holland (1995: 54-55) has argued that Aboriginal workers in the Northern Territory were exploited to the point of slavery, being treated as an expendable workforce. Similar views were shared in 1928 by the Minister for Home Affairs, Charles Marr, when he argued that the system of unpaid work in the Territory, both in the monetary and ration sense, was a “form of slavery” (cited in AIATSIS 2008). The NAWU also suggested slavery existed in the Northern Territory’s pastoral industry:

*A slave owner would not allow his slave to be decimated by preventable disease and starvation the same as these people are in the country or bush. If there is no slavery in the British Empire then the Northern Territory is not part of the*

*British Empire, for it certainly exists here in its worst form* (cited in McGrath 1995: 41).

The NAWU organizer, Owen Rowe, further suggested slavery was existent in the Northern Territory pastoral industry during the 1930s:

*These aboriginal have proved themselves worth the same wage as the white, and common British justice, if it existed in the Northern Territory, would see that they got it. At present they are slaves without the advantage of slavery. They are not paid for their work. In losing their hunting grounds they lost their means of subsistence and no means of sustenance has been provided in their place. The working aboriginals are not given enough food and clothes for the maintenance of their dependents* (cited in Martinez 2007: 274).

As Austin illustrates, Chief Protector Cook also advocated for the introduction of his *Apprentices (Half Caste) Regulations 1930* on the basis that it would combat conditions in Central Australia that amounted to slavery:

*He argued that the cattle industry had the responsibility to provide improved conditions of employment for their 'half-caste' apprentices, in order to give them 'an opportunity of evolving, more or less, into a white man'. He pointed out that Australia was in breach of its obligations under the Slavery*

*Convention, since the conditions of half-castes under the age of 21 in Central Australia amounted to 'forced labour analogous to slavery' (1997: 13).*

In 1930, the Minister for Home Affairs, Arthur Blakely, also suggested practices in the Northern Territory pastoral industry were akin to slavery: "It would appear that there was a form of slavery in operation and that aboriginals were being worked without any remuneration whatsoever" (cited in Gray 2007: 12).

In 1937, Matthew Thomas, who was in charge of a road gang near Wave Hill, discussed issues of slavery in the *Northern Standard*:

*For ten weeks I was in charge of a gang of natives repairing the road for over 100 miles between Wave Hill and Inverway station... the native wages were: beef, damper, tea, sugar, with three sticks of dried up nicky tobacco for the boys, and two for each lubra per week. Trousers, shirts and boots were sent out for the boys, but nothing for the lubras... they worked harder and longer hours than the bucks. That the natives were working in slave conditions cannot be disputed, also they worked under appalling conditions with the sanction and approval of the Minister for Territory Affairs and Chief Protector of Aboriginals (cited in Read 2007: 37).*

While not using the term 'slavery', Berndt and Berndt (1987: 272-273) found that Aboriginal people had no land tenure, no property and no rights at law. Having read

the Berndt and Berndt report, Professor Elkin suggested that “it might not be slavery, but it is a form certainly approaching that institution” (cited in Gray 2007: 11). It is clear that the misappropriation of wages and lack of material substitutes for them including rations resulted in many Aboriginal people being treated as slaves within the Northern Territory’s pastoral industry between 1911 and 1939.

With Commonwealth support, pastoralists had avoided paying Aboriginal workers a cash wage. While legally this could only be avoided by paying Aboriginal workers and their dependents rations in regional and remote areas, pastoralists also avoided this form of payment. Pastoralists intentionally underestimated the number of Aboriginal workers and dependents they had on stations, hampering the Commonwealth from identifying what was owed to workers and enforcing pastoralists to pay proper rations. Further compounding issues for Aboriginal workers and their dependents was that even when rations were distributed, they were often insufficient. This led to a number of health issues. All these factors combined to create a system where Aboriginal workers were treated as slaves within the Northern Territory.

## **8.7 Breakdown of Employment Agreements at Hermannsburg Mission**

As evidenced in Section 5.5, there was an expectation from the Commonwealth that missionaries would assist in the implementation of Commonwealth Aboriginal policy. As various authors argue, this included employment policy, where it was expected that the missions would act as recruitment agencies for pastoralists seeking the services of Aboriginal workers (Austin 1997; Boyce 2003; Veit 2004). However, some mission groups were against this practice. This led to a breakdown of their relationship with pastoralists and the Commonwealth. Consequently, the Commonwealth would divert or stop funds being given to the missions, which led to conditions deteriorating for missionaries and the Aboriginal people housed on the mission reserves.

The clearest example of this occurred at the Hermannsburg Mission in Central Australia. Hermannsburg was opposed to sending young Aboriginal people out to work on pastoral stations (Austin 1997; Veit 2004). In response, the Commonwealth criticised Hermannsburg for failing to be industrious, and argued the mission was neglecting to provide the pastoral industry with cheap Aboriginal labour (Austin 1997; Albrecht 2004; Viet 2004). In 1918, during World War One, the Lutherans at Hermannsburg were further criticised due to their German background, which eventually led to the withdrawal of the government subsidy (Austin 1997; Veit 2004). During subsequent years, Hermannsburg continued to receive critical reports from the government which often led to their subsidy being withheld, resulting in the

worsening of conditions at the mission (Lohe 1977; Austin 1997; Veit 2004).

Administrators such as Spencer suggested the Hermannsburg missionaries were themselves exploiting Aboriginal labour and profiting through their unfair government-subsided practices (Spencer 1913: 26). Spencer called for Hermannsburg to be acquired by the Commonwealth, which could then run a profitable enterprise and provide the Central Australian pastoral industry with cheap Aboriginal labour (Spencer 1913: 26). Spencer argued:

*I have previously recommended that it [Hermannsburg] be resumed by the Government and placed under Government control... the Government is already in possession of reports dealing with this station which indicate that at the present time it is practically of little, if any, use from the point of view of the industrial training or social betterment of the natives (1913: 26).*

Along with arguments to have the mission taken over by the government, the Commonwealth continually refused to provide Hermannsburg with any financial assistance. This led to issues relating to water, food, financial stability, and disease amongst Aboriginal inmates and missionaries.

These issues reached their climax in the mid-to-late 1920s at Hermannsburg. Ensuing drought and financial deficit caused growing concern and physical hardship at the mission. As Lohe illustrates, during the mid-1920s:

*The finances of the Mission [Hermannsburg] were causing grave concern as the deficit was still well over £2,000. Members of the Church had rallied to the cause by subscribing £1,622, and income from the sale of cattle brought in £1,028, but the expenditure was very heavy [at the mission]. For instance camel and railway freight was nearly £400; flour, sugar, and other groceries totalled £428; drapery and footwear amounted to £329. It was self-evident that the Board had to do everything possible to cut down expenditure, as they continued to care for the 245 natives at Hermannsburg (1977: 39).*

Due to such issues, missionaries including Pastor Albrecht continually petitioned the Commonwealth. They argued that without assistance in relation to food, water and pastoral enterprises, the mission would not be successful and that Aboriginal inmates would suffer (Henson 1992; Petrick 2007). However, the Commonwealth was slow and cautious in assisting. This was especially the case with the allocation of funds, as the mission would not provide workers to the pastoral industry.

In the late 1920s, the breakdown of the Commonwealth and mission relationship resulting from the employment argument intensified, and conditions deteriorated at Hermannsburg due to drought. The dietary provisions became so bad at the mission that the Aboriginal inmates and missionaries began to suffer from scurvy. Still, the Commonwealth would not assist. Eventually the mission had to rely on citrus donations given by the Adelaide University and Chairman of the Board of Missions (Albrecht 1977; Lohe 1977; Albrecht 2002; Petrick 2007).

These issues were further compounded by the lack of water at the mission, which led Albrecht to petition the government to build a pipeline from Kaprilya Springs to the mission. Initially, the Commonwealth directed Albrecht to seek financial assistance elsewhere (Petrick 2007: 4). It was not until 1934 that the pipeline was built with assistance from the Mission Board (Petrick 2007: 4). However, the disastrous effects of the lack of water during drought had already ravaged Aboriginal inmates at Hermannsburg. Petrick demonstrates how the lack of water and outbreaks of scurvy caused death and disease at Hermannsburg:

*Between 1926-29 at the Mission, 41 children died of the 51 born. In 1928, when a severe whooping cough epidemic broke out, 40 people suffered, mostly children. Seven died in January. One lady was Oliva, whose little two year old son Amos choked to death in Pastor Albrecht's arms the following week. In 1929 a total of 41 children and adults died, the latter mostly of scurvy (2007: 4).*

Pastor Albrecht also gave an account of the suffering that he, the Aboriginal inmates and other missionaries endured at Hermannsburg:

*The worst feature of this period, however, was that the people began to develop scurvy, a disease which we had never heard of before, and of which we knew nothing. The children especially suffered. Eventually, developments began to affect us, too. Whenever we were called, especially at night, to come and see a*

*sick child, we soon adopted a pessimistic and despairing spirit. We lost 85 per cent of all the Aboriginal children; our own were saved only by a miracle. A doctor on the railway construction, sent to Hermannsburg by the government at our request, was also puzzled. Considering it to be some form of beriberi, he prescribed supplies of lime juice, which our Board subsequently sent up. Throughout the crisis, we had about 50 patients laid up; as some passed away, others succumbed to the disease. As many as 17 funerals were conducted in one month. Most of the adults died after many months of terrible suffering. Scurvy is a dreadful disease, caused by lack of vitamins. One morning we found a young man, 18 years of age, whose teeth had fallen out during the night. Strong men and women were stricken and grew weaker and weaker, suffering from swollen joints and bleeding mouths so that they could not even swallow food. Some pushed some flour mixed in a little hot water right back into their throat with a little stick and then tried to swallow. If help had not come through the Adelaide University expedition in August 1929... we would have lost many more because of their weak condition (1977: 46).*

The Commonwealth had been critical of Hermannsburg due to their stance on employment. Authorities allowed conditions to deteriorate to the point where children were unnecessarily dying. Further, while conditions deteriorated at the mission and Commonwealth criticism increased, authorities kept sending indigent Aboriginal people from Alice Springs to the mission. In 1929, Commonwealth administrators

moved one hundred Aboriginal people living in camps along the railway line south of Alice Springs to Hermannsburg. They gave the mission a minimal amount of funding while expecting them to care for more people while the mission was deteriorating (Austin 1997: 177).

Missions not adhering to the desires of the Commonwealth and pastoral industry were punished through the suppression of funding, rations and infrastructure. This was made evident at Hermannsburg where missionaries would not provide pastoralists with Aboriginal workers. There was a major deterioration of conditions and health at the mission in the late 1920s, resulting from Hermannsburg's refusal to allocate Aboriginal workers to Central Australian stations. Aboriginal children, Aboriginal adults and missionaries experienced serious illness or died in many cases. This was due to a withdrawal of Commonwealth funding and refusal of authorities to assist the mission with water, food and health services.

## **8.8 Conclusion**

*The Northern Territory Aboriginals Act (SA) 1910, the Aboriginal Ordinance (Cth) 1911 and the Aboriginal Ordinance (Cth) 1918* focused on the regulation of Aboriginal employment in the Northern Territory. Aboriginal people most affected by the employment regulations of the Acts were those working in the pastoral industry, as between 1911 and 1939, 80% of the Northern Territory's pastoral workforce was Aboriginal (Kidd 2007: 72). While Aboriginal employment did not adhere to White

Australia Policy aspirations of a wholly 'white' workforce, the Commonwealth was aware that if the pastoral industry was to be successful, Aboriginal labour would have to be used in the Northern Territory. The rural and remote localities of stations made it hard for 'white' workers to seek employment and also meant that Aboriginal workers were suited as they could remain close to country and family. While there was an acknowledged dependence on Aboriginal labour, pastoralists often breached Commonwealth regulations which defined minimal rights to pay, rations and treatment within the industry. In this chapter, I have investigated the outcomes of breaches to Commonwealth regulations, as well as how Commonwealth regulations concerning wages and trust funds affected Aboriginal workers between 1911 and 1939.

As Aboriginal workers were primarily employed in the pastoral industry, it was within this employment sector that they were most discriminated against. While pastoralists were dependent on Aboriginal labour, they did not treat workers well and often breached Ordinance regulations. Aboriginal workers were subjected to corporal and capital punishment, and Commonwealth laws enacted to 'protect' Aboriginal workers were largely ignored.

Further compounding issues of discrimination for Aboriginal workers was the Commonwealth's failure to enforce the employment regulations of the 1911 and 1918 Ordinances. The Commonwealth had a responsibility to protect Aboriginal workers' rights, yet they failed to do this. Alongside Commonwealth failure, the police also failed to protect the rights of Aboriginal workers. Consequently, Aboriginal workers

did not trust police as the latter cooperated with pastoralists in breaching Ordinance regulations and were also the enforcers of frontier violence. As police were not reliable, the Commonwealth relied on station managers to uphold Ordinance regulations. This also failed to occur. Due to such failures, the pastoral industry was largely managed on the basis of fear, violence and the subjugation of Aboriginal workers.

Aboriginal workers also faced wage issues within the Northern Territory. While the pastoral industry was reliant on Aboriginal workers, they were not paid for their services. Commonwealth administrators, pastoralists and unionists were opposed to Aboriginal cash wages on the basis of social Darwinism and the belief it would destroy the economic success of the industry. Pastoralists were also influential in having amendments made to Commonwealth legislation which exempted them from paying Aboriginal workers cash wages.

When Aboriginals received cash wages, they faced further issues, due to the trust fund system established by the Commonwealth. Aboriginal workers' cash wages were taken by the Commonwealth and this led to issues of Aboriginal workers being unaware of their 'savings' accounts. As a result of Aboriginal workers not accessing their savings, the Commonwealth was able to redirect unclaimed wages into other areas. Moreover, even when aware of trust funds, Aboriginal employees struggled to access their savings due to the paternalistic nature of the system.

With cash wages not being paid by pastoralists, or alternatively being placed in trust funds, Aboriginal workers and their dependents were meant to receive rations.

However, pastoralists also avoided this form of payment and purposefully underestimated the number of Aboriginal workers and dependents residing on their stations. This made it difficult for Commonwealth authorities to ensure proper rations were being provided. Alongside this issue, when Aboriginal workers received rations, they were often insufficient, leading to health issues. In light of this, conditions within the Northern Territory pastoral industry amounted to slavery, as Aboriginal employees worked for insufficient wages and rations.

Aboriginal workers and dependents were also affected by the Commonwealth and mission relationship. When there were breakdowns of employment agreements between the Commonwealth and missions, Aboriginal people suffered. In this regard, I paid particular attention to the Hermannsburg mission, whose administrators would not allow Aboriginal inmates to work as cheap labourers in the Central Australian pastoral industry. The mission's position was contrary to the expectations of the Commonwealth, who desired the missionaries to assist with the implementation of their Aboriginal employment policy and the provision of cheap Aboriginal labour for the burgeoning pastoral industry. As Hermannsburg would not partake in these activities, the Commonwealth reacted by refusing the mission assistance with water, food, finances and infrastructure services. This led to a major deterioration in the health of missionaries and Aboriginal inmates, especially in the late 1920s.

Between 1911 and 1939, Aboriginal pastoral workers were exploited to ensure the success of the industry, yet were treated as labour units. In this chapter, I have illustrated that the outcomes for Aboriginal employees were that they faced low

wages, insufficient rations, violence, the removal of their wages into trust funds, and a lack of official protection from the Commonwealth. Furthermore, I demonstrated that this then led to poor outcomes in the areas of education, health and stability in the lives of those Aboriginal workers involved with the pastoral industry.

## *Chapter Nine: Conclusion*

This thesis has investigated the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. Specifically, it has critically examined outcomes of Commonwealth Aboriginal policy in the legislative areas of non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment. It has analysed the outcomes in these areas, as they were the key focus areas of Commonwealth Aboriginal legislation during that period.

Via the examination of these areas, the present study is the most recent analysis of the outcomes of Commonwealth Aboriginal policy in the Northern Territory between 1911 and 1939. As Chapter Two demonstrated, while other research has focused on these areas, including research into Aboriginal employment, child removal, and general histories of Aboriginal affairs, previous studies have generally investigated one of those specific areas (HREOC 1997; Australian Senate 2006; Kidd 2007). Employing the triangulation methodology explained in Chapter Three, the present work has provided an overarching investigation into the outcomes of Commonwealth Aboriginal policy. This approach has acknowledged that the Commonwealth desired to govern Aboriginal people in these three areas as opposed to just one specific area. Therefore, the present study has examined the full impact of Commonwealth policy for Aboriginal people in the Northern Territory between 1911 and 1939.

Further, this thesis provided a thorough analysis of the political context

surrounding the construction of Commonwealth Aboriginal policy. This investigation illustrated the influence South Australian policy and the White Australia Policy had on Commonwealth Aboriginal affairs. While other research (Markus 1990; Austin 1993; Austin 1997) takes into account these factors, they have been more fully incorporated in the present work. The study has also included the perspectives of Aboriginal people directly affected by Commonwealth Aboriginal policy. This ensured Aboriginal people's experiences have been recognized and incorporated in relation to the policy which was constructed to govern them.

The critical analysis of these factors demonstrates that between 1911 and 1939, Commonwealth governance of Aboriginal people in the Northern Territory was a unique era for Aboriginal affairs. Due to Section 51 of the Australian Constitution, the Commonwealth had not possessed the power to govern Aboriginal people as of Federation in 1901 (*Commonwealth of Australia Constitution (UK) Act: 11: s51*). In 1911, when the Commonwealth acquired control of the Northern Territory, it gained the jurisdiction to formulate and implement Aboriginal policy over approximately one quarter of Australia's Aboriginal population (Attwood and Markus 2007: 1). Consequently, the Commonwealth was adamant that it would set the example in Aboriginal affairs and demonstrate to the various colonial States that they were the leaders in this area.

The Commonwealth began by adopting the major facets of South Australia's *Northern Territory Aboriginal (SA) Act 1910*, reading it in conjunction with the *Aboriginal Ordinance (Cth) 1911*. The legislation was further changed in 1918 when

the *Aboriginal Ordinance (Cth) 1918* replaced the 1911 Ordinance. While there were variations to the Ordinances between 1911 and 1939, the key legislative areas did not substantially deviate until after World War Two, when there was a reform of race-based colonial behaviours and policies. As this thesis has demonstrated, those legislative focus areas were non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment.

The Commonwealth focus on these areas stemmed from the ideological and political influences outlined in Chapters Four and Five. Chapter Four demonstrated that colonial ideologies including natural selection, social Darwinism, miscegenation and eugenics had a major influence over the Commonwealth's governance of Aboriginal people. The race theories embedded in those ideologies constructed non-Aboriginal and Aboriginal relations as a 'problem', especially in relation to miscegenation and the increasing mixed-descent population of the Northern Territory. Further, natural selection and social Darwinism influenced colonists to believe that 'full-blood' Aboriginal people would 'die out'. Consequently, this swayed the Commonwealth to focus governmental efforts on the perceived mixed-descent 'problem'.

This then led to issues of a governmental focus on non-Aboriginal and Aboriginal relations and child welfare, especially in relation to the forced removal of mixed-descent children from their Aboriginal families. Consequently, ideological influences condoned the ill-treatment of Aboriginal people. This was evident in relation to the pastoral industry where Aboriginal employees were mistreated

physically and economically on the basis that they were ‘lesser’ humans and undeserving of the same treatment or pay as ‘white’ workers.

As Chapter Five demonstrated, prior to and during the 1911 to 1939 period, these ideological influences shaped the political context of the Northern Territory. Similar to South Australia, the Commonwealth focused their governmental efforts on Aboriginal people in relation to non-Aboriginal and Aboriginal relations, child welfare and employment. Additionally, the White Australia Policy influenced administrators to govern in terms of what would be best for ‘white’ citizens. This also related to the racial aspirations of ‘whites’ in terms of racial, social and economic outcomes. As a result, Aboriginal people were not included in the future aspirations of the nation and were excluded or feared in terms of their racial, social and economic output. Australia was to be a ‘white’ people’s country, which not only shaped immigration policy, but also Aboriginal policy. This was evident in the Northern Territory, a region was feared by White Australia Policy advocates due to its large Aboriginal population, proximity to Asia and cosmopolitan population where mixed-race relations were common despite government policies.

Between 1911 and 1939, these ideological and political influences shaped Commonwealth Aboriginal policy in the Northern Territory. Moreover, the outcomes of those policies for Aboriginal people were clearly visible in relation to non-Aboriginal and Aboriginal relations, Aboriginal child welfare and Aboriginal employment.

Chapter Six analysed the outcomes of non-Aboriginal and Aboriginal

relations. Prior to Commonwealth takeover, non-Aboriginal and Aboriginal relations had been identified as a 'problem'. This was exemplified by the 'Half-Caste' census which was conducted in the Northern Territory by the South Australian Government (Thompson 1899). The findings of the census indicated that the mixed-descent population was growing and posed a moral, economic and social 'threat' to 'white' interests in the area (Thompson 1899). The present study illustrated that the Commonwealth believed that this 'threat' needed to be combated by regulating interactions between non-Aboriginal and Aboriginal Australians.

Between 1911 and 1939, Commonwealth ideology led to a number of outcomes for Aboriginal people. Firstly, Aboriginal people were categorised according to social Darwinist constructions of 'caste'. These categorisations were formulated in accordance with race paradigms and led to the segregation of 'full-blood' Aboriginal people who were expected to 'die out'. The Commonwealth then focused on the growing mixed-descent population and regulated interactions between them and non-Aboriginal people. This resulted in Aboriginal people, especially those of mixed descent, facing loss of freedom of movement, loss of marriage rights, Aboriginal women's subjugation and the sexual exploitation of Aboriginal women. This related to the failure of the Commonwealth to enforce 'protective' legislation.

Further, in a bid to regulate cross racial relations and decrease the mixed-descent population, the Commonwealth sanctioned eugenics programs in the Northern Territory. Prior to World War Two, eugenics programs were attempted in an effort by Commonwealth administrators, mainly Cecil Cook, to 'breed out the colour'. It was

envisaged that this would ensure the success of the White Australia Policy and the disappearance of Aboriginality in the Northern Territory.

Chapter Seven then highlighted that the Commonwealth's child welfare policy was also shaped by social Darwinist beliefs concerning mixed-descent people. The Commonwealth viewed mixed-descent children as an unwanted result of miscegenation and believed they posed a threat to the Northern Territory's efforts to be 'white'. In addition, colonists believed that it was socially and racially unacceptable for Aboriginal mothers to raise 'part-white children', as it posed a threat to the viability of the White Australia Policy. These ideological constructs led to the forced removal of mixed-descent children from their Aboriginal families. Such children became institutionalised in Commonwealth facilities where they faced a lack of education, poor living conditions, poor nutrition, bad health and unsatisfactory sanitary conditions.

Institutionalised children were also exposed to eugenics programs in the Northern Territory. This was evident between 1927 and 1939 when Chief Protector Cook was in power. Under the instruction of Cook, authorities practiced child removal. Cook also arranged marriages between mixed-descent adolescents and 'whites', even calling for the sterilisation of disabled Aboriginal children housed in Commonwealth institutions. Sterilisation methods had been adopted in the United States, and Cook adopted this program in regards to eugenic practices. Cook believed that such methods would result in the 'breeding out of the colour', or simply, the biological absorption of the mixed-descent population into 'white' society.

While discussing these issues throughout Chapter Seven, the study also explored the opinions of various authors who argue that between 1911 and 1939, the forced removal of Aboriginal children did not occur in the Northern Territory (Brunton 1998; Maddock 2000; Bolt 2006; Windschuttle; Windschuttle 2010c). Via a critical analysis of archival materials and primary source documents, it was illustrated that forced child removal did occur, as the Commonwealth adopted policy which aimed and succeeded in forcibly removing Aboriginal children from their Aboriginal families in the Northern Territory.

The Commonwealth and mission relationship regarding Aboriginal child welfare also played a role in this area. The Commonwealth assisted the missionaries to partake in the practice of child removal. Like the Commonwealth, missions established institutions to cater for removed Aboriginal children, as well as creating missions specifically catering for mixed-descent people. Children were then separated from their families and lived under the strict regimes of missionaries who undertook efforts to sever Aboriginal children's links with their culture and families.

While under instruction from the Commonwealth, the missions also endeavoured to assimilate Aboriginal children into 'white' society. This was done in order to ease fears concerning miscegenation and to assist with the successful implementation of the White Australia Policy. The result of bipartisan efforts between the Commonwealth and missionaries was that Aboriginal families were fragmented, with institutionalised children being placed in conditions where they received poor education, inadequate nutrition, squalid accommodation and severance from their

culture.

Between 1911 and 1939, Aboriginal people also faced a number of issues in the employment sector. Chapter Eight illustrated that the Commonwealth wished to establish a profitable pastoral industry in the Northern Territory. For that to be realised, administrators were aware that Aboriginal workers were essential to the pastoral industry. While colonists wanted to employ 'whites' in economic enterprises, pastoralists were dependent on Aboriginal labour within the Northern Territory. However, during the period under investigation, discrimination occurred against Aboriginal workers. Within pastoral areas, where 80% of Aboriginal employees worked, pastoralists ignored and breached Ordinance regulations which gave rights to those workers (Kidd 2007: 72). Consequently, Aboriginal workers were subjected to corporal and capital punishment. These issues were further compounded by the Commonwealth's failure to enforce Ordinance regulations which protected those worker's rights.

Moreover, Aboriginal workers were improperly paid and never received the same cash wages as 'whites'. This was 'justified' on the basis of colonial arguments that Aboriginal workers were of 'lower' intellect and did not deserve equal pay. Also, when Aboriginal workers did receive cash wages, the Commonwealth and pastoral employers often placed these monies in trust funds. This led to some Aboriginal workers being unaware of their trust funds, or if they were, had difficulty accessing them. As a result, these wages were lost and the Commonwealth often spent the monies in other areas of revenue. This had a direct impact on the Stolen Wages issue,

as many Aboriginal workers are still owed wages for the work they conducted between 1911 and 1939.

Whenever Aboriginal workers were not paid a cash wage, they should have received ration payments. However, this material form of payment was also avoided by pastoralists. This led to Aboriginal workers being treated as slaves, and resulted in the deterioration of their health in pastoral areas. While Aboriginal workers were essential to the success of the pastoral industry, they received low wages, had money taken and placed in trust funds, received insufficient rations and faced violence on pastoral stations.

Between 1911 and 1939, the outcomes of Commonwealth Aboriginal policy in the Northern Territory were very poor for Aboriginal people. In their endeavours to set a good example in Aboriginal affairs for the States, the Commonwealth failed. While World War Two saw the escalation and eventual rejection of colonial behaviours, the Commonwealth's Northern Territory was a prime example of the ill effects facing Aboriginal people trapped within the colonial realm. Furthermore, after the conclusion of World War Two, there was a continuation of the Commonwealth's Aboriginal policy paradigms from the 1911-1939 period.

In the post-World War Two era, Paul Hasluck, the Liberal Member for the seat of Curtin, became the protagonist for the development of assimilation policy in the Northern Territory (Hasluck 1953; Hasluck 1988). In 1951, as the newly-appointed Minister for Territories, Hasluck called a meeting of State and Territory dignitaries to discuss future directions for Aboriginal policy (Broome 2001; Haebich

2000). At the conference, as had been done at the *1937 Initial Conference of Commonwealth and State Aboriginal Authorities*, it was agreed that assimilation would be a national ‘effort’ where “it behoves of all sections of the community to cooperate in the ultimate absorption of our native people” (Australian Commonwealth 1951: 1). Subsequent policy, including the *Welfare Ordinance (Cth) 1953*, continued to target Aboriginal people on the basis of race with a view to assimilating them into ‘white’ society. For two decades these measures continued, only subsiding in 1973 when the Commonwealth disbanded the White Australia Policy and replaced assimilation policy with self-determination.

While self-determination policy marked a shift in Commonwealth and State approaches towards Aboriginal people, paternalism has once again surfaced in Commonwealth Aboriginal policy. On the 21<sup>st</sup> of June 2007, then Liberal Prime Minister, John Howard, and Minister for Indigenous Affairs, Mal Brough, declared a national emergency in relation to extensive allegations of child sexual abuse in the Northern Territory (Anderson and Wild 2007; Hinkson 2007). Following the *Little Children are Sacred* report, the Northern Territory Emergency Response (NTER) was declared by the Howard government (Hinkson 2007: 1). The approach adopted by the Howard government was more akin to interventionist policy directions seen in Aboriginal affairs in the Northern Territory between 1911 and 1939. The measures for the NTER included alcohol restrictions, welfare quarantining, enforced school attendance, compulsory health checks for Aboriginal children, acquisition of Aboriginal townships and increased policing of Aboriginal

communities and people (Hinkson 2007: 1-2). The NTER and its paternalistic measures have continued largely unchanged until present under the Howard, Rudd and Gillard governments. While the results of the NTER are yet to be determined, evidence from the period investigated in this thesis suggests that paternalistic Commonwealth practices have resulted in negative outcomes for Aboriginal people.

The ill effects of colonial practices instigated in the Northern Territory between 1911 and 1939 should not be forgotten so that similar policy is not reinstated or continued in contemporary Australia. The outcomes of Commonwealth Aboriginal policy in the Northern Territory during 1911-1939 need to be remembered not as a mechanism for guilt or shame, but as a warning to what can occur when colonialist attitudes are expressed, when paternalism is allowed, and when racist opinion and praxis capture the imagination of the majority of the Australian public and administration.

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