This last book of Professor Rowley’s trilogy on Aboriginal Policy and Practice deals with the situation of the ‘full-blood’ Aborigines in the centre and north of Australia. The author refers to this area as ‘colonial Australia’, offering reasons including the restrictions on movement by the Aborigines, with the resultant emphasis on mission and government ‘settlements’; the much lower wages paid to Aborigines in the area; the withholding of social service benefits which other Australians may obtain easily; and the power vested in officials and missionaries to control Aborigines.

Professor Rowley argues that, in the remote areas, policy and practice of government must be altered fundamentally, otherwise the last remnants of the tribes will be reduced to the situation described in Outcasts in White Australia.

Like Rowley’s other two books, this one is an indictment of white Australian indifference to the maltreatment of an inarticulate minority. His basic argument is that no policy can now succeed without reconciliation; that governments, after two centuries, must come at last to negotiate with the Aborigines. It is also argued that even now it may not be too late to learn from the Aboriginal how to see and appreciate the continent in which we live. But this is an issue which demands some humility from non-Aboriginal Australians.

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Aborigines in Australian Society 7

A series sponsored by
The Social Science Research Council of Australia
THE REMOTE ABORIGINES

NOTE ON THE SERIES

The Social Science Research Council of Australia, which was founded in its present form in 1952, is the national organisation of social scientists. Some of its major functions are:

- to encourage the advancement of the social sciences in Australia;
- to act as a co-ordinating group for the promotion of research and teaching in the social sciences;
- to foster research and to subsidise the publication of studies in the social sciences.

To these ends the Council has sponsored a number of major research projects. The first related to the role of women in public and professional life in Australia and was carried out by Mr Norman MacKenzie. His report, together with the associated study of the legal status of women in Australia by Dr Enid Campbell, was published in 1962 in a book, Women in Australia (F.W. Cheshire Pty Ltd, Melbourne).

The second major project, carried out by a group of economists, was concerned with the Australian taxation structure and under the authorship of R.I. Downing, H.W. Arndt, A.H. Boxer, and R.L. Mathews. The results were published in 1964 in Taxation in Australia: Agenda for Reform (Melbourne University Press, Melbourne).

In 1963 the Council approved its third and most ambitious major project, Aborigines in Australian Society, with the broad objectives of elucidating the problems arising from contacts between Aborigines and non-Aborigines and formulating policy implications from these; drawing together existing knowledge in various parts of Australia.
and undertaking such further original research as can be carried out over a period of three years.

In May 1964, Mr C.D. Rowley, formerly Principal of the Australian School of Pacific Administration in Sydney, was appointed Director of the Project, to work under the general guidance of a Project Committee appointed by the Council. The volumes now being published represent a major research enterprise in which many social scientists collaborated over the length and breadth of Australia.

However, the whole enterprise depended in very large measure on the magnificent support received, from the outset, from the Myer Foundation of Australia and the Sidney Myer Charity Trust. The Council wishes to acknowledge its gratitude for their generosity.

W.D. Borrie
Canberra, 1969
Preface

Preliminary drafts of this book, and of The Destruction of Aboriginal Society, have been in limited circulation since 1968. I would hope that some of its suggestions have already made some small impact. It was written originally to be first in the series, mainly because in the period 1965-6 developments in Australia's north and centre were pushing Aboriginal relationships with other Australians into the forefront of attention. But preparation for publication proved to be a long process, and the order of volumes had to be changed.

A good deal has happened in the short time since this was written; but the basic problems outlined here remain.

This is the last opportunity I have to thank those who have so patiently and efficiently typed the three volumes: Mrs Fancy Lawrence, Miss Helen Woodger, and Mrs Doris Middleton, all of Sydney; and Mrs Jean Hooper and Mrs Ellen Jones, Port Moresby. I also owe thanks to Miss Jenny Atkins, for her valuable work as research assistant.

C.D. Rowley
Port Moresby, 1970
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INTRODUCTION:

‘COLONIAL’ CONDITIONS IN AUSTRALIA

In applying the term ‘colonial Australia’ to the area north of the dividing line in Map 1 which corresponds to the dividing line in our endpaper map, and which roughly demarcates the desert and sparsely settled pastoral country, I have it in mind that in these northern and central regions the social relationships between the indigenous and the settler populations represent an earlier phase of changes brought by European settlement, and that there are many aspects remaining in the relations between the races which are typical of industrial colonialism. Aborigines of the full descent form the majority of non-Europeans in this region. Here, also, Aboriginal culture retains, to varying degrees, its significance for conduct and as a determinant of the Aboriginal ‘world view’ and value system. Significant also is the relationship of white settler to coloured labour; of white missionary to coloured mission community; and of white public servants, engaged in ‘native’ administration, to those who come under the legislation.

Two points need to be made here. The first is a reminder of the provisions for exemption of Aborigines from the special legislation on which ‘native administration’ has been based, and to which we have already referred in Appendix A of Vol. I, The Destruction of Aboriginal Society; and that this can be paralleled by the colonial legislation which in some colonies provided for the ‘native’ to become formally a citizen assimilé. The second is that the last few years have been marked by important legislative changes, which have had the most spectacular effects on legal status of Aborigines in the Northern Territory, where only Aborigines of the full descent came into the category of ward, and where this category by 1967 retained only residual legal implications (especially in the area of wage fixation). Of
profound importance has been the admission of Aborigines to the franchise.

Map 1. Rural land use, showing ‘colonial’ and ‘settled’ Australia

Key. 1. Large Aboriginal reserves in ‘colonial Australia’, 1966.
2. Large urban and industrial areas.
3. The sugar coast.
4. Dairying, beef cattle, and crop farming.
5. Meat animals, sown pastures, orchards, vegetables.
7. Large-scale wool sheep grazing and some cattle.
8. Large-scale beef cattle grazing.
9. Thinly settled or unoccupied.
10. Boundary between ‘settled’ and ‘colonial’ areas.

But long-established social relationships and the settler economy based on them are slow to change, and so of course are attitudes deeply rooted in the history of inter-racial contacts. This can only be an opinion; but it seems to me that settler and employer attitudes to ‘natives’ in this northern region cover much the same range as those of white Australians in New Guinea; that the range is broadly from the benevolently paternal to the
crucially exploitative of the coloured 'unit of labour'; and that certain common factors in the historical background of northern and central Australia and of New Guinea (and the colonial areas generally) have made this inevitable.

The establishment of a settler community in Papua resulted from an extension of the same frontier which had moved round the coastal regions of Australia and into the centre of the continent. But in the early years of the Papuan frontier, certain differences became clear—for instance the economic potential was mainly in the copra trade with villages, and in copra plantations, as against pastoral activities on the mainland. Dependence on a tropical export crop made necessary careful management and husbandry of the indigenous labour supply to an extent that early pastoral activities did not. The willingness of villagers to come out to work was in itself an important economic asset. Moreover (and here perhaps was the fundamental difference), the settler community, its government, missions, all had to deal with settled villagers, more or less securely rooted through agriculture in particular areas of land and waters, even though within these areas there were patterns of shifting cultivation. The very density of this population made it necessary for government to go to the village, and to be geared to the control and taxation of, and to economic contacts with, 'native' villages, rather than with 'native' individuals. I use the term 'village' here deliberately and somewhat loosely, to indicate any social unit traditionally in control of its own lands and waters, and so organised within its area as to maintain a recognised pattern of cultivation rights. Typical of the tropical colony everywhere was area administration, which involved a two-way interaction between official and village.

Government in northern Australia (as indeed all over the continent at a corresponding phase of settlement), in so far as it was concerned with 'native administration', tried to deal with the effects of social disintegration resulting from a different kind of contact. This involved dispossession from the land, with a drastic change in the total ecology and in possibilities of land use for the Aboriginal through substitution of fauna, often to an extent which rendered largely irrelevant, in the time span of one generation in successive areas, the Aboriginal adaptations to the environment, in hunting and gathering. The accompanying social disorders made it difficult for Aboriginal society to adjust in accordance with its own laws to overwhelming external pressures. There was no settled 'village' within which innovations and adjustments could be worked out and the autonomy of the Aboriginal social unit was rendered impossible. The old skills of hunting, applied in the new context to the new fauna, meant that the Aboriginal
group appeared mainly as an economic menace: an obsolete pest, to be removed from the regions of pastoral settlement, except to the extent that use was made of Aboriginal labour. This process was so easy for the settlers that efforts to develop ‘native administration’ were not economically necessary until a later stage, when rapid depopulation was threatening the labour supply which was essential. When this need, backed by humanitarian pressures, led to a limited experiment (in the Northern Territory in the late 1930s) with colonial methods of area administration, most emphasis was on limited charitable relief.

If these northern regions had been as promising for European settlement as those in the south, and if the European migrants had been available, the Aboriginal population all over the continent would probably have been in much the same case, by the mid-twentieth century, as it is in the ‘settled’ areas. The limits set to possibilities of industrial land use by the nature of the country, and by the requirements of pastoral and agricultural technology at the time, seem to have been more important in retaining in ‘colonial Australia’ the more obvious features of a colonial and plural society than the time factor, since the expansion of pastoral settlement was very rapid. Another factor, of course, was distance from the seaports and markets; but had the potential been there for the technology of the time, development of seaports and communications would have followed, as elsewhere. One has only to see a 40,000-ton vessel loading bauxite at Weipa to realise this.

The Aboriginal situation as a whole bears some comparison with that in other ‘colonies of settlement’ where the indigenous people have been outnumbered and overwhelmed by white settlers who established Western states in the ‘new worlds’ of the Americas, New Zealand, and southern Africa. There is in each case a historical phase when administration is ‘colonial’ in the sense that it belongs to a European government overseas, which attempts or purports to regulate the relations between the ‘natives’ and the settlers.

With the transfer of executive power, by revolution or by agreement, to the institutions of the settler community, the ‘salt-water’ component of colonialism disappears. From the American revolutions to the Rhodesian ‘unilateral declaration of independence’ the result has been to leave the indigenous inhabitants under control of settler interests, in circumstances where control of the land is a basic requirement for wealth. This happened mainly in temperate climates, where the agricultural and pastoral technologies of Europe could be more easily applied, where health of settlers could be maintained, and the settler population increased.
The colonies of the tropical world, and of course those established in Asia, have been called ‘colonies of exploitation’ partly because large settler populations were not established. The land was either heavily populated already or was situated in areas where European settlement was not attractive because of climatic factors, involving unfamiliar problems for agriculture and the threat of tropical disease. European settlers were not required where there were settled indigenous populations which could be used to supply labour and raw materials for the European-controlled import and export trade. Broadly, Australian New Guinea has been in this category; and its destiny seems to lie in the direction of other colonies of exploitation, in an era of which colonial revolt has been one of the most remarkable features.

But so long as the indigenous people within a nation state are not charmed into participation in a new way of living or somehow included to the point where they wish to lose themselves in the settler society, or find some basis for self-contained adjustment within it, they are in a situation broadly comparable with that of the ‘natives’ in the tropical or other colony of exploitation. That such people may form a small racial and cultural minority, trapped, as it were, within the European state, will, so long as they retain any determination to resist an administration which appears to them alien, tend to maintain or exacerbate the responses which have resulted in the colonial revolts. The potential for dissidence remains, though there may be no hope of political separation. It will be stimulated and maintained by social and economic exclusion from participation on equal terms with the majority.

From the history, one would expect Aboriginal society to be marked by this dissidence. In this context, the intransigence of Aborigines, whether part-Aboriginal or of the full descent, in the southern regions, in fringe dwellings, on government Aboriginal stations and reserves, and more recently in the central areas of the metropolitan cities, has a direct relationship to the intransigence of the colonial rebel. And it may be more profitable for inquiry to be concerned with what is common to all mankind rather than with cultural differences. At least it can be argued that an unhistorical approach is a myopic one; and that a study which concerns itself with the reconstruction of Aboriginal culture only, for the explanation of why Aborigines ‘behave as they do’, assuming a simple unilinear causation, is likely to prove inadequate for the purpose of policy-making. The colonial background of Australian society has profoundly affected the dominant attitudes and the assumptions of the policy-makers, for the ‘Australian dream’ has been of a white Australia, possible because a settler
community looked out on a surrounding world to see repeated the inter-racial pattern within Australia—a world in which white men dominated others, and where the existing relationship between 'white' and 'coloured' appeared permanent.

**THE TORRES STRAIT ISLANDERS**

One situation within 'colonial Australia' points up the difference between the impact of colonial rule on village gardeners and that on Aboriginal nomads. It is the more interesting in this context since the same sub-department of the Queensland Government is responsible for Aboriginal administration and that concerned with villagers overseas. The case, of course, is that of the Torres Strait Islanders. The Queensland Government may be fairly regarded as having been at least as consistently paternal in its dealings with 'natives' as any other in Australia since 1897, and has remained firmly committed to such a policy into the 1970s. But the Torres Strait Islanders were in a far less vulnerable situation than the mainland 'natives'. They occupied no lands required for cattle runs. Their villages were always somewhat difficult of access. Alien government has, as in Papua and New Guinea, tended to the control rather than to the administrative penetration of villages; and the retention of indigenous land rights for indigenous purposes, along with continued involvement in marine enterprises, has meant that their situation can be compared with that of neighbouring Papuan coastal villages. Village autonomy was not destroyed; and as Jeremy Beckett has shown, the type of institution established by the London Missionary Society and by the government of Queensland did not render impossible the 'internal government' of the group.¹

They were able to come into the cash economy gradually, over a long period. They engaged in bêche-de-mer and turtle fishing from about 1846, and pearling from 1868. The subsistence activities have been retained and though there is dependence on wage labour, gardening and fishing for subsistence remain. The Queensland Resident, at Somerset from 1863, and at Thursday Island from 1877, was interested mainly in order, the marine industries, and control of Torres Strait. Annexation of the islands was completed in 1879. At the turn of the century, Chester, the Resident, had the villages choose councillors to assist the indigenous 'magistrates' who had been functioning as representatives of government. (Like the

Village Constables in Papua, these magistrates probably saw themselves as villagers, and acted to avoid a too deep intrusion of government into the things which to villagers really mattered. It became the function of the Queensland school teachers appointed a few years later to the six islands to supervise the Island (local government) Councils. Not only were these Island Councils functioning for half a century before elected councils in Papua and New Guinea, but they exercised court powers. The mamoose, the indigenous magistrate, could decide minor cases and impose sentences of fining or imprisonment, while the councillors acted as court assessors and conferred with him on village needs. (Possibly the greatest lack in the local government system in Papua and New Guinea has been that of the indigenous court.) As business enterprises developed, the Queensland Department of Native Affairs, as it still does, dealt with 'companies' organised on kinship lines.

As elsewhere in colonial administration, this approximation to 'indirect rule' in the relations of the Queensland authorities to the Islanders arose largely from the lack of adequate staff for close supervision. The village social order may be regarded as a protective carapace, within and under which the villagers made their own decisions in adjustments to change. The administrative adjustments with the mamoose and the councils formed an external adjustment and extension of the carapace, enabling this to interlock with central administration sufficiently for government to assume that all was well. The social base from which the men have gone out into the cash economy, the base to which they have always been able to return, was comparatively secure.

The Aboriginal experience was in complete contrast, not as the direct result of the taking of the land and the destruction of the balance of nature to which Aboriginal skills were relevant, but rather because these and other changes brought about the rapid loss of Aboriginal social autonomy. Aboriginal society, in contact with the West, lacked the protective carapace; it was especially easy to penetrate and to wreck. The contrast appears to be reflected in the view of themselves held by, and in the confidence of, Islanders, and in the attitudes to them of other Australians. Hundreds of them are employed on the mainland, and some have brought their families. I found that along the Queensland coast north of Rockhampton, the 'coloured' man who achieves social and economic success tends to be classified as an 'Islander'. One who drinks to excess, or who for any reason appears as a 'failure' in terms of majority mores, is likely to

Ibid.
be classified as Aboriginal. Torres Strait Islanders can be found among the seasonal fruit-pickers in Victoria; and groups of them have been employed on the construction work on the standard gauge railway in Western Australia, and in mining construction, in the west, as at Mount Tom Price. The Torres Strait Islanders form a special enclave within 'colonial Australia'; and the difference of original social organisation, and of the nature of the colonial contacts, may assist us to delineate the special features of colonial impacts on Aboriginal society.

NEW COMPANIES IN 'COLONIAL AUSTRALIA'

Perhaps the situation of the Islanders might be compared with that of the Puerto Ricans who go into the United States while retaining their homes across the seas. But the remainder of 'colonial Australia' may fairly be compared with Alaska and northern Canada rather than with any part of the United States below the Canadian border. Both are regions of very sparse population, of which, outside the towns, the indigenous people make up a substantial proportion. In both there is a frontier settler society of the traditional type, made up of white settlers who have adapted European enterprises to a harsh environment, forming an extension of the colonisation of the temperate regions into marginal areas, and living in an economy in which 'natives' and part-natives (Metis or 'half-caste') play some part. In both cases very great changes are in train, which seem likely to render obsolete what Charles C. Hughes has called the 'reactive control' of these difficult environments, learned to a large extent by the early European 'battlers' from the Aborigines in the Australian case, and by the 'sourdoughs' from Indian and Eskimo in northern America.

But the very large scale investment required for the most modern forms of mining (plus the development of large defence installations like the D.E.W. Line in north America, which might well have some kind of moderate counterpart at points in northern Australia) forms what Hughes has called an 'instrument of control' in a new sense, making it possible, within the new enclaves being established, to create the kind of environment required for the most efficient operation of industries which have

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3 This strong impression was gathered from conversations with Police Protectors and with members of local government authorities between Mackay and Townsville in 1964. The assumption was almost universal that the Islanders were 'more intelligent' and 'more reliable' than persons of Aboriginal descent. No doubt this attitude to the Aboriginal, to the extent that it can be assumed to be shared by employers and officials, and to represent a general prejudice, operates as a self-fulfilling prophecy.
been developed, in the first instance, in the environment of the temperate zones.\footnote{Charles C. Hughes, 'Observations on Community Change in the North', \textit{Anthropologica} (Canadian Research Centre for Anthropology, University of Ottawa), N.S., vol. 5, no. 1, 1963, p. 73.} Money, writes Hughes,

\begin{quote}
... can make a person or group more effective in terms of resources, skills and knowledge for meeting the demands of particular types of environment. But it can also help create that very environment—perhaps the supreme expression of control and adaptation in the constant transaction between organism and surroundings that is the life process.\footnote{Ibid.}
\end{quote}

Hughes's comment raises basic moral issues, especially for northern Australia. The Aborigines through the centuries had maintained life on the basis of one set of 'techniques of reactive control'. The pastoralists and others, to the extent that they changed the environment and introduced the cash economy, created new conditions of life; yet there remained a balance with nature in which the control of pastoral enterprises depended on the adaptations to the country, in which the Aborigines remained the generally unacknowledged masters. Now the beginning of a new phase can be seen, in the application of science and large-scale investment, not only in the type of mining enterprise like that at Weipa or on Groote Eylandt, but within the pastoral industry also. Already, as was made abundantly clear by the pastoral employers in the case of the application by the North Australia Workers' Union for award wages for Aboriginal pastoral workers, it is at least theoretically possible to conceive of a pastoral industry without Aboriginal workers, though the theory of an effective labour force from elsewhere is open to very serious doubt.

But the moral question is posed even more clearly in the cases of the new enterprises, and it involves the extent to which the population of lands in which these are established is to participate. The old question of the 'rights' arising from prior occupation is being posed anew, with the extension of the most modern techniques of investment and control into our own northern regions raising issues of shares in the enterprises as well as of the attainment of skills for employment in them. So far the discussion has been related mainly to the cases where portions have been excised from an old Aboriginal reserve for a new type of investment. It is very easy for the large enterprise to establish occupational communities of migrants to the north, with the requisite skills, alongside the old mission or other Aboriginal group. It is easy enough for a government (unless there is a spectacular protest as in the petition of the Yirrkala people) to deal only
with the economic issues in such a case. Yet this may be the first challenge to Aboriginal assumptions that they have been conceded priority in their 'country'.

Thus a moral question which has remained unanswered since 1788 is being raised again. Concession of a right based on prior occupation (already made by the Commonwealth in the Northern Territory (Administration) Act 1959 which provides that royalties from minerals and timber exploitation of reserves be spent on Aboriginal welfare) raises the question of claims to shares and royalties, as well as of employment and training. The possibilities may be illustrated by the employment, on the same conditions as others, of Aborigines by the Broken Hill Proprietary Company Ltd in its Groote Eylandt enterprise.

But it is almost impossible to know, at this stage, just how quickly change is occurring. Where the emphasis of governments results in priorities for the most rapid economic development, the fate of the indigenous population may not be clear until it is presented as a 'problem' arising from the fait accompli. What is to happen, one may ask, to the Aboriginal miners in the Pilbara region of Western Australia? What eventual role in the development of Cape York bauxite enterprises, or in those of Gove, in Arnhem Land, are the Aboriginal inhabitants of these areas to play?

It is interesting that similar questions have been raised by the indigenous people themselves in the case of the proposed investment by the Rio Tinto interests in Bougainville, within the Territory of Papua and New Guinea. But here the colonial context has been more clear, with separation of the colony from Australia politically probable. Attitudes of the indigenous inhabitants in this context have a political force which they have never had within Australia. This does not mean that the questions raised in 'colonial Australia' are different; but the answers have been profoundly different in that Aboriginal claims based on prior occupation have been recognised (with one recent and important exception) only as forming an entitlement to welfare services, while New Guinean land rights have been safeguarded by the recognition of customary claims. Most probably the new developments will pass by the Aborigines on the spot, using their services more sparsely, and with even more limited sharing of the product than has been the case with the pastoral enterprise.

This probability, linked with a unique opportunity to work towards a new kind of participation, forms a strong case for the reappraisal of the situation of Aboriginal social groups in the north. There seems to be a

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6 The exception referred to is the South Australian Aboriginal Lands Trust Act, 1966.
case for policy to be aimed at the eventual formation of Aboriginal companies, to which rights to some share in new enterprises may be established in the law. Corporate bodies can be advised, sustained, argued with, subsidised, sue or be sued, obtain their own or accept from government sources legal advice, even negotiate with employers and unions on labour problems, where the questions involve adaptation of indigenous custom to the logic of the enterprise. Or they can provide the opportunity for opinion to coalesce and be expressed on matters which administrators, business enterprises, and individuals may overlook—for instance, in the matter of keeping sacred areas inviolate. At the same time, they may, by making necessary the leadership with which government or enterprise deals, provide that carapace which the Aboriginal social group has always lacked, the protective shell within which inter-personal and inter-familial adjustments to change, and new patterns of leadership and organisation, relevant to the challenges of new possibilities, may be worked out by interaction with a minimum of ‘outside’ interference.

The difficulties are clear enough. But it is significant that there is a new trend on the part of governments and even Christian missions to talk of devolution of responsibility to Aboriginal communities. And whatever the difficulties may be, in this direction only seems to lie any hope for a constructive change towards involvement in the economy, while retaining what remains of group autonomy. And, in so far as autonomy has been lost, organisation of this kind seems to offer the only hope for its development. Without it, there can be no new incentives stimulating Aboriginal pressures to improve the Aboriginal lot. Only organisations which provide for a degree of autonomy can give legitimacy to Aboriginal leadership, and a social enclave within which it can develop. The alternative, and the price of failure to achieve something like this, seems to be a rapidly increasing ‘fringe’ and dependent population in ‘colonial Australia’.

The new but passing opportunity is to build such organisation into the economic and social fabric of ‘colonial Australia’, before new property relationships have hardened so as to limit the political possibilities for innovation. But the ‘bus may well be missed. In fact, it probably will be. The result will not necessarily be to make provisions for autonomy impossible, but rather to make them more difficult—as difficult as they have become, for instance, in ‘settled Australia’ or in the pastoral industry. For the plight of the Aboriginal in ‘settled Australia’ is simply that to which the situation in ‘colonial Australia’ is leading. It has been arrested in a frontier condition by the later beginning and the slower pace of economic development and by the fact that the administration and the economic
development of the north has in some respects been that characteristic of a tropical colony.

It is perhaps significant that Aboriginal protest action, as distinct from protest, has come, during the last two decades, from small Aboriginal groups in 'colonial Australia' which have maintained some power to act, to make crucial decisions, and to adhere to them. In Western Australia, there has been the action of the Pindan Company, and subsequently of Nomads Ltd, both involving defiance of the employer interest, and at first of government authority, with group involvement in independent (mining) enterprises. More recently, in the Northern Territory, there have been decisions to 'walk off' some of the cattle stations. This is something more than strike action, because of the more complete relationship with the station than that of employee to enterprise. It has involved whole communities, including pensioners and dependants of the workers. Such events resemble 'colonial' acts of protest in that they have other features than those which mark Western industrial disputes. They also involve, to some extent, inter-cultural tensions. Such aspects as the retention within the Pindan movement of the Aboriginal Law and its adaptation to the mining operation are possible because (and only where) two systems of legitimacy remain in juxtaposition, with at least sufficient of the indigenous culture remaining to provide a basis for Aboriginal, as distinct from purely Western, decision-making and leadership.

That such action crystallises issues for Aborigines and their advisers in 'settled Australia' has been evident at meetings of the only national pressure group for Aboriginal interests, the Federal Council for Aboriginal Advancement. The first signs of Aboriginal hitting power in the north have taken up a good deal of the discussion and energies of this body, while the probably even more disastrous situation of the fringe dwellers of the 'settled' areas continues mainly to produce recommendations for government action, in such areas as civil rights, education, health, housing, co-operatives, and the like.

Aboriginal action in 'colonial Australia' has demonstrated the possibilities of group action on local issues. What remains of Aboriginal culture among the part-Aborigines of 'settled Australia' can provide neither means of decision-making nor legitimacy for leadership. Yet effective participation in the general society and economy may, in the face of majority prejudice and pessimism, be won only through effective group pressures. To the extent that governments are determined to promote such participation, it appears that the main aim of administration should be to invest, at whatever risk, in institutions which involve the recognition
and respect of group autonomy. What a very few Aboriginal groups have begun to take (and which amounts to no more than is the right of the citizen) many more Aboriginal groups must be helped to organise for. Decision-making and leadership may come only when there are opportunities for Aborigines to act on their own decisions on matters of consequence to them, and when they believe that such action is in fact possible. The very confidence to act is largely lacking, to a degree that independent action may appear as a defiance of authority; as in fact it may be in many situations, even when the action is well within the rights of the citizen. A new confidence requires a change of social milieu.

It is in this connection that the role of the Aboriginal proprietary company—a true corporate body, and also a legal-administrative carapace, within and under which the battles for leadership are fought out in accordance with rules on which the members have agreed, decisions arrived at on things that matter to the members, and action organised and attempted—seems especially significant. It makes possible a meaningful identity and a pride in it, and a dialogue with, rather than an evasion of, government. Such an objective will be extremely difficult to achieve. Yet it forms one—in my opinion the only—way to provide effective incentives for such social changes as will enable the Aboriginal caste to demand, with a chance of success, access to all strata of Australian society.

Without incentives for Aboriginal effort and organisation, efforts in special fields—education, health, exercise of newly conceded civil rights, technical training, all worth while in terms of the individuals whose welfare they may increase—will be most likely to leave, in the train of the population increases we have forecast, an increasing ‘problem’ population. For framing a national policy there is one considerable advantage—that the same kind of approach is most likely to succeed in both types of situation—that which predominates in ‘colonial Australia’, and that which marks most of ‘settled Australia’. The basic cause of Aboriginal lack of achievement is the same—the prejudice and the pessimism of the electorates and the governments. The confrontation of prejudice requires the kind of confidence which is produced in organised communities, with effective leadership.

‘Colonial’ Type Restraints and Urbanisation

The term ‘colonial’, applied to part of the continent, may affront national sentiment. But it is justified by many of the facts. In labour relations, for instance, there could still be in the late 1960s a discussion, in the highest
industrial court of the land, as to whether it is proper for Aboriginal ‘natives’ to be paid the same basic award as others; and a deferment of admitted rights in their cases, with suggestions as to special adaptation of ‘slow worker’ provisions of an award on grounds of expediency. There remain, in Queensland, vestiges of the individual contract of employment, under which the individual worker is bound to a particular employer with wages and conditions of a standard suitable for ‘natives’ only. In some areas ‘native’ wages are still so low that they cannot easily be used as a work incentive. Where this occurs, the threat of force as the incentive is always possible. Management of the pastoral enterprises is often obsolete, and the situation typical of colonial ‘white management and coloured labour’. These are facts in the current situation. The history has involved much heavier impact from what is commonly referred to as ‘colonial exploitation’ than one can find in the background of many admittedly colonial situations, like that of New Guinea for instance.

Throughout all this region, until recently, legislation provided different rights for ‘natives’. In 1967 this was still the case in Queensland and Western Australia; while the removal of the legal restrictions on those in the Northern Territory was still so recent that probably few outside the towns realised what had happened, except perhaps in the matter of access to alcohol. The special legislation was both protective and restrictive, as in colonial areas. It has involved the use of permit systems, to limit the contacts of Aborigines with other Australians. There have been curfew systems, and laws which were intended to keep Aborigines out of the towns. Even in the Northern Territory, where most of the special legislation has gone since August 1964, and where legally it appears that all Aborigines now have freedom of movement, it is necessary for non-Aborigines to have government authority to visit Aboriginal reserves on which missions and government-controlled settlements are established. The Administration may refuse such access on the grounds that ‘our Aborigines’ should not be ‘disturbed’. I am not here arguing the rights or wrongs of such provisions, which are based in law, but simply pointing out that in the region where the restrictive laws have largely disappeared, typical colonial legal restrictions remain.

‘Colonial Australia’ has some features, at least, of the plural societies. The Europeans there include a high proportion of transients, and others whose stay there is part of a career. They may go there to make money, or to advance their careers, but not to settle. The great occasions of life

\[7\] Northern Territory, Social Welfare Ordinance 1964.
will be celebrated and retirement spent in the more congenial surroundings of 'home' in the south. That this is something more than an effect of high mobility in the general population may be illustrated by the very high turnover of 'white' labour.

Social status tends to correspond with the ethnic groupings; and if these do not confront one another as obviously in the towns as they do in those of a more obviously colonial area like New Guinea, this is partly at least the result of legislation and other measures in the past which have restricted many Aborigines to missions and government settlements. There would obviously be many more of them in Cairns, Cooktown, Darwin, Tennant Creek, Alice Springs, Wyndham, Derby, Broome, and other towns, but for the past limits imposed on urbanisation.

One result is that there are large numbers of Aborigines in institutions who, under a laissez-faire policy, would probably form part of much larger town-dwelling populations today. Western Australia forms a partial exception to this, in that it has no equivalent of the government settlements of the Northern Territory and Queensland. Financially, that State had not been in the position to invest heavily in its Aboriginal institutions in the north; and S.G. Middleton, who assumed office in 1948 as Commissioner for Native Affairs, dispensed with the government-controlled settlements. In the northern regions of the State, these had been cattle stations, established partly to prevent cattle killing by Aborigines, but within a few years they had all been disposed of. At the same time, however, the government subsidy to mission controlled institutions was increased.

With the exception of Darwin, a large administrative centre to which the needs of public servants has attracted the necessary subsidiary services, the townships in the 'colonial' region are small, reflecting the sparseness of the population as a whole. If we assume that the pastoral properties are not likely to provide for employment of more than they do now, it seems inevitable that if the governments of Queensland and the Northern Territory ceased to maintain Aborigines on the large settlements, and if the governments ceased to subsidise missions to do so, substantial numbers would drift into the towns. Most of these reserves are in locations with small known economic potential, and those where new mining develop-

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ments raise possibilities of participation are the exceptions. Here are questions of extraordinary difficulty, made more so by the large capital investments by Queensland and the Northern Territory in their Aboriginal institutions and in the missions. Yet without them there would have been far fewer Aborigines in these distant regions to present this specially difficult facet of the 'problem'.

J.P.M. Long (referring only to 'colonial Australia', as we have defined it) has estimated a total population of round 9,000 in these large mission and government communities along the northern coasts (leaving out of account those who live on small reserves, often adjacent to a township), and in the central desert region another 3,500 or so; a total of about one-third of the censused figures for Aboriginals in 1961. Moreover, it is in these situations that Aborigines of the full descent are increasing most rapidly. Long refers to settlements where over half the population is under 15 years of age, and maintaining rates of natural increase of over 2 per cent per annum, in spite of relatively high death rates for children under 4 years, which the increasing effectiveness of health measures will almost certainly reduce.

It is certain that the future will be marked by the lessening of controls over Aboriginal movements on the part of the four governments with responsibilities in 'colonial Australia'. Only in Queensland is there tight legal control, but this runs against the whole current of the politics and trends in Aboriginal affairs. As Aboriginal horizons are extended by education, it seems certain that there will be a substantial increase in urbanisation. The drift into towns which in the past was arrested, or reversed, by administrative measures and by the availability of food and shelter on the missions and settlements, may well make more obvious, in the towns, the fact of the plural society. It also seems an essential prerequisite for administrative measures to get to grips with the real problems, if only because it makes their true difficulty obvious; for it is not conceivable that rapidly increasing pauper populations can remain indefinitely under paternal supervision in institutions. In fact, the main justification offered for the institutions by authority is that they are training centres, to prepare the people to move out into the community.

But the resources of most of these places, and the isolation from the main lines of communication with the national economy, offer little hope for many of them as economic 'growing points', and even less as places

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where Aborigines can get to grips with their main handicaps and problems. The location for such skills and equipment as is necessary for 'training' must obviously be the towns—both those which are there already, and those which are planned or in course of construction as part of the economic revolution which is occurring with large-scale mining in 'colonial' areas. A realistic policy of economic integration would be concerned now with planning to face this problem, in two ways. The first is to ensure that the old relationship of reserve or settlement with the new towns is not perpetuated, or established at the new sites. The second is to extend the urban services in the old established towns, to make the present 'fringe' areas integral parts of the town, and to make as easy as possible the movement from the settlement or mission to the nearest town. If we accept that the town has to be the growing point, the expenditure of increased sums on facilities where no town can ever flourish seems no more than a wasteful attempt to stave off the inevitable. Planned urbanisation does not mean controlled movement, but the opportunity to visit under proper conditions, or to choose between the reserve and the town. The social arguments are at least as important as the economic ones, since prejudice thrives on separateness. It may, unfortunately, survive in face-to-face situations.

Yet the town is, in itself, as its population grows, a potential economic asset, since the aggregation of larger populations offers at least increased hope for the setting up of industries. An interesting current example is Alice Springs, where Alta Gordon, a research worker with this Project, found in 1965 that there were three components of the population of some 6,000 people—the whites, the 'coloured' people, most of whom were part-Aboriginal, and the Aborigines of the full descent.

The full-bloods [she writes] were accepted by the Europeans as a colourful part of the environment. There was no question of social interaction with full-bloods, who were therefore seen as no threat. They were referred to usually as 'natives', frequently 'blacks', sometimes 'niggers'. From time to time there was complaint about their unsanitary living conditions and unacceptable behaviour, but in general they were ignored by the townsfolk. In shops they were served courteously . . . Business people were much aware of their economic importance to the town, and the entire European population acknowledged their value as a tourist attraction.

The tourist industry is only one of many possible developments which might alter the whole outlook for these towns. The Aboriginal must become increasingly important as a market, as an increasingly wealthy

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Australia extends to him the full range of social service benefits. In the past these have been paid to the institution in which he lives, except for a small pocket money portion. The process is by no means complete, but appears inevitable. Aborigines who have at least the age or invalid pension, or unemployment benefits, will look much more like economic assets in these towns than they do as paupers. But this is the minimum of hope. There seems no good reason to assume that the whole miserable progression, from camp dweller on the outskirts or in institutions, to fringe dweller round the town, which marked the earlier history, must be repeated to its full extent in 'colonial Australia', if only because Australia has become a far wealthier community. Where there is a work force, we can well make long-term investment in it.

Forecasting trends is always dangerous, and especially so in this difficult complex of dispersed problems. Freedom of choice for Aborigines, on the same basis as anyone else, seems to me to be part of the answer. Freedom of choice in this sense involves equality in protection by award wages, access to social service benefits, especially unemployment benefits, payment of all such benefits direct to individuals, and the legal freedom to move at will.

In any of these 'colonial' regions there remain two kinds of movement. One is the tradition of coming and going, concerned with visits to sacred places, and of being in a certain place at a certain season, which depended on the traditional economy which has very largely disappeared. The other is dictated by the need for employment, or for cash earned in some other way.

My argument is not that Aborigines should be catered for only in towns, but that there should be a matching of the economic possibilities with their changing preferences. So long as many of them can continue to use the present settlements and missions as home bases from which to go out into pastoral employment or other work, there is no point in selling the land, as it were, from under their feet. As this land has been set aside for them, and is in many ways theirs from their point of view, there is real point in making over to them their home sites there, and in stimulating the development of villages by the provision of the normal services. Greater fluidity of movement may mean that some of these places will wither away. The economic cushioning by government should cost no more than it costs now to run such places; it will probably be less. Proper housing in such places, with some economic prospects as centres of labour supply, or as centres from which Aborigines conduct their own pastoral and other enterprises (a matter to which I refer later) will also help to set housing standards which employers must meet when they require settled labour.
New Aboriginal institutions in which to vest certain assets of the settlements would be required. Such assets should be those which local government normally controls, or which lie within its competence. The position, in the long view, seems to me to be far from hopeless. The way to a better future seems to be through planned opportunities for Aboriginal incentives to develop.

Where there is no adequate employment within reasonable travelling distance, settlements may decline at a slow but accelerating rate, as the results of education and the freedom to move have their effects. It is seldom possible to predict future demand for workers in any industry. But in the general context of northern development, even though the trend of mechanisation is to cut down on the numbers employed, there is much to be done in basic construction and later subsidiary employment. The likely demands for modernisation of the pastoral industry are relevant. The very objective of reducing the labour force and depending on greater efficiency, stated by the cattlemen, will require considerable construction work; and settlements from which some labour has always been available as required may well provide much of the necessary construction labour.

Yet the chances are that the under-employment which characterises most of the settlements and missions in this region will not disappear quickly. Equality requires this be dealt with, not by maintaining closed institutions under non-Aboriginal managers but by providing the same kind of basic social services as would be provided to non-Aboriginal groups in like case. There are other possibilities for these places, which with investment subsidised by government could become centres for a new kind of cross-cultural education for all Australians; for the greatest asset in this situation tends to be ignored—that while other Australians have excelled at mining and ‘developing’ Australia, they still have much to learn about seeing it and enjoying the unique Australian heritage, and so have people from all over the world. The more one considers the point, the more it becomes obvious that an investment in Aboriginal cultural survival would provide unique economic assets for the future, and equally unique cultural and educational assets for the whole world.

Nevertheless, it is clear that freedom to move, education, and equal wages will mean greatly increased movement into the towns of ‘colonial Australia’, and out of the region into the towns of the ‘settled’ areas. In north Queensland, the main trend will probably be to Cairns and Townsville, large tropical cities where the effect would hardly be noticed. But the Aboriginal populations of Darwin, of Alice Springs, and of some of the small townships along the road which connects them, could be sub-
Opening up of the reserves and institutions will bring more ‘full-blood’ Aborigines out beyond the ‘colonial’ regions into the ‘settled’ areas. In this connection, of course, our boundary between the two regions is no more than an intellectual tool to get to grips, as it were, with both facets of the social problem, and was made possible by omitting the town populations to the north of it from our calculations. The twin city of Kalgoorlie-Boulder falls within the ‘colonial’ region; but Port Augusta, which has attracted a considerable number of Aborigines of the full descent, and where the situation is comparable with that of Kalgoorlie, does not. Smaller towns, which lie along the lines of communication out of the dry central areas (all in South Australia) include Oodnadatta and Marree on the railway line from Alice Springs, Ceduna, and Ooldea, long a place of settlement for Aborigines of the desert regions. North of Kalgoorlie-Boulder are Leonora and Laverton, and south of it is the other mining centre of Norseman. In the streets of Kalgoorlie-Boulder, as in Port Augusta, one may see men who have come in for their own or administration purposes from the desert regions.

The position in Western and South Australia seems more fluid than in the Northern Territory and Queensland. In Western Australia ‘full-bloods’ from the desert regions find their way in towards Perth along the road and railway. There has been a movement of long standing in from the northern desert regions to the coastal towns of Port Hedland, Roebourne, Onslow, and Carnarvon, and further south into Geraldton through Meekatharra. The corresponding movement in South Australia is from north, north-east, and north-west into Port Augusta, and thence in some cases into the industrial areas further south.

In the far north, a largely ‘full-blood’ population has been pinned as it were to the cattle stations of the Kimberleys by the economic effects of very low cash wages. Increased Aboriginal populations of Broome, Wyndham, and Derby may be anticipated, along with increased movement to the south, across the old ‘leper line’. A town like Broome, with a considerable Aboriginal and part-Aboriginal population, was formerly, in the great days of pearling, ocean-oriented, with the result that there are, as in some other coastal towns of the north, Asian groups in the plural society there, a reminder that there would probably have been much more mixed town populations along the northern coasts but for the limits imposed by the white Australia policy in the past. How such towns will develop in the future is impossible to predict. But for our purposes they are significantly
inland-oriented, and the first hints of an Aboriginal population explosion, even though at present on a small scale, suggest they will all have a higher proportion of Aboriginal inhabitants than they now do. The same may be expected for towns in the wet tropics elsewhere like Coen and Normanton in Queensland, or Katherine in the Northern Territory. Desert-oriented towns on the fringe of the 'colonial' region would include Tibooburra, Wanaaring, even Enngonia, although they are well within our 'settled' region. Sparseness of the population as a whole, the need to work on the basis of census divisions, and the fact that there is no precise division possible except on the basis of population figures, makes any exactness in defining this region out of the question.

But in this easterly direction there is no significant drift, as far as one can discover, of people with full Aboriginal culture. The source, along with the culture, has long since gone, or the lines of communication go south and west from the centre. Nor are there holding operations in the form of institutions from which a later movement may be anticipated, with the exception of the areas of far northern Queensland, where there were, in 1967, missions at Doomadgee, Mornington Island, Mitchell River, Edward River, Aurukun, and Weipa,11 and a group of government-controlled settlements at Bamaga, near the tip of Cape York. The relaxation of Queensland controls might result in some increase of Aboriginal populations in the western pastoral regions—towns like Thargomindah, Cunnamulla, Charleville, Winton, Longreach, Cloncurry—but only in so far as people come out of pastoral employment.

The basic hindrance to urbanisation, not only in 'colonial' but also in 'settled' Australia, has been the vulnerability of central administration to pressures from the local government bodies; or, where they do not exist, from the white citizens and property holders in the towns. As urbanisation is one of the ways which the Aboriginal may find for himself out of his predicament, central governments everywhere will have to give higher priority to extension of housing and other town facilities for those who want to live in towns. It seems that the time has come to reassess the housing programs on missions and reserves, to the extent that there are any (Queensland has the most notable achievement in this respect), and that priority might be given now to urban dwellings.

It would be idle to deny that Aborigines in from the settlement, mission, or 'the bush' present all the problems to local authorities of the bushman come to town. A short stay in town brings stories of the traditional wine

11 As this introduction was being written, the Queensland Government was taking over direct control of some of these communities.
drinking from the flagon, and of the refusal to spend what money is available from earnings or social service benefits on what authority considers proper.

These towns illustrate situations which are repeating, within regional variations of the patterns of land use and the very great differences which flow from increased expenditure on services and controls, what happened in earlier decades in the 'settled' regions. The town which is in contact with the 'colonial' regions includes both part-Aborigines and Aborigines of the full descent. But the old assumptions of a disappearance of those of the full descent can no longer stand. The new factor, which makes this situation radically different from that which produced the 'fringe' populations of 'settled Australia', has been the survival, and latterly the increase, of the 'full-blood' people. It is true enough that the price of survival, given the priorities and the prejudices of the past, was segregation in areas remote from the townships—one reason why, of all Aborigines in the Northern Territory (the only region completely within 'colonial Australia'), only 10.5 per cent live in towns, and only 3.3 per cent of Aborigines of the full descent. (This assumes the 1961 census established relative distribution.) The figure for all Western Australia was 5.5 per cent, and for all Queensland 10.5 per cent, of the whole Aboriginal populations of those States. The 1961 census also indicated the extent to which the part-Aboriginal, considered separately, had established a place for himself in urban society: 53.9 per cent of those in the Northern Territory lived in urban areas. They appear to discharge to some extent the role of an intermediate group in a plural society of the 'colonial' type. The 'full-blood' Aboriginal occupies the lowest rank of the social scale. He is ranked by appearance rather than on any true knowledge of his descent.

There is a whole range of fascinating urban studies to be undertaken in 'colonial Australia'; but the information at the present time is limited. Most of these towns are typical of plural societies elsewhere, in that they provide a meeting place where the races involved confront each other rather than form a single society of the town. This is something more than a class division, as the difference in interests and status correspond with ethnic differences. It would of course be possible to see any city anywhere, where there are racial minorities, as inhabited by two or more components of a plural society. To some extent, and Australia is no exception, all societies today are multi-racial. The difference between 'colonial' and 'settled' Australia in this respect lies mainly in the fact that in the former case a substantial indigenous minority retains much of its own culture and language. The associations between the groups are for economic, while
only to a very minor extent for social purposes. The place of each ethnic group in the hierarchy of town society will tend to reflect its place in the back country. Rural problems are presented in towns in more acute forms.

As in most colonial societies, there are ethnic groupings other than the Aboriginal and the European. One of great economic importance in the pastoral industry as well as in the towns of ‘colonial Australia’ is that of the part-Aboriginal, who may also be part-European, part-Asian, or part-Melanesian. It is common for a third estate of this kind to find a place between, as it were, the upper and nether millstones—in the cultural interstices between the indigenes and the European colonists. The part-Aboriginal generally has linguistic and educational advantages which make him useful in the supervision of labour. Other important roles have been discharged by Japanese, Indonesian, and Chinese on the north-west coasts, by Chinese in the north, and by Chinese and Melanesians along the north-east coasts. In central Australia the so-called ‘Afghan’ camel teamsters seem to be disappearing into the part-Aboriginal group, which plays the ‘middle’ role in a three-component plural society.

INTERNATIONAL INTEREST IN INDIGENOUS MINORITIES

All Australian governments have agreed that Australians of whatever race must be accorded equality of rights and opportunities. But there has been no common practice in Aboriginal affairs. Clearly, the matter of racial integration or assimilation, looked at from this point of view of the continent as a whole, requires a common policy, and a common set of practices. The place of indigenous and other minorities in nation states is likely to attract increased international attention, with the phasing out of the colonial issues. Already, the situation of the Aboriginal has caused occasional embarrassment to Australian delegates to the United Nations. This kind of issue has also been the subject of consideration by international agencies and has been dealt with by the International Labour Conference in Convention 107. Australian governments have not been in a position to ratify this Convention,12 for the Commonwealth, until the Referendum of May 1967 which gave it powers to legislate especially for the Aboriginal race, was restricted by the fact that Aboriginal matters outside of the Northern Territory were solely State matters.

But even in the Northern Territory, at least prior to the adoption of the

12 International Labour Organization, Convention concerning the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries, June 1957.
Social Welfare Ordinance in August 1964, and the later decision of the Commonwealth Conciliation and Arbitration Commission that Aborigines in the pastoral industry should be paid award wages, the conditions of the Convention have not been met in important respects. For instance, Article 2 requires policies for ‘national integration, to the exclusion of measures tending towards ... artificial assimilation’, and rejects the use of coercion ‘as a means of promoting ... integration of these populations into the national community’. Article 3 states that special measures for protection must not prejudice ‘the general rights of citizenship’. A glance through the Welfare Ordinance of 1953 (since superseded by the Social Welfare Ordinance 1964) and the regulations based on it will indicate how far Commonwealth policy diverged from these principles.

Articles 7 and 8, which require retention of indigenous customs and social controls as far as possible, raise more difficult questions; but in all the history of disregard for these, except more recently in the matter of passing sentence for breach of the British law, they may be taken as instructive comment on the failure of every Aboriginal administration to establish a minimum of rapport with Aboriginal society. It is not too extreme to say that ‘progress’ has generally implied, for Australian governments, the destruction of Aboriginal customs and social sanctions. Article 10 requires special safeguards against ‘preventive detention’. This may be compared with the power formerly exercised by the Director of Welfare under the Welfare Ordinance to remove a ‘ward’ from one settlement to another, to take him into custody, to order that he be retained within an institution, and without reference to a court.13

An important provision of the Convention would relate directly to those reserves where Aborigines remained in their own country. Article 11 provided that ‘the right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised’. Others, somewhat late in the day for Australia, forbid removal of people from such lands without their consent, provide for compensation, and for maintenance of indigenous patterns of inheritance. In addition, Article 14 provides for equality with other citizens in access to additional land, and assistance to develop it. One implication of this, had it been possible for Australia to ratify it, would have been that government would have been bound to consider the Aboriginal as a potential grazier, and not always as cheap labour on the properties.

Also of particular relevance is Article 15, in which the I.L.O. in the

aftermath of the great series of conventions which in earlier decades had set the standards of indigenous labour administration for the colonial world, tends perhaps to apply colonial principles to the indigenous minority. For the Article envisages separate standards in labour legislation, to safeguard conditions of employment and recruitment (although only where the general law cannot be applied). Possibly the special labour legislation applying in the Northern Territory and Queensland could have been defended, had the Convention been ratified. Equal pay was required for 'work of equal value', which could have supported the common argument of employers, since there was no reference to a basic living wage. In fact, by allowing for a different set of conditions for the minority, the Article seems to have emphasised other protections than wages. It specifies medical and social assistance, workers' compensation, hygiene, and housing, and specifically the right to engage in trade union activities and collective bargaining. This is probably well in accord with I.L.O. philosophy, and the belief that improvements in rewards depend, in the long run, less on legislation than on increases in efficiency and on workers' organisations. In accordance with this, there is considerable emphasis on vocational training and education, particularly on the teaching of indigenous languages (where, with the exception of one or two mission organisations, the Australian record is especially barren), on making their civil rights known, and on education of the general community against prejudice.14

There is also provision for the extension of social security services and for the organisation of health services.15 If the Australian Government has lagged considerably in the matter of social service benefits, this is at least rapidly changing. Health services, however, have been criticised by comparison of the very uncertain statistics for Aboriginals in the 'colonial' areas with others. But they have, in fact, been given more attention than other vital matters, such as land rights and labour. This is interesting, because it repeats the impression one may get from a study of Australian administration in New Guinea. In New Guinea the health of the labourer was of clear economic importance; but the attitude to the Aboriginal worker (on whom so much less money had been spent) did not lead to complete neglect of health matters. In fact, for long periods in the past, in the Northern Territory, the officer in charge of health matters was also in charge of Aboriginal affairs.

The cynic may say that administrations realise that the Aboriginal might, unless minimal precautions were taken, offer a threat to non-

14 I.L.O. Convention, note 11, Parts IV and VI.
15 Ibid., Articles 19 and 20.
Aboriginal health. And if he is looking for a particular case, he may find it in the Western Australian Native Administration Amendment Act 1941, which purported to protect the white population of the southern areas from leprosy by establishing the so-called 'leper line' along the twentieth parallel, across which no native could pass from north to south, unless he had a diagnosed illness which required treatment for a mental condition or specialised medical attention, and a special permit from the Minister as well.¹⁶ Bearing in mind the level of services in health north of the parallel (one would not expect to find ethno-psychiatrists busy there in 1941) this might be taken as one excellent illustration of the reason for administrative interest in Aboriginal health. But probably an important reason for it was to keep down (in most cases to avoid payment of) 'native' wages in the Kimberleys during the war years. The opportunities of employment inevitably increased further south. This may have been an attempt to prevent workers from the Kimberleys from moving into higher wage areas—a movement which would have had to be offset by payment of higher wages there, and especially by payment of cash wages.

But even distant administration was not consistently as bad as this, and health was often among the first purposes of subsidies to missions. It was also prominent in all government plans for protection and later for 'assimilation'. Health work was an area where uncomplicated activity was possible (except in the scientific sense) and where conscientious persons could feel that they were achieving something worth the effort.

I have referred to this Convention at some length, first because it stresses the inter-relationship of all aspects of policy. It is interesting also because only one Article is devoted to the conditions of employment. Civil rights, land rights, employment conditions, health, education, social security—all are areas for action leading to 'national integration'. In an Australian national strategy aimed at integration, all these things must be taken into account. All are relevant in the process of opening up the whole continent to the Aboriginal of the 'colonial' regions.

¹⁶ Western Australia, Native Administration Act Amendment Act, 1941. The purpose of the Act is specifically stated: 'An Act to make provision . . . for restrictions against the travelling of certain natives within the State in order to limit the spread of leprosy within the State.'
FRUSTRATED URBANISATION
FROM THE 'COLONIAL' REGIONS
The situation in and round 'colonial Australia' calls for a national policy, if not under a unified control, at least based on a common strategy. Considerable cost is involved, no matter what the policy is, but this might well be offset by considerable economic gains, with the likely increase of Aboriginal efficiency in the work force, and of Aboriginal consumer demand. Some national strategy, for Aboriginal affairs as a whole, is an essential basis for the tactics by which local opportunities for social change may be provided. A prime purpose of the strategy must be to open up the way for Aboriginal re-location, resulting from Aboriginal choice. The most obvious growing points for a changing society and economy are the established towns. What resistances do these offer now, from within themselves, to larger Aboriginal populations?

In the cases of both 'ocean-oriented' and 'inland-oriented' towns, the movement in of the Aboriginal of the full descent has long been subject to holding operations further out. The decline of pearl fishing, and the growing tendency of the Torres Strait Islanders to seek work throughout the continent, along with the rapid increase in numbers of Aborigines, allow us to ignore, for our purposes here, the Asian and Melanesian minorities. Perhaps we should now look at some actual situations, including Aboriginal urbanisation in or from our 'colonial' areas.

Out beyond Ceduna in 1967 were the Aboriginal institutions of Koonibba and Yalata. Closer in, at Port Augusta, a town of 10,000 people, the incursion of increasing numbers of unsophisticated people from the desert posed a long-standing problem, which a well-intentioned administration had to deal with as a local issue for lack of a national strategy. The lack
is especially significant, as Port Augusta is a place of resort and visits for Aborigines from the Northern Territory, Western Australia, southwestern Queensland, as well as from the desert areas of South Australia.

THE MOVEMENT INTO PORT AUGUSTA

By the end of 1964, in spite of the fact that the South Australian Department of Aboriginal Affairs was liberal in its policies, the situation at Port Augusta, which posed long-standing political questions, was illustrating once again central government's vulnerability to local pressures from the townsfolk: a new Aboriginal institution, beside but not in the town, was taking shape. The same situation has led, monotonously and almost universally, to the dead end of the fringe settlement round or near, but not part of, the town. The fringe settlement has remained long after the 'old people' have disappeared and their places been taken by part-Aborigines who in their turn have become the main objects of prejudice, and have reacted so uniformly with conduct which is basically the only form of protest available to them. The Port Augusta type of situation resembles that in other towns which attract people from 'colonial Australia', and for this reason may be looked at in some detail.

In February 1964, some 300 people were counted on the adjacent reserve by a party from the South Australian Aborigines Advancement League,1 apparently excluding the children who were being maintained there by the old Umeewarra Mission of the Plymouth Brethren. But the number was continually fluctuating. At the beginning of January, Alta Gordon found a total of 232 people living in the houses and huts—some old and mission built, some pensioners' huts, and a dozen houses recently built and in good condition, mostly constructed by the State Housing Trust.2 But out in the 'Sand Hills' area of the reserve another hundred or so people lived in structures which are beyond description in terms of sophisticated housing—camps or wurlics or shanties, often no more than enclosed shelters, mainly of second-hand iron—the kind of shelter that is the direct ancestor of the shack which constitutes about one-third of all fringe dwellings in rural New South Wales.

The Department of Aboriginal Affairs had certainly done what it could within its budget, and within the political limits which all these administer-

ing authorities have to observe. There were, by this time, water-points, toilets, and showers available. Gordon, in January 1964, described a typical situation ‘in town’. Authority had great difficulty in finding sites for Aboriginal houses, because of resistance from potential white neighbours. It faced problems in the reluctance of employers to use Aboriginal labour, also, initially, in enrolling Aboriginal children in the schools and in the tradition of segregation in the cinema. There were the usual complaints about Aboriginal behaviour, with accusations about prostitution and excessive drinking. But Gordon found positive forces working for integration: home sites were being found, children were enrolled, Aborigines were finding work. The mayor of the town was an effective influence for integration, and in the local branch of the Aborigines Advancement League and in the Apex Club people were working hard for racial tolerance.

There were distinct but interacting situations, in the town and on the reserve. In January 1964 there was no managed Aboriginal station on the reserve. Gordon found, among the Aborigines of the full descent, people from eight different tribal groups at all levels of sophistication, including some who were able to speak, in addition to their own languages, only the pidgin of the cattle runs. This situation is repeated in many places within and round the boundaries of our ‘colonial’ region. The confusion of contradictory values, the incompetence and inadequacy of the man from the bush in his new or temporary role of town dweller, the conflict of the principle of reciprocity with the logic of the cash economy—here, in miniature, is the whole set of conflicts and problems which have marked the situation of the indigenous migrant to the Western town everywhere throughout the colonial world. It seems true enough, when one contemplates this, that there are some problems for which there is no adequate answer in policy and administration. It is easy enough to stand, as it were, a long way back from these problems to see them on the national scale; to assume that a higher degree of urbanisation is inevitable, along with increasing efficiency in the cash economy for the less sophisticated; to see that present inefficiency is to some extent the result of past systems of administration and of institutionalisation. One has in fact to do this, to make an assessment of where a national policy might have an effect by improving the economic resources and the social status of the Aboriginal in or from ‘colonial’ regions. But here, at the point of contact, the fringe of the town, is a local block as it were; a social hindrance resulting from incompatibilities, and resistances from the inhabitants of a particular white Australian community.
The decision of the South Australian Government to establish an institution, with a manager, on the reserve, and to make a considerable investment in housing there, was a response to the more obvious and temporary needs of a local situation. The effect, however, was to perpetuate, in this new investment, an old pattern: to consolidate the separateness of Port Augusta town and the Davenport Reserve. From the point of view even of law and order, and health, there was reason for this. There was an obvious need for housing, and for proper services. The new reserve, construction of which was well advanced, and which was being managed with obvious concern and administrative efficiency in August 1965, was a far better place to live from the point of view of comfort than it had been in 1964. The amenities were far better, health was likely to receive careful attention, there were more new Housing Trust homes there, a government store, a school with Education Department teachers for one hundred children. The intention was that this 200-acre reserve should eventually be developed as a 'normal suburb' of the town, and the area was being laid out as a suburb. It was intended to integrate schooling, with a new school being erected in the vicinity. One could not question the good intentions, nor the efficiency with which they were being pressed through. One argument for the whole arrangement was that this would become a 'training' centre for employment in the new industries being developed at Whyalla and elsewhere.

Yet the whole operation represented a compromise, a concession by central authority to town opinion. Davenport could become a 'normal suburb' only if whites built their houses round and in it. The question of integration in towns was deferred, perhaps even begged. The situation indicated that any democratically elected government is vulnerable to local pressures, and limited, in the range within which policy may be worked out and applied, by the state of public opinion. Here is the same kind of issue with which Gunnar Myrdal came to grips two decades ago, when he wrote the classic study of the Negro situation in American democracy—the conflict between a general sentiment for equality, and race prejudice. No one can say that any conceivable government action will certainly expedite a victory of economic and social logic over this kind of social barrier. But the core of the problem within and round the 'colonial' region is the same as it is in the 'settled' region—that the Aboriginal, to gain equality, has to be established as part of, and with equal membership in, the towns and cities which form the dwelling places of over 80 per cent of the Australian population. Clearly then, a national policy must be concerned with measures concerned with the elimination
of separate places of dwelling for all those who are ready and who wish to move into our towns. To be fair, most of the authorities concerned directly in Aboriginal affairs realise this. But the whole approach has been piece-meal. The limited finance for Aboriginal housing may even be due in part to the local resistances: local government pressures can block particular moves by small State government sub-departments which have never had high priorities for their programs. Even when, as in the case of Port Augusta, finance is made available, the result is a new example of the old separateness, and deferment of the face-to-face contact of the races in town.

This is, of course, a basic problem in 'settled Australia'. But the move out of 'colonial Australia', or into its towns or their vicinity, will pose the same kind of question, in the form in which they first appeared in the 'settled' areas, but with more obvious cultural differences involved. Only some high national priority for a common plan, to replace vague agreement about 'assimilation', will shorten the struggle for a real equality, by cutting away some of the barriers. Central governments, preferably the Commonwealth (now endowed with special power to legislate for the Aboriginal race), but in co-operation with the States, would need to use special pressures on local governments—by firm action, by disregarding objections to an integration of dwellings, and in support of either a scattering of Aboriginal families in town, or a distribution round it (where other land is not available).

But this is only one aspect of the problem. It brings us back to the old generalisation that such urban problems are only rural problems come to a head, that the handicaps of the Aboriginal coming into town reflect his living conditions in the rural areas. Such planning would require the Aboriginal voice. There can be no voice until there is leadership based on the degree of autonomy necessary for decision-making, for considered requests for assistance, and for political pressures.

The moderate acceleration of movement into towns from fringe situations has been achieved through commendable effort and much hard work by the various official Aboriginal authorities. The policy of 'assimilation' has been interpreted as involving 'training' of individual families to move into town housing, and none of this effort should be discounted. These departments must work within the framework of government policy, of the priorities they get, and of what the government in power may understand to be necessary for 'advancement', and to be politically safe or wise in the main game of party politics. The movement of individual families into the towns, in the meantime, tends to cut them off from those deemed to have achieved less in the direction of 'assimilation'.
It would be silly to condemn the action of the South Australian authorities in this case, especially as the same authorities have gone so much further than any other in the attempt to provide for Aboriginal property rights with the Aboriginal Lands Trust, and have clearly realised the need for autonomy. But the support of a national plan, backed by the resources of the whole country, might have so strengthened the hand of the State Government as to enable it deliberately to incur the local risks involved in refusal to make concessions to local interests, which will generally agree that the problem should be ‘solved’, but somewhere else, and by somebody else.

This is why I believe that the crucial point in the whole Aboriginal ‘problem’, in the settled areas as well as in the ‘colonial’ region, is in the fringe settlement near the town, whether this is on Crown land or town common, a reserve, or a managed institution of some kind. At Port Augusta the situation was typical in that there was on the reserve an older ‘mission’; that in the more recent dilemma, a modernised version of the ‘mission’ has been established under secular government control. Here are the check-points where the darker-skinned people have remained for generations in many places, while those cosmetically favoured by the Mendelian law have tended to by-pass prejudice and pass on into ‘white’ society. More recently there has been a movement, which avoids the hindrance of the country town, into the amorphous and more anonymous society of the metropolis. It is impossible to know for sure that the large city is attracting those who do not find acceptance in the country town, but this seems very likely. It may even be a factor affecting the high proportion of those in the metropolis who claimed to be Aboriginal in the 1961 census.

The much publicised difficulties of the Aboriginal in the big city reflect his disabilities as a fringe dweller in the country town from which he has come. There is here a relationship between spatial and social mobility. He will make a more competent member of the metropolis if he comes from a truly urban home in the country town. It is here that a national strategy of Aboriginal affairs has to be geared into a pattern of local tactics. Such a strategy became possible with the constitutional change which gave to the Commonwealth concurrent powers in Aboriginal affairs. The South Australian Government had already made it an offence to refuse admission to licensed premises, places of entertainment, or other public places, to refuse services or accommodation or to make arrangements to refuse the sale of land and buildings, on grounds involving racial discrimination.3

3 South Australia, Prohibition of Discrimination Act, 1966.
Governments can of course provide special economic assistance for the establishment of homes. But there has to develop Aboriginal as well as government pressure for integration into the urban communities, and it is at this point that tactics are important.

How may the desires of very small minority groups, so widely dispersed, either to stay and live decently where they are, or to establish themselves where at present they are not wanted, become effective pressures? The growth of local Aboriginal pressure groups is part of the answer, and such growth can be directly stimulated by government strategy, interpreted in local tactics according to local circumstances.

**URBANISATION AND ALICE SPRINGS**

With the question of tactics in mind, let us now go further into the heart of 'colonial Australia', and back, as it were, into an earlier historical phase of Aboriginal affairs, with an examination of some aspects of the situation in Alice Springs. Here there have been Aborigines of the full descent from the beginning of settlement, constantly reinforced by movement in from the desert regions. The middle role, as in the case of other inland-oriented towns, is the preserve of the part-Aboriginal. At an earlier stage his status was shared by the 'Afghan', who played a part in the transport system with his camel team, and was often an itinerant retail trader. But by World War II he was being replaced by the Aboriginal or part-Aboriginal, often of part ‘Afghan’ descent. Today, the descendants of these men in and round the desert regions appear to have merged into part-Aboriginal society. Alison Harvey, who made a survey of the part-Aboriginal population of Alice Springs in 1944, found people there of Chinese-Aboriginal, Afghan-Aboriginal, Filipino, and Malay-Aboriginal descent. Alta Gordon in 1965 reported that 'a number of part-Aborigines can be identified by features or surname as part-Afghan or part-Chinese, but were merely identified as part-Aboriginal by part-Aboriginal informants'.

The implications of these surveys, two decades apart, are not easy to establish, partly because the attitudes of the scholars who made them are different, and the difference shows a shift of interest from an earlier to a later kind of question. Harvey's work was done in the context of official and other ideas of what 'assimilation' of the part-Aboriginal population

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involved for those who thought seriously about the ‘problem’ at the end of the 1930s. She was properly enough concerned to see whether part-Aborigines were forming a separate racial and social minority, or whether they were in fact, as government policies assumed, likely to be absorbed into the ‘white’ community. In Alice Springs, Harvey found evidence for both trends. There was increasing miscegenation, likely to increase the size of this group, but the members were tending to find partners within the group, partly because of rejection by whites, partly because of what she calls ‘cohesive cultural forces’.

Harvey was there during the war, when conditions were far from normal. In 1944 there were about three hundred part-Aborigines in town, but apparently Aborigines did not form a resident group. The other two groups were then both ‘white’—soldiers and civilians. Before the war the total ‘white’ population had been about six hundred. This was still an early stage in the growth of the part-Aboriginal group, and some of the offspring of white pastoral settlers had been acknowledged, reared, and educated. Two had inherited pastoral properties, and others worked properties on a share basis. Harvey’s census of occupations includes ten pastoralists including owners and part-owners, eleven stockmen on award wages, and eight municipal labourers, also on award wages. There were seventeen on armed service pay. Others were railway employees, truck drivers, drovers, miners, carriers, shop assistants, and the like. Of eighty-one in her employment census, only one was unemployed; another in gaol. In addition twenty-five women were employed, mainly in domestic or cleaning work, but most of these were deserted wives, widows, and unmarried mothers.

At this time legal restrictions prevented those in the Territory classified as half-caste from drinking, entering licensed premises, or possessing firearms even when they were no longer legally Aboriginal. Of the 300 (of all ages) 39 were exempt by notice in the Commonwealth Gazette; and on the basis of a court decision another 33 were not legally half-caste (which meant that whatever the circumstances, they could not be classed as Aboriginal) because they were under one-eighth part of Aboriginal descent.\(^5\) We have already dealt with the background of this strange patchwork of racially oriented legislation in *The Destruction of Aboriginal Society*. At that time, it had the effect that a part-Aboriginal woman would be classified as Aboriginal and subjected to the complete range of protective restrictions, so long as she remained unmarried, or was married to and

\(^5\) Rex v. Geesing, Supreme Court, Alice Springs, 1933. The case involved the right to remove a child of one-eighth Aboriginal parentage to an institution, which was refused.
living with a person not 'substantially of European descent'. A man was *Aboriginal* in status until he reached 21 years, after which time only the special restrictions referred to above applied to him as a *half-caste*, and from these he could be exempted. Thus the main administrative emphases involved a constant series of reminders of racial origins, with related restrictions on rights.

It is not surprising, then, that Harvey found among local Europeans a 'well marked' prejudice against the part-Aboriginal group, with insistence on segregated housing, and pressure for separate schooling as had happened in parts of 'settled Australia' from four or five decades earlier, and had resulted in separate Aboriginal schools. Most part-Aborigines then lived in 'Rainbow Town'. One of the cinemas totally excluded the 'coloured' people. Part-Aborigines resented these attitudes but themselves attempted a different identity from those of Afghan and Aboriginal. The reader of Reay, Sitlington, and Fink, who have described the relations of the part-Aborigines to the whites in New South Wales, will see here an earlier stage of the anxious attempts to establish a separateness from those who are darker, or whose circumstances are worse. For European colour prejudice had had the effect of establishing a colour hierarchy *within* Aboriginal society. In 'settled Australia' there were, and still are, part-Aborigines who reject such values, and deliberately affront the 'whites' as far as they can. They are generally those with the darker complexions, who cannot hope for higher social status.

In the special conditions of the war years, when the armed forces had practically 'taken over' Alice Springs, Aborigines of the full descent played no significant role in the town itself. In their absence the part-Aborigines were possibly taking their place as the main objects of discrimination and prejudice, just as they had already done in the 'settled' regions after the 'full-bloody' had disappeared. Harvey's forecast for the future was pessimistic: 'Of the factors which will operate, whether those promoting ethnic and social assimilation, or the reverse, segregation, the latter seems on present evidence to be the [more] potent.'

By 1965, when Alta Gordon made her survey, part-Aborigines in the Territory had been free from the special legislation for over a decade. Aborigines of the full descent had had the vote for two years, and had ceased to be subject to special laws, except that they were entitled only to the low wages established in the Wards' Employment Ordinance.

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6 See Northern Territory, Aboriginals Ordinance 1918, Section 3, as amended by Aboriginals Ordinance [Central Australia and Northern Australia], No. 5 of 1927.
7 See Northern Territory, Aboriginals Ordinance 1936, Section 2.
Alice Springs now had 6,000 inhabitants. A new circumstance was the rapid growth, and the high mobility in and out of the European group, so that Gordon’s impression was that those of Aboriginal descent formed the ‘most stable element’. Perhaps this high mobility has had something of the effect which European mobility has had in colonial towns, that the sojourn is approached as a temporary one, in most cases. Therefore people are not committed to the life of the town as fully their own. They tend to get their ideas of how to behave to ‘natives’ from the ‘old hands’, with a resultant handing on of prejudices; they look within their own racial group for the main attractions of social life. In a typical plural society, the bonds which bring together into the urban environment two or three racial groups are economic, with each tending to confront and to make use of the other for economic purposes. In this case the class structure of the Aboriginal town population had resulted largely from past and current administrative policies and practices. The main trend of Gordon’s account is a confirmation of the pessimistic prediction of Harvey in the matter of integration.

The part-Aboriginal population had increased to over 900 by this time, according to an unofficial census she carried out with part-Aboriginal assistance. There is always the likelihood of over-counting in such a census. The official figure for June 1964 was 520. Yet Gordon’s estimate was a careful one based on work by informants who excluded non-Aboriginal spouses. A conservative guess would be that part-Aborigines amounted to somewhere around 12 per cent of the town dwellers, which could be matched by the situation in several towns in New South Wales of the same size. She was unable to arrange a similar census of the Aborigines of the full descent because most of them were living in separate linguistic and tribal settlements. Her higher estimate was 300, and the official population count was 226.8

Her impression was that higher status was accorded by the Europeans to the part-Aborigines, ‘so long as their behaviour and living standards approximated that of Europeans’; otherwise their assumed shortcomings were attributed to Aboriginal ‘blood’. There was a convention of equal treatment in public places, but her examples related mainly to hotels and to economic matters; there was minimal if any private social contact. On the other hand, the ‘aspiring’ members of the part-Aboriginal group had accepted European standards; and she placed in this group all who were not members of families with an Aboriginal spouse, nor included in the

8 The official figures were taken from Commonwealth Bureau of Census and Statistics, *Northern Territory Statistical Summary*, No. 6, Canberra, 1965.
'large number of part-Aborigines living with the full-bloods in the manner of full-bloods'. In the circumstances which involved continual addition to the ranks of the part-Aborigines by miscegenation, there could be no rigid division between the two. While some Aborigines of the full descent lived in town houses, she found no case where the households to which they belonged did not include part-Aborigines. ‘Mixed’ families of this kind were also to be found in the shacks and camps on the outskirts of the town, forming a typical ‘fringe’ area of a type from which the fringe settlements throughout the ‘settled’ regions have evolved, but in this case (and at this stage in a historic continuum) inhabited mainly by Aborigines of the full descent. As in western New South Wales, or Victoria, the occupier-built shacks were so located as to avoid, as far as possible, attention from such officials as police or health inspectors—‘located on side-roads or bush tracks where the occupants were relatively safe from observation . . .’.

By looking at the more sophisticated and economically successful part-Aboriginal families on the one hand, and at the ‘full-bloods’ on the other, it was possible to draw a distinction between the two groups. Gordon’s opinion was that, with the exceptions mentioned, part-Aborigines ‘identified with the full-bloods no more than they did with Europeans, referring to them as “natives” and to themselves as “coloured”’, and that they rejected totally the Aboriginal culture. She noted the careful measures to meet ‘European’ standards of behaviour, and especially their appearance in the street: the careful attention to dress, and other efforts to establish their status.

Considered against the historical and administrative background, the evidence, carefully and sensitively collated, indicates a continuum in social change, in which the deciding factors have been descent and skin colour. In the first place, the Europeans who are to approve the patterns of conduct which are the objects of the effort and whose economic power is likely to be decisive in each case of the ‘aspiring’ person, have no way of knowing, except by skin colour, who is a ‘full-blood’ and who is not. In the second place, this part-Aboriginal community claims a status carefully promoted by policy quite rigidly administered before World War II, the aim of which was to prevent the growth of a separate and dissident ‘half-caste’ population outnumbering the non-Aborigines in the Territory, and so offering a threat to the ‘white Australia’ policy. Gordon refers to cases of adults of 1965 who were taken from parents in infancy and brought up in institutions. This attempt to break the pattern of Aboriginal socialisation was accompanied by special provisions for
employment, and by special status provisions. The earlier aim of government had been to separate them from the Aboriginal community, to promote marriages which would ‘breed out’ the Aboriginal strain. We have already referred to the very high proportion of part-Aboriginal urban dwellers in the Territory. This too is a result of earlier policy and practice.

A most significant basis for a ‘non-Aboriginal’ status in the Territory is the fact that part-Aborigines have been free from restrictive laws since 1953, and have been entitled to equality in wages. The fact that they form a separate group at all reflects the possibilities opened up to them by greater economic opportunity on the one hand, while on the other, as elsewhere, they have not been accepted as social equals by the majority group.

Although they were entitled to award wages, the usual pattern applying in the cases of part-Aborigines in the settled areas was established here, with nearly all in unskilled or semi-skilled work. The proportion in permanent employment was high, partly it seems from the care taken by the Administration to include them, since 52 of 86 male employees and 23 of 31 employed women known to Gordon worked for government departments. Another reason for stable employment was that they had proved more dependable than the ‘floating’ population of non-Aborigines. Part-Aboriginal children were enrolled in each of the local schools.

Government policy had its carry-over from the past, in that 60 of 115 part-Aboriginal households were in special houses, including 19 in the ‘Gap cottages’ which amounted to segregated and very poor housing, but these were to be demolished. There were 26 families in Housing Commission homes, 17 homes were occupant-owned, and 6 families were paying private rentals. There had been a genuine effort to distribute this improved housing through the town.

This to some extent reflected the high level of Commonwealth expenditure on Aboriginal affairs in the Territory over the preceding decade and a half. It is interesting that even after the part-Aboriginal was freed from the legislative controls and given formal equality, considerable care and attention were devoted to his ‘advancement’ by the Welfare Branch. It illustrates the theory of ‘assimilation’ as a series of steps taken by families and individuals towards social equality; the part-Aborigines were blazing a trail for all who would come after, including the ‘full-bloods’. This idea of a managed progression can have some tyrannical results in practice. For instance, where new high status housing became available from government sources, there was pressure on families deemed higher on

9 Northern Territory Welfare Ordinance 1953.
the 'assimilation scale' to move into them, to be replaced in their turn by others ranked lower, with what Gordon considered some disregard of convenience, or of willingness to pay the higher rents.

Once a family ceases to be mobile, an effective house is required, with proper health facilities. But in a country desperately short of houses, Aborigines are, as it were, at the end of the queue. Shortage of funds and of construction potential, and the idea of transition through stages of 'assimilation', have resulted all over the country in the policy and practice of movement from less adequate to more adequate homes: to selection by authority of more 'assimilated' families for the better facilities. Thus paternalism extends into the urban environment. The less effective homes, including some which are quite unsuited for family occupation, are often referred to in the official jargon of 'assimilation' as transitional houses. This implies that a family learns to use a properly built home by living in a shack.

But the whole picture drawn by Gordon illustrates a need for this group to have a voice in town and in inter-racial affairs. Obviously, whether it is valid or not to regard them as representing a separate interest from that of the 'full-bloods', the group needs a recognised organisation to formulate and to press for its objectives, and to deal with the town administration and with government departments.

But this concept is probably irreconcilable with that of a paternally managed order of 'progress' from Aboriginal to European status, with steps administratively determined by 'experts' in 'human engineering', and while tuition is assumed to be the determinant in social change. This of course is a nonsensical concept, if only because no governmental or other external pressure can replace decision-making within groups of people who consider themselves to belong together. Moreover, once a government authority begins to think in terms of 'indices of assimilation', the way is open for all kinds of arbitrary interferences with individual rights which are automatically conceded to all other citizens. Once the advantages of exercising such rights begin to be realised, such administrative interference is likely to increase resistances to the authority concerned. This is confirmed by the attitudes of most Aborigines to the special authorities—the boards and the departments which have managed their welfare in the States.

'Cost and reward' and 'comparison level'

Probably the social psychologist can shed light on the reason for the strenuous attempts noted by Gordon for the part-Aborigines in Alice
Springs to conform to the majority norms of respectability. John Dawson, in a survey partly concerned with people of Aboriginal descent in an outer Sydney suburb, has applied in a somewhat different context the concepts of 'cost and reward', and of 'comparison level', but his work seems to shed light on these situations generally. Membership of a group—in the case of Alice Springs, membership of either the majority group, the part-Aboriginal group, or of the 'full-blood' group—may be a matter of weighing cost against reward. In this case, some part-Aborigines, possibly those with less knowledge of advantages to be expected in other situations, but also because they may not be able, because of the accident of very dark colour, or economic or family handicaps, to do otherwise, identify mainly with Aborigines of the full descent. But this may also be a matter of weighing the cost, including that involved in ignoring extended family obligations and traditional morality, against what may be in all the circumstances a poor reward, of an anxious striving to conform to either majority or part-Aboriginal standards. Others, favoured by the accident of pale complexions, may have cut the ties even with the part-Aboriginal group. In the effort to pass into the majority altogether the cost may be a constant anxiety, and include the ill-will of their relatives, but may be outweighed by the reward of escape from the troubles of the part-Aboriginal group. The remainder make up those who refer to themselves as 'coloured'.

The 'comparison level' is the basis of such decisions or efforts by individuals. It involves the degree of knowledge of the relative advantages of different patterns of living, and an awareness of a 'minimum level of expectations' of those in other situations. The part-Aboriginal who identifies as 'coloured', to the extent that such membership provides the excess of reward over cost which accords with his level of expectations, and with his view of what is possible for people who live in town, will be satisfied with his lot. But the theory is that where the 'comparison level' of such a minority approaches the level of expectations of the majority and these are not fulfilled, dissatisfaction will increase.

It would be strange if the comparison level did not involve progressively social equality (as people forget or reject non-Western patterns of living) and opportunity to enter the higher levels of income. Western egalitarian-

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11 I apply the work of Professor Dawson (ibid.) to this case at my own risk. For the use of the 'comparison level' theory to clarify relationships between majority and minority groups, Dawson gives credit to P.F. Secord and C.W. Backman, *Social Psychology*, New York, 1964.
ism is as destructive of minority in-group satisfactions arising from traditional status and ceremonial life, or from non-traditional cultural compromises worked out by groups like the part-Aboriginal one, as is the promise held out by the money economy. So long as people believe that education or some other process leads them to full participation, to money and to equality, they may be content. But in the long run, urbanisation and the realisation of the extent of satisfactions which money and equality can bring must lead to discontent which may only be removed by equality in all spheres, since equality includes the chance to get money also. Thus in the United States the Negro revolution appears to be based mainly in the centres where the contrast between aspirations and reality has become most marked—not by a lowering of living standards, but by the fact that the Negro 'comparison level' has approached or equalled the level of non-Negro expectations.

The full implication of this is that increasing welfare and sophistication, and the development of competence in urban living and employment, so long as the kind of exclusion remains which places limits on aspirations of any group other than those which apply to members of the prestige group, are bound to lead in the end to increasing dissatisfaction. If, as Gordon suggested, there is little overt evidence of part-Aboriginal dissatisfaction in Alice Springs now, the fact that they are becoming a better educated, better housed, and a higher income group is sure to bring them to a stage when interaction socially with other part-Aborigines is not enough. Perhaps it is suggestive of what is in store, that one of the leading spokesmen for the Aboriginal cause in Australia today is a man of part-Aboriginal descent from Alice Springs. Dawson found some evidence of greater dissatisfaction among Aborigines in a Sydney suburb than existed in less favourable surroundings in a distant reserve—‘dissatisfaction with education, treatment of Aborigines, lack of possessions, and not enough Aborigines in positions of authority’—and suggests that this may be attributed to a higher ‘comparison level’.

The fact that people may find satisfactions now within the social life of a minority group thus promises little of permanence, for it may be a forced and temporary adjustment based on cost-reward decision making. It may be a warning of increasing dissidence, and dissatisfaction with status, rather than a promise of co-operation in the lower ranks of a social hierarchy based on racial differences. Even if the group tends to isolate itself from one lower on the imposed social scale, this may well be a case

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of tensions discharged against secondary objects. There is probably a stage in acculturation from a ‘traditional’ to a ‘Western’ value system and range of wants and expectations, when the persons involved merely use as far as they can the Westerners who hold the power, to get what they want for purposes compatible with a very limited comparison level. But if he has not reached the stage where the only way he can get what he wants is as a full participating member of the majority, while retaining his own value system, the part-Aboriginal of Alice Springs seems well on the way.

From the point of view of the prejudiced majority member, the ‘more you give them the more they want’. Of course they do. In the face of race prejudice the choices for policy seem limited. Prejudice may decline, but from the evidence available, the best way of making such a decline possible is to take the chances involved in equal sharing of services, so that at least each group gets to know the other. But an essential corollary is the reduction of overt discrimination. For this, the minority group has to be strong enough to support its legal claim to equality by taking action in its own interests when necessary, otherwise the law remains a dead letter. This kind of strength involves sophistication and urban competence which, when acquired, may involve more anger, because the acquisition involves a higher ‘comparison level’.

But the policy choice has involved delaying equality. This is the easiest way so long as the minority group will acquiesce, or is not articulate, and so long as its ‘comparison level’ is not similar to that of the majority. In a situation where consciences are beginning to be stirred, and the majority attitudes questioned, there is a temptation to try to have it both ways, in a policy of deferred ‘assimilation’, involving ostensibly a long period of preparation (in isolation) for ‘going out into the community’. Or, where there is an elite of the white majority which is quite ruthless in execution of a policy based on the belief in racial differences, there may be attempts even to turn back the clock—to enforce separateness everywhere, even in the face of economic logic, as in South Africa. But once the dominant group is committed to equality of education and opportunity, the withholding of social participation inevitably involves conflict arising basically from demands for it. Yet social participation is one thing that legislation, in a free community, cannot enforce on the whites. All it can do is to outlaw discrimination in services and public matters and places so that discrimination is limited to private life.

To maintain a static situation in any part of Australia is now impossible, for legislative and many other reasons. The only course that makes sense is to expedite changes which make for equality and full integration of all
rights and services which government can control. This clears the way for options involving re-location and social change. It applies common principle to all situations and allows for group and individual choices which will reflect different levels of Western orientation. It gets govern­ment out of the impossible situation of the commitment to change people, and avoids what have, I believe, proved futile attempts to ‘house-train’ Aborigines to make them acceptable to a majority opinion. Such attempts have generally been undertaken by persons without very much expertise, and with so few resources that the policy meant little in practice. In the Northern Territory over the last decade, a great deal has been spent on this kind of effort, but the pointlessness of it all was conceded by the scrapping of the legislation on which it was based. It is just here, where the effort based on restrictive laws had been greatest, that the Aboriginal has now almost complete legal equality, contrasting with his lack of social and economic equality.

This brings us to the point at which there is now no legal reason why Aborigines of the full descent cannot move into Alice Springs. They will inevitably do so, and here is a new aspect of the problem. It has not amounted to a real ‘problem’ in the past because of the speed with which Aborigines ‘died out’ or were replaced by part-Aborigines, and subsequently because of the immobilisation of Aborigines in institutions.

ALICE SPRINGS AND AMOONGUNA

At Amoonguna, some seven miles from Alice Springs, is the Aboriginal settlement. The existence of this, of the Santa Theresa Mission, and of historic Hermannsburg Mission further out, partly account for the small numbers of Aborigines of the full descent in the town. In 1965, the population of Amoonguna was 538. A year later it was 486, almost exactly what it had been in 1964, so that there was no indication of a trend to move out with the new freedom to do so.13 When another settlement in this area, at Jay Creek, had to be closed for lack of water, about fifty of the residents went to Amoonguna, not to Alice Springs.

The cost of separateness is impressive. There was a separate school, now with a newly devised separate syllabus, and in 1966 the establishment for staff numbered twenty-three. The Annual Report for that year tells of the extension of water and power services from Alice Springs and of the need to provide transport for an average of twenty-five who worked through the year in Alice Springs.

As the whole area occupies only two square miles, the ‘settlement work force’ which the Report estimates at 115 men would hardly be fully employed on the farm and garden, and in the making of cement bricks. The Report complains that ‘good wages’ and the payment of clothing allowance did not result in the men being well dressed. The settlement wages referred to had depended, not even on the rates fixed by the Wards’ Employment Ordinance, but on the annual allocation for each settlement. As the number of employees could not be foreseen, and the superintendent of a settlement might well overspend, and as the decision on the wage was his, the result was, as Tatz has shown, an average wage in 1961-2 of just over £3 per fortnight, with variations within the average on each settlement of about 18s. This meant that the government did not consider itself bound by the Ordinance. Perhaps the stock response was that this was a ‘training’ allowance, but arbitrary differences between pay envelopes for the same work, and between different settlements, would hardly provide effective incentives. By the time of Gordon’s survey, the minimum had been brought to above the level of the Wards’ Employment Ordinance, the male rate at Amoonguna ranging from £4 per week to £13 15s, including clothing and meals allowance, and the minimum for women £2 7s 6d including the allowances.

The institution, however, provided the housing. At the time of Gordon’s survey four of every five residents were said to be housed. Some of the others preferred their own ‘camps’. But most of the houses were of the single room aluminium type, supposed to reflect the heat. Here were the communal laundry-ablution-toilet facilities which have marked the ‘improved’ situation on stations and settlements everywhere, and the water points from which water is carried in buckets to the houses. Neither the Annual Report nor Gordon claim very much for the adult education efforts. The Report states that there was no advisory council because of inter-tribal tensions. It was part of the pattern that ‘trouble makers’ were removed from the settlement for thirty days, only to remain in Alice Springs ‘and return easily to make more trouble’. Young men sometimes earned good wages elsewhere and spent it on drink. If this was a fringe, there was also the fringe of the fringe, since people from other places would camp just off the settlement and ignore the hygiene facilities.

Gordon describes in some detail the feeding program, which according to the Annual Report involved some 1,716 meals per day for the whole

15 Welfare Branch, op. cit., p. 64.
year 1965-6. People were fed in categories, not families, mothers taking their babies to one feeding point, the pre-school children, the school children, and the adults all being kept in groups. People with nothing else to do waited near the door for the meal but the numbers there decreased after pay day. She saw the deliberate ignoring of the toilet facilities, the daytime drinking, the bottles in piles which constituted a defiance of the 'camp' authorities. She was told of the fights and the tensions.

I had myself seen all but one of these settlements but at an earlier stage. I cannot see how they could have produced other than the typical institutional attitudes, especially here, where the contrasting facilities of the town emphasise the difference between staff and inmate quarters and living standards. Why do people still stay there? Not all do, but it is so much easier to concur with tacit official pressures than to defy the health authorities and perhaps the police by establishing a camp closer to Alice Springs. On the Wards' Employment level of wages, or those actually paid, it was also a matter of real economic difficulty to go elsewhere.

Whatever happens, one gets one's food, and one's family is fed, on the settlement. Amoonguna, not Alice Springs, is the place where transient Aborigines of the full descent tend to stay unless they have relatives in town. Movement in search of employment tends to be from settlement to settlement. Each provides a place to stay or to live, even a way of living, outside the general economy. This is not as highly developed in the Territory as it is in Queensland. But in the annual reports there are signs of the same kind of 'sub-economy', of workers going from one settlement to undertake projects on another, of transfers of equipment or supplies. But neither Queensland nor Western Australia (in the days when that State managed settlements) took the logic of the camp society to the ultimate with institutionalised feeding. It shows, I think, the classic example of how little the relationship has changed since the early days in Adelaide, when the Protector had a riot on his hands after issuing a substitute for wheaten flour; and his motives for establishing such dependency were the same—that he had to keep a pauperised people alive. One may sympathise with the perplexity of Dr Gordon:

It is true that most children are surviving in a population that had a notoriously high infant mortality rate a generation ago. Rather than the certainty of developing a dependent group of people, would it not be far better to risk ill health . . .? Risk death, if necessary? . . . If as stated, there are no major health problems, then the average of 80 daily visits to the out-patient clinic can only be for reassurance. . . .

But how this picture resembles camps anywhere, the world over; or Aboriginal stations, missions, and settlements wherever they are. We can
take for comparison one which is a mission station, is in the far north-west coastal region, and is managed by a missionary body which appears to be as devoted as the best. Here at Kalumburu a psychiatrist found a ‘pathological’ attendance at sick parades, and saw in this a symptom of passive dependence and aggression.\textsuperscript{16} He wrote of a personality disorder which permeates Kalumburu . . . the passive-dependent variety, interwoven with passive-aggression. There is complete dependence on the mission for shelter and food; the old bushcraft and food-gathering skills are being rapidly lost. There is little resourcefulness and self-sufficiency . . . little incentive to learn at school and little application to work afterwards. There is little desire to learn a special occupation . . . In these shortcomings of the aborigines, it was easy to recognize an aggression to white authority.\textsuperscript{17}

He described the complete reliance on the staff even for small social occasions, the belief of the management that the Aborigines could not be trusted to complete work without supervision, the obsession of the inmates with sexual play and the concentration on immediate gratification. He does not, however, attribute these things wholly to paternalism of management, but mainly to a failure in socialisation of children by parents, who provide neither the traditional Aboriginal training nor that suitable for Western life.

A breaking down of traditional processes of socialisation seems to have been the consequence everywhere of a loss of social autonomy by the Aboriginal, to an extent unmatched by village societies which could maintain some degree of inward life while adapting to new things. It is interesting that a psychiatrist should find such evidence, which verifies the theories of a historian trying to account for the rapid and complete demoralisation which accompanied the contact process. This is also a function, the reverse side as it were, of complete submission for survival. Both together make up the central disaster which destroyed Aboriginal society. Life without meaning beyond the momentary satisfaction is one result. Alcohol is made for such a crisis, and the long addiction by so many has marked its extent and duration. But at Kalumburu not even the usual recourse to alcohol was possible.

But of greater import than the local stimuli for such conduct is its general pattern. It is the conduct of people in prison, or in the old-fashioned type of closed mental institution. It is of the essence of the institution: it is

conduct shared by men of any culture or any race under such circumstances. It is the universal social syndrome of the managed camp, with the two communities—management and inmates—reacting under stress.\textsuperscript{18} It can be found in the missions in Cape York, and on Queensland settlements like Palm Island or Cherbourg one hears from the management the same kind of story. The same sort of behaviour was described at managed New South Wales Aboriginal stations as late as 1965, and at the last Victorian station, at Lake Tyers. Cawte found that indirect revenge was common at Kalumburu, so that a missionary claimed that he feared to show too much love for an animal. In one station in a quite densely settled southern area which I visited in 1965, the manager was incensed because one of the inmates had recently urinated in the milk which it was his chore to supply to the staff members.

Dr Gordon indicates the political and humanitarian problems involved in the devolution of responsibility. Yet the longer the background of isolated institutionalisation, the greater the eventual social risks, unless indefinite maintenance of the present practices, for increasing populations, is to be the policy. No government involved would think of using pressures on non-Aboriginal families to live in institutions to ensure the survival of children and the ‘training’ of the parents. The way out seems to be to make it as easy as possible for Aboriginal families to take their own risks, while expanding the kinds of community education which reduce them. This in turn involves greater Aboriginal responsibility. It leads me again to my argument for incorporation of the ‘settlement’ groups, and the transfer of housing and certain other assets to incorporated bodies. The obsession with survival has its justification in the history; but it has operated to impair seriously the quality of the lives saved. The transfer of power to decide is the first requirement for real health education, which is inseparable in these circumstances from other aspects of community development programs. Experiments with settlement and mission councils suggest an increasing willingness to promote representative institutions.

But it would be very difficult, and probably frustrate such efforts at a later stage, if this kind of effort were to be channelled into some form of municipal government which required separate special legislation. So far as I can see, the promotion of a company, association, or other body which is or can in time become a corporate body, in which assets can be progressively vested, would neither require special legislation, nor have

the effect of channelling future development into (say) the local government sphere only. Kalumburu could be a new kind of 'company' town, eventually with buildings, land, and other assets vested in the company. Amoonguna obviously must be deserted for Alice Springs, except for those who wish to remain. To move into Alice Springs, Aborigines at Amoonguna must organise. As at Davenport in its relation to Port Augusta, there seems to be a need for the development of a corporate body on the reserve.

What of those already in or round the town? Here there seems scope for choice. There may be separate companies, with separate interests. The part-Aboriginal group in town might well decide to incorporate for its own purposes, or not to incorporate at all. If we think in terms of the proprietary company under the Northern Territory Companies Ordinance, there is a limit of fifty 'legal persons', each of whom could be a joint holder of shares in a company.\(^9\) If part-Aborigines were to incorporate, at least the politics of the situation would be more clearly defined; assistance on request would be decided by government as in other cases on the merits of a project. The tendency may be for combination of all groups which consider themselves the objects of race prejudice, and this could lead to more effective action against discrimination. The possibilities include one or two companies for those who live in Alice Springs, or a single company for the Alice Springs-Amoonguna area.

This speculation on the possibilities of a typical town-settlement complex is admittedly a search for a new principle in administration. Involved is progressive renunciation of management and control by the special agency which in the past dealt with a multiplicity of 'Aboriginal' matters, and the handing over of residual responsibilities in health, housing, facilities which determine living conditions, and the like to the general agencies of government—a process which seems to be well in train. The special agency would have a role for some time in making the contacts with government agencies in the first instance, but Aboriginal companies should, as soon as possible, make their own, with the special agency as the source of administrative advice. There seems to be a case for the employment of lawyers by the special agency to ensure that Aborigines have access to immediate advice on what they may or may not do. But they should also be encouraged to seek their own advice.

In making these suggestions, I have the advantage of being in a position to look back to the time when the first Local Government Councils were

\(^9\) See Section 15.
being established in New Guinea in the face of almost universal scepticism. I have also been encouraged by some recent comments by one who knows far more about this particular situation than I can hope to learn. The Reverend P.G. Albrecht, Field Superintendent for the Finke River Mission, has written of the tendency of Aborigines to live for the moment, of the use of 'excess' cash for excessive drinking.

Much of his traditional life, which gave meaning and purpose to his life, has disappeared . . . We have not succeeded in giving his life new meaning and purpose . . . in this situation he finds it hard to cope with life's problems . . . The internal and external authority structure of his own community has . . . collapsed . . . The authority structure of our . . . community, which we are trying to impose on him from outside, is resisted and is therefore of no real help to him. This can be clearly seen in the ineffectiveness of our courts in dealing with his problems . . . As I see it, the solution lies in creating an environment in which the Aborigine can deal meaningfully with the problems he is facing (personally and as a community) . . . In very broad terms, this means giving back to the Aborigine the authority to deal with his own problems . . . We shall have to act quickly before the whole situation deteriorates to such an extent that it is no longer possible to rebuild the authority structure among the Aboriginal people.

My only disagreement is with the implication of a point of no return. Pastor Albrecht, however, was thinking obviously in terms of a revival of Aboriginal social controls. In working towards a national policy, we have to take into account the majority of situations, where these have long since disappeared. The administrative-political carapace seems essential for the working out of new patterns, as well as the revitalising of old ones, of control and leadership. And this of course brings us to a practical and difficult problem of transition.

First, such a policy objective involves an act of faith in these Aboriginal communities which have been the result of administrative coercion or accident rather than of change within Aboriginal society. One result is that there often exist (and our example of Amoonguna is a good example) different linguistic and tribal groups within comparatively small communities. Probably the means of selecting leaders must involve elections, using the kind of initial procedures which were adopted with the first Village Councils (as they were then called) in New Guinea in the early fifties. In fact the New Guinea experience provides a most relevant source of expertise in this matter, available from nowhere else, as far as I know, in the Australian administrative community.

A second, and most serious transitional problem could be that of order, but this is a matter likely to involve increasing difficulty on the controlled settlement, where the inmates have, as in the Territory, achieved (as they must soon achieve everywhere) freedom from the restrictive laws, and where the powers of the superintendent depend on such institutional rules and controls as remain. Thus the Missions-Administration Conference of 1965 recommended that police officers be stationed near missions and settlements. In *The Destruction of Aboriginal Society* we examined reasons for particular tensions between police and Aborigines. But it is just here that the corporate body offers some hope of progressive adjustment. It offers to the police officer a chance of rapport with recognised leadership, and the kind of adjustment which has been worked out by intelligent police officers with Aboriginal people in small rural communities elsewhere. When the company learns to seek legal advice, it has a recourse which other citizens have. A most important need appears to be for the urgent training of Aborigines as police officers, and their inclusion in the State and Territory police forces.

Some of the most informed discussions of questions related to the future of these more remote Aboriginal communities have occurred in biennial Missions-Administration Conferences held in the Northern Territory. At the 1965 Conference, two resolutions especially suggested that the devolution of responsibility is now regarded by both interests as a matter of some urgency. The first recommended planning 'for increasing control of their own affairs to pass gradually to the Aboriginal people in Missions and Settlements'; the second that a committee examine and report on 'the matter of local authority and responsibility in Aboriginal affairs in the Northern Territory'.

There are good social reasons for authorities to think in terms of cautious gradualism. But there are even better ones for the transfer of power to corporate bodies, with some risk, as soon as possible. One is that only through such a transfer can there come a real incentive to adapt and learn. Another is that people cannot learn to use power in their own interests until they have some. The long process of 'training leaders' under imposed authority tends to fail, because the very selection of the 'leader' by imposed authority may be equivalent to what some New Guinean politicians (who as products of a village-based society have maintained, with a degree of autonomy, and adapted, their traditional political skills) call the 'kiss of death' to ambition.

21 Northern Territory, Missions-Administration Conference 1965, Resolutions 6 and 7: SSRC-AP File (quoted with the permission of the Department of Territories).
One reason for the selection of Alice Springs for discussion was a recent, and at the time of writing, continuing attempt to apply these principles to the urban circumstances there. The Reverend Jim Downing, a trained social worker, was appointed by his church, with his salary paid by the Welfare Branch, to work among the Aborigines. He had already had experience among persons of Aboriginal descent in Redfern (an inner suburb of Sydney), and in Alice Springs saw the need for effective consultation, where there was no machinery or overt leadership to make this possible. As one initial step, he began to learn the most extensively used of the local Aboriginal languages. He formed a committee of sixteen, of whom eleven were Aborigines. This committee assessed the prime need to be a place for Aboriginal social activities in the towns other than the hotel bar as an answer to the problem of hard drinking. The formulation of the needs, as an agreed basis for future action, took months, partly because of the divisions within the committee, on which five linguistic groups were represented. A town society torn with factional strife posed the committee members at once with choices—to split up and join in with their own groups in the frequent quarrels, or to stick together. The decision, prompted in a particular case, was to stick together as a committee and to arrive at agreed decisions for future action.

It took ten months of discussion to form a club. Church premises were rented. Some additional building was needed. Downing was restrained here and left the decision of how and when to the committee and their people. The work was eventually done. A cash collection, in the town, from a mission out of town and from Amoonguna, was enough to found a small bank account. The committee disciplined its own members for heavy drinking. In 1967 it was maintaining strict cleanliness and discipline in its accommodation, and by mid-year the club was well established. According to Downing, there was a feeling amongst the committee that it had to succeed; that here was a problem in which the government or church could not really help. At least one mission was suggesting that a next step might be to secure lodgings for Aboriginal visitors to the town. This is the kind of function which most comparable groups could well consider and which governments could well subsidise.

Here, then, was a small growing point which might, with official restraint, and with assistance on request, but not an overwhelming interference, develop into a new institution. Eventually this would seem to require some corporate entity. The faction fights in this group, often with violence, were giving way to self-imposed discipline. The cost of much of the work was borne by the government, with the Welfare Branch showing
restraint in allowing the social worker to spend the time, for which it was paying, on 'group therapy' rather than on the individual counselling on which it seems mainly to have been depending in similar situations. The worker showed respect for the culture by learning the most commonly spoken language (and, incidentally, by taking classes in it, with Aboriginal assistants, for non-Aborigines, including some officials responsible for Aboriginal administration). Here was the small spark of hope; dangerous in that hope denied adds to frustration, yet indicating the one way out of the social impasse. In case this seems a somewhat pessimistic statement, in view of the scarcity of workers with the skill and humility for such efforts, I would refer here to the fact that community development type programs are what Canadian governments have come to in attempts to promote welfare among the Indians and the Metis; that the American Bureau of Indian Affairs has long used this kind of technique; and that this kind of effort has been widely used in programs of technical assistance to 'developing' countries.

A complete convert to community development techniques would have gone further than I have done, and have assumed that the community requiring the special assistance was the town population as a whole. From the point of view of needs, this is true because prejudice of the whites is a form of mental ill-health, restricting individual possibilities of the whites as well as of the Aborigines, and may well result in inter-group violence in the long term. It is also true that a way to decrease prejudice is to involve the racial groups in common activities. Inter-racial programs are becoming increasingly possible as more non-Aborigines are involving themselves in work with Aborigines, but a very small minority on both sides is involved. The Aboriginal, even in towns where he is a member of a large resident group, exists, as it were, on the fringe of non-Aboriginal attention as well as on that of the town. Much effort could be wasted on attempts at common community activities for the town as a whole in the first instance. My own priority would be for the building of Aboriginal organisations as the first step. A much better organised Aboriginal demand on the attention and the facilities of the town, of a kind which could not be shelved or ignored, made with the assistance and advice of central government, is a more promising educational experience for both parties, if this stage can be reached, than the limited social and educational interaction which appears possible without it.
ABORIGINES AT KALGOORLIE-BOULDER

Kalgoorlie-Boulder, with its fringe settlements now reduced to the town reserve, but with an increasing number of Aboriginal descent and identification established in the twin towns, presented, in 1965, some complex variations on the same basic theme. Mining was decreasing and the economic outlook for the once Golden Mile then appeared bleak. But Kalgoorlie still attracted Aborigines from the desert country to the north and west, and from the pastoral properties. Big-chested Aboriginal men in outlandish clothes, down in town from the country behind Leonora and Laverton, could be seen in 1965 in these streets, walking with a gait that suggested energy suppressed in these confining situations. Others came in to the District Office to sell artefacts, to inquire about work or pensions, or on other business. For these men, unless they had friends in town housing, there was no accommodation except that on the reserve.

This was a typical Western Australian 'camping reserve' established for the use of 'itinerant natives' by the Department of Native Welfare. When S.G. Middleton, then Commissioner for Native Affairs, persuaded the government to give up its Aboriginal settlements, he hoped that moral and political pressures would establish Aborigines in the towns. As late as 1961 he could write optimistically that 'all but a few of the adult natives who for years had resided on the settlements . . . were dispersed to their former districts and most of them have since taken places successfully and unobtrusively as members of town and country communities'. But his next remark illustrated the need for Aboriginal strength, to combat what he calls
Jim Crowism ... or it may be as intangible as a tacit non-acceptance of them on any terms of equality, no matter how well merited their case may be ... People who adopt this attitude should realise that whether we like it or not, they are members of our communities, and their livelihood and means of social intercourse ... are determined by the social framework of those communities, and their acceptance is therefore essential.¹

He tells how, in 1948, he found that the only buildings on these camping reserves were ‘crude bag and hessian enclosed privies’; and how his department had at least managed to equip thirty-six of them with septic ablation and laundry blocks.

One effect of the decision was to bring the housing needs of Aborigines fairly into the open. At the same time Western Australia, until the recent mining discoveries, could argue that from its current revenue it could not meet them. (Implicit, of course, was the lower priority for Aboriginal housing.) One expedient was the extension of very poor accommodation on many of the camping reserves.

At the beginning of 1965, the Kalgoorlie reserve had so shocked a visiting evangelist from the east that his protests made headlines in the capital city press. Apparently it was an atypical situation, for over two hundred Aborigines were living there temporarily, using as far as they could the twelve iron ‘transitional houses’ and the limited services. The Minister for Native Welfare promised to look into the incidence of venereal disease in the area, but also pointed out that nothing was to be gained by deferring the granting of drinking rights. (They were, in the event, deferred in this region.) Pastor and Minister agreed that multi-focused programs were essential; but the fact that there were no recognised Aboriginal organisations to deal with meant that there was no plan or precise proposal. The racial category of ‘native’ indicated in a vague way someone less than the citizen and political man. It was a hindrance rather than an aid to negotiation.

In the wake of this publicity Elspeth Huxley came to Kalgoorlie. She was refused permission to visit the camping reserve, the Minister stating that she must apply in writing, and that he would consider the application on its merits.² This and the earlier incident illustrated the whole weakness of the attempt to maintain special administrative controls, especially in the vicinity of a large town. Since the reserve was quite open and easy of access the controls could only be nominal.

The situation presented an excellent preview of what will be an increasing factor in race relations in these towns in the 'colonial' regions. There are two possible ways to maintain order. One is through a legitimate Aboriginal leadership. The other is to remove to institutions or to restrict in other ways the group which is considered a threat to order. Outside the institutions, many were restricted, in effect, to their places of employment by police and other action which kept them from the towns; earlier this action was at times reinforced by curfew regulations, or the use of the vagrancy laws. But once such restrictions begin to break down or are withdrawn, or applied with less rigour because of liberal or humane sentiment, there can be nothing but comparative chaos until the rapport between authority and the 'problem' group is established.

But the official cannot talk to all members of the Aboriginal community. He has to talk to leaders. Again, leaders cannot be chosen by the official. For leadership to become possible, there has to be consensus within the group, an acceptance of the legitimacy of the leadership role, and recognition of the man who fills it. This is one of the strongest arguments for action, as soon as possible, for the incorporation of groups which feel that they belong together, so that an enclave, an area within which members can work out their problems, may produce leadership which can commit followers in negotiations.

The alternative is the continued attempt to enforce law and order and to keep Aborigines on the fringe or on the move by applying health, housing, and other regulations, or by use of vagrancy laws. These attempts bring further defiance by people who feel that, having lost all, they have nothing to lose. This defiance in turn brings the complaints about Aboriginal drinking and repudiation of majority morality.

To deal with the 'problems' facing local government at Kalgoorlie-Boulder, it was necessary that the other (Aboriginal) party in this conflict of interests be defined, and that negotiation between this Aboriginal interest and local government should begin. Otherwise the 'problem' would be handled with doubtful (but unchallenged) legality or by calling on the government welfare agency to move the Aborigines into another local government area.

An act of faith must include the payment of basic and award wages and of full unemployment benefits. The Aboriginal working on the full wage who comes to town can at least pay for his accommodation and demand as a free man his right to pay for and use the public accommodation of the town. This would be a major factor in decreasing dependence on the camping reserve. It is the *sine qua non* for real integration; for without
the possibility of economic equality race relationships will continue to be influenced by the spectacle of Aboriginal mendicancy.

The full impact of this was not felt in Kalgoorlie because of the holding situations further out not managed by the State, but by the Church. At Cundeelee Mission in 1965, four hours west along the railway line, the Australian Aborigines Evangelical Mission had been maintained since 1956. A small mission pastoral station, established in 1953 where there had been a rationing depot, was at Cosmo Newbery, 60 miles north-east of Laverton. Twenty-five miles south-west of the same town, the United Aborigines Mission Society had a small centre which had been a home base for station workers, and where there was by 1965 a government school. Far away to the north-east of Laverton, some 360 miles out, between 400 and 500 people were in contact with or lived on the Warburton Ranges Mission of the same Society.

That Kalgoorlie is the centre of the huge Eastern Division of the State and the place towards which even the last nomads learn to look for decisions as they come into contact with the missionaries and officials, strengthens its position as the eastern metropolis. The more adventurous and curious Aborigines of the full descent, lacking great sophistication, find their way there, and their reception is a matter of importance. Coming in as they do from the north-west for the most part, they travel through other points of initial urbanisation, at Leonora and Laverton, the latter at the end of the railway line to the north-east.

The availability of age pensions has produced a comparatively wealthy old-age group which forms a substantial part of the population of the missions out towards the desert. Pensions, as a direct contribution to mission funds, strengthen a tendency to stabilise these people and those who depend on them in these institutional situations. There was also a group of them in Laverton, where the Department had a housing program in the township. Here there was also a reserve. The report for the previous year had mentioned how punctually the tenants of the ‘standard transitional homes’ had been paying rents.

One had the impression of a humane administration operating in impossible circumstances. Part of the reason was lack of funds. But more important was the lack of the two bases for a general strategy—the right to basic and award wages, and a political-administrative organisation for the mobilisation and expression of Aboriginal opinion, which would provide a milieu for the development of Aboriginal leadership. Law can establish economic equality in the matter of the minimum wage. Unless this is applicable to all citizens, Aboriginal aspirations must be limited, with the
consequent psychological effects; and mobility can be difficult, since only the person who is in a position to save something can take time off to change his employment or look for a better house. The pastoral award applicable in Western Australia did not apply to Aboriginal wages (nor did the relevant awards throughout extensive pastoral regions in Queensland, South Australia, and the Northern Territory). The limiting effect of such award provisions on the work of welfare departments is obvious; though the disincentive of a lower wage was not so great round Kalgoorlie, where the Aboriginal worker with experience could expect up to award wages with keep.3

A causal cycle operated. The Aboriginal was paid what the employer thought he was worth. The employer thought less of him than of other workers because he tended to gear his output to the wage. Obviously there would be special employment problems, especially for those recently out of tribal life in the desert areas.

Imaginatively, a centre for the sale of artefacts was managed by the Department in Kalgoorlie. A course to train adults in mineral prospecting was being given at Leonora, with the support of mining interests, well aware of the very special skills which nomadic Aborigines could, with incentive, bring to the task of finding surface minerals. Here was the kind of enterprise which could provide Aboriginal corporate bodies with much to be done, and create a new advisory role for a Department freed from power.

But there were basic tasks in Kalgoorlie itself. Most important were those of reception and accommodation. Part of the problem was that when the bushman came to town, he had often left a paternal situation involving payment in kind; that if he were looking for employment for the first time, there was difficulty in maintaining himself. Here was one initial task for an Aboriginal organisation interested in his reception—to advise him of his rights, and to provide initial accommodation. But there was an area of doubt, to say the least of it, about his entitlement to unemployment benefits, no matter how genuine his search for work might be. This entitlement did not commence when he came out of tribal life in the desert, although surely this was the point at which it logically should. There is no doubt that there were some difficulties in applying the 'work-test' clause of the Social Services Act.4 A genuine concern with Aboriginal welfare would have led to an amendment applicable to persons of Aboriginal descent.

3 For details of Aboriginal wages in these 'colonial' regions, see Chapter 12.
4 See Commonwealth Social Services Consolidation Act 1947-1950, Section 107 (c).
FRUSTRATED URBANISATION

There was also a problem where sophisticated Aborigines refused to work for less than the award wage. As the Act was interpreted by the Department of Social Services, the Aboriginal who had refused the wage stated to be ‘customary’ for Aborigines was not entitled to the unemployment benefit. This appeared to be bureaucratic avoidance of a situation where the person who received unemployment benefit would be paid more than if he were employed for the ‘customary’ Aboriginal wage.

One would expect such difficulties to be met with along the uncertain frontier of the ‘colonial’ regions, where the Aboriginal could expect only the ‘native’ wage and where his needs could be assumed to be met by the Department of Native Welfare. In fact, of course, they were not. Had European migrants been similarly treated the result would have been a scandal. But the Aboriginal was still inarticulate. There would continually be Aborigines attracted in from these regions, posing special problems for a system of social service benefits which is based on assumptions applicable mainly in the settled areas to all or nearly all, and to non-Aborigines in the ‘colonial’ areas. The same kind of problem arises when there is a deliberate extension of some benefit to Aborigines wherever they are. To be fair, this is the trend and the obvious intention of government. But in 1965 the problem of who was entitled to unemployment benefits was a matter of some importance in Western Australia.

Under the terms of the Act, an applicant had to satisfy the Department of Social Services not only that he was willing to work but that he was ‘capable of undertaking . . . work which in the opinion of the Director-General is suitable to be undertaken by that person’. It seemed that at the time the Department felt itself bound by this reference to capacity (and an address by the responsible Minister to the Federal Council for Aboriginal and Torres Straits Islanders’ Affairs in March 1967 indicated that the policy still stood), to take the wage customarily paid to the applicant as the measure of his capacity. The practice in Western Australia was to look at the individual case involving a native. This meant that in practice one without a ‘work history’ documented in some way had little chance of getting the benefits. The Department of Social Services would make or obtain an assessment of what wage an applicant for benefits was worth. Inevitably its officers would look to the ‘customary’ wage in the area for the relevant category of Aboriginal workers—the so-called ‘district wage’ for natives.

This practice was challenged by an application for unemployment benefits by members of Nomads Pty Ltd, an Aboriginal company in the

4 Ibid., (ii).
Pilbara region, the members of which had been maintaining themselves by mining. The applications were refused on the ground that work at the 'district wage' (well below the award) was available. As I shall indicate below, the 'district wage' was no more than a bad guess at the average wage. Another reason for refusal in such cases seems to have been the absence of a 'work history'. One can sympathise with responsible officers, faced with current facts such as the ease with which an unsophisticated Aboriginal can be parted from his money, the pressure of employers to keep wages down, and the problem of incentives where the unemployment benefit is above the 'district wage'. Yet the fact is that any non-Aboriginal otherwise eligible was assumed to be worth the basic wage in employment, and to be entitled to the full unemployment benefit when he lost it.

These questions were being raised in 1965, with the first applications: a situation which caught the Department at that time with no office further north than Geraldton. One could not help wondering whether it was equally difficult for a non-Aboriginal who had always been self-employed at a low remuneration to get unemployment benefits.

This is one of many factors which bring to a town like Kalgoorlie the problems typical of urbanisation in colonial and the so-called developing areas. People who come to the town may do so experimentally, as do those in the forefront of change; or they may be forced there as a last resort by hardship in the rural areas. They may also be unfit by experience for safe urban living—through lack of hygiene, of knowledge, lack of resources for accommodation, and lack of experience for employment. From the early days of mining, Aborigines were attracted into the Eastern Goldfields; and according to the complaints made to the Kalgoorlie Town and Shire Councils, this was still happening in 1966, when ratepayers were said to be complaining about the usual things—behaviour of natives, lack of hygiene, etc.—and an estimated 250 to 500 camped on the outskirts. According to the *West Australian* there was no evidence to be found of these large numbers, but merely thirty or so, 'mainly pensioners, living on the Parkeston native reserve'. The Town Clerk saw the 'uneducated itinerant bush natives who wandered through the town looking for food' as 'the main problem'; and 'trouble' from 'tribal relatives moving into town and camping with people who had jobs and had worked hard to assimilate themselves...'.

People who must share their wealth with other members of an extended family face a particular difficulty. Fulfilment of one's moral duty makes it difficult to save and to 'get on'. This strengthens the case for some special,
perhaps Aboriginal managed and government subsidised arrangement for reception into the town. The best possible way would be by subsidy to a hostel managed by Aborigines, to accommodate those who are without money pending social service benefits decisions. It should also serve, on the same basis, those non-Aborigines who have established their entitlement to unemployment or other benefits, unless they prefer to pay for other accommodation.

A law like that of South Australia, against discrimination in public accommodation, seems essential; and many workers in from the rural areas will have the money to pay for their accommodation. The alternative to this reorientation of policy is to go on as before and for local government to harass and discourage the newcomer to town. Thus the Shire President was reported, in August 1966, as saying that many meetings had led to ‘no practical solution’ to the problem presented by drinking of ‘itinerant natives’. The council could ‘stop natives living in houses unfit for habitation’ (a common procedure throughout Australia being to knock them down, so that the family then has no house at all). The ‘health inspector tried to persuade them to move to the reserve, but nothing could be done to prevent them from entering the town or to force them to leave’, although the Native Welfare Department was reported to be discouraging ‘bush natives’ from coming to town and to be asking residents not to supply them with food. A meeting of local government authorities of the Eastern Goldfields subsequently expressed opposition to ‘any further extension of native drinking rights’ although it was clear enough from the discussion that alcohol was easy enough for natives to get in these areas already.

There was no Aboriginal representative at this series of meetings.

Typical fringe situations had existed here for a long time, and increases in mobility and population meant that without some new measures they would increase. In 1965 I was informed that mission accommodation for ‘neglected’ and delinquent children committed by the courts was being overtaxed in this area. The procedure was that children who were legally native (and the Department of Native Welfare appeared to have more complete information of individuals on file than any other of the respective State departments) would, if committed, be sent to a mission rather than to a Child Welfare establishment. This kind of decision, where records are not adequate, can often be made on appearance. But at least in Western Australia brothers and sisters were not separated by such decisions. In some States, fair and dark could be separated and sent to different institutions.

7 Ibid.
8 Discussion at District Office, Department of Native Welfare, Kalgoorlie, August 1965.
One reason why people came right into the town was the dearth of employment on the pastoral properties. A total of twenty-six stations out from the two centres of Aboriginal administration at Kalgoorlie and Leonora had, over the period 1963-5, been inspected by officers of the Department of Native Welfare because they employed 'native' labour; but they employed very few—a total of fifty-five male workers and eight women. The average male rate of pay was about £13 in the Kalgoorlie district, and about £1 less out from Leonora; but in the Leonora district all but one man (who received £19 per week) received 'keep', while in the Kalgoorlie district keep was not apparently related in any way to the cash wage paid, as some on the bottom rate (£7 to £8) did not receive it.9 The overall range was from £6 to £22. The award rate was then just over £17 for an inexperienced station hand. Interestingly, eight women were still employed for mustering and station work, but most of them were domestics. Their pay ranged from £4 to £9 but averaged £7 per week.10

Obviously the trade unions had taken no interest, but the stations had found it necessary to pay far higher wages here than in the far northern districts. This must happen everywhere as the pastoral industry becomes more efficient in the more distant regions of the 'colonial' areas, and the result could be more pressure on the towns as those not considered to be worth the higher wage lose their employment. There really seems no reason why those who work on the stations should not be receiving the full award, while all the principles on which any reasonable long-term solution depends require that others out of work should get the relevant social service benefits. Only when this is the case, and the marked difference between wage and unemployment benefit acts as an incentive, as it does in other cases, is a way out of the present impasse opened up.

The main employment opportunities off the station, over and above the various types of work engaging the 250 or so who were settled within Kalgoorlie-Boulder, were on the railways. Here there had been a high rate of turnover, mostly, it was said, the result of hard drinking.11 This also showed a need for some Aboriginal leadership, and of some organised discussion between Aboriginal interests and potential employers. Excesses of some will inevitably be attributed to all by the prejudiced; as when one officer who has a good deal of responsibility in this field told me that

9 All wages are quoted in pounds Australian unless reference is made to 1966 or later (£A1 = $A2).
10 For access to these figures on the files of the Department of Native Welfare I am indebted to the Western Australian Minister of Native Welfare and to the co-operation of the Director and officers of his Department.
11 Discussion at Commonwealth Employment Service Office, Kalgoorlie.
the only solution he could see was 'to put them on to reserves and keep them there'.

People in these far inland towns have long been inured to the sight of newcomers from the desert looking carefully through the garbage cans for scraps of food. Though I did not see this, it was maintained that this still happened in Kalgoorlie. The Native Welfare officer claimed that there was no need for this. But the more one looked, the more likely it seemed that a person without a work record could be penniless, and live from what he could beg or get in other ways without money. Perhaps one of the main reasons is the impossibility of enforcing a restrictive protection on people who have the freedom to move and who are not interested in being protected or in the good intentions of the protecting officialdom. This situation is part of a continuum, of a movement which probably extends through Laverton, Kalgoorlie, Merredin, Doodlakine, and Kellerberrin (all with camping reserves) and so into Northam and Perth. The Department has made valiant attempts to get away from rationing; but at this stage the unsophisticated Aboriginal not only knows that he will hardly be allowed to starve, but has learned to proclaim that those who 'took our land' owe him a living.

Western Australia had special financial problems, with dependence on the Commonwealth Grants Commission, which while increasing funds available for native welfare, also influenced the manner of expenditure to fit in with Commonwealth-State financial relations rather than with the direct needs of the situation.

A second difficulty had arisen from a very important decision to which we have already referred—to build no permanent separate housing settlements, and for government to give up management of settlements. This, as it were, unlocked the gates of the Aboriginal institutions. The shortcomings in expenditure could no longer be hidden away in settlements, but became much more obvious on the outskirts of the towns. But the fringe problem having thus been revealed, some further steps seemed essential.

The decision did not go all the way. Although one result had been to have most missions divert their efforts into the management of hostels, and although the opening up of these institutions has been marked by the taking over of schooling by the Education Department, there were still, in 1965, eight missions in the remote areas of the State controlling mission settlements. Some of the camping reserves had become more or less permanent, and arrangements of a transitional nature seemed to be indefinitely acceptable to the government. The hindrances to further and
more rapid integration into the towns included 'lack of money' (really of priority) for housing; long-standing resistance of the town administration as the representative of the rate-payers, strengthened in some towns by conduct of the least experienced or the least responsible of the Aborigines; and the poverty of most Aborigines, mainly due to the lack of employment, and partly to the comparative difficulty of the poorest to qualify for unemployment benefits.

The Western Australian towns in and along the boundaries of our 'colonial' regions illustrate the need for the machinery of consultation, to ascertain local needs, and to enable responsible leadership and followers to establish roots in the towns much more rapidly. Basic here is the need for rapport between Aboriginal organisations (my suggested 'company') and the town council. Needless to say, local government has to be strengthened by the existence of a State and national plan, with anti-discrimination laws which at least set standards and create more tightly defined rights. It must also be strengthened by the removal of all special restrictions on Aboriginal economic equality, especially in wages and social services. Organised Aboriginal pressures might also in time ensure that the Aboriginal has the same chance as other claimants of having his case dealt with directly by government agencies other than the Native Welfare Department. They might also bring pressure to bear on some of the trade unions, especially where these have operated 'closed shop' arrangements to keep Aborigines out of employment which is highly paid for their own members.

It is one thing to say that Aboriginal organisations are necessary. It is quite another so to convince fringe dwellers and people with a long institutional history, in the face of continuing, almost unthinking, discrimination, that there is a chance of better things, that they will organise to achieve what they want, to press authority for it, to co-operate with their own leaders in pressure groups. This will mainly be a task for Aboriginal innovators. They have appeared long ago, only to have their efforts stifled by the nature of the legislation, and by government's appreciation of the task as primarily one involving the changing of individual Aborigines through experience, tuition, and the passage of time. Government cannot make these leaders. It can provide the framework of administration in which they may operate, and it can offer advice and assistance. It can also get rid of all special restrictive laws, and make positive provisions, however difficult, which by making discrimination in public services and places illegal, at least give to the Aboriginal who experiences it a cause for legal action. It can assist in the organisation of corporate
bodies. Especially, it can subsidise and deal with such bodies, and hand over to them progressively such special welfare activities as they agree to operate and are willing to undertake.

The first step seems to be a national policy, strategy and tactics, based on these principles. The second is to make it known: to reorganise staffing for this reorientation, and to attempt to establish rapport on the new basis in local administrations. If local governments can be drawn into consultations so much the better, but the limits any particular local government may seek to impose on location of housing and access to services must be overruled in the last resort. Then, all this having been done, and the financial arrangements for loans and special assistance having been made, one might expect a gradual shift of emphasis in Aboriginal affairs: a movement into the kind of policy and practice which offers some hope, while for a long time, perhaps indefinitely, there will be need for the kind of special service (one hopes on a diminishing scale) which is now provided.

The local operation then becomes one which, if it were to be transferred to an Asian country, would be described as technical assistance. The difference is that it would be carried through in the midst of one of the richest societies on earth, and one which could quickly become very much richer, and probably will long before programs of this kind can have much effect. This national problem of a wealthy society, which will have a considerable effect on the economy as the Aboriginal population increases, should have a higher priority for expenditure than most technical assistance schemes.

The methods, in this context, will need to be different—a matter which I believe is overlooked by those who think in terms of shares and dividends for the whites, and in terms of self-help co-operatives for the Aborigines. For instance, technical assistance in an 'under-developed' economy makes use of labour, otherwise unused, for construction, and where the social background is the village, in which all houses and most other buildings are built by occupants, this leads to no special incongruity. In the Aboriginal case, where the fringe dwelling is partly so defined because of its difference in appearance, its comparative inefficiency as a dwelling, and the contrast of construction and site with what is acceptable in town, homes obviously have to be tradesman-built. There is a place for self-help as an interim measure to improve the shack, and for this purpose a loan or other help may be well justified, but the objective has to be a house of the minimum standard at least, which meets the standards fixed for all by the local government authority. Moreover, the direction in which the economic advancement of the Aboriginal lies is not through unpaid labour producing
capital. It can only be achieved within the cash economy. In a specialised economy, he can only hold his own by earning enough to pay for his needs.

North of Kalgoorlie, the Department of Native Welfare had, in fact, been experimenting with self-help construction, using pisé and other building materials, but because nearly all the men had seasonal work at some time, there was no fixed labour force. Even where the materials were locally obtained, the cost of amateur construction was higher than that by tradesmen because of the high real cost of unskilled (and poorly motivated) labour, and because of the high cost of maintenance where the initial construction had been poor. The farmer may build his own house on his first selection and live in it for the rest of his life. But his incentive is that he owns the land, or has some permanent relationship with it; and that he must endure or enjoy the results of his work. In the Aboriginal folklore there are memories of unpaid construction work, producing houses for which at a later stage the occupier may be asked to pay rent.

Money is one of the main attractions which brings the Aboriginal with his family to town—together with the range of possibilities and choices it brings. It is unreal to plan some way of living out of the cash economy. He might as well have remained on the reserve.

In every State, Aboriginal administration has had low priority for skilled personnel. The need for special skills has been almost completely ignored. Yet this is the area where the highly specialised skills in ‘development administration’ are most urgently required. Even a quick look round Kalgoorlie suggested several possible first interests for the attention of the first Aboriginal company there. The fixing of priorities (and quite probably they would be other than those I mention) would be a matter for this body in consultation with the town and central government authorities. Pressures from an Aboriginal corporate body might well be made, on both trade unions and employers, in the matter of wages in the pastoral industry. I met one part-Aboriginal (James Brennan), who stated that he had already been active in organising for higher wages on the stations. A part-Aboriginal informant told how the Aboriginal from the desert must learn to ride a horse, and to use and conserve ‘white man’s food’, not ‘throw it all over the place’; and argued that one of the handicaps was absence of practical training. These days, cases of complete inexperience would be few. But some point of reception and preparation might best be controlled by Aboriginal management, with government subsidy.

Some of the town Aborigines were already involved in the establishment of an Aboriginal centre in Kalgoorlie. There has been a significant beginning, in the last few years, of new centres of this kind where the
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urban problems of Aborigines have reached critical proportions. I have already referred to the most impressive effort of this kind by the Foundation for Aboriginal Affairs in Sydney (Outcasts in White Australia, Chapter 18). Relevant here is the subsidy first granted by the New South Wales Government in 1966. It was interesting to see a similar response to a similar situation, though on a smaller scale, in Kalgoorlie. The Reverend A. Kemp, chairman of the Committee for the Centre, was new to these circumstances and seeing them with unprejudiced mind, and he recognised the need for leadership and organisation. A building became available for a Centre—the Minister for Education was also the Minister for Native Welfare, and the building leased was a disused school. From such a venture, an Aboriginal company could well be developed. In 1965 the Centre was concerned with the need for accommodation. At that time educated 'coloured' persons from the capital had great difficulty in getting hotel or boarding accommodation in Kalgoorlie. I was told that some had slept on the reserve. An Aboriginal company might bring organised pressure to bear on hotel and boarding house managements, and on public opinion, but at the same time some additional cheap accommodation might be organised—perhaps at the new Centre. Even if adequate accommodation has to be provided by assisting Aborigines into the hotel and boarding house trade, an Aboriginal corporate body in the town could well be supported by government loans for this. Here again there was obvious need for anti-discrimination laws to set standards. Cheap accommodation centres might be supported with government funds provided that they catered for all persons wishing to use them.

The 1965 situation indicated the breakdown of earlier arrangements which had restricted Aboriginal movements and contacts with others. Until 1954 there had been emphasis on preventing miscegenation, expressed in laws which purported to keep others away from native 'camps', and laws which enabled a local Police Protector to order natives to remove their camping places to a distance 'from such town or municipality as he may direct', the Governor, by proclamation, to declare any municipality out of bounds for all natives except those in employment, and any police officer or justice of the peace to order any native out of town. These laws enabled local apartheid traditions to develop in Western Australia. They were repealed in 1954.12

12 Western Australia, Aborigines Act, 1905, Sections 37-39. The power of the executive in this connection was actually extended in 1947 by the Native Administration Act Amendment Act of that year (Section 2). By this time Sections 37-39 had become Sections 40-42 of the 'principal Act'. They were repealed by the Native Welfare Act, 1954, Sections 40-42.
One of the reminders of this is the site of the Kurrawang Mission, managed by the Plymouth Brethren, just outside the old 8-mile limit which had been considered by local authority to be suitable for the Kalgoorlie situation. The loving kindness of the mission was still required. But there was not one service offered, as far as I could see, which could not have been as conveniently, perhaps more conveniently, provided in Kalgoorlie, and to an integrated clientele. There was a children's hostel, from which the children went mainly to school in town (to secondary and technical schools), there were children committed by the courts and a few aged pensioners. The school children should obviously have been in town. One guessed that the separation from others of native children committed by the courts reinforced the impressions the school children gained that their lot was to be different.

To be fair to the mission, it always had been so. This mission insisted that pastoral employers would have to provide accommodation before they could get young girls to work as domestics, though some from here were still likely to marry station hands who lived in bush camps. Missions which had operated through the worst periods on the goldfields were naturally obsessed with the need to establish minimum standards for the fringe dwellers. It is hardly to be expected that they would see anything but triumph in the taking of a child from its prostitute or drunken mother, and in its preparation for a decent orderly life. In this background equality was not even a relevant consideration. If some of the missionaries are caught up in the continuation of old problems, and resist liberalisation of their old rules, as in access of the child to its parents in the school holidays, it is sometimes because their policies were formed to remedy neglect by all others including governments of their responsibility.

Here is a situation which requires consultation between the representatives of Aborigines, missions, and government. Missions have begun, even in the far north, to think of moving out of situations of administrative control. The case for a corporate body of Aborigines to take, in due course, the responsibility for control of accommodation for school children, has to be weighed against the need for integrated accommodation. In the cases of the committed children, there seems no good reason why Child Welfare authorities should continue to depend on the special Native Welfare and mission authorities.

There are also some purely local circumstances—as there are in each town-fringe confrontation. One part-Aboriginal told me that for the newcomer 'there is nowhere to go but sit out the pictures, and nowhere to lie down, and nothing to do'—which possibly accounts for the alleged
drinking habits of the visitors. Another local circumstance was that people were beginning to move out of the old homes. In the main, part-Aboriginal families seemed to make up a substantial part of those who were taking them over. According to a pretty and very capable part-Aboriginal 'Welfare Officer (Women)' who had been educated first at the Mount Margaret Mission, these families were paying their rent. (Had the housing been government-owned the story might have been different.) But many of these houses were very old. It was a complaint of the Aborigines that they were now being condemned on health grounds, one possible reason for this being the overcrowding.

Another reason was complaints from neighbours, Aboriginal critics tended to blame the Department of Native Welfare for failing to extract them from a situation which involved mainly their relations with the other people in Kalgoorlie, and especially with the municipal authorities. The Department faced here a problem faced in many other towns, of councils which use their health inspection powers and the power to set building standards to prevent or to limit native membership of the town. From the departmental point of view, it was pointless to purchase the old houses which were becoming available if the council demanded improvements involving heavy expenditure. From that of the Aborigines, it appeared foolish to be spending about $6,000 to build a house to the departmental pattern where three serviceable dwellings could be purchased for about that sum.

Such a situation, full of possibilities for misunderstanding, cried out for consultation between the various conflicting interests. The emergence of a recognised Aboriginal voice seemed essential before any agreed solution could be reached. Here there seemed less likelihood than there was round Alice Springs of conflict of interest between the part-Aboriginal and the Aboriginal. Both groups have the same native status. Both face the same complex problems of change, which demand solutions which only they can find. Both need assistance to implement these solutions.

For example, I visited one well built home with a garage, on the outskirts of Kalgoorlie near the reserve. This was being purchased by a part-Aboriginal with a large family, who was also subject to heavy demands from visiting relatives. One result, I was told, was that the house was attracting the attention of the health inspector. A very old woman, who appeared, culturally at least, to have lived most of her life as a tribal Aboriginal, lived in the garage, and received the old age pension. There was no furniture. Judged by ordinary standards her situation was one of real squalor. It was not that I had lacked experience; I had seen very old women living on the verge of death in wurlics. But this was incongruous
in Kalgoorlie, and seemed unnecessary. It highlighted the problem of reception. The woman herself was dissatisfied, but mainly about her pension. She had, she said, been paid the full amount at the bank in Leonora. Why was it that here she got only rations, and £1 pocket money? This was, in fact, because of the use of the so-called ‘warrantee’ system in her case, whereby the cash is paid to someone who can be trusted to spend it wisely for the pensioner. (The same system has at times proved a profitable sideline to some pastoralists.) But her confusion, the fact that she spoke a pidgin English, her living conditions, and her relationship with the family which was setting itself up in the house, all pose, at the level of intimate personal detail and in a way which seems to defy slick generalisations, the need for a continuing representation of the Aboriginal interest.

The issues are those of status and politics, extending far beyond those involved in paying welfare benefits. They demand continuing discussion between the racial groups, with the government pushing all interested in the direction of reconciliation. Such a situation (of which there would be dozens in Kalgoorlie alone) cannot be dealt with humanely within a rigidly regulated system of administration.

There will be many political gestures in Kalgoorlie before this issue is played out. One wondered how long it would be before a student could take an Aboriginal friend into the lounge of the leading hotel there, or what would happen when the first Aboriginal medical graduate put up his brass plate in the main street.

If there should be any doubt about the potential for Aboriginal leadership, a glance at the evidence given in Kalgoorlie before the Select Committee of the House of Representatives, on voting rights for Aborigines, might allay them. Mrs Kathleen Jackson, who had only just obtained her citizen rights under the State laws, mentioned how her son, having obtained the Leaving Certificate, was currently working on a pastoral station for well under award wages. She saw the right to vote as enabling use of political pressures by Aborigines for what they wanted. She understood that votes made possible pressure on the local member, and that other pressures were possible. ‘They could get a few of the educated native boys together and go to the board meetings and if there was something they wanted—a home built for some one—and they wanted finance from the Government, then they can put it forward.’ Asked by the chairman what would be the main thing ‘the native people would want out of life, having got the vote’, her answer was

I think it is their living standards. At the present time in Kalgoorlie and surrounding areas I think there has been little change in the people, including my own relations.
Ever since I was a little girl I have not seen much change in them. The people are not properly clothed and have not the right kind of places to live in. In winter time on the reserve they have to come into town and walk out again carrying their children on their backs if they have no transport to the reserve. Out there they have a tin shanty and the rain comes in and washes right through. They have no beds and nothing whatever and no comfort at all.\textsuperscript{13}

This is true of a substantial part of the fringe population; that, in sight of a society so completely devoted to the pursuit of comfort, they have little or none.

Only the aggregation of Aboriginal interests into their own pressure groups can offset pressures from other interests which oppose the establishment of more Aborigines in towns. This is especially the case where the State government includes a political party mainly representative of conservative rural interests. The same interests make it difficult for an Aboriginal Welfare Officer to enforce even the minimal protective laws. Thus the failure in the Northern Territory to enforce minimum working conditions, prior to the application to the Conciliation and Arbitration Commission for award wages there for Aborigines, was openly admitted. Town and countryside in these parts of Australia have been marked by the ‘colonial’ habit of big companies, or influential individuals, of by-passing the local Administration with direct approaches to the central government concerned.

In his study of the plural society of Broome, in 1964, the anthropologist Peter Dalton remarked of the efforts of the local Aboriginal Welfare Officer that

there is usually a deep resentment toward any attempt to improve living standards and conditions of employment for Aborigines . . . Both station owners and pearlers accuse the Native Welfare Officers of ‘interfering’ and sticking their noses into things that don’t concern them . . . This officer has very little authority over employers of Aboriginal labour and is not always in a position to insist that adequate wages be paid . . . As political pressures are frequently brought to bear, an officer tends to refrain from this course of action [which] could affect his career.¹

He could also have made the point that the law did not fix conditions for Aboriginal employment on the stations.

When we look at the towns in 'colonial Australia', we have to remember the extent to which the Aborigines were discouraged from settling in or near them, both by law and by the establishment of the government and mission settlements further out. This largely accounts for the predominantly white Australian society of the small townships along the Alice Springs-Darwin highway, and for the pattern which may be repeated a hundred times over in one journey across the continent, of the white man's town with Aborigines who walk the streets but live in shanties on a small 'town reserve' or across the creek or in the scrub. Sociological studies of these are rare. But the few there have been do tend to indicate a consistent pattern; and the pattern is what one would expect from the history of the frontier.

Where the pattern could be wrecked, and the history of a local situation be suddenly rendered irrelevant, is where a large new economic enterprise, of the type which has begun to transform the north and centre of Australia, is superimposed on such a minuscule plural society. In that case all depends on the policy of the company concerned, or the determination of the government to establish new opportunities for equality. For the old social divisions may be quite irrelevant. The newcomers may outnumber the old hands of all races. As newcomers, they will be more adaptable to new patterns of race relations. The opportunity for rapid change is there but it may be ignored. The interest, even at the government level, will be primarily in the economic gains. The possibility of social gains will appear a needless complication. To this question we return in Chapter 7, where we look at situations where new company towns are being established on or beside the sites of old missions and pastoral stations.

But change may be fairly rapid without being as spectacular as this, bringing newcomers to old towns into relationships with the local Aborigines. Newcomers to a town with economic promise may find themselves, for instance, sharing fringe-dwelling areas with the Aborigines because of the local shortage of housing. Thus one may see a threat to the traditional relationships in and round the booming small town of Carnarvon, recently famous for the tracking station (which in 1965 was employing some Aborigines), and a place where, in the typical Australian country hotel, one could sit down to breakfast with space scientists, men searching for oil and other minerals, academics, officials, and missionaries.

Although Carnarvon is, just, within our boundary for 'settled Australia', it presented in 1965 a very good indication of the possibilities and the
apparent limits on social change in the 'colonial' regions. There was a shire council in authority which had recently refused to make land available for Aboriginal housing, on the usual grounds of the threat to property values. Yet a look at the houses which had already been built by the Department of Native Welfare showed that they compared favourably in appearance with many other houses in town, including those built for employees of the tracking station. However, there was a good deal of native employment in and round the town. Housing was certainly a difficulty, with people living permanently in caravans and shacks whether they were Aboriginal or not. This made the rejection of the departmental approaches more clearly a matter of prejudice.

There was the usual camping reserve with the usual stories of heavy drinking and high use of taxis to commute to the 'pub'. It was interesting to find no fewer than twenty-three licensed taxis in the town, to serve a population estimated at 4,000 or so—well above the 1961 census figure. Well out of town, as at Kalgoorlie, was a mission. It was managed by the Church of Christ, and it accommodated mainly Aboriginal children, with what seemed like very good management under the cottage system. But the location posed the same problems as did that of Kurrawang.

What could have been a new kind of social order was taking shape on the flats of East Carnarvon. Here there were obviously no building controls. All kinds of shacks were inhabited by all kinds of people—Aboriginal, Asian, and European Australian. It was like one of the settlements sometimes seen beside an American Indian reservation, with here a big truck or handsome car standing in front of the poor shack where the owner lives, there a reasonable owner-built house; here the home of a white taxi-driver whose wife is Aboriginal, with the taxi out in front; there a Chinese-style dwelling, but built of iron, or an old 'bus in which some Aborigines are living. Is there not some way by which people in this situation, all equally dependent on the town, having to live here, in the dust in the 'dry' and the bog in the 'wet', can come into greater comfort together? Probably not, as things are. At that time, for instance, no 'coloured' man from that or any other area could hope for a bed in one of the hotels. Nor would he have the same chance as another of a hotel room anywhere in the 'colonial' regions. This suburb was atypical of the economic and social order which produced it. As 'development' occurred, the races would probably be separated. It is unlikely that whites would 'have to live like this' for long enough really to get to know, to respect and form friendships with the others.

On rare occasions this happened. I did not see, but heard, in this area, the
story of Denham, on Shark Bay, miles off the main road from Carnarvon to Geraldton. Here an isolated mixed population of Aborigines and others had for a long time depended on a common occupation, fishing. Apparently the one policeman decided that the drinking restrictions were out of place here. There was no official harassment of Aborigines, nor over-much concern with who was legally _native_ or not. Such a small community (the census for 1961 showed 387 for the Shark Bay Shire) would depend on face-to-face relationships; and isolation from the pastoral industry might have been another factor in what was referred to by officials and others as an integrated community.

Alta Gordon found another village with something of the same balance. It was Marree, also, like Denham, well within the ‘settled’ area as we have defined it, and generally marked by conditions more comfortable than those we have described. It is a tiny rail town between Quorn and Oodnadatta, with Afghans the oldest racial group, but these days marrying both Aboriginal and European Australians. Aborigines lived in town and on the reserve. Gordon remarked that other Australians in town hardly seemed to remember that town Aborigines (who would probably be mainly part-Aboriginal) were legally Aboriginal. There were, in 1965, seven Aboriginal languages, and English, spoken on the reserve. There was apparently little difference in employment or other status between Aboriginal and other, though the reserve group would probably depend either on pensions or on the pastoral wages paid to Aborigines. Those who lived in town visited their relatives on the ‘mission’.

Was there some significance in the fact that the most important people in town were Afghan? That the main wage employment was on the railway, which is the type of employment in which from one end of Australia to the other the Aboriginal worker seems to be most welcome; and especially in the settler’s gang, which is possibly the nearest thing these days to the travelling team of frontier workers? There is another side to all this, and it indicates a quiet assumption of responsibility and a capacity to manage, on the part of Aboriginal people. Dr Gordon tells of the illiterate she met there who stayed on the reserve in between two spells of station employment. The first, at Mount Isa, which he had held for three years, came to a close when the cattle had to be moved because of the drought. The one he was going to was near Broken Hill. He had come from his first employment by plane. ‘Is there’, asks Gordon, ‘really anything we can do for Aborigines that they can’t do better for themselves?’

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1 Alta Gordon, Notes on a Visit to Marree: copy in SSRC-AP File.
In how many of these minuscule situations have there developed single small communities, with both cultural traditions perhaps forming a special local bond not to be revealed to strangers lightly? How often has the person of strongly Aboriginal features been completely accepted? I had already sensed a special relationship—perhaps of kinship as well as of long association—in a few places in New South Wales. But the hard facts of industrial development mean that many of these communities are to be overwhelmed by newcomers with the ordinary unthinking racist assumptions, so that those who look like Aborigines will be treated like them, unless by accident (as temporarily at Carnarvon) or design (through government policies) people are placed in situations where they must learn to know one another. The vastness of the area through which these small growing points are scattered, along with rapidly increasing mobility of all groups, makes it difficult to conceptualise, as illustrations of a single racial question, situations so scattered, and reflecting (each in its superficially unique way) the effects of local ecology and social history. Such difficulties tempt those who must think of policies to argue that governments must wait for a 'change of heart' on the part of the majority to occur as part of 'progress'. Thus, too, awkward political questions and priorities are avoided. Local welfare operations may continue, and a meaningless formula (like 'assimilation') serve in lieu of a policy.

To formulate policy one must depend on interpretation of the history, and on the principle that human groups in similar situations will react in broadly similar ways. The present growing ferment in Aboriginal affairs confirms the logic of this approach. The findings of sociological and anthropological research are valuable where they are relevant, but the method is necessarily slow, the scope small-scale, the research workers variable in interests and capacity. The policy-maker must take what he has and initiate action now. What he has, and what he can get, is the expressed wishes of large numbers of Aboriginal people. Practically all the available evidence is of a basically political question involving comparative status and rights, and a new demand for equality, as soon as the Aboriginal group gains the confidence and experience to become articulate at all. If we remember this, we have a guide through all the more superficial differences of situation.

Dalton has shown us a different situation from that of Carnarvon in his detailed study of the old pearling town of Broome, now, it seems, in its decline. Here had developed a small multi-racial town almost completely dependent on the sea. In contrast with the desert-oriented inland towns we looked at in the previous chapter, there still remain distinct
Asian groups—the Japanese, the 'Koepangers', and the Chinese. According to Dalton the part-Aborigines, even in this situation, tend to fall into two groups—of those who model their conduct on the European pattern, and those who

in many cases are indistinguishable from the Aborigines living on the reserves. Physical appearance is significant here. Those who are obviously Aboriginal in appearance, and who have relatively close association with Aborigines living on the reserve, are often placed in this category by other Mixed Bloods themselves. The status system of the Mixed Bloods reflects the overall status system of the town. It is not, however, identical with it, mainly because high status Europeans do not accept high-status Mixed Bloods on equal terms, even though the latter have completely adopted European ways. . . .

In these regions, as in the settled areas of the State, the admission of Aborigines to 'citizen rights' depended on the recommendation of a local board. One of the members of the Broome Citizenship Board told a Select Committee of the Commonwealth Parliament how he would make a personal inspection of the home of an applicant before making a decision: 'Possibly they would say it is a house but when you get there you find it has an earthen floor and only one bedroom; one room in which the family live and cook and everything else. It is not up to the standard required. If you are going below a certain standard you might as well give the job away. . . .' A part-Aboriginal witness who had lost his 'citizen rights' said that this particular member of the Board was always the magistrate when 'any person who has a citizenship right . . . comes in here for a case. . . .' The prejudice of one dominant personality, in an old and set pattern of social relationships, can be decisive.

Aborigines of the full descent made up the most numerous group in town, but lived in several different locations—the Hill, the Marsh, the One Mile Camp, the Four Mile Camp, the Eight Mile Camp, and in the town itself. Here, on the tiny scale of under 2,000 people, Dalton found and described the details of a plural society, its cultural differences corresponding with the class or caste structure. The local complexities, here again, are such that central government can hardly plan realistically for a higher Aboriginal status without the promotion of local Aboriginal strength. Probably, as in Alice Springs, this would have to start with two distinct groups to allow for the differences in interests between the part-

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3 Dalton, op. cit., pp. 74-5.
5 Ibid., p. 244, para. 5030. See also p. 238, paras. 4894-903.
Aborigines in the 'upper' class and the rest of the Aborigines. The colonial atmosphere is made more distinct by the presence of the Asian group, originally brought in for the activities of the pearling trade. But this has decreased in importance, so that future social conflicts and local politics will as elsewhere more clearly be concerned with the distinctions drawn, mainly by the Australians of European descent, against Aborigines. As elsewhere, distinctions based on racial and colour prejudice are reinforced by contrasts in legal status, political power, and economic advantage.

Perhaps in the very small hamlet or village, if it remains for a long time in comparative isolation, and is not the focal point for an industry like the pastoral industry or pearling where there is a tradition of racial exploitation, there has always been a good chance of logical human relationships. But a township, no matter how small, which depends on one of these industries, will be marked by the caste-class relationships of the racist type which mark the industry. As the town grows bigger and depends on diversified production it must be committed more to the logic of efficient production, and here is the chance for the Aboriginal who is able to become efficient to win security. His chance to win social equality and respect is less, and American experience shows how tenacious irrelevant racist ideas of the majority, even in the centres of industry, may be, especially when supported by competition for jobs and irrational fears about integrated housing. But it seems that only in this direction is there much likelihood of change, that the way to equality lies through increased conflict. This is why the movement of part-Aborigines into the capital cities is significant. Large-scale mining in the 'colonial' areas offers new hopes for urban integration, but these may be thwarted by prejudices from the pastoral and pearling past.

Cooktown, like Carnarvon just within the boundaries of our 'settled' area, but close enough to it for the situation there to be relevant in this context, has a background of pastoral and especially frontier mining activities. A few years ago it seemed to have mainly a past; now it seems a likely place for a tourist boom. The censused population in 1961 was only 425, and this included a high proportion of pensioners. During the summer of 1965-6, the Project assisted two anthropology students from the University of Sydney to go there and make a study of race relations.

We discovered that the feeling of racial prejudice was rather strong in Cooktown. Aborigines were not allowed to drink in the hotel with the exception of those who were outside the Act. [This was a reference to the Queensland legislation; it was an example of central government, not local, discrimination.] In the local theatre which showed films once a week, all Aborigines sat in the front, and all whites sat at the back. There was only one main street with all the hotels and shops situated on one
So frustrated urbanisation side... We observed that most people walked along the footpath on the west side because it has covering. However, nearly all the Aborigines walked along the east side... When they were waiting for their mission trucks, they all sat under the trees on the east side rather than... under the covering on the west side. Occasionally, when a white person walked along the east side, all the Aborigines sitting there would get up uneasily and apologetically. They would sit down again when the white person passed.6

The relationship indicated by the incident was not altogether one between Aboriginal and other Australians, for some of the town personalities were persons of mixed descent. The uneasy ones, it will be noted, were from the mission. Here, once again, there was a special settlement, far enough away to keep town influences to the essential minimum. Hope Vale Mission, about twenty-nine miles to the north, had, according to the 1965 annual report of the then Department of Native Affairs, a population of 388. If there were no Hope Vale Mission, the racial constitution of Cooktown would obviously be very different, with equal numbers of Aboriginal and non-Aboriginal inhabitants. The mission, not the town, operated as the home from which Aboriginal workers went out to seasonal work, and into pastoral employment, where the special low wage for Aboriginals 'under the Act' would apply.

Here the missionaries, as usual, try to operate as far as possible an independent economy; and here, as usual again, paternal management has had its problems of typical institutional reactions from inmates. This was the mission where, in May 1961, the superintendent was accused of ordering the flogging of a girl of sixteen years, and of having flogged the young man in the case. The outcry in the press lifted the curtain for a moment to show glimpses of a situation quite out of phase with life as most Australians know it. A ministerial statement claimed that the punishment was made to save the lad from worse, likely to be administered by 'tribal elders', which in all the circumstances was nonsense. This situation may have changed somewhat with the transfer of the pastor concerned, and one should in fairness remember that in an institutional situation of this kind (and they are scattered throughout the 'colonial' regions) management is constantly being tried, and likely to be subject to tensions which mirror those which affect the inmates.7 But in 1967 the Federal Council for Aboriginal

7 See Herald (Melbourne), 12, 13 May 1961 and 17 August 1961; Age (Melbourne), 16 and 19 May 1961; Courier-Mail (Brisbane), 10 June 1961; Southern Advertiser (Melbourne), 25 July 1961. See also W.M. Murray (ed.), The Struggle for Dignity, Melbourne, Council for Aboriginal Rights, 1963, pp. 18-19. The Federal Council for the Advancement of Aborigines and Torres Strait Islanders took up the case.
Advancement claimed that further allegations of flogging had been the subject of a magisterial inquiry early in the year. The experience of this young couple illustrates what may happen, in the midst of an open society, and in contrast to all its norms, to a free man when he goes into an asylum, military camp, prison, or other institution. The paternal control, which was in accordance with the current Queensland legislation, formed a distinct contrast to the relationships of free men with local government outside. And it was the four hundred or so people at Cooktown, not the nearly four hundred at Hope Vale, who were linked into the national system of communications, so that business with the outside world had to be transacted through Cooktown. Here too were the agencies of central government. To isolate a group of people from this range of contacts and communications, and to leave them under control of either officials or missionaries, is to isolate them from the world of real politics, and substantially from the life of the nation. This, whatever the initial reasons for such arrangements may have been, is an obvious consequence of maintaining them, and the fact is in direct conflict with talk about 'assimilation'. An interesting indication of it was that the mission maintained, close to the town but not in it, the Two Mile Hostel, managed by an Aboriginal family from the mission, for those who had essential business to transact in town.

This separateness of the mission was not the result of an oversight by government. It was an example of the same policy that was applied on the Country Reserves, many of them right beside but not in the small towns from which they were controlled by local Police Protectors. Here the Protector could retain the families of the men who went out to work on the cattle stations for the special Aboriginal wage (then much higher than in either the Northern Territory or Western Australia). At Laura, in July 1966, there were neither permanent water nor permanent camp buildings on the reserve, and the buildings were of a type common enough within two hundred miles or so of Sydney—built from materials salvaged from the town dump. At Coen, much further out into Cape York, there were fourteen weatherboard houses, with two rooms each—one to sleep in and one to cook in. But there was an average of ten people per house there. There were neither beds nor furniture. There were three toilets. At that time the local Police Protector had, in practice, very great power

*Australian (Sydney), 6 September 1967. The Council alleged that eight floggings had occurred in the previous eighteen months, that the inquiry had been held in Cooktown and on the mission, and that the pastor responsible had been removed from his position as Supervisor.*
indeed over the inmates, including control of their expenditure. Their whole lives had to revolve round his potential tyranny or potential kindliness.9 A tyrant in such a situation could make life as difficult as the superintendent of a government or mission settlement who happened to be similarly inclined, so that adjacency to the town may have established no social membership of it.

Life at the camps out along the roads and creeks from the small Western Australian townships may be less subject to the will of local officialdom than this. One reason is that the Western Australian Aboriginal is not likely to be bound in a contract of service to the station manager as is the employee 'under the Act' in Queensland. In recent experiments with pastoral apprenticeships in Western Australia there has been a tendency for the youth in pastoral training to assert his independence—to 'throw his swag on the mail truck, and be off'. Now this is not a typical Queensland reaction, because the pattern in Queensland has been far more deeply influenced by the insistence on the discipline of the reserves. Such differences have also proved a hindrance to attempts to define an Australian policy.

There are no norms in sophisticated statistics to express the living conditions of those who are excluded from the economic life of the townships of 'colonial Australia'. The problems of the fringe dwellers of the settled areas may be greatly accentuated, as among people who have given up the desert wandering life, but who must somehow live out of town in the desert areas. Or they may not exist, as they do not among those who live beside the Arafura Sea in a generally pleasant climate. But for those who want to see it, here is the direst poverty; and it exists from Carnarvon to Cooktown.

It offers no solution to say that unwanted town dwellers should go back to the bush, for so many of them have nothing to go back to. Many of them will try to turn their backs on harsh labour management and discriminatory levels of wages by remaining in town. The fear that they will often waste their social service money on drink is well justified; for them, too often the road to anything else is blocked. This is not merely a welfare problem, for it requires that government, by Aboriginal political action if necessary, be brought to face the situation as a whole, to lessen the restraints on Aboriginal economic and social mobility. Such an objective requires all the training, education, health measures, and the like with which welfare programs have to be concerned. But without

9 Correspondence from Frank Stevens, Australian National University, during July 1966: SSRC-AP File.
other, essentially administrative and political, measures to strengthen the Aboriginal hand by developing effective local Aboriginal pressure groups, much of the welfare effort will be wasted.
Of the three potentially great cities in 'colonial Australia'—Darwin, Cairns, and Townsville—the most notable effort at integration has been made in Darwin. As this is mainly a public service town, where public servants, coming into a new environment temporarily and renting government houses, do not worry about the effect on property values of the Aboriginal family next door, the attempts to include Aborigines, and the arrangement to distribute the families of Aboriginal government employees through the town did not fail. These Aboriginal people are additional to the part-Aborigines who had the 'right' with the introduction of the Welfare Ordinance. Darwin is the biggest of the overseas-oriented cities, a show place to some extent for the Commonwealth. At the same time it would be foolish to forget the other side—the long history of 'trouble' over the town reserve, established at Bagot since the war, which is now enfolded in extending suburbs. Another relevant fact is that the missions and the government settlements still operate as holding installations which prevent the flow of Aborigines into Darwin. Aborigines now have legal freedom to move, and it seems inevitable that considerable numbers will move to Darwin, whether houses are available or not, when more are informed of their rights. This may be one reason why it is very difficult for visitors to go to these settlements, for obviously any dangerous radical who spread the word that Aborigines are now legally free to go where they wish could cause 'trouble'.

As yet there is no such immediate threat of 'trouble' for Cairns, with its Aboriginal appendage in the Yarrabah Settlement across the bay, and the other holding situations in Cape York where in 1967 the Queensland
Government was taking over from the old missions. Townsville is similarly served, with a very effective holding situation indeed, in Palm Island, the largest of the Queensland settlements, twenty miles out to sea, and with the government in control of the boats which may call there.

Although Townsville is well within the ‘settled’ regions, the whole pattern of its relationship with Palm Island belongs to the frontier past, frozen, as it were, by the long-standing restrictions in Queensland’s Aboriginal laws which during the field work for this Project operated without amelioration. When the changes did come in 1966, they did not basically alter this relationship.

The same thing could be said of the relationship between Cairns and Yarrabah, Murgon and Cherbourg, Woorabindah and Rockhampton. But Townsville is the biggest Australian tropical city and the potential growing point of most significance for the future of Aborigines all the way along the northern coastline from Brisbane to Perth. Here Aborigines from the farthest reaches of Cape York and from the cattle stations of the far west may rub shoulders with Torres Strait Islanders, persons of Melanesian descent, and of course with the white Australians (including a large proportion of Italian immigrants). Townsville is becoming the centre of the northern coastal belt.

In this region, lush areas under sugar alternate with drier regions extending right down to the coast, as at Bowen and Townsville, so that parts of the coastal road pass through typical Queensland cattle country. Sugar and meat, and lately important minerals, go out through the ports. All three, with Mount Isa in the distant background, have helped to make Townsville the rapidly growing metropolis of the north. Here, then, one might expect something of a far northern urbanisation of the Aboriginal population, on the Brisbane model, although of course on a smaller scale.

But in fact most of the Aborigines in the Townsville area were out on Palm Island, a settlement from which there was no chance of escape except through the labour agreement or with official permission, and by the government boat to Townsville. Palm Island is the biggest settlement and holds the biggest congregation of managed Aborigines in Australia. The work force in Townsville, now a city of around 70,000 people, is employed in factories and on the wharves, in transport, and the services of a modern city. The Aborigines of Palm Island are indeed ‘away from it all’, trying to grow their own food, fishing, making their own amusements, and going through the motions of institutional employment, always under official supervision. The progressive growth of Townsville highlights the obsolescence of Palm Island, and one could not help but
wonder whether it would not be cheaper, as well as more humane and more in the interests of all concerned, if all the Aborigines there were to be permitted now to go or stay as they wished, even if all of them had to be maintained on social service benefits for the rest of their lives (which would be most unlikely). It might even be cheaper, in the long run, to house in Townsville all who wished to go there, than to maintain them as villagers on this island.

The trend, of course, is for the ‘coloured’ group, and the Aborigines, to increase as one goes further north. The census figure for the Cairns Statistical Division was 4,988 Aborigines, as against 951 for the Townsville Division. One reason for the considerable difference is that Palm Island, which is serviced through Townsville, is included in the Cairns Division, along with the Yarrabah Settlement close to the city of Cairns. An adjustment for our own purposes, bringing the censused population for Palm Island into the Townsville area, would give an approximate 3,600 for the Cairns, and 2,400 for the Townsville divisions. Much of the inland portion of the Cairns Division, and part of the Townsville Division, fall within our ‘colonial’ regions, where the Aborigines returned as ‘full-bloods’ outnumber the part-Aborigines, while north of Mossman our boundary comes to the coast. Both cities must have considerable numbers of urbanised Aborigines, and both are major centres for Aborigines from the pastoral stations to the west. Some of the townsmen would have kinship ties with others employed inland in the pastoral industry. One experienced Protector described the celebrations which occurred when the station workers came into Townsville to ‘blow the cheque’. From the Protector’s point of view this was a typical case of the city men taking advantage of the country cousin; from that of the Aborigines concerned, it could represent both the proper discharge of kinship obligations, and the traditional behaviour of the pastoral worker come to town. Such a holiday may commence when he is met at the railway station. It is quite possible, as one Protector alleged, that some men meet trains to take advantage of Aboriginal holiday makers with money to spend.

It would have been useful if we could have matched Dalton’s study of Broome with one of Cairns. Both lie near the seventeenth parallel. Both have a history as outlets for the pastoral industry, and as centres for marine activities. The sugar industry brought Melanesians, in one way or another, to the Cairns area, while the Asians in Broome remained a small town dwelling group. But because of the special significance of Palm Island, I spent my time in this region in Townsville.1

That Townsville is the main urban centre in the north for Aborigines as for others, in spite of the isolation of the community out on Palm Island, was borne out by the 1961 census, which showed 424 for the city. Cairns had 347. By 1965 Townsville had two big meat works, and there was a dramatic increase of port and industrial activities. Copper from Mount Isa was being processed and there was steel fabricating for Mount Isa. The bulk sugar terminal, which had been destroyed by fire, was being duplicated. All this involved big railway development; in the season, for instance, special sugar trains converged here. There was the new university college, and a potentially most significant centre for research into the development of new grasses and the use of trace elements in the north. There were modern and bustling retail businesses. All this meant a shortage of housing, and a problem of water supply. Australians of non-European descent could be seen among the workers streaming away from the factory area in the afternoons. Probably the chance of permanent work at award wages attracts increasing numbers of Aborigines, but if they are at the end of the queue for housing and urban services, this could be a difficult town for them.

That some were in this predicament could be seen at Happy Valley, a typical fringe settlement of some thirty shanties spread through the town common, near what I was told was an old ammunition dump. There did not seem to be piped water, and if there was a regular garbage disposal service the inhabitants seemed not to use it. How many people lived there it would be impossible to say without a proper survey. There were said to be other squatters on the banks of the Black River, but I did not find them.

Townsville obviously offers opportunities for men with trade skills. Therefore, in the context of Queensland's assimilation policy, trade training on Palm Island would form an essential part of any serious training scheme. But Palm Island, like the other settlements, seemed committed to obsolete pioneering methods, nor could there be any economic argument for committing a heavy capital outlay to a small inconveniently situated island with no important resources. Economic policy there seemed to be mainly to maintain the institution and to supply some pastoral stations with labour.

Constant movement through Townsville of the inmates of Palm Island, out to work, or home 'on leave' as one Protector nicely put it, created special problems in the Townsville boom years; and in 1958 a 60-acre reserve was established at Aitkenvale, on what were then the outskirts of the city. There had been for a long time a traffic of Aboriginal
people coming to town from the Island and the hinterland for medical treatment and hospitalisation (although there is a hospital on Palm Island), or in transit to and from agreement work, or on personal business. Prior to the setting aside of this area, those without relatives in town might try the hotels, or go to the 'watch-house', where the destitute were rationed and quartered. There is the usual causal cycle here. That the Department should find it necessary to go into the business of accommodation for transients was in phase with the maintenance of the separate village out on Palm Island. But it is also a comment on the standard of living of the Aborigines ‘under the Act’, or on the attitudes of hotel and boarding house keepers, or both. It is probable that many hotel keepers extended the provisions against Aboriginal drinking to a prohibition of their own against Aboriginal accommodation on licensed premises. They would be unlikely to make any discrimination in favour of those not ‘under the Act’.

At Aitkenvale there were three buildings—a ‘male dormitory’, a ‘female dormitory’ and a central dining hall. The officer in charge lived beside these, and was constantly on call. He was obviously efficient, intelligent, and humane, and was doing his best with poor buildings and facilities. He had tried to give a holiday atmosphere to the surroundings, which were attractive enough. By doing so, he hoped to counteract the prejudice of new neighbours who had settled in the area as the city had extended. All Aborigines were free to come and go, and he seemed to welcome people whether they were ‘under the Act’ or not—except that he could do nothing for single men who were not. He had arranged a regular bus service into town. When Aitkenvale was just another reserve out in the bush his problem was much less acute; but as the suburb grew round it and the word went round that this was a reasonable place to stay, people began to come here for their holidays. The area was not sewered, and there had been a hygiene problem. People were coming through, with short stays, at the rate of 3,000 in a year.

It was a safe guess that without a change of emphasis, Aitkenvale was a short-term and a partial solution to a critical problem. These 60 acres of suburban land would inevitably attract the attention of real estate interests, and no matter how effective the rather gallant beautification plans of the officer in charge, there would be neighbours who would begin to worry about the value of their own properties, with an Aboriginal community, and a centre of continual comings and goings, in their midst. The officer had the usual powers of a Protector, which meant that he would represent the Aboriginal under the Act in court, manage his bank account and discharge the other paternal functions.
What change of emphasis could there be? The same one, I suggest, that I have already argued. Here is land with real value, devoted to the needs of Aborigines. Why not work out with Aborigines a scheme leading to incorporation of the majority of those who live in Townsville, and to the transfer of the Department's equity in the property, or better still, outright ownership, to a Townsville Aboriginal company? Such a scheme would offer hope, even if the government had to subsidise many of the costs, and to pay the salary of a manager who satisfied the needs of the company. Provision of accommodation and hospitality for other Aborigines who come to town is a real interest of urban Aborigines everywhere. It would be surprising if such a venture were an absolute failure. One would hope that in time the level of services would greatly improve, and to this end educational and other assistance should be available.

I know that the scheme would raise many new problems. But it offers something of hope, a goal worth working for, by Aborigines and by those whom they approach for help, and by those whom they might employ. Aitkenvale, when I saw it, was merely the extension into town of the settlement, providing separate training systems which give no qualifications, and using obsolete pioneering methods of building (as the buildings demonstrated). Pick-and-shovel methods were being used in a vast area now being conquered by the bulldozer. Girls were being trained over laundry tubs, in the name of 'domestic science', even though homes are commonly equipped with washing machines and other labour-saving gadgets. There was a system of controlled bank books, small wages, and limited withdrawals, the purpose of which must have been to inculcate an obsolete puritan thrift in the midst of an economy increasingly dependent on the hire purchase system.

Why not be imaginatively ambitious, and set out to make an attractive hotel at Aitkenvale? The proven clientele is already obvious; and if there is, as so commonly said, a special propensity in the Aboriginal stockman to blow his cheque in town, why not let him blow it to the profit of the Aboriginal company? Nothing would prompt the other hotels in town more quickly to compete for his business. Is it really believed by the Queensland Government that Aborigines are not adult enough to seize such a chance? If minorities like the American Indians can handle the tourist trade, why not Aborigines? They have resources, like the Indians, to offer some special colour and entertainment to the general tourist. In fact, the Aboriginal company hotel could cater for the general public, if the management were willing, as I hope it would be. What our towns
really need is the sight of an Aboriginal ‘mine host’ having white drunks thrown out of the bar or calling the police to keep them in order. How much more attractive a goal for the Aboriginal worker, to help run a hotel in which he had an interest, than to ‘make do’ in the small separate services of a settlement. The only thing which makes such a goal seem impossible are attitudes of non-Aborigines and, one must admit, of Aborigines.

The hotel is a real possibility and an urgent need for many country towns all over the Commonwealth and for every big city in Australia. There would be an assured clientele. The savings in wages and time of officers desperately searching for accommodation might help to offset other costs. Accommodation charges which have to be met by the government could be paid to the company’s hotel. The present hostels in town might form a modest beginning. Vesting these assets in Aboriginal companies may seem impossible as an objective now but a policy decision on this would make all the difference. Equality must, sooner or later, become a matter of high priority. The longer the delay in recognising this, the greater the cost in spoiled lives and in taxpayers’ money, since the Aboriginal population is increasing at such a rapid rate.

Having been a public servant for so long, I can hear the scornful murmur of ‘impractical’, can foresee the ‘difficulties’ of making over land and other assets, and the determination of public servants to retain the kind of situation which they have won by promotion in a paternal service. But I can imagine nothing, short of the chance to play for keeps with real money and assets, as likely to make any real difference to current Aboriginal attitudes, or to provide new incentives.

The essence of the Queensland policy and practice, its good intentions and the government’s commitment to it, and its dependence on the closed institution, could be seen in the Palm Island Settlement. This beautiful island in the chain of hundreds which run along the coast has been praised in official reports as some kind of island paradise where the Aboriginal people lucky enough to go there find refuge, and condemned by critics of the government’s policy and practices as something in the nature of a Devil’s Island. The truth seems to lie somewhere between.

The history of Palm Island resembles at times that of an island prison camp because it has been used under the Director’s legal powers to move persons ‘under the Act’ from one reserve to another, as the place to send those who cause ‘trouble’ on other settlements, on country reserves, and even on mission stations. Its distance from the coast is quite adequate to prevent easy escape. Under the system, inevitably this was the place where
a paternal administration sent its recalcitrant charges who resisted the program.

It should also be remembered that the power of the superintendent included that of censorship of mail. It is clear that a ‘problem case’ could and can still be effectively sealed off here. Yet the tensions within this multi-purposed settlement did occasionally boil over. As late as 1961, the inquiry by a magistrate into the ‘caning’ of an Aboriginal man and girl by the superintendent of Hope Vale Mission (see Chapter 4) suddenly dropped out of the news in spite of the efforts of the Federal Council for Aboriginal Advancement to keep the issue alive, so that the last public impression left could be that this was really punishment at the behest of ‘tribal’ elders (see pp. 80-1). The magisterial inquiry appears to have been in accordance with the provisions for visiting magistrates, and it was difficult for the press to get out from Cooktown to the mission, but this hardly accounts for the fizzling out of the story. An earlier case of violence on Yarrabah, which was then a Church of England mission, also received little publicity. What assurance is there that such things are of rare occurrence?

The kind of system described inevitably produces this kind of incident, and the more isolated, the greater the tensions between staff and inmates. That a similar explosion at the Edward River Mission in 1966, out in our ‘colonial’ area, should become news for a day and then be forgotten, indicates the almost complete absence of background information about the Queensland settlements and missions. But the Aborigines arrested and sentenced in Cairns were taken to Palm Island after serving the sentence, and in September 1966 were still there.

Palm Island Settlement was established with the group from Hull River, a settlement which was demolished by a cyclone in 1918. In the twenties it was a source of labour for the trochus shell trade and for the cattle stations. A long eulogy of the management there was published in the Sydney Morning Herald in June 1929. This described the dormitory system, then used to separate children from parents for education at primary level, after which the boys went out to employment, while the girls remained until marriage. (This system was still in operation at Aurukun Mission in 1966.) Those who did not go out to work could earn rations and keep by 24 hours’ work each week.

Early problems of Aboriginal violence and sorcery there have been

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² For comment by the Bishop, see Courier-Mail, 18 January 1958.
described by Bleakley. The establishment of this settlement appears to have led to intensive rounding up of Aborigines from many of the hinterland cattle stations, and no doubt there were tensions from the beginning. Venereal disease there led to the establishment of a lock hospital on nearby Fantome Island in 1928, where it remained until 1947. This was part of the program which involved the legislation of 1934, prohibiting sexual intercourse between Aboriginal women and non-Aboriginal men.

Many of the problems seem to have arisen from the multiple aims of the institution. In March 1930 the press reported that police had gone out from Townsville following ‘abduction’ of native women by Aboriginal men (presumably from the dormitory). In September of the same year rumours of more trouble were being denied by the Premier, the Home Secretary, and the Chief Protector: everything on the island was ‘running smoothly’. There was a story that the officials on the island were divided, and this would not be unusual in such circumstances of isolated tensions. The medical officer there stated later that he had spent eighteen months and his own money to get a building erected for his work and that he was then discharged.

In March 1932 a Devil’s Island type escape by five men who had to swim a mile to another island and steal a boat was reported in the press. In the same year Dr Bancroft, who had been the medical officer there, was reported as alleging that the island was unsuitable for settlement, and that the Aborigines there suffered a mortality rate of over sixty per thousand. Dr R. Cilento, whose report on Aboriginal health in the north put the Queensland Government on the defensive, was inclined to be sympathetic with the efforts made on the settlements but he was quoted in the press in March 1933 as having agreed with the statements by Bancroft. In the same year the Queensland Home Secretary, Hanlon, stated that Aborigines on all settlements and missions in the north were well fed, healthy, and clean. Dr Donald Thomson, the anthropologist, in an article in 1946,

6 *Brisbane Courier*, 26 March and 9 September 1930.
7 Statement by Dr Bancroft, *Courier-Mail*, 6 July 1932.
8 *S.M.H.*, 11 March 1932.
9 *S.M.H.*, 1 August 1932.
10 R.W. Cilento, Interim Report on Aboriginals: Survey No. 1, October-November 1932; Survey No. 2, October-November 1933: Library of the School of Public Health and Tropical Medicine, University of Sydney.
11 *Argus* (Melbourne), 23 March 1933.
claimed that the practice of rounding up Aborigines and placing them in institutions was accelerating the decline of the Aboriginal population, and referred to Palm Island as the Devil’s Island of the Queensland Government.12

By this time, however, there were other correspondents claiming to have had first-hand knowledge, who wrote in praise of the settlement, referring to the increasingly effective health measures, good rations, and kind treatment.13 By the end of the war Aboriginal labour (as the reports show) had been used to construct the largest of the settlement villages, though the problem of sanitation does not appear to have been satisfactorily solved. An important turning point had been reached in that total births had exceeded deaths on the island in the year ending June 1947, and the report claimed a ‘marked improvement’ in respect of child deaths under five years of age; ‘the average number of deaths of children under five for the preceding five-year period being eighteen, and for the current year five’. The improvement was stated to be due to the establishment of a ‘baby welfare and maternity section’, the extra rations supplied through this section, and the work of trained ‘native’ staff at the new babies’ home.14

The repeated references in this report to the effect of ‘extra rations’ is significant, as is also the reference to findings from the regular inspections of the homes of all children under five years of age: ‘in many instances it has been found [my italics] that a whole family is living in one room’.15

It is clear enough from the whole record of Queensland endeavour through the settlement system that such a demographic turning point was at least a prime objective of the policy initiated almost half a century earlier, and there had been grim adherence to the principles of sound animal husbandry so far as funds permitted. What seems to have been decisive here and in many other places was the fact that under the Commonwealth Child Endowment Act of 1941, the payment could be made to an Aboriginal who was not nomadic or wholly dependent on the Commonwealth or a State government.16 While it would not be payable to persons ‘under the Act’ who were entirely supported on settlements, it would presumably have been paid in cases where the father was employed outside. But probably more important still was the provision for children maintained by approved charitable institutions. If these were maintained

12 Herald (Melbourne), 30 December 1946.
15 Ibid., p. 7.
by the State government the children were at first excluded; but amending legislation in 1942\(^1\) meant that henceforth they were to be included. While the States seem to have been unhappy that a corresponding adjustment was to be made to the grants received from Commonwealth income taxation, the result was of very great significance indeed for Aboriginal families in institutions all over the continent, for henceforth there was a direct grant, in effect, for child welfare in these institutions. This gain was confirmed in the Social Services Consolidation Act of 1947.

The gain, of course, was a total one for Aboriginal families. So poor was their standard of living in many places that child endowment may be regarded as one of the factors which has reversed demographic trends over the last two decades.

In his 1947 Report the Director of Native Affairs stated that ‘this endowment has proved of immeasurable benefit to Aboriginal children’; that a ‘close check’ was made on each individual account into which the money was being paid; that a total of £40,232 had been paid in that year to the accounts of 200 parents on the country reserves and in the protectorates outside the settlements, plus a further 106 in Cherbourg, 77 at Woorabinda, and 95 on Palm Island. Where the father lived outside the settlement it was paid into his bank account, of which the Department had control. On the settlements and missions it went to the institution, where the child was wholly maintained by the institution, presumably where the father was not working outside. Endowment was received for a further 1,375 children in the institutional category, as against a total of 935, including Torres Strait Islanders, where it was paid to parents. The Report refrains from acknowledging this further amount, but a fair calculation would indicate that total child endowment payments amounted to well over £90,000.\(^1\)

There were 105 children treated as maintained by the institution on Palm Island. The cost of feeding and clothing a total of 200 could be thus greatly reduced or the standards greatly improved. It seems more than a coincidence that 1947 was the year in which a reversal of the population trend was first reported. Palm Island was the only settlement to return a detailed health report in that year, but it seems fair to guess that the same change began on the other settlements about the same time, and for the same reason. The trend over the next two decades seems to have been maintained by more adequate expenditures on essential foods. (These were referred to, in the Report quoted, as ‘luxury foods’. Did this mean

\(^{1}\) Commonwealth of Australia, Child Endowment Act 1942.

\(^{1}\) Report of the Director of Native Affairs, 1947, p. 4.
that what might be essential for a white child was a luxury for an Aboriginal one?

The higher expenditure was to be reinforced by the availability of new drugs. At least from now on the government could claim that its policy had succeeded in saving the 'Aboriginal race'. Thus, when Donald Thomson returned to the attack in 1950, O'Leary, the Director, could claim that child welfare on Palm Island compared favourably with that in any town in the State.19

The system of complete authoritarian control was maintained and the later reports of the careful health inspections indicate an indefatigible ruthlessness in pursuit of what, it has to be admitted, are basically good intentions. The difficulty is that such activities, in an institution of this kind, create their own resistances from the inmates. These in turn lead to more determined efforts to impose controls which are seen as essential for health and welfare. Even what should be normal public health controls are then seen as forms of tyranny, which they may very well become in the case of health inspections by ill-qualified persons, and of house inspections by devoted women determined to 'keep them up to it'. What results may be little more than something akin to animal husbandry techniques.

There was quite an explosion of tensions in 1957 which was widely reported in the press (though not, as far as I can find, mentioned in the departmental report), when an Aboriginal, 'arrested' by the Native Police on the Island, escaped and called on others to help him. These men threatened to 'strike', and police were brought across from Townsville. Seven were taken to Townsville handcuffed. The Director referred to these men as 'ringleaders'. One at least was charged with having threatened a 'native overseer', and the Director said that all seven 'had records of being opposed to work and discipline, and incited unrest by threats'. Three of them were to go, by administrative decision, to Cherbourg, three to Woorabinda, and one to Bamaga, on the tip of Cape York. For this, as we have seen, the Director had the necessary powers. The press quoted one Aboriginal as saying that Palm Island discipline was 'worse than gaol'; that bells were rung 'for everything we have to do—getting up, eating tucker, going to work, going to bed... If they don't like you, you can spend your whole life there'.20 Another four men, sentenced to six months for stealing, told the court that they had committed the offences in order to get to the mainland to be heard. They were advised by the court that they should have written to the Director of Native Affairs if

19 Courier-Mail, 9 April 1950 and Argus, 10 April 1950.
20 Sunday Mail (Brisbane), 16 June 1957. See also Courier-Mail for 12, 14, and 15 June 1957.
they had a grievance. The court, perhaps, had forgotten that the Superintendant had the right to censor all mail.

In October 1964, when I saw it, Palm Island Settlement had an Aboriginal population of 1,560. It was still, according to the Superintendant, used as a place for 'incorrigibles', as well as neglected children, deserted wives and their families. That there was still a health problem was indicated by his intention to install a septic system, although he foresaw maintenance difficulties, because of the readiness of inmates to wreck it by consigning to it all kinds of material.

It was not possible for me to get access to any health reports other than the vague annual statements by the Department. But the Brisbane press at the end of 1964 quoted Dr Dorothea Sandars, a parasitologist working with the Queensland Institute of Medical Research, to the effect that the island was a focal point for dysentery infection, with flies breeding in rubbish dumps, children riding on the sanitary cart, soil pollution from faecal contamination and from the keeping of pigs close to refuse pits. Her survey had been made to find the cause of child deaths in summer. Of 176 children examined, 62 per cent were infested with dysentery parasites. The survey had taken place in March of that year. The Minister of Health announced that the problem was a 'social' one, which was true enough, and stated that a health department official would develop a health education program.21

As this settlement is organised internally like the others described, and as its current functioning is described by J.P.M. Long in a related study,22 there seems no need for detail here. There were the usual special institutions—the gaol, the dormitories, the old men's home, and the woodworking and machine shops. Pastoral enterprise was necessarily limited, but it was a tribute to the management that some of the beef used was produced on the island. Milling and logging, with house building, has produced some really impressive housing. There was really little need to be apologetic for the physical achievements, bearing in mind the social handicaps in what after all has to be a fairly primitive institutional program. The settlement area was well laid out. There is an imaginative reafforestation program. The building and maintenance of jetties and boats, motor maintenance, road extension and maintenance, and the provision of all services made an ordered life possible. There were over three hundred children at the State school, and over one hundred at the convent school. That change was in the air is indicated by the fact that nine children from

21 Courier-Mail, 16 December 1964.
Palm Island were attending secondary schools on the mainland. There was also a kindergarten.

What did not appear in the official report was the existence of a small separate school for the children of the staff. The explanation given was that without it staff would not remain there; the Aboriginal children were too knowledgeable about sex to associate with other youngsters. It was a change not to hear the usual explanation, that 'there is no racial discrimination, only a hygiene barrier'.

The devoted attention given to home training and child health was really impressive. A home management course was imaginatively given, in an instruction centre laid out as a home, with each room a model presenting the problem of its specialised use. Here the girls cooked the midday meal for the children in the first two years of school, and made issue clothing for the whole settlement from good cloth, using individual measurements. There was also a laundry. Attention was given to all the arts of housekeeping, as far as this inexpert witness could judge. If the motivation were there, such training should produce competent housewives. It could also be seen as excellent training for domestic servants.

The baby welfare centre seemed well equipped and there was regular follow-up with home visiting. The woodworking and machine shops had to be efficient to the point at least of effective construction. Housing was classified according to date of erection and size into three classes. The later built and larger were, it was stated by the Superintendent, allocated to those who had progressed in 'assimilation'; the Stage 1 house was for the beginners.

Perhaps this is the key to the reputation of Palm Island—that it is the most complete expression of the philosophy of the 'imposed program' for producing social change. Even the house in which one lives with one's family is officially regarded as an instrument of policy, a means of learning to be like the whites. Once on this Island, there could be no break from all this without official sanction, for the surrounding ocean gave real meaning to the predicament of being 'under the Act'. No visits elsewhere could be paid, no holidays taken, no work accepted, no letter written, without authority. Even in a few hours' stay one got used to the sight of the Settlement police patrolling the streets. The court system enforced the authority of the Superintendent. In the large and attractive community centre, where films were regularly shown, it was obligatory for staff to sit upstairs, and Aborigines downstairs. Although the Regulations then applicable provided for elected Aboriginal Councils, 'to confer and

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23 The Aboriginals Regulations of 1948, Regulation 45.
consider with the protector or superintendent matters affecting the welfare of the aboriginals', there was in 1964 no council here. The reason given was that Aborigines are too prone to advance the interests of their own groups, a remark which showed a wonderful innocence about the basic facts of political life elsewhere.

The inmates were treated as rather dull 'retarded' children. Every activity promoted was justified in terms of learning, and of the assimilation objectives. People were sent to gaol, locked up in dormitories, put to work, presumably moved through the stages of housing, all as the result of paternal decisions for their own good—though obviously most of what was done had to be done in order to maintain institutional services. This approach involved further fantasies about the nature of Aboriginal society outside, fantasies which are often echoed in the official reports. One of these is that being 'under the Act' is not so much a matter of past administrative accident as an indication of a 'primitive' condition. (I use the term because it was frequently used to me in discussion on Palm Island.) Those who came out here came to be subjected to certain treatment, which if followed through would result in the production of effective citizens, able to take their places in general society. Resistance to and sabotage of the program might then be attributed to inferior mental processes, misunderstandings, and lack of sophistication.

For instance, I was told how disastrous for Aborigines it would be if, as a result of the inquiry then in process, the Department were to 'lose control'. Aborigines, if they had their own bank accounts, would be defrauded by the unscrupulous. They would neglect their children, desert their wives, drink the proceeds of their labour. There was, of course, abundant empirical evidence to support such arguments. There was little realisation that this evidence could be due to the special situation of the inmates and of others under the Act—that it might be a response to discrimination.

On Palm Island, there was determination by the inmates to beat the system. No Aboriginal, I was told, can stop drinking alcohol once he starts. This belief was confirmed by determined Aboriginal efforts to 'make their own', in 'secondary adjustments' to what the institution offered. Management had to watch the yeast in the bakery; and as there are coconut trees, it was necessary to take special measures to prevent the manufacture of coconut toddy and other forms of what the troops in wartime New Guinea, similarly deprived, used to call 'jungle-juice'. One would be surprised if clever Aborigines were not able to maintain effective stills in all that scrub. There was something pathetic in the spectacle of a management involved in this kind of 'follow through'.
When men went out to work under agreement, and were required to contribute to the maintenance of a family on the Island, some would move away from the approved employer and work elsewhere. The worker could not take his children to a station where there was no schooling. In effect the settlement subsidised the pastoralist, not only through the lower wage but because it saved him from providing more housing than required for the single worker. The worker knew that whether he contributed to their maintenance or not, his family would be well fed and housed. If he slipped out of the agreement, and found a job elsewhere, the family as a whole was better off. Thus there was an unintended subsidy for desertion.

A man could refuse outside employment, and get keep for the whole family by working in the 'beetle gang' (of those who worked for the settlement's accommodation and services, without pay) for 20 hours a week. For any wage in cash, whether £1 or £6 (depending on settlement funds available, and on the amount and quality of his work as assessed), he worked for 40 hours. Such a wage policy hardly provides effective incentives. One determined to beat the system would go through the motions of work in the 'beetle gang'.

Where all activities are 'training', one might expect some notable claim for the results. To be fair, these were not made in the 1965 annual report of the Superintendent. As for employment, the avenues outside were stated to be 'stockmen, settlers, farm workers and general labourers, and there is always a demand for domestics'. Training is of course relevant for all these; but it is surely training on the job. It is hard to avoid the conclusion that Palm Island training has little relevance to such work, or at least that residence there lessens rather than increases the chances of getting employment. Nor was a claim for the level of the trade training very convincing. 'Lads, as they leave school, receive training in industrial work and are drafted into woodwork, metal working or engineers' section according to their inclination and adaptability ... The lads work in various trades on the Settlement to fit them for similar tasks in the general community as occasion offers.'24

Palm Island, then, could hardly present a greater contrast than it does with those islands in the Barrier Reef which are 'developed', in a somewhat different way, for the tourist industry. Transport in and out is by vessels either belonging to or chartered by the Department, except that one can get there, subject to government permit, by chartering a small plane from Townsville. During a day spent there, it proved impossible to speak at

any length to junior members of staff, or to Aborigines. Getting away, for men and women, then involved a long wade over coral, and a trip to the Palmer, a sturdy chartered motor vessel, by ‘flattie’, towed by a couple of Aborigines in a rowing boat. As we came alongside, a nicely judged flood of filthy water through the scuppers came on to the ‘flattie’, in which Aboriginal men and women sat in their good clothes. By chance or design, I received most of it. Although the deck cargo had not been taken off, the non-Aboriginal crew member responsible told me that he ‘had to wash the deck’.

This was interesting because it brought home the kind of service which the Palm Island tourist is likely to receive, possibly as a joke, but mainly because he has to be conditioned to accepting insult from the lower ranks of the hired help. Not very long ago it was Commonwealth policy to persuade the leaders of the Nauruan people that they should leave Nauru to take up homes on one of the islands off the coast of Queensland. They may even have had a chance to study the advantages of Palm Island. They refused the offer.

At the end of March 1965 it was announced that the whole plan to re-settle the Nauruans on Curtis Island had been abandoned. This shabby tale not only illustrates the reluctance of any ‘coloured’ community to emulate the Palm Island community but in detail it illustrates also some of the features of Aboriginal administration. First, this offer followed the rejection of earlier ones which involved ‘assimilation’ into the Australian community. The Nauruans stuck out for their separate identity. There had been plans to get them settled into an industrial area, where their labour would be useful and their genes in time could be lost in the purifying Australian whiteness. There was much discussion about Curtis Island, with the Commonwealth maintaining the impossibility of any alteration to sovereignty. (How much easier seems the case of Papua which is also legally part of Australia, where the population is too big to be ‘assimilated’, and therefore is being cheerfully cut adrift.) But the Nauruans did not want this island except on terms which would enable them to control their own future.

One wonders if in the course of his travels within Queensland, Chief Hammer DeRoburt got to hear about the fate of the people settled by grace and favour on Palm Island. But what immediately tipped the scales against the whole thing was the reception given by some local folk to the Nauruan delegates, who were addressed as ‘niggers’ and shown clearly that they would not be welcome. The Chief also referred to his unease about white Australia.

The story suggests the international opposition which the Commonwealth is about to face on the internal colour question. Especially in Queensland, where the whole tone of the legislation is illustrative of high prejudice and antiquated godliness, the situation could resemble that of the U.S. Government and Alabama. It is easier for the State government to make rules to influence attitudes than for the municipality; but the rules can only be effective at the level of, and by co-operation of, the municipality. It is easier for the Commonwealth to issue anti-racist statements to offset the international pressures than for the States to implement them. There is nothing peculiar to Australia in this. The stories of the Negro and the Indian in the U.S.A. illustrate the point that the farther from the local scene the less the prejudice, and the more high-minded the expressions of policy. South Africa became the ‘polecat of the world’ because the central government shares the prejudices of average South African (or Australian) whites in face-to-face situations.
The three-hour journey, with Aboriginal people who politely ignored us, was instructive. Some of them happily kicked off their shoes and dangled their feet over the side; they talked and were uninhibited. Who, one thought, are the really free people in this kind of situation? Certainly not the staff of such a place. Many of these people will reject a great deal of what their mentors hold out for them. They need money, because in Australia now it is impossible to live without it, but they will not all opt for the routine dictated by economics. Why should they conform to the middle-class Australian image of what a good Australian is? Why, especially here on the Barrier Reef, where the Queensland Government and private enterprise are trying to attract lotus eaters from all over the world to come and lie in the sun? The point is well made in the local contrast between Magnetic Island and Palm Island.

Yet a great deal of solid work has been done on Palm Island—work by Aborigines managed by men who have had to be real pioneers. The physical base is there for a permanent township. Whatever happens in the future, it is hard to believe that all those who live there now will want to leave it, especially if the pattern of authoritarian management changes, as change it surely will. Probably the effort to attract the international tourist will involve ‘native’ performances at places like Hayman, Lindeman, and Magnetic islands. Palm Island, under Aboriginal management, vested in an Aboriginal company, would give the Aboriginal people a chance in the developing tourist industry. Up to 1967, so far as I could learn, their only contact with it was as servants and domestics on some of the islands.

Those with investments in other islands may not welcome such a suggestion. Such opposition will help to make the point that a change is quite feasible, given incentive, organisation, technical help, and capital, possibly in the form of loans. Palm Islanders might easily hire their own managers and lawyers. The presence of an Aboriginal village there, and the fact that there is already a small handicraft industry which could easily develop with a tourist trade, seem to be relevant. The history of the place is at least as interesting as that of Port Arthur, though it seems a pity that so many of our historical monuments are of places where people were locked away.

There was a time when tourism seemed possible, until it was terminated as a matter of policy. There is interesting evidence of the earlier steps to protect Aborigines from unsuitable contacts with tourists. Back in 1934, when tourists still went to this beautiful place, they probably went to see Aboriginal people also. Generally, in the Pacific, the trend
had been for the tourist to be encouraged to take off his clothes. But this kind of thing was not suitable before Aborigines in a settlement. The Courier-Mail reported in May 1934 that women tourists who went to Palm Island in future would have to observe certain rules of good behaviour. They must not, for instance, wear shorts or scanty clothes, as this might weaken respect by the Aboriginal for the white woman. The Chief Protector had drawn up 'a set of rules' for the guidance of those who owned the vessels which took tourists to the island. He paid tribute to the tourist potential of the place, a beautiful island with coral beds round it.

Its fame as a beauty spot... soon spread, and before long the holiday tourists from the South arrived, to mar the contentment and peace of this sanctuary of the natives. Efforts were made to keep the disturbing element away, but its value as an attraction to the tourist... with money to spend, was put before the welfare of the natives. In the winter holiday seasons, each week an invasion by shiploads of irresponsible pleasure seekers took place. All village routine was disorganised. Interest in the usual productive activities was subordinated to the avidity for manufacture of fancy articles and curios, often worthless imitations of native weapons and implements, for sale to the tourists... Numbers of the passengers, male and female, came ashore in most indecorously scanty costumes. The effect of this unseemly conduct upon natives, at the expense of their accustomed high respect for the white woman, needs no elaborating. It was more than a coincidence that, shortly after, a serious assault was attempted upon a white female resident.26

Even then, this kind of narrow puritanism was so old-fashioned that it seems wrong to call it ethnocentric. Obviously, the real economic potential of the place was to be ignored so that an institution of the asylum type could be developed. The mark of the obsolete fuddy-duddy still shows clearly in Queensland policy and practice, perhaps because of the dominance of ideas of the colonial type from the back country. The whole history of contact with the Aboriginal has been marked by the strong influence of quite ignorant and godly persons who mean well, and against whom the Aboriginal has had little defence other than his sense of humour and his ability to caricature his mentors.

Yet things are changing; and some day we may see Aborigines on Palm Island with a stake of their own in the tourist industry, like the Indians of Neah Bay or Palm Springs, perhaps with their own boats, fishing crews, entertainment groups, songwriters, hotels. At any rate, here is an objective with meaning.

Such change, however, requires liberty, both for means and for incentive—freedom to stay or to go, with the unquestioned right to move into Townsville, Proserpine, or other towns convenient, for private purposes. The principle of making over to Aboriginal groups the assets now devoted to their management could ensure a permanent home on the island. The move into towns involves the right of the Aboriginal citizen to live a private life where he wants to. There will be a clash of interests with those who for various reasons oppose this. Vocal opposition from conservative local interests may influence central government. As Aborigines increase their demands, and their interests may no longer be dealt with by vague expression of an eventual ‘solution’, the question of increased sharing of town services must become a sensitive political issue.

In 1964 Aboriginal affairs were already matters for cautious official reticence in Queensland, partly following the exposé by C.M. Tatz of the system of justice on the settlements. There was a deep distrust of independent inquiry. On the visit to Palm Island referred to, I was treated with a somewhat comical caution. In Brisbane, I was told that there could be ‘no access to the background of government decisions’. Although I had been promised ‘co-operation’ by the Premier, it proved impossible to get any basic records other than public documents. Data which seemed innocuous enough, such as those on the Aboriginal Welfare Fund, could not be obtained. The officers concerned were public servants operating within their established traditions and rules.

But the secrecy of bureaucracy promotes the atmosphere of conspiracy. This background is quite relevant to the question of Aborigines in town, although it has wider reference to their general status and rights. Organisations aiming to bring discriminatory laws to an end may be treated by the bureaucracy as subversive, more especially as the Communist Party has for a long time had a policy of promoting equal status for the Aboriginal. By association, others with similar aims are ‘subversive’. This was not only happening in Queensland, though it may be relevant that the Party policy was written by the Secretary of the Queensland Branch, Ted Bacon. Criticism of government policy is easily set aside, so long as the majority are indifferent or prejudiced, as ‘communist inspired’, irrespective of what the criticism is. This may be normal political behaviour; but although there is plenty of precedent for it, it is necessary to say that such closed systems of Aboriginal administration as that of Queensland greatly facilitate the work of those who do not want change.

A study of the very curious operation which led to the establishment of the government-supported One People for Australia League, with the
registered name of OPAL, would shed some interesting light on the tactics of the government and its critics. The Queensland State Council for the Advancement of Aborigines, the Department of Native Affairs, churches and other voluntary bodies, the police, the Queensland Trades and Labour Council, and what their opponents claimed to be 'front' organisations for the Communist Party were all involved as a result of an attempt to break the status quo. The first initiative seems to have come from the Aboriginal and Torres Strait Islanders Advancement League, which was apparently formed in 1959, with its headquarters in Cairns, and as its first 'Declaration of Rights' states, 'on the initiative of the unions'. It seems that the political affiliations of one or more members of the Queensland Trades and Labour Council render suspect, to officialdom at least, any move it makes.

But the Declaration seemed reasonable enough, considering that it was a statement of grievances and a demand for equal rights, though obviously an attack on the whole system of 'native administration' in Queensland. It stated that the Act violated the Universal Declaration of Human Rights; that few of the officials with responsibility had any qualifications for the work; that minor officials had 'absolute power over the lives of the people controlled by the Act', which was an exaggeration, of course, but an exaggeration of a very serious situation. It criticised the Native Courts, especially on the good grounds that the same official might make the charge and decide the case, the rights of officials to forbid a marriage and to seize private property; and alleged that officials dealt severely with attempts to organise protests. Referring to the system of separate courts where the offender might be illiterate, or at any rate not optimistic about his 'rights', the Declaration said that: 'They are frequently tried and punished a second time by these “Courts”, after having paid fines or served sentences imposed by the regular civil courts.' Work without pay on settlements, and low wages off them, the withholding of the wage by Protectors, refusal of social service benefits to those on reserves although they were subject to income tax if they earned enough and contributed to the Welfare Fund, were all attacked.

The Declaration claimed the right to control and own property, to earn full wages, to organise for protest, to use the mails without censorship,
to keep families together, to meet friends, to drink, to marry without official interference, to receive social service benefits. This seemed an incredible list. Had we not looked at the law as it was and at the facts, it would seem libellous. If it was compiled with help, it remains a shocking indication of what was (and in part still is) happening.

Positive claims were made for ownership and use of the lands and property now used to meet Aboriginal requirements, and for compensation and mineral royalties in situations like Weipa, where 'the lands of their birth' had been taken; for free, compulsory secular education for all, the end of segregated schooling where there was mixed population, and assistance to children going to cities for secondary education; for special action to improve fringe housing, and transfer ownership of the settlement houses to the inmates; for the payment of trust funds to the owners, and expenditure of the unclaimed portion on Aboriginal needs, after consultation with them; and for a campaign against the discrimination which kept them from 'the use of many public facilities', discrimination in employment, in some places of entertainment, and in treatment by authorities when Aborigines and others are involved in disturbances.29

The League has been active since then, with an Aboriginal president. It appears from study of the records and from discussion with participants that OPAL was formed after a breakaway move in Brisbane from the central state organisation concerned with Aboriginal advancement, the Queensland State Council for the Advancement of Aborigines, that its formation was supported by the government, and that the breakaway movement was organised by people who claimed that the earlier organisation had been used by the Communist Party for its own purposes. The relationship between OPAL and the government has remained a close and somewhat curious one, in that OPAL has branches in many parts of Queensland, so that the most pervasive 'voluntary' body is in fact semi-official. For instance, in some country towns it manages the OPAL dwellings, erected with settlement labour. Its stated aims are assimilation and charity, with assistance to Aborigines in education and other fields. How far this was and remains a political anti-Communist move would be impossible to say. The organisation, with its hostel in Brisbane and its representatives in many country towns, has certainly helped many individuals, and seems to have been used especially by the government to

29 Declaration of Rights of the Queensland Aborigines and Torres Strait Islanders Advancement League, Cairns, North Queensland, 29-31 July 1960. See also A Call to Action—Decisions of the Second Conference for the Advancement of the Aborigines and Torres Strait Islanders of Queensland, Cairns, 1-2 December 1962.
provide subsidised assistance to persons 'outside the Act'. At the same time, it was in 1964 and 1965 still waging the anti-Communist war, and had been accusing of Communist sympathies those who remained in the organisation from which it sprang. It has substantially, if temporarily, attracted growing public support for Aboriginal claims away from political to charitable operations.

Whether Communists played any role at all, and if so what, I do not know. But one issue seems to have been that while some members of the earlier state organisation wanted to concentrate on political action, others were concerned with charitable good works. The Aboriginal Advancement League, whose members were interested in more fundamental social change, remained critical of OPAL. Aborigines were among those who took sides. Thus in 1963 Kath Walker, the poetess, was quoted in the Brisbane Courier-Mail as saying that her people 'don't want the charity of OPAL'. On the other hand OPAL activities can well enough be defended as worth while in themselves and should not be discounted—homes for the needy, the hostel holidays where Aboriginal and other children learn to play together, and the like.

All this is by way of explanation. It was inevitable that Aboriginal advancement and Communism would have the same dangerous overtones to the more ignorant officials and others in the far north. When in Cairns I went along to the proper officer, and asked his assistance in locating the Aboriginal President of the League. He called to his assistant: 'Say . . ., where does that bloody Com. —— live?'

The intricate politics of Aboriginal affairs is already on the way, and the problems of their status will not be solved by simple formulæ. Especially simple is the idea that they can be cushioned against other ideas, while the government of the day propounds its own, as a means of changing the situation.

OPAL was established in Townsville. The old State Council, I was assured officially, had been 'coloured with an undesirable element', and so had the local offshoot of the North Queensland League, so that the 'good' citizens had left it. OPAL had 'come in', but for some reason 'enthusiasm had evaporated'. One imagined the settlement superintendents and the protectors out on the country reserves shielding their charges from contact with dangerous thoughts. Perhaps OPAL has temporarily diverted impulses which might otherwise have led to a greater proliferation of voluntary bodies interested, and going their own ways; but these will certainly have their say in Aboriginal affairs in Queensland as elsewhere.

By 1967 a new factor in an old situation was the Townsville College
of the University of Queensland, backed by the tradition of university independence—a tradition which governments in Australia have to take seriously. It appeared that members of the College, and some of their wives, had worked for OPAL. One lady, the wife of a staff member, was managing a small pre-school for Aboriginal and Torres Strait Island children. Others were interested, and found a new stirring of public opinion in the town. Some were members of OPAL, some not.

It was decided to plan for an inter-racial seminar in Townsville towards the end of 1967. This was to be concerned with the conditions of Aboriginal and Island people in the town. One unusual feature of the planning was full participation of both these groups. Another was that there should be pilot surveys of living conditions, supervised by sub-committees of the main seminar committee. Questionnaires were prepared, and interviews carried out after sampling dwellings. Some information of a kind which the government had never attempted to obtain, even if only tentative, on employment, housing, education, and citizenship status, was set out in reports to be presented and discussed at the seminar.

This was set for the beginning of December. The plan was that there should be inter-racial discussion groups, considering topics to be introduced by visiting speakers. Of these there were four, two non-Aboriginal and two others, one of Aboriginal and one of Islander descent. Up to this point there was, as far as I could learn, no overt opposition. But this kind of thing was sure to bring into question the status quo. OPAL members were directed through official channels to withdraw—an event which shed light on the curious status of OPAL as a voluntary body. Some members of the Townsville Municipal Council withdrew. Leaders of two of the churches with the largest congregations directed their clergy to withdraw. The clergymen (and women), to their credit, did not do so, but over the two days played prominent parts both in the meetings devoted to presenting the reports of the surveys, and in the work of the discussion groups. I was one of the speakers but was ‘warned’ before going there that this was a ‘Communist front’ operation. On the opening day there were Aborigines from many of the towns within a hundred miles or so of Townsville. The discussion groups were the only really well organised confrontations of Aboriginal with other citizens that I have seen. But the people of Palm Island could not get out for the occasion.

Authority came off a sorry second best. Some hundreds of people looked at their town and society with new information. Aborigines for a couple of days were listened to, which must have given them a greater
feeling of novelty than anything else that happened. One felt that Townsville might not be quite the same again. But this was no more than an indication that the political risks—the risks of loss of support at elections—which a government might face with more progressive Aboriginal policies might be less than they would have been a decade earlier. It also seemed to indicate that there is some hope of support in Townsville for a program of establishing Aborigines from Palm Island or elsewhere in the town.
The maintenance of government- and mission-controlled Aboriginal settlements indicates belief that the inmates should be isolated from the town. On one occasion I remarked to a very senior official in Aboriginal Administration that the proper aim of policy was to establish Aborigines in the towns. He appeared to be quite shocked at such a suggestion. But effort channelled into the settlements is effort for 'separate development'. Results will be limited by low priorities in personnel and other resources. For the inmates to find their way along the lines of communication into the economic and social life of the nation, these places must be opened up. People must be entitled to come and go at will. Those who wish to remain will require security there and a home, but with free access to social services and unemployment benefits. Such security and equality are essential for free movement into and through the towns. Equality requires a wholesale dismantling of the special Aboriginal administrations and their reconstitution for new objectives.

**Government and Mission Settlements in the ‘Colonial’ Areas in the 1960s**

While governments cannot, through legislation, produce all the conditions necessary for equality of opportunity and social and spatial mobility, they can by this means remove some of the obstacles which make these things difficult or impossible for the Aboriginal. In 1953, by limiting the *ward* category almost exclusively to Aborigines of the full descent, the Commonwealth in the Northern Territory removed legal obstacles to
part-Aboriginal social and geographical movement. The chance for economic equality, especially in wages, has probably helped to advance part-Aboriginal status and welfare since 1953. More recently, in the Social Welfare Ordinance of 1964, all restrictions in the law other than two most significant ones were removed from the Aborigines in the Territory. But wages fixed for wards were retained¹ (until the Northern Australian Workers’ Union took the matter of the pastoral wage, which affected the vast majority of cases, to the Commonwealth Conciliation and Arbitration Commission), and the Administration retained control of access to reserves, so that permits were still, in December 1967, required for visits to Aborigines in mission or government settlements. The permit came not from the person concerned, but from an official, unless the would-be visitor was an Aboriginal, a policeman, a public servant on duty, or a politician who represented the settlement as part of his electorate (or was a candidate to do so).²

There may be some case for the latter restriction on any person with some exploitative purpose, but only so long as it is assumed that the Aboriginal cannot protect his interests. The real way out of the dilemma is to refer questions of whether they wish to be interviewed to some representative body of the people themselves. It is surely a retention of the institutional outlook to restrict movements; better to open up the areas and trust (and also help, on request) the people to undertake the reception of visitors, in their own way. It is hard to avoid the conclusion that the present law is merely a way of avoiding ‘trouble’, and perhaps the kind of trouble which may follow the contagion of news and new ideas. The Administration has also been accused of a wish to avoid publicity about living conditions.³

¹ The Wards’ Employment Ordinance 1953 had made it illegal to employ a ward at less than the prescribed minimum wages, or in conditions which did not meet those prescribed (Section 38). But it was 1959 before another Wards’ Employment Ordinance stated how these wages and conditions were to be fixed: the wage by administrative notice in the Northern Territory Gazette, and the conditions by Regulations (see Wards’ Employment Ordinance 1959, Section 38). These Regulations appeared in September 1959. This was an interesting example of delay which may occur when the people whose conditions are being regulated have no means of putting their own case.

² Social Welfare Ordinance 1964, Section 17 (3).

³ See statement quoted in Canberra Times, 31 May 1967, by Frank Stevens, Australian National University, that he had for two years been trying to get a permit to visit settlements other than Beswick and Bamyili, which he stated were ‘show’ places. See also statement by H.C. Giese, Director of Social Welfare, Darwin (S.M.H., 18 May 1967), that he had told Mr Stevens that ‘in six to twelve months’ time consideration would be given’ to issuing a permit ‘to visit other settlements’.
The South Australian Government in April 1967 provided for Regulations to set up Aboriginal Reserve Councils and to define their rights and functions; and provided also that a Reserve Council, notwithstanding the powers vested in the Aboriginal Affairs Board, might be empowered by regulation ‘to grant with or without conditions or refuse permission for any person or classes of persons to enter . . . any Aboriginal institution’, subject only to ministerial approval. This implied a move away from the paternal control of an official (the superintendent) to an open situation in control of a council, which still has power to exclude unwanted visitors. At the time of writing, however, the superintendent had ‘full control and management’, could inspect houses, enter them to maintain ‘discipline and good order’, and fix working hours for the institution. This was stated to be a way of gaining time for an effort to bring facilities on old government stations in the settled areas into comparability with neighbouring towns and villages before opening them up. Thus, while admission of visitors was a matter for the Aboriginal Council of the Settlement, extensive authoritarian power to control remained vested in the superintendent, and disobedience of his orders a legal offence.

Both South Australia and the Northern Territory had repealed the comprehensive legislation which controlled conduct of Aborigines, as defined in racial terms. But both have retained the power of the station or settlement superintendent to exercise discipline over the inmates. Thus on the Northern Territory settlement, drunkenness, offensive behaviour, fighting, or discharge of firearms, are offences, and the officer in charge has the right to order an offender to leave a reserve for thirty days, which can be a serious penalty. He must however, report what he has done to a magistrate, and the person so ordered may appeal. Such controls over inmates must operate as hindrances to economic enterprise and liberty. So long as there are controlled institutions, there is no way of avoiding disciplinary regulations. The controlled institution, by conditioning inmates, constitutes the hindrance to enterprise, mobility, and experiment.

There is now nothing, as far as I can see, in the law of either South Australia or the Territory to prevent people from moving out of the

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4 South Australia, Aboriginal Affairs Act Amendment Act, 1966-1967, Section 3.
5 South Australia, Aboriginal Affairs Regulations 1963, Regulation 8.
6 Ibid., Regulation 10.
settlements at will. But how far they know this, with their background of restraint, and in view of the restrictions on entry by non-official persons and other Aborigines, is uncertain. In the more distant settlements (mission and government) of the Northern Territory, habits of paternal management and of obedient acceptance may be so firmly established as to allow the old type of institution to carry on indefinitely. The same situation could apply even in the settled areas, where the inmates are fully informed as to their rights. Thus in the State of Victoria the battle of late years has been for the families with claims to live there to go on living at Lake Tyers, site of the last station. At the two old stations in South Australia within the long-settled regions, Point Pearce and Point MacLeay, improvement of station wages and housing has tended to attract back many of those who had left, and the legislation has had to place more emphasis on keeping people out than on keeping them in.8

But in 1967 it seemed that on South Australian mission settlements like Yalata or Ernabella, and government stations like Koonibba and Musgrave Park, as well as on these older stations in settled areas, the establishment of the Reserve Councils, with real legal authority, could lead eventually to increased fluidity of movement. By that time there were councils on some of the Northern Territory settlements. Described in the annual reports as Village Councils, they seem to have depended for their creation and functions mainly on the superintendents and to have operated mainly as administrative devices to assist management. They had no legal powers. So the superintendent’s disciplinary power applied directly to the inmates of the settlement.

In Western Australia, although for over a decade the government has not been involved directly in the management of large settlements, it has been indirectly involved in those maintained by the missions. The person who has been judged to be over one-fourth of Aboriginal descent may be controlled by regulation if he lives on a reserve, mission, or other ‘native institution’.9 Most of the earlier tight controls and restrictions had been removed from the native legislation, although some remained in other acts. The Native Welfare Regulations also prescribe penalties for offences which appear to offer mission managements and District Office staff plenty of scope for paternal control, effective where people have nowhere else to go. The list includes ‘insubordination, indecent or unseemly behaviour, disorderly or immoral conduct, or the use of abusive, threaten-

8 South Australia, Aboriginal Affairs Act, 1962, Section 20.
9 Western Australia, Native Welfare Act, 1963, Sections 4 and 37 (e) and (i).
ing or obscene language'. *Natives* must obey all reasonable instructions 'of the reserve manager'.

With its enormous spaces, and small population mainly concentrated in the south-west, the State faces special difficulties from the isolation of many of its mission-controlled institutions. Also involved is the special legacy from the history of the 'colonial' regions which has left so much control in the hands of the missionaries, trusted because they belong to religious organisations rather than for any special understanding or qualifications they may have. There are of course all ranges of ability and all levels of comprehension among missionaries. Some mission bodies may require minimum educational requirements, others no more than the signs of Christian conversion and enthusiasm. Governments which subsidise mission developmental and educational activities can hardly distinguish between mission bodies because of the likely political reactions from supporters of sects which may complain. Mission authority remains in the hands of men who represent particular sects. Their first interest, openly professed, is to build Christian communities and to save souls. There is nothing, except the judgment of the mission organisation, to prevent enthusiastic attacks on the religious convictions of mission inmates or adherents by the person who exercises authority. *De facto* secular power is vested in him by government reluctance to interfere in a 'religious matter'. In the State of Queensland, he wields power under regulations. Since the mission will be maintained by a particular sect, some tensions may arise because inmates show more interest in a rival teaching. In any case, the delegation, or the passing of authority, by default, is made by government to a person who is there because of his own vocation to advance the purpose of a private organisation. He may manage pensions and other social service benefits without authority from the proper recipients and have at least *de facto* power to order individuals off the mission area—an authority widely used in the past. Such restraints could not be placed on other Australians.

The question is whether *any* religious organisation should be in a situation to wield such power over the lives of Australian citizens. In the aftermath of the grant of the franchise, the classic colonial relationship of the mission adherent to the missionary superintendent is surely outdated. In these situations especially the time seems to have come for the vesting of special controls and assets in corporate bodies of the people themselves.

Even if the mission settlements could be as well equipped as those

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managed by governments, and the churches had resources to increase economic opportunity, this is surely irrelevant to the missions' main purpose. That they often attempt developmental projects in ways which are comparable with those in the government institutions is partly an indication of the low priority given to the matter by governments. Some of these dispersed mission communities in Western Australia do little more than provide a hostel for children going to school in a neighbouring town (as in the case of the Carnarvon mission, Kurrawang (near Kalgoorlie), Wiluna, or Fitzroy Crossing) sometimes accommodating a few adults as well. Others are large and quite isolated settlements. Perhaps the most isolated of all is Kalumburu, some 150 miles to the north-west of Wyndham, where an offshoot of the old New Norcia Mission controls (in practice) some 200 Aborigines. In this far northern region there are roughly comparable populations at Lombardina (130) and Beagle Bay (230) to the north-west of Derby; La Grange (160), south-west of Broome; Balgo Hills (270), 180 miles south of Halls Creek; and Warburton Ranges (440), 360 miles north-east of Laverton.

A bald recital of the names, along with some small knowledge of the dispersal of effort and of sacrifices made by missionaries to work in many of these places, is a corrective to abstract considerations of human rights. In the past, when governments cared so little as to assume that all Aborigines would disappear from white Australia, the missions made a major contribution to Aboriginal survival. But many of the leading mission organisations are now re-examining the mission's role. Abdication from authority may prove to be the best way of maintaining a proper and legitimate influence.

A mission may have spent many decades in one area, without bringing its community on to the lines of communication with the outside world. This is especially likely where a monastic order turns its back on that world. Often the mission will be introducing the inmates to a world which hardly exists any longer outside church circles. This is why the Aborigines from distant missions tend to have an old-world dignity when they come out of 'colonial Australia' into the southern areas, into egalitarian politics and great concern with the things of this world. Their innocence is the direct opposite of what is needed for material success. In many cases the long held tension between the mission effort at conversion and Aboriginal resistance seems to have produced a deadlock, a situation where the Aboriginal is regarded as stupid by the missionary, and where missionary pessimism is matched by a suspicious, perhaps hopeless, Aboriginal concern with immediate satisfactions, in typical adaptations to institutional
life. One such situation was suggested by the work of the psychiatrist J.E. Cawte at Kalumburu, and his estimate seems to have been confirmed to some extent by evidence given to the Select Committee on Voting Rights of Aborigines in 1961.\textsuperscript{11}

It is not the presence of the mission worker, but his often unsought authority, necessary to fill a power vacuum, which must form an obstacle to economic change and mobility. The professional Christian in authority at worst is a tyrant, ready to use the dormitory system to break the sequence of indigenous socialisation so as to capture the adherence of the young, and to cast scorn on the sacred life and the ceremonies which remain as the only hold on continuity with the past. At his best he builds a Christian community, but in the material sense he is the dispenser of charity and a permanent safeguard between a harsh world and the individual. The best will include men and women of deep understanding, valuable for their local knowledge and, in some cases, knowledge of the languages and cultures. The real test of their achievement will be found when the settlement is opened up, and the missionary deprived of secular authority.

In one most important way the Western Australian Government has made the secularisation of the mission settlements possible and perhaps inevitable in the long run. On the most distant mission stations it has established the State school. In providing hostel accommodation for the children of the great cattle runs at some of the towns of the outback, the missionaries have contributed to this kind of change. A look at the wages paid on some of the most isolated cattle stations indicates that already, on some of them, the boy of 15-20 years may receive higher wages than the adult worker, especially in the Kimberleys, where Aboriginal wages are lower, on average, than anywhere else.\textsuperscript{12} The reason is probably that the boys concerned have functional literacy, whereas the preceding generation had little or none.

Under Queensland law, residents of reserves fall into the category of \textit{assisted Aborigines} established in the 1965 Act,\textsuperscript{13} under which the institutions became 'communities' for Aborigines but still subject to control of the manager of the reserve, who might be either government officer or

\textsuperscript{11} Report from the Select Committee on Voting Rights of Aborigines, Part II, Minutes of Evidence, pp. 247-52.

\textsuperscript{12} This statement is based on a research project of the SSRC-AP, carried out with the assistance of the Minister for Native Welfare and the Commissioner for Native Welfare, Perth. The SSRC-AP did not have access to the names of employers or stations but was able to use the figures for stations in each Departmental Division of the State collected in the reports of the Departmental officers. For details see Chapter 12.

\textsuperscript{13} Queensland, The Aborigines' and Torres Strait Islanders' Affairs Act of 1965, Section 8.
missionary.\textsuperscript{14} The assisted Aboriginal may have his property taken over from him without his consent. He may, subject to appeal to a court, have been directed to live against his will on the reserve in the first place. He must have all his wages, savings, and property paid into the controlled bank account, subject to operation by a manager or district officer.\textsuperscript{15} He is subject to arrest by Aboriginal Police appointed by the manager of the 'community', and to trial by the Aboriginal Court (which may be either the Council referred to below or two Aboriginal Justices of the Peace) which is established within the 'community'. He may be sentenced to 'do time' in the community gaol.\textsuperscript{16}

This, as the Queensland Government states, represents a liberalisation of the law governing settlements as it stood before 1965-6. To mark the change, provision was made for the establishment of elected Aboriginal Councils, with power to pass by-laws on matters within the scope of local government. But to ensure that there is no nonsense, the manager can suspend at any time any order or resolution of a Council (subject to appeal to a court), while the Director of Aboriginal and Torres Strait Islanders' Affairs may remove a Council member (without right of appeal).\textsuperscript{17} The manager no longer wields magisterial power to send recalcitrant Aborigines to gaol, but an Aboriginal who breaches institutional discipline, who 'escapes or attempts to leave or escape from such reserve or community', or who is immoral, or unhygienic, may be confined to a 'dormitory'. (As these offences are not those for which other citizens may be confined, he cannot be confined in the community gaol. The manager cannot without the sentence by the Aboriginal Court or Visiting Justice send him there; but indiscipline means by definition, \textit{inter alia}, refusal to do what the manager orders.) Once so detained, only the manager or the Director can let a person out of the dormitory.\textsuperscript{18} The police who put him there are appointed by the manager, who even decides what they are to be paid.

In 1967, there were thus varying degrees of legal restrictions which operated on settlements maintained by the three States with responsibility in this 'colonial' region, and by the Northern Territory. The restrictions of the law may be expressed in what amount to reasonable enough rules for the management of institutions, provided it is assumed that Aborigines have to be maintained in institutions. In the Northern Territory, the establish-

\textsuperscript{14} Ibid., Sections 13 and 14.

\textsuperscript{15} Queensland, The Aborigines' and Torres Strait Islanders' Regulations of 1966, Regulation 5 (see \textit{Queensland Government Gazette}, vol. 221, 1966, pp. 2105 ff.).

\textsuperscript{16} Ibid., Regulations 47-69.

\textsuperscript{17} See ibid., Regulations 18-43, especially Regulations 19 and 31.

\textsuperscript{18} Ibid., Regulation 70.
ment of legal equality has been marked by adoption of institutional rules, and the maintenance of rigid control over who may talk to the inmates. Legally they may leave. On the other hand, even if they have anywhere to go, they may have only the beginning of an idea that they may thumb their noses at all special authority and simply go. But they may also be expelled under written authority of the Administrator, subject to appeal, in the case of 'behaviour' which makes such a course 'desirable for the maintenance of order'.\19

The same sanctions of 'sending away' the inmate who breaks mission rules have been commonly in use by missions for a long time. There is not likely to be disgrace before one's fellows at being 'sent down' from the training institution, but where people have lost the habit of getting their own food in the bush, the result can be real hardship. Transition from authoritarian control is always very difficult, especially where the traditional social controls have largely disappeared, and where the settlement includes different linguistic and tribal groups. Perhaps the rigidity of institutional controls in the past has been partly necessary to maintain order. But such controls tend to increase tensions between disparate groups of inmates, discharged in further inter-group disorders. It is easier to relax the law than to dispense with a whole organisation based on old assumptions of Aboriginal incapacity. Such relaxation may have little effect on the attitudes and conduct of management or inmates. But without the removal of special restraints, these Aborigines can be in no position to participate freely in the general economy.

Long dependence on an institution, no matter at what low level of subsistence this has been, creates the state of mind which makes it difficult for persons to go elsewhere. Since Aborigines are 'provided for' on the settlements, they may be excluded from assistance in the towns and elsewhere. If already in employment at the low pastoral rates, they may be excluded from unemployment benefits because it is assumed that the proper place for an Aboriginal out of work is on the settlement.

**THE SETTLEMENT AS A 'TRAINING' ASSET**

It was in the Northern Territory that the most intense efforts were made, especially in the period 1951-64, to promote 'assimilation' from the settlements. An independent administrative study of these 'training' institutions was made by C.M. Tatz in 1964.\20 Tatz's main thesis is that

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\19 Social Welfare Ordinance 1964, Sections 17 and 18.

\20 C.M. Tatz, Aboriginal Administration in the Northern Territory of Australia.
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the multi-focused department of government which sets out to provide a whole range of services for a special section of the community will operate at lower levels of efficiency in each of the areas of service than the corresponding specialist departments and agencies of government. He had little difficulty in finding many administrative shortcomings. But the basic hindrance in my own view was that the policy adopted could not achieve the stated objectives, of equal participation in economic and social life with non-Aboriginal Australians. It could even be argued that the greater the efficiency in controlling closed institutions the less the chance of promoting equal participation in life outside them. Social mobility cannot increase without spatial mobility and freedom to move.

The 1965-6 Report of the Welfare Branch indicates an awareness of changes already in train with the relaxation of the legislation, and resulting from the new economic developments. There were, it said, more Aborigines moving into town to look for work at award wages. It recognised the cattle-station walk-outs as ‘moves that could be called strikes’, and as something new in the assertion of demand for better conditions. It mentioned the beginnings of consultative ‘councils’ of Aborigines on some of the thirteen government and some of the fourteen mission-controlled settlements—the latter indicative of reappraisal by the Church Missionary Society and the Methodist Overseas Mission leading to an eventual withdrawal of mission control.\[21\]

On the one hand, the Commonwealth was seen as an authority to ‘promote and channel social change’. On the other, there was the assumption of permanence in the settlements, providing ‘experience and training in community living’ so that in the end they become ‘normal rural communities’. Aborigines were to be taught ‘the habits and skills of living in a settled community’ while receiving ‘welfare services appropriate to their needs’. The settlements would ‘develop work habits’. This had involved building up a considerable non-Aboriginal staff, in each case, of technical tradesmen, teachers, nurses, and others who in the terms of the report were responsible for the maintenance of ‘community’ and other services (which included municipal functions). This in turn exemplified the hope that the settlements would in some way become economically viable. These ‘specialists’ were responsible for ‘food production, building and maintenance work, hygiene and sanitation, . . . roads, footpaths, parks, gardens, recreation fields, water and power supplies, general storekeeping’.\[22\]

\[22\] Ibid., p. 16.
as well as for promoting development of any real economic resource which might exist.

Theoretically, they also teach the Aborigines their skills. But the Aborigines do not acquire qualifications recognised off the settlement. In practice the official will tend to be judged on the material achievements, and his interest will be to build good houses and to ensure that the plumbing rather than the Aboriginal is efficient. All this has involved a heavy commitment for installations and staffing, as well as a commitment to inmates who must be rapidly developing, where they have not already done so, the dependent personalities which mark institutional living. The pattern of separate Aboriginal education assumes that most pre-school and primary education will be out of towns; it could hardly do otherwise. On the other hand, there is the steady increase of pupils in the ‘special schools’ which are likely to promote mobility.

It would not, I think, be correct to imply that Aborigines of the full descent are prevented from moving into towns, or even that they are discouraged, providing that they find employment. In fact, some are employed by the Administration in towns, so that there is by no means a policy of limiting the process of urbanisation to the part-Aborigines. Yet the very effort to make the settlement more attractive, and the investments made there, must tend to bolster the status quo. As Aboriginal populations increase the settlements will become more expensive and, as Aboriginal aspirations change, more difficult to defend and maintain. The prime example of where the logic of institutions may lead is the settlement on Palm Island.

Three or four decades ago, there could appear to be a much smaller degree of choice than there is now. The emphasis was on saving Aboriginal lives in a country which was very much poorer than it is today. It appeared to many then that de-population could only be halted by concentration away from debilitating contacts, and by rigid controls. But funds have gradually become available for a moderate emphasis on a ‘suitable’ level of welfare services, and for the provision of food and shelter, education, elementary health measures, and the like, which have provided for many who were actually established in the institutions (for many never were), minimum standards of safety and material comfort. There were always the difficulties of cross-cultural administration where Aborigines often did not want or appreciate protection of this kind at the expense of their freedom to move, and preferred to take their own heavy risks. Administrators, as the price of some material well-being, demanded submission to authority, and inmates adjusted to a closed society where initiative was stultified.
Sometimes one hears that this situation was destructive because it was a 'policy of hand-outs', as though the occupants were a pampered group.

In fact the standards of food and accommodation have often been so low that when more funds became available, emphasis was placed on material comfort of which, even in the Northern Territory settlement, there may still be very little. The Queensland settlements have probably achieved higher housing standards than those of any State institutions. The administrations, naturally enough, place the emphasis on survival, especially of children (an especially sensitive area in the Western value system), and on raising these standards of comfort. The social consequences of the means used are not so easy for outsiders to criticise as a rise in, or failure to reduce, the infant mortality rate, or evidence of malnutrition.

So long as administrations must maintain families in institutions, they cannot ignore these imperatives of a wealthy materialist society, with the beginnings of a conscience in these matters. They are forced to make sure that the inmates are regularly fed; that there are adequate houses, at least in the statistics (sometimes whether they are wanted or not, suitable or not). This type of institutional care is defensible as worthy in itself. It is probably one of the reasons for the population trends. But claims that it forms part of an educational process which is preparing inmates for movement into the general society are more open to serious question. So much depends on the management, which has to face the dilemma of what risks to incur.

Training families in how to use new facilities to safeguard their own health, for instance, is more likely than a system of institutionalised controls to form the foundation of habit on which health will depend. But less political risk is incurred if the management splits the family, and deals with mother-child health problems directly, because in the interim fewer lives will be lost. Then the mothers tend to lose interest and dependence on the institution increases.

The longer this continues, the more difficult to return the responsibility to the people themselves. This kind of 'learning', where the habit of taking the child to the nurse may be defended as a step in basic health education, has nothing to do with increasing confidence and competence to manage affairs in the cash economy, nor has much of the employment which it is possible for the settlement to offer. Tatz's criticism of the Northern Territory settlements was justified mainly because the Welfare Branch so obviously concentrated on survival, hygiene, nutrition, housing and the like, organised without consultation, and enforced under legislation. Achievement, by such means, even of material welfare comparable with what is to be found in a real township, would have been a miracle. This has
never been achieved in any of these places, mission- or government-controlled, under any Aboriginal administration, for you cannot have things both ways, and the managed institution cannot develop the services of the town, which assume a free co-operation between citizens and the town administration. It was foolish of the Welfare Branch to claim such an objective (which it still seems to do).

On the other hand, one must allow for the difficulty it faced at a time of awakening consciences, had the emphasis been placed on the organisation of self-help, which would in any case have made demands of a kind generally not provided for in Aboriginal administration. In this field Australia is sadly lacking in experience or expertise. It is easier to see now that the settlements were mainly the result of long habit, of the difficulty of making basic changes in habits of administration, and of the other difficulty of facing up to town opinion by allowing free urbanisation. It would have been cheaper, and more effective, to make over the present settlement areas to the Aboriginal groups; to have provided facilities for which they felt some need, to introduce others which are essential in consultation with them, and to have done as little as possible without consultation.

This would have involved promotion of the means of consultation, including scope for Aboriginal leadership, as a first objective. The result might have been more lives lost, in a developing period, but this might have been more than offset by lives saved in the long run through real achievement by the people themselves. Freedom of movement would have meant more Aborigines in towns now, but probably quite large settlement populations. Yet the settlements could have been very different. There was quite as good reason to begin with the Aboriginal Councils as to try now to set them up. Aboriginal experience in the meantime has probably made them more difficult to establish. Movement into the towns will inevitably become a major policy objective. It will also now be more difficult, if only because of the vested interests in management of, and the capital already invested in, the settlements.

The settlement has operated as an anti-urbanisation measure. It forms in some respects the antithesis, socially and economically, of the town. The town operates where and how it does because it cuts down the 'friction of space' on free individual economic relationships, which require face-to-face contacts. It is thus the opposite of the institution which is established in an uneconomic situation and paternally managed. In place of business, there is instruction. In place of a wage incentive, there is the low wage for 'learning' how to work for some future putative real wage.
A most interesting indication of these trends was to be seen in the large communal dining halls of the Northern Territory settlements, where persons are fed in administrative categories rather than in families: mothers with young children, women, and men. The woman has been deprived of one of her important duties, that of preparing the family meal. In exchange, family members get nourishing food and learn table manners so that they become more acceptable. More recently families have been taught something of the value of their food by a system of charging for meals, at a nominal rate, those who can afford to pay. Women who do nothing to feed their families may at the same time be learning, in special classes, how to manage cuisine and the other domestic arrangements in the house, in anticipation of getting a real house. There is nothing wrong, so far as I can see, with any form of education that people want, and some may very well want these things. But this kind of educational effort seems mainly to justify the claim that the settlement is a 'transitional' situation, part of the 'assimilation' process. Children who grow up in such an environment will be reluctant to leave it. The 'comparison level', if we may use the jargon of social psychology once again, will be that of the institution.

Attempts to promote regular work habits in institutions have often resulted in much pointless maintenance, gestures at gardening, and the like, where the management has to arrange this kind of thing or contemplate idleness. It is assumed that Aborigines have to be taught to work regularly, while there is simply not enough work available for all. There is little opportunity or economic possibility to use the wage incentive or to promote a hierarchy of earned incomes based on levels of skill, or even to develop special skills. Careers are not possible for inmates of institutions; and the argument that the institution is reasonable preparation for careers can hardly stand unless there is training for certified qualifications or skills which will be recognised outside the institution.

I am not here criticising the staff who must manage settlements, both government and mission. Obviously they must do the best they can where they are and with the resources they have. Referring specifically to the Northern Territory situation, there was in 1965-6, on the settlements and missions, 'on-the-job training in such fields as forestry, sawmilling, building, machine and plant operating, manufacture of artifacts, stockwork, gardening, vehicle maintenance and repair, cooking and butchering.' There were off-settlement courses also (for 161 persons)—nursing, home management, and civics for the women; nursing practice, sanitation and
hygiene, welding, butchering, and civics for the men. Great effort has in fact been made to staff each place for its training role. But inevitably the training has to be concerned with local possibilities and needs. The expenditure has been in the wrong places.

This does not mean that, having been spent, all is waste. Aboriginal communities will obviously remain for a long time. No education is to be denigrated. Everything done which adds to individual skills is an end in itself and worth while. Yet what is now said to promote assimilation or integration could be as well justified as essential for separate development or happy segregation. In the Territory, there has developed some interchange of labour from one settlement to another. The Queensland settlements have, with a much longer history of expenditure on this on-settlement training, taken the process a stage further, so that there is a tendency for each settlement to specialise in training and production. Cherbourg, for instance, produces furniture and building components which are used on other settlements. Both Queensland and the Territory have a settlement-cum-pastoral station for training purposes. A settlement requires institutional services. When the aim became assimilation, these were thought of as 'municipal'. What I have said about settlements is subject to the proviso that real training effort is made. I have personally known instances of outstanding efforts in tuition, and in management of settlements and missions.

An argument for maintaining administrative control of the settlement, even after the establishment of representative councils, is that the Administration can establish economic viability for the future village which will take its place. Not only is it assumed that inmates are trained for outside employment, but public servants controlling the settlements often approach the complicated and subtle process of social change as a simple matter of training—so that 'assimilation' training becomes a 'subject' like painting or plumbing. As for the level of training, it is enough to ask whether any government educational or training authority other than one for Aborigines recognises the qualifications of the person so trained.

Too often, even if the instructors are qualified and able, the resources for instruction (always expensive for the technical skills) are not available. Within a limited budget, tradesmen may be hired as tradesmen-instructors. The shortage of effective technical instructors must mean that few of these men have teaching skills. But this is exactly the bi-cultural situation where specialised teaching skills are required, and where Western pedagogy still has so much to learn. The tradesman will at least be tempted to do all the

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specialist work; 'instruction' then means little more than working with unskilled assistance. With no real qualifications possible, so-called practical instruction becomes little more than occupational therapy for underemployed inmates. The only way to prepare for real employment at award wages is to compete for common qualifications with non-Aborigines, in the same properly equipped technical training institutions. There is a relationship of multiple causation here: mobility is required for skills and the skills are required for increased mobility.

As part of the assimilation program, governments have subsidised mission efforts in the technical training and other specialist training fields, especially of nurses, hygienists, and other subsidiary health workers. But no multi-purposed institution can provide training comparable with that of the professionally staffed institution which trains for the community as a whole. Where the Aboriginal mission or settlement has depended on its own trainees, as in a critical field such as health, the results have sometimes been sufficiently unfortunate as to lead to a cautious reticence on the part of the responsible authority. But if one were to compare the level of services on most Aboriginal missions and settlements in the 'colonial' region with what is likely to be available even in a comparatively well-to-do 'developing' country in Asia, the Aboriginal is probably far better off. He is at the stage where he may be catered for by a mixture of services at the 'self-help' standard, but with highly competent professional service, for special requirements approved by governments, available from outside. Thus his family may be threatened by indifferent sanitary construction, and at the same time have the most advanced surgical or physician's techniques on call, through the medium of the Flying Doctor services. He may live in a badly built shack or in one which has been erected by a team of tradesmen under contract. A point relevant here is that it is still possible to compare his lot in some respects with that of villagers in the former colonial world. When money is short, the 'self-help' standards are good enough for Aborigines, though they may be unthinkable for government-sponsored construction for others. This is an attitude which characterises some thinking even in the settled areas. A good illustration is the dependence to some extent on 'transitional housing'. The justification for this is 'training'. A family so housed is officially considered to be learning, in an inadequate house, how to live in an adequate one.

Yet it is certainly not fair to attack the administering department or the mission body for this, where the settlement is in one of the isolated 'colonial' areas. Much of the training is cross-cultural and pre-vocational at the same time. Where the mission is used to working in the indigenous
language, as at Ernabella (South Australia) or Hermannsburg (Northern Territory), training is likely to be more effective at this level of self-help than any which a technical training institution is competent to give. It is not the department, mission, or their officers who must accept the blame for deficiencies. This has been a national failure of all of us, reflected in policies which accept that low levels of services are either good enough, or all that are possible.

INMATE ATTITUDES

The evidence given to two Select Committees of the Commonwealth Parliament has amounted to a mine of valuable information on attitudes. These Committees, especially the one which in 1961 was considering voting rights, opened up situations generally hidden by the permit system from the public view. There could perhaps be no better illustration of the likely hindrance to effective economic enterprise to be met with in these historic institutions than the evidence of two people from Palm Island. Although it is not in the ‘colonial’ region of Queensland many of its inhabitants come from that region.

The superintendent told the Committee that:

After all you have to look after a youngster and more or less control him for his own good and the general good of the community, and until he reaches his majority he does not get the vote. In my opinion that is similar to the status of aborigines on settlements, protected aborigines who are not on settlements and all nomadic and semi-nomadic aborigines who are not yet educated enough to reach a standard of thinking for themselves.

An Aboriginal witness automatically assumed that voting rights meant loss of income and home—that for him and his fellows the institution offered the only possible security.

The aborigines have got to the stage where they do not care what happens. Some of the people are prepared to sit back and let the Government look after them . . . As for voting here, I think it is going to be hard, because . . . when the people get their citizenship rights they are immediately moved off the settlement. They go out on to the mainland and they have not got a home or a job. There is only one thing they have got; that is their citizenship rights. That does not cover everything. It does not cover a home or a job, unless the Government can guarantee that when an aboriginal leaves the settlement he will be given a job to start off with and he will be given a home, even if it is a small home. But it will be a roof over his head. That is the main worry of a lot of these people here.24

A good deal of additional evidence of these attitudes has been made available as old settlements have been threatened by new large-scale mining ventures (see Chapter 7).

The transition from institution to open village is not just a theoretical one, for in parts of the settled areas it is now in process. Where, as in New South Wales, the institution has long been an anachronism, perpetuating its special tensions by its mere existence, a notable step in this direction was taken, after complete legal equality had been established except in one or two minor respects, by progressively withdrawing the managers and setting up area welfare services managed from the various district headquarters. (This process was in train during the period of this Project.)

In another case, the Commonwealth Department of the Interior, dealing with a sophisticated community at Wreck Bay, near Jervis Bay in the A.C.T., simply withdrew the manager, integrated the school, took other steps to establish equality, had the people form a committee and began to negotiate with them concerning tenure of the housing. In such cases it may be reasonable to go this far and then leave the people alone for a while. They have had enough of officials. But even here the possibility remains of a rapidly increasing depressed minority. The people will still need a strengthened hand to avoid being excluded from local economic developments. The new village, where it is not favourably situated for employment, may wither away in time; or it may remain indefinitely, while changing its nature to a village of mixed population, some of Aboriginal descent and some not. Superficially this may look like a fine example of assimilation. Is it better to assume this, or to make sure of some more permanent benefit for the Aborigines from property which has been for so long devoted to their use?

Here are moral and practical questions of real difficulty. We simply cannot be sure. In such cases, the decisions, with the risks, are best referred to the people themselves. For this, it seems necessary for the residents, even in the most sophisticated areas, to be accorded a permanent interest in the old home. In fact, if this is not done, there will eventually, I believe, be more discontent. This is why I think there has to be opportunity for the people who have been associated closely with a station or settlement to form a company with an acknowledged interest in the land and assets—or rather some of the land and assets, for obviously the school, the post office, the police station, and other central government instrumentalities ought to belong to the relevant government departments. The people will always be able, of course, to incorporate, with such property as they have, or such claims as they may make, or for other than economic purposes. But I would
favour not only this right being made explicit now, but the act encouraged with the offer from central government of vesting in such a company the freehold, or the long-term lease (depending on what is the most permanent form of tenure recognised in the Territory or State) of all land formerly set aside for the institution, and, where it exists, all additional land of a reserve in which a settlement has been located. Where there is no immediate response to such an offer (which may be in most of the cases, if only because it will so often be regarded with suspicion as yet another instance of government deceit), the assets should be carefully retained—which does not mean that they have to remain unused—so that they can be vested in a body corporate when and if it is formed. This involves application of the principle already suggested for the settled regions.

Probably the separate settlements now maintained beside towns, of the type we have described, should disappear as soon as possible. But it is idle to theorise without allowing for habit of the townsmen of regarding the inmates as unfit to share the town services, and of the Aboriginal of seeking comfort and shelter in the company of his own. There will be many social, economic, and even legal battles to be fought before integration in such cases is established, even in the sense of equal opportunity and access to services and places. Who will have to fight these? In the long run, obviously, government in a democracy has to compromise with the majority wish. This means that it will generally support the abstract notion of equality, expressed in the law; and, it seems, give way in practice for a long time to local opposition to the reality of integration, as happens now, on the ground that a particular group of Aborigines is not ‘ready’ for it. Local battles by which the law becomes fact have to be fought locally, on local issues. This is what makes the Aboriginal company necessary. It is a means, an instrument of pressure, which can legally be subsidised and advised by the agencies of central government. At the same time, it provides for permanent and real practice in the exercise of citizenship and participation.

Of the more isolated settlements and missions, some will be located within large reserves and others not. This point of change, of the break from a long-standing status quo by opening up the settlements, will be critical, especially where there are valuable potential assets on these reserves. They should not be dissipated, but held in trust, in my own opinion pending the formation of Aboriginal companies on the settlements. Where there are more than one settlement or mission in a large reserve such as Arnhem Land, or the three parts of the Central Reserve, an Aboriginal Reserve Land Trust might well be formed. For this there is already a precedent in South Australia, except that this has been planned to
be vested with all lands in the State formerly devoted to Aboriginal use. The Trust, in a Reserve like Arnhem Land, should be composed of Aboriginal representatives with legal and administrative services; and the tenure, again, should be the most permanent allowed for in the law. The matter of allocation of assets to the companies which may in time be formed on the settlements can wait, provided that these are not in the meantime dissipated as potential Aboriginal assets.25

There will be other isolated settlements with no economic resource other than their labour, the land and the buildings. Here the decision as to what might be handed over as economic assets of a company might follow the lines I have suggested in referring to the Wreck Bay type of situation. If the settlement has been badly situated for employment it may wither away in time; in the meantime, it can be made at least a starting point, a base for a community. Cases will vary greatly with circumstances, and no one can hope to do more than sketch broad lines of policy at this stage. Yet at the same time the onus is upon one who makes a plea for innovation, such as the Aboriginal company, to indicate ways and means in as realistic a way as he can. One point worth repetition is that in 'colonial' areas the case for the company is not only an economic one. I refer here to my argument for the need of a socio-economic carapace for a people whose autonomy has been shattered without the compensation of full participation in the settler society.

Here one has to take certain risks that are involved in all schemes for innovation in human affairs. It is always risky to go beyond mere description and analysis. One who tries to do this inevitably reaches a point beyond which he cannot clearly see. But one can see that in this case the present practices are self-defeating, because they defeat any hope of Aboriginal initiative. This view is obviously shared widely in Aboriginal administrations, where the trend is for the withdrawal from stations and settlements of the close supervision of station managers and superintendents; and for the departments and boards concerned with Aboriginal affairs to shed, to the specialist departments and authorities which service the community at large, the specialist functions which in the past and to varying degrees 'Aboriginal' authority has discharged—health, housing, municipal services, even education (as is still the case on the Northern Territory settlements and missions).

So long as the settlement remains under paternal control from a headquarters, there is the problem of the disciplinary authority wielded by a

25 This was written on the facts as they were in 1967.
superintendent which produces the usual institutional reactions from the Aborigines. It also produces the other problem of conflict of his authority with the work of the specialists on the settlement staff, or who visit the settlement. On Northern Territory settlements there has been tension between teachers and superintendents. There may be even greater tension involving specialists who are ‘outside’ in other departments of the Administration with interests on the settlement, for instance officers of the Commonwealth Department of Health. Thus even effective servicing by other government departments requires a different arrangement, and power of the superintendent becomes an administrative hindrance to opening up the settlement, and to making it a village. Probably, therefore, a first step has to be the withdrawal of this officer from the settlement. He could, as has happened in most States in the ‘settled’ areas, become a manager for his department on a regional basis, or be posted elsewhere. A good look at his qualifications and relations with Aborigines might be taken at this point. Past tensions make it important that his headquarters be somewhere else unless the Aborigines ask for him to carry on as their special adviser. If he is a missionary, it may be easier for him to retire from authority and to concentrate on church affairs without leaving the settlement. But any government authority should be withdrawn from him.

The next practical step might be an offer to the community of certain lands, property and powers, on condition that they incorporate and accept responsibilities. Here is involved a considerable educational effort, but not, I would suggest, so much related to the substance of the new concept as to the legal and other details. The people, should they wish it, or should they simply fail to respond or to formulate a point of view, can continue to be managed as a community, preferably by someone they want; or they can incorporate and themselves confront and deal with the departments of central government. The body corporate becomes first the repository of certain property. This should include all assets other than those which are required for the ‘non-Aboriginal’ departments of government to operate. Houses and allotments, for instance, should be vested in the company in the first instance, with the exception of such of the staff houses as are required for the teachers and other officials who will be resident. In such cases it seems preferable to vest the whole of the necessary property—for instance the school and the teacher’s residence—in the servicing departments of the central government. Some of the services at present provided by non-Aboriginal settlement staff may be provided by settlement Aborigines. This should be a prime objective, and could be used as an immediate educational incentive. In fact the recruitment of Aborigines for
police, teaching, and other government functions, to serve off as well as on the former settlements, should be an early target. It is essential that fair Aboriginal representation in local officialdom be established everywhere as soon as possible. In addition, such specialists in the settlement staffs as already meet the requirements of corresponding departments of the State or Territory could be transferred to those departments and left where they are, provided that they and the Aboriginal people wish it.

I am not advocating the Aboriginal version of a closed company township, with a company purporting to provide all services. This may be possible, though socially limiting, when the town is managed by a very wealthy company and the arrangement is subsidiary to more urgent purposes of the company and its employees. What is, then, the need for the Aboriginal company here? In addition to the possible need for some kind of holding company in which shares from exploitation of Aboriginal reserves might be vested, it may act as the recipient of houses and building blocks other than those retained for administrative purposes of central government, but only in the first instance. The tenure should be that which gives the greatest claim and rights of ownership in the particular State or Territory. This throws the responsibility for allocation (with all the advice and other assistance which government departments can offer, to be accepted or rejected) fairly on the Aboriginal company. Such a holding company should, I believe, be also the recipient for government or private loans or grants, some of which will be for particular purposes.

I think this gets round what could be a real difficulty. If it were possible to give a house to all poor Aboriginal families, I would advocate giving the houses on settlements to those who now occupy them. Imagine, where it is not possible, the demands and the sense of injustice felt by those who have recently left these places to make their own way, who are ‘battling’ in fringe settlements, were this to be done. But the asset may still be invested for the Aboriginal people by its transfer to a company. It is for the company to determine, for instance, the conditions of occupancy of a particular house. It may happen that, as in South Australia, the houses on a settlement have been erected by the State housing authority. In such a case of course it is foolish to consider vesting them in a new company, even if that were possible. But a company, subsidised by central government, and using its total assets as guarantee, can make it easier for the housing authority to discharge its functions on the former settlement. It can, for instance, in the interests of all, bring pressure to bear for regular payments to the authority by occupiers. It can also assist in establishing local priorities for housing, and may act as guarantor for individuals.
But the main argument is concerned with psychology and politics and the need for real power to act as a pressure group, to bargain with something of general economic value of their own. The Aboriginal concern with land is really a concern with pauper status. One requirement to enable them to get out of a cycle of poverty is for Aboriginal groups to have places of their own, with control of the homes to which they are accustomed. The secure base is necessary for confident ventures into the national life.

Another approach might be that the superintendent remains, rather like the colonial official in theoretical de-colonisation, and sheds progressively his various powers to an elected council. This appears in accordance with current Northern Territory developments, which have involved experiments not only with councils, but with co-operatives and other groupings which could in time become bodies corporate. It is of course possible to get to the same end by many paths. I have already stated my reason for arguing against continued presence in charge of the multi-purposed official. It is extremely difficult to arrange such a progressive transfer of powers, in such small communities, without altering the personnel. The danger is that without a quite definite, spectacular, and symbolic transfer of power to the group, all the discussion and preparation will appear to the inmates just another form of words. The danger of planning for gradual change in administrative procedures is that there will be no visible change but a legal one—as has already happened in the Territory, where all restrictions on the citizen have been withdrawn, but the same situation remains within a closed series of institutions.

However, the gradualist approach is likely to be supported by officials because it offers least threat to their present employment and status. Many of them, like colonial officials, would find difficulty in acquiring other work with comparability of status-differences between themselves and their public. Many of them, inevitably, will not have the special qualities and qualifications which will be required for the kind of transition which I have recommended, in which mutual trust between advisory government officer and Aboriginal group is basic, for the techniques become those required for community development. Thus (as in colonial administration in its day) the concept of preparation by an entrenched officialdom is partly a defence of the power structure.

Vested interest supports the argument for training on settlements, already dealt with, and the argument that the department concerned can establish a working township and a local economic base for it, to be transferred to some kind of local government body when the inmates are ‘ready’. These arguments are bolstered by the fact of heavy capital commit-
ment to the settlements. Where the expert is the official in authority, 'readiness' of the inmates to dispense with him is likely to be deferred indefinitely.

There are also obvious limits on what a welfare oriented department of government can do or organise for economic development, irrespective of the fact that so many settlements are where they are just because the land was once considered worthless (in most cases, rightly so). So long as a multi-purposed department remains in control of economic development, that development will continue to be confused with the social and other objectives of the department. Economics, of course, impose a hard logic. So long as the settlement served a function which had nothing to do with economics, this logic could be ignored. It was hardly relevant so long as the real purpose of the institution was to incarcerate Aborigines out of the way of European economic development. But once the objective is to establish an economy to maintain the local population, economic laws, established within the overall national economy, have to be respected.

As Frank Stevens, an economic historian who has investigated this situation in northern Australia, has pointed out, the settlement of either government or mission is not so managed as to make it a logical means through which to invest in economic development. I once spoke with a superintendent about the problem of making the settlement 'pay'. He said that in his case (it was a cattle-raising area), he could not, under public service regulations, sell a cow to buy a bull. He could sell the cow, but must pay the proceeds into revenue and then buy the bull from his 'vote'. Stevens points out that public service procedures are not compatible with 'methodical and economic trading practices... In other arenas, when it is realised that the governmental responsibility is to be in a trading field, the staff is released from the normal internal audit and responsibility... of a permanent civil service department and a new relationship is formed [with]... a statutory commission.'

He also points out that between them government- and mission-controlled settlements involve a complicated tangle of responsibility. From the economic point of view, the bodies ultimately responsible for settlement policy may be 'far removed from the... operation, and poorly equipped for the responsibility they bear'. Of north Australian missions, he writes that 'for any form of integrated programme to evolve, twelve distinct boards have to be consulted and hundreds of people convinced. Even the most minute adjustments of policy stand to be frustrated...[Missions] might consider the spiritual requirements of their charges more important than their material needs'. No responsible
financing organisation, he says, would risk its money in such a 'labyrinth of administration'; it would require a direct line of authority to itself.26

All this may be, if not completely avoided, at least rendered more logical in economic terms, with the incorporation of Aborigines and the vesting of assets in the corporation. The company is the body with which the financing organisation deals. Probably this will in most cases be the Treasury, and the dealings may often be stimulated by advice to the company from the official adviser. But this may not always be the case; private sources of funds may become important. In any case, it becomes possible for the enterprise to function in accordance with the usual business procedures and accounting methods. This leaves the problem of the large capital assets at the settlements.

THE CAPITAL COMMITMENT TO INSTITUTIONS

It is bad economy to maintain works which do not serve the purpose for which they were constructed. At the worst (as with obsolete tanks or battleships) they should be written off or sold to the highest bidder for scrap. But the settlements will clearly be required for a long time, whatever the policy changes.

Phasing out of the mission and government settlements as the focal points for works programs must be part of a wider process of removing all legislative restrictions applicable only to Aborigines. The cost of paying social service benefits to all individuals entitled to them would be a small investment to make in independence and in the capacity to move.

Let us suppose that a high proportion of Aborigines from settlements, over the next few years, opt to move out and take their chance in the economy; that some who stay on the settlements find either full or seasonal local employment, while others who remain have to maintain their families on unemployment benefits and other social service benefits which apply. The difference in public expenditure would then be hard to calculate, since so much would depend on the proportion who find wage employment. According to the latest figures available for the 1965-6 Report of the Northern Territory Welfare Branch, there were 6,242 persons 'in contact with' government settlements and depots. Costs of their maintenance on the settlements, of repairs, and maintenance of works, minor new works (which would be mainly on settlements), plant, equip-

ment, and other capital works averaged, for one year, somewhere round $487 for every man, woman, and child.27

If there were no capital commitment to consider it might well be cheaper to pay full unemployment and social service benefits. If this amount per capita were expressed in terms of family incomes, it might well be above the cost per family living completely on social service benefits. But in the latter case there is the opportunity to face up to decisions, to look for employment, or alternately, especially in the case of those who are living in very isolated places, to work for their own subsistence either in traditional ways, or through co-operative enterprises such as the making of artefacts, fishing, prospecting and mining, pastoral enterprises, and the like, on the basis of freely made decisions and without institutional control. I am not suggesting complete laissez-faire; but the transformation of government services into those which may provide advice and assistance on request. Where, as seems likely in most areas, there is very little economic potential, the settlement may in time wither away, and in the meantime we may as taxpayers have to support rather large communities on social service benefits. But without the large staffs required for management of the institution, the cost could well be less.

Where such settlement-communities remain, the possibilities include significant development of human potential, for if any members of the Australian community have earned the opportunity to devote their time to the pursuit of meaning in life, to the following of their interests, with the help where requested of experts, they are to be found here. Possibly the best investment we could make with these buildings would be to use them for educational institutions for all Australians who are interested in what the Aboriginal culture still has for us. Respect for the traditions has been one of the bases of the New Zealand Māori program. In 1967 an adult education group from the University of Adelaide visited one or more of the Northern Territory settlements. Throughout the Australian community there are signs of a new interest in this unique part of the Australian heritage. And the best possible preparation for material success, in a depressed community, can be a genuine intellectual stimulus in matters with which its members are deeply concerned.

The best technique is, of course, to start from this interest, not with the technical training needed for wage employment or with health education or with any other desirable area of instruction until the need is felt. This was the basis of Gruntvig's success with the Danish folk high schools,

which by stimulating interest in the Danish cultural heritage made such a considerable contribution to the transformation of the Danish dairy industry, and to the growth of the co-operative movement. I make this suggestion only to indicate that the large capital investment in these places may provide assets for all Australians, in which education, as in the folk high schools, might be regarded as an industry integrated with other economic activities—including, for instance, tourism and the conservation of the environment.

Payment of social service benefits directly to the individual provides some stimulus to fluidity of the Aboriginal work force. It makes it possible to assume that the settlements need be no larger than they now are. Of the $487 mentioned above, something over a quarter was for capital works for the year. With a likely population explosion, this could fall progressively behind the need. It seems clear that extension of the town services offers social and economic opportunities which the settlement does not. The first is a process of urbanisation; the second is the maintenance of a fantasy. Nor is movement into a Northern Territory, South Australian, Queensland or Westralian town from the mission-settlement situation to be regarded as more than the beginning of the urbanisation process or be seen in the background of the economy of the ‘colonial’ regions alone. Such a decision may, if the Aboriginal comes into some organised pressure group of which he becomes a member, result not in an increased fringe for the town, but in a new mobility, from town to town throughout Australia, in a way which has been well demonstrated recently by the Torres Strait Islanders. In the towns the incentives can be felt more definitely. From the Northern Territory settlements there have been one or two controlled ventures into the ‘south’ for a special experience of seasonal work, which is something different, but an indication that government is aware of the need for this kind of movement.

For those who do not move, there are social service benefits and limited local employment at the worst. There is the possibility already mentioned of an imaginative education plan, with education becoming the main industry in some cases—drawing European Australians and probably people from all over the world into the Aboriginal environment, with new possibilities of interaction and the Aboriginal as the teacher. Here is a real challenge for university departments and adult education bodies to get involved in the kind of commitment (like the Cornell projects in Asia) which makes for real studies in depth. There would be failures, of course, but the settlement as it is must remain uneconomic, and unlikely to attain any professed social objective. The results of over a century of institutions
indicate the futility of using them further, except as requested by, and with the active help of, Aborigines for purposes with which they agree. We should look more deeply into the motives which make it easy for government to spend more money on managed settlements. It is easy because it appears to meet an obligation which is becoming more obvious; and because it avoids raising now the real questions of race relations involved in integration, especially in towns.

As a beginning of the change of emphasis, houses should, I believe, be built in future on a settlement only if there is a shortage there of houses for all those who opt to stay, after it is made clear that nobody must stay, and that all are free to move at will and have the same chance of a house elsewhere. The locations for housing should be where the full level of services can be extended, in the towns already established, or in new multi-racial towns to be developed at new centres of commerce or production. Which brings us back to what has always been at the heart of our problem—the resistance of the majority of Australian town dwellers to the integration of Aborigines as part of the town society. It also brings us back to the fact that the town and the settlement are quite opposed forms of social organisation, although in some places, as at Alice Springs and its institutional opposite, Amoonguna, they may exist in close proximity.
One good reason for early action lies in the great economic developments which are in progress in a few areas. Incorporation of claims and rights is urgent now if the Aboriginal group which still resides in what has always been its own 'country' is to have any chance to press its claims for a reasonable share in new enterprises. If this does not happen, the social future of the group may be left to the economic and employment policy of a company, very often one with a preponderance of overseas capital. The pattern of social disaster, with its future claim on the economy, can then be repeated in the new situations involving the very large scale investment, and the 'creative' control of enclaves of development, to which we have already referred. The result may well be the existence of the enclave 'company town' beside an old settlement or mission, establishing in the 1960s basically the same unpromising impasse as at Port Augusta, Alice Springs, Kalgoorlie, and Townsville.

MAPOON AND WEIPA

As a more drastic example of what has happened in the recent past, there was the 'transfer' by the Queensland authorities of a community from 'old Mapoon', on the coast of the Gulf of Carpentaria near Port Musgrave, to the Bamaga area on Cape York, following the closure in 1963 of the Presbyterian mission which had been maintained there from 1891. While the mission body concerned appears to have agreed, there is very good
evidence that at least some of the Aborigines wished to stay under whatever conditions.¹

It seems clear that decisions were made by the government in consultation with the company which was negotiating the right to exploit the very extensive bauxite deposits of the area. The Presbyterian Mission Board was caught in an awkward situation. (The area of the reserve managed from Mapoon had amounted to some 1,200,000 acres.) The inhabitants were given the choice of going to 'New Mapoon' on Cape York, or of applying for exemption. One, who chose exemption and went to live in a fringe settlement on the Atherton Tableland, stated later that he had protested. 'It is not right to send me and my old woman away when we are nearly going out of the door of life. We want to be free to have a holiday and go back home. Not this place with this fence round it.'²

At this stage it is difficult to assess the whole story fairly. But from the introduction of the Bill in 1957, granting the mining rights to the company, a very large enterprise of the type which engages in 'creative adaptation' of the environment, it seems clear enough that the first government priority was economic development. As a small indicator of priorities, the readiness to exempt everyone there from the 'Act', after all the decades of ostensibly careful assessment of readiness in each individual case, is suggestive. Had the Mapoon people been incorporated at that time, and recognised as having some rights in the area which could be pressed in the courts, there could at least have been a fourth voice in the preliminary negotiations. There were some who went to New Mapoon without protest, but others were still protesting in 1967. Others allege that they were forcibly removed.

We were given orders to pack up just our suitcases . . . just our clothing and our other belongings were to stay . . . by orders of the D.N.A. [Department of Native Affairs] because we have made trouble . . . The D.N.A. dont like ——— because he was writing letters to the League [the Aboriginal and Torres Straits Islanders Advancement League]. We told the white police that they will see it printed out that everybody will read it. Please will you get this out in paper because we are not ashamed of anything we have asked for it was for the children.³

There is at least enough evidence to establish that some former inhabitants

¹ I have had access to correspondence of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders with the Queensland Minister responsible for Native Affairs, with the Presbyterian Mission Board, and with Mapoon residents and former residents, and have myself met former Mapoon residents.
² Correspondence on FCAATSI File.
³ Letter from former resident of Mapoon, in FCAATSI File: undated, but refers to events in 1963. It was addressed to Mr J. McGuiness, Secretary of the Aboriginal and Torres Strait Islanders Advancement League.
of Mapoon believe that they were removed for the more convenient operations of the company.

This is precisely the kind of problem with which mission body or government department with the 'Aboriginal' degree of priority is unfit to deal, partly because both have other, probably quite important, axes to grind. Mission bodies are notoriously short of funds; and it is clear from its earlier reports that the mission had decided as early as 1954 that a move from Mapoon was inevitable, because of lack of water, poor siting for development, poor soil, and because the cattle could be as well run from the sister mission at Weipa, further south. By 1956 the people were resisting proposals that they should move to Weipa. In 1957 the mission body reported to the church assembly that it had no objection to the mining lease provided that proper provision was made for the 'natives', since Mapoon was 'in their native tribal country'. In the following year the report stated that the missionaries had been 'advised' to trust the company, which had made vague promises of educational facilities and work. They had by this time had some legal advice, and learned that though the passing of the Aboriginal legislation might have constituted some recognition of 'natural rights', these were not definable (presumably without recourse to the courts); and that the granting of the mining rights had extinguished the pastoral lease. In 1959 it was reported that the company had 'ceded' 2,900 acres to Mapoon; that 'the Company's policy is not in favour of the removal of Mapoon Mission to Weipa' but would permit grazing over some of the Mapoon area.

Would it be too cynical to conclude that the company's interest had moved from Mapoon to Weipa? The company had the mission 'over a barrel', as the mission had failed to resist, and accepted a gentleman's agreement; in the meantime the company had 'not approved' the mission plan to erect fifteen houses for Mapoon people at Weipa. (For this, the money would have to come from the company.) Nor was the government, which had presumably given the advice to trust the company, of much help, according to the mission board's 1960 report to its church assembly.

The whole transaction had been complicated by the earnest discussions of what might be best for 'assimilation'. It is interesting that people of Weipa and Mapoon, where the bauxite was known to be, were considered

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4 Reports on Aboriginal and Foreign Missions presented to the General Assembly of the Presbyterian Church of Queensland, Addendum to 1954 Report, p. 68: FCAATSI File, Melbourne.
6 Reports on Aboriginal and Foreign Missions, 1959 Report, p. 76.
by the government to be 'ready', while those on Mornington Island and at Aurukun, for instance, were not. One is reminded of a notable case in the United States, when the Indians judged most suitable for 'termination' of special legislation were the Klamath, on whose lands were some of the best timber stands in Oregon. 'It is the opinion of the government', reported the missionaries, 'that there is no guarantee that a larger number of Aborigines than that found at Weipa could be successfully assimilated into the development of Comalco at Weipa'. (My italics.)

This is the kind of statement that justifies the keeping of Aborigines out of small towns, especially in the 'colonial' regions. At a recent mission-administration conference in the Northern Territory the view was expressed that the small towns between Darwin and Alice Springs could not 'assimilate' the large Aboriginal populations in the nearest settlements. Obviously they could grow by inclusion of more non-Aborigines, but government will not face up to local resistances to what would give considerable Aboriginal majorities in some of these small towns. But there is, in this statement by the mission committee, a quite clear indication of where members believed government emphasis to be.

One also gains the impression that the missionaries had been confused in their attempts to play this kind of politics, and quite out of their depth. Clearly the Aboriginal communities could only have been defended in this kind of negotiation by competent lawyers. There is also a somewhat pathetic confusion of 'assimilation' with the real purpose of missions. 'It is patently plain that the time has come for the Church to evolve ways and means whereby the policy of assimilation can be successfully implemented.' Perhaps they saw new opportunities to do good with the money from the company. This, then, was the background to the company town-mission settlement complex which has now taken shape at Weipa.

Big business financed from overseas capital is impersonal, and one can hardly blame the management for getting the best deal possible for the shareholders. The mission was entrapped in dependence on government finance, and in its unimaginative emphasis on the government policy of 'assimilation', which enables the government, as the price of assistance, to set the mission objectives. The Queensland Government was maintaining priorities accepted by all Australian governments since the end of British colonial administration—in practice, if not in theory, since long before that. This too can be justified on the ground that economic development is for the community as a whole, that when the Aboriginal is 'assimilated'
he will share. The disregard of any right of prior occupation was in accordance with all the history. The only exception up till that date was the Northern Territory provision for timber and mining royalties from reserves to be spent on Aboriginal welfare. (Since that time there has been the South Australian Aboriginal Lands Trust legislation.)

The voice of the Aborigines had not been heard in the negotiations but was making itself heard in the aftermath. There could have been a very different train of events had there been a corporate Aboriginal group, with some legal rights, for instance, to shares in any enterprise, as well as to royalties in and from enterprises established on their ‘country’. In the neglect of this possibility governments are in practice handing over control of the situation to the investor—an inevitable result of putting economic development before social considerations. In so doing, they save up trouble for themselves, and incur increased costs for the taxpayer, by conceding a situation which inevitably tends towards the fringe-dwelling group. The cost of Aboriginal housing in the company town would be very small compared with the profits from this kind of enterprise. In fact, the Australian company on Groote Eylandt has chosen, in its own long-term interest, to incur this cost; which suggests that it would by no means imperil development of the north were Aboriginal groups to be incorporated with some reasonable rights to mining profits made in areas now occupied by reserves or wherever Aborigines remain in their own ‘country’. This could even apply in the case of future mining developments in what are now pastoral leaseholds. And a first charge on their shares, or on the bargain negotiated with a mining company, might be housing (already conceded, even at Weipa, as part of the bargain), but housing interspersed with company housing. What better incentive could there be for a company to suit its own long-term interests by training stable local labour?

Having discussed just this possibility with one or two of the representatives of this kind of firm, it is not difficult for one to anticipate the economic objections likely to be raised to such a proposal. But the matter of who bears the additional cost of the operation, if any, should be settled by the government in accordance with principle. It is of course for government to determine whether such conditions are likely to impair the ‘development’ opportunities. If this is the case, surely the taxpayer should share part of the risk, if this represents a chance of establishing the Aborigines in the economy; for the Aboriginal group in a period of transition to a proprietary company might have to get the stake in the enterprise by the purchase of shares, perhaps to be repaid over a long period, perhaps as a recognition of
rights already established in Northern Territory and South Australian legislation. The alternative, over a long period, is likely to be expensive provision of services for a property-less community. Such a policy would accord with the principle that no new settlements out of towns be built, and that any extension to the present isolated settlements, mission or otherwise, except for any very urgent health needs, should come only from Aboriginal initiative.

That the large impersonal company will get the best bargain it can for the shareholders does not necessarily mean that local management cannot adjust to local needs. Some fifty of the Mapoon people moved into the Weipa Mission, and in January 1966 these people were established alongside old Weipa residents in the total of 287 persons occupying 62 homes newly built from the lump sum paid to the Weipa mission by the company (Comalco). Some of these said that they had worked for Alcan, a bauxite company which had been employing them on initial exploratory work out from Mapoon. That everything was in uncertainty was shown by the story one of them told, that Alcan was surveying the site for a new town on the Batavia River—which if true could now be planned without the complications arising from the adjacency of an old established mission hard by.

At Weipa the mission was in the stage of handing over control to the (then) Department of Native Affairs. The sixty-two new houses, close to the old mission dwellings on the bank of the Embley River, had cost just under £2,500 ($5,000) each, and were certainly better than the old ones. From the bank, one could see, about a mile closer to the mouth of the river in Albatross Bay, the facilities of a modern port of entry. But by road this was seven miles from the mission. Behind the old and new settlements there is swamp land; and the new road which leads to the open cut mine, the port, and the new company town, where each house of bauxite brick cost £13,000 ($26,000) and was available to workers at a subsidised rental, makes a 7-mile detour round the swamp. So, interestingly, in a new context has appeared the beginnings of the Alice Springs-Amoonguna type of situation. New Weipa mission is on the wrong side of the swamp: the long-standing discrimination is maintained in the new adjustment arrived at among all the vested interests but the Aboriginal one, as the result of complicated negotiations in which the Aboriginal voice was not heard.

The Queensland law makes no provision for mining royalties to be devoted to Aboriginal needs. Yet it would be a gross over-simplification to argue that the big company had begun to take over without recompense the wealth which ‘belonged’ to the Aboriginal group. Only large-scale
investment could produce wealth here. Rather was this depressing result
the outcome of a failure by government to integrate economic policy with
long-term social policy. The Aboriginal communities were therefore seen
as unnecessarily complicating economic ventures. That of Mapoon had
been moved out of the way (perhaps unnecessarily, as it happened). The
original proposal of the company at Weipa was to provide finance for the
new houses on a site across the river; but apparently the Aborigines
refused to move, and in the aftermath of the Mapoon protests, their stand
seems to have carried some weight. It was the opinion of the mission
superintendent that the ‘mission people’ preferred at this stage to live
separately in the mission area. The company paid a lump sum of $300,000
for the building of sixty-two of the seventy-two houses required.

What rights, one may fairly ask, did the company, the mission, and the
government recognise when this payment was arranged? Was it a right of
the mission to compensation and, if so, were the grounds those of prior
occupation? If so, what of the Aborigines? On the other hand, by the end
of 1965 Comalco was employing forty-four of them, a very few on semi­
skilled shift work, and paying them full award wages, without the special
allowance paid to other workers brought in from Cairns and elsewhere.
In addition, two of the seven subcontracting firms engaged in construction
work were employing Aborigines, the other five, from what we could
learn, not employing ‘natives’ as a matter of policy. There could be no
doubt of the attraction of the higher cash wages, and Aborigines from
Mitchell River and Aurukun missions were included in the numbers
employed.

Already the adjacency of the old mission and the new company was
creating anomalies. Most of those employed were legally ‘under the Act’,
which normally would have involved wages being paid through a
Protector into the employee’s bank book, with withdrawals to be super­
vised. Payment direct to the worker at award rates seems to have resulted
from trade union pressures, but it also seems to have suited company
policy. Once it was settled that Aborigines would remain, the company
would be interested in making the most economic use of a potential settled
labour force. At that time Aborigines ‘under the Act’ were not allowed
access to alcohol, so that while those who worked for the company could
eat the midday meal in the company canteen, only two or three who were
‘free’ could drink there at night. Perhaps in preparation for the declaration
of the new legislation early in 1966, there was already an officer of the
Queensland police on the spot, and some adjustment with the old
Aboriginal ‘police’ employed by the mission was in process.
At the time it was company policy to send out any employees who supplied Aborigines with liquor or who had sexual relations with Aboriginal girls. Yet company policy, as expounded, was for integration of all its work force, from whatever source. An Aboriginal regarded as a permanent employee might look forward to a company house, use the swimming pool to be built, the canteen, and other facilities. There was to be a school at the town, erected and staffed by the Education Department; for these Aboriginal families in the town there could be no question about integration (if in fact there were any). But what of the children from the mission? Would the seven miles of road round the swamp enable prejudiced people to use pressure for the continuation of the separate mission school, once the new Department of Aboriginal and Torres Strait Islanders' Affairs, to be set up under the 1966 legislation, had taken over control of the mission as a government settlement? (It turned out to be the old Department, with a new name.)

Many of the mission staff were to continue as departmental employees, under a secular superintendent. There was an advisory council of six elected Aboriginal members, the settlement police, the 'detention room', and at that stage the superintendent had court powers. Although the dormitory system for segregating youths and girls was still in operation at the sister mission of Aurukun, to the south, it had been discontinued here some seven years earlier. There was a mission store, managed from Thursday Island by the Island Industries Board (an instrument of the Department) with trading in credits from the bank books. There was a cattle industry for the management of which the mission superintendent had long been responsible, and which still supplied meat for the 'village'. At that time there was talk of the cattle disappearing from the Mapoon region to the north, to the benefit of some white pastoralists.

Like the other missions along this coast, this had long been a source of labour for the cattle stations in the Cape. But one result of the new operations was a growing unwillingness to work for the pastoral wage fixed for Aborigines by Regulation under the Act. The mission employed thirteen men and six women. The wages of some of the men were well above Northern Territory rates, with those employed on the mission cattle run receiving a cash component of up to £10 weekly. But its 'police' were paid so little that one 'policeman' who also worked for the company did not bother to collect his wage from the mission. Women received from £1 10s to £3 plus keep. This was not so much the result of mission policy as a matter of finances. As on Northern Territory and all Queensland settlements, the wage had to be adjusted to a limited budget. But there
could hardly be a greater contrast with labour management by the company.

A chance of real integration in a new kind of operation was being missed. The company's representatives had done well by meeting its obligations to the original occupants by payment of a lump sum, which according to the mission amounted to the cost of a dozen company houses in the company town. A royalty paid to an Aboriginal company, itself holding some shares in the new enterprise, was quite possible. It would amount to no more than what companies moving into former 'colonial' areas have had to concede. If the trend for American cattle interests to buy stations in Cape York continues, Weipa could become an important shipping centre in a decade or so. If there is a transformation from a backward store cattle economy to local processing, the demand for labour could increase and be diversified. According to press reports, the Queensland Government subsequently requested $8 million from the Commonwealth to develop the port and the township, so that the chances for an integrated town would depend on whether government would face up to local resistances.

The problems being faced by the company in the employment of Aborigines were typical transitional ones of adjustment to something quite new in labour discipline. One indication of this was the stated preference of the company management to employ those who come from Aurukun. They came as single men, of course, leaving their family problems far away for the term of employment. 'I think', stated the representative of the company at a seminar in Melbourne in 1966, 'the Aurukun people would have reacted differently to the industry had it landed alongside them than the Weipa people did.' It is more likely that he would then have expressed doubts about the reliability of the Aurukun group, and company preference to employ those from Weipa.

The interests of the company, which already has problems of high labour turnover among the non-Aborigines, coincided with the logic of social integration into one town, since labour incentives would become more definite. But by 1967 these opportunities were slipping away. The old mission could so easily become just another fringe area, with obvious contrasts between Aboriginal and other standards of living and of services. This was the most likely outcome, since much of the employment offering at the beginning of 1966 was on initial construction work. A work force

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8 See S.M.H., 17 February 1965.
of 450 was due to drop to somewhere about half that figure, and the workers would have to be skilled or semi-skilled, and disciplined. Aboriginal absenteeism was reported later in the year to present a special problem, for in this kind of employment unpredictable absences can seriously interrupt shift arrangements. In January 1966 the company was using ordinary industrial discipline, by suspending unsatisfactory workers. There was said to be an ‘unavailability rate’ for Aborigines of round 14 per cent over the first year or so of operation. On the other hand, the non-Aboriginal on the site had no alternative but work, for he, like the people from Aurukun, was an expatriate. Yet in his case the turnover rate for the last three months of 1965 had averaged almost 18 per cent. As transport costs from Cairns, the nearest source of non-Aboriginal labour, were high, there was an incentive for the company to use as much local labour as possible.

Integration into the new town could have been a powerful work incentive. A different deal with Comalco could conceivably have resulted in an open town with company cottages, and with services financed from rates. A Weipa proprietary company of Aboriginal shareholders, in receipt of legal advice, might well have been vested with land and houses on either site or on both, and the road have been planned to bring the two communities, if they still existed separately, close together instead of to keep them as far apart as possible. That the company avoided this expense is hardly something for which its local management can be criticised. It clearly stated its policy that it ‘must offer employment to any person on award rates, on identical conditions with any other person regardless of race, colour, or nationality’.\(^{10}\) This was not quite true of the earlier period of negotiations, when it attempted to establish a lower wage for Aborigines employed in the aluminium industry. But this careful attention to costs is a function of good management: when it has failed, the same good management may, as a matter of public relations, claim that it is acting from high principle. It was the Queensland Government which placed the low priority on the Aboriginal future, by continuing to think in terms only of the institution, and this was hardly questioned by the mission body.

There was an instructive contrast with what was happening at that time on Groote Eylandt, where the Broken Hill Proprietary Company Limited was integrating all services for employees, and by the beginning of 1966 had established the first Aboriginal families in the town. From its

\(^{10}\) Ibid., p. 243.
early experience, management believed that equal treatment was producing common attitudes to employment.\textsuperscript{11} Even in this favourable situation, the future relationship of the company with the mission on Groote Eylandt could conceivably develop a town-fringe character, since the company was primarily concerned only with its employees and their families. Here too there seems a case for the Aboriginal proprietary company, perhaps with shares in the enterprise to mark the claim based on prior occupation, but in any case vested with the property at present devoted by the mission to welfare work, and with some property in the new township.

\textbf{THE YIRRKALA AND GOVE}

One of the features of colonial administration was that the big company, with its implied answer to the worries about economic development of areas where capital was scarce, often had easy access to the government whose taxpayers were paying some of the costs of administration. This is perhaps another reason why the term ‘colonial’ may be applied with some justice to these northern situations.

As the Northern Territory has been the direct concern of the Commonwealth since 1911, its problems are in a special way national ones. The same problems in the ‘colonial’ regions of Queensland, Western or South Australia tend to be overlooked outside those States. But the excision of the Gove mining area from the Arnhem Land reserve, and from the area of the Yirrkala Mission, resulted in 1963 in national controversy, and in the bringing of an Aboriginal rights matter to the consideration of a Standing Committee of the Commonwealth Parliament.

The Report from the Select Committee on Grievances of Yirrkala Aborigines\textsuperscript{12} forms a turning point in Aboriginal affairs. A committee of the Parliament of the Commonwealth dealt directly with the interests concerned, including the Aborigines, who had stated their claims dramatically in a petition to the Parliament. This was written on bark and signed by the representatives or spokesmen for the seventeen different groups which made up the five hundred people at Yirrkala, which had always been their ‘country’.

Forebears of these people had been involved, three decades earlier, in acts of violence against the white Australian and Japanese intruders, which


had posed, also in spectacular fashion, questions of justice for all Australians, and which had led to a reconsideration of policies for Aborigines. The evidence indicates what ‘consultation’ with the Yirrkala in making the deal with the company had amounted to; as well as the obvious split between the missionary on the spot and the mission organisation. All interests in a complex relationship, which was determining the future of some five hundred mainly inarticulate persons, are delineated in the official report. The words of the Aboriginal spokesman, interpreted for the Committee, form an impressive and telling indictment of government policies. The same issues were involved as at Mapoon and Weipa. The basic question was whether and what recognition should be given to rights based on prior occupation of the land. Another was what the relationship of the mission community to the company should be.

Although the Minister for Territories was reported to have questioned the acceptability of the petition, on the grounds that all but one of the signatories was under 30 years of age, and that they did not represent all the tribal groups, it was accepted as an authentic Aboriginal appeal by the Parliament. Such a dramatic step was, as far as one may judge from the evidence, the only way in which the views of the Aborigines, and their interests as they themselves saw them, could be brought to the attention of the legislators without bureaucratic distortion. The petition, and the fact that Aborigines at Yirrkala spoke to the same effect, suggests that there is hope for effective Aboriginal pressure groups and that the situation could have been very different had corporate bodies of Aborigines held title to the reserve land. This would ensure profit from urban, port, and subsidiary developments.

Their bargaining power would be strengthened by an interest other than royalties in minerals found on the reserve. The provision for Aboriginal rights in minerals, as the South Australian Government found when it failed to have the Aboriginal Lands Trust Bill’s provisions for mining rights accepted in the Legislative Council, would go against a long tradition that other title is subordinated to the mining right. The intention of the South Australian Government was that mineral rights should be vested in Aboriginal inhabitants of reserves. As a supporter pointed out to the Council, grants made to the South Australian Company at the time of founding had included mineral rights. But this provision of the Bill was rejected. The recent backgrounds of Yirrkala and Weipa were clearly in

13 See The Destruction of Aboriginal Society, Chapter 16, for the case of Tuckiar and the King.
14 See Courier-Mail (Brisbane), 21 August 1963.
the minds of the sponsors of the Bill and were referred to in the debates.\textsuperscript{15} But there could be other pressures which a well-advised Aboriginal Lands Trust on a large South Australian reserve could bring to force a mining enterprise into a bargain, even if that pressure was exerted mainly through government. This is just what the Yirrkala group had no obvious means of doing; and the petition to the Commonwealth Parliament was possibly the one course open to them to exert a sophisticated political pressure.

Moral issues may be recognised by government and other interests although the recognition conflicts with a principle. One example was the payment of $300,000 to the mission at Weipa; and a similar recognition that a right had been morally established applied at Yirrkala. Long before, in the Northern Territory Administration Act, and in the Mining Ordinance, the Commonwealth had for the first time recognised a right accruing from prior occupation by requiring the payment of a double royalty on ores mined on Aboriginal reserves to be spent for the benefit of Aborigines. But as it was to be paid into a fund from which all Territory Aborigines might be assisted, it meant in practice little more than a special subsidy to the work of the Welfare Branch.

Little if anything of all this background could have been known by the Yirrkala people. As the Crown Law Officer said, there was no authority responsible for advising Aborigines of their legal rights except the Director of Welfare.\textsuperscript{16} Even now, this official can prevent any adviser from visiting a reserve. But even supposing independent advice had been available and permitted, who or what could be advised, except the paternal mission body, mission superintendent, or the Welfare Branch? The evidence of the Director of Welfare indicates the difficulty; and one must be fair and remember the tangle in which he found himself after the grant of a special mining lease on the reserve had been decided by the Commonwealth.

What degree of weight was given to mission views in the initial stages of considering the lease to the Pechiney Aluminium Company of France is not known. The representative of the Methodist mission organisation in Darwin, the head of the mission, the Pechiney representatives, and those of the Welfare Branch, worked out details in the Territory. The Director of Welfare clearly implied that during the preliminary talks he had depended on the mission as representing the Aboriginal interest. But the real decision had already been made in Canberra: the Darwin discussions


\textsuperscript{16} Report from Select Committee on Voting Rights of Aborigines, Part II, Minutes of Evidence, p. 6, para. 24.
appear to have been concerned only with details of implementation. One of these was breaking the news to the Yirrkala people, which was somewhat short, in the circumstances, of consultation. But before this stage had been reached, according to the Director of Welfare, the Northern Territory Administration had recommended the leases, and without any consultation with Aborigines affected.\textsuperscript{17}

The petition stated that ‘the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand and were kept secret from them’. Pressed for his comment on this, the Director stated that the ‘full facts’ were made known to the mission authorities. ‘It would be a reasonable assumption that these facts would then have been given to the people . . . But if it is said that there was no prior consultation with the aboriginal people directly by an officer of the Administration before the lease instruments were signed, then this would be a correct statement.’\textsuperscript{18}

The lack of any Aboriginal organisation or incorporated body made easy the assumption of common interest between mission and Aborigines. The corresponding assumption that Aborigines did not have rights other than as members of an institution was not shared by others involved. This is what produced the petition. The Reverend E.A. Wells, head of the mission, stated that he had warned the mission organisation of the opposition of the people, and pressed that the information should be relayed to the Prime Minister.\textsuperscript{19} The Director of Welfare expressed the opinion that members of the mission staff had ‘assisted’ with the petition;\textsuperscript{20} but K.E. Beazley, a member of the Select Committee, claimed that he had advised the Aborigines to present a petition. ‘That seemed to me to be a course that any Australian citizen would take if he felt that his interests were infringed . . . I do not know whether you subscribe to the view that anyone who advises a mining company acts legitimately and anyone who advises the Aborigines is guilty of agitation?’\textsuperscript{21}

The evidence of the Reverend E.A. Wells was that the people had been deeply disturbed by the actions of a company known as Gove Bauxite in clearing land adjacent to the mission, in its use of mission facilities, and by surveys which cut across some of the mission farming paddocks. The people, he said, well remembered the past shootings and dispossession.

\textsuperscript{17} See ibid., pp. 81 ff., especially paras. 1168, 1169, 1172, 1176, and 1188.
\textsuperscript{18} Statement by H.C. Giese, Director of Welfare, ibid., p. 9, para. 66.
\textsuperscript{19} Ibid., pp. 37-8, para. 551.
\textsuperscript{20} Ibid., p. 10, para. 71.
\textsuperscript{21} Ibid., para. 79.
THE NEW COMPANY TOWN

With all this in the background, the present alienation of land only represents a different technique in the minds of the local people... They now know that the way the white men worked... indicated a wealth beyond their imaginings, but within their own tribal boundaries... The absolute and final authority... exercised by white men over dark has suddenly loomed again.22

In addition to the complaint that they had not been consulted, the petition stated that when 'Welfare Officers and Government officials' told them of 'decisions taken without them and against them', the officers had failed to convey to 'the Government in Canberra' the views of the people. They claimed the land as their own 'from time immemorial'. They depended on it for hunting and gathering and many of their sacred places were in the excised land. They feared that 'their needs and interests will be completely ignored as they have been ignored in the past'; that their fate will be that of the Larrakeah people who once regarded the site of Darwin as their own.23 The evidence shows clearly enough that their fear of being ignored was well justified: that only the petition made their voices heard.

The reason was not necessarily a decision that the Aboriginal interest would be disregarded. The fact was that the special Aboriginal interest was not legally formulated and politically institutionalised. Except for the mission, there had been no institutional effort at integration of the different groups which made up the Yirrkala, and which at the time of the Select Committee meetings were divided into two main camps, corresponding to their areas of origin, each confronting the other with its tribal 'country' behind it. The effectiveness of a mission as an institution within which leadership may emerge is limited by the paternal tradition, and by its own purpose of building a Christian community—an objective which may cut across or be irrelevant to the basic political and economic issues posed by this kind of development. It is not, I think, unfair to say that the mission tends to convey to its adherents a somewhat archaic view of the world of affairs. The mission organisation (as distinct from its Yirrkala management) showed the same weaknesses in dealing with the Yirrkala situation as another did in the cases of Mapoon and Weipa.

These weaknesses do not necessarily involve special ineptitude but do illustrate the difficulties of the mission situation. In neither case had the stage been reached where the leadership of missionary and Aboriginal group had fused into that of a new community. At Yirrkala the mission superintendent opposed the acceptance by his church organisation (the

22 Ibid., p. 37, para. 551.
23 Ibid., Part I, p. 4.
Methodist Overseas Mission) of what seemed to that body inevitable, for acceptance both of government policy and of government funds to prosecute it, along with their permissive tenures on reserves, have made it difficult for mission organisations to play the colonial role of the mission in what is socially a colonial situation. Instead of acting as the 'conscience of government' missions have played the part of 'instruments of assimilation'. When new enterprises are proposed there is anxiety to see them as new opportunities for 'assimilation'. But so long as the purposes of government in these ventures have nothing to do with Aboriginal affairs (which have in practice the lowest of priorities among the real issues to be settled) the Aboriginal group, with the mission, is likely to be pushed into a fringe situation. Some missionaries will accept this, and comment sadly on the 'inevitability' of 'progress'.

Nothing could indicate more clearly the need for a local and independent Aboriginal voice than what happened within the Methodist Overseas Mission. To some extent this need was met by Mr Wells. He sent a telegram to the Federal Council for the Advancement of Aborigines and Torres Strait Islanders to the effect that '583 nomads now squeezed by the bauxite land grab into half a mile. Original holding two hundred square miles.' The FCAATSI published this and their case against the 'breach of faith', pointing out that a 2½ per cent special royalty paid into a general fund for all Aborigines in the Territory was meaningless, and drew 'colonial' comparisons by pointing out that a similar enterprise in a former colony would probably involve much higher payments by the investors. The Secretary of the Council urged that all governments should grant the title of 'tribal lands to the present occupants of reserves'.

This suggestion made good sense, as far as it went. Politically, at the time, it had no chance of acceptance anywhere, though since then South Australia has established its Aboriginal Lands Trust. Although thinking in terms of land holding can be a red herring, in Arnhem Land title to land is essential for autonomy. This is so wherever land is already committed to the use of Aborigines. It is far too late to be thinking of restoring land as an adequate means of compensation. Title to reserves is important psychologically, as it provides a home, a retreat, and a place of adjustment.

The Select Committee found that even the remote Yirrkala were now a settled community, with the occasional 'holiday' spent round the old sacred sites, and in hunting game along the coasts and in the bush. The land was theirs in the deepest moral sense, and recognition of this could most

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24 FCAATSI File, and roneoed statement of 28 February 1963.
easily have been by vesting them with title to it. Yet there were other factors involved. The vesting of the title would have to be in some corporate body: the Aboriginal company, we have argued, is the most flexible. This would have given them no legal claim to share in profits from minerals. While such sharing can be specially justified as recognition of claims existing long before the application of British law, the main argument for the Aboriginal company with title is in the range of new possibilities of which a share in mineral profits is only one example. Title to the land in itself would have made possible other pressures on the mining company, as for instance in the siting of the port township, or access to the water supply.

Early in 1963 it seemed to the Aborigines that the company would force them away from the mission site; and as the new town and port were to be at Melville Bay, some twenty miles away, it does appear in retrospect that the company hoped to use the mission water supply and other basic facilities. The Chairman of the Northern Australian District of the Mission thought that there ought to be a ‘reasonable’ boundary, and compensation paid direct to the Aborigines.25

Under the mining laws, prospecting was allowed under certain conditions on reserves.26 There had been contact with prospecting teams, which perhaps imperceptibly became contact with those preparing for exploitation of the bauxite, under a Special Mineral Lease.27 This, as C.M. Tatz pointed out soon afterwards,28 could enable the company (at that stage the Commonwealth Aluminium Company) to have the mission moved for technical mining reasons. Yet the mission had (as at Weipa) ‘trusted the company’ (and the government), and the lease included no provisions for the mission to contest the company’s future decisions. The Reverend C.F. Gribble pointed out that £2 million were to be spent on Melville Bay to make a port there; a total of £100,000,000 would provide, inter alia, for a town of 3,000 ‘whites’.

He had acted for his board in negotiating with the company and the Minister for Territories. ‘The Mission Board took the view that the assurances given by the Minister and the company were fair and reasonable.’ These included access to and use of the new port, a vague promise of Aboriginal employment ‘wherever possible’, and full access by Aborigines

26 Northern Territory, Mining Ordinance 1939-1960, Section 140 B.
27 Ibid., Section 54 E.
28 Statement on FCAATSI File and address to FCAATSI Annual Conference on 13 April 1963.
to the mining lease. But the mission could be moved at the company’s expense if the ‘position became untenable’ because of the ‘new developments’. The Administration could require the excision from the mining lease of the traditional religious sites.\(^\text{29}\)

None of the three parties—mission board, government, or company—seems to have given a thought to the need for consultation with the Aborigines, even though other members of the Methodist organisation were urging this.\(^\text{30}\) The Victorian and Tasmanian Methodist Committee on Aboriginal Affairs, a body also affiliated to the FCAATSI, took the view that ‘the denial of Aboriginal rights was fundamentally wrong’.\(^\text{31}\)

But the other fundamental issue, which none of the participants in this debate seems to have dealt with, was that of the relationship of these people to the large town to be built. Had the company had the mission moved, there could have been some urban development on the mission site. In the event, the main town was to be on Melville Bay.

The company had certainly, like Comalco in similar circumstances, won almost complete flexibility in dealing with the main issues at very little cost, although a payment like that made at Weipa may have been promised. Gribble pointed out reasonably that the Mission Board had in any case no real strength from which to negotiate. The Minister for Territories stated in the House that he had relied on the advice of the Director of Welfare, and on his contacts with the mission authorities.\(^\text{32}\) He would also, no doubt, have had the advice of departmental lawyers. The missionaries appear to have negotiated without legal advice, and the Aboriginal ‘wards’ certainly did not have it, their protection being vested theoretically in the Welfare Branch. There could have been hard bargaining for shares in the enterprise, housing in town or on the mission site, training and employment in the enterprise at award wages. But only free and organised men can bargain; and this remote group needed shrewd advice to point out to them the possibilities of the situation. There could be no better indication that Aborigines need lawyers far more than they need welfare officers.

The 140 square mile section of the reserve was revoked on 15 March 1963. When the Minister announced this, it was clear that he was thinking

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\(^{29}\) C.F. Gribble, ‘Missions and Mining’ in \textit{Spectator} (Melbourne), 27 February 1963.

\(^{30}\) See letter from Rev. John Jago in \textit{Spectator}, 4 March 1963. See also statement by Rev. G. Symons, Chairman of the North Australia District of the Mission, that he had urged both the Minister and the Welfare Branch to undertake direct negotiations with the people; in Report from Select Committee, Part II, Minutes of Evidence, pp. 32-3, paras. 461 and 462.

\(^{31}\) Statement on FCAATSI File, referring to meeting of 22 February 1963.

of the Aboriginal wards as continuing to live under mission supervision on the reserve, except for those who might be employed and housed on the excised area by the company. Access by non-Aborigines to the remaining reserve area would be subject to permit. 'Excision was regarded as the most practical way of handling the administrative arrangements to be made both in respect of the mining venture and the welfare of Aborigines.'

Aboriginal welfare was not seen by government as involving rights of prior occupation; 'development' by others now would assist 'welfare' later. Excision and the permit system stressed the removal of Aboriginal affairs from the real world of politics and economics, and from any say in the question of who gets what, when and how? The area excised is a small part of the 35,000 square miles in the Arnhem Land reserve; but in view of limited water, and of the religious and other significance of the country, this proportion is somewhat misleading. In view of the Minister's emphasis on direct and indirect employment which might result, it was fair to expect specific provision for Aboriginal participation, but the people were again to be 'protected' on the reduced reserve.

In this long history, the tragedies of the past confuse the vision of the present. People caught in such a situation must to some extent be ambivalent, looking both forward and backward, wanting both cash and the traditions. This dilemma can only be resolved within some autonomous Aboriginal organisation. There will be some who want only to be left alone with what they have left.

But this area had had earlier experience of a cash economy on the spot. The mission airstrip, built of bauxite, was a reminder of the large wartime Air Force base there. Planes from Darwin, as the Select Committee was reminded, had been landing there for twenty years. And there is plenty of evidence that this remnant in the mission would have re-located themselves mainly elsewhere, perhaps in fringe dwellings round the towns, long before this, but for the restrictive laws. It is curious that a government professing such concern with 'assimilation' should not have been more definite on the matter of Aboriginal participation when the riches were found in the very area to which they had been restricted. An almost automatic assumption of Aboriginal inefficiency partly accounts for this. It is very definite in the official evidence, and even in the mission evidence, to the Select Committee.

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33 Ibid., p. 483.
35 See The Destruction of Aboriginal Society, p. 314.
A government hard pressed in matters of this kind will use what political diversions are offered. P.M.C. Hasluck, the Minister, paying a tribute to the real concern felt by those most involved, raised doubts about the good faith of others. 'We would be blind . . . if we did not also recognize that the Communist Party has also seized on this issue, and is assiduous in trying to misrepresent what has happened.'

The distance between the rulers and the ruled, who may not clearly know what they want, is illustrated in an appeal for help by one who was not among the signatories of the petition:

What we are going to do . . . Your are going to help us, or no. These mining people will be chasing us to other places, we dont like that please sir, we like Yirrkala best. This is the word for all the people on Yirrkala. We want Yirrkala open country. So we may go hunting for meat. We dont like the mining company will come close to the mission area please . . . This is the words for [the writer] and all the Aborigines in Yirrkala Mission say this.

Official evidence to the Select Committee depicts a group of people culturally handicapped in dealing with sophisticated problems, such as how to establish a stake in the new wealth. The Director of Welfare appeared to agree with the view that less than award wages could be paid; that Aboriginal employees of the mining company must qualify in some special way for the minimum wages paid to others. He could instance only 50 of 5,000 Aboriginal workers in the Territory being paid award wages, which indicated little hope of full participation in this venture.

Mission evidence, as one would expect, reveals a major concern with justice and with the state of mind of the adherents. There is an interesting reference by one missionary to the 'futility of trying to teach Aborigines Australian history' (which might well be explained by comparing one of the approved text books with the facts set out in The Destruction of Aboriginal Society). There is implied criticism of the failure to hold prior discussions between government and Aborigines directly, rather than through the mission. He stressed their strong attachment to the land and their hopes of future ownership of houses and implements. There are accounts of their discussions on how many houses they might get from the funds they had been promised—at this stage, a very low sum.

Aboriginal sharing of rewards and living conditions had been set as in accordance with precedent. Wages paid by the company were to be

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38 Report from Select Committee, Part II, Minutes of Evidence, pp. 11-13, paras. 90-113.
fixed by the Welfare Branch, not the mission, as the Branch maintained an Aboriginal wage policy for the whole Territory. The picture is of a distant paternalism geared to management of scattered institutions, the administrative requirements of which left little scope for local initiative.

Some missionaries believed that the government had figuratively (as well as literally) cut much of the ground from under their feet, that the failure of government officials to inform the people of the decisions lowered the mission prestige, and that 'the results have been disastrous already'. The fact that mission settlements paid what wages they could afford (the Wards' Employment Ordinance was not binding on them) made it easy to leave the local wage negotiations with the company to the Welfare Branch. The mission managed the banking (otherwise of course there could be none) and matters connected with pensions—to such a degree that an 'applicant' for one was not informed that he was, for fear that he might be disappointed. As was usual the institution paid in cash to the pensioner only the 'pocket money' component.

The Assistant Director-General of Social Services told of a general arrangement he had made with the Welfare Branch to allow sums to accumulate, so that pensioners' housing and amenities might be provided on settlements. The general provision was that there should be a pocket money component of 37s for pensioners in institutions, but for Aboriginal pensioners in the Northern Territory at the time of the inquiry it was 15s, with an increase to 20s due later in the year. It had been necessary to have discussions with the representative of the mission board to make the rise from 10s to 15s, as 'the Government's policy in this matter was that as soon as possible the natives on missions should receive the same rate as white people in benevolent homes, who at present receive 37s. a week'.

As mission Aborigines could not then leave at will, and had no say in the disposal of their pensions, this analogy falls down somewhat. The philosophy of gradualism thus illustrated seems the essence of paternalism, comparable with the theory of 'transitional' housing, with the many cautions from the 'experts' in assimilation as to the necessary slowness of the process. The belief goes with the view of the Aboriginal trying hard to be like his non-Aboriginal mentors. It also allows for confusion of what the individual is 'ready for' with what the institutions should pay, if we take the matter of pensions as an example. That an institution pay the same

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39 Ibid., p. 40, paras. 574 and 575.
40 Ibid., pp. 46-7, paras. 653, 654, and 663.
41 Ibid., p. 48, paras. 698, 699.
42 Ibid., p. 95, para. 1337.
pocket money allowance to all inmates is essential, unless there is to be 'trouble', whatever the individual differences and needs might be. It is also a convenient way of paying for what the management decides the people need most. Obviously a proper analogy could only be based on some voluntary arrangement made between the inmate, as a free contracting party, and the institution. In fact, as he has a pension, he would appear to have a right to live on it and spend it where he likes. But pensions had become a useful subsidy of the Aboriginal institution. The whole approach ignored the fact that people under restraint cannot be taught to be free.

The evidence of the Aborigines confirms what one of the missionaries said of them—that they had not become 'a negative dependent people. They are a proud, independent people . . . They are not a helpless people. They have had contact with the Macassars, the Japanese, the English and particularly with our mission since 1935.' He pointed out that stability through a period of change depends on 'a group sense of belonging to one another in a community'.43 (This kind of insight indicates that a missionary could see the real needs. In fact, there has been a good deal of reconsideration of the mission role within the Methodist Overseas Mission.) The history of Arnhem Land contact shows how the people had tried to preserve their independence. When the Air Force had a station at Gove during the war, it had provided considerable employment.44

In this context the petition becomes something more than the effort of some nameless sympathiser, and has genuine political implications. There was a political contact with the Northern Territory Council for Aboriginal Rights, mainly with Mr Davis Daniels, an Aboriginal member, through patients coming in to the Darwin Hospital. He informed the Select Committee that when he went out by air to Yirrkala, he was turned back by a missionary at the air strip, though as an Aboriginal he had the right of free entry. 'He said to me "if you see these people now you will only stir up more trouble on the political side".'45

The Aboriginal witnesses showed a very lively sense of their own interests. They were incensed at the lack of consultation, and they wanted a fair bargain. 'If this country [is] taken, we want something else from [the] mining people . . . We fought the law [probably a reference to the long period of conflict with police] for our children for all this country . . . The aboriginal people were the first Australians here. Then you people come

44 Ibid., evidence of E.C. Evans, p. 57, para. 820.
45 Ibid., evidence of Davis Daniels, p. 27, para. 294. See also p. 48, para. 683.
along. The same witness said that the company could dig, but should pay the owners for the right to do so. The men would like the chance to earn increased wages. They had discussed the number of houses required on the basis of the limited information they had, and had formulated minimum demands—a truck, cool room, shower room, single men's cottage, tractor and bulldozer blade—'They are not to be connected with the mission. The people want to receive them and own them themselves.' They wanted forty houses, instead of the six which could have been bought with the funds promised by the Welfare Branch. One Dadayna, through the interpreter, stated that he and his people did not 'want things to be unbalanced—one side straight, and the other crooked. They want them even. They want a fair bargain.' (My italics.) What, he asked, was to become of the children if the whites took all the land? Was there to be a town here like Darwin?

Some of them had approached the representative of the company. 'What are your intentions regarding the country? If you want this place, you can have this place, but we want something from you too' (referring to the township being discussed for Melville Bay).

The most experienced of the official witnesses, E.C. Evans, stressed this sophisticated awareness of the rights of owners to a fair bargain.

They want reasonable compensation ... that has been their emphasis in their discussions with me ... the future of Yirrkala as such on this [mission] site was never one that seemed to me to exercise the minds of the people very greatly. I feel that the paramount thing in their minds—in the majority of their minds at least—is more or less £1 for £1 compensation. Their view is: If the mining company is to build good houses for its employees, we should have good houses side by side or commensurate with them in time and in numbers ... their ... claims ... were 40 houses, two single men's quarters, sewerage, a shop and a proper hall with chairs in it.

There is also concern about sacred sites and there is evidence of the special emotional attachment to areas of land. But this is by no means a problem special to Aborigines, as any old colonial hand will know. The possibility was there, on the evidence, for the incorporation of rights and claims, of a people who tended to be removed, as perhaps 'primitive', from the management of their own affairs. There is evidence of a lack of information, and of a corresponding need for advice, especially legal. As

46 Ibid., evidence of Milirrpum, p. 29, para. 380.
47 Ibid., p. 31, paras. 442-53.
49 Ibid., evidence of Dadayna, p. 52, para. 743.
50 Ibid., evidence of Narritjin, p. 54, para. 772.
51 Ibid., evidence of E.C. Evans, p. 57, para. 816.
the mission superintendent stated, negotiations on a matter affecting Indian reserves in the United States would have involved lawyers representing all interests. ‘We had an American here the other day over the No. 1 British Aluminium lease. Over a cup of tea, he said, “Boy, this is easy stuff. If this were in America, I simply would not have been allowed to come in without a lawyer at my elbow and another on the aboriginal’s lap, and we would have been hammering at this for ten hours’’.52

A government member of the Committee reminded the witness that title to land does not give mineral rights in Australia; but then added in reference to the case of an Australian landowner who could receive nothing from oil royalties: ‘he must be compensated, of course. If we are to make exceptions here, we are not following our policy of assimilation.’ The point was that the Australian with property was in a completely different situation in that his interest was recognised; he could negotiate his own compensation. The jargon of ‘assimilation’ is a useful one to use administratively to justify a good deal of injustice—that special rights cannot be recognised, as they would make Aborigines in some way harder to ‘assimilate’, which is of course a somewhat inconsequential train of superficial associations. And in this case it happened to be quite inaccurate, because the exception had already been made in the special royalty to be paid from the value of ores mined on reserves.53

The failure to consider Aboriginal opinion is indicated by the size of the mining lease which was the cause of the petition (another, smaller, lease had already been granted). Of the 140 square miles, the company would be mining an area of 20 acres only at any one time. The plan was to mine an area of about 300 acres in the first five years.54 The 140 square miles gave flexibility for siting of the town, port, possible treatment plant, location of mining areas and kept out competitors as well. But it also constituted a complete disregard of Aboriginal apprehensions. As rights had not been conceded in the century and a half of contact, except for the mining royalty, it would not be correct to speak here of a disregard of rights.

Significant, however, is the Aboriginal assumption of some right under ‘natural law’ based on prior occupation. In spite of some casuistry in the discussion of the Aboriginal relationship to the land, and whatever this sentiment may have amounted to in the days when he had no competition for it, there can be little doubt that the belief in the rights arising from prior

52 Ibid., evidence of Rev. E.A. Wells, p. 41, para. 586.
53 Ibid., p. 41, para. 587.
54 Ibid., p. 65, para. 935, p. 72, para. 1056.
occupation, however vaguely defined, is universal amongst Aborigines all over Australia. Administrators have a tendency to argue from grounds which they have themselves selected in discounting the effect of such ties. There may have been a time when, apart from particular places with religious significance, land within the areas occupied by a tribe or other group was regarded much as we would regard the air, as something available for all. But the long experience of seeing land acquire a cash value must long since have changed all that, just as it did in the colonial world.

Now, at least, there can be no adjustment without recognition of such a right where a people lives on its traditional land area. The recognition in its turn implies the promotion of administrative structures and relationships between the group and the government, and between the group and other interested bodies, in which free negotiation can take place. Unless this is recognised, what are quite normal and common attitudes and conduct from people under stress will be seen from the outside as something peculiar to the Aboriginal. The next stage has been to call in the specialists in Aboriginal culture to advise, but there is no way in which such advice can make a significant contribution to policy, if the policy itself is based on incorrect assumptions and ignores factors which are common to all men. This way lies the road from Yirrkala to Lake Tyers and Palm Island. In such situations the advisers, either in this kind of minority situation, or in colonies, have tended rather to criticise the administrators.

It was inevitable that the Aborigines would assume that the proposed town for 3,000 people announced by the Prime Minister in February 1963 would be for non-Aborigines and that they would see their children reduced to a group of fringe dwellers. Thus the witness Garramali (through the interpreter) did not want 'a place like Darwin. Bagot [the settlement within Darwin] is just a place like a bullock yard . . . They are quite happy if their children work with and for the white people, but they are most concerned that they shall not be left with a small piece of land . . . If there is a continual exchange of goods or compensation of some sort that they can actually see . . . that will be all right.'55 Another, Milirrpum, stated that his family would like to work in any town but return at will to live and hunt where they were—which is the usual logical approach to urbanisation, since the person will not regard the new place as 'home' until his interests there outweigh those in his place of origin. He also saw the possibility of selling fish and produce to the proposed town.56

All of which suggests that there was a keen appreciation of what the

55 Ibid., evidence of Garramali, p. 73, para. 1065.
establishment of a town would involve. And on some of the relevant issues, like the limitations of the water supply, they were even more alert.

Nobody could fairly read the report of the Committee and the evidence without being impressed with the dignity and the impartiality of the proceedings. It is significant that of the five interpreters used, three were Aboriginal. There was implied criticism of the Administration for failing to use competent interpreters. There is of course the further implication, that had it been considered really necessary to have consultation, attention would have been paid to this matter. This might have been a first practical move for a reconciliation with the Yirrkala people, even though only a remnant of five hundred or so were involved. The presence of Parliament in this remote region, complete with Hansard staff, was an impressive attempt at justice.

The issues involved were wider than those of urbanisation, but all are relevant to the process which has scattered this continent with fringe-dwelling groups. The recommendations of the Committee included some which were also revolutionary, especially, in its implications, that which (with the preface 'it is clear that there was claim to an area of land which was felt by the Yirrkala people to constitute ownership') recommended a monetary compensation, which 'should be paid for any loss of traditional occupancy, even though these rights are not legally expressed under the laws of the Northern Territory'. Hunting rights, and the sacred places, should be protected. The Committee recommended that 'unauthorized persons' should not be allowed to enter the mission area.

The Committee had to operate within the legislation as it was, no doubt, but one may wonder that there was no recommendation on strengthening the Aboriginal situation by incorporation, so that, to mention one minor change, instead of government preventing visits which it considers unsuitable, or which the mission considers unsuitable (as in the case of Davis Daniels) this kind of decision can become a matter for the corporate body, even when it is in the first stages of effective functioning. Yet such a body would appear to be implied in the recommendation for a capital grant—for a fishing co-operative and for other capital needs of the people: 'at least the first £150,000 in royalties should go to meet the capital needs of the Yirrkala people', for 'the Commonwealth must prevent fringe-dwelling alongside the new town, and should arrange for the Yirrkala people to be consulted before the site ... is finally determined'. If this was to be compensation for the Yirrkala group, that group should surely

57 Ibid., Part I, paras. 70 and 76 i (iii).
58 Ibid., paras. 72-4, and 76 i (ii).
have some control of how it was spent, and this in turn implies some corporate entity to receive the compensation. In addition, it was recommended that land grants of up to 160 acres, as already provided in the Northern Territory Crown Lands Ordinance, be made to those who wanted them along with agricultural training; and that social service benefits be paid direct 'when the town develops'.

In 1965 the same area was the subject of negotiations with a Swiss-Australian consortium of companies—Nabalco. Again there was to be $100,000,000 worth of construction; again royalties would be paid into a trust fund for the Aborigines of the Northern Territory. It was announced in September that the Administrator of the Territory, who had been the Chairman of the Select Committee, had discussed with the Yirrkala Aborigines the establishment of committees (apparently of local mission, administration, and Aboriginal representatives) in each of these situations throughout the Territory to decide on how the royalty should be spent. But two years after the Report of the Select Committee had been tabled, on 29 October 1963, there was no decision on its recommendations.

The most important of these, in my opinion, was the last: that 'for the next ten years there shall be a Standing Committee of the House of Representatives to examine, from time to time, the conditions of the Yirrkala people and the carrying out of this Committee’s recommendations'. This would inevitably have been concerned with all contingent matters, and have formed a direct line from the Yirrkala to the Parliament. The Committee would probably have become interested in problems of other Aborigines under Commonwealth jurisdiction, and might have become permanent. Following the Referendum of 1967, giving the Commonwealth powers to legislate for Aborigines, its role might well have become comparable with that of the House of Representatives Committee on Insular and Indian Affairs, which provides a permanent forum for Indian matters in the United States of America.

A decision by the government not to set up such a Standing Committee was announced in November 1965. At the same time it was announced that the welfare problems of the Territory's Aborigines might better be investigated by the Legislative Council of the Territory—which cut the link between Parliament and this group. As the negotiations with investing companies were not referred to the Legislative Council, but were

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89 See Australian and S.M.H., 16 September 1965.
90 Report from Select Committee, Part I, para. 79.
91 See Australian, 15 November 1965.
92 Australian, 19 November 1965.
handled in Canberra as matters of national policy, it may be inferred that economic development is a matter for the highest authority; its possible effect on Aborigines is not.

Perhaps it was significant that optimistic reports were being released to the press about the size of the royalty. The same thing had occurred when Pechiney was the company involved. There had been references, even by the Prime Minister, to millions in royalties, so that the superficial impression was of all Aboriginal problems being washed away in a flow of hard cash. In November 1965 a Department of Territories 'spokesman' made a statement on how to 'advise' Aborigines how to spend $2 million. But a member who had been with the Select Committee claimed, in March 1967, that the amount over the first seven years would amount to some $10 a head for all Aborigines in the Territory. He pointed out (correctly) that there was still need for a permit to visit the Yirrkala area (though the restrictive Welfare Ordinance had in the meantime been withdrawn). The curtain had again fallen on this mission and its problems.

I have devoted considerable space to the Yirrkala situation, not because it is unique in itself, but because the range of problems opened up by the atypical link, established through the petition, has been present in so many other cases. A comparatively new factor is a growing unease which arises from the denial of justice. The isolation of the mission, the worried activity and the tense departmental and mission politics, the signs of resentment, by officialdom, of non-official intervention, the implied assurances that all will be well if only the Aborigines and the officials or the missionaries are left undisturbed to work out the future, all have a familiar ring.

Unless this status quo is disturbed it is most probable that the missions and settlements of the distant regions of 'colonial Australia' will produce the kind of fringe-dwelling communities which are so well known in 'settled' areas. To open up these situations, to create the freedom to discuss and bargain, it seems to me that two main administrative innovations should be considered. I am not implying that these in themselves provide 'answers' to 'problems' but I do maintain that the reorientation of approach involved even in the effort, perhaps even in the administratively unsuccessful effort, to establish them will make more effective the work in education, training, health, economic development, and essential re-location.

The first is the incorporation of the Aboriginal group, perhaps as a proprietary company, but in such a way that 'companies' can form larger corporations, as economic and political pressure groups. Without

incorporation, the special royalty by which the prior claim of the Aboriginal group is recognised is simply dispersed and meaningless. And incorporation creates an entity which may be compensated with shares in the mining company. In the debate on the Appropriation Bill for the Northern Territory in October 1966, W.C. Wentworth, probably the most acute of the government members then interested in Aboriginal affairs, stated that:

the so called special royalties, and things of that character, are of quite derisory nature . . . Arnhem Land should be thought of as belonging to the Aboriginals, and should be exploited for the interests of the Aboriginals primarily and of nobody else . . . if a company is established to mine in Arnhem Land, or to develop a pastoral property, at least one quarter of the ordinary shares should be reserved for the benefit of Aboriginals. Furthermore, a place on the company’s board should be kept for an Aboriginal, even though in this transition period it might be necessary to have a church or some other body acting as a trustee in the place on that board.\textsuperscript{64}

The first innovation suggested seems to be implicit in this argument: the representative of the Aborigines on the board of the mining company should be the nominee of the Aboriginal company.

The second innovation is the link with parliament, preferably with the Commonwealth Parliament, especially significant after the 1967 Referendum. There should be a Standing Committee of the House of Representatives and perhaps a Standing Committee in each of the State parliaments which deals with Aboriginal affairs. Obviously there is no rapid solution for this complex of issues. The result of the 1967 Referendum raised in real terms the question of what the Commonwealth role should be. In what areas of Aboriginal affairs should it legislate? One would think, in those which are basic to rights and citizenship and in all matters relevant to equality of opportunity. This involves a special and direct contact by the Commonwealth with its Aboriginal citizens. It had already shown a readiness to hear a special petition. Just because so many things are wrong, there will have to be some arrangement for permanent petition and permanent discussion. That is why a Standing Committee of the House of Representatives is necessary as a permanent forum. Such a body should probably be serviced in such a way as to stimulate research and to maintain continuous investigations of its own into matters affecting equality.

One of the main purposes of such a committee is to provide a forum for a continuing discussion, to consider past and proposed legislation, and continually to review policies and practices. If the Yirrkala case did

\textsuperscript{64} C.P.D. (H. of R.), vol. 53, Appropriation Bill (No. 1), 12 October 1966, p. 1661.
nothing else, it demonstrated the need for some such body to maintain continuous intervention and review, and to reinforce the legal rights of citizens of Aboriginal descent. It is important to involve also the State legislatures, which through standing committees could maintain a continuing review of local situations, either directly, in special cases, or through representative Aboriginal organisations, preferably corporate bodies. Legislation could be so adjusted as to provide for assistance requested when the requests came from bodies both representative and legally recognised. The vague mirage of assimilation might in time be replaced by a direct response to real needs, with priorities fixed in accordance with need (rather than with an 'Aboriginal' policy to be carried out by one small department with low priorities), and, in each case, carried out by the relevant specialist department which serves the general community.

The Aboriginal group, either before or after incorporation (and I am not so foolishly optimistic as to assume that the process will be easy, or that more than a minority will in a generation free themselves from habits of distrust and dependence) should be provided with, but also encouraged to seek for itself, legal advice; and provision of this might well become a major function of government organisations which now concentrate on Aboriginal 'welfare'. (Staffing changes, possibly completely new administrative arrangements, are obviously involved.) Those missionaries who feel that the time for abdication from secular power has come are probably well advised. What is good for the missionary is certainly good for the welfare officer.

But such a process involves different arrangements for order, security of the person and family, and for the articulation and promotion of interests. The need is for transfer of bargaining power and decision making from the institution to the group. A local government council is not adequate for this, if only because the program of change has to be on a much wider front than that of Australian-style local government. A company can concern itself with the whole range of interests, with its own order of priorities. The Yirrkala, a community as lacking in the kind of experience which produces urban sophistication as one would find, were, as we have seen, moved by a lively concern with economic change. They were not concerned only with the traditional life, and the preservation of religious sites. They knew very well that here was the chance to make a bargain.

There was one recommendation by the Select Committee, that the source of the earth pigments used in bark paintings should be preserved: a good example of religious and traditional activity being recognised as
an economic enterprise, as when the dancers from this area created something of a sensation in the southern capitals. Of the cultural importance of things traditional there is no need to write. Economically they may prove significant in the transition from the subsistence and traditional life to the cash economy—as happened, for instance, in Japan and the Philippines. They might well form a special adjunct to tourism in the area, managed by the people through their own companies. Confidence could come from managing something uniquely Aboriginal.

With such possibilities no controlling mission or administrative department can deal adequately, but either may give vital assistance on request. In the evidence before the Select Committee there are examples of the ponderous pronouncements by officials and missionaries, of whether the Aborigines are ‘ready for’ particular changes. This may impress the layman who expects that ‘experts’ can tell these things. But no such expertise precise enough to be confidently applied to a particular group at a particular time exists. Even the most painstaking assessment of opinion in the group by an outside authority will be of doubtful validity, especially with the background of race relations and linguistic difficulties. And most decisions by authority will be wrong for many Aborigines simply because they are imposed decisions.

In this situation autonomous decision-making must be part of the process of social adjustment, and its results, formally expressed so as to give a basis of legality binding on the incorporated group, seem the best and safest basis for government decisions with respect to that group. A short expression of this principle is that an administration concerned with social change will be effective in so far as it can be based on the provision of assistance on request.65

PINDAN LTD AND NOMADS PTY LTD

The great new mining boom in Western Australia is producing new towns there also. But this is happening where there is no mission or government institution to stake any Aboriginal claim. The question arises of whether recognition of an Aboriginal claim to some part in development on reserves, which are Crown land, implies recognition of claims to participate where Aborigines still live in their ‘country’, which is also Crown land, but in occupation under pastoral leases. A difficult legal question is of course made more so by the differences in State land tenure policies. In a subsequent

65 For the phrase so used I am indebted to Professor H.G. Barnett, University of Oregon.
chapter I discuss the matter of incorporation of Aborigines living on pastoral properties. Participation in the benefits of new mining developments is a proper matter for consideration and discussion between government and Aboriginal 'company'; and it is quite certain to be raised as Aboriginal groups acquire organisation and sophistication.

In point of fact, it is in Western Australia that Aborigines of desert tradition, generally assumed by whites to be 'primitive', have maintained a continuity of company organisation for over two decades—with Pindan Ltd and subsequently with Nomads Pty Ltd. The immediate impetus for this effort was provided by resentment of the attitudes of cattle station managements, in the Pilbara region, inland from Port Hedland. There was a 'strike' and a mass walking off the cattle runs. Then, in the area of some of the greatest recent 'discoveries' of minerals, Pindan Ltd began mining for beryllium and other metals with crowbars, picks, and one traditional artefact, the yandy dish. The members showed the enterprise and ingenuity of people who had not lost all social cohesion, and found in this operation a means of adapting to new ways in accordance with their own traditions. The details we will examine below (pp. 251-60). But it is worth noting here that it was possible to incorporate within the present law, and to use the miner's right, to maintain themselves without dependence on employment. They had the guidance of one very remarkable non-Aboriginal in Donald McLeod, who possessed the rare ability to stand aside and let people learn from making their own mistakes; and to give advice when requested, without being alienated altogether when that advice is not taken.

It is hard to get figures for population of a town like Port Hedland, where the 1961 census showed about 1,100 whites and part-Aborigines and over 100 'full-bloods' in the shire. But while no town had developed worth the recognition of a municipality in 1961, development of the seaport and railway from Mount Goldsworthy, 70 miles inland, and the construction of wharf facilities for the shipment overseas of iron ore, automatically loaded, have obviously transformed the whole situation. Hamersley Iron at Mount Tom Price, with its great iron ore pelleting plant and new deep water port at Dampier on King Bay, near Roebourne (also in the Pilbara region) has as completely transformed the local economic possibilities as the development of the Golden Mile did, in its day, on the Eastern Goldfields.

The economic investment is so great, and the profits too, that the moral questions are too easily forgotten. Should the special interests of the local Aboriginal labour force be safeguarded? What other claims have they to a share in this enormous wealth? If they happened to be sitting down in a
mission on the site of the finds, their cases would be pressed. The questions are none the less significant because they tend to be forgotten. The time to consider a local adjustment is surely now. What this should be is surely a matter to be discussed with a local Aboriginal leadership, and this should not be too difficult where there is already a precedent of independent Aboriginal companies. If there are tribal claims to the 'country' exploited, now is the time to consider them.

If this dialogue does not take place, of course, Aboriginal people may still find their own way into a share of the new wealth. But the chances are that only a few will do so; that even in the matter of employment they will be again at the end of the queue. For no matter how gallantly a small Native Welfare Department may battle for training and employment opportunities, only careful consideration given to Aboriginal requests and views, so that at least a bargaining situation is recognised, is likely to prevent Aborigines from having to establish once again a tenuous living situation on the fringe of great new economic changes. If there is a tribal claim to any of the new mining areas, now is the time for recognition and some kind of constructive recompense, with a continuing participation. If there is no such claim to these particular areas, here is a potential settled labour force which may be integrated economically now, on the basis of equal wages and conditions of work, full membership of the new towns, and full access to social services. Corporate representation seems necessary for this also. And if the Commonwealth Parliament can consider the special local facts in a situation like Yirrkala, surely this is a precedent which illustrates the importance of justice and the possibility of negotiation. Following the 1967 Referendum result, the Commonwealth could do the same thing again.

That it is not impossible to negotiate with an Aboriginal body was strikingly indicated by the evidence of Peter Coffin, an illiterate Aboriginal director of the Pindan Company, to the Select Committee on Voting Rights, at Port Hedland in 1961:

You are connected with the Pindan co-operative?—Yes.
Do you hold office in that company?—Yes.

Do you have directors of the company?—Yes.
Are you a director?—Yes.
What is the head man in the company? Is he called the managing director?—Yes.

Is the chairman the same as the manager?—Yes.
Who is he?—Ernie Mitchell.
It is a co-operative?—Yes.
They vote for their directors?—Yes.
How many directors have you?—We have got three directors and five shareholders.
How many people work in the co-operative?—We started off with 100, but we finished up with about four now.
Four hundred?—Yes. That is, including kids and all.
Those who work for the company but who are not shareholders are paid wages?—No.
We just put it all in one. We put it in a pool and if anyone wants some money we can always split up among ourselves.
What advantage is there in being a shareholder? Do shareholders get any more than others?—No, it is the same. Everybody gets the same.
You declare a dividend every year?—Yes.66

ABORIGINAL LAND 'RIGHTS'
AS A POLITICAL ISSUE

II
The economic causes of inter-racial tensions in the colonial world centred largely around two matters—land and labour. Settlers took land out of indigenous use for their own or brought lands they considered unused into production. Even in the latter case, land which the colonisers might have classified as ‘waste and vacant’ was generally claimed by at least one indigenous group. Contact with the cash economy also led to appreciation of the cash value of the lands taken over. Indigenous custom of subsistence societies generally established user rights and made no provision for individuals to part with land to outsiders. Though land might be something taken for granted as a right, and newcomers treated as visitors upon it, the subsistence groups did not concede to the European settler the rights to land established in the European law.

This attitude to land must remain wherever an Aboriginal group retains the tie with its ‘country’, even though this may be all divided into cattle runs and legally leased, with the group settled on one or more of the stations, and likely to remain on these properties irrespective of changes of ownership. This is one typically colonial situation. Emotional attachment to land, even where the possibilities of wealth it represents are not realised, must be a continuing source of resentment, all the more bitter because the group has long lost all hope of doing anything to re-establish its claims. It is relevant that the Gurindji who walked off Wave Hill Station set up a headquarters in the heart of their own ‘country’, though this is legally part of the cattle run.

Another economic source of tensions is of course in the use of ‘native’ labour under the ‘colonial’ pattern of wages and working conditions.
which differ from those applicable to European employees. In New Guinea or Queensland individual contracts may be used. Management when not restricted by law concentrates on the fitness of the single male worker—sometimes, where labour is plentiful, or management is poor and short-sighted, without any regard for the family from which the next generation or workers must come. In the ‘colonial’ regions of Australia, labour relations have the ‘colonial’ flavour.

The kind of national strategy I have outlined obviously requires an increase of Aboriginal wealth, not merely from increased wages and from personal receipt (where relevant) of the social service benefits to which a person is legally entitled. I have already opened up the question of what lands might be vested in Aboriginal possession. The small reserve which holds one settlement, and has no assets other than the service buildings and the houses, with the blocks on which they stand, may, as it passes from the status of institution to that of an open village, constitute a most important economic resource. As one Aboriginal explained to me, the man who has no right to the land on which his house is located may have ‘nothing to put his money into’, even when he earns fair wages. If the place is suitably located for employment, it is still essential to establish equality of wages and working conditions, and to have all workers covered by the relevant awards, otherwise there is no real possibility of greater spatial mobility for families, which simply may not be able to afford the risks of movement.

Possession of a home by the household head and wage earner makes for greater mobility in employment. It is the man whose home is owned by his employer, like the Aboriginal worker on a cattle station, who cannot or dare not try something else, and the man who has his family maintained in an institution who fears the risks of the world outside. But a secure home strengthens the bargaining power of the worker; he is saved from the kind of anxiety which forces him to take whatever wages and conditions he is offered. Therefore the handing over of assets, to the extent indicated, into Aboriginal control goes with the moves for equality in working conditions.

In Part IV, I will discuss in detail the working conditions of Aborigines in the ‘colonial’ areas. But first let us look at the political issue raised by claims for Aboriginal land ‘rights’.

This is a political question involving a major clash of interests since far more lands are involved than in the disposal of Aboriginal settlement facilities. As reserves attain real economic value, they attract the attention of pastoral and other non-Aboriginal companies. But Aborigines feel deeply on the general question, explaining their current deprivations in the
oft-repeated statement that the whites 'took our land'. Comparatively few Australians have these days a direct interest in land owning except in the role of home owners. But while most Australians are in this position, very few Aborigines are.

There is a strong moral case that the extensive reserves, as well as the land of the small settlements, should continue to be used by Aborigines. This does not mean keeping out all activities other than those of Aborigines and of missionaries (who have had a kind of vested interest for a long time). These days, the picture of small groups of nomads following seasonally determined migration patterns over the big reserve is only marginally true. Most people live at the settlement, and go round to the sacred places, or on hunting expeditions, or both, for 'holidays'.

In what is obviously a time of transition in the north, all this could be lost to private interests as is illustrated by the very large excisions from the reserve lands of Cape York by the Queensland Government. Threats from mining companies tend to be limited. They exclude the Aboriginal from the benefit of assets newly revealed, but they do not use the land permanently and they use comparatively little of it. But in their wake come the towns, with other economic activities, from which Aborigines may be excluded. When the towns are established the cattle men come looking for local markets for beef, and ports for meatworks and the export trade—developments which heighten the value of the remaining reserve lands outside the boundaries of the mission or settlement for Aborigines as well as for others.

It is no accident that the development of port facilities in Cape York, and the projected facilities in Arnhem Land (to export bauxite in both cases), have tended to increase the interest of cattle raising enterprises. This is exemplified by the flow of United States investment money into Cape York and the interest shown in Arnhem Land by private members of the Northern Territory Legislative Council.

W.C. Wentworth pointed out in the House of Representatives in 1966 that pastoral as well as mining companies are likely to become interested in establishing enterprises in the big reserves.¹ He was referring specifically to Arnhem Land, and he argued that the established Aboriginal groups should have shares in pastoral as well as in mining companies which operate on reserves. For such an argument there is no basis in Australian law, as he well knew. It rests only on justice.

The greatly increased interest in Aboriginal land 'rights' in the 1960s

may have seemed to landed interests to offer a new threat to pastoral leases. Such a threat provokes defensive action and pressures, for the discussion of land ‘rights’ has raised issues wider than those affecting the reserves. These years have also brought new roads for the northern cattle trains, additional meatworks, increased promise of overseas beef markets, and new grazing possibilities, foreshadowed by the experiments with new grasses and cattle breeds.

This may explain recent pressures from pastoral interests in the Northern Territory for conversion of some leasehold rights to freehold (although an important reason was that a high proportion of leases were due to expire in 1965) and for the right to engage in agriculture on pastoral leases. Moreover, the government of South Australia, by creating the Aboriginal Lands Trust (a step which would have seemed wildly improbable a few years ago) brought the issue into practical politics.

There has been a very wide-ranging and often somewhat woolly public discussion of land ‘rights’, which probably became inevitable once governments had agreed that ‘assimilation’ implied a vague equality. I contributed something to this renewal of a very old debate in 1962, but the same issues, essentially, had been raised by W.R. Geddes in a comparison of the Maori and Aboriginal situations in the previous year. This discussion has been somewhat discursive if only because of the very great differences between, for instance, the situation of a group on its own ‘country’ in the Arnhem Land reserve, and that of a fringe-dwelling group in Victoria whose members require land for housing. Yet it has resembled the debate of the 1930s, in that politicians, officials, academics, missionaries, and others have been involved. It has had certain new features. One is the rather wider academic interest, so that academically Aboriginal affairs no longer remain an area reserved for the anthropologists. Another is the rapidly increasing participation of voluntary bodies, in which Aborigines are playing a progressively more important role.

Loss of control of their ‘country’ must have remained, throughout the period of contact, a live issue for Aborigines because of the constant reminders of its increasing cash value as they themselves have changed in contact with the cash economy. For non-Aborigines who are concerned or involved, land is a tempting issue on which to focus. Its complications may...

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be disregarded for what can be represented as a simple moral issue of restitution or compensation.

Some Aborigines have a particular interest in small areas where their institutions and small reserves have stood, and where generations of them have lived. There is a strong moral case for ensuring that these remain in their possession and control for as long as they wish.

Then there are those who have maintained, in the ‘colonial’ areas, continuous association with their own ‘country’. For some of these, the association has been maintained by the setting aside of the areas for their use, as in the large reserves of the north and the centre. But others have maintained these associations with ‘country’ which has for generations been held by non-Aborigines under pastoral leasehold, in the terms of which their rights to *ferae naturae* and natural water have generally been safeguarded. These are legal rights, which form a limited recognition of an original moral claim based on prior occupation. Yet where they apply they have in some respects involved a possible extension of that claim, in that they are, in law, open to all who fall within the legal Aboriginal category, whether the particular area was occupied by the ancestors of the group now resident on the particular leasehold or not, and whether or not these people are of full Aboriginal descent. (Part-Aborigines in the Northern Territory, who were removed from the (Aboriginal) category of *ward* over a decade earlier, lost this special right of access in 1964.)

This right of any person legally Aboriginal to live on a reserve, or to have access to game and water on a leased property, probably developed by default, and from the long-held assumption that Aborigines posed a disappearing problem. But the long maintenance of these legal rights may have created certain further claims, which may be capable of legal defence.

Any attempt at ‘solution’ on the basis of the relationship of a ‘tribe’ to ‘tribal land’ could have only limited relevance except in a few isolated areas such as parts of Arnhem Land. The history of Queensland Aboriginal policy from 1897 (and that of New South Wales from over a decade earlier) involved the taking of people over long distances to the reserves and settlements. Such administrative actions and the pressure of labour requirements have had the same effect in most parts of Australia. Even more important, perhaps, were more or less spontaneous Aboriginal movements, in the early periods of settlement, from areas out from the stations into the vacuum left by depopulation closer in. For very few people is this original tie with a particular land area relevant to current issues.

On the other hand, the yearning for security, expressed in the demand that a general right arising from prior occupation be recognised at last, by
a vesting of property in Aboriginal society, and by the recognition of the
Aboriginal people as in some tangible way inheritors of a stake in Australian
wealth, is very relevant indeed. The moral claim can hardly be lessened on
the ground that enforced adaptation to conquest has had the effect of
confusing precise legal claims to particular areas. As K.E. Beazley has
pointed out, dispossession meant that the Aboriginal was continually
placed in a position of having to negotiate, with government and employers,
from weakness. This in turn meant that his main stake in the economy
remained an ever more legally tenuous moral claim to land, and until this
claim was conceded in some way, he had little chance of economic
diversification.

This original moral claim offered the only chance of establishing rights
within the European system of property relationships. Without land rights,
there was nothing else of economic significance in the imposed society
and economy which an Aboriginal of post-contact generations could
inherit from his Aboriginal forebears. This exclusion from the opportunity
of inheritance (except such as might have been established through a
European forebear), in all the other circumstances has resulted in the most
significant difference between the situation of the Aboriginal group and
those of Amerindians and Maoris, whose continued possession of tribal
lands made continued group coherence possible, and saved many of them
from pauperisation, and from the kind of institution which the British had
developed for paupers. Only in the Australian colonies was the institution
for 'indoor' relief, not for the poorer Aborigines, but for any or all
Aborigines, an end result of colonial administration. This forms a complete
contrast with what happened to the Maori people, who in spite of all their
defeats still hold some 1.75 million acres of their own.

This, however, forms no real argument for attempting to restore the
situation by treating all or most Aborigines now as deprived landowners
and peasants. It may even prove an advantage that there is only a minority
of Aborigines tied to particular areas of land and that government is
forced to think in terms of an Aboriginal stake in the economy as a whole.
It may be more logical to recognise that a great wrong has been done, and
to work now for reconciliation, and for equality of general economic
opportunity. It should now be clear that integration will be slow and
costly, but separateness will be more costly and without hope. From now
on Aborigines have the moral initiative. A major and symbolic national
rejection of earlier policies is required. Even economic demands may

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K.E. Beazley, *Dispossession and Disease---or Dignity?---Some Thoughts on Aboriginal Policy.*
express a feeling that government should offer symbolic compensation, as a basis for reconciliation. For instance, a conference of Aboriginal representatives, held under the auspices of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, resolved in 1965 that Australian governments should pay compensation of £150 million over nine years, and should also ‘return’ Crown lands now not serving any particular purpose. In 1966 Geddes argued that a national Aboriginal Trust should be financed by funds to be paid as compensation for loss of lands. I think that in both cases the reference to land was mainly a way of stirring consciences. How the estimate of the unimproved capital value of Australia in 1788 was arrived at I do not know. But Aborigines and their advisers were underestimating the real costs. The nation will spend far more than these amounts before Aboriginal equality of economic opportunity is established. The references to compensation may have been inspired by recent court decisions in the United States, where Indians had been suing successfully for the non-fulfilment of old treaties; but to think in terms of legal assessments of compensation in Australia, where a moral but not a legal obligation is involved, may only further confuse a confusing complex of issues.

Only in a few remote areas is there still a genuinely traditional Aboriginal tie with the land. Over much wider areas in the ‘colonial’ regions, something of this may still remain, and even in some of the ‘settled’ areas. This kind of tie involved ritual, with a special relationship, inherited by individuals, to certain places, where the spirits were believed to dwell. Even today, in a settled area of a southern State, a man might go to such a place for comfort and spiritual refreshment. Clearly such a place should be saved from possible desecration and, where possible, vested in some Aboriginal company or trust, with guaranteed access for those to whom it is important. Greater difficulties arise with regard to the areas round such sites, to the extent that they may also have shared something of this special sanctity. For economic purposes, of course, much wider areas were used

5 S.M.H., 20 September 1966.
6 R.G. Hausfeld thus describes the conduct of an Aboriginal of the north coast of New South Wales whom he accompanied to one of these holy places (jurraveel in the old Bandjalang language of that region): ‘When in close proximity to a jurraveel both men observed a grave and reverend manner. One man stood silently for some time with his hands pressed palm-down against a jurraveel rock. The impression made on me in this instance I can only describe as one of awe. The serenity, sincerity and conviction with which the man carried out this rite were convincing evidence of the present spiritual reality of jurraveel for him.’ Quoted from Aspects of Aboriginal Station Management, M.A. thesis, University of Sydney, 1960, p. 89.
and people might have spent most of their time hunting and gathering far from the ritual areas.

When Aborigines attempt to set a cash value on their attachment to the land, it is an indication of how far their concepts of land tenure have changed. A cash payment could have the necessary symbolic meaning. But the real compensation is integration, which is a gain not only for Aborigines, but for the whole nation. It would hinder constructive policies were assets which have long been devoted to Aboriginal welfare to be diverted to private profit of others or even to other government purposes. I have already offered some reasons for the increased attraction of the Arnhem Land reserve for private investors. The Queensland Government has demonstrated its readiness to excise large areas from reserves to assist mining companies. Presumably the large areas excised from the Cape York reserves could now be made available to pastoral companies. The Commonwealth Government has made a major breach in the Central Reserve, with installations for defence and scientific research. Governments which have fostered a special relationship between Aborigines and reserves cannot deny the commitment. The taking of reserve lands from Aborigines will be seen as yet another tyranny and betrayal.

Land at present devoted to Aboriginal use should not be put to other uses without the consent of its Aboriginal occupants. Where it is taken, compensation should be negotiated. This would cover the cases which arise when applications are made by mining, pastoral, forestry, or other interests provided that consent be established only after legal and economic advice to Aboriginal representatives. Such a principle is applicable to any reserve, though the meaning of the term varies from the very large land area to the couple of acres used for housing. It leaves the question of special mineral and forestry rights subject to consent in an interim period of administrative adjustment.

Those non-Aborigines who know the potential of reserve lands will present their own interests as the best interests of Aborigines also. Any likely or imagined improvement of the Aboriginal lot, for instance from the mission or settlement wage to award wages for some, can be presented as an advance. But the trustee, especially where the trustee-ward relationship has been emphasised in the past, has a duty to get the best possible for the Aborigines in these cases.

This is a matter for some judgment, since the best deal requires that the land be developed and used. Inevitably, a government will tend to think of long-term economic development in terms of state or national interest. It is easy to discount the Aboriginal interest as involving only
minor claims—to employment, for instance. As already seen, this interest on important occasions in Queensland and the Northern Territory has not even been represented or considered seriously. On the other hand, the South Australian Government established in 1966 its Aboriginal Lands Trust, a corporate body in which all Aboriginal reserve lands may be vested in freehold. Where with the consent of the Reserve Councils concerned reserve lands have been so transferred, there will henceforth be a body with a majority of Aboriginal representatives from the Councils, whose attitudes will be decisive on the use of this land, except that mineral rights are reserved to the Crown. But it is worth noting that the government attempted to have these also vested in the Trust, being defeated on this issue in the Legislative Council. The Trust may itself sell only with consent of the Minister and both Houses; and in the case of the North-West Reserve (the South Australian part of the Central Reserve) the same agreement is needed to lease or otherwise encumber it.

The significance of this legislation is in the recognition of an Aboriginal claim to land 'rights' arising from prior occupation. The long-term implications for people in the North-West Reserve may be more important socially than for direct economic gain, unless assets from other than mineral exploitation are developed there. Presumably the discovery of minerals will not in future lead to complete excision of areas from the reserve but only to the right to prospect and mine, with a requirement to restore. The potential benefit would have been much greater had the provision for mineral rights been accepted by the Legislative Council.

To some extent the Aborigines, with increasing sophistication, may establish their own mineral claims. In the Western Australian section of this Central Reserve, there have already been schools for prospectors, backed by the government and a mining company. Movement is fairly frequent across the boundaries, and it seems quite possible that some small claims already staked by Aboriginal prospectors may be the forerunners of more valuable finds. But there are limits to what surface prospecting can do. The really important finds from now on are to be made with much more sophisticated techniques than those of the old-time prospector. But even large-scale mining development may now be manipulated for Aboriginal benefit, should the government so desire, since the good will of the Reserve Council will be a necessary adjunct to exploitation. Also, an important provision of the Aboriginal Affairs Act 1962 places the decision on entry by holders of miners' rights in the hands of the Minister for Aboriginal Affairs.

7 South Australia, Aboriginal Lands Trust Act, 1966.
8 Ibid., Section 16 (5) and (6).
Affairs, which means that the South Australian Government already has power to limit prospecting other than that by Aborigines, since the provisions of the Mining Act are specifically to be subject to this ministerial decision, and to give a higher priority to the wishes of the Aborigines on the reserve than to mining. Later legislation envisages these powers being exercised, subject to ministerial approval, by the Reserve Council.10

There is likely to remain considerable divergence between land policies of state governments as these affect Aborigines. So long as the large reserves were assumed to be useless or of marginal economic value, and the old assumptions remained that they were places where Aborigines had contact mainly with government officers and missionaries, such differences did not appear important. But in the last few years great areas have been excised, in the case of Queensland so much greater than are likely to be used for new mining developments as to suggest that they have been as much for prospecting and for pastoral purposes as for immediate use by mining companies. In addition, the withdrawal of the Church of England from administrative control of its northern missions, in 1967, may have the effect of removing a potential pressure group in the Aboriginal interest. In administrative control, the Australian Board of Missions could at least act as advocate of Aboriginal claims. With a government department likely to see efficient economic exploitation by non-Aborigines as conducive to ‘assimilation’, these assets could be quickly disposed of to those who realise their economic value. As events at Weipa and Yirrkala showed, excision may be at a focal point for Aboriginal life, if only because the mining venture requires access to limited water supplies. It is obvious that a national Aboriginal policy with real meaning must include land policies as these affect the reserves.

The new Commonwealth power to make laws for the Aboriginal ‘race’ will not, I think, affect these State powers. This is merely one illustration of the fact that an effective policy requires consensus between States and Commonwealth, and a common and continuous discussion—land policy constituting one only of many matters which, while vitally affecting opportunities for Aborigines, remain under State control, as are voting rights, education, the services of local government, and housing.

Action by a State government in any of these areas may limit or commit future national policy. The South Australian Government’s provisions for vesting the reserve lands in a corporate body, with provision for an Aboriginal majority, and its provision against alienation of these lands from

9 South Australia, Aboriginal Affairs Act, 1962, Section 24.
10 South Australia, Aboriginal Affairs Act Amendment Act, 1966-1967, Section 3.
group control without government consent were intended to make it more difficult, even for future governments, to excise land, though the sale of land by Aboriginal corporate bodies is envisaged and provided for subject to safeguards. The new law also froze the boundaries of the reserves in the interim, and until the Aboriginal Lands Trust and the Reserve Councils operated so that there could be no decisive change without Aboriginal consent.

Another approach was possible and may be illustrated by reference to the Northern Territory. Here, the reserves being for ‘use and benefit’ of Aborigines, two courses were open. The first was that where the Aborigines themselves could not develop the lands, only government and mission welfare agencies should be allowed to do so. The second was that others be allowed to do so, ‘with or without special conditions to secure benefits to the Aboriginals. In relation to mining and some other activities the Government has taken the second course but in relation to pastoral and agricultural development the first. In the case of mineral and timber extraction, provision has been made for special benefits for Aboriginals’ (a reference to the special royalty already noted). So far the special benefits have been treated as contributions to the welfare costs of all Aborigines in the Territory, which is a denial of any special claim by the group inhabiting the reserve.

That the most valuable assets could be progressively whittled away before Aborigines are in a position to decide was a danger which increased in the late 1960s. Much was being made of the royalties to be paid, and of the new employment prospects, which in a modern mining operation may not amount to very much. If the government is really concerned that the benefits should accrue to the Aborigines, this does not rule out effective development. A safeguard could have been an Aboriginal Lands Trust on the South Australian model, in which all reserve lands are vested, which is not a public service organisation, which is set up specifically to safeguard Aboriginal interests, and especially their economic interests, and which has an Aboriginal majority of representatives from all reserves. Until this is operating, no change should be made. But in my view it will make for simpler administration in the end if the corporate body (my Aboriginal ‘company’) be first established on each reserve. In the case of a very large reserve like Arnhem Land, with several focal points round the missions, arrangements should be such as to prevent any change, and to hold the situation until adjustment of interests between the various communities is

11 Note by J.P.M. Long in SSRC-AP File.
worked out. I am assuming that the aim here would be to establish several Aboriginal companies. These might form a trust, or other corporate body, to make decisions for the reserve as a whole.

It is essential to establish a group ownership relationship with the reserve lands now. The alternative is to see lands whittled away for various reasons, and a passing of these social and economic assets to other uses.

In March 1964, the Reverend Edgar Wells, former mission superintendent at Yirrkala, warned of 'certain vested interests' which were 'backing assimilation to get the Aborigines out' of the reserve lands. He mentioned pastoral as well as mining interests, and was probably speaking mainly with Arnhem Land in mind. He may also have been referring to the moves by pastoral interests to have pastoral leases freed from the encumbrances of the special Aboriginal rights.

There are no facts known to me to question the stated motives of the Standing Committee on Integration of the Legislative Council of the Northern Territory. This Committee engaged in some basic thinking on future land tenure on the reserves, rightly arguing that only the vaguest provisions had been made in the Social Welfare Ordinance. 'The existence of reserves without provision made for the use . . . of the land in any complete way is anomalous . . . without the granting of any benefit to any Aboriginal except the bare right to be upon the land. It emphasises the former view that he was no more than a nomadic hunter.' It makes the point that 'it is possible to give to [Aboriginal] groups' the 'powers of discipline and authority over their numbers' by using the same law as is used for non-Aboriginal 'companies, clubs and trade unions'. This is part of the argument for introducing to the reserve the general system of land tenure. (It is worth noting here because it also supports the argument for vesting the control and the landlord rights in the Aboriginal company or other corporate body, as in South Australia. Provision for a corporate body (or bodies) on each reserve would make possible the allocation of the special mining and forestry royalties gained from operations on that reserve to the company. The decision to allocate it to general welfare, or more correctly, to housing and other special items within the general Northern Territory welfare program, appears to have been an administra-

The recommendation of the Standing Committee (with draft

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13 Legislative Council of the Northern Territory, Standing Committee on Integration, Third Report, para. 8 (ronéo).
14 Ibid., para. 20.
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legislation) provided that a large reserve, occupied by several institutional communities, be subdivided, making for each a 'community area', but leaving the larger part 'to be allocated to Aborigines from any part of the Territory'. The community areas are referred to as 'provincial lands'; those open to settlement by Aborigines from elsewhere are 'regional lands'.\(^\text{15}\) The Committee saw the possibility of disputes arising from the fact that there would be disregard of 'tribal' claims to land in such an arrangement, since there had been a good deal of movement from parts of the big reserves to others (Arnhem Land was perhaps too obviously in mind). These, it argued, would 'sooner or later be worked out by the people themselves'.\(^\text{16}\) The scheme provided for development of villages in the 'provinces', sites for houses to be 'selected' by consent, but only with leasehold rights. Houses should be available to occupiers at nominal rentals, to demonstrate the 'title of the true owner'—the government.

The hope of the Committee was that Aborigines would see the advantages of a common land tenure. The experience of every Australian government has afforded abundant contrary evidence, and experience of many European administrations involved in attempts to convert indigenous folk societies to individual tenures has been similar. When the timber interests of Oregon a few years ago were pressing for access to the timber country on the Klamath reserve, they argued that, in the interests of assimilation, the time had come for a 'termination' of special rights of the Indians. The Select Committee may have been unconsciously influenced by persons who saw the possibilities of Arnhem Land, and it used the argument of 'assimilation' with similar effect.

The Committee introduced the matter of non-Aboriginal settlers with delicacy, as a 'controversial' matter, but quoted a ministerial statement on the inviolability of reserves, which conceded a possible modification of the policy where the demands of 'assimilation' required that Aborigines should not be 'segregated'. The Committee thought that only mining and industrial enterprises should be established by non-Aborigines at the present time. It also cast doubt on the validity of 'future need'. Having done so, it argued that 'at some time' it would be necessary to 'parcel out the land between the two races'. Then came the suggestion that if a few European settlers were allowed to take up land in Arnhem Land at once (or soon—the suggestion remains discreet) 'success and tuition will result in the other parts of the reserve being taken up by the Aboriginal people'.\(^\text{17}\)

\(^{15}\) Ibid., para. 29.  
\(^{16}\) Ibid., para. 30.  
\(^{17}\) Ibid., paras. 40-6.
This alleged teaching role of the white settler is, if we may look to colonial areas for examples, at least dubious. The argument might have been more logical had all the history of Aboriginal dispossession been forgotten. If it has not, the argument goes thus: that the reserves have been left for Aboriginal use, after eighteen decades of dispossession by white settlement; that as it is now necessary that Aborigines learn to use these reserves, they also need white settlers on the reserves to teach them how to do so. The introduction of Aboriginal settlers into the 'regional' lands from elsewhere would of course breach any special claim, of those who have remained on a reserve, to that reserve as a whole. In a period of re-thinking, this was a clever move to offset the power of moral claims which are likely to be effective when new legislation is being introduced. This of course could prepare the way for the white settler-teachers. Might it open the way for some judiciously placed loans to Aborigines, with the title as security?

As for the assimilation argument, especially in relation to the function of the settler-teacher, this would have been stronger had the Committee looked outside the reserves, and outlined a scheme for establishing Aboriginal settlers on some of the Territory's pastoral stations. That they did not is an indication that they were really concerned with land, and not primarily with Aboriginal policy. Aboriginal interests and policy were used in an opening gambit, the object of which could be to open up Arnhem Land and other valuable reserves. This is supported by the outline of administrative arrangements for subdivision, granting of leases, survey, and the like. These matters were to be managed, not by officers primarily concerned with Aboriginal affairs, but by Controllers of Land Settlement—one for each 'province' and one for the 'regional lands'.

A basic principle applies here, which also comes from the study of colonial administration, that where every affair is potentially a 'native' affair, the department responsible for the interests of the indigenous community needs to exert a general control if it is to discharge its functions; or, alternatively, all departments have to work to a central secretariat which is concerned basically with policy as it affects the indigenous people. Applied to the case of the large reserve, this principle would require that the department concerned with Aboriginal policy play the major role in policy-making. The arrangement proposed could result in decisions being made on the basis of efficiency, at the best, in land development—in the so-called 'national' interest which in such cases tends to be defined primarily in terms of economic gains.

Surely in these last cases where land has been kept for Aboriginal use
the Aboriginal interest should remain paramount. So morally binding is this claim, that the Committee presented the whole case as in the Aboriginal interest. That the specialist departments are likely to place efficiency, within the limits of their specialist interests, before Aboriginal policy was nicely illustrated by the remark of the Territory's Director of Agriculture in the Legislative Council that

these reserves should be utilized far more than they have been in the past. I feel that there is an urgent need for an economic survey of the reserves to find out those which the Aborigines can develop. If they cannot develop them, maybe other people can develop them, so that the Aborigines can be employed on them . . . These reserves . . . offer good opportunities for development, maybe in agricultural or pastoral pursuits . . .

Where thinking is in terms of profit, the need for 'development' is always 'urgent'.

The Bill was presented on 13 May 1965. About the same time, a member of the Commonwealth Parliament, after receiving a petition from students against discriminatory sections of the Constitution, asked the Minister for the Interior to consider the case for leasing reserve lands to Aborigines. Though the direction of the question made it a reference to the Australian Capital Territory, where only the former reserve at Wreck Bay could have been involved, its timing, accidental or otherwise, indicated how easy it could be to use support for Aboriginal claims to frustrate those very claims, especially in distant and unfamiliar conditions.

The Bill was represented as a contribution to Aboriginal economic development. While it is possible that it might have done something for this, it was also almost certain, if adopted, to diminish the chance of Aboriginal property rights. Even the terms of the draft were likely to raise doubts in the careful reader; for instance, while it was stated that Aborigines might apply for leases there was no provision that only Aborigines might apply.

This pressure seems to have stirred the Commonwealth to submit, through the official members, its own Bill, which in mid-1967 was before the Council. There was proposed an Aboriginal Reserves Land Board, from the composition of which it is not clear whether Aboriginal welfare

19 See brief account in the West Australian, 19 May 1965.
20 Northern Territory, A Bill for an Ordinance to Amend the Crown Lands Ordinance 1931-1966, as Amended by the Crown Lands Ordinance 1967. When adopted, the Bill was to be cited as the Crown Lands Ordinance (No. 2) 1967.
or efficient land use was to have priority. There was to be an Aboriginal majority for consideration of decisions on any particular 'parcel of land'. But the Chairman of the Northern Territory Land Board was to be Chairman of this one; the Director of Welfare a member only. The other member was to be the Director of Animal Industry and Agriculture. The main purpose of the Board was to make recommendations on leases of land within reserves to 'approved persons'. An 'approved person' might be an Aboriginal, an Aboriginal co-operative trading society, or a company in which over half the shares were 'beneficially owned' by Aborigines. On the whole it seems to have been a compromise where, in these last reserves, there should in my opinion be none. For in spite of certain careful provisions it did seem, by envisaging the possibility of the admission of non-Aboriginal capital and transfer of leases after seven years to non-Aboriginal investors, to have given the pastoral interests most of what they wanted, with hope of much more to come.

The safeguards were not to be disregarded. Applications could be made for leases to be held in trust for named Aborigines (presumably by missions or the Welfare Branch). The reservation of rights under a leasehold were extensive—of minerals, inspection, power of resumption, the maintenance, for the term of the lease, of ‘approved person’ status (obviously a measure against ‘dummying’). There was also a power vested in the Administrator to impose further restrictions. But the Administrator might also suspend a covenant or condition. This might be justified as in the interests of Aborigines, but it might also operate in those of the non-Aboriginal shareholders. The legislation illustrates here the dangers involved in departing from the basic principle that reserves should be solely for Aboriginal benefit. More obviously there was danger that efficiency was to prevail over Aboriginal needs in the provision that after seven years the lease might, if so recommended by the Administrator and the Board, be ‘transferred or sublet to a person other than an approved person’, that is to non-Aboriginal persons or companies. The Bill also contemplated the possible revocation of a reserve, with maintenance of the leases, in which case the special covenants would also disappear.

I am not arguing that this Bill would have meant a complete abdication by government of its role, professed for so long, of maintaining the 'inviolability' of the reserves in the Territory. But real and unnecessary dangers that the reserves would be lost as resources for Aboriginal development were implicit. If this was a way of getting capital into the reserve, surely paramountcy of the Aboriginal interest makes this a proper area for government subsidy of genuine Aboriginal enterprise.
There was too heavy a responsibility on the Administrator (generally a political appointment). The Bill could, if adopted, have been applied on the principle that if 'free enterprise' is allowed into these areas, the Aborigines there will find their main problems solved as members of the work force. There was also, obviously, an awareness on the part of those who drafted the Bill of the serious implications of the changes, and this was reflected in the numerous safeguards. It was a notable illustration of the attempt to compromise between a philosophy of general economic development by private enterprise and a knowledge by some of the departmental experts of the dangers arising from the entry of private capital, probably with non-Aboriginal management.

By the time of writing, it seemed that the newly established Ministry and Council on Aboriginal Affairs would result in amendment of this Ordinance. One of the difficulties of writing currently of these matters is that so much may change so quickly. At the same time it is important to indicate that grave issues, with a great deal of historical background, may, in the area of Aboriginal affairs, be determined without any great debate. It is all too easy to have decisions on such serious matters of principle, at a time when the electorate has just extended powers of the Parliament of the Commonwealth to legislate for the Aboriginal race, crystallised in an Ordinance, adopted by a subordinate legislature, and submitted to the Commonwealth Executive. It would be fair to say that very few people in Australia, even in the national Parliament, knew much of these matters.

I have used this example, at some length, to illustrate that Aboriginal matters are not, in a highly competitive capitalist society, likely to be settled in some kind of political vacuum, with welfare divorced from the conflict of economic interests. It may well be that all sponsors of the first Bill acted in good faith for the benefit of Aborigines. If so, their assumptions remain those of people who look to 'business' as the really important human activity. This being the case, it seems that Aborigines, to retain even those limited economic assets which have so far been especially set aside for them, have to be able to organise to protect their interests. This is part of the case for Aboriginal companies on the reserves, and for incorporation before any attempt is made at subdivision, and at settling the future principles of land tenure. This difficulty of land tenure is in itself a strong argument for a type of 'carapace' organisation, within which people may adjust, in accordance with their own customs, to protect their interests.

Another fact of life illustrated in this manoeuvre is the great importance of legal protection for these economic interests. The Yirrkala case showed the weakness of welfare and mission organisations trying to negotiate,
without continuous legal advice, with business enterprises. Like the Bureau of Indian Affairs, a government welfare organisation with Aboriginal responsibilities may find that one of its major functions will be to provide or pay for legal advice to its charges, in their companies or other corporate bodies. Had the proposals of the Committee on Integration been accepted, there would have been no consultation in which a known Aboriginal view was properly represented. In fact, until the Aboriginal has some legal property rights, there is no legal case that can be put for him. Both Bills had been drafted without any direct Aboriginal representation of Aboriginal interests.

The Welfare Branch has been working towards forms of tenure for Aboriginal enterprise on reserves, within its own structure, and through its interest in land legislation. Thus an Aboriginal co-operative store, or other corporate enterprise, can already apply for a special lease under the Special Purposes Leases Ordinance and similar leases can be allocated for homes. According to the Director of Welfare the question of how to get Aborigines established on pastoral and agricultural leases had been under discussion prior to May 1965, and one may only guess at the difficulty he faced (but could not disclose, if that guess is accurate) through the opposition of pastoral concerns which did not want to see these lands too definitely locked up in Aboriginal control.

There was probably inter-departmental disagreement. Was this a matter of land settlement primarily, or one of Aboriginal welfare? The Director made it clear that he regarded it as a Welfare matter. The occasion was the Legislative Council debate on the Report of the Committee on Integration. He appeared to recognise the Report as a move to lessen the Aboriginal interest in reserve lands and in lands off the reserves.21

He pointed out that the Committee had recommended abrogation of Section 112 of the Territory's Crown Lands Ordinance, under which the Governor-General may grant a lease of any Crown land, up to 160 acres, to an Aboriginal. This was done by conveniently ignoring the implications of this off the reserves. As the Director pointed out, Section 112 was an insufficiently precise provision in that it did not include reference to, or provision for, specific purposes of land use. He remarked that 'we might have a look at that', implying that far from having the provision removed, the government should take steps to make it more effective. One such step could be to increase the size of areas to be leased, so as to provide for pastoral and agricultural leases. The Director claimed some successful

pastoral ventures by Aborigines on the Haasts Bluff reserve. Why not provide for special off-reserve leases for pastoral purposes?

Such a provision was included in the government Bill, to repeal Section 112, and to replace it with a section providing that ‘the Minister may grant to an Aboriginal native of Australia who is an inhabitant of the Territory a lease of any unleased Crown lands for such a period, at such a rental and subject to such reservations, covenants, conditions and provisions as he thinks fit’. This could be of very real significance. Possibly Aborigines, as citizens, would have this claim to leasehold for pastoral purposes in any case. The significance is that the Commonwealth executive would not be bound by all general restrictive provisions of the Crown Lands Ordinance. If the amendment were adopted, it should clear the way for Aboriginal pastoral holdings off the reserves. The assumption in the legislation then current was that the 160 acres would meet any likely Aboriginal requirements.

The Federal Council for the Advancement of Aborigines, which had naturally enough expressed doubts about the first Bill (and which continued to express them about the government Bill), had pointed out the implications of the 160-acre limit in conjunction with the move to open up reserves, arguing that if applied to reserve lands, it could lead into the same impasse as the U.S. General Allotment Act of 1887, which allowed millions of acres of ‘surplus’ lands to go to non-Indians. The Council had recommended that ‘security of corporate (or individual) Aboriginal tenure of all existing reserve land should be established without waiting for individual or corporate applications for each individual area’.

Clearly, any proposal for change in the status and use of the reserve involves risks if it offers any prospect of non-Aboriginal profit. And a change which freezes the lands in Aboriginal hands, or in a trust for them, arouses bitter opposition. This comes, not from evil men, but from the more impersonal pressures to advance economic interests in the accepted tradition.

One interesting example came when the Lands Trust Bill was being debated in the South Australian House. One of the Opposition arguments was that the change would take, from unsophisticated people on the North-West Reserve, lands which had been given to them to roam and to

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22 Ibid., pp. 3034-5.
23 Crown Lands Ordinance (No. 2) 1967, Section 7.
24 Submission to Standing Committee on Integration, Northern Territory Legislative Council, signed A.B. Pittock, Convener, Legislative Reform Committee, FCAATSI: roneo, undated, copy in SSRC-AP File.
hunt, the implication being that transfer to a trust involved in some way 'taking' land. In fact, the inhabitants had hitherto had no title at all. Those who considered that this land should be available for general use preferred to keep it as Crown land under temporary occupation. So long as the land is not made over to somebody, it remains potentially available for future pioneering.

Attempts to establish sophisticated economic use of reserves by Aborigines, without making it over to an Aboriginal legal person for a period, merely pose more acutely the question of tenure. Governments may defer the problem by rejecting such proposals. The Australian Board of Missions tried to have land on its former Yarrabah Mission leased to Aborigines under the terms of the Queensland Land Act, without success, in 1959. It also tried to set up the Carpentaria Aboriginal Pastoral Company Limited, to use mission reserves at the Mitchell, Edward, and Lockhart rivers, with Aborigines participating in ownership and control. This proposal, according to the published statement of the representative of the Australian Council of Churches, was supported by the Queensland Department of Lands, 'but the Department of Native Affairs ruled it out'.

It is obviously unreal to assume that Aboriginal policy can be made and applied in a political and economic vacuum.

This closer look at the question as it has developed in the Northern Territory and reference to the kind of solution which has been initiated in South Australia need not cause us to forget that the same kinds of issue are bound to be debated in Queensland (unless the trend in the last few years to settle them in advance, by large-scale excisions, is maintained in that State) and in Western Australia. It is perhaps too easy to let it be assumed, by an uninformed public opinion, that the large-scale non-Aboriginal enterprise established in the reserve area brings major benefits to the Aborigines by way of employment. It is true that where a mining or other company is perceptive in its management, and sensitive not only to local situations but to its own long-term interests, it may do a great deal in this way, as the Broken Hill Proprietary Co. Ltd appears to have done, through its employment and housing policy, on Groote Eylandt. Even here, however, a prior vesting of the reserve in the hands of an Aboriginal company, with legal advice, might well have produced a better bargain than equality in housing and employment for the Aboriginal workers.

25 Advertiser, 3 August 1966.
26 Frank Engel, 'Aboriginal Land Rights', S.M.H., 7 and 8 July 1965. He has also contributed a most useful paper—'The Land Rights of Australian Aborigines' (roneo), January 1965, for consideration by the Australian Council of Churches.
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Much depends on whether the government sees 'northern development' as inclusive of Aboriginal opportunity, and whether convenience and economic gain are to have a priority higher than Aboriginal (admittedly only moral) 'rights' of prior occupation. It would seem that an Aboriginal company does not need specific mineral rights vested in it to be in a bargaining situation with a large concern seeking to exploit reserve resources, provided that the most secure form of tenure possible under the law of the State or Territory is held; and if the law goes the step further and places the right of the Aboriginal trust or company to control entry above miners' rights. On the other hand, it seems necessary to limit this right of control, as far as possible, to trespass. There should be public roads to all villages and other public places. Other land then remains private land in possession of the Aboriginal company. Unless mineral assets are vested in this company, it should, I believe, have a special right to restrain prospectors and miners from company lands, but also rights of negotiation with such interests.

But the question of mineral rights, in these last areas, could well be examined in the context of Aboriginal needs. A minimum share holding in all mining enterprises on reserves would mark the special Aboriginal relationship with that land. Anything above this minimum could be left for bargaining. Similarly a proportion of shares could be set as a minimum in any other non-Aboriginal company operating on a reserve. In the case of a pastoral company, occupancy would need to be for a limited term, subject to termination or to re-negotiation of the arrangements. But no such arrangement, in any case, should be made except through direct negotiation with the Aboriginal corporate body concerned, having its own legal advice, available from government or other sources. For instance the recently acquired Commonwealth power would seem to make possible some special arrangement for legal advice to Aboriginal bodies from the Commonwealth Attorney General's Department.

The arguments against such arrangements will be couched in the terms of 'national' development. Also, the term 'assimilation' is a useful one with many meanings, likely to be used against what has so often been represented as 'segregation'. The reply is, I think, that a matter of choice and of principle is involved. The reserves have been long maintained for the benefit of Aborigines. There is a moral commitment that they be dealt with in such a way that the Aboriginal interest remains the highest priority, even though this may tend to restrict for a time the profits from their exploitation.

I have suggested that the groups on reserve lands become shareholders in an Aboriginal company or companies in each case, depending on
whether there are one or more focal points such as missions or government settlements, and that the most secure form of tenure available be vested in the company or companies for the whole of the reserve. Where there is more than one group, a trust should be set up for the whole reserve and the demarcation of areas, as between companies, subsequently negotiated by the Aborigines themselves. All who have an established membership of the resident group should have rights to shares in the corporate body holding the title. Doubtful cases should be determined by the board of the company or its general meeting, subject to appeal to a court in the case of disputes. Also vested in the company should be the usual rights, in cases of trespass on its lands; but there should, as already stated, be public access roads. There is, for instance, a considerable tourist potential which an Aboriginal organisation could exploit.

By such means, I believe, the requirements of the national strategy outlined in previous chapters could be advanced. Such arrangements of course cannot be established in a day or by administrative decision. They can only be stated as possible objectives, in the knowledge that the effort to establish them helps to produce a badly needed rapport between government and Aborigines. This is also an educational experience, and, in so far as it lends itself to invention and free expression, the stuff of human welfare. Such a suggestion would have appeared somewhat more starry-eyed even five or six years ago than it does now.

As an example of how rapidly the political climate of Aboriginal affairs has changed, it is interesting to read a report by R.M. and C.H. Berndt, anthropologists with great experience and acknowledged expertise, on conditions on the Warburton, Blackstone, and Rawlinson ranges, published at the beginning of 1959. In the Laverton-Leonora-Mount Margaret area they painted a stark picture of what had been happening along the fringes of the central desert for a century—the drift in from the bush, and, in economic terms, 'continued or spasmodic unemployment, living from hand to mouth; rations for the aged (or for some of them); children being taken into mission institutions, and eventual absorption into the wider community as menial workers or unskilled labourers'. Further out in the Warburton area, they found miserable conditions round the mission, and poor provision for education. They had a hard look at these situations, and the best they could recommend included centres of training for the pastoral industry, and for other employment, more efforts in general

27 Ronald M. and Catherine H. Berndt, Social Anthropological Survey of the Warburton, Blackstone and Rawlinson Ranges, University of Western Australia, Department of Anthropology, March 1959, p. 4.
education, and the establishment of communities which might generate their own employment possibilities—all sensible recommendations, and made I think with a view to what appeared at the time politically possible.

Closer to the South Australian border they described the strained relations of the South Western Mining Company with the Aborigines whom the company would not employ. They mentioned the custom of destroying all surplus food here and at Giles to discourage Aboriginal visiting, although these places are on the reserve. 'Certainly scavenging and begging should be discouraged. But these people are entitled to seek employment, and should have reasonable assurance that their services are desired. That they should be denied such opportunities in their own home area is tantamount to endorsing a negative policy . . .' 28

At the research establishment for the Department of Supply, at Giles, they found that contact with Aborigines was at a minimum. They pointed to the anomaly of this attempt to treat the reserve as in some way inviolable, when the very existence of the establishment is a violation and stimulates the process which has marked all the history of contact. In two or three years, the fringe dwellers at Giles had given up the nakedness of the desert to wear clothes: 'Externally directed change has come, as it has done in the past, from the fringe settlements . . . The needs of these people have been considerably expanded, but the means of fulfilling them remain elusive.' 29

The Aborigines, from this description, had no assets to bargain with and only a few handcraft skills to earn cash.

Professor and Dr Berndt also mentioned the increasing interest of pastoral companies in this land—bad as it is, no worse than some of the settled areas round Oodnadatta and Alice Springs. The pastoralist would argue that settlement would provide work for the Aborigines, but it is the prospect of cheap labour where there is still a considerable population which forms one of the major attractions. The Berndts feared that moves to have the area re-gazetted as a National Park might make subdivision easier, and they recommended another pastoral training centre for Aborigines between the Blackstone and Warburton ranges.

What these writers have written, before and since (including R.M. Berndt's discussion of the Yirrkala affair), 30 suggests that they would have been among the first to support transfer of ownership of the reserve to the Aborigines themselves. That they did not in this report indicates the

28 Ibid., p. 10.
29 Ibid., p. 11.
30 R.M. Berndt, 'The Gove Dispute: The Question of Aboriginal Land and the Preservation of Sacred Sites'.
limit of practical politics in 1959. One guesses that they would have written very differently had there been already an Aboriginal Lands Trust in South Australia, with title to the South Australian part of the Central Reserve, for if this land is transferred to a corporate body of those who live there, and the governments involved (in this case, Western Australia and the Commonwealth) respect the rights so created, the whole situation may change.

I am not suggesting any magical short cut through the economic problems. But recognition of title forces government departments and private companies already there to see every implication of what they do. It makes future incursions into this country subject to discussion at least, even where the 'national interest' is involved, as in the cases where the main government concern appears to have been to keep the Aborigines out of danger and security areas. Such enterprises should probably pay rentals and compensation while they use this land. It would make possible pastoral and other economic ventures by the people under conditions to be settled with their Aboriginal companies, or in some other way which allows for Aboriginal decision-making. It makes possible the kind of investment in economic development which is also investment in Aboriginal enterprise. Perhaps this possibility will have, as in the Northern Territory, already roused the renewed interest of those who wish to anticipate them with ventures of their own. These, often, have been presented as means to advance 'assimilation'. For, after all, do they not operate to break down the deplorable 'segregation' of life on Aboriginal reserves?

Writing five years after his recommendations for the Central Reserve, in his discussion of the Yirrkala case, R.M. Berndt had behind him further experience of agitation and discussion by interested bodies on the question of land rights. The possibilities had increased. Admitting the fact that making amends in detail for land taken is impossible, he argued in 1964 that

where Aborigines are still associated with their own traditionally-inherited land, whether or not they are living on it, their rights of ownership should be legally established. This is especially the case with the central reserves of northern, South and Western Australia, where Australian-European interests have intruded in one shape or another, weather stations, Weapons Research establishments, or tourist enterprises, for instance.31

31 Ibid., p. 293n.
In discussing the debates about the Northern Territory reserves, we noted the one-sided use of the argument for 'assimilation'—that while settler-teachers were required to advance this objective on the reserves, there was no thought given (except for the suggestion that the Aboriginal rights to a limited leasehold should be abrogated) to a teaching situation off reserves—for instance, to Aborigines learning how to manage cattle stations. But surely the assimilation argument must include this possibility, as the Director of Welfare indicated when he reminded the Legislative Council that there were some 6,000 Aborigines in the Territory off reserves. Since 1964, the changes being mooted in legal status of Aborigines may have seemed to offer new opportunities of profit to leaseholders, especially with the new emphasis on 'northern development'.

There seems to have been a fairly widely held assumption that if the Aboriginal was to become a citizen he was to be launched into the hard cold world with the assets he held at the time, except that he could not expect all those 'privileges' and 'hand-outs' which had kept him as a member of a favoured minority. K.E. Beazley commented in 1964 on a statement about the assimilation policy, by Ministers responsible for Aboriginal welfare in 1963, which implied a cushioning and tender care of Aborigines as current practice.¹ He remarked on its assumption that Aborigines were currently enjoying special privileges, and the implication

¹ The statement included the assertion that 'any special measures taken for Aborigines are regarded as temporary measures, not based on race, but intended to meet their needs for special care and assistance to protect them from any ill effects of sudden change and to assist them to make the transition'.

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that the task was to bring them from this specially privileged position to equality with the rest of the community. If the Ministers believed this, he remarked, they must have been crazy.  

There are some excellent examples of this attitude in the record of the proceedings of the Northern Territory Legislative Council Select Committee on Social Welfare Legislation prior to the adoption of the Social Welfare Ordinance. One of the 'privileges' of Aborigines which especially concerned one of the private members of this Committee was that same Section 112 of the Crown Lands Ordinance to which we have already referred, particularly as the provision (before an amendment in 1964) applied not only to Aborigines, but to people of Aboriginal descent. Another was the matter of 'double royalties' for minerals worked on a reserve. There was much talk of the heavy 'responsibilities' which freedom from the previous legislation would bring to Aborigines. Other privileges, which it was suggested to Aboriginal witnesses might be lost if the special provisions of the Welfare Ordinance were withdrawn, included the right to camp or lie in the creek at Alice Springs when without money, and most important of all the very real right to remain on a pastoral property, in accordance with the terms of the pastoral lease. It was suggested to several Aboriginal witnesses that this right would be lost if the law were changed. 

Several witnesses from the pastoral stations asserted that if the Aboriginal worker became entitled to award wages, he and those dependent on him, with others who lived on the stations, 'would have to go'. Reasons given included lack of control of drinking, the need to make 'them' face up to 'their' responsibilities, their 'child mentality' (one pastoralist stated that while he had seen some intelligences 'improve', 'they' had a 'tendency to revert'), the tired old racist clichés about their hopeless struggle to get into the twentieth century with their pastoralist masters, and the danger to white women if the Aborigines on the station were not kept under

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8 K.E. Beazley, Dispossession and Disease—or Dignity?—Some Thoughts on Aboriginal Policy.  
9 Northern Territory, Legislative Council, Proceedings of Select Committee on Social Welfare Legislation (roneo); see evidence by H.C. Giese, Director of Welfare, and comment and questions by Messrs Brennan and Waters, pp. 206 and 215.  
4 Ibid., evidence of Manassa Armstrong, Hermannsburg and question by Brennan, M.L.C.  
6 Ibid. See, for instance, evidence of Bibby, an Aboriginal woman of Brunette Downs Station, on questioning by the Chairman, who suggested inter alia that white men would have free access to Aboriginal women, and that Aborigines would have 'rifles, poisons, methylated spirits', only to get the disappointing reply: 'It be good, I think'. He then stated that Aborigines on stations who got drunk would not only 'get the sack', but that they would be 'pushed' (expelled from the property), illustrating the easy assumption that citizenship would bring loss of any special protective provisions.
employment discipline (the assumption being that award wages would involve loss of employment). There was the pastoralist who admitted to a ‘quite modest’ housing program, for if Aborigines were to have equal rights, including wages, and therefore would have to be dismissed (and since it was also assumed that they would lose their special right to be on the pastoral leasehold), it would have been obvious waste to house them in the meantime (although the provisions for housing had been law for many years). One employer near Alice Springs attributed the lack of work incentive, not to the wage, but to the fleshpots of Amoonguna. The level of discussion was depressingly uninformed except for the superficialities of local knowledge; and the concept of Aboriginal ways and limitations drawn by the Chairman and some members of the Committee during the first part of this inquiry could have come straight out of the 1920s. They assumed that Aboriginal citizens would have to give up their religious ceremonies and ‘look after’ their houses and perform the same domestic chores as the suburban Australian family. One Aboriginal was assured that if he became a citizen he would have to buy the supplies that he was receiving from the Welfare Branch, but there was no mention here of higher wages or of the availability of social service benefits. And of course, it was assumed that when the changes came to pass, Section 112 of the Crown Lands Ordinance would be abolished.

As Frank Engel of the National Missionary Council and the Australian Council of Churches has pointed out, however, this section could have become an additional right for Aborigines, since presumably their citizen status under the Social Welfare Ordinance would give them the right of any citizen to apply for a pastoral lease. The limit on the pastoral leasehold is 5,000 square miles—quite a contrast with the 160 acres considered suitable in any special Aboriginal case (for this had to be a special decision of the Governor-General—in effect, of the Executive of the Commonwealth). Perhaps pastoralists saw a real danger that the Commonwealth might at some time decide to make use of the provision, and to extend the areas to make it a realistic one. If this were to happen, the Aboriginal citizen could not only apply now, if he could find the financial backing, for a pastoral lease in the usual way, but apply in his special capacity as an

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7 Ibid., questioning of Alan Kerinaiau, Bathurst Island and David Roper, Beswick.
8 Ibid., questioning of Jimmy Burinyila by Drysdale, M.L.C.
9 Ibid., discussion by the Chairman with J.L. MacFarlane.
Aboriginal under an extended Section 112. Better, then, to excise it altogether.

While some members of the pastoral group seem to have shown their hands somewhat needlessly and clumsily during these hearings, there was, I think, no special fear or hostility arising from questions of Aboriginal rights. The real motives sprang from the obviously increasing value of land rights in the Territory, in northern Queensland, and eventually in the Kimberleys: inevitably those with economic interests were alert to the chances of increasing their assets. The record indicated the necessity of a very firmly established Aboriginal interest in all assets, including special rights, which remain. Otherwise, they were likely to be represented directly to the Commonwealth Government as encumbrances on free enterprise, and considered only in relation to ‘national’ development.

The suggestion made to some Aboriginal witnesses in 1964 that citizenship involved the loss of special Aboriginal rights provided for in leasehold law was accompanied by a move in the Legislative Council against these rights. The relevant section of the Crown Lands Ordinance (Section 24 (e)) enabled an Aboriginal or person of Aboriginal descent to ‘enter or be’ on the land, to use natural waters, and to kill game for food. In May 1964 the Member for Alice Springs moved that the Crown Lands (Amendment) Bill should restrict the right to Aborigines of the full descent only. ‘I think we all agree’, he said, ‘that these people have a right to go over the land which they virtually own and which we have taken from them, but not their descendants by white people’. Part-Aborigines are more likely to have sophistication. The first protests of Aboriginal pastoral workers were beginning to be heard, and this could have been a move against the part-Aboriginal ‘agitator’ or a safeguard against his emergence.

The Director of Welfare, for the Administration, accepted this amendment but rejected another which would have rendered the rights meaningless, as it enabled a lessee to remove an Aboriginal as a trespasser if he or his agent ‘has reasonable cause to believe that the Aboriginal has recently committed, is committing, or is about to commit, an offence against the law of the Territory, or has recently done, is doing or is about to do an act that is injurious or is likely to be injurious to the property of any person who is on or near the leased land’. Although, on the suggestion of the Director of Welfare, this was withdrawn, the Director agreed that the

12 Ibid.
principle should be adopted in future legislation, but subject to appeal to a court.

This attempt at a very serious abrogation of long-standing rights seems to have been encouraged by the current moves for ‘assimilation’, the Social Welfare Bill having been dealt with in the same sitting. In fact, the amendment had been recommended in the Report of the Select Committee on Social Welfare Legislation. This legislation removed restrictions on Aborigines. The danger was that legal citizenship might be regarded as compensating for withdrawal of the special rights. There is always a practical danger where such matters are in an apparently unsettled state. In 1964 I was myself assured by the pastoral manager for one of the biggest enterprises in the Territory that under the ‘new Ordinance’ (presumably the Crown Lands Ordinance 1964) it would be possible to ‘push all the useless people off the stations when the award wage comes’. Men who believe they have these powers may act on their own initiative, and the facts would be difficult to establish. In the meantime, the pastoralists did gain the power to exclude the ‘descendants’ of Aborigines, so that only ‘full-bloods’ retain the special rights. Now that there is no defined category of ward in the Territory, who is to decide the precise descent of one whom the manager regards as a trouble-maker? It will be easy to expel him and, if necessary, explain later.

Yet these objectives were obviously secondary ones, perhaps, to the extent that they were attained and resulted in the removal of encumbrances, seeming to strengthen the case for conversion of leasehold to freehold. In April 1964, the Pastoral Lessees’ Association sent a deputation to the Minister for Territories asking for this—possibly the real object of the ‘politicking’—and the Minister, on his own reported statement, promised to ‘consider their proposals sympathetically’, and said that if their case was ‘reasonable’ it would go to Cabinet.

W.E.H. Stanner, who has worked among Aborigines in the Territory for over thirty years, fairly pointed out that the discussion had ‘concentrated on the development of the north and the interests of leaseholders’ without reference ‘to the effect it might have on the Aborigines, on their relations with us, or on our national reputation’. He stated that the new generation of Aborigines in the Territory wants

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13 See Report from the Select Committee on Social Welfare Legislation, paras. 54, 55, and 62 (2).
14 A record of this interview, which in fairness cannot be attributed, is in the SSRC-AP File.
15 By Crown Lands Ordinance 1964, Section 4, which amends Section 24 (e) of the basic Ordinance.
16 See S.M.H., 16 April 1964.
freedom, wealth and power. Some I know intimately well are already embittered by the many ways in which, they say, Europeans 'block' them. Part of their grievance relates to land. The grant of freehold, even its purchase, on any scale would infallibly deepen the grievance ... I predict that freehold would not be in force for a year before Aboriginal families were being turned off some properties and compelled, for lack of alternative, to find food and refuge on mission and government stations ... We would find happening in the 1960's much the sort of thing that happened in the 1860's. We would thus build into the whole of Australia the deadly pattern of the older settled areas ... An old Aboriginal once described Europeans to me in eight words: 'Very clever people; very hard people; plenty humbug'. I had to bow my head to the truth. Must it go on being true?17

These references to growing Aboriginal attitudes strengthen the comparison we have made with social facts in colonial situations. Here is the concentration of the white settler on economic matters and the failure to consider, often even to realise, the effect on indigenous people. Here is the clash of conflicting interests in land, undiminished by the long-standing imposed law, and a parallel with situations one may find easily today in the Gazelle Peninsula of New Britain, or in Bougainville, especially where the search for copper is proceeding. The comparison gains strength as big companies, with a direct access through their lobbying arrangements with the Commonwealth Government, are able to bypass local decision-making. In this respect the Administration of the Northern Territory has no more real power than the Administration of Papua and New Guinea. As familiar to the student of New Guinea affairs is the growing resentment arising from claims to land, becoming more explicit as growing sophistication brings awareness of its economic value. The other point made by Professor Stanner, that with a new value appearing in the land, the colonial history of Australian States could be repeated in the Territory, indicates the urgent need for a radical departure, both in priorities and in direction, for Aboriginal policies in the 'colonial' areas.

Freehold would represent such an enormous stake, if present leaseholders could get it, that it is worth some real concessions to Aborigines if they have to be made. It is interesting how, without question or contradiction of the rights they claim, the leaseholders have been able to talk so freely about forcing those Aborigines who are not employed to leave the properties, once award wages are established. Where are they to go? While the usual answer is the government settlement or mission, one may fairly speculate whether the thoughtful provision for Aboriginal settlers on the 'provincial lands' of the big reserves, if adopted, could be represented as placing some Aborigines also in the situation of freeholders.

17 S.M.H., 2 May 1964.
It is also legitimate to ponder on the fact that when the Northern Australian Workers' Union's application for award wages came before the Commonwealth Conciliation and Arbitration Commission, the lessees' attitude was so reasonable, if one compares this with previous discussions on wages. Equally interesting is the fact that a Select Committee of the Northern Territory Legislative Council, while recommending the amendment restrictively of Section 24(e) of the Crown Lands Ordinance against the Aboriginal interest, made comparatively progressive recommendations on labour. These, however, assumed that award rates for efficient workers were inevitable. The Committee suggested lower rates for the less efficient. This was the germ of the 'slow worker' suggestion in the 1966 judgment by the Commonwealth Conciliation and Arbitration Commission.18

It is possible that increasing contact with really efficient overseas cattle interests had some effect, for the basic rules of efficient production require use of the wage as an incentive, and payment of equal wages for equal efficiency. (The pastoral lessees tried to get away with no more than this, and had some success in persuading the Court that the concept of a basic award should not apply to all Aboriginal workers.) Their assumption that non-workers could be 'pushed' explains the pressure for the abrogation of special rights for Aborigines. In fact, of course, there is no just reason why unemployment and other social service benefits cannot be paid directly to Aborigines, and the right retained to stay where they are as long as they wish. (In the past the unemployment benefit has not been paid at all, while other social service payments have been made through, or to, the pastoralists.)

These were grave and historic issues but they have not led to any kind of national debate. In this respect also, they have a parallel with equally grave issues of New Guinea policy. Perhaps the main criticism of the pastoral companies has come from J.H. Kelly, a retired member of the Commonwealth Bureau of Agricultural Economics, and over a long period critical of the operations of the very large pastoral companies with extensive holdings in northern Australia.19 In 1964 he made public and telling criticism of the long-term effects of 'absentee-held leaseholds', holdings by overseas interests, pasture deterioration and soil erosion from over-grazing, and absence of tick control for cattle, especially in the Territory and the Kimberleys. The Crown Lands Ordinance of 1953 had already

18 Report of the Select Committee on Social Welfare Legislation, paras. 54, 55, 62 (2), and Appendix 3.
provided for new 50-year leases, he said; and 'the granting of freehold title, particularly in respect of the big absentee-held leases [would be] a scandalous abdication of Crown responsibility for protection of the public estate and the adequate development of Territory cattle lands'. On the ill-effects of absentee ownership of the northern pastoral properties, he was able to use in support the 1951 report of a Royal Commission in Queensland on the pastoral industry. He also quoted the Queensland Minister for Lands on the unsuitability of freehold for pastoral purposes. Even the Payne-Fletcher Report of 1937, very much a pastoralists' document, did not go so far as to recommend freehold. Kelly saw pressure for it as an attempt by the very large overseas holders to make capital gains when the time came for subdivision.

Kelly's view is that past settlement policies have helped to destroy the economic base which Aborigines might have used to establish themselves as efficient producers. His arguments for subdivision of huge holdings open up possibilities of pastoral leases for them. The most effective reply has been in the claim that he has underestimated the difficulties of the environment. But the history of settlement justifies his less publicised statements that bad management has largely destroyed the Aboriginal labour force as an effective asset to the cattle industry.

One of the interesting facts of the late 1930s, when the policy of the Commonwealth was being re-thought and re-oriented in the Territory, was the series of consultations between A.P. Elkin, the authority on Aboriginal life, and J. McEwen, then Minister for the Interior. It is possible that in this case the hard-headed practical politician supported the anthropologist, and that the new policy, being developed progressively by McEwen just as the war came, was partly due to his realisation of the long-term effects of destroying the Aboriginal work force on the pastoral property.

While there seems a case for the subdivision of the enormous holdings by some companies in the Territory and the Kimberleys, it also seems clear that an efficient cattle industry will require very large holdings in the poorer country. The economics of this seem also to require much more efficient utilisation of land, with considerable construction of fencing and yards, buildings, access roads, and the like. It must also be remembered that the

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20 Kelly, series of three articles in *Australian*, 5, 7, and 11 August 1964, with answers to correspondents in *Australian*, 28 August 1964.
basic labour in the industry has remained mainly an Aboriginal preserve, except for the smaller holdings; that in the Territory, the Kimberleys, Cape York Peninsula, and the Queensland Gulf country, non-Aboriginal workers tend to be specialists and supervisory staff. Looking at the industry in the ‘colonial’ regions as a whole, it seems clear that the conditions of Aboriginal pastoral workers are bound to improve, beginning with the removal of clauses which exclude them from the application of workers’ pastoral awards. Greater efficiency will demand considerable labour in a transition period of construction work, and here the stable Aboriginal work force could begin to be recognised as a major asset to the industry.

But there is a tendency to assume that those who may not find opportunities to take up land on the present reserves become employees or unemployed workers. One of the first measures in a development program might well be to provide Aboriginal settled communities on pastoral properties with security by putting them in a situation where they have not to depend on the long-standing right of access to natural water, game, nor on the right to remain on a leasehold. This could be done by excision of village areas from the leases, along with public access roads. Plots of village land not required for public purposes could be vested in a village company, or, where there is a traditional or other social tie between neighbouring groups on pastoral properties, in a company which might be established on a more extensive basis. Water rights of the pastoral property would have to be safeguarded, in fairness under previous commitments. Perhaps it would be possible to allocate home sites to Aborigines in freehold, since even in the Northern Territory there is provision for limited free holdings.

This action would enable the present camp communities to get on to the lines of communication with the town-centred cash economy, with a comparatively secure home base assured. There is surely even more need for developing villages in these situations than on the reserves, on which the attention of the Northern Territory Committee on Integration was concentrated. There would probably be some compensation required for the lease-holders. The move would not be so far against their interests as might at first appear. It goes part of the way towards an efficient labour force, already stabilised in the country. One important traditional interest might be advanced by identification by the Aboriginal companies of the sacred places that should be safeguarded. There could be fruitful consideration of their suggestions as to the best means of doing this.

Probably most Aborigines will at first appear apathetic—an understandable response considering the history of their situation. But they have,
on the pastoral properties through most of the 'colonial' regions, long been in an anomalous situation, so that even the government officials have had to defer to the station managements while going about their welfare functions. This has probably been one of the reasons why inspections of labour and housing have been rarely effective. It is another reminder that the situation has long been a colonial one. The inspector of labour or other conditions is in an awkward situation if he must either accept or refuse the hospitality of the management. If he accepts, he is seen by the Aborigines as associated with management. If he refuses, management tends to assume that he is there not to help but to criticise. He should, of course, be able to talk to Aborigines in their own homes, if they wish it, without being on station property.

Obviously, the management should not be the agent for government pensions and other benefits, or the channel through which the government has to work to set up schools, have houses built, maintain hygiene and the like. So long as all this is done as a subsidiary activity, it will inevitably be done inefficiently and, in most cases, the living conditions have been fringe conditions of the worst kind for a long time. It is a ridiculous situation where a school for the station children or sites for government-built or -financed pensioners’ houses must depend on the good will of the employers, some of whom still believe that State schooling will threaten the future labour supply. Even if the first villages are no more than centres of government contact, their excision from the pastoral property will have been justified. Until that happens the present condition of widespread peonage will remain. I know very well that this opens up a whole range of difficult problems but until something like this is done the problems will still be there, largely unrecognised, and without any better prospect than the drift into bigger settlements and into the fringes of the towns. The problems of Aboriginal urbanisation must be tackled at an earlier stage by measures which offer some real hope. Aboriginal companies will enable Aborigines to involve themselves in their economic future, and some of them may well see opportunities to do this without re-location.

Another aim of government should be to establish some Aborigines with holdings in the pastoral industry itself. Where this has been attempted in the past, mainly on a settlement, it has been on a small scale, and the basic question of establishing a firm tenure to suitable land has not been answered. In fact it could not be, for reasons well stated by the Committee on Integration. It has to be done off the reserves.

The challenge is to involve Aborigines in efficient ownership and management. The difficulty is no greater than most other implications of
‘assimilation’ when expressed as practical objectives. This one requires considerable expenditure, but could well be one of the most effective kinds of investment in ‘northern development’. In the first place, it could form an important kind of breakthrough for the professed objectives of government policies, which involve greater social and economic mobility. The prospect of management functions and positions offers a real incentive for education. A great deal of what will otherwise be spent on Aboriginal institutions might be channelled into socially and economically productive enterprises, and on the development of assets in the hands of Aboriginal companies.

One kind of opportunity could be made by a provision that, in the event of subdivision of some of the very big holdings, a proportion be reserved for Aboriginal leaseholders. These could well be companies, operating on loan funds if necessary. There will inevitably be shortcomings in management for some time but there is no reason why an Aboriginal company should not employ a non-Aboriginal manager. In fact, his salary might be paid for a period as part of the government subsidy. There may be other opportunities arising from relinquishing of leases on smaller properties. At the present stage, where this happens, an Aboriginal family of ‘battlers’ may well succeed where a non-Aboriginal family has failed, if for no other reason than that the Aboriginal may be content with a lower standard of living for a longer period. If payment of award wages does force smallholders off their runs, Aborigines may replace them.

But the most important means of getting properties is by purchase from present leaseholders. The priority might well be in areas where there is still a strong traditional tie with the ‘country’. Such a purchase could be promised well in advance, to provide incentives for the interested group to form its Aboriginal company, and to provide practical educational incentives. The particular purchase would in most cases depend on the willingness of present leaseholders to sell, and also on the attitude of the Aborigines involved. It should be made by the Aboriginal company, to whom a government loan at low interest and on long terms might be advanced. One of the conditions could be that the company must provide from the savings of its members or from its own resources a proportion of the purchase price. Alternatively, an Aboriginal company could be assisted in a similar manner to purchase shares in a large public company, or even in a private company. The relationship of the labour force to management could in this way be influenced. So far, the only persons of Aboriginal descent with pastoral leases would appear to be part-Aborigines who have inherited properties from their non-Aboriginal parents.
Programs such as these would have precedents. The Sioux and other Indian communities in the United States have been buying back their traditional lands. Moreover, something like this has been contemplated by the government of Western Australia, and actually provided for in legislation which has been 'on the books' since 1954, and extended in the Native Welfare Act of 1963. The Minister may acquire land 'whether by purchase, exchange, lease or otherwise', have it improved if necessary, lease or sell the freehold to a native for cash or on terms, and lend him money for improvements. The Act states specifically that a loan may be made to the native to 'acquire further land'. The Ministerial power applies to land required for 'agricultural, pastoral, industrial, commercial or domestic purposes' or for any other purpose 'as the Minister thinks fit'.

A genuine attempt to carry out such a provision in the north and centre could be an important contribution to the pastoral industry, resulting in Aboriginal holders being established in a new way on some of their 'country'. Probably Commonwealth financing would be required, and this too appears to have become possible after the 1967 Referendum, since the new power of the Commonwealth to legislate for the Aboriginal race would seem to enable it to make funds available to a State government (or to an Aboriginal group) for such a purpose. The Commonwealth might well give a lead in the Northern Territory, rejecting the blatantly interested suggestions, on such matters, of the present occupiers. Eventual integration of the pastoral industry would be an achievement indeed. The West Australian Act might well be amended by provision for Aboriginal companies as well as persons. Many may continue to be mainly dependent on employment, while holding shares in a pastoral company—in some cases, in the company which employs them.

Pastoral enterprises may offer scope for the co-operative; but cooperation raises perhaps a needless complication. Co-operative and other enterprises seem to require a firm foundation in settled conditions of tenure and property. The rather pathetic Aboriginal co-operatives here and there on reserves illustrate the fact that a producer co-operative requires control of its basic assets. An enterprise on a reserve depends on what the reserve can offer, divided by the number of members; and the assets are generally far below what are required to provide a living for each member. So there is generally much organisation for minimal per capita gains. The enterprise generally peters out. Another reason is the limited size of investment.

23 Western Australia, Native Welfare Ordinance 1963, Section 9. For the earlier provision see Native Welfare Act, 1954, Section 9. The Section was amended to provide for acquisition of business and home sites in the Native Welfare Act Amendment Act, 1960.
There is little possible incentive, and no cushion against bad seasons. There have been attempts at pastoral enterprises at Hermannsburg; and according to the press in 1965 interest in cattle raising by some men of Roper River. Probably there is a similar interest in Western Australia and elsewhere in the cattle country.

Another advantage of the Western Australian legislation is that it makes possible acquisition of land for small businesses, and for homes. This could be used to establish villages on land excised from big pastoral holdings; although one could hardly argue that this was the intention of the relevant section.

In addition to the provisions under the Native Welfare Act, there have been others in the Western Australian Land Act since 1933. Aborigines in Western Australia had not been specifically precluded by law from obtaining land, and the early history of the south-west of the State was marked by the establishment of a few Aboriginal settlers on farm lands. The provision in the Land Act is far more generous than that in the Crown Lands Act of the Northern Territory: both are special provisions for the executive to take special action in the case of an individual Aboriginal. The Western Australian Act provides that any person of Aboriginal descent can acquire Crown land as a selector, by executive decision, up to the normal limits for selection, and on whatever terms are considered 'in the best interest of any such person', if the Governor is of opinion 'that any such person is likely to be at any disadvantage with respect to an application for or the acquisition of land . . . because of his descent'. This is notable as a rare example of a government admitting that the Aboriginal, whatever the law may be, is at a special risk of being denied services and opportunities, especially where these are under the control of local rural bodies. The section says in effect that if an Aboriginal complains that he has not had his application accepted, or fairly dealt with, the executive may make special provision. One can only speculate whether action would be taken against the officer or agent responsible to ensure bureaucratic and local justice in future cases.

This is an instance where practice lags behind the possibilities under the law. Finance has been a special hindrance in Western Australia. But such a specific provision to include pastoral lands among types of holdings thought suitable for Aborigines is another indication of changing attitudes. As Donald Thomson pointed out long ago in one of his reports on Arnhem

24 See S.M.H., 28 August 1965.
25 Western Australia, Land Act, 1933-1963, Section 9.
Land, a stock method of obliterating Aboriginal ways, right from the first days of contact, had been to settle them on agricultural plots. This happened on missions and settlements in the midst of a northern and central Australian economy which was almost entirely pastoral. This old tradition about how to promote social change probably endured because it made so little demand on land to allow Aborigines to go on hopelessly cultivating these plots for generations. They have worked to earn money for white pastoralists and have become garden weeders, 'hose holders', and students of horticulture and agriculture in other capacities, in the under-employed communities on mission and government settlements. With such a background, the establishment of Aboriginal pastoralists and pastoral companies has a symbolic significance.

I am not proposing the establishment of a leisured propertied class, but a way of providing access to some property for people, most of whom will probably be workers either in this industry, or, in time, in the towns and villages. The open village may provide opportunity for small business, especially when the public road makes it possible for the hawker to visit without a pastoralist's permission. This chance of decreased dependence on the pastoral station store will in itself be a welfare gain. All this can help to give a new fluidity to the 'colonial' situation. Loans to Aboriginal companies should be a better business proposition for government than the subsidies at present paid to pastoralists in the Northern Territory. There is at least the security of the property as guarantee for the loan.

Probably the missing factor which frustrates the efforts in Aboriginal education is the current lack of incentive and absence of purpose for people who are realists and who discount all vague talk about assimilation. The measures I have suggested open up a whole range of practical activities on their own behalf which demand higher educational standards and which give point to schooling and to practical adult educational work. The pastoral industry itself offers chances for training on the job. Literate adults could well be assisted under a scheme based on the principles of the post-war Commonwealth Reconstruction Training Scheme, under which pastoral managements might be encouraged to train Aborigines for higher-paid tasks, by government payment of portion of the specialist wage until the worker is established by proper inspection to be fully efficient.

It is obvious that all of these proposals would be far more feasible with

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the support of pastoral managements, which seem to be handicapped by obsolete attitudes. In their own interests one would expect that the pastoral companies would soon become interested in management as a technique. Management courses could be of real interest and use if they were specially geared to the problems presented by the Aboriginal worker. Courses for pastoral managers and employers would be in their own interest as much as in that of Aborigines. They would also be somewhat unrealistic if they did not attempt to enable the student to see this question as wider than one of managing workers from the 'camp'. Such training offers a starting point for a new kind of contact between worker and manager, especially if both managers' and workers' organisation are involved. Such courses in industrial management with relevance to the special state of the Aboriginal worker would indeed be a novelty in 'colonial Australia' and might well be considered for government subsidy. It could alter radically the working relationship of the 'boss' with the Aboriginal worker, and even facilitate the emergence of the Aboriginal 'boss'.

If provision were to be made now for loans to Aboriginal companies to establish cattle stations, the likely expenditure, spread over a period, and made only when particular requests could be met on a sound financial basis, would not be much higher, probably, than what governments will have to meet for Aboriginal programs in any case. The choice is for welfare expenditure which holds the situation more or less as now, or for investment in both welfare and enterprises which offer new incentives.

Aborigines on the large reserves, where the assets have already been, in a sense, dedicated to the 'solution' of the problem, may have a considerable start. What I have suggested for those on the pastoral properties goes part of the way towards making up this economic leeway. If there did develop a move back on to the reserves, the decision of who should be admitted as shareholders of the Aboriginal companies there should be left to the general meeting of the original member-shareholders, or to the directors. If those off reserves are, for a long time, not so well off, at least there is a way of equalisation. In any case, economic development of a social or racial group has to begin somewhere and this will be where the resources are most easily accessible. Economic development will introduce new conflicts within Aboriginal society, for this reason. Partial solutions of old 'problems' introduce new ones.

All one can hope to do at this stage is to offer some general recommendations to the four Australian governments involved in this 'colonial' type of situation, and to the Aborigines who are beginning to demand a
change in their lot. Australia is rapidly becoming a nation which can afford to invest in measures to rid itself of a historic syndrome. Long-term self-interest of the non-Aboriginal points in the same direction as the Aboriginal interest, and it is simply not reasonable to retain vaguely defined objectives like 'assimilation' while the 'problem' population increases rapidly.

Special opportunities and benefits always create administrative problems of definition, and a major one here would be that of who is to be regarded as Aboriginal. Should the Northern Territory part-Aboriginal, for instance, be excluded from these opportunities, as he has been freed for over a decade from special legislation? Here we come back, with a background which points up some of the difficulties, to the question we considered at the end of Appendix A of The Destruction of Aboriginal Society. Clearly, there should be a common definition for the whole of Australia. It should not involve attempts to prove genealogies or fine distinctions of descent. Part of the problem is answered by the channelling of loans and financial assistance through Aboriginal companies. Membership of these will be determined, after their foundation, by the current members. The claim to be of Aboriginal descent, made by the person himself or his parent or guardian, should be adequate for the entry of his name on a register. If he does not wish to claim special assistance, he should still be free to do so at a later stage. The registers could begin with those already in receipt of assistance, or treated as Aboriginal for wage and other purposes. There should be provision to remove names from registers on request. There need be no time limit on the compilation of these registers, to which names might also be added on request from persons who claim Aboriginal descent. If they claim access to any special benefits for Aborigines, the only questions arising should be of their membership of Aboriginal groups, and of need. These questions seem no more difficult than those applying in the application of the means test for social services.

Where all have equal claim to social service benefits, in which Aboriginal descent or otherwise should have no relevance, the cases which arise will involve only claims to special benefits. Here the administrative precedent applying to war-caused disability might be followed, with the onus on the government to prove that a claimant is not of Aboriginal descent, which gives wide scope for administrative discretion. In other words, in so far as Aboriginal descent must, in the logic of the purposes of a special program, be taken into account, it should be treated administratively as likely to confer a special advantage. In the case of the Northern Territory, this would enable those of part-Aboriginal descent who do not wish to claim such
special assistance to go their own way, with an option on future help for themselves and their families.

Such an approach to definition makes it possible to have a common policy throughout Australia, which is essential for the governments of the three States with commitments in both the ‘colonial’ and ‘settled’ regions.
WAGES AND CONDITIONS OF EMPLOYMENT IN THE 'COLONIAL' REGIONS
There is a common but superficial assumption that the Aboriginal and his descendants suffer from 'walkabout', an incurable nomadism which is visited by Providence upon his children’s children. It is true that Aborigines attached to the holy places in their ‘country’ will go on their pilgrimages, and that where there is game in the old places they love to hunt for it, often in the fashion of their fathers. But there is not much of this life available now and the extension of tourism and commercially motivated killing of wild life is almost exclusively the preserve of the whites. There is some confusion of the original nomadism, in the public mind, with the mobility of the individual in industrial society and an assumption that the Aboriginal, his ancestors having been nomadic, probably moves more, and is therefore less reliable, than other people.

But in fact contact with the cash economy seems to have had rather the opposite effect of pinning him down. His economic options rapidly and drastically decreased. The stories of early settlement suggest an initial, more rapid, movement. As the game decreased, he had to move further and faster, to the extent that he lived the independent nomadic hunting life. This, in this early contact period, seems to have made it necessary for him to leave his young children with the Christian mission, where one was available. But dependence on a source of industrial goods, including flour and meat, came rapidly. Anchored to the point of supply, he made his sallies into the old world of tradition when he could, at the time of ‘walkabout’ (which often depended on the convenience of the station manager). Even this became impossible where most of the game had disappeared.

Integration into the national life, perhaps in accordance with the kind
of plan I have outlined, would require not less, but greater mobility. The mobility of cash and goods in industrial society has to be matched by that of persons, unless labour assets are to be wasted, and market demand for consumer goods remain below the potential for the society as a whole. Superficially, one might assume that the 'nomadic' Aboriginal would move over wider distances than others, and be less likely to be limited to one area. But in a cash economy, movement requires money, and assurance that on arrival at the next point of employment the person has as much chance of getting employment as the next man. Those who must depend on the kind of wage which has hitherto been paid to Aborigines in 'colonial Australia' cannot afford to move at will, nor can they be sure of equality in employment when they arrive. In fact, they must take into account, if they compete with non-Aborigines, the probability of being 'last on and first off'.

'Northern development' requires efficient use of manpower. This requires fluidity of the labour force into employment, into training and re-training centres. In the 'colonial' areas, a population of over 40,000 Aborigines represents a local source of labour, and a population of consumers, which would not be decisive, perhaps, at any stage of development, or for any particular project, especially as poverty and other factors have tied down such a high proportion of them for so long that they have missed many of the contacts with industrial life which are part of the workers' education. The large mining concern, for instance, tends to think in terms of pushing this source of manpower out of the way as obsolete, and of importing its labour force from sophisticated centres of the settled regions. Nevertheless, here is a potential economic asset, of workers who do not require special living allowances to attract them there and whose increased welfare and sophistication can provide an increasing supply of manpower, not only for the areas of the north and centre, but to swell the labour force of the whole country. In doing this they would serve the same national economic purposes as the European migrant but they are potentially more adaptable in the short term.

Like the Aborigines of the settled areas at an earlier stage, those of the 'colonial' areas have had to depend largely on government assistance where they have had to use modern means of transport. The railway pass has played an important part in introducing the less sophisticated to the metropolitan cities and other centres. There is a significant link, for instance, of the Northern Territory Aborigines with Adelaide, and a permanent but changing population there, partly for institutional treatment, in hospitals and in the gaol, and partly for training and experience.
There have also been administrative attempts to increase fluidity of Aboriginal labour, as in the organised movements of workers from settlements and missions to the fruit-picking centres of the Murray Valley. Here they were paid award wages. A more significant impetus to their economic integration would be wage equality at home, enabling them to make their own decisions and have some chance of carrying them out. They need also the protections of other workers: membership of trade unions, equal rights to be paid unemployment and other social service benefits, equality in fact as well as in theory in access to government finance for housing, or to a house built by a State housing authority. There seem sound economic reasons why these should be among the objectives of a national strategy.

A further economic reason is that the present depressed rural pockets, wherever they are, are going to cost progressively more. This is partly because of population increase and partly because of the need to close the gap between their standards of living and those of the community as a whole as soon as possible. Even at the present time, it is possible that this gap is increasing, in spite of larger financial allocations, and a greater degree of skill and effort applied to close it. The main reason for this is the rapidly increasing material living standards of Australians as a whole. The remote groups of Aboriginal people and the fringe dwellers under the noses of the country town dwellers of the south (better off than they have ever been) are both somewhat in the situation of people in the so-called ‘developing’ areas of Asia and Africa which are not developing quickly enough.

An even more important argument for the economic integration of the Aboriginal worker and his family in a democratic community is in the need for justice. So overwhelming is this, for governments and people professing adherence to the principles of human equality to the extent of proclaiming it to the world, that it would be reasonable to take quite extraordinary care of such an elementary and basic requirement as wage equality. In fact, in the important case brought by the North Australian Workers’ Union for inclusion of Aboriginal workers in the pastoral industry award for the Northern Territory, counsel for the union before the Conciliation and Arbitration Commission made his main stand on the requirements of justice.

He argued that the question of what costs the Northern Territory pastoral industry could economically meet was irrelevant, for if an award wage is fair for certain work, it should be paid to all who do that work. Counsel for the pastoralists saw the point, and his argument was basically
that Aborigines in the industry were \textit{not} doing the work for which the award was set, which raised questions of fact which we will come to later.\textsuperscript{1} Justice was involved in another way. Each wage award included a ‘basic wage’ component which was fixed on the principle that the worker and his family required at least that amount, so long as the employment was full time, in any field of employment. But the Aboriginal worker in the Territory received much less than the Territory basic wage, and other conditions of employment, legally necessary for other workers, did not apply in his case. If a particular economic enterprise has to depend on unjust conditions to survive, then the choice is between that enterprise and justice.

This, of course, is an abstract argument. The conditions in the pastoral industry rose from a long history, both social and economic, and were related to a form of production which was regarded as the basis for future welfare and economic development in the ‘colonial’ regions. Conditions vary greatly from one enterprise to another as do the consequences of award wage payments. It was largely an industry which depended on paying less than the minimal economic cost of the worker, which surely must include his efficient maintenance as a worker, with incentive to be efficient; and in addition the cost of raising at least two children, to ensure that there will be workers in the future. That this minimum was for a long time not met is indicated by earlier assumptions that the Aborigines in the ‘colonial’ regions were dying out; and by increasing concern after about 1930 with the shortage of Aboriginal labour in some areas.

The N.A.W.U. case was fought out at great length and presents a clear picture of the position of the Aboriginal labourer in the mid-1960s. The court was obviously at a loss when it came to operate in cross-cultural areas where the familiar industrial indicators were lacking. It was very early submitted by counsel for the union that special investigations on the spot were not necessary, that the case involved a simple matter of law in the context of a changing public opinion, that the Aborigines were now, whatever they had been earlier, workers within the general economy, and that, certain principles of equality in conditions of employment having been established in the law, these should be applied by the court, without delay and without being tempered by expediency, to the Aboriginal

\textsuperscript{1} See Commonwealth of Australia, Conciliation and Arbitration Act 1904-1961, Case No. 830 of 1965, in the matter of Cattle Station Industry (Northern Territory) Award 1951 (application by the North Australian Workers' Union to vary by deletion of the definition of 'Aboriginal' etc.: (transcript)). Statement by A.T. Brodney, counsel for the Union, pp. 3-10.
worker in the Territory, who was no longer a *ward* with special wages, but a citizen. In effect the argument was that all Australians are members of the one economy. Justice required equal treatment. On the other hand, counsel for the pastoralists argued that there were significant cultural differences involving Aboriginal attitudes to work.

Arguments for a common justice do assume a degree of common values and needs. Where, as in the colonial world, these did not exist, as between the settler and the indigenous communities, the imposed law generally recognised the validity of 'native custom'. It is interesting that such differences have had very little legal recognition in Australia until so recently, when they were stressed as part of the case against immediate payment of award rates, and for a process of adjustment between different culturally determined attitudes to employment.\(^2\)

Counsel for the pastoralists claimed (and attempted to prove, by quoting expert opinion) that Aborigines were in a particular stage of social change from indigenous to white Australian values, which suited his case. This of course ignored the recent legal change of status, with the adoption in the Territory of the Social Welfare Ordinance: the Aboriginal *ward* had become an Australian citizen. On this fact, counsel for the union took his stand: as a citizen, the Aboriginal should qualify for the award.

But in the background were the special laws for the regulation of indigenous labour which were common in earlier European-indigenous labour relations. They formed an instrument of colonial administration, and regulated an area of human relationships within which the International Labour Organization had laid down special standards. Of past standards for Aboriginal labour conditions the pastoralists argued that they had been fixed by the Commission 'because these judges recognised that because of their state of cultural assimilation communities on the cattle stations were not equal to free competition in the labour market and that they did require special protection . . .'.\(^3\)

The transcript of this case will assuredly be a historic document, significant not only for the study of attitudes in our time, but as marking a crucial point in race relations. There is much more here than the conflict of justice with expediency. The ends of justice are themselves uncertain for those involved where a whole system of production has been based on the use of the 'fit adult males' of a subordinate community as 'units of labour',

\(^2\) The essence of the pastoralists' case is in a statement submitted by their counsel, J.R. Kerr, Q.C., to the Conciliation and Arbitration Commission.

\(^3\) Conciliation and Arbitration Act, application by the North Australian Workers' Union, transcript, p. 62.
in a system of production where the gap between workforce and management has corresponded to the cultural gap, and has been reinforced by the assumption that all Europeans are of managerial, and all 'natives' of labouring rank.

In the tropical world, whole industries, as in the plantation system, flourished on this basis, long after the temporary setback which came from the abolition of slavery, through the nineteenth and the first half of the twentieth centuries. As time went on, the requirements of production demanded that attention be paid to the physical wellbeing of the recruits, that care be taken not to exhaust the supply of workers, that the willingness to work be taken into account in setting minimum conditions at the place of work; that, without challenging the system as a whole (which involved such basic injustices as payment and protection of the single man, while the village from which he came carried the cost of his old age or illness, of his family, and of the next generation of workers) certain attention be paid to making the arrangement more attractive, by better management techniques, and by the avoidance of minor injustices. This kind of production, in a long tradition, was in the background of this case, because the court was here dealing with an issue of white management and coloured labour. Nothing indicates more clearly the 'colonial' nature of society in the north than such arrangements for production. The main difference in Australia from this colonial pattern was that far less attention than usual was given to maintenance of the labour force. It is no accident that two central issues in race relations involving Australian institutions, and protest from colonised non-Europeans, should recently have had wages as the central issue—in the Northern Territory, and in New Guinea.

The meaning of 'justice' will differ according to circumstances. There will be the point of view of the distant shareholder in the concern who wants a 'just' dividend; of the small 'battler', whose enterprise could not have been established had it been limited to the payment of a 'European' wage. A long colonial tradition has so moulded the Australian outlook that sometimes a special caution in opting for equality is still evident.

The Aboriginal employee had had few of the minimal protections of the colonial type. Permit systems and the individual contact of employment had been used more effectively in Queensland than anywhere else, but even there with far less effective supervision than in Papua or New Guinea, where the indigenous worker was expensive to recruit, his time of acknowledged value to plantation enterprises and the future willingness of villagers to opt for employment a matter of concern for companies and governments. Conditions well below those required for basic human
welfare have often been accepted as inevitable for the Aboriginal labour force. As for their special cultural needs and inhibitions, the main concessions made in production were when the ‘walkabout’ could be made to coincide with the quiet season in the cattle industry.

In the aftermath of this history there seems some irony in the interest of the employers in Aboriginal cultural differences. In my own view, the law had already recognised, by the change of status, that cultural differences were irrelevant. On the other hand, the old wage rates in the former Wards Employment Ordinance had been incongruously retained. Perhaps this previous tempering of principle with expediency justified the point raised by the employers’ counsel—what should or can government regulation do to take such differences into account?

Where they may result (as in a tribal killing for instance) in breach of the British law and involve a clash between moral codes, obviously justice is not satisfied with the provision of one law for all. Grave and difficult issues are involved, never completely solved anywhere, seldom seriously, and never consistently faced in the Aboriginal case. If the employment situation involves taking persons out of distant villages, or otherwise out from a different culture and environment, and putting them to work, this whole process may be unjust, especially in so far as human needs are subordinated to those of production, and there is risk that the recruit does not really become a free contracting party. Obviously ‘justice’ becomes an uncertain guide. Yet a court seriously concerned with it may accept the basic injustice of a system as inevitable, but concern itself with the removal of injustices within it by ensuring, for instance, that the contracts of employment are kept. But what should be the situation where the ‘native’ and other worker may be employed together on the same enterprise, and where the employer states that if he has to pay a full wage to the Aboriginal he will employ only non-Aborigines in the interests of efficiency? Should the law adjust the wage to alleged cultural differences claimed to have rendered Aborigines inefficient?

Here is a matter of principle and a matter of fact. In my belief, the fact is that the basic work in the cattle industry is, in the ‘colonial’ areas, mainly done by Aborigines and that they discharge functions for which an award wage would be paid to a non-Aboriginal trade union member. If this is true, justice would seem to require equal wages, and this was conceded by the court. Suppose, however, that it is not true and that all Aboriginal workers are less efficient than all non-Aborigines in this industry. Leaving out of account the improbability of this, justice would demand, first, that the full-time worker in the industry get the ‘basic wage’ portion of the
award simply because he is an Australian citizen in full-time employment, and not physically handicapped and so assumed to be a ‘slow worker’ (which may exempt the employer to a degree which is agreed, under a particular arrangement in an individual case, from payment of the full wage). Because this industry is part of the general society and economy to which the laws apply, and the Aboriginal is by law a citizen, he has at least a claim to the rest of the award conditions. If he fails to carry out the duties to the satisfaction of the employer, the employer has the right to discharge him (a right denied or limited to the employer of indigenous labour under the kind of agreement which applies in New Guinea, without the decision of a court but which has not been so limited in the Territory). There seems, then, no need for the risk of injustice involved in maintaining a separate wage, which purports to be geared to a state of culture involving inefficiency; on which basis in a particular case no expertise in culture change (which is not something which can be applied to the measurement of individual skill or intelligence) could possibly establish the worth of an individual to an economic enterprise.

The pastoralists, the Commonwealth, and the court, however, went so far as to agree that there might be some adaptation of the slow worker provisions to allow for, not physical, but alleged cultural disabilities. This (and to a lesser degree, the fact that the court deferred the commencing date for equal pay on grounds of expediency, so that the various interests could have an adjustment period for almost three years) is why I feel that the court was at a loss. The principle involved, of allowing for alleged cultural differences, cannot be applied, any more than governments can control the processes of social change. What can be determined in a fair assessment is the level of efficiency of an individual worker—irrespective of his colour or cultural background. If wages are to be based on such determinations, instead of on minimum awards, they should, since Aborigines in the Territory had become full citizens, be so determined for all.

Restrictions on Aborigines have been justified by the claim that government authorities can make just assessments of stages of cultural change. These have generally been block decisions, and have often been directly related to the alleged degree of Aboriginal descent, and applied on the rule of thumb basis of skin coloration. They have confirmed employment practices based directly on economic and administrative expediency.

That up till this case the Aboriginal workers have been left out of the pastoral awards applicable in these ‘colonial’ areas, and without, in Western Australia and South Australia, a minimum Aboriginal wage either, was the result of historical conditions dealt with in The Destruction of Aboriginal
Society. The situation is one for which the trade union movement must itself bear considerable responsibility, in spite of recent occasional activity in pressing for changes. Here is an interesting facet of trade union history which must remain for further research. A trade union is active in the interest of members. But even in the settled areas the membership of Aboriginal rural workers has not been more than a sporadic objective of union organisers and officials. Poverty, Aboriginal attitudes, and the confusions arising from special legislation, have played a part, but it does not seem unfair to say that the trade union has tended to share the prejudices of the community as a whole.

A survey in rural New South Wales in 1965 indicated that about 30 per cent of Aboriginal males were union members. Another survey, which covered newly industrialised towns of the Eyre Peninsula of South Australia, but including some non-industrial centres along the railway line from Port Augusta to Marree, indicated a 49 per cent union membership, which suggests that union membership tends to be related to industrialisation. Those who work on the new mining projects in the 'colonial' areas, of course, require union membership, and will receive as a matter of course the basic award, though whether they receive all the special allowances, and equality in conditions in the new company towns, will depend on company policies, on the awareness and the determination of the relevant trade unions to establish equal payments above the award for equal skills, and on industrial decisions, as to whether, for instance, an Aboriginal worker is entitled to the 'attraction' allowance.

In 1965 the N.A.W.U. acted as the spearhead of a movement to apply to the Aboriginal worker the national processes of fixing wages and conditions. This action was, of course, limited to the situation in the Territory, and to the conditions in the pastoral industry only. One effect was to set standards which could not be ignored in Queensland, where, as in the Territory, there was a special minimum wage for Aborigines under the special laws; and in South and Western Australia, where the minimum protections for Aboriginal workers in the Aboriginal legislation did not include minimum wages, and where they were also excluded from

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4 These figures were taken from the results of a survey conducted by the SSRC-AP in 1965, throughout the country town and rural areas of the State. The precise result was 11 per cent unknown, 25 per cent membership, 64 per cent non-members, for all males over 15 years, when most Aboriginal youths leave school and go on to the labour market. If we eliminate the 'unknown' figure, the proportion of union members over 15 years is just under 30 per cent.

5 From results of a survey undertaken by the University of Adelaide Departments of Geography and of Social Studies for the SSRC-AP in 1965.
the relevant pastoral awards. This state of transition, from colonial-type regulation of working conditions for 'natives' to the involved processes of collective bargaining and arbitration, is inevitably complicated by the relics of a system based on earlier 'master and servant' laws and on the individual contract of employment (which still survives in Queensland). In such a period a great deal of the effectiveness of moves to integrate the work force must depend on the alertness and the attitudes of the union leaders. An important area of hope for the Aboriginal worker is in the possibility of his entry, now greatly facilitated, into industrial organisations which have begun to move for a multi-racial membership. This, one must concede, will go far to remove the frontier regions from the 'colonial' situation.

Yet it would be a mistake to under-estimate the complexity of the current situation, which has resulted from the application of four different policies and sets of special legislation. Each has its own complex history. In The Destruction of Aboriginal Society I provided some of this background, to the stage, in each State and in the Territory, where the present situation could at least be foreshadowed. In the following chapters I will deal with the frontier work force. Of special significance in the long term is the situation in the Northern Territory. The opportunities for a Commonwealth-decided national policy are clear since the 1967 Referendum. Changes in the Northern Territory may fairly be taken as indicating eventual nationwide changes. Here they may be made with fewer hindrances arising from problems of the 'settled' areas which State governments must face.

But so far each State administration has gone its own way; and each, unlike the Commonwealth, has had to apply its measures to both 'colonial' and settled areas. If any one government could claim to set standards in Aboriginal administration which others tended to follow up to the 1939-45 war, it was that of Queensland.
In the Queensland reaction against frontier atrocities, basic principles were adopted which have formed the basis for policy ever since 1897, and which had a profound influence on the legislation in Western Australia and the Territory. Even the legislation introduced in 1965\(^1\) embodies long-established principles of management and control of Aborigines who are 'under the Act'. There have been certain relaxations, as in greater ease of access by the *assisted Aborigine* to the courts, some provision for representation on the settlements, and so on. But the basic assumptions of a need for 'separate development' are continued in the 1965-6 Act and Regulations. Much the same administrative measures as before can be justified vaguely in terms of the nebulous 'assimilation' goal.

In every State (except Tasmania which had reduced the problem to negligible proportions and was able to ignore it) there had been increasingly rigid and restrictive Aboriginal legislation which reached a climax in the late 1930s. Thus the Queensland Act of 1939 was a consolidation of the legislation since 1897, as well as partly an amending act: its purposes were specifically stated as the 'preservation and protection of Aboriginals in the State of Queensland'.\(^2\) Definitions of the Aboriginal category had been extended. Powers of administrators to control had been increased, and the range of protective law and regulation extended. While it was never

\(^1\) The Aborigines' and Torres Strait Islanders' Affairs Act of 1965 and the Aborigines' and Torres Strait Islanders' Regulations of 1966.

\(^2\) The Aboriginals Preservation and Protection Act of 1939, Section 5. The important earlier legislation was The Aboriginals Protection and Restriction of the Sale of Opium Act, 1897, which was progressively amended in 1901, 1908, 1911, 1928, and 1934.
practicable for the government to take control of all those who fell within the racially defined categories (so that at a later stage their descendants are assumed to be descendants of persons formerly 'exempted') it became common for Aborigines as defined to be rounded up and moved to reserves, with more attention paid to efficient functioning of the controls than to ties with tribal lands.

The institutions in the 'colonial' areas remained under mission control. Mission superintendents were granted the same magisterial and other powers over the inmates as were granted to superintendents of the government settlements. The Director of Native Affairs, as he became in 1939, had wide powers over 'natives'. The State was divided into Districts for the purpose of the Act, and within these the law was administered by Protectors who were almost universally local police officers. A whole range of protective-restrictive law by this time covered (as well as employment), control of marriages of Aborigines, maintenance of children, care of minors, compulsory action in cases involving venereal diseases, removal of Aboriginal ‘camps’ from vicinity of towns, and of persons to reserves, control of their property (consent was irrelevant), suppression of ‘injurious customs’ (freely left to the discretion of missionary superintendents), laws against miscegenation, supplying liquor, visits by non-Aborigines to ‘camps’, and ‘trespass’ on reserves.

This kind of legislation has some of the problems of apartheid legislation in South Africa. Once separation and separate conditions are assumed to be essential, the attempt to enforce them produces an increasing mass of restrictive laws which tend to become more absurd as the situation changes.

And as the Queensland Department of Native Affairs (formerly of the Chief Protector) did not have full-time field staff, a considerable number must have gone their own way in each generation.

Substantially, the Act of 1946 maintained the status quo, but it formed, with detailed Regulations which had been issued in 1945, an extreme example of paternal and restrictive legislation applying to a racial minority. The Queensland Government adopted the Act of 1965 during the hearings of the N.A.W.U. case, and new Regulations in 1966.

There is much to justify some of the official claims for the Queensland effort. In this State, the expenditure on Aboriginal welfare (up until the war), especially on the settlements and missions, was higher than elsewhere. Having established the Aboriginal in a semi-colonial situation, Queensland led the way also with colonial-style arrangements for the protection of

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a The legislation referred to here is the Aboriginals Regulations of 1945 and The Aboriginals Preservation and Protection Act Amendment Act of 1946.
'native labour'; and long before any other government had moved to establish any wage at all for Aborigines in the pastoral industry or any other employment in the 'colonial' regions, that of Queensland established a special minimum wage. The Regulations of 1919 provided for a minimum of 40s per week for male pastoral workers and 15-25s for female cooks on the stations. This was about two-thirds of the Queensland pastoral award wage, and had been negotiated by the Chief Protector with the pastoral interests and the Australian Workers' Union—a procedure which appears from some evidence to have remained a tradition in Queensland for a long time, so that the Department of Native Affairs (since 1965 the Department of Aborigines' and Torres Strait Islanders' Affairs) in time came to operate as a separate industrial arbitration authority. This kind of arrangement had been agreed by the parties in earlier discussion of the general (McCawley) award for station hands. Bleakley, the Chief Protector, anticipated in 1918 and 1919 the view taken by the pastoral interests in the N.A.W.U. case—that equal pay would operate to the disadvantage of the Aboriginal: 'His value as a worker was inferior to that of the white hand, as he lacked a sense of responsibility'. The words could have come from the pastoralists' case.

There have been, perhaps ever since the beginnings of protective laws in Queensland in 1897, two kinds of Aboriginal worker. One is a member of the community of Aborigines either 'freed' from the Act or never 'under the Act': a community of unknown size, and officially stated to 'possess full citizenship status and live in the general community as ordinary self-reliant members'. According to the 1965 departmental report, there were over 22,000 in this group, although the figure seems intended to include some Torres Strait Islanders. Theoretically at least, a worker not 'under the Act' will be employed on the award wage as a member of the relevant trade union. In practice it would be surprising if in the frontier regions the less sophisticated of these men do not have to accept the

4 See Queensland Government Gazette, vol. 112, 6 June 1919, no. 207: Amendments to Regulations under The Aboriginals Protection and Restriction of the Sale of Opium Acts, 1897 to 1901. The wages and other conditions were made part of all agreements. This wage was applicable to those between 21 and 40 years. The Aboriginal station hand over 40 was to be paid 30s 'if active', a distinction which was suggestive of the previous conditions on the stations, and one which was to remain in the wage-fixing legislation until 1965, though in the meantime the assumed age of decrepitude had been raised to 45, and the lower wage had come to be paid only to the unfit station hand above that age.


6 Ibid.

7 Annual Report of the Director of Native Affairs for the Year ending 30th June 1965, p. 3.
Aboriginal wage. (I have already expressed some doubts as to the reported size of this group in The Destruction of Aboriginal Society, pp. 367-8.)

Those under the Act have remained subject to a system of careful, but ineffectively administered, controls. One indication of this is the number in the city of Brisbane who, when questioned in 1965, did not know whether they were under the Act or not. The readiness of the government to offer citizen rights to people on distant mission reserves, as in the case of Mapoon, indicates a tendency to relax (as far as it could ever go in view of the limited finances devoted to Aboriginal welfare) what was earlier quite a rigid system. Such relaxations could be attributed to expediency, to lack of funds, or simply to decisions by local Police Protectors. Or they could be due to Aboriginal decisions to migrate to where they were not known, and especially, in recent years, to the big cities. There must always have been some freedom of movement, and the very large numbers of 'free' Aborigines guessed at by the government indicate the resultant uncertainty. If a problem developed with the growth of an unwanted fringe settlement, the Director could always declare people under the Act by revoking exemption, and the unwanted persons be removed to some distant settlement. Even in the latest legislation he retains this power essentially, though subject to appeal.

In the past, and in respect to those under the Act, Queensland made a more determined effort than any other government to establish 'colonial' labour arrangements. The system of individual labour contracts could not work effectively so long as the place of work was also the home of the worker and his family, with the settler in actual control of the whole group and its former assets, because the government could not withdraw or refuse Aboriginal labour. This situation does not appear to have been removed by Queensland efforts to round up Aborigines from the properties after 1897. An official guess in 1965 was that 5,000 'of varying castes not sponsored by the Department' (i.e. not 'under the Act') worked on cattle stations, while only 1,300 worked under the 'agreement' system—the system of individual contracts.

8 'Many did not know their status (and said so); many misunderstood their status and some . . . accepted a global, undefined . . . identification . . . as "being Aborigine" . . . but . . . were unwilling to identify themselves as Aboriginal in a legal sense': Hazel M. Smith, Ellen H. Biddle, and C.M.R. Cornwell, Social Survey of Persons of Aborigine and Torres Strait Island Descent Residing in Brisbane, Queensland 1965-66 (Progress Report), Department of Social Studies, University of Queensland: in SSRC-AP File.

9 See Aboriginals Preservation and Protection Acts, 1939 to 1946, Section 5 (4) and Aborigines' and Torres Strait Islanders' Affairs Act of 1965, Sections 17-25.

This system, based on the signed contract with the indigenous worker, until late in the colonial period (still, in New Guinea) provided for the single man to leave his village, work for the period of the contract, under conditions stated in the legislation and/or the contract, to receive a minimum wage and rations, issues of certain goods, and to be returned to his village. The village bore the costs of family maintenance during the term of the contract, while the worker was paid as a single man. In the Queensland adaptation of this system, the part of the ‘village’ was played by the settlement, or ‘Country Reserve’ under control of a Police Protector. Recruiting was not done by licensed recruiters, but by the pastoral or other employer for himself. The agreement was a written one, to be attested by a Protector, and was limited to twelve months as a maximum term. The Protector could require any portion of the wage to be paid to him, could inspect the place of employment and the circumstances of the employee, and could cancel the agreement at any time. There were, as usual in such legislation, special conditions for employment aboard ship, which is even more difficult to control.

The Regulations provided, by 1945, for rations and accommodation, medical treatment, hours of work corresponding to those in the Station Hands Award, and a week’s annual holiday on full pay. Where the family was with the employee on his property, the employer had to make ‘reasonable’ arrangements for children to attend school, and ration the dependants, subject to the right of the employer to deduct an amount for each child rationed, up to a limit. The employer had to ensure cleanliness, and had certain moral responsibilities—to prevent improper associations and to keep female employees in his home after dark. He had to keep proper records of the ‘hand money’ or payment in cash to the employee, and pay for his transport from his place of dwelling to the place of work.

There were some matters about which the legislation was less precise than in the best colonial labour administration. For instance, there was no exact ration scale. Such a scale is valuable not so much because it can really be enforced, but because good management is interested in efficient work, and efficient work requires a sound ration. This is curious, because there were both settlement and indigent ration scales. Yet, by the end of World War II, there were minimum standards which were precise enough for the purpose of the Police Protector, who would be

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12 Aboriginals Regulations of 1945, nos. 70, 71, and 72.
13 Aboriginals Regulations of 1945, nos. 73, 74, and 75.
responsible for inspections, and could act on his own conscience, since he could cancel the agreement. The weekly wage scales were far in advance of plantation wage scales in New Guinea. If the employee were not in the pastoral or marine industry, he was subject to any award generally applicable (being excluded from awards in these two callings only by the terms of the awards) and his total payment would be at award rates. An adult worker in the pastoral industry, from 1955, received into his bank book and as ‘hand money’ or ‘pocket money’ together over twice the wage paid under the Northern Territory Wards Employment Ordinance from 1959 onwards. In the Kimberleys and in northern South Australia, even in 1966, there was no base rate at all, nor any law requiring any payment in cash. By these standards, and by those of Papua and New Guinea, the Queensland legislation was advanced and humane. It seems to have been a major achievement of J.W. Bleakley, the pre-war Chief Protector, who had had to accept the lower standards for Aborigines as a basic fact of life.

It is easy to see now how a tradition has grown up that the Queensland Government leads others in its Aboriginal administration. Criticism of it has developed, however, resulting in the main from comparison of the lot of the Queensland Aboriginal ‘under the Act’, not with those in comparable situations in the pastoral industry elsewhere, but with those in the general community. Because this comparison is now made (and it seems to have been a major cause for the 1965 Act and the 1966 Regulations), the colonial, ‘native’, situation of the Aboriginal worker has become the subject of widespread criticism, which the government has not really accepted until recently. It could rightly point to its minimum conditions as better than no wage conditions at all.

There could not be effective inspection of conditions, where this was one of many duties of a police officer. The provision for inspection of working conditions in the ‘colonial’ regions did not encompass those of Aboriginal workers. The Department of Native Affairs was not staffed to carry out inspections. As the wages and conditions were different, these Aborigines could not become union members, even if the union had wanted them. In practice, signing on was an arrangement which a settlement superintendent or a Police Protector negotiated with the employer. Even in the 1965-6 legislation, one looks in vain for a specific procedure by which the employee can lodge a complaint.

In the frontier areas, the police officer had to ‘get on’ with the local

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14 See scale of wages set out in Aboriginals Regulations, Schedule, Form No. 8, compiled up till August 1955, Government Printer, Brisbane.
employer. There must have been those who were ready to compromise. The actual procedure, until 1966, was that the Protector kept the bank book, into which a proportion of the wage (which he decided) was paid, irrespective of the wishes of the employee, who could make withdrawals only though him. Especially where the worker is illiterate, such a system is open to abuse, and abuses inevitably occurred. I have personally heard complaints by Aborigines that they could not learn what money was in their bank books held by distant Protectors. The business of getting a Protector's permission by mail to spend money on purchases was a constant irritation. (More recently, the worker has been able to hold his own bank book.)

The form of contract provided, in proper 'native labour' fashion, for the consent of the worker to be established and noted by the Protector. But in some situations the Protector might be a hundred miles away from both the place of work and the place of residence. In the colonial tradition of 'signing on', the recruiter, the government official, and the recruit met together to establish free consent. In the kind of case to which I have referred, the contract was signed by the mission superintendent and the recruit made his mark or signed. It was then sent to the Protector to be attested. This of course reduced all the cumbrous proceedings to pointless administration, except for binding of the employee and for payment of the reserved part of the wage to the Protector.

The wages were not stated to be minimum wages. Perhaps this was not necessary, and at least there was a scale of weekly wages for various categories of skill, from the highest of £8 for head stockmen or drover in charge to £4 for a male employee under 18 years, in the Regulations of August 1955. Any female employee over 18 years had to be paid £3 10s, any male between 21 and 45 years £7. There had been progressive raising of these wages since these particular Regulations were established in 1945, sometimes against pressures from pastoralists in more distant areas like Cape York who claimed that they would be forced out of business; and the responsible Minister in a Labor government could accuse the employers of exploitation, saying that the Department had to enforce the payment of the Aboriginal wage rates. But the rise in wages tended to cut down the significance of the margins

15 Ibid.
16 See, for instance, the complaint in the Courier-Mail, 1 January 1951: it was claimed that many of the 'smaller cattle men' would close down and sell their herds.
17 Statement by Secretary for Health and Home Affairs (W.M. Moore) quoted in Courier-Mail, 14 November 1952.
for skill within the system. This may have had the effect of perpetuating to some extent obsolete incentives, like the threat of force, which appear to remain. In 1945 the station hand had been paid £1 10s and the head stockman £2 5s. In 1950 the difference of £1 between the stockman and the head stockman was established. But in any case it is hard to use as an incentive a cash wage of which the worker handles only the ‘pocket money’ component.

The maintenance of special wages in this and in the pearling industry naturally made the whole question a highly contentious political matter. And as the Department exercised its industrial function, perhaps without particular expertise, and certainly without any machinery to consult the Aborigines under the Act, it became increasingly the target for criticism, and not only from Aborigines and Aboriginal organisations as the former acquired experience and education, and the latter, members and public support. Even the pastoralists, who were regarded by many of the critics as the main beneficiaries, could be critical, at least in their individual capacities, as when the Member for Aubigny, in the debate on the 1946 amendments to the Act, claimed that the government was using the Aborigines as ‘sweated labour’ on the settlements, and drew the contrast between the wages there and those payable on the stations. This is a criticism raised commonly in the Northern Territory through the same period, and in so far as the government is in fact gearing its policy to the needs of the cattle industry, is surely a form of short-sighted ingratitude, since one of the main incentives to get out into pastoral employment has to be even lower wages and poorer conditions on settlements. The living conditions on most Queensland settlements did not fit in with this need to the same extent as those of the Territory, which suggests that tenderness for the pastoral industry has not been the exclusive motive of the Queensland governments, although the accusation has often enough been made. But settlement wages remained low and subject to variation according to the number of workers and the limited budget of the particular settlement, which has possibly been incentive enough.

The living conditions on the Country Reserves, almost universally controlled by members of the local police force (who if they wished could be benefactors or tyrants without much chance of interference), were

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18 These rates were gazetted on 23 April 1945 and 21 December 1950, respectively. The rates of 1918 had been reduced during the depression. A survey of the purchasing power of the Aboriginal cash wage over four decades would be interesting.

19 See remarks by Sparkes, Member for Aubigny, Q.P.D., vol. 187, 19 March 1946, pp. 2032-3.
variable. The range would be from something below settlement standards for housing, to the kind of squalor which the worst fringe settlements share everywhere with the worst 'camps' on the pastoral stations. These Country Reserves have been not much more than fringe areas adjacent to towns, where Aborigines under the Act sojourn with their families between periods of employment. If the Protector happened to be of authoritarian bent, they were completely at his mercy; and it does seem that the situation in these cases was more open to abuse than when the settlement superintendent arranged the contract of employment, if only because the superintendent was engaged full-time in Aboriginal affairs, and was under direct supervision of the Department. Although the Queensland police are as likely to be efficient and responsible as any other, the background of police-Aboriginal relationships, especially in Queensland, made this arrangement unfortunate, while the Protector's role was simply an additional part-time duty.

Where the worker left his family on the settlement, deductions were made from his trust account for their maintenance. Thus the worker was paid as a single man, but had to contribute to the support of the settlement. The compulsory payment of the wage (except for the pocket money) into a trust account is comparable with the custom of deferring part of the wage under colonial systems of contract labour. The difference lay in the fact that under the colonial laws there was a final payment for the worker to spend before he went back to his family. But under this system, it remained in the account, except for approved withdrawals, until the worker or his heir was 'exempted' from the operation of the Act.

The 1965 Departmental Report showed a balance of just under £130,000 on the previous year's transactions of a turnover in the accounts of over £1 million. This included a deficit for the 'protectorates' (areas under control of Police Protectors) and £82,000 in the accounts of Torres Strait Islanders. The statement is hard to interpret and it proved impossible to get the details but it showed that £760,000 ($1,520,000) from the trust accounts had been invested. Some of this appears to have been used to purchase lands in the 'settled' areas to be worked by settlement labour. It is necessary to appreciate that the 1,300 Aborigines working under agreements in 1964-5 were tied legally into this separate controlled economy. Any decision which admitted these to the awards, unless other action is taken, could have the effect of siphoning the increase into the system.20

In the past there have been allegations, at least in the Queensland Parliament,

that funds have been withdrawn from the trust accounts and placed in consolidated revenue\textsuperscript{21} (although this happened in the desperate depression years, when the Station Hands Award was itself withdrawn, and the Aboriginal wage drastically reduced).

From 1934 the law had enabled officials to make withdrawals from personal accounts for what was first referred to as the Welfare Fund, 'providing for contributions by Aboriginals or half-castes whether upon a reserve or elsewhere to a fund for the general welfare and relief of aboriginals, half-castes, or other authorised inmates of reserves'.\textsuperscript{22} This was not altogether a new departure, as the 1929 Report states that over 93 per cent of the trust account funds in that year had been withdrawn and spent on relief.\textsuperscript{23} The deductions for the Welfare Fund have been for this specific purpose and the practice has placed the Department in the position of a taxing as well as a wage-fixing authority. At the time of the N.A.W.U. case it had long been the practice to deduct no less than 5 per cent of the gross earnings of single workers and 2\textsuperscript{\textfrac{1}{2}} per cent of those of married workers under the Act.\textsuperscript{24} This was not the sole source of the Welfare Fund, into which profits from the economic operations of the settlements were paid. As the wages on the settlements are not subject to the rules applying in the pastoral industry, these could be considerable.

Thus the Aboriginal under the Act has been contributing to the separate economy of the settlements, whether he lived there or not and whether he wished or not. He pays income tax, of course, on the same basis as anyone else, but in addition, until the 1965 Act, he paid the annual contribution to the Welfare Fund. His money is invested, not for him, but for the system under which Aborigines are assisted. Against this back-

\textsuperscript{21} See statement by E.M. Hanlon, Home Secretary, in Q.P.D., vol. 166, p. 1735: 'During the depression the Government ... took something over £40,000 from the fund to relieve Consolidated Revenue, and the Provident Fund thus went out of existence.' Hanlon's statement was confirmed by the Member for Cook, who led the debate for the Opposition, which had been in power when the transfer of funds was made. Hanlon explained that there were, by 1934, three accounts to which Aborigines contributed irrespective of their wishes—the Aboriginal Property Account, mainly of amounts due to, but unclaimed by, Aborigines; the Provident Fund, made up from deductions of 5 per cent from the earnings of single men and 2\textsuperscript{\textfrac{1}{2}} per cent of those of married Aboriginal men; and the Standing Account, into which advances from the other accounts were paid, as well as 20 per cent of the earnings of men working 'outside' with families on the settlements. Those being treated for venereal disease paid 2s a day into this account. No deductions were made from bank accounts under £20. An 'operating charge' of 2\textsuperscript{\textfrac{1}{2}} per cent was deducted from other accounts.

\textsuperscript{22} The Aboriginals Protection and Restriction of the Sale of Opium Act Amendment Act of 1934, Section 26 (4).


\textsuperscript{24} Aboriginals Preservation and Protection Acts 1939 to 1946, Section 12 (9) and Aboriginals Regulations of 1945, Regulations 6 to 11.
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ground, the difference between the Queensland wage and those paid in other States with 'colonial' areas looks somewhat less impressive. This is in essence an extension of the whole system of property control, which originally, in the Act of 1901, could only be exerted with the consent of the individual Aboriginal.25

There could be no better example of the trend for protective laws to become restrictive. On the one hand, there has been frequent reference to the traditional values which force Aborigines to 'share' at the expense of 'getting on'. The Queensland Government has become so committed to its system of control that it has maintained a system of enforced sharing, so that the more enterprising workers under the Act must contribute to the maintenance of others who exert less effort. It is a kind of apartheid system of social service benefits.

Some steps had, however, been taken, prior to the 1965 Act in Queensland, towards equality with other workers in the wage paid into the account. In April 1964 a new wage gazetted for head stockmen and drovers in charge brought these cases under the Station Hands Award. But the fit station hand still received, under the Aboriginal regulations as amended in 1962, £10 per week as against a minimum award wage of £15 17s 6d. If he was over 45 years, he received just over half this amount, unless he was 'active' —a curious offsetting of any tendency to use the wage as an incentive and a complete contrast to 'slow worker' provisions in awards. Nor did he receive the special district allowances. The Aboriginal cook, male or female, received less cooking for Aborigines than if cooking for 'Europeans'. The Aboriginal female cook received half the amount paid to the 'European' female in the same employment; the male, just over half that paid to his European counterpart. The experienced Aboriginal domestic servant (for whom there was considerable demand) received £4 15s as against the award of £11 15s 9d for a non-Aboriginal woman. But in addition the employer could require the wife of an Aboriginal employee to work for twelve hours per week in payment for keep which he must provide under the contract. The general conditions, including the ration scales, differed considerably from those applying to non-Aborigines.26 By this time there were pressures and increased publicity arising from the activities of the Federal Council for the Advancement of

Aborigines and some of the trade union organisations, and direct criticism of this system by the A.C.T.U. Congress of 1963, which called *inter alia* for payment at award rates, direct payment of wages, and issue of bank books to individuals.27

In 1965 the Queensland Station Hands Award was varied, following a new basic wage declaration, to make the pay for general hands and male cooks £16 6s 6d per week and for female cooks and domestic workers £12 9s 6d and £12 2s 9d respectively.28 Regulations were issued in 1966 under the much heralded Aborigines’ and Torres Strait Islanders’ Affairs Act of 1965, which was Queensland’s answer to mounting criticism. Under these the head stockman or drover in charge retained his entitlement to the award. By this time almost the only Aboriginal employees not under awards were in the pastoral industry. The adult drover and station hand now received $24 (less than the white woman in domestic work) and other wages retained much the same relationship to the award as before. Reforms included deletion of provisions relating wages of cooks to the race of the consumer, those which made the wage for station hands payable only to those judged to be ‘active’ if they were over 45 years, and those which enabled the manager to demand free labour from his employee’s wife.29 A three weeks’ paid holiday was now provided for, but the separate ration and accommodation provisions remained.

The other area of wage discrimination had been in marine work. I do not propose to give the details here, for reasons of space, but the 1966 legislation made employment on ships subject to the relevant awards, except for the pearling and trochus trade, which mainly affects the Torres Strait Islanders.30 The reconsideration by the Queensland Government of its basic legislation has already been examined in *Outcasts in White Australia*. This system remained unchanged in essentials, perhaps because it had a kind of momentum of its own, and because no essential part of it could be changed without bringing down most of the structure. District Officers (who replaced Protectors) could still take charge of property, and the Director move people to and from reserves, though now this action was subject to appeal.31

Matters relating directly to employment were relegated to regulations, which indicated that there was no re-thinking of the situation. One change

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29 Aborigines’ and Torres Strait Islanders’ Regulations of 1966, Regulations 74-95 and Schedule, Form No. 15.
30 Aborigines’ and Torres Strait Islanders’ Regulations of 1966, Regulations 104 and 105.
31 The Aborigines’ and Torres Strait Islanders’ Affairs Act of 1965, Sections 27-30, 34 and 35.
in these (issued in 1966) was that the contract of employment was henceforth to be used at the discretion of the District Officer or the manager of a 'community' (the new name for the settlement), instead of in all cases as previously.  

But the official can require the employer of anyone under the Act to pay the wage or part of it to him. The Director and his officers can operate on the trust accounts, not only at the request of an individual but 'for payment of his just debts', which one might expect to be subject to a claim established in a court. But at least the Director has lost his taxing powers and the Welfare Fund is to be maintained from the difference between profits from investments from the trust accounts, and bank interest on individual accounts—which means that what has been deducted in the past will be retained, with the interest, for general Aboriginal welfare expenditure, but that the worker will be credited with savings bank interest on his current account. The former method of financing welfare through double taxation of the recipients probably needed only a public airing to be dispensed with, as somewhat unusual in welfare legislation. It seems to have been a desperate expedient of the Department in earlier years to get funds in the face of very low priority for Aboriginal affairs. It is worth noting that the same low priority could allow such a system to remain until 1965.

I have spent some time on some of the details of the Queensland situation, not because that government has given least attention to the needs of the Aboriginal worker in its 'colonial' areas, but because it has made better provision than either of the other two States, or until recently the Northern Territory, which also had a minimum wage for Aborigines in the pastoral industry. Another reason for detailed discussion is to suggest the extent to which the Queensland wage is part of an integrated system, establishing conditions for a special category of persons; so that merely extending the operation of an award, by deleting the clauses excluding Aborigines, does not in itself establish freedom to move in one's own economic interests, which is essential for Aboriginal integration.

On the one hand, it is obvious that, for equality, this whole system must be abolished, in the face of the official and other vested interests in it—including the strong Queensland tradition that it leads in the field of Aboriginal welfare. On the other hand, mere abolition could produce hardship and chaos. The long existence of this system also illustrates that a

32 Aborigines' and Torres Strait Islanders' Regulations of 1966, Regulation 71.
33 Ibid., Regulations 97 and 5.
34 Ibid., Regulation 4.
community which is the object of prejudice requires access to assets other than wages so that measures to retain those already devoted to Aboriginal welfare, especially where there is a strong traditional attachment to the land (even if this has been developed within institutional situations and has nothing to do with ‘tribal’ attachments), are essential.

It is interesting that the Queensland branch of the Australian Workers’ Union, at the end of 1964, applied to the Industrial Conciliation and Arbitration Commission of Queensland to vary the State Station Hands Award of 1961 by deleting sections 1 and 2 of this award which exclude Aborigines. Early in 1965 the North Australian Workers’ Union made its application to the Commonwealth Commission. Such applications are of more significance in the long term, since they constitute a moral commitment, voluntarily assumed by the unions concerned, to seek Aboriginal membership; and this, in the long run, will bring down the systems for control of wages and movements which form hindrances to Aboriginal economic development and economic integration.

Of considerable importance in this movement has been the careful collation of facts by the Equal Wages Committee of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, not only for Queensland but for these ‘colonial’ situations generally.

Seen in perspective, the Queensland situation resembles others elsewhere, in the ‘settled’ areas also, in that the depression of the 1930s marked a low point in Aboriginal employment conditions, that the Aborigines moved out into essential work during the war years, and that they have themselves begun to participate in the drive for equality since that time, although there were sporadic Aboriginal moves before the war, especially in New South Wales. In Chapter 5 I referred to the Declaration of Rights at Cairns in 1960. This was very largely a demand for equality in employment, with direct payment of wages, workers’ compensation benefits, and possession of bank books.35

Aboriginal protest movements are still being directed very much by non-Aborigines, though education is likely to produce a new kind of Aboriginal leader. Opponents of change find it easy to discredit a movement by attributing to its members generally the political affiliations of some of its supporters. This is why the new interest by academic persons and institutions is important. In 1966 Monash University held the first important seminar on Aboriginal wages and employment, with active

35 Declaration of Rights of the Conference of the Queensland ATSIAL, Cairns, July 1960; A Call to Action, ATSIAL, Cairns, December 1962; and Eye Witness Account of the 1962 Annual Meeting, issued by OPAL.
participation by Aboriginal leaders, academics, representatives of pastoral and mining employers, government welfare organisations, and missions. An important forum for the airing of particular grievances has recently been in the annual meetings of the FCAATSI, which have been attracting increasing numbers of Aboriginal people and other interested persons. By 1967 the appointment of a full time secretary had helped to ensure that the case for change in Queensland was kept alive in the press, which was becoming increasingly aware of the significance, national and international, of Aboriginal affairs.
In both Queensland and Western Australia, the first ‘native labour’ legislation was introduced to regulate the conditions in the pearling industry. But whereas the State of Queensland was established with the same self-governing powers as New South Wales, from its separation in 1859, Western Australia remained under formal colonial administration until the Constitution Act of 1889, and this Act reserved ‘native affairs’ for the Imperial Government until 1897. (They were finally transferred in 1898.)

One result was a higher conformity, in the early native labour legislation, with the patterns of colonial indentured labour; though local pressures were strong enough to remove any effective sanctions against employers. The basic difference in social conditions between Aboriginal society and that of tropical villages would probably have demanded an expert rethinking of its application. There were Acts dealing with pearling conditions (where the abuses were not so different from those on recruiting and pearling vessels elsewhere in the colonial world) in 1871 and 1873, and the standards of British colonial labour legislation were reflected in the language of the first comprehensive Aborigines Protection Act of 1886, drafted so as to satisfy administrative consciences in Britain, but achieving little to limit the freedom of action of the settler, or to protect his Aboriginal worker.¹

The other influence, which resulted in the Aborigines Act of 1905 (which was to remain the basic Act in Western Australia until its repeal in

¹ For brief accounts of these three Acts, see The Destruction of Aboriginal Society, Chapter 11.
ABORIGINAL EMPLOYMENT IN WESTERN AUSTRALIA

1963), was that of the Queensland Aboriginal administration, one of whose officers, W.E. Roth, had been appointed Royal Commissioner, and had submitted the report on conditions which this Act was to rectify, for in Western Australia as in Queensland, the reaction against injustice and inhumanity was towards a rigid system of control of the victims.

It made provision for an 'agreement' system of the colonial type, subject to the usual protections at 'signing on', except that local justices of the peace might attest the written contract, which in practice made collusion between employers easy. There were no provisions for a cash wage and those for rations and medical attention were vague. There had been a contract system in the earlier legislation but it had not been compulsory, and Roth found that in the whole State only 369 of the 4,000 pastoral workers were employed under 'agreement'. Some of these were under the minimum age fixed for the Aboriginal contract worker—14 years.2

None of the 4,000 without contracts was entitled to a money wage. There was no legal responsibility to provide food or accommodation. Roth opined that police would take action against certain employers if they could. The Bill for the 1905 Act provided for more extensive use of the contract system, and Roth supported this measure, which would have given Police Protectors some basis on which to take action. But the Act did not make agreements compulsory even for employment of women and youths under 18 years, as was proposed in clauses which were opposed strongly by members for the northern areas in the Legislative Council.3

It did make employment of Aborigines as defined (and the definition of Aboriginal at that time would include most 'half-castes' in the frontier areas), half-castes (a term which included persons of one-quarter Aboriginal descent) under 14 years, and half-caste females, subject to the employer holding a permit, or holding a permit and entering into an agreement.4 Why should he enter into an agreement? The provision for agreements was almost redundant where permits sufficed.

It was a compromise in the face of opposition by employers. In Queensland, the permit to employ appears to have been used in the Act of 1897 to cover the majority of cases where Aborigines were already in employment on the stations, but new employment from then on had to be within agreements.5 Had the permit been necessary in each individual case, the

2 See ibid., Chapter 12.
4 Western Australia, Aborigines Act, 1905, Sections 3 and 17.
5 Queensland, Aboriginals Protection and Restriction of the Sale of Opium Act, 1897, Sections 12, 13, and 15.
Western Australian Act of 1905 could have been used with some effect. Use of the permit could not be assumed (as use of the agreement could) to treat the worker as a free contracting party, but the requirement to have a permit for each employee would have made cancellations easier where individuals were ill-treated. An amendment to the Bill, though it left the permit subject to cancellation by a Protector, and limited the period to twelve months, allowed for the granting of a general permit to employ. 8

There were comparatively careful provisions with respect to agreements. But agreements did not have to be used, and would be resorted to only in special circumstances, as when they were necessary to hold workers recruited from distant areas, or to provide legal justification for having absconders arrested and brought back.

The Protector could grant permits subject to such conditions as he thought proper, and the consideration in the agreement included 'substantial good, and sufficient' rations, clothing, and blankets. 7 Although the Protector could cancel either permit or agreement, there was no mention of a cash wage. This was not unusual at the time in continental Australia, although cash wages had already been well established in the Territory of Papua, where the willingness to be recruited was an economic factor which had to be considered by management.

Harsh as the 1905 Act may appear in retrospect, it was an attempt to get some control of situations which had long been out of control. In the colonial world, legislation to control the use of indigenous labour often has a harsh appearance, yet it was generally an attempt to ameliorate the still harsher facts.

For Western Australia the facts have been very well documented by Paul Hasluck. 8 He gives an unemotional description of the system of frontier justice, which gave to one justice of the peace, where there was no other for twenty miles, power to sentence an Aboriginal or half-caste to a year’s imprisonment; of the restoration of flogging for Aborigines in the first years of responsible government; of government reluctance to have police used to round up absconding workers not on principle, but because of the expense involved; of the failure of the frontier ‘kangaroo’ courts to find white men guilty of Aboriginal murders. 9 He leaves no

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8 Western Australia, Aborigines Act, 1905, Section 18.
7 Aborigines Act, 1905, Section 22.
9 See, for instance, ibid., p. 141. In this case the facts were proven: the Aboriginal had been dragged along the ground by wire wound round the neck. The question considered by the court was whether this was a cause of death. The accused was acquitted.
doubt about what were common enough incentives in employment.\textsuperscript{10} One likes to think also of the men who, having established their claim to the land, used a kindly paternalism within the system. But the worker in these 'colonial' regions had long been at the mercy of the employer. If he absconded, it was common practice to use the police to bring him back—on the neck-chain. Roth had made it clear that those so returned were seldom tied in any contract of employment; and that the employer had no obligation even to feed them. Flogging was easy to arrange, even though not legal as an employment incentive.

Leslie Marchant believes that the present pattern of Aboriginal employment took shape in the period from round 1890 to about 1905, when they were restricted more and more to the unskilled tasks. Before that, he found records of Aboriginal waggoners, shearsers, blacksmiths, and horse-breakers; skin divers and luggers' mates in the pearling industry; Aborigines in all skilled rural tasks. In police employment their tracking skills were of special importance.\textsuperscript{11} That they did not achieve sub-managerial employment was, he writes, due to the fact that 'the employer that allowed such a state of affairs was certain to face racial friction, if indeed he succeeded in employing Europeans to take menial jobs under the supervision of an Aboriginal in the first place'.\textsuperscript{12}

The earlier opportunities for skilled work, he says, were from the 1890s 'whittled away'. Asians took over pearl diving when new gear was needed. 'But the majority . . . were forced out of skilled positions as a result of discriminatory action.' After the gold rushes labour shortages were less acute; and white workers did not like to see Aborigines employed in positions they had their eyes on, any more than they had liked to see Asians filling the same positions during the previous decade . . . The white man was using the weapon of propaganda and rumour to drive the Aborigines into more menial positions . . . And it was during the competitive years of the eighteen-nineties and nineteen hundreds that many of our stereotyped attitudes towards the Aborigines originated . . . It was said that native shearsers 'cut sheep', that 'natives rode horses to death', that they were, in fact, quite incapable of acting in a European-like manner, and so were not fit to be employed in similar jobs . . . These stories were accepted, although the natives, from the time the stations had started, had been performing all the tasks, both skilled and unskilled, and efficiently too.\textsuperscript{13}

\textsuperscript{10} Ibid., pp. 139-59.
\textsuperscript{11} Leslie R. Marchant, Native Administration in Western Australia 1886-1905, B.A. (Hons.) thesis, University of Western Australia, 1954, p. 88: copy in SSRC-AP File.
\textsuperscript{12} Ibid., p. 89.
\textsuperscript{13} Ibid., p. 90.
It is a sobering thought that the same stories were used by the pastoral employers in the N.A.W.U. case in 1965 and attributed to 'tribal elements' in the culture of station workers.

The role of economic factors in stimulating race prejudice needs no comment here. Of the trade unions in the period before 1905 Marchant writes that 'the colour-prejudiced members made these bodies a close shop as far as natives were concerned'.\(^{14}\) It was in the apparent interest of white employer and employee to reduce the Aboriginal to menial work, even where he had acquired skills. It is no accident that this is also the period when exclusion of Aboriginal children from the schools in the settled areas began. Marchant says that in the pastoral industry at this time cash wages were the exception for Aborigines, except where they had alternative employment, as in the vicinity of the pearling areas of Shark Bay. 'The tasks they performed were menial and always supervised by an authority (.. the white man).’ He quotes an Aboriginal Department report that there existed 'a common opinion that they could not be managed without practising violent chastisement'.\(^{15}\) The reaction of workers employed in a cash economy, but denied cash incentives, is predictable and broadly similar irrespective of their previous cultural life.

Marchant has, from the documents, reconstructed some of the station conditions. These varied a great deal. There was the case where a white woman waited on fifteen Aboriginal workers each day at table, and there were those cases where the food was prepared as if for animals and served without utensils. Obviously most management was poor and this mining of the Aboriginal work force in the colonial areas has continued.

If the Act of 1905 was to make little difference in the conditions of employment, it was still essential for governments to purport to be protecting the Aboriginal worker, just as it was in colonial systems of labour control. Hasluck has made the point that this Act, in which the permit system made it possible to employ Aborigines without the symbolic act of agreement, or contract-making, in which the worker appears as an individual contracting party, ‘definitely reduced the Aboriginal to a distinct status’.\(^{16}\) The point is well taken, as it meant that the legal status of the individual worker was so reduced that even the appearance of consent on his part was dispensed with.

My point, in going so far back in explanation of more recent circumstances, is that the special laws relating to Aboriginal employment,

\(^{14}\) Ibid.
\(^{15}\) Ibid., p. 92A.
\(^{16}\) Hasluck, op. cit., p. 157.
established in 1905, remained within the special legislation until 1963. Those employed under the permit averaged round the 4,000 until 1942, between 5,000 and 6,000 for the next ten years, and then declined to under 5,000. In the meantime the legislation as a whole had followed the general trends in all Aboriginal legislation—of increasing restrictions, with corresponding decline in legal status, up to World War II, and of a relaxation in the post-war years, which is still in train, and at an accelerating rate. It is true that the purpose of the increasing restrictions can be seen as protective, but they are indicative of an attitude of mind which conceded no hope for persons who retain their Aboriginal ways (or even their Aboriginal 'blood') to any degree that falls within the legal categories. Of the Western Australian Act and Regulations of 1936, which are in the Queensland tradition in their provisions on employment in frontier regions, Hasluck, writing in 1942, asked: 'what ... possible outcome can there be from a system that confines the native within a legal status that has more in common with that of a born idiot than of any other class of British Subject?'

He pointed out then that no native (the term preferred to Aboriginal because the definitions of who must be protected had been widened) had guardianship of his child, or could move without permission; that a native could be ordered into an institution and confined there, ordered out of town, and have his marriage forbidden (in an attempt to prevent the increase of 'half-castes', a policy on which Commonwealth and State experts in Aboriginal administration agreed in 1937).

Even the 1936 Act, however, did not go as far as Queensland legislation in enabling a Protector to take over the property of a living native. This has required his consent since 1905. Only if he died intestate without legal heirs could his property be paid into a trust account and used 'for the benefit of natives generally'. The Act provided for a Natives' Trust Fund, in Queensland style, but as wages were not compulsory, there was little source of funds for it, except money from intestate heirs, and from wages due to absconding workers, outside the settled areas where some natives received wages. Thus the reasons for the comparative restraint in Western Australia may have some relation to the fact that many workers had no money wages. Their chances of amassing property under such a

17 Peter Biskup, Native Administration and Welfare in Western Australia, 1897-1954.
18 Hasluck, op. cit., p. 160.
19 See The Destruction of Aboriginal Society, Chapter 17.
20 Aborigines Act, 1905, Section 33.
21 Aborigines Act Amendment Act, 1936, Section 21.
22 Aborigines Act Amendment Act, 1936, Section 31.
system were somewhat limited and they could not contribute to the welfare of people kept on the reserves.

The 1936 Act required the holder of a permit to contribute to a medical fund, to provide free transport for medical treatment, and to maintain a first aid kit—all provisions which an efficient management would have anticipated. If the holder of the permit ‘complied with’ these provisions, he was freed from ‘any liability for workers’ compensation to an injured native in his employ or to the dependants of any such injured native under the provisions of the Workers’ Compensation Act, 1912-1934’.23 The purpose was not to absolve the pastoralist from insuring his Aboriginal worker but to make sure that he did so. As the Chief Secretary explained in Committee on the Bill, insurance would be arranged under the medical scheme by the Aborigines Department. This could be enforced by the Chief Protector, who would be in a position to know numbers and location of employees. But this was another case where protective legislation reduced status and rights. The Chief Secretary explained that the arrangement would enable a Protector to force the employer to do ‘what might be reasonably expected’ of him. The dilemma was whether equal rights which cannot be enforced are preferable to a limited and controlled separate system of minimal security which can, to the extent that an Aboriginal department with low priority can overcome the political obstacles to so doing.24

In this same debate in the Legislative Council, one member stated that a provision of the 1905 Act, that the Governor-in-Council could set wage standards by regulation for those under agreements, was suitable, since employment under permits was not affected. He now objected to the proposal for the Commissioner of Native Affairs to have a general regulatory power in the case of permit employees also.25 This matter of cash wages was a critical one. But there were others too. Assembly and Council disagreed and there was a conference of both Houses. But on this point the more conservative of the employers lost and Section 60 of the 1905 Act was so amended as to make possible regulations for the fixing of wages for all natives.26

The same amending clause contained a provision under which regulations could establish the type of welfare fund already in use in Queensland.

23 Aborigines Act Amendment Act, 1936, Section 21.
26 See Aborigines Act, 1905, Section 60, and Aborigines Act Amendment Act, 1936, Section 32.
There was point to this, as even in the pastoral industry it had become necessary to pay wages in many areas where they had not been paid in 1905. As elsewhere, depopulation affecting the work force tended to give a money value to the efforts of those who remained.

This Act, like that of 1905, was a response to public agitation about injustices and atrocities, which had already led to the appointment of the Moseley Royal Commission. Moseley had reported in the previous year. It would appear from this report that the Aboriginal was happiest where he had least money to worry about. Moseley’s description of the lives of the 2,000 employed on ‘some 70 or 80’ stations in the Kimberleys is one of idyllic inter-cultural adjustment. There the native had not acquired, and the Commissioner doubted that he would ever acquire, any ‘real’ sense of property. As he had never seen money, and would not recognise what it was, he could not be said to be deprived of anything. Moseley saw nothing to justify the ‘extravagant’ allegations of forced labour. The station native had a freedom seldom enjoyed by civilised man, and had ‘nearly’ all that was needed for the kind of comfort he wanted. But these idyllic conditions of prosperity on non-wages applied only north of the Pilbara, where wages had been paid for two decades.

In dealing with health matters, he did admit that although everything possible was being done on the stations, the natives went on dying. His recommendation was for a medical fund and for other measures to provide for special hospital accommodation in the northern areas.

The missionaries were too indulgent, apparently encouraging laziness. He deplored especially the statements of the Mount Margaret mission superintendent that pastoral employment was a form of slavery. In dealing with matters other than remuneration he made some very sensible recommendations which sometimes indicate a willingness to go further than the report. He recommended, for instance, that the conditions laid down in permits be more specific.

Moseley’s assumption had been that separate development was necessary—with full-time staff taking the place of the Police Protectors, removal of the ‘camps’ from the vicinity of towns, and more effective health and other services to be provided on settlements and missions. The influence of the Queensland model can be seen here, especially in a suggestion for a Palm Island type of solution for the unruly town dwellers of Broome. At the time, there had been much discussion of the problems arising from

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injustices in the Northern Territory courts, and he fell in with suggestions which were being made for experiments with the multi-purposed colonial administrative officer, vested in magisterial authority, to adjudicate and to soften the impact of British law on native custom. But the whole tendency was for deferring consideration of money wages, with the present emphasis on ‘training’ in bigger and better institutions.

But the war had the effect of bringing more of those on native status into wage employment. As late as 1943 there was a move in the Parliament (by the member for Pingelly, which was still in 1967 securing for itself a special reputation as a centre of prejudice) to act on Moseley’s recommendations for removal of the fringe dwellers from towns in the settled areas. From the debate it is clear that many of the men in these areas were now working under awards.28 The position in the ‘settled’ areas of the State was bound, in the long run, to affect conditions in the ‘colonial’ areas, though it had not by 1966 resulted in award wages in the pastoral industry. In July 1940 the Acting Commissioner for Native Welfare could state that the time was not yet ripe to consider payment of money wages. By the end of 1946, on the application by the Western Australian Branch of the Australian Workers’ Union, the Farm Workers’ Award was extended to cover natives, though it also provided that, subject to appeal, the local Protector could assess a lower rate in the case of ‘inefficient’ workers—an interesting precedent for the pastoralists’ move in the N.A.W.U. case.29 This, I think, was the only example of the Department of Native Welfare acting as a wage fixing authority, except on its own northern cattle stations and its other reserves. In November 1964 the discriminatory provision was removed from this award. This occurred six years after a Special Committee on Native Matters, chaired by F.C. Gare (who was to become Commissioner), had stated that ‘this provision appears to have served little useful purpose’.30

Until the time of the Bateman Report of 1948, however, the money wage had still not contaminated the relationships of managements with workers on the Kimberley stations, except for the wages of some part-Aborigines. The Kimberleys, it stated, were the only areas where natives were not so paid. Payment in cash, Bateman thought, was inevitable,

29 Western Australia Industrial Commission, Farm Workers’ Industrial Award No. 6 of 1946, Section 13.
but training was necessary first, as otherwise all the money would be spent on drink and gambling. Premature payments in cash formed one of the main factors in 'degradation'. There should be a separate wage for part-Aborigines in the industry; it should be below the award wage, he argued somewhat quaintly, as whites needed a higher wage because of their complex social structure. But he did condemn the shocking provision (and lack of it) for accommodation on the stations, saying that generally there were no ablution or laundry facilities. The ration was still generally meat, bread, and tea. Station hands south of Broome were paid cash wages by this time with a noticeable increase as one went south—from 10s to 15s at Broome up to £2 in the Gascoyne area. In the Murchison and Eastern Goldfields areas, station wages varied from £1 to £4. He recommended a minimum wage for part-Aboriginal workers, and another for the 'full-bloods', except in the Kimberleys. Here he thought there might be a wage payment in kind, to be drawn in goods from the station store.31

Clearly, there was a slow but inevitable movement to a cash wage, with the Aborigines' bargaining power limited by their continued exclusion from the Federal Pastoral Industry Award which covered conditions in Western Australia. But in the same year the Australian Workers' Union applied to have the exclusion removed from the award, on the grounds that Aboriginal labour on the stations was equal in performance to other labour. Commissioner J.R. Donovan expressed the opinion that those of equal efficiency should be paid equal rates but confessed to hesitation about other workers. In the event, he refused to remove the exclusion. The result of this was that the 'full-blood' station hand (who in practice enjoyed a status likely to be determined on cosmetics, not genealogy) remained outside the federal award.32

The reason for the hesitation was, it seems, the existence of the State Departments and Boards with special responsibility for Aboriginal welfare. In the same year, and for similar reasons, Chief Commissioner Portus refused to remove the corresponding exclusion from the Northern Territory award.

The Bateman Report refers to a special situation in the Pilbara-Port Hedland area, where an Aboriginal group had brought about a turning point in this long history with the first large-scale movement off the stations. It is interesting that he should put this down, not only to 'communist' influence (a reference to the alleged previous associations of Donald McLeod, the non-Aboriginal adviser of the Aborigines involved),

32 For details see Westralian Worker (Perth), 30 July 1948.
but to the shortcomings of departmental inspections of working conditions, while wage determination continued to be a matter solely for the individual employer. What had happened was one of the reasons for his recommendations about wages, and it seems to have been a turning point in Aboriginal affairs.

It was conditions of employment in the Pilbara region, back in 1905, which had been publicised in London and which led to the Roth report. The use of flogging as an incentive in Roth's time seems to have been common there. A reason for this was that the station worker might leave his employment and earn money in pearling, or from the gold miners who first went there in 1887. The decline of mining, by the turn of the century, was producing there the harder attitudes from non-Aboriginal workers to which we have already referred. But at the same time, there were, by the time of the 1905 Act, some Aborigines self-employed in mining, and this helped to make cash wages necessary.

According to John Wilson, who has studied the Pindan movement, there had been periodic attempts by police to round up Aborigines from their mining and to take them back to the stations. At the same time the opposition of the unions was limiting them to routine station tasks. The Shearers' Union opposed their employment from 1911 and the State Branch of the Labor Party advocated 'white' labour for stations, with Aborigines to be employed on reserves, in 1912. World War II brought troops to the Pilbara, and the army employed a few Aborigines, while those on the stations became indispensable. Wilson points out that while the tendency was for cash wages to become more common there was a constant renewal, among the station workers, of the Aboriginal traditions resulting from the influx of newcomers from the desert regions. Some of these men provided strength and leadership in a tradition which had been partly lost on the stations. This was still possible, even after the war, because the Christian missions had not been well established, mainly because of earlier opposition by the pastoralists who feared that they would use too much of the grazing country.

This was the background for the first Aboriginal strike. It was inevitable that eventually Aborigines would find a way to refuse their restricted economic and social role, amounting practically to peonage on the stations. Their lot seems to have first interested Donald McLeod, who

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33 John Wilson, Authority and Leadership in a New-Style Australian Aboriginal Community: Pindan, West Australia, M.A. thesis, University of Western Australia, 1961, p. 32.
34 Ibid., p. 38.
worked on the wharves and as a contractor on stations in this area during the war, when he was refused the right to employ 'natives' because their pastoral employment was in the 'national interest'. This was the more curious when he could not get permission to use them on station contracts. By the end of the war, there had been some strikes on particular stations, possibly in part due to his influence. What he did was to advise Aboriginal workers to select a committee to co-ordinate action, and to plan for a station property of their own, as they were worried about stories of stations going out of production. Aboriginal leaders began to meet at the 'camps' out of Port Hedland. McLeod, who was accused of having been formerly a member of the Communist Party, was being attacked by the pastoralists. As for the Aborigines, they said to John Wilson later that 'We talk about wages and place to stay, and squatters and police keep saying Communist. We say "What's this Communist?"'

By May 1946 there had begun a series of stop-work meetings. The leaders had apparently tried to organise a strike for 1 May, but communications were mainly by word of mouth and organisation difficult. Wilson stresses the loyalty of the Aboriginal worker to the station and the fact that he had come to see it as a home: the sense of responsibility which, for instance, prevented a strike on one station because the 'boss' was on holidays in Perth. The Department of Native Affairs had two Aboriginal leaders prosecuted for 'enticing natives', under a section which had been inserted in the 1936 Act, and which had made it an offence to 'entice or persuade a native to leave any lawful service without the consent of a protector'. For this they were sent to gaol for three months. McLeod was arrested for being within five chains of a native camp, and, refusing bail, was gaoled in Port Hedland. The managers of some stations affected by the strike compelled the dependants to leave. As these included some of the men of 'high degree' in the Law, their presence with the strikers gave status to the movement.

At the time of the Port Hedland races, the police stopped Aborigines in from the stations and mines at the 'Four Mile' camp, but with Ernie Mitchell, a prominent Aboriginal of the full descent, four hundred of them walked in defiance to the Two Mile and stayed there. After a meeting of the kind which they were learning to use as a preliminary to agreed action the Aborigines walked into the town with crow-bars and hammers.

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35 Ibid., p. 46.
36 Ibid., p. 52.
37 Section 27, Aborigines Act Amendment Act, 1936, which amends an earlier provision which limited the offence to educational establishments (Section 44 of 1905 Act).
apparently to get McLeod out to have his advice. But once they had surrounded the gaol, the police let him go.

This was the turning point. There was nation-wide interest and agitation in Perth. An appeal to the High Court upset McLeod’s conviction. The strikes spread, and so did the Aboriginal mining efforts. Aborigines were at last learning to use the law as a protection, and setting a pattern for these areas. They used the miners’ right to sit down where they could or wished. Whether McLeod had ever been a Communist I do not know. But his techniques were in the best community development tradition, of giving advice when asked for it, and of continuing to give it even when the recipients had not followed it, but had come back to him again. This was the beginning of a hard existence, ‘battling’ at hard mining in some of the most forbidding country on the continent with inadequate equipment. The men dug out ores with explosives and hand tools, in regions now attracting some of the biggest aggregations of capital to be invested in this country. The women sifted the ore from the dross, after crushing, with galvanised iron versions of the ‘yandy’—the dish traditionally used to sift the grain from grass stalks.

By 1949 the Pindan movement was established, with McLeod as adviser. Ernie Mitchell was the main leader. The new Roman Catholic mission at White Springs, established to combat the movement, failed expensively. There were more ‘walk-off’ movements from the stations to now well defined mining camps, dispersed over great distances.

The ‘marngu’, as the people called themselves, observed their own basic social laws, to the extent that they worked out, in a progressive adaptation on the basis of group consensus, any necessary changes. Moiety and section arrangements were maintained in the camps, according to Wilson, and new patterns of leadership worked out, balancing the interests of the Pindan movement, the traditional Law, and kinship ties. Children were brought up in the nuclear family for the first few years, then went to

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38 Wilson, op. cit., has traced the development of the 1946 strike in detail. There was considerable press coverage at the time. See West Australian, 3 May, 21, 25, 28 June, 14, 15, 17, 24 August, 12 September 1946. For Western Australian government attitudes, see account of a deputation to A.A.M. Coverley, Minister for the North-West, in the Westralian Worker, 5 July 1946. He was reported as stating that the ‘full-bloods’ had no appreciation of the value of money; that if award wages were paid, most of them would have to leave the station properties (an argument repeated in the N.A.W.U. case two decades later); that if management did build the accommodation demanded, it would be left empty by Aborigines. The Committee for the Defence of Native Rights sent their Secretary to the area to investigate. From the press accounts, he was fined for visiting one of the strikers’ camps without a permit.

39 For an impressionistic account of this movement, see Donald Stuart’s novel Yandy, Melbourne, 1959.
the kibbutz-style ‘Kids’ Camp’. By the time John Wilson saw them in the late fifties, they had built their own houses at the ‘camps’ and won the right to carry arms, drive trucks, and use explosives. They had a company independent of the government. They needed only to work for the stations when they wished. They were a group which had built their own legal-economic carapace and under this were working out the changing standards of a new social order. They had the old problems of disorder and drunkenness, failure to maintain children, and family disputes, which for so long had been taken to paternal Protectors. All these they settled in their own ways. They were demonstrating that cultural differences are best left as matters for the people whose business they are; that within the legal framework of a registered company, it is possible to come to terms with the hard facts of the local economy. Moreover, the company was also acting as an industrial bargaining group, and ‘forcing’ workers off the stations which did not meet requests for wages considered reasonable.40

This had not been easy. The last clash with the police, at Marble Bar in 1951, was followed by a reprimand for the police. By then there were 600 members, and McLeod had organised the Northern Development and Mining Company (Nodom). Nodom had bought Yandeyarra Station and three others from mining profits. In the following year it earned £50,000 and had to admit outside capital to purchase machinery. Most of the shares were in McLeod’s name. A government committee was set up to inquire into the situation, and reported McLeod’s sincerity, but, perhaps correctly, questioned his business knowledge. Nodom had bought a home for Aboriginal outpatients at Marble Bar, was working Yandeyarra, and had forced up station wages in the Pilbara. But in 1953 the company lost £30,000 and had to go into liquidation. The ‘mob’ dwindled to just over three hundred.41

In the meantime, from 1948, the Department had been under the control of Stanley Guise Middleton, a former officer of the Papuan administration; and one of his first tasks was a departmental reorganisation on the basis of the pre-war Moseley Report recommendations, strengthened to some extent by the criticism of Police Protectors repeated in the Bateman Report. The state was divided into administrative districts, controlled by District Officers, six of whom had followed Middleton from

40 Wilson, op. cit., pp. 159-89. He states that the term ‘forcing’ was used to indicate moral, not physical, pressures and that it was misunderstood elsewhere.

41 Ibid., pp. 77-91.
Papua. By 1956 the number of Police Protectors had been reduced to 29, of a total of 156 Protectors.42

One thing Middleton brought with him from the Papuan background was the willingness to interact and to argue with natives. On the failure of Nodom, he did not immediately use legal powers under the Act to take over the assets, but argued his case first, confronting the leaders of the group, with McLeod, in one of the typical company meetings. He was in a most awkward situation, and the decision was a courageous one. Some of the Nodom leaders were apparently inclined to trust the Department tentatively. The Department set up a Pilbara Natives’ Society, and took over and paid off some of the company’s station assets. But McLeod was instrumental in setting up the Pindan Company which has given its name to the whole movement, with Ernie Mitchell as leader and himself as bookkeeper. According to a statement by Middleton, the earnings of the group had been estimated by one observer to be round £500,000 over five years.43 But this was hearsay. Yet McLeod had held 3,001 of the 3,003 shares in Nodom, the company was paying little or nothing in cash wages, and this was causing discontent. Middleton, with considerable bitterness, was publicly accusing McLeod of Communist affiliations, imposition and fraud. This may partly have been his reaction to McLeod’s tour of eastern States in 1955 to get support and to publicise the cause of the ‘marngu’.44

Middleton, in his Report for 1955, quoted a letter from McLeod stating that it was his intention to bring workers across the ‘leper line’ of 20 degrees which cut off the Kimberleys, and stated that when two of the Pindan group visited Halls Creek, he had arranged for his officer to meet them there, and that ‘subsequently, at their own request’, they were taken to Derby. “Their permit to return South of the 20th parallel was approved and they returned to Port Hedland by air.”45

Here was quite a classic confrontation, of the well-intentioned official, from a typical colonial background, wanting to do what was ‘best for natives’ with that questioning of the basis for authority which has brought down, in a couple of decades, most of the colonial empires. All, he said, was going well with the policy of gradual improvement in the Kimberleys. It is hoped [he wrote] that this splendid and growing structure will not be torn down by destructive whites with malicious intent, or by the actions, well-intentioned or

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42 Biskup, op. cit., p. 388.
44 Ibid., pp. 9-11.
45 Ibid., p. 11.
otherwise, of uninformed, vexatious busy-bodies. A 'strike' or similar upheaval among natives of the Kimberleys could cause untold harm to the natives and seriously disrupt the progress of their development which may be slow, but is definitely sure.46

But hard times did not destroy the Pindan Company. When Wilson stayed with them in 1959, the company still employed 300 of about 1,000 workers in the Pilbara. There were six work camps, an administrative camp, and two others. Those which had been completed had solid wood and iron buildings with communal washing, dining, and kitchen facilities. The people mined for beryl, tanto-columbite, scheelite, tin, copper, wolfram, gold, and manganese. They had rock drills and explosives, but badly needed mechanical equipment. The company had sued the Commissioner for Native Welfare and the Australian Broadcasting Commission in the courts of Perth for a statement that its members had refused to help in the search for a man lost in the bush—and won.47 An Aboriginal community was finding itself and maintaining itself economically in the face of real hardship. The members had broken out of legalised and institutionalised dependency, and were living as political men and women, using the legal and administrative institutions of the Australian community to advance their own interests and thus finding their own way into the culture of institutionalised democracy, so long closed to them, and at their own pace, retaining those remnants of their culture which were important to them.

From the evidence available, the clash between Middleton and McLeod was something of a tragedy. Both were men of strong will. In 1953 Middleton was quoted in defence of the movement, and as discounting employers' allegations of intimidation. He maintained that the Aborigines who followed McLeod's advice were economically no worse off, and socially better off, than they had been on the stations. He conceded that although the shares of Nodom were in McLeod's name, this was an interim measure. His change of mind seems to have begun with his confrontation with McLeod, with the decision by the majority at that meeting to remain with McLeod, and with the establishment of the Pindan Company. He was also concerned with welfare. This concern made him critical of the hard rule arising from McLeod's advice, that wage payments of the workers for the company should be kept to a bare

46 Ibid., p. 13.
47 For press accounts of this case, see Herald (Melbourne), 30 October and 29 November 1958. Ernie Mitchell and Peter Coffin were each awarded £50 damages against the A.B.C. Middleton stated that what the A.B.C. had broadcast was not quite what he had said.
minimum so that more could be invested in equipment. It is possible, although one could not be sure on the point, that McLeod’s advice involved high risks, since mineral prices were uncertain.

The same argument, in time, developed within the group with a demand from the miners at the Mount Frisco camp for a school, higher cash wages, and more clothing. The split came in 1959. No one reading the details of the sophisticated argument, about what portion of the company earnings should be spent on consumer items, and what should be invested, could doubt that out of all this had come an immeasurable welfare gain, for here were free men and women arguing about what they should do to form their own lives.48 The difference from the conventional picture of the station Aboriginal, sunk in ‘apathy’, is striking, and reminds one of McLeod’s penetrating remark that on the stations Aborigines had had to use ‘reticence as a defence’.49

Whatever McLeod may or may not have achieved, his relationship with this group is of the essence of what community development technique requires. Wilson has described the adaptation of the moieties and sections of the society to the changing conditions, of the traditional Law to economic necessity while retaining the essential values, of the old systems of social control to the new kind of egalitarianism. They developed also new concepts of investment. All this happened within a social framework of which no government administrative body could ever remain fully aware, much less in control, in a process of ‘assimilation’. One of the Department’s handicaps, in fact, seems to have been the government commitment to the ‘assimilation’ of individuals with their removal from the group. The ‘marngu’ suspected the provisions of the Natives (Citizenship Rights) Act mainly on these grounds, and because a provision contained in it had made it essential for the would-be Aboriginal citizen to renounce tribal affiliations.50

Another reason for the Pindan split, apparently, was that Mitchell was convinced of the practical need for schooling. The Education Department was interested in providing this, and by 1959 had appointed a senior officer to develop Aboriginal education. There was a promise of adult literacy classes as well as the school. Although McLeod was defeated by Mitchell and those who saw more opportunities in co-operation with government departments (Native Welfare was interested by this time in having social

48 The discussions are given in detail in Wilson, op. cit., pp. 227-42.
49 Quoted in ibid., p. 223.
50 Natives (Citizenship Rights) Act, 1944-51, Section 4. The clause was repealed in 1958 in an Amendment Act (no. 58 of 1958).
service benefits extended to Aborigines in the area), he was still available for advice when asked, and it is interesting that at times this was sought. One practical result of the majority decision was that some age pensions were received. There were more arguments with the Department of Native Welfare about how and to whom these should be paid. But there was a new atmosphere developing, with Aborigines stating their rights. The zest and interest of real politics brought women like Daisy Bindi, as well as the men, into new ways. Had Pindan had the luck to retain considerable property, who knows how far it might have gone? Or if it had been supported with funds for prospecting and mining equipment?

In 1960 McLeod, and a core of those who thought as he did, moved to the Roebourne area. Police and pastoralists, according to Wilson, tried to ‘move them on’, but they had the protection of the miners’ rights. This was the beginning of Nomads Pty Ltd, at last reports in 1967 supplying some of the labour for the big new developments at Port Hedland; but this group had continued to maintain itself by mining, in the face of lower beryllium prices. Pindan in the meantime provided an Aboriginal voice for its members, in face to face contacts with government officialdom. In 1961, as indicated in Chapter 7, a spokesman for it gave evidence before a Select Committee of the Commonwealth Parliament.

Perhaps McLeod’s greatest achievement was that he challenged the basic legitimacy of the traditional role of Aborigines on the pastoral stations, and won. But the result was an Aboriginal compromise, of a kind which was possible because of the special circumstance of having an alternative source of economic support. A very great deal depends on the maintenance of responsible leadership. The whole movement may now be scattered and engulfed in the great new developments in this area. Even if this happens, it has shown at least a hard alternative, and it is possible that the example has not been lost on the Gurindji strikers who walked off Wave Hill Station in the Northern Territory and sent a petition to the Governor-General. If the worst is to happen to it, it has surely been worth while, and an end in itself. For most of those who participated it must have been a profound educational experience.

An early result of the movement had been to rouse such bitterness against government authority, on the part of those who supported Aboriginal equality, that the Western Australian Committee for the Defence of Aboriginal Rights had sent an appeal to the United Nations and to the World Federation of Trade Unions. This stressed the often appalling conditions of employment, the heavy sentences for quitting the place of work, and the denial of the right to strike, of which Australian
governments had made so much in the interests of white workers. The Australian delegate at the General Assembly had objected; the Indian delegate had pressed for the consideration of the appeal. The Secretary of the Committee for the Defence of Native Rights, who had been fined for going with McLeod into one of the camps without a permit, claimed that a statement on the matter had been sent to the conference called in Canberra to set up the South Pacific Commission. This perhaps marked a new era in Aboriginal affairs. In earlier days the protests had gone to Exeter Hall or to the London press, but the new destination marked the realisation that Aboriginal affairs, in a period of colonial revolution and racial protest, could be used to embarrass a lethargic government before the whole world. Other Australians were beginning to see the Aboriginal as member of an entrapped minority, like the Negro in the United States, and Aboriginal society as part of the 'third world'.

These events probably influenced the amendments made to the legislation by the Native Welfare Act 1954, which is very largely devoted to the repeal of restrictive sections, which had either been included in or added to what remained the 'principal Act' of 1905. Sections repealed included those on which the permit system and the agreement system had been based, the provision for penalties for breaches of labour discipline, and the separate medical fund (so that the employer was henceforth subject to the Workers' Compensation Act). There was much discussion in Parliament of the section which made it lawful for a hotel manager to allow a native to stay on his premises in spite of the provisions of the Licensing Act. Free movement has long been difficult because of this type of exclusion, originating in the attempt to prevent access to liquor but also in, and maintained by, the kind of prejudice which was evident in the debate. The section was passed, but only as a compromise, along with the repeal of many old restrictions, on visiting native camps, the right of police and others to move camps and order natives out of town, the provisions for restricted areas, and the historic provision against females remaining after sunset near creeks frequented by pearlers. Of the 75 sections, 30 were repealed and 29 amended, but only after much talk of 'chaos', and a rejection of the first Bill in the Legislative Council. One reason for this had been the proposal for free entry to licensed premises. The Department

52 Western Australia, Native Welfare Act, 1954, Section 49, and Licensing Act, 1911-1953, Section 151.
53 W.A.P.D., 1954, vol. 2, pp. 1441, 1693 ff. The first Bill had been rejected in 1953 by the Council at the second reading.
had had to compromise by leaving the decision in each case to the proprietor.

These were certainly changes likely to promote greater confidence and mobility of the Aboriginal work force in the 'colonial' regions. Middleton claimed that for the State as a whole, the new Act, proclaimed finally in 1955, formed 'a positive and final departure from the policy of protection, "hand-outs" and control', and emphasised 'equality of social and economic uplift'.

The claim would have been more impressive if the Act had brought a drastic change in the native wage. But a decade ago it was far easier than it has since become to contemplate a separate wage system, or, as in Western Australia, no system at all. It is as well to recall here that unless he was under an award from which Aborigines were not excluded, the Aboriginal worker in the settled areas had no minimum wage either. As late as 1946, during the first strike which led to the Pindan movement, well-wishers in Perth had regarded themselves as advancing the cause by agitating for a minimum native wage of 30s—£2 less than the award. There had been another discussion in Parliament about the power of the Commissioner to fix wages, which in 1936 had been extended to apply to all Aborigines working under permits. This was repealed altogether and without provision that awards would apply.

In fact, it seems to have removed a protection which had never been effectively exercised. But the provisional extension of the Farm Workers' Award in 1946, with payment below this subject to departmental approval, formed some protection for most natives in the south-west. Those employed in towns would often be covered by awards. This repeal, in 1954, therefore has to be seen as a deliberate move to leave those in the pastoral (and 'colonial') areas without the protection of a minimum wage, since the Commonwealth pastoral award had continued to exclude them after the 1948 hearing. Probably, in practice, most part-Aborigines cosmically qualified received the award; the others would get whatever the employer had to pay to remain in production.

One result of the Pindan movement had been to bring about increases in cash wages. In a comment in 1953, Middleton conceded this, remarking that this was a turning point, resulting in the commencement of cash wages in the Kimberleys.

In 1957 the government appointed a Special Committee, under the

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55 Native Welfare Act, 1954, Section 64 (b).
56 Quoted in Herald (Melbourne), 26 August 1953.
chairmanship of F.E. Gare, who was to become the next Commissioner of Native Welfare, to ascertain the cost of 'adequate' provision for natives and what degree of Commonwealth assistance was required.\textsuperscript{57} It found that the majority of natives did not work under awards, and with some irony compared them to 'top executives' in this respect; that while in the south and in all towns, more were coming under awards, the difficulty was that the term 'station hand' in the Federal Pastoral Industry Award (No. 48 of 1950) specifically excluded 'Aborigines'. The range in the Kimberleys was from £2.6d to £3 per week. Some part-Aborigines in this area received the basic wage in the towns and the award wage on stations, but only a small proportion. They had no precise information anywhere, because of the great variation in wages from one place of employment to another.

In the Pilbara, they thought that the Pindan Company provided low economic living standards 'but from the psychological point of view . . . this independent attitude is a valuable experiment in the development of self-reliance'. The average rate was, they thought, higher, and rates more uniform in this area. But they had less information from here than from the other areas.

On the Eastern Goldfields, they found an average of £10 15s for station employment without keep, and half that rate with keep. The Committee recommended wage equality, but apparently this was to be tied to another recommendation for increased productivity. It was apparently not prepared to take the risks involved in relying on equal wages immediately as an incentive. But it did recommend full access to all social service benefits, and in most pastoral districts social services benefits, unless they were to be paid to an institution, would be considerably higher than the wages. They also recommended that the State arbitration court fix wages for natives not covered by other awards, but only as an interim measure. The purpose was, they said, 'to expedite the economic integration of natives to the stage where eventually they will all be covered by the ordinary awards . . .'.\textsuperscript{58}

This was a practical and humane report but nothing was altered in the pastoral industry. A great deal was being altered in the activities of the Department of Native Welfare, with the appointment of patrol officers to assist the district officers and the movement of the Department out of the multi-purposed controlled institutions of the settled areas, and from its multi-purposed cattle stations, of which Moola Bulla was the best known

\textsuperscript{57} Report of the Special Committee on Native Matters (with Particular Reference to Adequate Finance).
\textsuperscript{58} Ibid., p. 27.
example, in the 'colonial' areas. In his comments in 1955 on the winding up of Moola Bulla (originally established to prevent Aborigines from killing cattle on the other stations) Middleton had pointed out the lack of logic involved in such institutions, which were claimed to be training centres for employment, while purporting to be many other things as well.59

That times were changing had been shown by the sensation created by the Grayden Report, at the end of 1956, of starvation in the Laverton-Warburton Range area.60 Not so long before, the main concern would have been that people from the fringe of the Central Reserve were creating a nuisance, by begging for food along the Trans-Continental Railway and offering a poor impression of Aboriginal administration. Probably Middleton had done more than any other to bring about this change. He would certainly have supported the wage recommendations of the Special Committee, which would have given his Department the powers sought, but not granted, in the 1954 Act. Possibly the departmental officers pressed individual employers for better conditions; probably the resistance of the pastoral industry was too strong. He may well have contributed directly to the development of a cash wage system when he paid cash wages for work done on Moola Bulla, in the East Kimberley, before the station was sold to private interests.61

For a few years more it was to be possible for people out in the desert, or in from the desert with no legal entitlement to social services, to die from starvation and the diseases of poverty, but all this was ending. By 1960 it was clear that the Aboriginal 'problem' was no longer that of survival in the 'colonial' areas, but of equality, as it had been for some time in the settled areas.

But a decade after the report of the Special Committee, Aborigines were still excluded from the operation of the Commonwealth Station Hands Award. Not even the taking out of citizen rights, under the special Act which was supposed to guarantee them, made any appreciable difference outside the South West Land Division. More attention was to be given to the right to drink than to wage equality. The right to vote was established but not the right to wage equality.

There was a new Native Welfare Act in 1963. This provided for departmental officers to have access to employees, for employers of natives to return them to the place where they were engaged, and to take certain

61 For some details, see West Australian, 5 November 1952.
action in cases of illness of an employee (without on this account being absolved from the Workers' Compensation Act). But there was no provision for wages, either in Act or Regulations.

Thus, although officers could ‘suggest’ improvements in conditions, they had no statutory powers to demand a particular minimal provision, either in wages or conditions. In fact the most striking example of negative legislation occurs in the 1964 Regulations, which state that ‘a native who is engaged in any occupation that is not covered by an industrial award, or in any occupation that is covered by an industrial award the terms of which expressly exclude natives therefrom, is subject to the ordinary provisions and processes of industrial arbitration’.

There could hardly be a better example of *laissez-faire* in favour of a particular employing pressure group. Yet it was certainly preferable that the anomaly, as it had now become, be rectified by admitting Aborigines to the full conditions of the award. This was a matter for the Commonwealth Conciliation and Arbitration Commission, whose decision in the N.A.W.U. case suggested what must happen. One might also have anticipated, especially from the Kimberleys, responses similar to those of Northern Territory pastoralists.

The Australian Workers' Union lodged its new log of claims in November 1964 before Mr Commissioner Donovan. Dr Barry Christophers sought to intervene for the Federal Council for the Advancement of Aborigines and Torres Strait Islanders and referred especially to the report of the Select Committee chaired by Gare in 1957-8. He argued also for equal wages as a prerequisite for better health, housing, and education, and claimed that the exclusion clause was contrary to Part 2, Article 3, of the Universal Declaration of Human Rights.

Mr Dougherty, for the Union, made it clear that he would like to accept advice, but that his Union was well aware of all the national and international implications. Moreover, the Aboriginal situation was one issue among many. He opposed the intervention. At the suggestion of the court, the FCAATSI accepted Dougherty's position, and promised to assist in the Union's case. The court found that an inter-State dispute existed and the case was adjourned.

The Federal Pastoral Industry Award affected conditions in New South

63 Western Australia, Native Welfare Regulations 1964, Regulation 47 (2).
Wales, Victoria, Tasmania, South Australia, and Western Australia. In relation to Aboriginal wages, it excluded Aborigines from the operation of the minimum wage provisions on the cattle stations, most of which lie in our ‘colonial’ regions, but also, as Dougherty pointed out at the hearing, on sheep runs with 2,000 or fewer sheep, or where wool growing is not the predominant occupation.\footnote{Ibid., p. 9.}

At the end of 1965, a conference of the Australian Council of Trade Unions and the Western Australia Trades and Labour Council decided to establish an office in the north of the State, mainly to deal with alleged breaches of awards on the new large-scale construction projects in the Pilbara region.\footnote{Australian, 24 November 1965.} One of their concerns was the possibility that employers might bring in, from other countries, ‘foreign special project labour’—and this concern might well lead to union support for Aboriginal wage equality. The times were very different indeed from those at the turn of the century, when the Aboriginal worker was regarded as a ‘foreigner’ in the trade union movements of the west.

The need for Australian trade unions to receive all Aborigines, and to seek out cases of injustice, still exists. As recently as 1960, Ronald and Catherine Berndt, after a survey of the Balgo Hills area in the southern Kimberleys, wrote of the abuses arising from the payment of social service benefits through employers. The opportunity for misappropriation is clear. The conditions of employment, they found, were comparable with those in the Northern Territory in 1944-6, which they had reported on to such effect as to influence the fixing of the minimum Aboriginal wage there, after the war. It was high time, they thought, for a similar survey in the Kimberleys, with a view to Aboriginal wage fixing. In the comparison with Territory working conditions, ‘the only modification or omission is direct physical maltreatment of Aborigines, which does not go unnoticed so readily today as it did a decade ago’.\footnote{Ronald M. and Catherine H. Berndt, Report on Survey of the Balgo Hills Area, South Kimberleys, Western Australia, March 1960 (roneo), Department of Anthropology, University of Western Australia, p. 12.}

The comment is indicative of the results of more regular patrolling by departmental officers and of the changes brought about by ease of communication. No longer can the Aboriginal worker be easily subjected to violence as a labour incentive, and one of the consequences must have been that pastoralagements were driven to greater use of the cash wage, which cost little, since it was so easily re-couped at the station store where it had to be spent.
One result from inspection of pastoral stations has been a departmental record of actual wages paid, and certain other conditions. An analysis of these records had to be concerned with those covering the three years 1963 to 1965 inclusive, because departmental staff was not adequate for annual inspections. Of the total of about 640 pastoral leases in the State, the Department had arranged inspection of 250 in the 1963-5 period—a much higher proportion of those which were its concern, since many of these properties do not employ Aborigines. The figures collated were of course those reported by the managements, and may be a somewhat doubtful basis for statistics, yet there is no other. They are also an overestimate, for two reasons. The first is that to tabulate them we used 10s ranges up to £1 and £1 ranges for wages over £1, and the figures given here assume that all were paid at the top of the range. The second is that they are native wages and that they include award payments where these have been made to part-Aborigines.

The figures were collated in the Northern, North-West, North-Central, and Eastern Native Welfare Divisions of the State. The Northern Division lies wholly within our 'colonial' area, and includes the Kimberleys and part of the desert region to the south, round Balgo. This is indicated in the map, in which our line demarcating 'colonial Australia' is imposed on the Native Welfare map of the State. From the same map it will be seen that most of the North-West, over half of the North-Central, and most of the Eastern Divisions, also lie within our 'colonial' area.

The average male weekly wage for the Northern Division was calculated at £3.32, and for females £1.23.69 (If in the calculation we had taken the middle of the ranges, the averages would have been considerably lower.) Wages for 646 male and 451 female workers were taken into account, and this is a reminder of the fact that the labour of the Aboriginal woman has historically been of the first importance in the station economy, not only in domestic employment. Male wages varied from an average of £5 12s in the Broome Native Welfare District to £1 11s in the Fitzroy District. Wages for women averaged £1 12s in the Wyndham and Broome districts (the highest) to 12s in the Fitzroy District. These are adult wages. The Station Hands Award at the time was £12 16s for a man without experience, with an additional 6s 6d for twelve months’ experience, plus

68 For this arrangement I am indebted to the Minister for Native Welfare for giving his consent, and to the Commissioner for his assistance, and for allowing this Project to arrange for the examination of records to be made in his office. No individual stations or addresses were made available, which was highly proper and reasonable.

69 To facilitate translation to dollars, I have here converted shillings and pence to decimals of £1 (= $2) where appropriate.
keep, assessed at £4 4s 6d. No human being could exist on these native wages alone, of course, and it is probable that the cost of rations and some clothing has to be added in the majority of cases. From the data provided it is impossible to know this. Yet the comparison with the award without keep remains valid. One would expect that somewhere in the Native
Welfare legislation there would be at least a minimum ration scale, but there was no such provision, either in the Act or Regulations.

The wages paid to persons between 15 and 21 years indicate a trend towards wages above those for adults. This may be due in part to calculations which include ‘keep’ in the form of rations paid to the family head, as part of his total wage. It may also be a result of establishment by the Department of Education of schools for the station children over the last decade. In the Fitzroy District where wages were lowest (possibly the lowest in Australia), fourteen girls received, on average, 2s per week more than thirty-eight adult women. But the seven boys employed there received 18s, as against the average of £1 11s for fifty-six male adults. Throughout the Division as a whole the rate for boys averaged over 10s higher than that for men, and the rate for girls about 3s less than that for women—£3·65 and £1·06 respectively. Over two-thirds of women received less than £1 and over one-third less than 10s. Yet some cash was almost universal: only four men and two women were stated to work for ‘supplies’ or ‘keep’ only. It is probable that frequently both man and wife were employed.

In the past, some pastoralists have argued against schooling as unsettling for the future work force, and though there is no absolute pattern here it does seem that one effect in the Kimberleys has been to widen the horizon of the young pastoral worker so that cash wages have to be paid to keep him. Another reason is probably the increase in efficiency resulting from literacy, which has its value in making the written instruction effective, and from knowledge of the simple arithmetic involved in mustering and the like. This should be of increasing importance, since most of the children of school age were actually in school attendance. But it must also be remembered that age has always been less important in the employment of the native worker who could be regarded as a free contracting agent at 14. It was common in the colonial world to recruit workers at puberty, which gave a rough indication of maturity.

A common argument against the application of the awards has been that the pastoralist rations dependants other than those in the nuclear family of the worker. But on the forty stations in the survey, with a total of 2,082 natives recorded, 1,145 (660 males, 485 females) were in the work force.\(^70\) (Twenty-four of the women were in outdoor rural employment, a reminder of the old Kimberley traditions.) Of the remainder, no fewer than 247 were pensioners in whose cases the pensions were being paid through

\(^70\) Wages were recorded, as indicated above, for 646 male and 451 female workers, of the total of 1,145 recorded as in employment. Wages of the remainder (48) were not recorded.
the managements. There were 547 children and 143 ‘others’. It is of course quite possible that the inspecting officer would miss numbers of ‘others’ and that there would be fluctuating numbers. But for the maintenance of the pensioner at station Aboriginal living standards or above, management is paid by the government. Thus the economic standing of the station population with 55 per cent employees, 12 per cent maintained directly through pensions, and only 33 per cent of dependants (if we assume that all ‘others’ were dependants), hardly bears out the contention that the station performs an unrecognised welfare function by maintaining a high proportion of dependants in the total of wages, rations, issues, and accommodation. The basic wage concept recognises a higher proportion of dependants to workers than this, and certainly provides for a much higher standard of living for them than is usual in the pastoral station’s Aboriginal camp.

Of the eighty-four stations inspected in the North-West Native Welfare Division, thirty-two were in the Carnarvon District, and probably most of these lie within our ‘settled’ area. There were 819 persons on these properties classed as native. There were 337 males and 105 females in the work force—a total of 442, or 54 per cent. There were only 65 pensioners, probably because of the attraction of towns (and of the mining camps of Nomads Pty Ltd in the Port Hedland and Roebourne areas), 191 children, and 128 ‘others’. If ‘others’ are again regarded as dependants, the total of children and others amounted to 38 per cent, and pensioners to 8 per cent.

The average male adult wage for the Division was £13.56, with £12.87 for youths, which is some confirmation of our analysis of the results of education in the Northern Division. Thus the average was round the Station Hands Award of £12.8; and where ‘keep’ to the value of £4 4s 6d was paid in addition to this, the male employee was on the award wage. Only 31 youths were recorded as employed on the stations, as against 289 men, and their comparatively high wages indicate that there may be trouble ahead for the pastoral industry. The statistics were collated at Port Hedland, Roebourne, Onslow, Carnarvon, and Gascoyne Junction, and the average adult male wage for each and the District Headquarters, in the same order, was £11.5, £11.55, £13.56, £16.64, and £13.76. The range was very wide, from one with ‘keep only’ to a station dogger receiving £33 weekly.

In the most northerly district in this Division, the Port Hedland District, there seemed to be a correlation between provision of keep and the amount of the wage in cash—and it was the reverse of need, unless there was a consistent recording error. No male worker paid less than £7 weekly.
was recorded as in receipt of keep but the 36 per cent who received more than this received keep in almost all cases. Of the female workers in the same district, just half received keep, all with keep being paid more than £4 per week in cash wages. Further south, all employees in the Roebourne and Onslow areas were in receipt of keep, as were 90 per cent of male, and over 73 per cent of female, employees in the Carnarvon District. This apparent tendency towards provision of rations and accommodation mainly to the higher paid workers would accord with the operation of a laissez-faire situation in wages and working conditions. There were also indications of variations within the keep supplied, and some were said to be in receipt of ‘part-keep’. The variations in average wages between the districts, as in the Northern Division, with the higher wages paid to workers on the more accessible stations, are in conformity with the same situation. The averages of adult female wages in the North-West Division, taking the centres in the same order as for the male rates indicated above, were respectively £5.06, £7.25, £8.33, £7.08, and £12 (one case only); and the overall average paid to adult females, for the Division as a whole, was £6.08. The average for girls under 21 years was £7.7.

These figures are based on wages actually noted for 324 of the 337 male, and for 101 of the 105 female workers known to be employed. In the other cases, there was no record of what was paid.

But the main fact to emerge is the difference between the averages in the Northern and the North-West Divisions—between an average of £3.32 for men and £1.23 for women in the Kimberleys and other parts of the Northern Division, and £13.56 for men and £6.08 for women in the Pilbara and Gascoyne areas, which lie within the North-West Native Welfare Division. As these wage rates are based on figures collected over three years, they have a relative rather than an absolute value, in a situation which is probably changing. But the greatest changes are likely in the Pilbara, with the very large-scale investments in the mining and export of iron ore. It is therefore probable that there will be an initial widening of the gap. Yet the removal of the legislation which made the ‘leper line’ an administrative barrier to movement in search of employment, and the development of new communications in this area, must tend to attract seekers after employment out of the Kimberleys, especially as other than pastoral work is paid at award rates. There is also a danger that this isolated population will be by-passed in these new developments; for the new employers may well be tempted to take the long-standing employers’ assessment of this potential work force as indicated in the wages and conditions of employment. Even after equality of wages and conditions in
all employment is established, there may be some special value in the Aboriginal company which can co-operate with employers and unions in producing, through its own additional incentives, a disciplined labour force and in bringing it into the normal employment situation.

Of seventy-six stations surveyed in the North-Central District, probably more than half, including the forty inspected in the three years in the Mullewa and Geraldton districts, lie within the 'settled' area as we have defined it. In these districts the average wage was round £14 per week for the adult male, with 'keep' or 'meat only' issued in nine cases out of ten. The cash wage ranged from £2 to £25 (in the case of a native foreman). Boys averaged £12 in the Mullewa, and £11 in the Geraldton District. For the Division as a whole, the average cash wage for an adult male was £13-05, so that again, on average, the Aboriginal worker had achieved the Pastoral Hands Award without legislative protection, provided that he also received keep at the standards of the award. In the 'settled' areas round Mullewa and Geraldton, the operation of economic forces in wage fixation was more marked, with the average wage for Aborigines higher than elsewhere in these northern areas.

Even in the frontier districts of this Division many were on the minimum award rate, if we disregard keep. There were five shearers whose earnings could not be stated, and one boy who was being paid at the Station Hands Award rate, in the Mount Magnet District. But the range of cash wages was from £2 to £19, with the low average rate of £8·44. Further out along the railway, round Meekatharra, the average was £13·02, so that the Mount Magnet District apparently lagged well behind the other three districts in this Division, especially as on occasions the return of cash wages indicated 'no fixed sum', or 'above average', without a figure.

Although the average wage for adult women in this Division was £10·07, with £8·95 for girls, and was higher than in the North-West, the proportion of women and girls in employment was only 22 per cent of all females, in comparison with the 32 per cent employed in the North-West Division. These averages have to be taken with some caution, as they do not allow for a few females in whose cases 'no fixed sum' was paid. What may be more significant is that there were more dependent, unemployed women than the total of young girls and female pensioners together. This is the main factor explaining the difference in the proportion of dependants to pensioners and workers from that in the more northerly divisions. Here the Aboriginal worker had, on the average, just under one dependant; just over 50 per cent were in employment, 5 per cent were pensioners, and the remainder consisted of children and others. On the one
hand, this was possible partly because of the higher wages. On the other,
it indicates a greater conformity, as one approaches more closely to the
long-settled areas and the larger towns, with the economic and living
norms of Australia as a whole.

Another factor is the extent to which the wage rate depends on the
sophistication of the worker, and the degree of competition for his services.
In the Kimberleys, there is a situation where man and wife may both be
heavily employed, a situation avoided as a matter of principle and for
long-term economic reasons under colonial labour laws, where the man
was recruited from a distant village, but often used where the family lived
at the place of employment, as in these cases. Employment of wives in the
Kimberleys was mainly as domestics. The station homestead is traditionally
extravagant in employees, though not in wages. But in a few cases women
were employed, as they were in the days of first settlement, in outside
work with stock.

Figures for the Eastern Native Welfare Division indicated that there
also, on the twenty-five stations inspected, the old station paternal economy
was passing, with only ten of the fifty-five resident women employed.
Five of these were stated to have been employed in outdoor work. Yet
dependent women and children formed only 38 per cent of the station
native population, and the main reason for this is probably the absence of
the children in hostels for school attendance. This must be an important
factor in the other divisions also. One result is that the cycle of near-peonage
is being broken, since such children will seldom return, at least to the old
conditions—a factor also in the higher wages for youths and girls which
we have noted. No girls at all, and only six boys, were employed on the
stations in this Division, and the boys averaged £9 per week in cash wages.
Men's wages averaged, in cash, £12·95—£13·42 in the Kalgoorlie
District, and £12·36 in the Leonora District. 'Keep' was almost universal
in the Leonora area, and supplied in about one case in six in the Kalgoorlie
area. With only ten women employed, the average wage was £7·5; but
there are not enough here to form any pattern. It may be noted that the
male average is comparable with that in the North Central Division and
slightly below that in the North-West.

What would have been the effect of a special native wage, had the
Department had the power to fix it for the State as a whole? Almost
certainly, in the climate of opinion as it was in 1954, when the question
was discussed in Parliament, wages would have been set below what they
have become, on average, in all these outlying areas but the Kimberleys.
The pressure from the rural employers would probably have been influen-
tial enough to set wages everywhere at about the level agreed to in the Northern Territory. The result would have been unrealistically low minimum rates, as happened in the Northern Territory with the Wards’ Employment Ordinance. At the time of the application by the N.A.W.U. the weekly wage in the Territory was £3.16 for adult males, including the 15s clothing allowance, plus keep—which compares with the average for the Kimberleys. It also applied everywhere in the Territory pastoral industry. The minimum wage for a small minority tends to be regarded as the maximum, especially where that minority lacks the facilities for free movement, and lacks the education to seek alternative employment. On the other hand only ‘full-bloods’ were classed as wards. The part-Aboriginal was legally entitled to the award in the Territory.

It proved impossible to extract from the reports detailed statistics on housing. Comments varied from ‘excellent’ to ‘shocking’. That times are changing is indicated by the fact that of a total of 220 stations on which this kind of material is available, only fifteen were noted definitely as having made no provision at all for housing of employees. Forty-six had made no provision for family accommodation for the Aboriginal families living on the properties.

Poor living conditions may be in part the result of absentee ownership. Management may be as good as it is allowed to be in some cases, and improvements to housing and other conditions may be limited by the impersonal policy of the large company. It is not mainly the fault of the management, even of the company, if the government refrains from insisting on minimum conditions, for then impersonal economic forces are allowed to operate against the most vulnerable group. At the same time the great differences in wages in Western Australia, not only as between divisions, but within districts, indicated in the wage ranges given above, show that there was scope within the present structure of the pastoral economy to absorb the effects of equal wages. If more Aborigines move from a situation of under-employment to unemployment, they will still be better off in receipt of unemployment benefits than many of them are now. Such benefits will strengthen hopes for fluidity in employment in the ‘colonial’ regions.

Up to the end of 1967, unemployment benefits had been refused to Aborigines who rejected work for what were said to be the wages traditional in these areas. So far as I can see, from the figures to which I have been referring, there is no such traditional wage anywhere. It seems to be a convenient fiction. At the very least, if there is such a wage, there should be some means of enforcing its payment. The picture, outside the
Kimberleys, indicated that, at least on the averages, the Aboriginal worker, without any protection at all, was already earning well above the rate of the unemployment benefit, and on average was in most areas at least approaching the Pastoral Hands Award rate. This fact in itself is enough to make one seriously doubt the arguments that equal wages will mean mass dismissals from the pastoral industry. But it also demolishes the administrative difficulty facing the Commonwealth Department of Social Services, at least in areas outside the Kimberleys. So long as there remained a belief that a special Aboriginal wage was in some way approved, there was some argument at least for refusing to pay benefits which were higher than this wage, and which could make unemployment more attractive than employment. The facts suggest that there was no such barrier to equality in social services.

This has been a ‘problem’ posed mainly in Western Australia, because in that State, unlike the Territory and Queensland, there were no longer managed government settlements to which the Aboriginal without work could be sent. An important result of the power of government to control movements in the Territory and Queensland (now repealed in the Territory) was that unemployed persons could be whisked out of the general economy and into the separate settlement economy. This enabled the awkward question of unemployment benefits to be avoided. Thus in 1964, an application for unemployment benefits from a Queensland settlement-dweller to the Department of Social Services brought the following reply: ‘Your case has been carefully considered and as you are residing on an Aboriginal Reserve in an area where employment is not available and you cannot be readily contacted if a position was found for you, you do not qualify for payment of Unemployment Benefit.’

Perhaps the departmental view had to take into account that such a payment would, under the Queensland practice, have been paid into a trust account on which the individual could not freely operate. It is a good example of how the Aboriginal in such a case may, on the one hand, be restricted to a reserve because he has no outside employment, and refused the unemployment benefit because he is restricted to a reserve—caught, as it were, between State and Commonwealth laws and regulations.

There seemed little doubt that in Western Australia the pastoral industry, irrespective of possible changes in the award provisions, would be forced by economic circumstances to accept the principle of equal wages. There had been a few young natives, now entitled to award rates in agriculture,
employed by the farmers on the Ord River. We have noted indications of a drift of young workers out of the industry. A suggestive one was a press announcement, in February 1966, of a training scheme for Aboriginal youths on some seventy Western Australian stations (sheep as well as cattle runs), involving 2-year apprenticeships at what were described in the press announcement as 'standing pastoral industry award rates'. Management was being forced to do what had been neglected since the very early days of settlement in Western Australia, when George Grey had recommended, and Hutt had tried to establish a system whereby settlers would employ and train Aboriginal workers, on the principle that a trained Aboriginal was as effective a contribution to the economy as a European migrant—and much cheaper.

The statements on wages given above cannot of course be taken as indicative of per capita annual incomes for station employees. In the first place they were obtained from an interested source. There would be the usual tendency to inflate costs which are deductible for taxation, and for managements to be reticent about actual wages where there can be no real check. But it is more relevant that work with cattle is largely seasonal. These wages were for weeks in actual employment. There was no provision for paid holidays and no appearance money. Access to unemployment benefits would make it easier for the worker in the off season to quit the station labour pool and seek opportunities elsewhere. It is particularly relevant at a time when the employment opportunities in these areas of the State are so rapidly expanding. Unemployment benefits make possible the transition of these Aboriginal families to a full-time cash economy. Together with wage equality in the pastoral industry, they may force the station economy into a competitive situation for labour. This should, as that industry develops its efficiency, prove as much to the benefit of the stations as to that of the Aboriginal workers.

One reason for the turning back, in successive generations, to the disappearing solace of ancient tradition has surely been the lack of opportunity to adapt to the national economic and social life. I would not suggest that Aboriginal cultural needs should be ignored, nor that the loss of what remains of this would be other than a continued tragedy for the nation as a whole. But this need not happen. The great significance of the Pindan movement has been to demonstrate that a peculiarly Aboriginal series of compromises with economic facts can be worked out. If wage earners of an Aboriginal company choose to pool their earnings for common

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purposes which are not in themselves illegal, this is not properly to be frustrated by governments. Rather is there a point of contact for government and possibly for the trade unions and managements also, and a way of channelling Aboriginal incentives into economically productive work.

A further conclusion which arises from the figures of wages paid while in employment is that already there must be a high proportion of Aboriginal station workers whose weekly cash payments are at least approaching the award rates. The difference from the situation of the worker protected by the award probably lies increasingly in the level of ‘keep’—in accommodation and in rations. If this is true, the effect of introducing the Aboriginal worker to the award will be to force the stations to invest more in what is a normal capital cost for the industry, and so to increase the efficiency of the work force. The main impact of the increased male wage would be in the Kimberleys, and in the Port Hedland, Roebourne, and Mount Magnet areas. The effect on the Aboriginal female employees may be to release more of them to live as wives and mothers, to the benefit of the Aboriginal communities, and to bring those who work in the homesteads out of the category of cheap domestic labour. In places where the industry cannot bear the increased cost, the question arises of whether any such industry should be allowed to avoid the application of principles which govern the employment of all citizens other than natives.
In her study of the part-Aborigines of South Australia published in 1964, Fay Gale remarked that in the central and southern areas of that State they worked for the same wages as others; 'in the far north, however, wages seem to be a personal arrangement rather than an award rating . . . Part Aborigines who live more in the manner of the full blood people are usually treated like them and paid lower wages'. (Perhaps the opposite causal relationship may also be maintained: that those who like the 'full-bloods' have no claim to minimum wages and conditions must live as 'full-bloods' do.)

There is [she wrote] a great contrast between the sheep and cattle stations both in the conditions of employment and the rates of pay given. It appears that as far as part-Aboriginal labour is concerned the cattle industry today is in much the same position as the sheep industry was twenty to thirty years ago. Within the cattle industry conditions vary from station to station . . . The wage is the result of a one-sided bargain. There are more full-bloods in this part of the country than either mixed bloods or white. On the whole the mixed bloods are classed with the full bloods and considered 'primitive'.

In 1964, when the Station Hands Award was £12.8, plus keep, she found payment plus keep on many stations to part-Aborignes to be, on the managers' statements, between £2 and £3. The memory of Namatjira was fresh at that time and his fate was often quoted to show the dire results of paying too much money to people with 'little care for material values'.

2 Ibid., p. 288.
Membership of the Shearers’ Union, payment at award rates, and payment by cheque, she found, were factors making for much better conditions on the sheep stations.

As indicated in Map 1 (p. 2), our line dividing ‘colonial’ from ‘settled’ areas in South Australia leaves most of the cattle stations within the ‘colonial’ part of the State. Dr Gale’s comment on the population composition of the area is relevant here. Her main interest being with part-Aboriginal conditions, she concentrated her research efforts within the ‘settled’ area.

Laissez-faire in Aboriginal wages and conditions in South Australia had continued from the first Aborigines Act of 1911 which established the right of officials to inspect employment situations, made it an offence to ‘enticе’ an Aboriginal from ‘lawful employment’ (which could operate against the ‘enticement’ of a money wage and thus as a factor in keeping wages down), and provided for regulations to cover apprenticeship. The 1934-1939 Act had the same provisions on these points, even to limiting government inspection of employment to ‘reasonable’ times, and this provision was re-stated in the 1962 Act which entitled a member of the Board, the Department of Aboriginal Affairs, or of the police force to enter employment premises at ‘reasonable’ times for ‘inspection and inquiry’.

In all States but Queensland, 1962 would certainly be late in the day to be legislating for a separate Aboriginal wage to be supervised by the Department of Aboriginal Affairs. Except for the inspection provision, there is nothing to affect conditions of work or wages in either the Aboriginal Affairs Act or Regulations except for Regulations applying on reserves, and the exclusion of Aborigines from the Station Hands Award wage maintained the same lacuna as in Western Australia. Attempts to regulate conditions of work were made by legislation in Queensland and Western Australia well before the turn of the century, but in South Australia there was no such effort. One reason seems to have been that in South Australia there was no other demand for Aboriginal labour rivalling that of the pastoral industry, like that made by the pearling industry in both the other States. In both cases this had led to special attempts at regulating labour conditions. But there seems also to have been a notable government lethargy, following the failure of the efforts which had preceded responsible government. In fact there was no basic legislation.

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3 Aborigines Act, 1911, Sections 27, 28, and 38 (1) (e) and (f).
4 Aborigines Act, 1934-1939, Sections 27, 28, and 29.
5 Aboriginal Affairs Act, 1962, Section 26.
at all until 1911. Administratively, Aboriginal affairs came to mean mainly what happened on the two main Aboriginal Stations at Point McLeay and Point Pearce, and on the missions.

This absence of legislation on employment conditions of Aborigines may be compared with the situation in New South Wales, where after responsible government the control of extending frontiers, where the more obvious problems presented themselves, tended to be relegated to the Native Police. This force patrolled the upper Darling region, Clarence, and McLeay areas after the separation from Victoria, but concentrated up till the separation of Queensland mainly on the frontier regions north and far west of Moreton Bay. There was an abdication from Aboriginal affairs other than those which concerned order, which was not shared by Victoria after responsible government. One result was that the State of Queensland was established in 1859 with the traditions of the Native Police and little else.

South Australia, like New South Wales, at the time of responsible government extended across the continent from south to north, and its government also faced a situation which could not be controlled. Unlike New South Wales, however, it was to retain this extensive responsibility, without the means of control, until 1911, when the Northern Territory became a Territory of the Commonwealth.

But at the time of separation of the Northern Territory South Australian employment policy diverged from Commonwealth intentions. The South Australian Government, in 1910, adopted a Northern Territory Aboriginals Act, which provided that no person could employ an Aboriginal in the Territory without a licence. This was equivalent to the permit in Western Australia. Yet the Aborigines Act of 1911, which formed the basis for South Australian policies, did not establish a system of licensing employers, nor was such a system ever established. So the position in South Australia has been that the Department or Board could inspect, but could not take legal action to change conditions. The provision in the Act applying to the Northern Territory indicates the influence of Queensland and Western Australian practice.

So the 'colonial' area of South Australia was left almost as a forgotten backwater in spite of the continued interest of voluntary bodies in the State, and uninfluenced by the legislative changes which showed concern in Queensland and the Territory. Probably there were employers' interests in keeping things that way. In this they have had outstanding success. It is

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6 Northern Territory Aboriginals Act, 1910, Sections 23, 24, and 25.
of course arguable that there is little difference between one situation where there is no legislation at all to control conditions and another where it exists but cannot be enforced. Yet it is a sobering thought that this frontier region of South Australia should have remained for over a century one of the very few areas of the world where it is possible for an employer to determine completely and legally the conditions of employment for persons of a different culture, in a 'colonial' labour situation. One of the reasons for this has probably been the sparseness of that population, which has at all times and everywhere operated as a brake on government effort and as a hindrance to those who try to get to grips with the facts.

Only recently has the government begun to take charge of this situation. But the epoch-making Lands Trust Act of 1966 aroused considerable resistance in the Legislative Council, which succeeded in removing the provisions for mineral rights, although these would not have been at all revolutionary in South Australia, where proprietors of land grants made before 1880 have retained the mineral rights alienated from the Crown in the original grants. This resistance was against any breach in the system which kept Aborigines completely dependent. Pastoralists opposed any change which might have unpredictable consequences, affecting a status quo which had endured for so long.

When the Northern Territory was transferred, there was a long established system whereby selected cattle stations served as rationing depots for the government. It is interesting that this old system still operated in northern South Australia in 1965. The advantage, for control of a labour pool, accruing to the management from the handling of the government rations, is obvious. A similar advantage came from handling age pensions. But inevitably the rationing points, maintained for so long that elderly men have depended on them for their whole lives, have resulted in attitudes comparable with those on most mission and government settlements.

For a century or more on these stations there had been no recourse to other than the management, for the South Australian Aboriginal administration had no field staff in these areas. Theoretically, the right to inspect working conditions was established in 1911; but when, in the 1960s, the Department of Native Affairs was able to staff a patrol service, the Regulations had to be extended to enable the officers to enter pastoral properties to discharge their general welfare functions. In October 1965 the Executive Council of the State approved the change, giving power to enter properties where Aborigines are living. This must be breaking the control of the labour pool based on government rations. There was a

suggestion in a press statement at the time that 'the government believes that some station managers are reluctant to reduce their hold on Aborigines living on the leases, and feels that certain practices by managers cannot be allowed to continue'.

The situation obviously required the excision of land for villages from the leases, and the vesting of living quarters in Aboriginal control, probably in the kind of Aboriginal companies already described and for which there is now precedent in the Aboriginal Lands Trust. Such villages could become centres for welfare and educational activities as required; meeting places for government officers and Aboriginal representatives, without the problems involved in meeting on private property owned by a vested interest under the old conditions; and potential growing points for economic change and social adaptation, to be worked out by Aborigines. They could also be centres for payment of social service benefits, and for the establishment of co-operative or individual business activities. It is pointless to worry about dependent attitudes until equal rights are established. Those for whom there is no immediate employment, if the tactics and strategy I have suggested are to be applied here, should receive unemployment benefit on the same basis as non-Aborigines. But the most important incentive of all is wage equality. On these properties there has been nothing to prevent a manager from forcing Aborigines to work for rations only. But even then, the basic ration has remained what it was in the beginning—not a full one, but designed to supplement game and other food which is no longer available, or which depends on skills which have deteriorated.

The old system of using the rationed population as a labour pool has probably been giving way to one of cash for work done. A departmental survey made in 1965 of twenty-five stations in the Coober Pedy and Woomera areas, and those north-west of Marree, but not including those along the Birdsville Track, found a total of only seventy-seven Aborigines employed. Of these, one only was a woman, five were young girls, and four were youths. The estimated population of this area, excluding the North-West Reserve (the South Australian part of the Central Reserve) and Ernabella Mission (which together would have about 600), was 931, a figure based on the estimates of the police sergeant at Oodnadatta. Of these 895 were stated to be of full descent. The employment of seventy-seven only may be partly accounted for by the fact that six of the twenty-five stations were issuing rations supplied by the Department. The wages indicated ranged from nothing to £20, and although just under half those

\[8 \text{ Australian, 8 October 1965.}\]
employed received £4 weekly or less, the average could have been round £7. But this is probably a very optimistic estimate of the position, amounting to a rough average of payment to essential workers with established skills. Management could afford to ignore use of cash as an incentive for the others at the ration points, even though the total cost of rations was out of all proportion to the work obtained. Very inefficient labour of this kind is not really cheap labour if the management has to pay for the rationing. When government pays for it, there is no incentive for management to experiment with the money wage.

In South Australia, Queensland, and the Northern Territory, payment of the low pastoral wage or non-payment has been made possible partly by the low wages on the reserves, whether these were paid by governments or by impecunious mission organisations. Conditions on the reserves were often, and may still be, comparable with or even worse than those on the pastoral stations, though of recent years a greatly increased investment has been made in housing and services. On the more highly developed South Australian Aboriginal stations, housing, medical services, power and fuel were provided, and the cost of food was subsidised. The wage was then a small incentive for institutional work. After a preliminary experiment on the Coober Pedy Reserve, involving the refusal of rations without some work, and reasonable payment for work done, the government announced a new policy of 'reasonable' wages in 1964, with a minimum, for a full week of forty hours, of £12, described as a 'training' wage. Under the new system rent was charged. The policy involved removal of 'special concessions and ... progressively increasing wages' to an extent which by 1966 was making some of the older reserves more attractive than outside employment with much higher rents, and had brought the cash wage within $2 of the basic wage. One reaction, common to people who have not learned to think in other than subsistence terms, was to cut down the working time. But in the long term, the wider range of expenditure made possible by conversion of all payments to cash is likely to develop additional needs. The effect of institutionalisation may remain for a time, but on the recommendation of the new Reserve Council of the Davenport Reserve, at Port Augusta, the reserve wage had by 1967 been raised to the basic wage.

9 Figures supplied by Department of Aboriginal Affairs, and dated 9 September 1965.
Higher cash wages on reserves, in the outlying areas, may already have had some effect on wages in station employment. The system had not yet been introduced to the North-West Reserve in 1967 but it operated at Koonibba, west of Ceduna, and this may have had some effect on what have been possibly (though there are very few of them) the most isolated pastoral stations in the continent, strung along the Bight, and extending to the Western Australian frontier. (The completion of the new road across the Nullarbor Plain was by 1967 bringing this isolation to an end.) Here, as in the far north of the State, the sheep stations east of the great Yalata Reserve, and the cattle stations to the west of it, have employed Aborigines for a long time. I have no statistics of wages or employment. The missionary at Yalata in 1965 had organised the export of Aboriginal artefacts, one of the effects of which had been to create a source of cash other than pastoral employment. He was then able to insist, when managers applied to him for workers, on a minimum rate of £3 per day, and this was causing some tension between the mission and the stations. The Department of Aboriginal Affairs was in process of taking over the management of the Yalata Reserve and this would inevitably lead to construction of homes and service buildings. (The Aborigines were still living in wurlies in 1965.) It is for this construction that the higher wages were being paid. Possibly the danger of a separate Aboriginal station economy can be avoided by ensuring real training and movement of wages up to award rates. But what would happen when this construction work was completed?

It seemed inevitable that, with equality in wage and unemployment benefits (which must follow amendment of the pastoral award) the drift into the newly industrial region of Port Augusta as the point of entry from both north and west would be accelerated. As the Minister for Aboriginal Affairs stated in 1965, the hope of an Aboriginal adjustment to change in their own country must depend on their access to real economic resources there; and this was probably a prime reason for his effort to obtain mineral rights for the inhabitants of reserves. 'If we are to provide the opportunity for Aborigines to become an integrated group within South Australian society and still retain what is valuable in their tribal culture, we have to create in the North and Far West the basis of a viable economy, which will maintain them at comparable wage standards with the rest of the community and provide adequate education for their children.'

In establishing the Aboriginal Lands Trust and the Reserve Councils,

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the government has at least given itself a means of discussion with the people, while for the people it is a means of expressing choices, and the incentive to make the most of their resources. There is also a possible regulatory mechanism for attempting whatever changes may be necessary from their point of view. Perhaps the Aboriginal company may prove to be one means by which much of value in the Aboriginal tradition may be retained, wherever the workers and their families have to go for work, along with rights to the lands which remain in the reserves. The pilgrimages to the sacred places have, in most cases, become a break in the year which is spent mainly round the institution or rationing point. Even if most employment has to be elsewhere, the places on the reserve should now remain, for holidays, recuperation, and renewal of traditions.
Aboriginal wages and working conditions were publicised, at the time of the N.A.W.U. case, as national issues, and the decision of the Commonwealth Conciliation and Arbitration Commission announced early in 1966, in spite of the counter-arguments to which we have referred in Chapter 10, made wage equality inevitable in the pastoral industry elsewhere.

The general conditions of Aboriginal employment in the Territory up to the end of World War II have been described in The Destruction of Aboriginal Society. One effect of the war was to pose the question of Aboriginal wages as a serious issue in the Territory. J.W. Bleakley, the Queensland Chief Protector, reporting on Territory conditions in 1928, had recommended the payment of wages from 5s to £1. He criticised both the fixed wage of 5s and the fact that pastoralists were often paying no wage at all (though he found what were for the time substantial cash wages being paid on the Barkly Tableland and on some stations round Alice Springs). In the subsequent discussions, the resistance of employers, and the common belief that Aborigines would merely waste their money prevailed. An understaffed Chief Protector’s office in the Territory, with low priority, and the need to persuade employers, who could not be coerced, to maintain the non-working station dependants, meant that while the town wage of 5s was theoretically maintained, it was not enforced on the pastoral stations. The theory was that pastoralists were excused in return for maintaining the dependants. The Chief Protector concentrated on the situation of the part-Aboriginal, of the town employee and of the drover, who was especially open to exploitation because of the nature of
his calling. From 1933 the station managements had to contribute to a medical fund for their Aboriginal employees. The permit system was reinforced with a contract system for droving and town employment, and in the town districts the Queensland system of trust accounts was used. Under this system the worker, paid nominally at the rate of 5s, received 3s 'in the hand' as well as rations, clothing, and shelter. He had a bank account, subject to the same control of withdrawals as in Queensland.¹

This was the fixed cash wage when the armed forces moved into the Territory in the war years. But while they paid at this rate, they also kept dependants, and issued the normal army ration. As a result, even the Administration had to pay 30s and keep. But for those on the stations things were much the same, as a war-time research project conducted by R.M. and C.H. Berndt indicated. Beef production was allocated high priority with the prospect of a long war against Japan, and an investigation by the Acting Director of Native Affairs in 1945 resulted in his recommending higher cash wages in pastoral employment.

But the war ended suddenly and the matter was not proceeded with until a conference of pastoralists and government representatives agreed in January 1947 on a cash wage of 12s 6d per week, rising to £1 for those with three years' experience, with an increase of 2s 6d per week after each year of service, up to the maximum. Drovers with plant were to receive £1; with stock, £1 15s. It was agreed that accommodation should be 'adequate', with separate quarters for married persons. There was to be a tobacco ration of 4 ounces weekly.²

An important special circumstance is that in the Territory there was a long tradition, embodied in much of the special legislation, that those defined as half-caste received separate treatment. It was noted in the agreement that these rates were for 'full-bloods' only; that the half-caste, freed from restrictive laws at the age of 21, 'would be a member of a union'.³ The legal regulation of status was much more complicated than this, as we have seen. The distinction makes comparison of Northern Territory conditions with others difficult, because in the other cases we are dealing with a wider range of persons, including part-Aborigines to whom the employer is likely to pay more. It does not mean of course that station-

¹ For details and references, see The Destruction of Aboriginal Society, especially Chapters 15 and 17.
² Commonwealth Archives, files 50/294, 46/1879, and 46/462.
³ Commonwealth Archives, files 50/294, 46/1879, and 46/462. For details of this legislation on the status of the half-caste, see The Destruction of Aboriginal Society, Chapters 13 and 15.
employed part-Aborigines have in fact been paid at award rates. They would have to be union members, and they would probably require the cosmetic advantages of some obviously European descent to be paid above the Aboriginal rates.

But in any case the draft regulations to introduce these changes were not gazetted until June 1949. In the meantime, the Commonwealth Conciliation and Arbitration Commission in 1948 dealt expeditiously with the first application by the North Australian Workers' Union to have Aborigines included in the operation of the Cattle Station Industry (Northern Territory) Award. Conciliation Commissioner Portus rejected the application on the ground that the matter was one for the Administration and referred to the previous year's conference between the Administration and the pastoral associations. In a later judgment he stated that 'The union claims that Aborigines should not be excluded from the operation of the award. It is unnecessary to consider the merits of this claim as in my opinion I have no power to fix rates for Aboriginals as this is a matter covered by Regulations under a Northern Territory Ordinance'.

By 1965, when the next application by the same union was heard, no question of the Commission's power was raised, although the wage-fixing efforts of the Territory's Administration had gone much further—an indication of how changes in public opinion may affect the application of the law. In 1951 the issue of equality was being rather spectacularly raised by Actors Equity, in the case of Aboriginal extras in film-making in South Australia, and the same pressures for equal payment for equal work have had their importance in publicising the situation since then as Aboriginal artists and their work have been introduced into the capital cities. But the standard rate of £1 per week for the experienced cattle worker remained from its gazettal in June 1949 until regulations under the Wards' Employment Ordinance of 1953 finally appeared in August 1959, nearly six years after assent to the Ordinance. During this period the basic conditions of employment continued to be those under which the employer operated on a general licence to employ Aborigines, to be applied for each year, and made a six-monthly return of employees—conditions which had

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4 See ibid., p. 338.
6 SeeAdvertiser (Adelaide), 24 August 1950 and Age (Melbourne), 18 January 1951.
7 Northern Territory, Wards' Employment Ordinance 1953-1959 and Wards' Employment Regulations 1959. The Ordinance was not proclaimed until 1959.
been established back in 1918. From 1933 the Queensland system of trust accounts had operated, under which a portion of the money wage was paid over to the local Protector. With the payment of cash wages in the pastoral industry, the system had automatically been extended beyond the towns and into the pastoral areas. But according to the 1949 Regulations, the whole cash wage of the pastoral worker had to be paid to the Protector.

With illiterate workers involved, the same risks of malfeasance existed as in Queensland. This system indicated the continuation of the pre-war government obsession with protection: the concern lest the Aboriginal should squander the little money he did get, especially on alcohol. One cannot but agree with the logic of the remark, in 1952, of Yvonne Nichols, that while the money could be spent on such things as the Aboriginal wanted and the Director or Protector approved, often the Aboriginal is unaware of how to set about getting such approval, quite apart from the fact that a request might be rejected out of hand. However, it is interesting to note that the Director or Protectors may themselves expend the money on behalf of the Aboriginal... Many Aboriginals live, and die, in discomfort and hardship, unaware that their plight could be relieved by withdrawals from their trust accounts.

In any case, the isolated station store made inevitable a truck system, so long as the Protector was willing to approve purchases by employees.

There was now a prescribed ration of eight items: beef, flour, the usual sugar and tea, jam or syrup, potatoes or rice, onions or peas, but no fruit or greens. Yet this was a great advance on the earlier ration, supplementary to game which was no longer available, so long as it could be policed. As most Protectors were police officers, this was not generally the case. There was the usual problem of such inspections, where the inspecting officer by tradition stayed at the station homestead on his visits. There were also provisions for accommodation (but not clothing) as part of the conditions of employment, but such provisions from then until the N.A.W.U. case remained largely a dead letter, although there had been an expanded recruitment of patrol officers for inspection and other work. Wives and children were entitled to rations: the working wife to 7s weekly. The unmarried female worker was entitled to rations, accommodation, and

8 Northern Territory, Aboriginals Ordinance 1918, Part IV.
9 Northern Territory, Aboriginals Ordinance 1933, Section 29A.
10 Northern Territory, Aboriginals (Pastoral Industry) Regulations 1949, Section 5 (1).
10s a week. This was the protection of the work force on which the Territory’s cattle industry mainly depended, especially for the stock work of mustering, branding, and droving, and for domestic work.

It is fair to say, with the background of the evidence we have already considered, that the pastoral manager had not been disturbed from his long-standing position in control of working conditions. The Aboriginal work force had not been effectively released from peonage although change was obviously, if slowly, on the way. The assumed needs of the cattle industry remained the basis for overall policies. I say ‘assumed’ needs, because efficiency in production cannot be developed in a system so obviously lacking in incentives.

At the same time, what had been rationing points before the war or during the war years were being developed into settlements on the Queensland pattern, to supplement the mission settlements as holding points. Until the proclamation of the assimilation policy these were not stated to be centres of training for assimilation. Thus the Report of the Administrator for 1948-9, in the section on Native Affairs, mentions the economic attraction of the towns into which the old drift from the reserves was continuing. The practice was to return Aborigines where possible to the reserves, and there is discussion of a scheme to establish trade stores on the reserves to keep them there.12 (Probably they would have been more likely to increase the desire for money, and to stimulate movement to the towns.)

There was a special circumstance basic to the whole attitude and organisation of the pastoral industry in the Territory and in the Kimberleys, which still operates. This is that a very large proportion of the total pastoral holdings are under lease to absentee companies. According to J.H. Kelly in a report made to the Commonwealth Bureau of Agricultural Economics in 1952,

a large proportion of the occupied areas of the Kimberleys and the Northern Territory is held, in aggregations of holdings or single holdings, by non-resident (absentee) pastoral companies, the greater part being in aggregations of holdings. In the Kimberleys such lessees hold approximately 50% of 55,000 square miles of usefully occupied cattle country, and in the Northern Territory 39% of 248,000 square miles (including country held under grazing licence).13

Most of these very extensive holdings were being run on the open range system, which suggests that long-term capital gains rated high in the plans

of the lessees. But this system, as Kelly pointed out, is notoriously destructive of grasses, and likely to cause heavy erosion in the absence of proper herd controls.

A developmental program involving the construction of fences and yards would have required incentives for the development of skills in the work force, and at least an initial heavier demand on manpower. Lack of markets for beef must have been a major reason for continuation of the open range system. A consequence is that reclamation of the land in some areas may be a necessary accompaniment to rehabilitation of the Aboriginal work force, as in the case of the Navaho Indian. With this kind of economic background, especially where large overseas companies take little interest in the distant details of management, even a capable and well-meaning manager may accomplish little. The point is that the Department of Native Affairs, with its low priorities on the Commonwealth scale, where company-to-government consultation might decide the whole basis for the main industry, could do little to influence the hard economic facts which involved the special interests of the big absentee companies. The potential for employment seems to have been less than it might have been.

It might be argued that there were marketing difficulties facing the beef industry at least until recently, with the absence of capital works such as beef roads and processing and export facilities, and this has to be conceded. Queensland experience had shown the economic advantages of the comparatively small-scale enterprise. But the Queensland situation involved advantages of closer markets and developed sea ports. A logical approach would have been small-scale enterprise geared to sustain not a European-Australian, but an Aboriginal-Australian standard of expectations at the managerial level. With such an objective, the then Department of Native Affairs could have offered incentives for its work activities and begun to train for the more specialised pastoral occupations in real situations, with the healthy challenge of re-building an industry—just as the United States Indian Bureau and Department of Agriculture have been doing for a long time in the Navaho country. One has only to state this for the political difficulties to be obvious. Yet, without it, the settlements inevitably developed as rationing points in places where there was little potential, often not even adequate water: not as enterprises which could even pretend to be productive, but as institutions for unwanted people.

The lack of interest by the big companies in improvements at this time and the failure of governments to enforce them (even in the case of Aboriginal workers' housing) were factors which limited the work
opportunities, and led to a corresponding increase in the numbers of those who had to be kept on the reserves—since the more logical measure of keeping them in the towns and housing and feeding them there would have appeared, over a decade ago, even more impossible politically than it does now. It has been somewhat ironical that the effectively applied humanitarianism of the Native Affairs Department and subsequently of the Welfare Branch (for these have been, after all, engaged in humane endeavours in the most difficult situations), even if sometimes at the level of sound animal husbandry on the reserves, has resulted in a very rapid increase in this 'problem' population. It is at least interesting that the same Commonwealth government which a few years ago was anticipating a land settlement scheme for New Guineans in New Guinea to cost $200 million was to invest so much in the Aboriginal settlements in the Territory, without any scheme for establishing Aborigines in the cattle industry, even though the logic of development seems to require the settlement, on smaller holdings, of local residents already established in the area.

By the time of the 1949 wage-fixing regulations, the demand for money appears to have become almost universal. The war years must have extended the range of needs which could only be satisfied by a fuller participation in the cash economy, on the fringes of which the Aboriginal, in employment or on the fringe of an employment situation, had with few exceptions been halted for so long. Commenting later on the N.A.W.U. case Stanner wrote that

"Among all these people there is undoubtedly a money-hunger. If the experience of anthropologists is any guide . . . the hunger runs far beyond the recognized employment sector. It is just as noticeable among the 11,500 Aborigines who are officially described as being 'in contact' with missions and government settlements and depots. In the course of my own fieldwork I have been made sharply aware, since the early 1950's, that there has been a steady build-up of demand for European goods. It is largely an ineffective demand simply because there is so little money to back it up. The kinds of work which are available in such places, and the more or less token rates of pay given for such jobs as exist, barely contain the pressures. The traffic in aboriginal art and curios is one of the evidences of what is afoot . . . If the money-hunger is not already Territory-wide, it can scarcely fail to become so very soon. Nothing is more likely to have this effect than the knowledge that, somewhere, some aborigines are on full European rates of pay. The news will run like wildfire and much rumour will run before it."

It was possibly in the period just after the war that the North Australian Workers' Union learned the lesson that once the Aboriginal began to

press for higher wages, and to develop skills approaching those of union members, the conditions of all workers must be regarded as indivisible. There was an interesting dispute in 1949. The Director of Native Welfare was anxious to have Aboriginal workers in skilled and semi-skilled employment, at the highest wages possible; and Aboriginal construction and maintenance workers were being employed, mainly by contractors, in Darwin and Alice Springs, at much higher than the Aboriginal pastoral or urban wages, but for less than those of tradesmen and union members. The Union was opposing this employment as 'exploitation', stating that its members could not get work. From the point of view of the Director of Native Affairs, this kind of employment offered a real opportunity which the urban wage did not.15

After the war, and pending the completion of buildings on the Bagot reserve closer to Darwin, many of the Aboriginal town workers of Darwin had been housed under quite grim conditions in the Berrimah Compound, south of the town.16 The town wage just after the war had been 30s, of which £1 went into the trust account. This wage, and the conditions at Berrimah, appear to have led to the first strike, of domestics and town workers, in February 1947, and the demand for a minimum wage of £4 10s, with a higher proportion of cash in the hand.17 Conditions at Berrimah were certainly bad, as I saw in 1949. But there was a new spirit also, after experience of better working and living conditions during the period of occupation by the armed forces.

At some stage after the dispute with the Department of Native Affairs, the North Australian Workers' Union appears to have made contact with some of the Aboriginal leaders from the two reserves at Bagot and Berrimah. In November 1950, 200 of the workers resident at Berrimah refused to mount the trucks which took them daily into Darwin to their work (and one night each week to sit in the front seats at the cinema), demanding in a written document handed over by one Lawrence, the spokesman, a weekly cash wage of £7 for both men and women. Complaints again included the conditions at Berrimah. The press quoted a remark by a government officer that the written document was 'certainly not written by a native'.18 The first strike had lasted a day. This one lasted for two, collapsing, according to the press, when strikers were denied transport into the cinema.

15 For details of this dispute see Herald (Melbourne), 17 August 1949.
16 At this time, the huts for non-Aboriginal workers in Darwin were poor enough, and the site popularly known as 'Belsen'.
17 See Herald, 3 and 4 February 1947.
18 Advertiser, 28 November 1950 and Argus, 30 November 1950.
But leadership was being developed, and there was yet another strike in January 1951, for the same wage, with the right to maintain themselves from it without the withholding of any portion; and there was also a general demand for equal rights. Eight of the leaders, in an attempt to extend the strike, went round private places of employment, where cash wages were generally lower, but other conditions better for those who lived there. Lawrence, again the spokesman, complained of the food and conditions at Berrimah, and the leaders made public contact with the office of the N.A.W.U. In a manner reminiscent of the march by the Pindan strikers into Port Hedland, a march was begun from Berrimah into Darwin, but was dispersed by police. Two of the leaders, Lawrence and a police tracker, were arrested. At the end of a few days this strike action also had ceased.19

The collapse was partly due to the lack of recognised leadership. The reason for the attempted march on Darwin was stated to be to coerce those who had remained in their employment in the town. Hardly had this second strike ended than yet another began. The charge against Lawrence, of having used threats to prevent other Aborigines from working, had been withdrawn, but was renewed. The N.A.W.U. stated that if the Department withdrew rations, it would supply them. Lawrence was sentenced to four months' imprisonment. The Union appealed, apparently without success. There was talk in the southern press about Communist and other sinister influences in the N.A.W.U. Lawrence was stated to be saying things about white men from his cell which shocked the constable.20

Lawrence's place was taken by Fred Waters, said to be earning the basic wage in employment at the Darwin Stadium. After a conference with other leaders, he announced that future statements would come from the Union office, but there was yet another one-day strike without notice. This tall poppy also was lopped by the Director of Native Affairs, an action for which orders would have to have come, in view of the wide publicity being given to the new phenomenon of striking Aborigines, from 'higher up'. The method was to use powers under the Ordinance to remove Fred Waters from Darwin to Haasts Bluff, some 1,200 miles away. The Union tried a writ of habeas corpus without effect. The Department spoke of conditions at Berrimah as the cause of 'trouble' and promised

better things when all were at Bagot, though conditions at Bagot had been stated as one of the causes of the latest strike. Aborigines would not, according to a press report, be able to get out of Bagot to get into trouble in town as they had from Berrimah.

The Minister for the Interior, stating that the removal of Waters had been a 'local decision', defended it as in the 'best interests' of the Aborigines, whose pay and conditions had been 'reasonable'. It was essential to prevent men like Lawrence and Waters from upsetting the 'natives': the strikes had been part of a Communist plot for 'general industrial disturbance'. But the 'natives' were restless, and as a protest refused to stage the usual corroboree for some American tourists visiting Darwin. Though an application by the Union for an injunction to restrain the authorities from keeping Waters at Haasts Bluff had been rejected by the High Court, Waters was returned to Darwin at the end of March.

Comment by the Melbourne *Argus*, when these events had passed, probably reflected informed opinion at that time. Its Darwin correspondent reported the local view that higher wages would only increase gambling and drinking. He stated that until the first strike, clothing and food issues were well below the standards set in the Ordinance and that Berrimah had a poor reputation. He thought that while the Aboriginal worker was said to work little, he was matching his output to the wage. This was precisely the argument put by counsel for the Union fourteen years later, when the pastoral workers' wage was being discussed before the Conciliation and Arbitration Commission.21

The re-locating, as 'trouble-makers', of potential leaders was to remain a strong weapon against the evolution of leadership, which under all the circumstances of institutionalisation, and of the dependent situation on pastoral properties, could only emerge in protest against imposed authority. It may be safely assumed that the news of what had happened in Darwin became widely known. Yet there was no strike in the pastoral industry comparable with that in the Pilbara until the series of 'walk-offs', in the Pindan manner, which followed the decision of the Conciliation and Arbitration Commission to defer application of the award for three years, in the N.A.W.U. case of 1965-6. Stanner has nicely made the point that there was no real Aboriginal testimony heard in that case but a great deal of 'testimony about Aborigines by Europeans'.22 He made the further point that there was a technical 'dispute' in the 1965 case, not because of a strike, but because the Union applied to the court.

22 Stanner, op. cit., p. 43.
Not enough is known about the situations on the widely scattered pastoral properties. But resentment may be expressed in ways other than organised strike action. One likely way is in a deliberate limitation of output, which in a more sophisticated situation may take the form of 'go-slow' tactics or 'working to regulations'. This raises some basic issues of causation, for the resultant levels of performance may then be used as illustrations of how the worker is conditioned by his 'cultural' background; and the argument used that there is a low per capita output, and that this is due, in the words of counsel for the pastoral lessees, to 'tribal elements'.

The stated aims of all Aboriginal administrations included the improvement of working conditions and rewards. But common among official assumptions was one that low Aboriginal productivity was not likely to be removed through new incentives. As late as 1948, Queensland still supplied the model for other administrations in conditions of work. In that year there had been a conference of the Commonwealth and all States but Tasmania and Victoria (which was at that time claiming to have 'solved' its Aboriginal problem). With the representative of Western Australia abstaining, the others agreed on the payment of cash wages, part at least of which should go direct to the worker; and that 'so far as practicable, uniform wages and conditions of employment should obtain in the pastoral areas of the Commonwealth'. But this was not meant to imply payment of award wages. The minimum was to be the wage agreed to in the Territory between government and pastoral lessees in 1947, and the aim of reforms was that 'the payment of wages should be increased progressively until the standard obtaining at present in Queensland is reached'.

From this official point of view, the 'interim policy' proposed by Yvonne Nichols for the Australian Council of Civil Liberties in 1952, for award wages and full entitlement to social service benefits, could appear dangerous radicalism. Official expectations and aims remained limited, in spite of the proclamation of the 'assimilation' policy. There will always tend to be a vested interest in the status quo, held by those who have learned an established way of doing things, and who claim some kind of expertise in that way. On this basis there could develop an uneasy alliance between the welfare authority and the employer.

This was the immediate background to the Welfare Ordinance of 1953, under which the new category of ward was created to replace that of Aboriginal. By not including them in the definition of ward, the Ordinance

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24 Nichols, op. cit., p. 35.
freed the part-Aborigines of the Territory from legal restraint, and made them legally entitled to non-Aboriginal conditions of employment. Proclaimed at the time as something of a new deal for the Aboriginal, this Ordinance was really one of the last big efforts to use authoritarian legislation to control the processes of social change. (The other was the Queensland legislation of 1965-6.) The ward was to be declared, with careful provision in the Ordinance (without mentioning the word ‘Aboriginal’) to ensure that none but Aborigines could be wards.\(^\text{25}\) This was done by use of the Territory’s Electoral Regulations. There was provision for the establishment of a basic Register of Wards.

The powers of the new Director of Welfare over the ward included everything necessary to control his movements and the law required that the ward remain where the Director put him. The Director was also the guardian of all wards as though they were children. He had the power to manage their property as trustee.\(^\text{26}\) This was to be the basis for a much tried type of program, which had failed monotonously for decades, of training before rights. There was an increased emphasis on containment in institutions. As a measure to prevent non-Aborigines from disrupting tribal marriages by enticing women from their tribal husbands, the Director was given power to refuse consent to a person other than a ward who wished to marry a ward.\(^\text{27}\) When the much publicised case of Michael Daly and Gladys Namagu (already tribally married) came up in 1959, it looked superficially like the older policies of attempting to control and limit the part-Aboriginal population. It was a genuine attempt to use government authority to protect the authority of indigenous custom. Nothing could better illustrate the need for new institutions within which Aboriginal decision-making might develop. Changes introduced in the Ordinance were basically in terminology and in expressed purpose. The same kind of official would manage the same people in the same way, but it was now all for ‘assimilation’—a term which was to be much explained, questioned, and re-explained, until it began to fall out of fashion a decade later.

The Commonwealth Minister responsible was P.M.C. (now Sir Paul) Hasluck, a long-established critic of protective-restrictive laws in Western Australia. He had indicated his intentions at the first meeting of the Australian Council of Native Welfare (consisting of the responsible Ministers of Commonwealth and States) in September 1951, shortly

\(^{25}\) Northern Territory, Welfare Ordinance 1953, Sections 14-16.
\(^{26}\) Welfare Ordinance 1953, Sections 17-25.
\(^{27}\) Welfare Ordinance 1953, Section 67.
after he took over his responsibility as the first Minister for Territories. Rather than use the established practice, in accordance with which Aborigines, as defined, came under the legislation, with provision for exemptions, he intended to establish all Aborigines as citizens and then to bring those who needed protection under laws which would also apply to non-Aborigines who shared such needs. But the Welfare Ordinance was a long way from the principle of need irrespective of race, though the Director had certain general welfare functions. I do not know what political difficulties intervened between intention and Ordinance but local resistance to any measure which might result in the 'declaration' of a white man as a ward would certainly have been strong. In the event, the determination of need was a blanket affair, of 'declaring' and registering 'full-bloods', except a few who had established themselves in sound economic circumstances, and a few who were overlooked. Thus the Ordinance was a somewhat devious way of freeing the half-caste, and clamping the full weight of long-standing restraints of the traditional kind on the Aboriginal, now become the ward, without any definitions in racial terms. The intentions were good and the drafting semantics ingenious.

The whole plan assumed more, from the passing of laws and from tuition in a situation of tutelage, than was at all realistic. The Aboriginal was conceived as on the march to citizenship and to that 'assimilation' which each of the Ministerial participants in the Council of Native Welfare seems to have interpreted to suit his own or his government's views. There was a notion of tuition as the effective method of producing social change to suit the Ministerial blueprint, which begged many questions, especially, in the light of some of the things we have just mentioned, that of motivation. The eventual complete withdrawal of this Ordinance must be taken as an admission that it was a venture in the wrong direction. But for the decade after 1953, the Ordinance justified bigger and better institutions, and stricter controls.

This formed the basis for the equally well-intentioned Wards' Employment Ordinance of 1953. In this the careful provision for 'wards-in-training', under which the Director could provide two-year courses preparatory to apprenticeship, and then arrange apprenticeship, could maintain 'training centres' (which in practice were the settlements), train for certain callings in departmental establishments and award 'certificates of competency', also begged the question of motivation. It begged the other question of prejudice, which inevitably was to limit real 'training'...
opportunities outside the institutions, and that of the shortage of the necessary skills for such tuition. It could, and often did, too easily become extremely difficult to train for anything on the settlements and missions. The resources of the Territory were certainly not such as to provide effectively for a separate system of technical training, or other training to earn money (which may have aroused more effective motivation). Good technical and other training for both races, including special attention to training on the job, would have presented extremely difficult problems. But the attempt, on the basis of old assumptions that a separate scheme was somehow ‘suitable’, to ‘train’ separately, simply dodged the main issues, and inevitably resulted in expensive efforts which tended to be geared, in the absence of practically useful training opportunities, to teaching the unwilling wards on the settlements to live like whites. They were being ‘trained’ for ‘assimilation’.

Yet, within itself, the provisions of this Ordinance on training are logical enough, given, of course, the necessity for separate and authoritarian institutions. It is easier to look back and see the direction in which much expensive effort may have been wasted than to say how, in all the political and social circumstances, something different could have been attempted. Perhaps the withdrawal of the Welfare Ordinance in 1964, along with the decision of the Conciliation and Arbitration Commission in 1966, which brought the Wards’ Employment Ordinance into the position of an outmoded and interim measure, after millions had been spent on this effort, will be seen in retrospect as concluding a final expensive lesson—that new and open institutions are needed and they must offer realistic hopes of material advantage.

The Ordinance created a category of wards-in-training for wards over 14 years, for whom the Director might arrange training in centres under his own control, or in other institutions, with a general limit of six years. In addition a ward-in-training might be bound in an agreement of up to five years’ duration to an approved employer. This latter case reminds one of the origin of the colonial ‘indenture’ system, except that the intent expressed in this Ordinance may have been more honest than that implied in the use of the term ‘indenture’ for the long-standing colonial legislation. Yet I cannot find in either the Ordinance or the Regulations (which did not appear until 1959) any provision that the Certificate of Competency would entitle the ward to other than the ward’s wage. Nor was economic achievement or earning skill made a special ground on which a ward

30 Wards’ Employment Regulations 1959, Part IX, Regulation 46.
might appeal against his *ward* status. Yet he ceased to be a ward automatically if he married someone who was not a *ward*.\(^\text{31}\)

A licence was required to employ a *ward*. It could be granted by a welfare officer but, if he refused it, application could be made to the Director. A licence could be cancelled, subject to the same right of appeal. Provision was made to continue the trust account system, with the Director having the power to determine the amounts paid into the hand, and into the bank account. While the Ordinance envisaged the possibility that some *wards* might receive award wages, there was to be established a special wage. The ‘enticement’ of a *ward* to leave his employment was an offence and this could have operated against an employer who attracted labour from another employer by the offer of higher wages. Separate workers’ compensation arrangements were established.\(^\text{32}\)

If one looks at this as transitional legislation, obviously a great deal was to depend on the wage proclaimed and on the subsequent effectiveness of the system of inspection established. Of importance also were the conditions of work other than wages, which were also to be established in the Regulations. It should be noted here that the Welfare Ordinance had repealed the old Aboriginals Ordinance which had stood, with some eighteen amending Ordinances, since 1918, so that from the date of proclamation of the Welfare Ordinance, in May 1957, there could be no legal basis for prosecution of a defaulting employer (since there were no legally established conditions of work) until the proclamation of the Wards’ Employment Ordinance and the Regulations late in 1959.\(^\text{33}\)

This brings us back to the crux of the employment problem, of whether the assumed needs of the cattle industry (which remained of course the chief employers’ interest) or the integration of the Aboriginal into the cash economy was to have priority. Some indication of the effectiveness of the pressures from the employers may be gained from a glance at an amendment to the Wards’ Employment Ordinance before it finally became law. This provided that an employer might pay less than the ‘prescribed wage’ to a ‘slow, aged or infirm ward’ and a wage exceeding the prescribed wage to a ward ‘who has attained such a standard of proficiency as justifies’ the higher wage. In both cases the determination was


\(^{32}\) Wards’ Employment Ordinance 1953, Sections 40-50.

\(^{33}\) See *Northern Territory Gazette*, 26 August and 16 September 1959, the effect of which was that this legislation came into operation as from 1 October 1959. The delay in bringing the Welfare Ordinance into operation appears to have been partly due to the problems of compiling the Register of Wards.
to be made by the employer and the welfare officer by agreement. There was no safeguarding cross-reference to definitions of the 'slow worker' established in the general industrial legislation; therefore the ward's wage could cease to be an effective minimum. But the other implication was to rule out the possibility that demands for labour might raise wages above the minimum; though it is doubtful whether in practice any legal restriction could have operated to keep wages down. Probably good managers could continue to use the wage as an incentive. Yet any bargaining by the ward on his own behalf was at least discouraged by this amendment.

With Aborigines making up round 80 per cent of the total pastoral work force, considerable sums were involved for the big pastoral firms and one can only guess at the negotiations between these interests and the Department of Territories prior to proclamation of the Wards' Employment Ordinance and Regulations. Access of the big firms direct to the metropolitan government, by-passing the local administration, has tended to be a feature of the politics of all colonial administrations, and this is perhaps one of the continuing justifications for attributing to the Northern Territory some of the features of a 'colonial' situation. The process was, in fact, nicely illustrated by a Department of Territories statement in 1958, that the draft Wards' Employment Regulations 'have been the subject of conferences and negotiations with representatives of employers, with pastoral, mining and other commercial interests and in many respects represent the views of both the Administration and employer associations on the conditions of employment . . . of Aboriginal wards'. Is it fair comment that here is no reference to trade unions, nor to Aborigines?

But in the meantime, the wage in the pastoral industry stood, throughout the inflation of the 1950s, as it had been fixed in 1949, on the minimum of £1 per week for the cash portion. The schedule of wages established for wards in September 1959 fixed what amounted to a base wage of £2 per week for males and £1 for females. The municipal wage was increased to £3 10s which seems to have been an adjustment to that paid by the armed services over some years, and used as the basis for negotiations with urban employers since 1956. The base rate for drovers was £5 with stock, for underground mining (from which wards had been excluded) £6, building £5, and pearling £4.

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34 Wards' Employment Ordinance 1959, Section 5.
35 Department of Territories, Progress towards Assimilation, Canberra, 1958, p. 20.
37 Northern Territory Gazette, 16 September 1959.
Except for drovers, the minimum wages in the pastoral industry, where the great mass of privately employed wards remained, were thus fixed at £2 for men and £1 for the women, on whose domestic labour most of the larger station homesteads had always depended. There was a further adjustment, in 1962, bringing the base rate for men to £2 8s 3d and for women to £1 5s 3d, which were still the rates at the time of the N.A.W.U. application to the Conciliation and Arbitration Commission. It is worth noting that by 1963 the armed forces minimum rate for wards had reached £6 plus 15s.

These cash rates were, of course, to be supplemented by food, shelter, and certain issues set out in the Regulations. There is always the danger of looking only at the cash portion of the wage in this kind of employment, where each individual case is assumed to be under government supervision. An important condition of employment was that the employer must pay to the ward, in addition to the wage, a clothing allowance of 15s per week, which would in most cases be spent at the station store.38 Though this was organised mainly as a book entry, it brought the minimum payments expressed in the Regulations as money payments to £3 3s 3d for men and £2 0s 3d for women. This had occurred after a period of considerable inflation, so that it is doubtful whether the increased rates had added anything to the purchasing power of the cash component as it stood in 1949. Between 1951 and 1965, the Cattle Station Industry (Northern Territory) Award for the ordinary stockman had risen from £1 17s 1Od plus keep to £11 2s 6d plus keep to the value of £5 5s 8d. (But with the high labour turnover, this white stockman’s rate seems to have become almost a fiction, with very few working for it; the real wage was substantially higher.) This made a total of £16 8s 2d. One 1965 estimate used by the Conciliation and Arbitration Commission, of the total cost of a ward to the employer (including issues to one wife and one child, but excluding accommodation) was £7 12s or about half the cost of an employee on award wages. Counsel for the pastoralists gave another, of £11 3s 3d, early in the case. No doubt because it was certain at least that a minimum total wage would not be reduced, the higher estimate was not pressed.

The apparently niggardly adjustments meant, of course, substantial additional costs for employers on the large scale. The obsolete labour relationships were deeply rooted in the history of the cattle industry. Writing of his experiences in the 1930s when the industry was in the throes

38 Wards’ Employment Regulations 1959, Regulation 24.
of the depression as well as struggling with the typical problems of the northern and central frontiers, Professor Stanner stressed the fact of mutual dependence between black and white at that time. Sometimes, though rarely acknowledged and often denied, it was a primary fact of Territory life, and the generation of men I met there in my early work were as they were because of half a century of that relationship. Black and white were structured into the build of the Territory, particularly its cattle industry, like the bends of an old tree—one that is now ninety years old. You can cut out the bends, but you will have left only a stump.39

Perhaps the men he remembers best were the 'battlers' on the comparatively 'low-capital pocket-sized stations of 100,000 to 200,000 acres' rather than those managing the 'high-capital, king-sized stations of 3, 4, or 5 million acres of grassland or low-level scrub'.40 But he has made very clear that the problem of modernisation, inevitably posed in the wages issue, must involve profound changes in what he calls the 'marginal social life' of the Territory.

The conditions of employment established for wards fixed pay periods, provided for proper recording by employers of wages paid, and fixed hours of work in accordance with the award. There were overtime payments, two weeks per year recreation leave and one week's sick leave, clothing, food and tobacco issues in accordance with scales laid down for the ward and for one wife and one child without deduction from the cash wage. Accommodation and its siting, water supply, garbage disposal, were all regulated. On a pastoral station, the employer was required to set aside a living area approved by the Director of Welfare, and to erect there the approved accommodation. Entry to such an area, perhaps for reasons which go back to the times when men from the towns would come in search of women,41 and perhaps also to keep out 'agitators', required a permit except for the manager or the welfare officer. There were special safeguards for the payment of the drovers' wages, to combat an old habit of leaving them unpaid far from home.42

Laying down conditions creates all the problems of inspection. Where a very big company is involved, the attempt to insist on minimum standards may lead to a contest between the company and the local administration so that such standards may mean little unless they are accepted by the large firms as in their own long-term interest. It was mainly such a realisation by the big companies that gave real meaning to

39 Stanner, op. cit., p. 42.
40 Ibid., p. 50.
41 See The Destruction of Aboriginal Society, pp. 262-3.
42 Wards' Employment Regulations 1959, Regulations 7-35.
minimum standards in the migrant labour systems of the colonial world. They tended to support the government against the small employer who skimmed rations and accommodation, because they accepted the view that the willingness to work was a prime asset for their enterprises, which must be safeguarded. Such standards had not generally been adopted by the big firms for the employment of Aboriginal labour. This meant that the government attempt to insist on them did not have their support.

The long-standing defence of pastoral interests against wage increases has been the claim that they maintain dependants other than those in the nuclear family of the employee. They had been excused from payment of the cash portion of the total 'wage', partly on this ground, before the war. Now that government was anxious to invest what were, by any past standards, large sums in Aboriginal welfare, a logical way to provide welfare services on the properties might have been through excision of the Aboriginal 'living areas' from the leaseholds, thus removing obstacles to direct services. The conditions in the Regulations had resulted from a long series of conferences with employers' organisations, apparently at the level of the Director of Welfare for the Territory and the relevant pastoral lessees' bodies. These bodies of course had other channels through which they could approach the government of the day.

The responsibility to ration one wife and one child of the employee was somewhat out of phase with the principles on which a basic wage had first been established for other Australians. In the event, the Commonwealth had agreed that the maintenance of wards other than employee, one wife, and one child should be borne by the taxpayer on a reimbursement basis, and by the time of the N.A.W.U. case the amount had reached £1 14s 1d for each person, the amount for a child to include child endowment, which, like the age and invalid pensions, was paid to or through the

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43 See, for instance, evidence by H.C. Giese, Director of Welfare, in response to questions by counsel for the Commonwealth, in Conciliation and Arbitration Act 1904-1961, Case No. 830 of 1965, in the matter of Cattle Industry (Northern Territory) Award 1951, transcript, p. 1488: 'When these provisions were embodied in the regulations in 1959, had there been discussions about them leading up to the discussions as to the terms of them and the extent of them— with pastoral managements?' ... 'Yes, I commenced the first of a series of conferences extending over almost five years, in December 1954, with the Centralian Pastoral Lessees Association, and these conferences—the majority of which were held in Sydney—finally culminated in the issue of the regulations attached to the Wards' Employment Ordinance.'

The whole of Giese's evidence is well worth reading, and illustrates the very considerable difficulties which face the local officer of a subordinate Administration when the basic decisions are likely to be made elsewhere. One may fairly pay tribute to his powers of persuasion for such gains as were made.
managements. At the time of the hearing, at the end of 1965, three of the pastoralists’ associations were pressing for increased amounts.

All the difficulties of effective labour inspection applied under such a system. Where there is an illiterate and inarticulate work force, there must be danger that what Aborigines in the camp actually get will vary from what appears in the station books for the annual inspection. By this time there was a somewhat bitter jest in the Territory that it paid better to raise Aborigines than beef. Yet the government faced real dilemmas here, with a long tradition of ‘hands off’ the cattle industry, and acceptance to some extent at least of the pastoralists’ view of what its publicised schemes for ‘northern development’ involved. The whole scheme placed a great responsibility on the harassed welfare service, as there were by this time no fewer than two hundred stations to be inspected; and with the respect which the Commonwealth considered due to the leaseholders and their interests, the Welfare Branch has had to swim against the political stream.

‘Patrol officers’, said the Director to the Conciliation and Arbitration Commission in November 1965, ‘regularly visit pastoral properties, in the main at least once a year, and they give . . . advice and assistance to pastoral managements where difficulties arise, in connection with maintenance payments, with child endowment claims, with claims for pensions, and with general matters such as the building programme for the native village, the location of the native village, and the like.’44 (My italics.) Among two hundred managers there will inevitably be able and sympathetic persons. Petty operations by those who are not, however, may be very serious in their effects for many Aborigines. The situation illustrates a typical dilemma of colonial administration, where a method of government which assumes literacy and awareness of its operations among the governed is applied to persons who may have neither. Those on the pastoral stations are additionally handicapped by entrapment in a highly paternal tradition of management.

There was no legal provision for the unemployed adult male ward. Possibly for the reason already stated, that the unemployment benefit has been so much higher than the cash wage, he did not receive the general unemployment benefit, possibly also because unemployment benefits might be used by the employer for the payment of wages (as government rations appear in some cases to have been used in South Australia). In such cases, the resort of the unemployed was to move (or be moved) to the government settlement or mission.

There were two other schemes for subsidising pastoral managements.

An important one was for the development of schooling. Government seems to have assumed, optimistically, an interest by management in education of the future work force. In 1955 it offered to pay a substantial subsidy for salary of the teacher, and to pay off in ten years the cost of a school erected by management, or to build a government school where management agreed to excision of a small area from the leasehold.

Here was the same tentativeness, and in the last resort unwillingness to take control of the situation by excising from the lease for a vital national purpose. After ten years the response was reported by the Director of Welfare to the Conciliation and Arbitration Commission: twelve stations had accepted the offer. Some of these schools were located off the leasehold they served. He suggested three reasons: lack of capital in the case of the small enterprise, changes of management which had delayed some negotiations, and ‘the general lack of interest on the part of some pastoral managements ... I think that some of the pastoral managements consider they would run into problems in having a foreign element in the homestead area—that is having something there over which they have no control and over the staff of which they have no control... I know this to be the case at least with two or three of the larger pastoral managements ...’ (My italics.)

This reticence of the managements, perhaps not anxious for any increased danger of revelation by third parties of their relationships with the work force, nor perhaps for unsettling ideas brought into the situations with teachers, suggests some lack of interest in eliminating those very handicaps of which they were to complain so loudly at the court hearings—illiteracy and linguistic problems. With this background their recommendations for training schemes to be established by government sound like afterthoughts, and are not very convincing.

Yet one might have expected greater enthusiasm for the use of a government subsidy to promote health services. From 1960 there had operated a scheme whereby the government subsidised managements towards the salary of a qualified nursing sister, with the same arrangement to pay off, over ten years, the costs of an infirmary on the station, even equipping this with drugs. The Director told the court that eighteen properties had availed themselves of the building scheme, and fifteen were in receipt of the salary subsidy. The position here was probably better than it sounds, as humanity and self interest tended in the one direction. In colonial situations ‘native health’ tends to become a matter of interest first in relation to the labour lines, generally located alongside the manage-
ment. Health, especially in so far as it depends on hygiene, tends to be indivisible, and no respecter of race. For serious cases, there has long been the special Flying Doctor service. As far back as 1933, employers were required to contribute to a medical fund. Yet one cannot disregard what seemed a reluctance to be involved in more positive measures.

The Director also described the long discussions with management on basic health and living equipment, on ‘water supply, hygiene facilities, ablution and laundry and latrine facilities, dining, kitchen and messing facilities, and housing, in that order. We indicated that the government was keen to see what developments could take place . . . and would give what assistance it could . . .’. What he did not say was that the Wards’ Employment Regulations were quite specific as to the accommodation required, so that apparently he had succeeded in getting agreement in principle prior to 1959. He was asked what had resulted, in the way of better accommodation, since that date, using the term ‘accommodation’ in a wide sense to include the facilities referred to above. He replied that the government had been ‘disappointed . . . In a number of cases there has been a genuine effort . . . to meet the minimum requirements . . . In some cases there have been no attempts whatever to meet the requirements, despite efforts by patrol officers and by senior officers to have the requirements met . . .’. ‘Just as an approximate estimate, how many properties have made satisfactory attempts from your point of view?’ . . . ‘I am not too certain which are held under lease and those under licence, but there are approximately 200 pastoral properties in the Northern Territory that are held under lease or licence. I would think that there would be something of the order of 20 stations that have made a real attempt to meet the requirements.’ He did not even say that twenty had met them.

Another thing he did not say was that some 180 managements had been openly in breach of the law, at least since 1959. He was not asked; nor was the matter raised of how many managements had had their licences to employ revoked for non-compliance. (I have been unable to find a case of this.) But he did explain that in his negotiations with the pastoralists’ organisations he had tried to have a sensible priority in construction—first the water points, then latrine, ablution, laundry, and kitchen facilities: ‘and we placed last on the list the provision of individual houses’.

This touched on the fact that the efforts now being made were efforts to make up for over a century of neglect of the elementary requirements of

47 Ibid., p. 1488.
48 Ibid., p. 1489.
49 Ibid., p. 1577A.
a work force, since once the nomad was stabilised, even though he might not need a house, he depended for his existence on safe water and uncontaminated food. This was one of the 'bends' in Professor Stanner's 'old tree', an inhuman precedent and tradition in the industry which is likely to shock even those accustomed to fringe-dwelling conditions in southern Australia. The government could negotiate or it could cancel employment licences. Probably a few cancellations would have ensured some improvements. But a genuine concern would have involved enforcing and/or subsidising the changes, even at the expense of other demands on the national works potential. But far higher priority in matters of labour supply and citizenship was accorded to immigration—a priority consistently maintained from the first sales of land to finance European migration and settlement.

Passive resistance of the majority of managements was bolstered by the difference between professed policy and actual practice in Aboriginal affairs—a long-standing difference which breeds cynicism both in government service and in management. It certainly makes for cynicism in the Aboriginal community. It is not only the Aboriginal who might be accused of 'apathy', in the sense of a defensive use of reticence. Another factor was the coincidence of the effort with the great drought in central Australia. Speaking in 1966 the Director of Welfare offered uncertainty as a further reason: that from 1963, when he engaged in discussions which led to the withdrawal of the Welfare Ordinance and to formal citizenship in the following year for Aborigines, managements showed reluctance to invest in the works required by the Wards' Employment Regulations.50 The reason was new but the reluctance had always existed.

The government is always in a weak position to enforce minimum conditions which it does not itself observe. Here it was caught in an awkward situation on the settlements, where the kind of work and training to which we have already referred had to be financed from the allocation to the individual settlement. On the score of housing it could be criticised easily enough, on the assumption that all wards were entitled at least to the accommodation laid down for a ward in private employment. During the N.A.W.U. case in November 1965 the Director of Welfare, under cross-examination, told of a drift off stations on to government and mission settlements, which had amounted to no less than a thousand in 1963-4, 'and that trend, I might add, has also been followed throughout 1965'.51 This must have been creating special problems of finding work

50 Statement by H.C. Giese to seminar at Monash University, May 1966.
and accommodation. It was also helping to condition government to the view that if the pastoralists used what power they had to drive Aborigines off their properties the results could be disastrous. Whether this would be possible without a change in the leasehold conditions would depend partly on such factors as the type of water supply. The ward, as we have seen, had free access to natural water. But what of cases where the ‘camp’ depended on a bore? If the sinking of the bore had been subsidised by government, could the government legally resist? Practically, where labour inspection had so clearly failed, would it be possible, after a group had departed, to establish why?

To such uncertainty were being added the effects of talk about rationalisation, by conversion from the open range to paddocks. An old way was passing, with the possibilities of new markets for beef and of much more efficient production. The same question of the role of the Aboriginal was beginning to take shape, as in the new mining developments—was it to be that of the fringe dweller again? Another possibility was of greatly increased populations on the settlements. But the adoption of the Social Welfare Ordinance of 1964 meant that all Aborigines were now citizens, and that the Administration had no power to keep them there. And who could predict what the choices of Aborigines (no longer wards, except that their employment conditions continued to be regulated by the Wards’ Employment Ordinance) would be? What would happen when the new Aboriginal citizen went to town and claimed as his proper right the full unemployment benefit, if he could not find work at award or at basic wage rates?

The settlement conditions, while services and housing were certainly improving, in the meantime offered a target for those wont to apply the principle that no operation by government should have economic advantages over comparable ones by ‘private enterprise’. It was customary for the Territory Administration to argue that the wages and conditions on settlements were ‘training’ allowances and conditions. The hard-pressed missions were especially vulnerable in the matter of wages. But in 1963 the Wards’ Employment Ordinance, apparently in an attempt to strengthen the government bargaining situation, was amended to include the statement that ‘this Ordinance binds the Crown’.

There is evidence of a greater fluidity in employment, and of a considerable increase in the numbers on the basic wage or better between 1960 and the end of 1965, though the later figures include those employed by the mining company on award rates on Groote Eylandt. The Administra-

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tion reported for 1961-2 some 35 wards employed at award rates, and in March 1966 the Director of Welfare told the Legislative Council that 160 Aborigines received 'the Northern Territory basic wage or better, plus an estimated 60 others where the wage concerned was not recorded but is believed to be at, or in excess of, the Northern Territory basic wage'.

From the time of the N.A.W.U. claim for alteration of the award throughout the hearings, and after the judgment, the living conditions on stations in the Territory received widespread publicity in the national press. A defence by management was uncertainty of the outcome of this case, and individual managements during the case adopted the same attitude, with some of them stating that wage increases would mean that they would cease to employ Aborigines. In October 1965 the Administrator, commenting on the situation, was reported as stating that there was no intention of prosecuting pastoralists who did not comply with the housing regulations; that 'policy' was to 'encourage' the lessees to comply, but not to compel. Douglas Lockwood, the Northern Territory journalist, whose articles were widely syndicated, was concentrating in 1965 on conditions on some of the big company properties, with photographic illustrations of squalid conditions, but he kept a reasonable balance by describing those with good conditions also.

The questions raised involved what 'justice' requires in this context, and how far expediency, especially in relation to questions of profits and productivity of the industry in the Territory, should be taken into account. The matter of productivity potential, of course, was a main bone of contention. J.H. Kelly was arguing for smaller holdings with fenced paddocks, smaller herds, and resident leaseholders. Some at least of those with management experience in the north argued that improvements claimed to follow from smaller holdings would not pay, since the native grasses at the end of the 'dry' in the far northern regions failed to retain adequate protein to sustain weights in beef. Here were complicated issues of what the limitations of technology meant in the climatic and soil conditions, as well as other economic factors, not of course publicised, of what the margins of profit over operational costs from the large and smaller stations actually were, over a period; and what they could become with different techniques and new pastures, such as Townsville lucerne.

54 Northern Territory, Legislative Council Debates, 8 March 1966, p. 112.
55 S.M.H., 19 October 1965.
56 See, for instance, Herald, 22 and 23 February 1965.
But there was a more basic moral issue, which involved finally the kind of nation Australians wanted to be part of, the view of themselves which Australians were developing, and how they wished to be regarded by others. This was whether any industry, however important, should be so organised that the majority of its work force should be denied what the community as a whole considered to be justice; and 'wage justice', in a highly materialist society, was of the essence of justice itself. The N.A.W.U. case was in part a product of the growing concern over the situation of the Aboriginal, and of a quite widespread unease—a general feeling that something was wrong, which found its further expression in 1967 in the results of the Referendum.
There had been a marked change since Conciliation Commissioner Portus ruled that Aboriginal employment was not a matter for the Commission. The pastoralists' organisations were sensitive to this: perhaps many of their members shared the general unease. In the preliminary hearings, their counsel stated that in the past, of course, the Commission has on a number of occasions dealt with the question of Aboriginals, on the basis that it was appropriate to leave it to the specialised government departments... That principle is something that arises out of circumstances of a particular time and place and is... very obviously open to be affected by changes in circumstances and particularly by changes in government policy... The time will naturally come for change in the manner of dealing with the particular matter... If the time has come we are very happy to have the matter dealt with by the Commission.¹

The pastoralists' representative, in fact, made the application that the matter should be heard by a full bench of the Commission.

The President of the Commission, in agreeing to this, assumed a change in community attitudes, and showed an appreciation of the issues involved as wider than industrial ones. 'The matter is of such obvious importance not only to employers and Aboriginals in the cattle station industry and in the Northern Territory generally, but also to the whole Australian community, that I have had no hesitation in forming the opinion that it should, in the public interest, be dealt with by a full bench and I direct accordingly.'² This was a crucial, though perhaps inevitable

¹J.H. Wootten in Conciliation and Arbitration Act, Case No. 830 of 1965, transcript, pp. 24-5.
²Sir Richard Kirby in ibid., p. 21.
decision. It made unavoidable the further decision, in the changed climate of public opinion, that Aborigines of the Territory should be admitted to award wages. Both sides, in fact, geared their arguments to this. The Union argued that the case should be determined as a matter of principle only, and that detailed hearings in the Territory were unnecessary; the pastoralists, that in the interests of all concerned there should be time to adjust, and that for those Aboriginal workers who did not approach a level of productivity assumed in the award, there should be gradations, from the cash equivalent of the current total Aboriginal wage including issues, rations etc., up to the award.

For this argument they had had some encouragement from a series of discussions which appear to have been held from 1963, when the effects of the plan to withdraw the Welfare Ordinance were being considered. There are some interesting references to these discussions in the transcript, indicating that they were in part conducted between the Ministers for Territories and for Labour and National Service, and counsel for the pastoralists pressed the Director of Welfare into the admission that both had presented to Parliament a scheme, evolved in 1963, as 'government policy'. It involved the attempt to find a balance between 'wage justice' (which had, for other Australians, for a long time involved minimum awards relating to particular industries, with a minimum basic wage for work not covered by particular awards) and what the Aboriginal worker was assumed to be worth in wages.

If the Aboriginal was for some reason generally incompetent, should he take the same risk as others, and if unemployed, be entitled to unemployment benefits? Or should it be assumed (as it had been for so long) that Aborigines were not yet 'ready' to 'take their place', and special arrangements be made to pay them at rates related to levels of proficiency, below some assumed level for which the award wage was paid, and allowing for progression up to the award? Such an arrangement would play havoc with the logic of the award system, especially as there seems to have been anxiety to have the arrangement included within the structure of the general pattern of labour legislation. But this was the alternative which in 1963 became 'policy'; and such policy then involved the same semantic difficulties as had been faced with the Welfare Ordinance. Since only Aborigines were to be paid at levels lower than the awards (for it was politically impossible to include other workers, politically possible only for an inarticulate minority) how might this be done without obviously

a Ibid., p. 1597.
racist legislation? In the case of the Welfare Ordinance, the solution had been found in use of a term which involved the concept of tutelage—ward; and in some special manipulation of the Northern Territory Electoral Ordinance. The solution in this case, hit on in 1963, appears to have been to have all Aborigines who were deemed inefficient classified as 'slow workers'.

That this was not a new idea, but had arisen in the series of conferences prior to operation of the Wards' Employment Ordinance in 1959, can be seen in the amendment, also prior to the date of operation, under which an employer might 'employ a slow, aged or infirm ward at a wage less than the prescribed wage', by agreement with a welfare officer. In non-Aboriginal labour legislation in general, the 'slow worker' is such because he is also 'aged [or] infirm', and the application of the provisions is subject to careful checks in the individual cases. But here was a precedent for a much wider application of the term, which might create a whole new category in the general framework of legislation—a category all members of which would be Aboriginal, but one not stated in racial terms. Thus the method of semantic avoidance could be used. It could be made respectable as a special training arrangement, with the implication that it was an interim measure. Extensive use of 'slow worker' provisions might then be justified, if not racial, but cultural factors could be established in the general labour legislation as the equivalent of age or infirmity. These were precisely the tactics used by the pastoralists in the N.A.W.U. case.

The report of the Select Committee of the Legislative Council on Welfare Legislation was submitted in May 1964. Appended to this report, and referred to as a basic document in recommendations on Aboriginal labour after the proposed repeal of the Welfare Ordinance, is an appendix which represents the result of consultations of the Department of Territories with the Department of Labour and National Service.

4 Wards' Employment Ordinance 1959, Section 5, which amends Section 38 of the Wards' Employment Ordinance 1953.

5 Northern Territory Legislative Council, *Report from the Select Committee on Social Welfare Legislation*, 12 May 1964, Canberra, 1964, p. 11, and Appendix 3, p. 17. Cross examination, by counsel for the pastoralists in the N.A.W.U. case, of H.C. Giese, Director of Welfare, established that Appendix 3 'originated as a document in the Department of Territories', but Mr Giese properly refrained from saying whether it came first from the Administration of the Northern Territory (which is part of the Department). Appendix 3 was presented to the Committee by the Administrator, as is made clear on p. 1597 of the transcript of the case. It is headed 'Proposals of the Government for the Regulations of the Conditions of Employment of Aborigines', and was obviously sent to the Committee as a statement of Commonwealth policy, and to give a lead as to recommendations—an interesting indication of the relationships between Minister and Department and the lesser legislatures of New Guinea and the Northern Territory.
Policy is that all Aborigines who can competently do a job, i.e. in terms of occupa-
tional skill and responsibility . . . should receive the normal award wages for that
job. While some Aborigines now meet this criterion and there can be no question of
their not receiving normal award wages . . . not all Aborigines are at present com-
petent in the sense mentioned and . . . the objective that all Aborigines should receive
normal award wages may take some time to achieve. Recognition of this implies no
element of discrimination on racial grounds. On the contrary it conforms with well
recognised industrial principles and with the best interests of the Aborigines them-
selves.

The scheme was proposed in general terms. First, ‘existing awards’ of
the Conciliation and Arbitration Commission should be extended to
include Aborigines where they were excluded. But they were to be
extended in a special way, with ‘provisions which, as regards wages,
provided for a range of wages’, from a minimum cost equivalent of a
‘normal’ sized family under the Wards’ Employment Ordinance, with
two, or at the most three, intermediate grades leading to the full award.
Assessment of the wage of each worker should be made by inspectors
appointed under the Conciliation and Arbitration Act (which would
probably take years). In the meantime ‘the employer would make the
assessment’, subject, however, to automatic advancement to the next step
in the wage after a set period, though even this was subject to appeal by
the employer. Once a wage had been set by an Inspector, either party
could appeal to a Board of Reference, made up of a chairman and repre-
sentatives of employers and workers. Inspectors and Boards of Reference
were already provided for under the Act; and the document emphasised the
need for these arrangements to fall within the framework of the Act, and
to be based in an extension of the jurisdiction of the Commission. ‘Were
some new system considered to deal with Aborigines alone it would be
seen immediately as discriminatory. What is more, the problems . . .
would call for the same sorts of solutions . . . whatever machinery were
under consideration.’

The proposal that employers determine the wage within the limits
stated was admitted to be ‘novel’, but justified by the distances and other
factors likely to delay the inspection process. This problem was ‘basically
. . . confined to the pastoral industry’.

The whole proposal was a nice illustration of the difference, in approach
to the problems of a minority of low status, from one where high status is
involved. The basic assumption was that eventually all would be paid at
award rates, no doubt, but there was no definite time limit. A broadly

5 Ibid., p. 17.
6 Ibid.
comparable problem, but involving a group of high status, had previously been dealt with, when provisions were made for the industrial training of ex-servicemen after World War II. Under the Commonwealth Reconstruction Training Scheme, the ex-serviceman placed in a training situation 'on the job' could be assessed at various levels of efficiency—but not by the employer. The employer then met that part of the wage which was justified by the efficiency level reached. There were regular inspections until the employee was assessed at full efficiency. But in these cases the difference between the employers’ payments and the relevant award was met by the Commonwealth Government. Thus the principle of equal pay had been maintained for this group of very high status, as a proper cost of training to be met by the taxpayer. Anything less than 'wage justice' would have been unthinkable in the case of the ex-serviceman. Even bearing in mind the obvious administrative difficulties posed by the Territory situation, it was still the case that the Aboriginal worker or trainee, not the taxpayer or the employer, was to bear the cost of any degree of inefficiency below award standards, and also below basic wage standards; that Commonwealth departments were seriously proposing that the first assessments of efficiency were to be made by the employer; that though the employer could appeal against a worker's promotion to a higher wage, the Aboriginal could not appeal against the employer's assessment. The proposal was supported by the Territory's Legislative Council, provided that it should be administered by officers of the Commonwealth Department of Labour and National Service, which was tantamount to a vote of no confidence in the Territory's Welfare Branch.

At this stage the departments involved seem to have been thinking in terms of amendments to the Conciliation and Arbitration Act, and to the Northern Territory (Administration) Act. Semantically, at least, justice was to be done. 'One problem', stated the Commonwealth submission to the Select Committee on Social Welfare Legislation, 'will be to try to avoid any specific reference to "Aborigines" in any legislation.'

The easiest way to maintain the ward's wage as the base rate was to continue the operation of the Wards' Employment Ordinance after the Welfare Ordinance was repealed, and a special ordinance for just this purpose received assent in September 1964. In the meantime, the N.A.W.U. had begun to press the pastoral associations for deletion of the special clauses excluding the Aborigines from the award. In October the

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8 Ibid., p. 18.
9 Wards' Employment Ordinance 1964.
Secretary of the Union, according to a press report, expressed hope that employers would agree, rather than fight a case before the Commission. But the same report referred to the pastoralists' hopes for wider use of slow worker provisions.\(^\text{10}\)

With this background of negotiation, the employers could hope for better than what would follow the concession of the full award. The N.A.W.U., in January 1965, applied to the Commission. The employers, with reason to hope for Commonwealth support in arguments based on expediency, moved for the matter to go to the full bench, and for the bench to visit the Territory. The Union considered this unnecessary, and asked that the matter be settled as one of applying established industrial principles, implying that local conditions were not relevant. For the first time in an opening hearing before a single Commissioner, the Commonwealth intervened, and one can only guess that among reasons for this alacrity were second thoughts as to the justice of earlier proposals put to the Legislative Council of the Territory. The pastoralists' case was based on the principles put to the Legislative Council of the Territory, and to the Commonwealth Parliament, by the government, which involved payment of the full award only to those assessed as fully efficient. In the course of cross-examination, counsel for the pastoralists took great trouble to emphasise the part played by the Commonwealth in these earlier proposals.\(^\text{11}\)

One good reason for the Commonwealth change of attitude, however, was that these earlier proposals had envisaged the base wage as £7 12s per week, which was an estimated cash value of what employers paid, without the accommodation which they so often failed to provide. But this was about £7 below the Territory basic wage, even though there had been a notorious lag in the adjustment of that basic wage, probably because no non-Aborigines worked for it, while for Aborigines it was almost the limit of potential achievement. The Commonwealth could not very well support in open court arguments for a wage which, by falling below the basic wage, contravened one of the basic principles of its own system of wage fixation (although similar proposals had been stated in Parliament, on 8 April 1964, to be Commonwealth policy partly because of the high cost of paying Aborigines the basic wage on missions and settlements); for the basic wage was 'that wage, or that part of a wage, which is just and reasonable for an adult male, without regard to any

\(^{10}\) *Canberra Times*, 23 October 1964.

\(^{11}\) Conciliation and Arbitration Act, Case No. 830 of 1965, transcript, pp. 596-604, and 1586-612.
circumstance pertaining to the work upon which, or the industry in which, he is employed'.

But an even better ground for the change of attitude was in the obvious affront to the logic of the industrial system of having wage prescriptions for a class of worker which was racially determined, in spite of efforts to avoid use of racial terms in definitions. 'The Commonwealth was concerned to have the Commission establish that wage prescriptions must be objective in relation to the job and not subjective in relation to the worker except for the limited area of slow workers specially provided for in the legislation.'

The Aborigines Project of the Social Science Research Council of Australia Inc. was established in March 1964, with the author of this study as Director. While the main purpose of this was to study the situation of Aborigines in the 'settled and urban areas', it was clear that this was a crucial case which could affect the status of Aborigines everywhere; that it could well prove to some degree decisive, and a turning point away from repetition, in the outlying regions, of what had produced the fringe-dwelling populations of the southern areas. In 1965, by arrangement with the Northern Territory Pastoral Lessees Association, preparations were made to assist three research workers to visit some of the stations. Two of them, Professor F. Gruen, an economist, and Dr C. Tatz, a political scientist with experience in research in the Territory, were from Monash University. Mr F. Stevens, the third member of the party, was from the Department of Economic History, Australian National University, which supplied the transport. At the time of writing no joint report of the situation just prior to the main hearings in the case was available, but there are useful comments by Gruen and Stevens. With the resources and in the time available, only twenty-seven stations could be visited. These were in the Alice Springs, Tennant Creek, and Barkly Tableland areas, and Professor Gruen did not claim that they formed anything like a fair sample.

But the point of interest here is that a large proportion of the stations visited were already, in 1965, paying above the minimum cash wage of the Wards' Employment Ordinance. Of a total of 370 adult male Aborigines, '3 per cent were paid less than £3 a week, 51 per cent were paid between £3 and £4 a week, 34 per cent between £4 and £6 a week, and 11 per cent received more than £6 a week. (These figures do not include annual

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13 Ibid., p. 160.
Bonuses averaging £200 paid on one cattle station employing four full-blood Aborigines and two part-Aborigines. This was not only, one would think, a matter of some managements having different policies from others, and no doubt many of them a genuine interest in the Aboriginal 'camp', but also of the operation of hard economics and competition for the more efficient workers—the same influences on wage levels which we were able to study on a much wider scale in Western Australia. Large-scale business organisations are of their nature inhuman, with managements responsible to maintain the dividends in their economic negotiations, they set out to ensure the highest possible profit margins. The Wards' Employment scale of wages and conditions tended to keep wages down by the very fact of its being a scale approved by the government, but there would be all kinds of reasons, such as a manager's understanding of the use of the wage as an incentive, why higher wages might be paid. Gruen mentions that even within the small number of stations visited some were paying well above minimum rates, and providing better than minimum conditions.

It was the pastoralists' tactics to urge before the Commission that Aboriginal labour was irresponsible and needed constant supervision. But the research party presented managements with a questionnaire which invited comments on those aspects of station work in which Aborigines were superior, as well as inferior, to other workers. Twenty-four of twenty-nine respondents could think of some respects in which Aborigines were superior. These related mainly to stock work (seven respondents, including four qualified answers), tracking (again seven, including three qualified answers), knowledge of the local country (five, with one qualification), general bushmanship (three respondents) and many other individual comments. While these figures indicate anything but enthusiastic endorsement of Gruen's view that Aborigines show greater skill in the actual cattle work, the view is endorsed by observers like J.H. Kelly, and is certainly what one would expect. It was not convincingly refuted by any of the evidence before the Commission. There is some point in Gruen's argument that what the Commission saw in its visits to cattle stations (he questions whether the ones visited were representative) tended to emphasise the hindrances of illiteracy, and the need for supervision, while it could

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14 F. Gruen, 'Aborigines and the Northern Territory Cattle Industry—An Economist's View' in ibid., p. 198. Earlier in the year, Douglas Lockwood reported a survey by the Welfare Branch of wages paid on 26 stations (Herald, Melbourne, 22 February 1965). According to his report, a similar spread of wage rates was indicated for the 467 Aborigines; 213 men received the standard £3 3s 3d, 49 between that and £5, 59 over £5, 20 less than the award. Only 3 women received £3 or over, most receiving the standard £1 15s 3d.
have had little opportunity to assess advantages such as bushmanship and tracking, without which open range operations would be much more difficult.\textsuperscript{15}

The N.A.W.U. application was for the pastoral award wage of £11 2s 6d per week, plus the other conditions, to be paid to Aborigines, and to have the relevant award extended to domestic servants on the stations (all of whom would be Aboriginal). An approximate figure of 1,500 workers, representing the equivalent of 1,100 in full-time work, was tentatively accepted by both parties. The argument opposed measures to establish separate treatment of an Aboriginal 'class of workers'.\textsuperscript{16} To establish that without economic equality there could be no basis for Aboriginal advancement, it traced the history of the Territory's Aboriginal wage and introduced into evidence work by A.P. Elkin and others—in part for this purpose, and in part to indicate the forces which had operated to change public opinion. Population figures were quoted in support of the argument that the sooner economic changes were to be made the less expensive they would be.

The pastoral industry from the employer's point of view operated as a normal economic activity, and so the employees should all have been in the same situation. Aborigines were now 'money-conscious', but as pastoral employees were excluded from full economic participation. With the change which had occurred in public opinion, 'this case is, in principle, settled'. The Commission should refuse to consider extraneous matters such as the effect of the decision on the social and economic life of the Territory. There were government agencies such as the Legislative Council to deal with such issues. Nor was work value an issue, nor the argument that 'the Aborigine is not worth his salt. We say that if an employer employs an Aborigine he must pay him the prescribed rate. The employer does not have to engage the man, but if he does he must pay him the prescribed rate in the award'. The Union, unable to quote an Aboriginal view, claimed to speak for the Aborigines as potential members. It was best for the industry that the welfare machinery be withdrawn from the area of industrial relations, so that management could learn realistic techniques.\textsuperscript{17}

Where was the Commission to draw a line as to what was extraneous? Could the application really be considered apart from possible consequences? Were the Union arguments about eventual costs in relation to

\textsuperscript{15} Gruen, op. cit., p. 203. For the relevant parts of the questionnaire used see pp. 211-15.

\textsuperscript{16} Conciliation and Arbitration Act, Case No. 830 of 1965, transcript, pp. 7-8.

\textsuperscript{17} Statement by A.T. Brodney, counsel for the N.A.W.U., ibid., pp. 15-56.
population and the place of economic advancement in social change, and the literature introduced to indicate changes in public opinion and the reasons for them, strictly within the limits it proposed for the case as a whole? On such matters expert opinion was certainly worth noting. I ask the questions only to indicate that there did seem, even within the Union case, reason why the Commission should hear the pastoralists’ case on matters which the Union would have ruled out as irrelevant.

One notable feature of the pastoralists’ case was the emphasis devoted to the notion of social change, how it occurs, and how far it had gone among Aborigines on the stations. Expert opinion was quoted to support this case, but at second hand and as selected. If in fact there are any experts on social change, none were called as witnesses. In the Union’s case, this may have been a matter of Union funds. The Union, for lack of funds and organisers, had little first-hand knowledge of conditions on the properties. In any case the way was opened by the Union’s reference to it for the pastoralists’ advocate to use anthropological and other texts as he wished. The result was a wide-ranging and effective advocacy, but, to say the least, somewhat questionable sociology. Questions raised by implication in the pastoralists’ case were not put to experts; not that I would argue that the answers are always known, but one result might have been to point up the doubts. One other reason why they were not put seems to have been the Union’s decision to limit its argument as far as possible to that of justice within the industrial field. The foundation for the pastoralists’ case was wide-ranging through a particular interpretation of the history, which, for lack of sustained interest by historians in the past, there were possibly none to contradict, even had it been thought necessary to call them. The rather barren generalisations in which Commonwealth and States had expressed the small area of their agreement on the assimilation policy, the unquestioned wisdom of learned judges pronouncing on the irrelevance of awards to the Aboriginal—all were put to account, and properly so within the conventions of British law and justice.

But effective advocacy is not necessarily sound history, nor correct anthropology or sociology. Had some parts of the case been examined in the light of some recent history, for instance, it might have been less effective, as when counsel attributed the fact that only twelve schools existed on pastoral stations solely to a failure in government policy.18

The case is a nice illustration, in this respect, of the distance between the real situation of the Aborigines and the situation as it may be conceptualised in a court, even more so because there was not even an inarticulate

18 J.R. Kerr, Q.C., counsel for the pastoralists, ibid., pp. 66, 68, and 117.
Aboriginal present. Great slabs of selected and ill-digested anthropological and other works were read into the pastoralists' evidence. Stanner later commented that

Testimony at second hand gave an allusive authority to points central to the pastoralists' case, e.g. the very long period of time needed for the success of assimilation; the Aborigines' difficulty with our ideas of time, space, causation, number and so on—in short, with categories of European thought and culture; their inability or unwillingness to accept work-discipline, or to do any complicated task efficiently without supervision; and other things of that kind:

and suggested that what resulted was a one-sided account of the facts. 'The selections made from the anthropological writings would have been rather unlikely, in my opinion, to tell one story and one story only under the examination counsel would have made of them if given as expert evidence from the box in court.'\(^{19}\) Having read the transcript, I must commend the proper restraint of Professor Stanner in this understatement, and agree with his bland earlier comment, that the submission 'will be a primary source for scholars of the future', for it amply demonstrates the sets of assumptions on which important decisions affecting Aborigines may be made in our time.

There was, in the emphasis placed by the pastoralists on the limitations of the 'culture', on the slowness of possible changes of outlook, on the danger likely to come to the 'native' if he were to be hustled out of the paternal care of the pastoralist and his wife by the economic results of award wages, an interesting echo of colonial settler attitudes when the time comes for de-colonisation. One is reminded, in reading these submissions, of a description of such attitudes by John Plamenatz.

When the settlers are loath to make concessions to the natives and yet cannot do without their labour they are... both the enemies and the unwilling proselytisers of the natives... It does not suit them that the process of westernisation should go more than a little way... They are impelled by their position to take this attitude towards the natives: 'thus far and no farther'... Many of them find it difficult to make clear what they mean either to others or to themselves... They are reluctant to deny categorically that all people can make indefinite progress; and so they are often content to say no more than that 'progress' must be slow... because, in their inmost hearts, they want it to stop at the point that suits themselves.\(^{20}\)

This wish is evident in the selection, from the anthropological evidence, of situations (especially an evanescent one described by A.P. Elkin as 'intelligent parasitism') in certain places, and in certain stages of social

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change, with the implication that they have been both continuous and extensive. The arguments resembled those of colonial settlers in that they were presented as arguments for ‘native’ welfare, with stress on the pastoral property as offering, in this situation in northern and central Australia, the main hope of ‘assimilation’ and economic progress. There was criticism of the situation on the settlements, and it was assumed that the payment of award wages would involve large-scale movements out of station employment into these.

The employers submitted four main propositions. The first was the need to keep ‘a place . . . for the Aborigines in the pastoral industry’ for the long period of cultural adjustment ‘to the level of industrial efficiency’. Secondly, they ‘should have the right, with educational assistance, to make that adjustment’. Formal education was ‘the one great hope for increasing the rate of change and community adaptation’, but its effects were to be in the very long term. The effects of access to money, which can hardly be fairly disregarded as a basic force in social change, were considered only in relation to the threat of disemployment of all those who would be considered by employers to be not worth the award wage, if the earlier policy of the Commonwealth, of providing for wage levels below the award for some categories of ‘exempt’ or ‘slow’ workers, were not to be followed by the Commission.

Thirdly, we would submit that they should not be put in peril of separation from that industry by the operation of economic forces before they have had time to make that adjustment. Fourthly, they should be remunerated on a fair but not an artificial standard for what they can do, because economically speaking, proper and realistic evaluation of their work during the transitional period and acculturation will best protect their future in the pastoral industry.21

The dearth of published historical studies made it possible to foreshorten the historical perspective, as did the assumption that schooling is the main factor in social change. The long history of policy and practice, and of the industrial relationships prior to the war, could be dismissed, and it could be pointed out that schooling on the stations had only just begun.

The implied threat of dismissals formed the teeth of the argument, but the Chief Justice, quite early in the case, pointed one weakness. Would not rationalisation lead to disemployment in any case? The answer hardly removed the doubt—that by education Aborigines could be ‘assimilated’ before they were ‘driven in’ to the settlements.22

21 Conciliation and Arbitration Act, Case No. 830 of 1965, transcript. The four main points are made on p. 82. The reference to education is on p. 74. All the points were frequently repeated and re-explained.
22 Ibid., p. 88.
There was a great mass of material, from government and other sources, to support the general notion of tuition before equal rights, especially in the literature on assimilation, and in the legislation which expressed the philosophy. In a situation of multiple causation it is easy to select causes and effects. Thus the payment of pensions through institutions (and pastoralists) could be presented as an effect of the incapacity of the recipient to handle cash. But it could also have been an effect of the low wage, for if the pension is above the working wage, it is economics of Cloud Cuckoo Land to pay it all into the hand of the pensioner. It could also be regarded as a cause of the incapacity, since the only way to learn how to use money is to get enough to experiment with.23

The proposals which the employers brought to the Commission were mainly an elaboration of the scheme put in outline by the Department of Territories to the Territory’s Legislative Council in 1964. First, the award should be paid to any employee ‘capable of carrying out the full range of duties’ and who ‘can be relied on to perform such duties . . . consistently and without constant supervision’. It was estimated that these would number round 20-25 per cent. The others should be ‘exempt . . . on cultural grounds’. It was also suggested that, because Aborigines (at least according to the folklore) could not use accommodation properly, the rates for the exempt persons should be determined as cash rates, leaving the matter of accommodation to the welfare agency.

Among the exempt workers, three categories were proposed. The first was of workers who could perform ‘the major part but not the full range of duties . . . consistently and without constant supervision’. The second category was to be of those with the same capacity, but who ‘cannot be relied on to perform such duties . . . consistently without constant supervision’. The third category was to include those ‘employed to do certain tasks not involving consistent effort (e.g., watering, weeding, outside cleaning up)’.24 It was put that these categories should receive 70 per cent, 50 per cent, and 30 per cent of the cash award respectively, but without the automatic up-grading to the next wage level, after a prescribed period, which had been provided for in the Commonwealth’s first policy statement to the Legislative Council of the Territory. The result could have been to freeze the situation indefinitely.

In arguing that this was not racial discrimination, the pastoralists faced some difficulties.

23 Ibid., p. 119.
24 Ibid., p. 196.
As framed the intention is to produce classifications which, on their face, do not refer to Aborigines... The provisions never would, never could, be applied in the case of the white worker... The judgment would indicate that the reasons are connected with the cultural handicaps of Aborigines... it would be clear to all concerned that the categories were intended to apply only to Aborigines... The employers... are willing to cooperate in an arrangement which produces categories... not on their face related to Aborigines, provided that it is clearly indicated... that these categories are meant to apply only to those who are culturally 'handicapped', and provided that it is clearly understood by all concerned that the employers have no intention of applying these categories to any white worker.25

(It appears that the Aborigines may not have been among those 'concerned'.) For the invitation to avoid the imputation of racial categories by avoidance of racial terms, there was good precedent in the earlier legislation.

Professor Stanner raised a crucial point about the Commonwealth case, that is why allow its qualified support to the Union's claim to go to arbitration at all? For 'it had, and said before the Commission that it had, power to impose by ordinance whatever industrial conditions appeared to it appropriate. Why arbitration?26 Part of the answer appeared in a statement by Commonwealth counsel, that

the Commonwealth would oppose the application of a common rule provision to this industry which would by its terms apply to those Aborigines doing training or relief work on settlements or missions or to the staffs of missions. It is submitted that such an extension would be quite inappropriate even if it could be said that such people are in a true sense employed or in the cattle industry, and neither of these points is conceded.27

The Commonwealth had already found it necessary to bind the Crown under the Wards' Employment Ordinance. Had it legislated to make Aboriginal wages conform to the award, it might have faced pressure to pay the award rates for pastoral employment on settlements.

But this is not, I should think, the whole story. Was the resort to the court a way of avoiding confrontation with the pastoral industry, to bring about changes which were becoming necessary for reasons related to external affairs, as well as to changes of public opinion at home? The Departments of External Affairs and of Labour and National Service must have had some interest in a result which could be defended abroad.

25 Conciliation and Arbitration Act, Case No. 830, Cattle Station Industry (Northern Territory) Award, Submissions on Behalf of Northern Territory Cattle Producers Council (roneo), pp. 132-4.
26 Stanner, op. cit., p. 45.
27 A.E. Woodward (for the Commonwealth), Conciliation and Arbitration Act, Case No. 830 of 1965, transcript, p. 135.
The Commonwealth had moved, it submitted, to remove 'all the forms of discrimination which might or might appear to preclude Aborigines from taking their rightful place in Australian society'. It had an interest as an employer of Aborigines. It was interested in the economics of the industry, and in the industry as a source of employment for Aborigines. Its policy was assimilation as defined. Its submission was that the minimum wages and conditions of the award should apply equally to Aborigines and to others. It opposed the employers' plea for large-scale use of exemptions over an indefinite period. On the other hand, it wished to maintain Aboriginal employment. It asked the court to have the full award applied to all, but stated that the process should be to bring the current wage up to the award in stages over a fixed period. It would concede the need for 'slow worker' provisions, but only for a 'modest number of older, untrainable Aborigines'. It disagreed with the employers as to the proportion 'who could and would be employed at award wages'. It made clear its opposition to 'a process of assessment or individual investigation'.

This was direct opposition to the pastoralists' submission, based on earlier stated government policy, and the pastoralists' advocate stated that it was 'dramatically obvious that until literally yesterday the Government accepted the view that there were categories of workers of varying work capacities ... the Commonwealth was right in those other recent days ...'.

The Union called no evidence, standing on justice. The Commonwealth called the Director of Welfare. The employers called a considerable number of employers and managers and their evidence constitutes a very interesting social document. In a final written submission, the Union opposed both the 'payment for categories' as proposed by employers, and the 'phasing' scheme of the Commonwealth, pointing out that all it was asking was inclusion of Aborigines in the award. Those whom the employers did not wish to employ they would not have to employ. 'Slow worker' provisions had to be related to defined personal circumstances, and it would be a misuse of the law to apply them to a group of workers. It was a subterfuge to say that the employers' approach related to cultural facts when they really applied to, and only to, Aborigines. As for the Commonwealth's phasing proposals, the Union was able to quote the Commonwealth to the effect that it was ready to ignore them if in the opinion of the court they contravened the principle of 'full entitle-

28 Ibid., pp. 132-5, 188.
29 Ibid., p. 150.
ment'. The first 'phase' wage proposed, of £7 12s, contravened the principle of the basic wage as a 'needs' wage. It should therefore be rejected, and with its rejection the whole scheme fell down. 'The Union submits that this is the time for the inevitable and necessary decision to bring within the ordinary law of Australia—that is to say, the industrial law—the employment of the excluded Aborigines of the Northern Territory.'

To me, the logic of the Union's statement was as impeccable as the presentation precise. But the terms of the judgment indicate that the very weight of the employers' evidence had had its impact. Courts are but human, and one may fairly sympathise with judges of highly specialised learning and experience within a single culture which could offer but limited guides and precedents for dealing with this complex of cross-cultural problems. Moreover, there were some quite basic and unpredictable results with which the court was concerned. It felt that on the one hand it could not ignore these problems, about which it had to depend mainly on the employers' evidence and on the limited observation tours arranged by the employers; that on the other hand it was not its function to settle them, nor to purport to do so.

Although what we do may result in social changes, and ... in Aborigines moving from one kind of life to another, we are not social engineers nor can we deal with the whole spectrum of Aboriginal life. We will not ignore the consequences of our acts, including what may happen to Aborigines employed on stations, but we cannot attempt to mould a policy of social welfare for these people in the way a government can.

The court used as examples of the limits to its jurisdiction the possible consequences of decisions on such matters as accommodation on settlements and in the maintenance of second wives. Some of the assumptions stated are at least doubtful—for instance, that most of those employed on stations still live on 'their old tribal grounds', and that 'none of the Aborigines who work on cattle stations must be confused with mixed bloods'. (Frank Stevens, a participant in the survey already referred to, states that 'part-Aboriginal stockmen, on average, are paid approximately two thirds of the European rates, although on our journey we did not find one person who seriously detracted from the value of the work of the "half-caste"'.)

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80 Submission by A.T. Brodney, counsel for the Union, ibid., pp. 2156-68.
81 For the judgment see Department of Labour and National Service, Industrial Information Bulletin, March 1966, pp. 253-67. For this reference see p. 256.
82 Ibid.
83 Ibid., p. 253.
The court accepted the view that isolated Aborigines would come to appreciate the significance of money only very slowly, because of 'tribal influences'. One might fairly argue the cause-and-effect relationship the other way—that the erosion of tribal values which access to cash generally brings has been slowed down by the very small amounts of cash which could be got. At least one who takes this view can find good support among the students of social change. The court concluded that 'a significant proportion . . . is retarded by tribal and cultural reasons from appreciating in full the concept of work', which leaves out of account the possibility that the attitude to work might as well have been explained by the level of rewards.\textsuperscript{35} That the court apparently took the pastoralists' expressed concern with education at its face value was perhaps inevitable in the absence of information on the point.

But the concession of the pastoralists' arguments to this extent won for them only delay, which was all the more understandable since the Commonwealth also wanted delay. If Aborigines were as inefficient as the employers claimed, large-scale unemployment could result from extension of the award and an adjustment to new circumstances would take time. 'We point out that if in fact Aborigines generally are as good as white labour neither the Union nor the Commonwealth Government produced any evidence to this effect . . . Generally speaking, we accept the uncontradicted evidence given by the pastoralists.'\textsuperscript{36} Yet this was not enough to grant the employers' requests. With reference to the case for the application of 'slow worker' provisions under Section 48 of the Conciliation and Arbitration Act, the court stated that 'it would be a big step to make a prescription for classes instead of individuals'; though it qualified this with the statement that neither this section nor the award ruled out the possibility of having an individual declared a slow worker on cultural or psychological grounds.\textsuperscript{37} But the wholesale application of such a provision would mean a 'second class work force'; would 'impede rather than help assimilation or integration'; would 'apply only to Aborigines' (which was a redundancy unless taken as indicating a view that this would be an exclusion on racial grounds) and 'would tend to keep them economically depressed. We consider that overwhelming industrial justice requires us to put Aboriginal employees in the Northern Territory on the same basis as white employees. The law which prevails for white employees in this industry should also prevail for Aborigines.'\textsuperscript{38}

\textsuperscript{35} \textit{Industrial Information Bulletin}, pp. 260-1.
\textsuperscript{36} Ibid., p. 260.
\textsuperscript{37} Ibid., p. 257.  \textsuperscript{38} Ibid., p. 264.
This meant that Aborigines would get the award rates without alteration of the award structure to include the lower rates. But to lessen the risk of unemployment, the slow worker clause might be made ‘simpler’ so that the employer could more easily ‘apply for’ permits in individual cases.\(^{39}\) The court opined that Aborigines were more likely to move into general society from the settlements than from the stations and that accommodation was better on the settlements. The pastoralists had not persuaded the court ‘that we should depart from standards and principles which have been part of the Australian arbitration system since its inception . . . This decision . . . is the only proper one to be made at this point in Australia’s history. There must be one industrial law, similarly applied, to all Australians, Aboriginals or not.’\(^{40}\)

The consequences of the decision were matters for the Commonwealth, which ‘had made clear its intention to deal with them’. The Wards’ Employment Ordinance, covering Aboriginal wages and issues, would be overruled by the award, and the judgment had referred to the possibility that where some Aborigines were forced by the new economic circumstances to leave a station, the others might follow them. ‘The Aborigines will need guidance to understand and appreciate the implications of moving from a semi-protected situation to an exposed industrial situation, where they have to care for themselves and their families out of their wages.’ The government needed time and the pastoralists also, to consider ‘the future of their Aboriginal employees and to make arrangements for their replacement by white labour if necessary’. Both pastoralists and government would have to work out their changed accommodation requirements.\(^{41}\)

For these things the court awarded time, stating that the award would apply as from 1 December 1968, about three years from the end of the hearing. It rejected the Commonwealth plea to prescribe phased wage increases over the period, on the ground that wages and other matters like accommodation (presumably of those not employed) should be dealt with as related matters by a single authority and because the government had both the powers and the experience to deal with them. Finally, the parties were asked to consider a new slow workers’ clause ‘which would enable a slow worker’s permit to be obtained more easily than it is now’, and were referred to the Aluminium Industry Award 1963 as having the necessary degree of flexibility.

\(^{39}\) Ibid., pp. 264-5.
\(^{40}\) Ibid., p. 265.
\(^{41}\) Ibid., p. 266.
Had the court intruded unnecessarily into matters of social policy and administration? Was it for the government rather than the court, especially having let the matter go to the court on the basis of the old wages, to face the consequences which seemed inevitable from the moment that the hearing was granted? This can only be a matter of opinion; and probably the court, in the absence of any announcement by government of what it would do in the case of an immediate award, had to allow for time. But in doing so, it seems to have laid itself open to such criticism as that of leaving the 20-25 per cent admitted by the employers to be fully efficient on their current wage rates and under Wards' Employment Ordinance conditions. It may well have been possible for the Commonwealth to subsidise the pastoral stations for part of the new wage. Should the Commonwealth, rather than the Aborigines, have had to pay for this additional time? This is somewhat abstract justice; but after all this was an exercise in justice through innovation.

The decision satisfied neither the trade union interests nor the employers. Back in the 1930s the national conscience about the Aboriginal predicament had been stirred to some extent by accounts of spectacular injustice in the Northern Territory, the one area for which all Australians have some responsibility, and the publicity given to this case both indicated, and helped to develop further, an awareness of the basic issues. As we noted above, the largest of the rural unions, the Australian Workers' Union, had already, prior to these hearings, included a claim for equality for Aboriginal members among other proposed variations to the Commonwealth Pastoral Industry Award, applicable in all States but Queensland. In November 1964 its Queensland branch had lodged an application to vary Clause (1) of the Queensland Station Hands Award, which excluded managerial staff and Aborigines. It was obvious that the principles established in the Northern Territory case would be applied by the Commission in the outlying regions covered by the first of these two awards, and that they would have a profound effect on the situation in Queensland.42

What happened in the Northern Territory, pending the hearing of these further cases, could also have relevance. For instance, had the Commonwealth decided to treat the current award so that it would have general application, in effect, as a common rule, by bringing wage rates under the Wards' Employment Ordinance up to the award rates in the pastoral

42 For a very useful summary of the situation of Aborigines in respect of the awards as this stood in 1966, see Ian G. Sharp, 'Report on the Present Wage Position of Aborigines in the Northern Territory and the States' in Sharp and Tatz (eds.), op. cit.
industry, the employers in the other cases pending could have little argument for delay to allow for adjustment. This they would be certain to attempt, since the most costly legal action would still represent a substantial saving in wages, even if this only operated while the hearings proceeded. But the Commonwealth was now free, in theory at least, to apply its scheme of phasing up to award rates over a period.

But there now appeared a new factor in this particular dispute. This was the Aboriginal voice, with a few cases of Aboriginal protest action, of the kind for which precedent had been set immediately after World War II in the Port Hedland area of Western Australia—involving the complete Aboriginal station group of workers, dependants, and pensioners, walking off pastoral properties. Such 'walk offs' occurred, after the court hearing, in a few instances in the Territory. They were certain now to receive considerable publicity.
After the hearing, the Aboriginal voice began to be heard. The North Australian Workers’ Union had, in recent years, begun to organise Aboriginal workers and to employ Aboriginal organisers. Another thing was the emergence to greater prominence of the Council for Aboriginal Rights, an Aboriginal body located in Darwin, and interested in the whole range of Aboriginal affairs. The court decision had left a kind of lacuna, to be filled in by negotiations between union, government, and employers. What the wage structure was to be up until December 1968 was open to both doubt and contention. It may be safely assumed that Aboriginal workers all over the Territory knew very well what was at stake. Considering the background, a tendency to assume that they would suffer injustice is not surprising, especially as they must have known that no other group in the Australian community could have had the principle of wage equality deferred for three years on grounds of expediency. One thing which pointed up the obvious injustice was the recent admission of the Aboriginal to voting rights as a full citizen of the Commonwealth. Another was that, even on the employers’ evidence, some at least were worth the full award wage; yet, as the Secretary of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders pointed out, all had been left in the meantime on Wards’ Employment Ordinance wages and conditions, indefinitely as far as they knew, for any period up to December 1968.1

Before the N.A.W.U. had filed its application, the Department of Territories had been in contact with the Secretary of the Union, partly

1 Stan Davey, in Australian, 11 March 1966.
with respect to the movement for award wages in other Territory industries; but it had also arranged a meeting between the Union and representatives of the Pastoralists' Association in January 1965.2

The Union was also objecting to employment of Aborigines at wards' wages in the building industry (by then becoming big business in Darwin). Builders could, it claimed, employ ten or so Aborigines for the cost of one award worker; and some were alleged to be making greatly inflated profits on contracts (which could involve government projects) for which they had quoted on the basis of award rates. The Department of Territories was said to be advocating a sliding scale of wages, or a system of annual increments, based on degrees of efficiency. The Northern Territory News was commenting ironically on the time-honoured use of 'training' wages:

during this training period, the Aborigine will be trained to wheel a barrowload of cement, fetch and carry on building projects, the intricate art of swinging a pick, or hanging on to the end of a jackhammer, washing dishes, patching roads, and galloping after mobs of bullocks. Most of these jobs have been carried on since the Territory was first settled, with very little or no reward for the Aborigines.3

It was after Carroll of the N.A.W.U. and the Secretary of the Northern Territory Cattle Producers' Council had failed to agree on any compromise that the Union filed the claim with the Arbitration Commission. Carroll had pointed out that the threat of Aboriginal dismissals could not mean much, since the wards' wage was often worth less to the worker than full social service benefits would be.

Now, in the aftermath of the case, and in the certainty that award wages would be paid as from December 1968, this kind of bargaining between the government and the other interests it recognised was resumed. The pastoralists, of course, had most to gain from delay. Now came the breaking of the long drought in the centre and north. This meant that value of Aboriginal labour was emphasised. But the Annual Report of the Welfare Branch for 1965-6 noted that

between March and the end of June there did not appear to be any noticeable effect on labour demand resulting from this decision. But throughout the year there has been an increasing number of pastoral managements paying wages above the Wards' Employment Ordinance minimum rates to competent and reliable employees. Generally, the demand for labour in the cattle and buffalo industries has exceeded the supply. This was due in part to the greater inclination of Aborigines to seek employment in and around the centres of population.4

2 Press release by Department of Territories, 18 January 1965.
3 See Canberra Times, 13 January 1965.
It is not possible at this time to evaluate the influence of pressure groups in these discussions. At its usual Easter meeting in 1966, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders claimed that the court decision, unless supplemented by government action, could leave Aboriginal workers (who were also citizens) earning less than the basic wage. A series of conferences of the government departments concerned (Territories and Labour and National Service) with the Australian Council of Trade Unions, the N.A.W.U. and the pastoral organisations, failed to agree before August. At the beginning of August the A.C.T.U. indicated that it would approach the Department of Territories independently for wage increases, and the N.A.W.U. threatened to organise a move off the pastoral stations. It was demanding the immediate payment of the Territory's basic wage of $24 weekly plus keep.

Pressure at this critical time was used by a few Aborigines. During that month the most spectacular of the 'walk offs', from the well-known Wave Hill station, by a total of about two hundred Aboriginal workers and others, probably gave the employers and the Department of Territories real food for thought. The government seems to have been bargaining for its phasing policy as a means of retaining the Aborigines in pastoral employment.

This demonstration of Aboriginal determination may have had some effect, for on 13 September the A.C.T.U. advised the N.A.W.U. that the Minister for Territories had 'decided to act on the basic wage for Aborigines', and asked the Union to announce, in the Territory, agreement to this effect by all the parties.

There are two matters of special interest in this agreement. The first is that it should have followed so quickly after the action by the Wave Hill Aborigines. The second is that it was obviously the result of hard bargaining rather than of the application of principle, and this, inevitably, led to further dispute. Carroll, the Secretary of the N.A.W.U., had not been present when the agreement was reached, and a meeting of the Union executive in Darwin decided that the strikers from Wave Hill and Newcastle Waters (where similar action had been taken) should return only at award rates, and that those not employed should apply for unemployment benefits.

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5 See agenda and reports for the Ninth Annual Conference, FCAATSI, Canberra, 8-10 April 1966 and Australian, 11 April 1966.
6 Age, 3 August 1966.
7 See article by Christopher Forsyth in Australian, 30 August 1966.
8 Statement (roneo) by Secretary of FCAATSI to his organisation, after visit to the Territory. He was in Darwin when the message from the A.C.T.U. was received.
The Union was prepared to assist the strikers and their dependants until November, when the newly agreed conditions applied. Then only those who were to be paid award rates would return to the stations. For although some Aborigines were, under agreement, to get the award wage, and others the equivalent of the basic wage, the conditions were such that the N.A.W.U., having taken its stand, could not very well have put them to its Aboriginal members and supporters without losing their confidence. This, it seems to me, is a turning point of real significance in Aboriginal affairs, with determined Aborigines exerting their will through the normal machinery for industrial action, and without having their case relegated to the position of a side issue to some ‘white man’s business’. Carroll seems to have been over-ruled by his executive when he submitted the terms of the agreement.9

Only ‘fully efficient’ Aborigines were to receive the award and the determination of who was fully efficient was to be a matter for the management. A press announcement stated that ‘The Territories Department is relying on the integrity of employers to reward their best men, and, if this does not happen, the Department has the safeguard that all parties will meet in the middle of next year to review the situation’.10 The N.A.W.U. did not share this simple faith, and was demanding at least an impartial referee, though the insuperable difficulties of such inspection and determination of efficiency had been clearly enough indicated before the Arbitration Commission. Clearly, nothing but the award payment, in the new situation, was logical. But the pastoralists were fighting a skilful retreating action. They had even managed to have included in the agreement a statement that only between 5 and 10 per cent of workers would qualify for the award. (They had stated the figure as from 20 to 25 per cent in their case to the Commission.) That the A.C.T.U. should have agreed was either a case of getting the best possible bargain, or one of disinterest. The rejection was an interesting indication that those closer to the scene rated Aboriginal determination somewhat more highly than those who had been accustomed to assume their passivity.

Others than the few to be rated as ‘efficient’ were to be paid under an amended Wards’ Employment Ordinance, at levels which were somewhat tenuously related to the basic wage. A station hand with dependent wife and one child, under the formula, would receive the equivalent of the Territory basic wage in cash and allowances. The arrangement was that he would receive $23.80 plus his own keep, estimated to bring the total to

9 Australian, 19 September 1966.
10 Australian, 15 September 1966.
$32.66. (It seemed that the same difficulty of inspection which allowed the employer to select the efficient workers would prevent any inspection of the value of ‘keep’: but the whole agreement had resulted obviously from a bargain, and the results had been dressed to resemble principles.) From the $23.80, $8.84 was to be deducted for the dependent wife and child (keep), and the cash component would be $14.96. But if this departed from any known wage principle, the case of the single man went further. He was to receive $14.50 in cash. If his keep cost the same as that of a married man, the result was to leave him over $9 below the basic wage. Such an agreement indicated a failure by the Commonwealth to exert the true functions of government by imposing some logical decision. The public servants, in the absence of a cabinet or ministerial directive, must have accepted the highest common factor of agreement by the parties consulted.

Such rates, two or three years before, would have been widely hailed as an advance towards ‘assimilation’. The Minister for Territories apparently regarded them as constituting new standards but claimed that they had not been gained by strike action at Wave Hill. What he did not mention, and may not have known, was that about the same time the Council for Aboriginal Rights had an appeal to the United Nations, which in the background and the circumstances could have been embarrassing abroad.

This kind of sophistication was no longer entirely the contribution of non-Aboriginal advisers, although it would still be foolish to underestimate their importance. In the Territory, the sophisticated Aboriginal leaders were mainly government employees with basic schooling. Two of these men had, during 1964, visited Kenya at the invitation of the Kenyan government following the visit to Australia by Tom Mboya. They had returned at the end of that year, and the reported comments by one of them, Phillip Roberts, that the British had left in African colonies trained African public servants to run African affairs, and that Aborigines could do as well by working the land in co-operatives as the Africans of Kenya were doing, indicated his assumption that, in the Territory, Aborigines were in a colonial situations. He was the president, and his companion Davis Daniels, the secretary, of the Northern Territory Council for Aboriginal Rights.

In January 1965 the North Australian Workers’ Union had appointed Sidney James Cook, an Aboriginal who had been raised and schooled in Adelaide, as its first Aboriginal organiser. At this stage the attitude of the

11 Statement by C.E. Barnes in S.M.H., 14 September 1966.
12 See report in Age, 29 December 1964.
Union seems to have been at least partly due to fears for the employment of its current members—fears which might have been groundless earlier, when Aboriginal competition in urban employment could be dealt with by other means. Carroll, the secretary, was quoted at this time as saying that 'if they are used as a second-class labour force they are a threat to the jobs of everybody else and the trade union movement in Australia will not stand by and watch this happen'.\(^{13}\) Shortly afterwards it was reported that the Darwin City Council had instructed its engineer to employ as many Aborigines as possible in its labouring gangs, stated to earn about £20 weekly, because Aborigines formed a settled labour force. One of the aldermen stated that there had been a 200 per cent turnover of itinerant white workers.\(^{14}\) But this turnover had been part of the local situation for a long time. What was new was some confident Aboriginal leadership and some increased mobility following the repeal of the Welfare Ordinance in 1964, leading to competition in non-pastoral employment off the settlements.

Education in the settlement schools by the Welfare Branch and in the mission schools with government support must have had the same profound effects as schooling in Western Australia; and as the products of the 'special' (settlement) schools in future years will inevitably produce more literate workers able to compete with increasing success, the union leadership must have seen that this was the time to act. By mid-1965 Dexter Daniels, a member of the Council for Aboriginal Rights and a hospital worker in government employment, was addressing meetings in Melbourne, appealing for financial support for the Campaign for Equal Pay for Aborigines and was reported to have told university students that 'the government is treating my people like animals, dogs or children'. At that time, he said, the Union had only twenty Aboriginal members, as the membership dues of £6 per annum were too high for those on the wards' wage.\(^{15}\) He stated that Phillip Roberts was considering standing for the Legislative Council, and hoped to be elected on the votes of the new Aboriginal citizens. Obviously there had been great changes in the decade and a half since the Darwin Aboriginal strikes.

These changes arose from changing majority attitudes. Two decades or less earlier, there could have been few or no educated Aborigines in the north and centre to talk in this way, because the necessary education would not have been available to them. Before World War II there had been

\(^{13}\) *Age*, 12 January 1965.

\(^{14}\) *Australian*, 14 January 1965.

\(^{15}\) *Australian*, 21 and 23 June 1965.
part-Aborigines in the south who did so, including those in Sydney who arranged a National Day of Mourning to celebrate the end of a century and a half of white settlement. But this and earlier protest movements created nothing like the interest and the unease of the mid-sixties. In Melbourne, Dexter Daniels could openly attack the government without being whisked away on to some settlement, because of legal and other changes flowing from the uncertainty and anxiety of a growing section of the community (which in turn affected attitudes in government) and the increasing awareness of a long-standing injustice. One may also compare the social situation in the northern regions with those in the later days of the colonial world.

Like the Pindan movement in Western Australia, the ‘walk off’ strikes in the Territory in 1966 represented something beyond organised industrial action, and of course something a good deal short of it. Organisation of pastoral workers is inhibited by the scattering of the work camps over large areas, and by illiteracy, so that it is almost impossible to arrange for concerted action on a particular day. Another problem is the shortage of organisers competent in Aboriginal languages. Where the initiative has been mainly Aboriginal, the action taken and the objectives may not conform nicely to those of trade unions or other Western institutions. Such a ‘movement’, if and when it is recognised or registered, may be treated for government purposes as a trade union, a club, a co-operative, or a company, depending on the preconceptions and purposes of the relevant government body. Just how it is fitted into the structure of Western administration will depend, inter alia, on which sophisticated leader or department of government tries to ‘make something’ of it. Thus, in the case of Pindan, the Department of Native Welfare had seen the movement as a potential co-operative; McLeod had registered a company. The ‘walk off’ from Wave Hill, in 1966, following the judgment in the N.A.W.U. case, and organising by Aborigines for the Union, was treated officially and by employers as industrial action. Yet, like Pindan and the Nomads, it came also to look like something more, with the group aiming to reject pastoral employment altogether.

The significance of these movements lies partly in the tenacity of adherence to the Aboriginal tradition and culture and partly in the fact that the continuity of a tradition emphasises the group’s moral claims to the status of a negotiating body, and its claim to discussion with government as a prelude to agreed settlement. Such bodies stir white consciences. By their very existence and intransigence they demonstrate the need for a reconciliation between the representatives of two cultures. The original
Gurindji tribe at Wave Hill had almost certainly been outnumbered long before by others, in the continual renewals of manpower from groups further out as the station used up its labour force. One effect of this was to renew the general Aboriginal tradition, although considerable adaptation must have been required. Yet the strikers appear to have considered themselves to be Gurindji people.

The first of the 1966 'walk offs' occurred from the Newcastle Waters station in June. Some nineteen employees and eighty others, men, women, and children, walked to the vicinity of Elliott, about twenty miles distant. It was ironic that conditions on this station were far better than on most. With some 30,000 head of cattle involved, there was considerable capital commitment at stake. The action appears to have been organised by an Aboriginal union organiser, through a station employee, Lupgna Giari, whose European name is Captain Major, and who was to become well known through later visits to the southern cities. It was a more impressive indication of determination because the quarters on Newcastle Waters appear to have been of comparatively high standard. These, and certain food, were given up by dependants and pensioners to go and sit in the dust behind wind breaks outside Elliott, dependent on uncertain supplies arranged by the Union, and on the knowledge that the welfare authority would not and could not let people starve.16

Some contact with those who are still members of Nomads Pty Ltd in the Roebourne-Port Hedland area may have occurred. As late as September 1967, the Nomads group still organised their camps in the different sections, and within the company structure used traditional patterns of leadership, adapted to changing circumstances and to the economic requirements of mining and other activities.17 It is quite likely that the same traditions had survived on some stations in the Territory, making possible movements of the whole group, or at least of those who accepted and were accepted into the traditional discipline. According to Douglas Lockwood, the few part-Aboriginal employees did not participate.18

16 Movements of this kind surely demand serious academic study, but there are obvious difficulties. In the absence of such studies one is dependent largely on press accounts. For one account of this movement see article by Douglas Lockwood, in Sun (Sydney), 8 June 1966. Lockwood saw something of its significance. 'Long after the economic and industrial impact of the Mt. Isa strike is forgotten,' he wrote, 'the nation may remember the present obscure strike of Aboriginal stockmen at Newcastle Waters, N.T. for its social significance.'
17 Stan Davey, Secretary, Aborigines Advancement League (Victoria), described these camps after having lived in some of them for a week (letter, Port Hedland, 5 September 1967).
18 Douglas Lockwood in Sun, 8 June 1966.
If we consider the movement as a strike, the strikers were to remain 'out' indefinitely. In July, the Council for Aboriginal Rights, no doubt influenced by what was happening in the United States, drew up a program, and announced a campaign against the use of abusive terms such as 'nigger', 'boong', and 'blackfeller'; against the way in which food was issued on many settlements, missions, and pastoral stations; against the moves to open the reserves to white settlement and to mining projects. The Council asked for award rates immediately, and prepared to resist special slow worker provisions. Press announcements were made by the two men who had visited Kenya, and nationally reported. With the background of the N.A.W.U. case, Aboriginal attitudes had become headline news.\(^{19}\) In August, the Council for Aboriginal Rights organised a placard-carrying protest and a deputation to the Legislative Council in Darwin, a type of action which Aboriginal organisations in the south were beginning to use more frequently. The placards attacked the wards' wage level, and demanded equal pay immediately, direct payment of social service benefits to Aboriginal citizens, better housing and rations, and that use of offensive terms be made a criminal offence.\(^{20}\) Times had indeed changed since 1950, when the walk into Darwin from Berrimah was broken up, and Aboriginal protest leaders sent away to a settlement or to prison.

It was later in the same month that the more spectacular 'walk off' occurred, from Wave Hill, one of the very biggest cattle runs in the country, and owned by the Australian Investment Company (Vesteys), an English firm with very large holdings in the Territory and in the Kimberleys. Two hundred people walked away from the Wave Hill camp, and set up another, still within the limits of the 6,000 square miles of the leasehold, on the dry bed of the Victoria River. They began to live off the land, as they were perfectly entitled, even within the white man's law and leasehold, to do. Union organisers on this occasion seem to have been Dexter Daniels and Captain Major (Lupgna Giari), who had been the local leader in the Newcastle Waters strike, and who belonged to the Wave Hill (Gurindji) group.

According to press accounts, the walk off at once produced a more sophisticated labour situation, with Vesteys' pastoral manager flying from Sydney to negotiate with Vincent Lingiari, the group's spokesman. The fact that the negotiations in Canberra had resulted in agreement on a wage of about $14, plus keep, was fairly widely known, and Vesteys seem...
to have used this in the discussions. But the Gurindji demanded $50. The end of the drought had greatly increased Aboriginal bargaining power. Some of the Newcastle Waters 'strikers' were reported as having taken other employment and there was the risk that Wave Hill might find other pastoralists offering award rates. It appears from some reports that this strike action was taken against Union advice in the first instance, and in the first press accounts the Aboriginal Rights Council is quoted as the source of a threat to organise much more extensive 'walk offs'. There seems to have been a sense of responsibility both on the part of the Wave Hill management, which according to the press continued to supply a meat ration, and on that of the strikers. One youth of the eighty or so workers from the Gurindji was left to assist the manager, and Lingiari ordered nine Gurindji bore attendants to make sure that no more of Wave Hill's 50,000 cattle died for lack of water, after a reported statement that he could hear the cattle dying from his camp, and that the white station workers were 'too useless' to maintain the bores. This would be quite in keeping with the traditional respect for animal life.

The initiative thus seems to have been with the Gurindji, with even the Union trailing, since the Union appears to have been at least partly committed to the compromise wage. A strike planned for another huge property, Victoria River Downs, owned by the Australian Hooker interests, and with a comparable labour force, did not take place, but the Council for Aboriginal Rights (not the Union) was quoted in the press as threatening further action.

Like leaders of anti-colonial movements, the Aborigines on the Council and on strike knew that they could find strong support in the heart of the white man's society. This movement had both stimulated and been affected by the increasing interest and protest by and on behalf of the part-Aboriginal population of the south. The FCAATSI called on the government to set the basic wage as the minimum, while the Minister for Territories was pointing to the dangers of an unphased jump in wages. But the Gurindji wanted the complete award wage immediately. In this they were supported by the Federal Council of the Waterside Workers' Federation, which sent a donation, and called for A.C.T.U. support. The Australian Meat Industry Employees' Union about the same time in

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21 See S.M.H., Australian, and Age, 27 August 1966.
22 Courier-Mail, 5 and 12 September 1966.
23 Age, 27 August 1966.
24 Australian, 9 September 1966.
September declared ‘black’ any cattle from Wave Hill or Newcastle Waters which meant that union members would not process the meat.\textsuperscript{25} It was in the same week that the Council for Aboriginal Rights addressed its appeal to the Secretary-General of the United Nations.\textsuperscript{26} At the end of September there was a walk off from Helen Springs, a station north of Tennant Creek held by Vestey’s.\textsuperscript{27}

The situation of workers who had refused to work for less than equal wages was posing again the question of whether unemployment benefits would be paid in such cases; and this again pointed to the illogicality of the attempts to stage wage rises up to the award rate. Thirty-eight members of the Wave Hill group unsuccessfully applied for unemployment benefits.

During October, the Gurindji were reported to have decided not to work again for wages, and to be preparing to catch and sell wild horses, and undertake fencing contracts. Captain Major and Dexter Daniels went to the southern cities for support. The Gurindji had built houses said to be far better than what they had left in the Wave Hill camp and they were establishing their own piped water supply. Stories of ill-treatment at Wave Hill were being publicised.\textsuperscript{28}

One journalist published a message from Vincent Ligniari to the people of Australia, objecting to the term ‘Wave Hill strikers’, and making the point that the issue was wider than an industrial one.

We are grateful to the unions which have helped us, but the issue on which we are protesting is neither purely economic nor political but moral. We address you as fellow citizens, but our citizenship has not brought us the opportunity to live a decent life . . . For 85 years our people have accepted these conditions and worse, but on August 22, 1966, the Gurindji tribe decided to cease to live like dogs . . . \textsuperscript{29}

Pictures of some of the derelict Aboriginal houses on Wave Hill, which could apparently be seen from the road, were news throughout the country. The management claimed in reply that on all its other stations housing was up to standard, following a 10-year rebuilding program, that building was useless until water was located, that fourteen bores had been sunk on Wave Hill without result.\textsuperscript{30} The following day, J.H. Kelly

\textsuperscript{25} \textit{Canberra Times}, 10 September 1966.
\textsuperscript{26} \textit{S.M.H.}, 14 September 1966.
\textsuperscript{27} \textit{Canberra Times}, 23 September 1966 and \textit{Age}, 24 September 1966.
\textsuperscript{28} See \textit{Australian}, 13 and 18 October 1966 and \textit{Daily Telegraph} (Sydney), 15 October 1966.
\textsuperscript{29} Christopher Forsyth, the journalist, published this letter, admittedly an assisted translation from ‘bastardised English’, in $\textit{Australian}$, 18 October 1966.
\textsuperscript{30} P.S. Morris, pastoral manager for Vestey’s, in $\textit{Australian}$, 20 October 1966.
published figures which he claimed indicated great profits taken by Vestevs, showing that the firm could well afford to pay the award rates.\(^31\)

Old Australian traditions meant that it was easy to put the big foreign company, especially perhaps a British one, in the wrong. Naturally, the issue was ready made for the Communist Party which also has the advantage of having one of the finest writers in the country interested.\(^32\) It would be easy to argue that the action of the Gurindji was not ‘spontaneous’; that they were victims of insidious interests. But a good look at the history suggests that they had been for too long the victims of general indifference, that their action was in fact spontaneous and well judged. Even at this time, with the Commonwealth Government working on its plan for staging up to the award, the Territory Administration was arranging for parties of Aborigines from the settlements to travel to southern fruit-picking areas for the season to earn the same rates as other workers—which was a fair illustration of the lack of logic in the policy. To be fair, however, the Territory’s Director of Social Welfare had established a centre for the Gurindji from which the pensioners and children were being fed.

This was the situation when the wage agreement between the A.C.T.U., the employers, and the Department of Territories came into effect at the beginning of November 1966. The Aboriginal leaders could be reasonably sure that employers could not find other workers to replace Aboriginal stockmen.\(^33\) But they were handicapped by the local difficulties of organisation and by shortage of funds, so that even up to the end of the year, only four station camps had been affected. But the Gurindji had bought their own truck to take supplies from Darwin. They were established for an indefinite period.

In early 1967 they made a request which fairly posed the moral problem for the Commonwealth Government. This was for excision of 500 square miles of what they claimed to be their ‘country’ from Vestevs’ huge holding at Wave Hill. Some time before they had left their first camp and established themselves in what they claimed to be the centre of their ‘country’, on Wattie Creek, as the Gurindji Mining Lease and Cattle

\(^{31}\) *Australian*, 21 October 1966.

\(^{32}\) I refer, of course, to Frank Hardy, whose book *The Unlucky Australians*, a sympathetic participant’s account of events at Wave Hill, is a document with many implications for historians, though it lacks, in my opinion, adequate historical background. It is perhaps biased in many ways, but it is by no means orthodox Communism. Unfortunately, it was published too late for use in this book.

\(^{33}\) See statement by Dexter Daniels, quoted in *S.M.H.*, 26 October 1966, and that by P.S. Morris for the company, in the same article.
but the Minister for Territories announced the government's decision to reject the request, and to uphold the contract involved in Vesteys' lease.

At the time of writing in late 1967, the prospect was for further 'trouble' ahead unless there was to be complete reorientation of policy on this question. In Australia's colonial regions, as I have also argued, part of the solution lies not in the discouragement, but in the positive promotion, of Aboriginal companies with assets, and this must include establishment of Aboriginal groups on the land. Even if this means costly compensation of lease-holders, it will be an investment of the first importance in the development of the frontier regions. In this context, land and labour matters cannot be put in nice compartments; both result from the same social and political malaise.

In 1967 the Commonwealth obtained powers by referendum which enable it to legislate, if necessary, on matters affecting the Aboriginal people. Most Aboriginal pastoral workers in its own Territory were then waiting for the end of 1968 for equality in wage rights. In September 1967 the Prime Minister announced the proposal to establish an Office of Aboriginal Affairs in his own department, 'to coordinate policy and to provide the machinery necessary for joint consultations as the need arises with the States and with the relevant State Departments'. He reaffirmed the policy of assimilation as amended in 1965 at the Ministerial conference of Commonwealth and States on Aboriginal affairs and which still included the concept of staged advance to equality. 'Any special measures taken are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance, and to make the transition from one stage to another in such a way as will favour their social, economic and political advancement' (my italics).

For reasons which the pastoralists defined as 'cultural', not 'racial', the Aboriginal pastoral workers, whose hopes must have been raised when their case went to the Commission, were given stages to equality, and the employers time to do without Aborigines if they could. For comparatively small savings to the employers (which the Commonwealth could have met, if thought necessary in the national interest) the Commonwealth had risked once again what chances remain of a reconciliation in the Territory, for nothing is more likely to sour inter-racial relationships than hope deferred for reasons which deny equality.

34 See article by Frank Hardy in Australian, 15 April 1967.
Yet the government was aware of the dangers of even seeming to support racist policies, at home or overseas. The Prime Minister said that 'the needs of Aboriginals should continue to be kept in their true perspective as predominantly social problems and not magnified or misrepresented to suggest that the problems are racial'. The 1967 constitutional amendment would 'allow us to keep the Aboriginal question properly in its perspective in our international relationships'.

Like the N.A.W.U. case this shows how easy it is to deceive ourselves with verbal avoidance. For on whatever grounds, it was only the Aboriginal case which had to be so long debated. It is only the Aboriginal who, as counsel for the pastoralists put it on several occasions, is 'in the grip of his culture'. If for 'social' reasons equal wages may be withheld, is it not relevant that these reasons apply only in the Aboriginal case? If the restriction applies only to one race, is it possible at the same time to argue that 'these temporary measures' (which have in various forms been established in legislation for a very long time) are 'not based on race'?

The establishment of the new office made possible some re-thinking of the whole question. As was amply illustrated in the events surrounding the N.A.W.U. case, quite basic issues of priorities were involved. In 'northern development', Aboriginal needs have to be re-thought in the context of land policies, development of the towns, and in participation (not only as labour) in the pastoral and other industries. A strategy something like that which I have outlined in previous chapters seems essential, and it involves a somewhat different order of priorities than one which emphasises immediate material exploitation of the economic resources for the maximum economic gain. Yet, in the long run, the most effective racial and social policies may well prove to have been the most successful economic policies.

Direct involvement of the Prime Minister's Department in Aboriginal affairs could have led to a reappraisal of the policies applied in the Territory by the Department of Territories. Some of the preparatory work seemed to be in train. There were inspections of pastoral station camps by officers of the Commonwealth Department of Health (which operates independently of the Department of Territories). To be fair to the latter, it has had to deal with the whole range of cross-cultural problems arising both in New Guinea and in the Territory. New housing standards and ration scales for the stations were gazetted, along with the new wage rates, at the beginning of November 1966, and most have been affected by the

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86 Ibid., pp. 973-4.
publicity given to very bad conditions. The Administrator announced that employers would now be required to meet these standards, although he admitted that in the past the government had depended on 'encouragement and persuasion rather than enforcement'. There was a time limit of one year, at the discretion of the Director of Social Welfare. Any further extension had to be approved by the Administrator in Council. The pastoralists' spokesman stated that the employers would determine now how many Aborigines they would employ and would bring the accommodation up to the standards required. But there seemed by mid-1967 to have been no great movement out of the industry but rather a progressive upward movement of wages towards the award. The Union, in mid-1967, was moving for a committee to determine skill ratings.

There could have been few grounds for criticism of an adjustment period, to allow for building programs and adjustments by managements, so long as the Aborigines did not have to suffer for equality deferred. The cost could well have been borne by the taxpayers of a wealthy country, if this was considered to be an unfair burden on the employers.

**OTHER PASTORAL AWARDS**

The judgment in the N.A.W.U. case, by a full bench of the Commission, set standards for the two other cases pending. In September 1967 Commissioner J.R. Donovan handed down the judgment in the matter of the Commonwealth Pastoral Industry Award 1965. Prior to his decision, Aborigines of the full descent, as defined, that is as 'full-blooded members of the native races of Australia' (which as we have already seen is not the kind of definition which can be accurately applied in practice) were excluded from the definition of Station Hand, even if they were members of the Australian Workers' Union, except for Union members employed in shearing and crutching sheep. This award applied in all States but Queensland. The employers did not object to removal of this exclusion except within two areas. The first was that part of South Australia which is the area dealt with in Chapter 13, lying north of the thirty-first parallel of south latitude. The second was a vast area of Western Australia, including all parts of that State 'outside the South West Land Division'.

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37 2 November 1966.
38 Australian, 12 June 1967.
The employers submitted that in these areas there should be 'a period of three years before award coverage of these employees commenced to operate', on the grounds that a similar period had been set, by the Full Bench, for the Northern Territory. Commissioner Donovan considered that the award should apply to all members of the Union, Aboriginal or otherwise, outside these two areas as from 9 October 1967, the date of operation of his variation order, which related to many other matters. But he thought that fourteen months was enough for managements to adjust within them, and the change was to apply there as from 1 December 1968, the date determined by the Full Bench for the Northern Territory.

The judgment did not operate as a common rule, and to receive the award Aborigines had to be Union members. If the Australian Workers' Union was really concerned, it would engage in a wide organising campaign. But this matter of membership is also one for government welfare services to advise on, and the matter of getting information to all Aboriginal workers was obviously urgent. The judgment was open to the same criticisms as had been made of the judgment in the N.A.W.U. case. Again, rights had been recognised, but deferred on grounds of expediency—grounds which included the tidiness of an arrangement for all station hands' wages to come under the award as from the same date as well as the employers' and perhaps the governments' convenience. The same question arose of who should be meeting the cost, in wages, of this delay. I use the word 'cost' with intent, for it is clear that from the point of view which assumes economic enterprises to be the basis of the national welfare, the deferment of the wage, and the limitation of the rights to union members, appeared as a 'saving'. To the pastoral employers involved, such savings made long and expensive legal proceedings well worth while.

These decisions did not affect the position of the domestic worker. In the areas concerned, the station homestead would be a very different place without the Aboriginal women who have played such a basic role in this industry. But in Australia, in 1967, perhaps the greatest combination of economic handicaps possible was to be born an Aboriginal and a woman.

On 3 October 1967, the Queensland branch of the Australian Workers' Union, having, as we have seen, lodged a claim at the end of 1964 for the extension of the award to cover 'full-blood' Aborigines, began to present it to the Queensland Industrial Conciliation and Arbitration Commission. The United Graziers' Association, perhaps calculating that the longer the proceedings the greater the savings, applied that either the case be

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adjourned, or be referred to the Full Bench. The application was adjourned by the single Commissioner, E.W. Pont, so that he could consider the submissions. But he did remark that the Queensland Station Hands Award was now the only one which discriminated against Aborigines of the full descent, which, until December 1968, remained only partially true. When the case came up again in 1967, the union submissions were supported by the employers—but with additional proposals.

Technically, this claim was to vary Clauses 1 and 2 of the Station Hands Award—State. These clauses had excluded Aboriginals as defined in the Aboriginals Preservation and Protection Acts 1939 to 1946 from the operation of the award. The claim was finally granted in the judgment, which was not gazetted until May 1968. At the hearing, the United Graziers’ Association of Queensland had submitted its own additional proposals. The first was that the rigidly limited definitions of the ‘slow worker’ should be deleted. Commissioner Pont rejected this claim on the ground that special comprehensive provisions on Aboriginal wages already existed in the legislation defining and applying especially to Aboriginals.

The graziers’ second submission was that to maintain uniformity and to avoid ‘discontent’, the wage variations should be effective as from 1 December 1968, thus coinciding with those under the other awards applying in the industry. ‘The period to 1st December 1968 will enable adjustment and reorganization in such a manner as to cause the minimum of disruption and loss of employment, and to allow existing contracts of employment to expire.’ This was refused. The variations were to operate as from 3 June 1968.

One effect for those ‘under the Act’ must have been the payment of substantial increases into their bank accounts. It appeared in 1967 that while these workers were entitled to the award wage, the amount they actually handled depended on the decisions of officials. Yet this decision must strike at the very foundations of the long-standing Queensland system of control. If the worker can earn equal wages, where is the logic of assuming that he does not know how to spend them?

The amendment of Section 51 (xxvi) has strengthened the Commonwealth hand, should it ever be decided to bring pressure to bear on the

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42 Australian, 4 October 1967.
44 Ibid., pp. 42-3.
46 Ibid., p. 43.
Queensland and other State governments with vestiges of restrictive Aboriginal legislation. Properly undertaken, this need raise no particular hackles over State rights, since the trend of events is such that State politicians might welcome the chance to let the Commonwealth do what has to be done in any case, and so avoid difficulties with their more conservative rural supporters.
This work has been basically a report. The research and the writing had to be done within four years. If the repetition of situations detracts from literary merit, it does, I hope, show how uniformly all governments have reacted to a situation which was much the same all over the continent. It seemed to me paramount to establish the case, in each State and in the Northern Territory, for recognition of some degree of autonomy, and for a patient attempt at reconciliation and negotiation.

I believe that until this is made, remedial action within the recognised areas of welfare may certainly assist individuals but will contribute comparatively little to that inter-racial rapport which is required as the basis of logical welfare programs. I accept J.S. Furnivall’s view that the essence of welfare is the freedom to decide what one wants, and to organise to get it. Education, for instance, cannot in itself offer ‘solutions’ for a ‘problem’ of inequality—unless it is a prelude to independent action. The situation is different if education prepares a group of people to make their own decisions, in a situation where they can decide when and how they will do so, and how they will act.

So far as inter-racial maladjustment prevents or discourages equal access by Aborigines to all general and specialised services, those services will fail in the Aboriginal case for lack of Aboriginal motivation. To return to the example of education again, the most skilful techniques of teaching across assumed cultural barriers may be irrelevant where the real barrier is resentment of inequality. Whether the Aboriginal retains significant cultural differences or not, the hope of effective motivation depends on a new moral and political relationship between his people and government.
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With effective motivation, techniques specialised to Aborigines will be necessary mainly in the isolated regions where there are real semantic, linguistic, and other problems on which specialised knowledge may shed light for the administrator and field workers. Commitment by government, obviously and with determination, to highest priorities where justice is involved, provide the essential motivation for these specialist activities. Without it, the situation in ‘colonial Australia’ will drift on in the direction of that in the ‘settled’ areas.

One must concede that there can be no infallible prescription for political-moral readjustment. What governments are likely to place Aboriginal needs above ‘national development’ in any particular case? Even if such a government exists, it must still retain power to see a consistent policy through. One cannot write for the philosopher kings. Central government cannot legislate freely for local matters which may affect electoral majorities.

Yet after the 1967 Referendum it seemed that the comparative distance of Commonwealth government from local tensions should help it to introduce laws to establish and enforce civil rights and to outlaw discrimination. This would at least set standards for State and local governments. One may only hope that exposition of the reasons for the Aboriginal plight will make it more likely that State governments and the Commonwealth, within their areas of responsibility, legislate to strengthen Aboriginal groups in localities, and to set firm guidelines for local government, in ways already indicated.

In the last resort, the prescription is idle speculation unless there is a change in public opinion. There are signs that this is on the way. It may be too slow, and too ineffective in view of the difficulty of altering quickly the habits of thought of generally mediocre political majorities in parliaments, to prevent the drift to dissidence and violence, even though material welfare may increase. Nor, in view of the racial tensions elsewhere, is there any reason to be optimistic about the victory of reason over emotion in this area.

It is hard for a government to admit that the Aboriginal plight has been caused by racist policy. Yet such an admission is implicit in a political readjustment. In the mid-sixties official publications were still denying unpalatable facts. It was still possible officially to attribute Aboriginal failure to inherent deficiencies in the Aboriginal culture. Thus a publication of the Department of Territories in 1963 asserted of ‘fringe dwellers’ that: They float between two worlds—one which is irrecoverable and one which, for many, seems beyond their reach. In general, the attitude of these people towards the idea and
fact of assimilation seems to be a mixture of hope and apathy. They recognise, perhaps more clearly than those who are working for them, that there are some aspects of their Aboriginal heritage that are a positive hindrance... The cohesion of the fringe dweller group derives largely from its Aboriginal origins. Even people whose Aboriginal forbears are in the minority, who have never known tribal life, are strongly influenced by these matters. (My italics.)

What can you really do for people who 'share possessions with friends and relatives on a quite extravagant scale', do not save money, 'refrain from competition with others', traits 'all having their origin in the requirements of tribal life' which 'persist to retard the assimilation of Aborigines'?  

There seems no need, in the light of these volumes, to comment. Such a statement illustrates how drastic is the change in attitudes required before serious effort will be devoted to negotiation with Aboriginal groups. In this context the emphasis on 'education', without motivation, leads to the dead end which is explained by reference to 'aspects of the Aboriginal heritage'. Perhaps the long haul over nearly two centuries to change Aborigines through education has been forgotten. In the last two decades large administrative structures and works programs costing millions have been devoted to this cause. Money and services have been wasted through the innocence of politicians and public servants about the nature of social change, through simple faith that it can be directed by an educational program. The very assumption of the teacher-pupil relationship can be self-defeating for obvious psychological reasons. If an adult education program does influence people to express themselves and to take action, the result may be more effectively expressed dissatisfaction rather than a convenient conformity.

But exhortation, 'social engineering', or education do not produce social change in any predetermined direction: the process is far too complicated for that. It is a continuous chain involving countless compromises and response-decisions to new stimuli, and to old stimuli in new situations; responses by individuals, and by social groups whose reactions will flow from the complex interactions and adaptations by members as both environment and social-political relationships change. Group responses will express results of personal and sub-group interaction arising from new relationships within the group, and between the group and the social and physical environment.

Disregarding for the moment the complexity of the process, it is self-

evident that new attitudes and values are not the result of passivity in a teacher-pupil situation. They result from positive responses, and decisions which in themselves create new relationships and situations. Moreover, these responses will be in accord with the systems of belief of the responders. This does not rule out the possibility of a social minority being charmed and won over to the customs and beliefs of the majority and responding to an invitation to share attractive experiences with it. But his experience over a long time has not charmed and attracted the Aboriginal; nor, in view of the type of daily experience of which we have seen a little, is this likely. He is more likely to try to get what he must have, notably cash; but for his own purposes, not for those which the majority may think proper. Those who do not understand this motivation will attribute the responses to limited intelligence, or to some inbuilt cultural predisposition which cannot change.

No imposed system of education or administration, then, will produce predictable attitudes and goals. In itself such a system cannot be the driving force in change, but an external structure to which the society which is the object of concern will respond in accordance with its own laws. Essentially then, the problem is one of how to maintain, within Australian society as a whole, areas of security within which Aboriginal groups can make their own adaptations to the hard facts which face them. No program can adapt or change the Aboriginal to any blueprint. New forms of organisation can be offered to him, with further offers of help to make them work, for Aboriginal purposes. It is with such an approach that governments may hope for responses which will bring Aboriginal groups into the political life of the nation, in a fashion which makes for compromise and equality. With the collective strength of the structured group, which I have called the Aboriginal company, the Aboriginal may make his own way at his own pace. He may thus have his say at last in the basic political questions expressed simply by H.D. Lasswell—who gets what, when and how? At the same time we can think of the company as the pot within which the social atoms which remain of Aboriginal and part-Aboriginal society may boil, interact, and adjust. Subsidies to communities which take the opportunity to structure themselves and present a united front have at least some hope of paying social and economic dividends.

On the basis of such political changes the specialised techniques of education and training have much more relevance and hope. They may be used to promote the new organisation and will be all the more fruitful where it is established. The time seems to have long passed for
hope that descriptive research can offer new guidance for the governments while history suggests that Aboriginal groups have reacted as other groups have done in similar circumstances. They are as they are because they are like the rest of us, not because they are different. In overall planning of government action, it is what men share in common which counts, not the differences. The research needed for the operation will be applied to particular questions, such as how to promote Aboriginal decision-making. It could be part of a wider program involving both races. How may local government be used to promote local inter-racial harmony? Can anything be done to commence or expedite a process by which small face-to-face groups in all the neighbourhoods of the continent come to rational decisions which take account of their own long-term interests, in an essential minimum of social harmony? This kind of action research, then, looks at both sides of the 'Aboriginal problem'. It must be part of an integrated program, involving experiments in education, training, economic ventures, and legal action, with the long-term aim of establishing that multi-racial community which white Australians have so long denied.

Consideration in this last volume of situations in the 'colonial' regions has not, I think, led us to reject any of the principles outlined at the end of Volume II, Outcasts in White Australia; rather have these principles been confirmed. I have tried to deal with the whole range of situations by examining typical cases from that of the distant mission where an Aboriginal tribe still lives in its own 'country', to the country town fringe dwellers of a closely settled area. All can be dealt with on the basis of common principles. Local tactics then arise from the process of negotiation and discussion. The Aboriginal group moves, one would hope, into a situation where it commands local respect, able to confront local, State, and Commonwealth governments and deal with other Australians according to the principles of legal-liberal society.

There is one type of situation, these days almost part of history, which I have not considered in this connection. This occurs where nomadic groups still adhere almost completely to Aboriginal mores. It poses questions of justice which have never been answered satisfactorily anywhere and which are probably unanswerable. How may government offer justice where there is a direct clash between the imperatives of imposed law and indigenous custom?

More basically, the clash is between irreconcilable moral imperatives. That there is still a clash may be seen from a glance at the case of Yadabooka, who was sentenced to five years' gaol at Port Hedland in 1967 for manslaughter involved in his efforts to act in accordance with tribal law, which
required of him that he commit violence.2 The dilemma which has faced successive generations of Aborigines, until their social order has dissolved into chaos, or has become that of an institutionalised community, has been sensitively depicted in Professor Stanner’s profile of Durmugam, his Aboriginal friend who lived in the Port Keats area.3 The unthinking, or what seemed inescapable, application of the imposed law has meant that Aborigines who have been socialised into the tribal culture have lived in a legal and moral No Man’s Land. As the law often does not apply to cases of moral delinquency and serious injury within the culture, the individual may have no way at all of settling disputes in matters of great import to the group and to himself. The old ways may be forbidden, or they may have become impossible to follow because of social and environmental changes.

This question was tackled by colonial administrations partly by recognition in the law of special offences and special rights under regulations giving recognition to ‘native custom’ at least to the extent of tempering sentences. Adjudication in the field, often with ‘native’ assessors, was also used. But for the remnants of Aboriginal tribal society there has been a chaos of rights and offences. Aborigines go to the courts almost only on non-Aboriginal initiative. This contrasts with colonial societies where litigation became almost an obsession.

There are questions of evidence from Aborigines which are important and of the application of penalties to those who could not possibly know what the law is. In the recent past, white juries and part-time justices have dealt with cases in which they might have vested interests, and the complicated issues of which they did not recognise. That little success was won in dealing with these problems is suggested by the dearth of published judgments.4 Although one is making a value judgment in using the term ‘success’, it is clear that there has been a long history of cases in which, from the Aboriginal point of view, justice has neither been done nor seemed to be done.

Where the problem still remains, the role of an Aboriginal company in

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2 See Australian, 4 March and 6 April 1967.
4 Judge Martin Kriewaldt, who had nine years on the bench of the Supreme Court of the Northern Territory, appears to have gone further to record judgments than any other consistently concerned with this type of case, and his judgments have been preserved in the Supreme Court libraries of Darwin and Alice Springs. See article by G. Sawer, 'Judge Martin Kriewaldt: Nine Years of the Northern Territory Supreme Court' in Adelaide Law Review, vol. 1, no. 2, June 1961, pp. 148-68.
providing background information is obvious. The courts could well be assisted by some provision for the use of Aboriginal assessors and an Aboriginal company might recommend those in whom it had confidence. The increased study of the Aboriginal languages seems to bring new possibilities to a situation about which there is plenty of sound anthropological evidence to show how far from justice the application of the law through the courts can be. Part of the problem is that custom changes and it will always be difficult to determine what allowances to make for it. But the voice of an Aboriginal legal person would help, especially now that the linguistic difficulties may often be overcome.

If one argues that the Aboriginal, largely by his own efforts, can be expected to make a successful adjustment, and a unique contribution of his own to the intellectual and material wealth of Australia, why had this not happened long ago? Part of the answer is that he has, in ways seldom fully appreciated. Another part of the answer is that what he had to offer has been beyond the comprehension of people whose minds were shaped in the Western Christian tradition, and in the mores of the industrial revolution. But I believe that this question has been answered, that the only logical diagnosis from the history of race-relations is that basically the ‘failure’ of the Aboriginal arose from the smashing of his decision-making organisation and mechanisms for social control and continuity of leadership, retention of which was essential for the kind of adaptation which avoids ruin and degradation.

One cause was rapid depopulation through disease and violence, which tended to make the complicated kinship ties and duties and the systems of marriage unworkable. Another was complete loss of control over the economic base, except for the later establishment of a few large reserves in what were thought to be otherwise useless areas. This meant that there was no possibility of Aborigines using resources to produce for the new market. Almost the only experience in agriculture was in working for the white ‘boss’ or in an institutional situation. The same thing happened in the vast pastoral areas. Here there was a clever adaptation, but no opportunity to develop new incentives beyond a low minimum of rewards while special Aboriginal skills maintained the industry, in spite of incredibly bad management of labour resources, even by the harsh contemporary colonial standards.

Another factor was loss of control over, sometimes even access to, sacred places, which tended to weaken the religious ties which held groups together, and to undermine the religious authority of the men of status. Loss of control of waterholes in arid lands, along with destruction of the native fauna, went hand in hand with the loss of hunting skill, which was regarded by whites as a threat to the flocks and herds. It was unfortunate for the Aboriginal that the native animals produced no furs or other things of value for sale to the settlers, that led to commercial hunting by the Indians of north America.

A major change in the environmental conditions arose from the settlers' use of them. An advanced materialistic culture dependent on investment, which tended to become impersonal investment by large companies, and geared to prices on the world market, changed the environment in ways which made the old life impossible. Government rapidly became obsessed with this kind of change, which formed the Australian version of 'progress'. At an early stage, however, a more or less static situation was reached in the tropical and central areas of the continent, partly because both the administrative services and the production methods applicable in the temperate areas tend to break down in the tropics, partly because of lack of access to markets, so that these areas became largely store cattle areas, droving in cattle to be fattened on more favourably situated pasture lands. There were also special problems arising from the nature of the grasses and climatic factors affecting production, which research is only now in the process of solving. The Aborigines on pastoral leases formed part of the assets or were regarded as liabilities, according to the circumstances. Their only chance to adapt here was as dependants of the homestead, and as workers; but without the full role of consumers in the cash economy on the fringe of which these enterprises were established.

Many of the employers were little better off materially than the Aborigines. The difference was that they had some other choice; that they were pioneers out from a society to which most of them could elect to return. The Aboriginal was left either in what, from his point of view, must have been the ruins of his own 'country', or in an area to which he had been either attracted or forced by circumstances arising from these changes. He was, as it were, in a situation of arrested movement into a new kind of life, where he could be kept at work under conditions which for a long time brought him little or no experience in the use of money. In colonies, the potential market represented by the native consumer of trade goods was a factor which led governments to insist on payment of minimum cash wages. Right from the days of the earliest frontier there
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seem to have been a few Aboriginal station workers who were paid in cash, and a great deal always depended on the management. But in most cases in these areas of the north and centre cash wages began to be paid, as we have seen, long after the stations were established. Even then, the station economy, organised on book entries, offered little opportunity to learn how to use money.

The other recourse for those for whom the nomadic life became impossible or unattractive was to move into dependence on the Christian missions, or on to the government settlements which in time replaced the various rationing points. Without these, probably few off the stations would have survived. But the very nature of the managed institution produces institutionalised reactions from the inmates, and this kind of experience seems to have been a decisive one in producing, where the Aboriginal social organisation and tradition have been forgotten, those symptoms of protest which appear to many non-Aborigines as illogical conduct. The protective-restrictive laws which reached a kind of climax just before World War II must have had similar effects.

The cumulative effect over long periods was the obliteraton, in most parts of Australia, of legitimate Aboriginal leadership. In most cases the groups were really composite re-groupings of remnants, brought together for protection or employment. The one way out of this was to lose oneself as an individual in the white community; but with possible rare exceptions, this could only be done by those of part-European descent who were cosmetically favoured. Special assistance to part-Aborigines in the Northern Territory, during the thirties especially, established many of them in the towns. But most of them tended to be held on the fringe of the town, where, even in the most closely settled parts of Australia, they have remained; though there has been significant capital city urbanisation over the last decade. But for mixed reasons, the tendency in these northern and central regions was to discourage movement into what were for so long very feeble growing points. There is a long history of frustration of such movements, by police or other authority; and this could always be justified on the grounds of the apparently destructive effects of fringe dwelling.

It would be wrong to imply that cultural differences were merely some kind of excuse for exploitation. Given the facts of settlement and expropriation, they were continually presenting government with moral and administrative problems of enormous difficulty. And given the two social ingredients involved, there is a degree of inevitability about what happened.
In its lack of real concern government has faithfully reflected the attitudes of the non-Aboriginal community. The current order of priorities has, I think, been well enough indicated above. Equal opportunity for Aborigines would require that this matter be seen as an integral part of national ‘development’ to the extent that any schemes for additional economic advance be so planned as to include consideration of Aboriginal claims, even at the cost of slowing down the rate of material development and profit.

We Australians are entranced with the illusion of inevitable ‘progress’. But in a fast changing economy, the distance between the Aboriginal and the other Australian could easily be increased: in fact, there is a real danger that it will be. Even if the lot of the Aboriginal improves, it is in this distance that the danger of dissidence lies. In the United States, the Negro is certainly far better off than he used to be. Must race relations indefinitely deteriorate in the cases of such entrapped minorities? The past is enough to explain the explosions of violence. Yet this and the factor of white ‘backlash’ may well operate in the forefront of profound changes in public sentiment. Perhaps the more direct involvement of Americans in local politics has made them rather more sensitive to moral issues than Australians are. But things are changing here too. It is interesting to remember the Tuckiar case, where spectacular injustice was arousing a few interested ‘other’ Australians over three decades ago, when the use of the gun to settle the ‘problem’ was still countenanced; and to compare what happened then with the outcome of the N.A.W.U. case for equal wages. The issue of economic equality simply could not have arisen in the days of Tuckiar.

As with other industrial nations, our treatment of the indigenous people has been a product of exploitation of the whole environment. ‘Progress’ has not been conceived as involving investment in the social and natural environment. White Australians have for two centuries rejected Aboriginal traditions and made only exploitative use of their skills. Yet the traditions embody a unique and profound view of reality which may even now be developed by Aboriginal scholars to enrich the mainstream of human thought. The skills are precisely what the nation needs to appreciate and to conserve a unique environment in real danger.

Traditions and skills thus form a distinctive economic and cultural asset for the whole Australian community. Non-Aboriginal Australians have learned to mine and use the country for economic purposes. It is more doubtful whether the present industrialised patterns of land use may be so tempered as to conserve those unique gifts to the whole human race which...
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only Australia can offer. For conservation purposes alone, the preservation, even the restoration of Aboriginal skills in tracking, especially in seeing, would be a national investment of far greater real importance than what it might in the long run contribute to national income through tourism, which is of minor concern. No serious inquiry can avoid the question of how life may be enriched, and the preservation of Aboriginal skills may do more than anything to enable the rest of us to enjoy this continent, and really to know its beauties. To allow the traditions and the skills to be lost will be to continue in the same short-sighted way we follow in allowing wholesale extermination of animal life, possibly even the great fish of the northern waters, at the behest of private enterprise and for a quite contemptible immediate gain. Perhaps in the long run the blindness which allows a whole tradition to be lost, except for the museum and library record, will be seen as a greater crime against civilisation than the destruction of the Tasmanians.

If there is to be anything distinctive in civilisation in Australia, here is the source from which new ways of seeing the environment might grow. The Aboriginal may well have contributed more to Australian attitudes than we yet realise. So long as it remains a living tradition, his culture may contribute more to living in this continent than we have ever been ready to accept from it. What might happen, if some of the really great Aboriginal minds, retaining their own awareness of nature, become literate scholars in the Western tradition as well, is surely worth the contemplation of our educators.

I make the point here, because most of this discussion has been in the terms of the materialist settler society. I cannot claim to be expert in the Aboriginal tradition. But a few years’ work on Aboriginal affairs has led me to the greatest respect for a view of the world which faced, from a unique stance, those inevitable facts of life and death which a triumphant but often barren materialism pushes into the background of attention. Perhaps this acceptance of the inevitable was one of the reasons for the consistent Aboriginal defeat, until defeat itself became almost the basis of belief. W.E.H. Stanner, writing of the Murinbata, says that ‘religion had as its focus the inexorable limits on all men’s lives... It is consistent that a people in a hard material environment, with a poor material culture and little detached knowledge, should develop a religion around the inexorable... No social imperative made them celebrate joyously what could not be changed.’6 Thus had Aboriginal thought anticipated the dilemma of this

age, with the collapse of comforting myths. Stanner particularly has approached Aboriginal systems of belief with the respect which flows from insight, and his work suggests how study of the Aboriginal view of reality might uniquely extend the area of Australian intellectual speculation.

There may still be time for a reconciliation between two traditions. If the 'white' community is well on the way to 'developing' the country, there still remains the question of what life is all about. It may not be too late to try humility, always so difficult in the approach from a literate to a non-literate tradition. For the Aboriginal who has retained something from his Dreaming has retained something unique for the enjoyment of nature in this country, if only we can develop the humility to learn from him how to share it; and what it meant to Australians through the millennia before Europeans saw it.
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