



*South Australian Aborigines Protection Board (1939-1962)  
and governance through 'scientific' expertise:  
a genealogy of protection and assimilation*

*Margaret Macilwain*

*PhD thesis  
Politics  
Adelaide University*

*20 November 2006*

## Contents

Abstract  
Declaration  
Acknowledgements  
Map of South Australia  
Figures  
Abbreviations

|  |     |
|--|-----|
| <i>Introduction</i>  | 1   |
| Foucault's triangle of sovereignty-discipline-government             |     |
| Methodology  |     |
| <b>Section One: Preamble</b>   | 24  |
| 1 <i>Institutions and techniques of governance</i>                   | 27  |
| Colonial rationalities and practices                                 |     |
| 'Systematic' governance  |     |
| A paternal authority   |     |
| The advances of science  |     |
| Non-liberal rationalities of governance                              |     |
| Conclusion   |     |
| 2 <i>The Aborigines Protection Board</i>                             | 78  |
| The importance of expertise  |     |
| The question of executive or advisory boards                         |     |
| The formation of the Aborigines Protection Board                     |     |
| The purpose of the Board   |     |
| Conclusion   |     |
| <b>Section Two: Preamble</b>   | 119 |
| 3 <i>The Ministry: the issue of land</i>                             | 124 |
| Problematizations of land  |     |
| The Aborigines portfolio—'a sideline of Government activity'         |     |
| Land policies of the Board   |     |
| Conclusion   |     |
| 4 <i>Medical profession: surveys and medical attendance</i>          | 157 |
| Remote surveys   |     |
| Local attendance and public health                                   |     |
| Medical policies of the Board  |     |
| The Board and medical attendance                                     |     |
| Conclusion   |     |
| 5 <i>'Sympathetic' expertise: the protection of Aboriginal women</i> | 191 |
| Crimes against Aboriginal women                                      |     |
| Women's Non-Party Association and the protection of Aboriginal women |     |
| The Board and the execution of special protection legislation        |     |

|            |  |     |
|------------|--|-----|
|            | Welfare Officers and domestic roles, government benefits and assimilation  |     |
|            | Conclusion   |     |
| 6          | <i>Police: alcohol, rations and the law</i>  | 229 |
|            | Police expertise and colonial policing   |     |
|            | The policing of alcohol  |     |
|            | Policing the 1911 <i>Act</i> and subsequent legislation  |     |
|            | Ration distribution  |     |
|            | Conclusion   |     |
| 7          | <i>Anthropological science: authority of knowledge and exemptions</i>  | 266 |
|            | 'Seeding Time' in scientific history   |     |
|            | The 'anthropological view of this racial problem'  |     |
|            | 'Mental vigour is surely an inherited trait'   |     |
|            | The 'degree of colour, an idea promulgated by scientists'  |     |
|            | The two-way street of science and government   |     |
|            | Conclusion   |     |
| 8          | <i>Mission organisation: voluntaryism and 'practical' governance</i>   | 306 |
|            | Mutability versus essentialism   |     |
|            | Voluntaryism and missions to the 'heathen'   |     |
|            | The 'next step beyond'   |     |
|            | Rewards for past work  |     |
|            | Nationalisation and the Board's views on missions  |     |
|            | Conclusion   |     |
| 9          | <i>Agricultural expertise: regulating Village Settlements</i>  | 345 |
|            | Village Settlements and Aboriginal yeoman farmers  |     |
|            | Responses to the agrarian ideal  |     |
|            | Pastoralism: the limits of government, science, religion and civility  |     |
|            | Depopulating Village Settlements: moral codes and utility  |     |
|            | Conclusion   |     |
| 10         | <i>Educational expertise: training of children</i>   | 386 |
|            | The status of Aborigines   |     |
|            | State parenthood or the State as 'over parent'   |     |
|            | Dormitories: the liberal response to an 'illiberal' State as 'over-parent'   |     |
|            | Training in State probationary schools   |     |
|            | Authoritarian liberalism sanctioned through 'the expert knowledge of psychologists,<br>psychiatrists, physicians and social workers' |     |
|            | Fostering: 'little opportunity in their present environment'   |     |
|            | Conclusion   |     |
|            | <i>Conclusion</i>  | 442 |
| Appendix 1 | Membership of Government Boards, 1918 to 1970  | 452 |
| Appendix 2 | Regulations under <i>Aborigines Act</i> , 1911 (re-gazetted 25 July 1940)  | 454 |
| Appendix 3 | Histories—Aboriginal people of South and Central Australia   | 457 |
|            | <i>Bibliography</i>  | 458 |

## *Abstract*

The thesis offers a Foucaultian genealogy of the governmental policies of protection and assimilation as they affected Aborigines in South Australia up to the 1960s. The central actor in the thesis is the Aborigines Protection Board (1939-1962) because the Board signalled a shift in the forms of liberal governance to include 'scientific' experts in the governance of Aboriginal people. Executive 'scientific' experts were appointed from the areas of medicine, protection of women, anthropology, mission organisation, agriculture and education, and in the process a 'two-way street' of expertise was created whereby government drew 'scientific' experts into its structure through networks with University organisations, and bureaucrats infiltrated the University. As a result, the experts' knowledges created a biopolitics, which determined methods of governance of Aboriginal people. Government used the rhetoric of 'scientific expertise' both to problematise Aboriginal affairs in ways to make them amenable to governance, and to condone non-liberal practices in this area. Older disciplinary and pastoral techniques based upon 'hybrid' knowledges—a combination of personal experience of the job and 'scientific' knowledge—persisted.

The genealogy presents an aspect of twentieth-century political thought and contributes to a general history of ideas in Australia. It provides fresh insights into definitions of Aboriginality used for governing purposes and into authoritarian practices like removal of children from their kin. The genealogy identifies that the period studied is more usefully described in terms of Foucault's triangular relations of sovereignty-discipline-government than as linear progressions between disciplinary and pastoral practices and self-government. It illustrates that 'scientific expertise' served both a practical need and, as stated, a rhetorical one. While there was a belief in the claims to objective knowledge offered by scientific experts, the turn to scientific 'experts' was also used by government to facilitate a mode of governance that excluded those with experience, including Aborigines, from executive governing processes. Finally, the thesis shows how a liberal government compromised accountability temporarily so as to change modes of governance significantly. Through the use of an executive Aborigines Protection Board, the South Australian Government gave executive authority to unelected, non-representative experts and incorporated the normalising categories of the medical, anthropological, and social sciences until bureaucrats themselves had acquired the desired expertise. At that point, non-government experts became advisers only.

## *Declaration*

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text.

I give consent to this copy of my thesis, when deposited in the University Library, being made available in all forms of media, now or hereafter known.

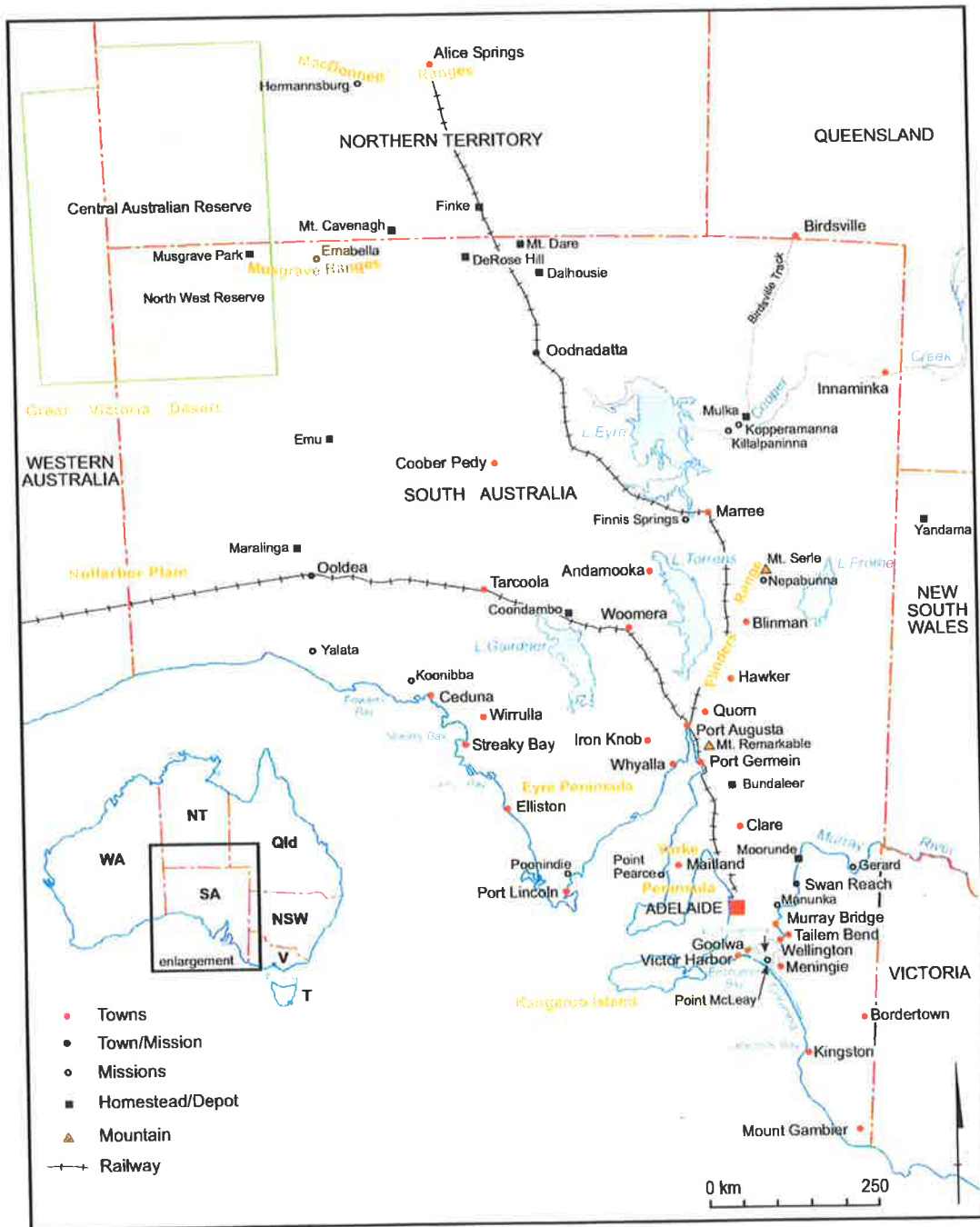
## *Acknowledgements*

I acknowledge the advice and assistance of my supervisor Dr Carol Bacchi who has made my often clumsy ideas, clear and intelligent. I also acknowledge the assistance of Dr Carol Johnson, Dr Greg McCarthy, Dr Marion Maddox and Dr Robert Dare who were interim supervisors during the long haul that has now come to an end.

I would like to recognise colleagues of the former Indigenous Studies Network (1999-2002) for their lively debates. Steve Jenkins was a good friend at this time, in earlier undergraduate years, and is today. Also, Judith Raftery has given me advice for Chapter 4 by sharing her knowledge of the history of Aboriginal health.

I would also like to thank colleagues across the disciplines—Rikki Wilde, Marcus Beresford and Victoria Reynolds for those (very) extended lunchtime sessions, and David Olney and Emer Dunne for long-term friendships.

Thanks go to my friends and family who have put up with a distracted companion over a long period. Michael, Helen and Anju need mention for their unwavering encouragement.



South Australia 1939—establishment of Aborigines Protection Board

## Figures

(following page 118)

- Figure 1: 'The Service Physiologised' *Public Service Review* 31 July 1943
- Figure 2: The Service 1836 and 1936 *Public Service Review* 1936
- Figure 3: Australia Day *The News* 30 January 1956
- Figure 4: Cabinet Members 1938 including Malcolm McIntosh (Mortlock)
- Figure 5: 'Expenditure: where your money goes' *The Advertiser* 8 January 1938
- Figure 6: LCL Playford Government Electoral Advertisement March 1941 *The News* 28 March 1941
- Figure 7: Stipendiary Magistrate Swan and Police Inspector Besley 1880 (Mortlock)
- Figure 8: 'Author's children with Ernabella children in 1946', C. Duguid *Doctor and the Aborigines* Rigby Adelaide, 1972
- Figure 9: 'The A-Bomb goes Up' *The News* 15 October 1953
- Figure 10: 'Save the Aborigines Movement' *The Register* 1 June 1928
- Figure 11: 'Back from the Frozen South' *The Advertiser* 14 April 1931
- Figure 12: Police Sergeant Homes—Marree Police Patrol *Walkabout* 1 February 1948
- Figure 13: Mulka Bore on Marree-Birdsville Stock Route *Walkabout* 1 March 1948
- Figure 14: Mrs Aiston at Mulka Store after former Mounted Constable George Aiston's death *Walkabout* 1 March 1948
- Figure 15: Professor J.B. Cleland 1934 Departing for Board for Anthropological Research Expedition to Ooldea and then the Diamantina (Mortlock)
- Figure 16: Unveiling of Taplin Memorial at Point McLeay 23 July 1950—Rowe, McIntosh, Cleland, Penhall and Bartlett in attendance (AFA Publication)
- Figure 17: Professor J.B. Cleland 1932 On Expedition to Mt Liebig and MacDonnell Ranges (Mortlock)
- Figure 18: 'He made history: Aboriginal puts his case'—Australian and New Zealand Association for the Advancement of Science conference—Minister for External Affairs Paul Hasluck, Percy Rigney and Robert Wanganeen *The News* 22 August 1958
- Figure 19: Agricultural Machinery on display at Poonindie ca. 1875, St Matthews Church in background (Mortlock)
- Figure 20: W.R. Penhall attends burial of W.T. Lawrie, Headmaster of Point McLeay School, 1914-1951 (Mortlock)
- Figure 21: Advertisement: Aborigines Department—Welfare Officer *The Advertiser* 2 April 1955
- Figure 22: 'If you love babies...Here is a job for you' *Sunday Mail* 22 November 1958



## *Abbreviations*

### **End Notes and Bibliography**

|                  |   |
|------------------|---|
| AAAS             | Australasian Association for the Advancement of Science               |
| <i>ADB</i>       | Australian Dictionary of Biography                                    |
| Advisory Council | Advisory Council of Aborigines  |
| ANZAAS           | Australian and New Zealand Association for the Advancement of Science |
| Assembly         | House of Assembly, South Australian Parliament                        |
| CSO              | Colonial Secretary's Department                                       |
| GRG              | Government Record Group, State Records                                |
| MHA              | Member of House of Assembly, South Australian Parliament              |
| MLC              | Member of Legislative Council, South Australian Parliament            |
| Mortlock         | Mortlock Collection of State Library of South Australia               |
| NLA              | National Library of Australia   |
| NSW              | New South Wales   |
| NT               | Northern Territory  |
| QLD              | Queensland  |
| RGSA             | Royal Geographical Society of Australasia (SA Branch)                 |
| RSSA             | Royal Society of South Australia                                      |
| SA               | South Australia(n)  |
| SAGG             | South Australian Government Gazette                                   |
| SAMA             | South Australian Museum Archives                                      |
| SAPD             | South Australian Parliamentary Debates                                |
| SAPP             | South Australian Parliamentary Papers                                 |
| SRSA             | State Records of South Australia                                      |
| UASC             | University of Adelaide Special Collections                            |
| WA               | West Australia(n)   |

## *Introduction*

...a work of criticism, or rather of anatomy  
Flaubert 1854<sup>1</sup>

The Aborigines Protection Board was the mechanism thought effective by the South Australian State Government to implement protection and assimilation policies because its members were 'scientific' experts. My study of the years leading up to the formation of the Board and its twenty-year history reveals how liberal governance of the Aboriginal sub-population relied on expert understanding of Aboriginal society. This reliance on, and perceived reliance on, the knowledges of experts is central to my thesis. Texts about the art of government based on the seminal lecture on governmentality given by Michel Foucault (1978), for example Rose (1993) and Dean (1999), have identified the role of experts in governance.<sup>2</sup> I have furthered these studies by revealing that government officials became experts themselves so that government was not always reliant on outside, unrepresentative expertise. I demonstrate that parliamentary accountability was a concern of government so long as unelected, non-representative experts were attached to government by means of an executive board. Government was not comfortable with extended use of unelected experts in executive positions and, after manipulating outside experts for its own ends, reverted to an appointed *advisory* board.

The South Australian case demonstrates that liberal governments may consciously oscillate between advisory bodies and executive boards to satisfy the needs of lobby groups and their supporters in the polity. Government will swing back to advisory bodies when the degree of parliamentary suspicion of executive boards with non-elected members reaches a point where the notion of accountability will be called into question. Also, government may temporarily relinquish accountability so as to change modes of government significantly. For example, the South Australian Government compromised accountability from the late 1930s in order to draw on the 'scientific' expertise of outside, unelected members of an executive board until government itself had both gained its own 'scientific' experts through the infiltration of public officials into the sites of 'scientific' expertise, the University and the Museum, and drawn 'scientific' discourses, in particular those of normalisation, into the discourses of public

administration. As a result, Aborigines Department bureaucrats became experts themselves. As discussed in Chapter 1, this development accords with the liberal idea espoused by J.S. Mill that the best administration for subject populations was that done by professionally trained bureaucrats rather than elected politicians, subject to the whims of public opinion.<sup>3</sup> Consequently, 'scientific' experts were either anchored to government and subject to the requirements of government, or they were at hand in the University and the Museum. The end result is that these practices question the extent to which government is liberal when the public sphere of elected representatives and their appointed bureaucrats is conflated with the expertise of private, non-representative advocates so as to suit public administration.<sup>4</sup>

The issues of Aboriginal governance are addressed even while the importance of Aboriginal affairs to government at this time must not be overstated. The illustration of the physiology of government (see figure 1) demonstrates that the Aborigines Department was considered irrelevant to the workings of government. The illustration also suggests a Foucaultian biopolitics and this idea informs the methodology used to reach an understanding of governance in this period.<sup>5</sup> 'Biopolitics', one feature of liberal governance, is a 'form of politics...concerned with the administration of the conditions of life of the population...Bio-political interventions are made into the health, habitation, urban environment, working conditions and education of various populations'.<sup>6</sup> Populations, as Jose argues, are one pole of bio-power and the other pole is the individual body, which is both knowing and disciplined. Individual bodies are serviceable to the 'wider body politic' for their economic utility. However, individual serviceableness is also measured favourably by the degree to which processes of normalising condition 'the political potential and efficacy of the resultant social body'.<sup>7</sup> Thus, governance through biopolitics is notable for its dual operation of the control of populations and the disciplinary power over and through individual bodies.

Dean explains that liberal governance is 'the constant struggle to achieve an equilibrium between economic government and a government of the processes of life, between a political economy and a bio-politics of the population' and, hence, 'it must situate itself in relation to knowledges of the social, biological, economic and cultural processes found within populations'.<sup>8</sup> In addition, liberal governance has authoritarian elements as a result of these 'bio-political interventions', which help serve to guarantee freedom by limiting it.<sup>9</sup> Government will compromise liberty and democracy in the interests of

‘equilibrium’ and ease in governing practices. This seeming contradiction is overcome because theories about liberty agree that it must be restricted in order to enable it, and because theories on democracy demonstrate that the polity gives up its rights to a minority who are its representatives in government.<sup>10</sup> This thesis assumes from the beginning that liberal democratic government is predicated on the authoritarianism of the polity’s representatives in government.<sup>11</sup> It makes this case by identifying the willingness to include non-accountable experts in governance, compromising common notions of democratic representation and accountability.

### **Foucault’s triangle of ‘sovereignty-discipline-government’<sup>12</sup>**

The reference to expertise is the key to analysing how governance evolved and Foucault’s ideas are used to explain the importance of this factor. I also adopt Foucault’s methodology of writing history for the analysis. He believed that the writing of ‘effective history’ did not assume that history (which was a ‘profusion of entangled events’) was a natural process, or that written history was either truth or knowledge.<sup>13</sup> He advocated the critical practice of ‘genealogy’ for writing ‘effective history’, as genealogy records ‘the singularity of events outside of any monotonous finality’, in order to ‘isolate’ differences and ‘define’ absences.<sup>14</sup>

Foucault argued that, before the end of the eighteenth century, modes of government were explained using the family unit or economy as the model. The father, like the sovereign, was head of a group of adults, children and servants, akin to subjects, that formed the family or governed unit. Successful government was equated to the rule of the family unit. Later, practices of government had to change, as large populations could not be controlled as if they were so many family units. An art or rationality of government was required to manage ‘the problem of population’ (Foucault called this ‘governmentality’).<sup>15</sup>

Discipline, Foucault stressed, was one of the elements of this art of government. He stated that ‘discipline was never more important or more valorized than at the moment when it became important to manage a population’.<sup>16</sup> He described post eighteenth-century society as ‘a triangle, sovereignty-discipline-government, which has as its primary target the population and as its essential mechanism the apparatuses of security’.<sup>17</sup> In this instance, ‘discipline’ is used in the sense of disciplinary practices that

may be both forms of 'social control and social possibility'.<sup>18</sup> Foucault believed that discipline was carried out by institutions like penitentiaries, the police force, schools, hospitals and so on. His use of 'apparatuses' refers to those things that are 'composed of power relations co-ordinated in relationships with systems of knowledge', for example the body of knowledge or discipline of criminology or of public administration.<sup>19</sup> The notion of expert/expertise incorporates both aspects of Foucault's 'discipline', that is, disciplinary practices and bodies of knowledge.

Foucault suggested when populations expand, that governments require an art of governing so that power is employed openly and indirectly. With this method, populations are controlled and also, reflexively, the people have the means to participate in the processes of government through self-regulation. For example, once criminals accept reform they gain the rights and responsibilities of social membership. It is said of government that in 'its most general sense', it is 'the conduct of conduct, where the latter refers to the manner in which individuals, groups and organisations manage their own behaviour'.<sup>20</sup>

As described in Chapter 1, Imperial government institutions like the police force, gaols, the governor, schools, hospitals, insane and destitute asylums, controlled the settler population. Each institution had its own experts in the government of destitute children, abandoned wives and expectant mothers, and the elderly and the sick. However, after an early start at governing Aboriginal children through schools, government institutions largely ignored Aborigines. Rather, they were left to missionaries, whose expertise was in the saving of souls, and to police officers, who issued basic rations to the indigent. The indifference to governing Aboriginal people resided in the preconception that they were a 'dying race' and therefore a rapidly decreasing population. McGregor explains, the notion of the 'doomed race' (which always referred to 'full-blood' Aborigines<sup>21</sup>) originated in the early colonial era and persisted well into the 1950s, although by 1939 it 'was as much contested as conceded'.<sup>22</sup>

This contestation arose in the early years of the twentieth century when it was thought that 'full-blood' Aborigines might have a more optimistic future provided they were protected.<sup>23</sup> At the same time there were increasing explicit references to 'part-Aborigines'. It was acknowledged that they were a growing population and a growing 'problem'.<sup>24</sup> The terms *full* and *part* are used throughout this thesis to emphasise the

fact that Aboriginal people were thought to be two not one sub-population. This was stated unequivocally in the recommendations of the Aborigines Royal Commission of 1913 that provided for a regulation to be framed 'for the separation of full-blood and half-caste Aborigines'.<sup>25</sup> Chapter 1 examines how *part* Aborigines were now identified as a population that *had* to be managed by government. The apparatuses of security provided by the police force for this population were in place, but the other tactics of the art of government were not. If discipline was to be achieved, as it needed to be, the establishment of the institutions and the effective systems of knowledge wielded by experts were required.

Chapter 2 demonstrates that the 1920s and 1930s were the years in which the perceived systems of knowledge to effect the biopolitical interventions required for effective governance were identified. As Dean states, the desired systems of knowledge also partition 'populations in such a way' to permit 'the flourishing of a range of disciplinary, paternalist, tutelary, sovereign and punitive measures'.<sup>26</sup> The authoritarian rule advocated by J.S. Mill for the rule of subject populations was perceived important for Aboriginal people as they needed to be trained to accept the obligations of citizenship.<sup>27</sup>

'New' institutions had already been established. As a consequence of the recommendations of the Royal Commission of 1913, the Government had taken control of the missions at Point McLeay and Point Pearce to ensure effective systems of disciplinary practice. In this period, it was decided that mission organisations were not capable managers of the growing population of *part* Aborigines, though they were accepted as competent to deal with *full* Aborigines. The pastoral and paternal ethics of missionaries were considered suitable for the protection of 'uncivilised' populations, a common description of *full* Aborigines, but missionaries were considered to be impractical in civil affairs and hence as unsuited to deal with the 'problem' of *part* Aborigines. The changing perceptions of the role of missionaries in governance are traced in Chapter 8.

Foucault 'always presented power as an ubiquitous feature of human interaction'.<sup>28</sup> He maintained that there was 'certain continuity between the government of oneself, the government of a household and the government of a state or community'.<sup>29</sup> Foucault identified three mechanisms of governmental power, namely discipline, 'pastoral

power' and liberalism. An understanding of these mechanisms is useful to advance the thesis and I reveal how governance of Aboriginal people, a system of power relations, was developed and applied.<sup>30</sup>

As explained above, 'discipline' describes two tactics: first, the practices of social control that enable citizens to accept discipline in order to get the rewards of state membership; secondly, the bodies of knowledge that enforce power relations and are used as 'apparatuses of security'. Hindess describes disciplinary power as power that is 'always predicated on a claim to knowledge concerning the character of the human subject'.<sup>31</sup> The social and behavioural sciences are the prime knowledges of the human subject. Chapter 2 demonstrates that those urging the use of expertise for controlling part-Aborigines in the 1920s and 1930s were those associated with the discipline of anthropology. Connectedly, practitioners of other knowledges were calling for the use of the disciplines of anthropology or sociology to control Aborigines, or were incorporating aspects of those disciplines into their own areas of expertise. For example, medical professionals whose influence had long-term effects on Aboriginal people incorporated physical anthropology into their expertise.<sup>32</sup> Also, the Women's Non-Party Association, which advocated women's equal rights, established a sub-committee for the protection of Aboriginal women in recognition of the need for increased knowledge of social-scientific issues relating to Aborigines. As well, parliamentarians demanded a board that included those with experience of Aboriginal people or an understanding of their psychology.<sup>33</sup>

The need to know the human subject in all its complexity became a crucial aspect of the art of governance. It followed that discipline became a 'technology of government' and the techniques associated with discipline, namely 'surveillance, regimentation and classification', were fundamental to governance.<sup>34</sup> For example, by the late 1930s, it was noticeable that, official surveys and censuses of Aborigines were subjected to the critical scrutiny of scientific experts. Statistics, which had always been kept by the Protectors, police officers and others for the provision of blankets, rations and medical supplies, were now vital for assimilation techniques which stratified Aboriginal people according to 'caste' and 'civilisation'. The term 'caste' was used to refer to the physical description of Aborigines as 'full-bloods' and less than 'full-bloods'. The language to discriminate between Aboriginal people was based on their appearance (gradations of colour) and on knowledge of their ancestral lineage. 'Civilisation' referred to European

social and economic standards of living, against which Aborigines' manners and appearance were judged and evaluated.

None of this suggests that discipline was necessarily successful in what it set out to achieve. Hindess interprets Foucault's idea of disciplinary techniques as 'ubiquitous features of all modern societies'.<sup>35</sup> In fact, Foucault did not believe discipline to be 'bad' because techniques of self-regulation can be developed 'which would allow these games of power to be played with a minimum of domination'.<sup>36</sup>

The thesis offers examples of how Aborigines avoided discipline by government. For example, in the 1950s some Aboriginal people refused to leave homelands when offered a government house elsewhere. Aborigines were aware that their own values would be subsumed by the normalising values of the mainstream white population. The extended family at Iron Knob camp described in Chapter 4 offers a good example of such avoidance so as to maintain the preferred life style. The family ignored the advice of the Aborigines Department Welfare Office to normalise the relations of the adults through marriage even though formalised marriage would have meant government housing and other welfare benefits. However, other Aboriginal people accepted the disciplinary tactics of 'surveillance, regimentation and classification as a matter of course'.<sup>37</sup> Hindess explains that '...personalities and behaviour [were]...moulded accordingly'.<sup>38</sup> Still, as I demonstrate, assimilation policy was largely unsuccessful because a majority of Aborigines resisted being 'moulded' into 'white' citizens when it meant the denial of their own culture. This is consistent with Foucault's 'disciplinary society' that, as explained above, is not inevitably a disciplined society. Rather, a disciplinary society always includes attempts to avoid and resist the disciplinary processes of government.<sup>39</sup>

According to Foucault, government does not necessarily behave according to the contractarian concepts of Western political thought. In his view, government does not always operate by consent, but may 'promote the well-being of its subjects by means of detailed and comprehensive regulation of their behaviour'.<sup>40</sup> Foucault calls this form of government 'pastoral power' because, like shepherds' concerns for their flocks, the emphasis is on the *welfare* of the flocks rather than on their *liberty*. This description captures the relationship between Aborigines and government seen in consistent references following the *Aborigines Act* of 1911, to the operation of welfare and development on the one side with control/protection/management on the other. Before



the 1960s, welfare and control through statutory law were coterminous. All descendants of Indigenous Australians were denied liberty in one of two ways: they were either compulsorily removed *to* reserves or missions or, conversely, compulsorily removed *from* reserves. The justification for removal from reserves was that residency at Aboriginal institutions delayed assimilation, deemed to be a desirable goal in the period. At times Aboriginal people were expelled from missions as a form of punishment, a matter discussed in Chapter 9.

Foucault himself described pastoral power in terms of a theory of police which, rather than narrowly referring to the police force, refers to the whole area and *raison d'être* of government administration. Hindess explains that some usages of 'police' encompass not just government administration through justice, finance, defence and diplomacy but also areas not covered by government like philanthropy.<sup>41</sup> The theory of police, or police science, seeks to understand and infiltrate all aspects of the administration of society. This theory explains the policies that were proposed and implemented for the administration of South Australian Aborigines in the period under study. If Aboriginal people were confined to or agreed to live on the reserves or stations, they were required to adhere to a comprehensive set of regulations. Using legislation under the *Aborigines Act* of 1911, nine regulations were gazetted in 1917 affecting Aborigines living at institutions like Point McLeay and Point Pearce (see Appendix 2). These rules gave full control over the residents to the superintendents of the stations, even to the extent of dictating the hours of rising. Aboriginal people employed on the stations were required to rise at 6.45 am from October to March, and half an hour later in autumn and winter. Other regulations standardised a dress code, and personal and residential hygiene. These were the types of rules operative in State Government-run orphanages and reformatories. Like shepherds with their flocks, superintendents regulated the Aboriginal residents of the government stations.<sup>42</sup>

Another aspect of pastoral power that Foucault identified is the use of self-examination, confession and guidance. These processes are allied to the Christian redemption practice of examination of conscience, confession to a representative of Christ, and absolution of sins, providing the sinner atones or does penance. The end result of such a *régime* is self-regulation. Its other effects are obedience, guilt, pursuit of self-knowledge and the need for guidance from authority. Such a process becomes part of the means by which government operates, knowing that people 'can normally be relied upon to impose an

appropriate rule on their own behaviour'.<sup>43</sup> Aboriginal people who converted to Christianity were more likely to apply these practices of self-regulation; hence the emphasis on conversion. Also, those Aborigines who compromised liberty for government assistance (rations, Child Endowment, housing and so on) complied with self-regulation so as to receive doles that were conditional on behaviour.<sup>44</sup> However, many Aboriginal people who resented these restrictions, particularly the imposition of condemning oneself for not fitting the mould of 'white' Christian cultural practice, evaded, resisted and rejected this governmental tactic.

Although one of the key aspects of liberalism is the liberty of the individual through limited government, Foucault believed that liberalism 'is also concerned to ensure that people's public and private behaviour will be conducted according to appropriate standards of civility, reason and orderliness'.<sup>45</sup> In this case, the art of government that is employed is indirect control. This form of regulation is not the obvious one of police (pastoral power) but relies on individuals to regulate themselves so as to gain some liberty. Even so there are always variations; for example, those who receive welfare relinquish some liberty in return for governmental or philanthropic relief. As Foucault said of liberty and the art or rationality of government, 'Hence liberty is registered not only as the right of individuals legitimately to oppose the power, the abuses and usurpations of the sovereign, but also now as an indispensable element of government rationality itself'.<sup>46</sup> In this vein, assimilation policy was a liberal policy since its main aim was to enable Aborigines to have the same rights and responsibilities as the mainstream population. It was a process whereby Aboriginal people were expected to aspire to liberty with limited government, but this meant necessarily displaying the same 'standards of civility, reason and orderliness' as 'white' Australians. Consequently, assimilation was a process of homogenisation, of producing one nation, that did not account for cultural differences. It thereby demonstrated the authoritarian aspects of liberal governance. However, at the same time as assimilation policy aspired to homogenisation, it contradictorily involved power relations that *individualised* Aboriginal people.

Foucault demonstrated that, ironically, disciplinary power creates highly individualised identities. Systems of control like penitentiaries, insane asylums and reformatories define their subjects as deviants from the norm. Statistics and definitions separate the

traits of convicts from law-abiding citizens, the mad from the sane, delinquents from non-delinquents and so on. Foucault explained that:

...it is already one of the prime effects of power that certain bodies, certain gestures, certain discourses, certain desires, come to be identified and constituted as individuals. The individual, that is, is not the *vis-à-vis* of power; it is, I believe, one of its prime effects.<sup>47</sup>

This individualisation applied to Aborigines who became subjects of governmental scrutiny. The collection of details of kin was carried out to determine 'full-bloodedness' or gradation of caste. The art of governmentality was demonstrated by the restricted access to the cash bonus under the *Commonwealth Maternity Allowance Act* (1912). By 1939, Aboriginal women with a preponderance of 'white blood' were eligible for the bonus. When an Aboriginal mother applied for the bonus from the Commonwealth Department, the State Aborigines Department was required to forward an assessment of the woman's caste. The details for the assessment were acquired from the superintendent of the reserve or station, or the missionary at the mission, where the woman resided. For instance, a 'half-caste' mother qualified whereas 'full-blooded' and 'three-quarter caste' mothers who were her neighbours and relatives were ineligible. Rather than making all mothers eligible as an anonymous mass, genealogical records identifying mother, child, parents, sisters and so on, proliferated in bureaucratic files.<sup>48</sup>

Individualisation through disciplinary and normalising practices was one aspect of the creation of a biopolitics of Aborigines. Parliamentarians, and other persons who influenced them, wanted to refine further the biopolitics of the Aboriginal people. Prior to 1939, there was a biopolitics in place, but it was felt that it could be optimised with scientific knowledge of the subject population. Parliamentarians were looking for 'solutions' to the 'Aboriginal problem', and the inclusion of scientific experts in executive governance was thought by government to be in line with other practices that relied increasingly on expertise and that had the power to regulate through norms of individual conduct. For example, the Education Department employed a psychologist and the Children's Welfare and Public Relief Department had trained social workers whose roles were to 'improve' sections of the white population. Experts from the anthropological, medical and sociological sciences were enlisted to a role in governance because of the conviction that the knowledges they possessed provided vital and useful keys to 'solving' the 'Aboriginal problem'.

In this manner, knowledge and power are intertwined; that is, ‘no object of power [is] separate from the workings of power—power working in conjunction with the knowledge that marks out its object’.<sup>49</sup> These different knowledges marked out the object of ‘the Aborigines’ in specific ways that are identified and described in detail in subsequent chapters. At the same time, the model of rule through expertise was shifting and unstable due to the existence of competing knowledges and the machinations of Board politics. The story of the Aborigines Protection Board offers a specific and detailed examination of the methods of liberal governance. Nikolas Rose describes these methods as producing

a series of problems about the governability of individuals, families and markets and populations. Expertise provided a formula for resolving these problems instantiated in a range of complex and heterogeneous ‘machines’ for the government of individual and collective conduct.<sup>50</sup>

The expert Aborigines Protection Board can be described as a motor for the ‘complex and heterogeneous machine’ that was the governance of Aboriginal people.

Furthermore, Miller and Rose describe the ‘indirect’ techniques of rule by experts as ‘government at a distance’ because the networks established by independent expert agents are differentiated ‘by space, time and formal boundaries’.<sup>51</sup> Shared ideas unite these networks, and Miller and Rose point to the end results, which are the normalising categories of the expert knowledges:

The language of expertise plays a key role [in indirect rule], its norms and values seeming compelling because of their claim to a disinterested truth, and the promise they offer of achieving desired results...Each of these diverse forces [that is, the experts] can be enrolled in a governmental network to the extent that it can translate the objectives and values of others into its own terms, to the extent that the arguments of another become consonant with and provide norms for its own ambitions and actions.<sup>52</sup>

That is to say, as liberal government can be defined as a ‘dispersion of systems of authority’, which depend ‘for their possibility upon the power of experts and the authority of truth’, the role of the authority of expertise is ‘crucial’ in order to make ‘liberal rule operable’.<sup>53</sup> Such rule occurs by instilling ‘forms of sociality and norms of responsible autonomy within subjects of rule’, and by hooking up ‘key locales to the ambitions of government in ways that both preserve and shape their internal systematics’.<sup>54</sup>

It is important to note that the terms expert or expertise, and scientist or scientific or science, were used indiscriminately more often than not. Usually the terms referred to training in a specific knowledge that was based on an objective scientific rationality, rather than upon the 'irrationality' of religion or philanthropic fervour. There was the unexamined belief that 'science', and therefore 'social science', was based on error-free knowledge. This understanding implied importantly that the 'solutions' to 'social problems' offered by these knowledges were considered unchangeable and unchallengeable because scientific rationality was the final arbiter.

In the late 1920s and early 1930s references using the specific terminology of 'scientific expertise' and 'problem solving' are made in the literatures of anthropology, public administrations, parliaments and other fields, which have interests in South Australian Aborigines. These references are concerned with the employment of the 'expert' to use 'specialist expertise' to 'solve' the 'Aboriginal problem'. Chapter 2 demonstrates that there was much parliamentary debate between 1936 and 1939 leading up to the establishment of the Board on the need for 'scientific' expertise. Scientific experts were thought desirable because they were seen to act on rational principles in contrast to private advocates and mission organisers who were perceived to be impractical. The Liberal/Country Party Coalition Government, which had been in power since 1933, was able to use both the idea of the experts' authority to 'solve' the 'Aboriginal problem' and the experts' expertise to introduce and implement policy. In addition, a perceived competent board of scientific experts at State level was thought to be an inducement to the touted financial takeover of Aboriginal affairs by the Commonwealth Government, which would give the Coalition Government the advantage of federal welfare and development grants. The Playford State Government initially favoured Commonwealth Government financial responsibility only and not 'nationalisation' or complete control of Aboriginal affairs by the Commonwealth Government.<sup>55</sup>

The thesis traces in detail the stages in the engagement between the South Australian Government and scientific expertise. As described in Chapter 2, from its inaugural meeting in February 1940, the Board had a government representative in the Chairman, and the Secretary was subject to the *Public Service Act*, thereby giving the Government the means of directing policy and consequent practices. The remaining members represented different bodies of knowledge in the protection of women, health and the control of disease, anthropology and the natural sciences, missions and religion, and

agricultural science and vocational training. Two of the members were to be women and they were to represent mainly the needs of Aboriginal women. The Board members were Protectors and were required to carry out aspects of policy under statutory law. Experts required for the Board were identified through disciplines or bodies of knowledge as well as with discipline in mind, in the sense of control (by government). Rule through experts determined that Aboriginal membership was denied. The rationale was not that Aboriginal people were ignorant of their desires but that they did not possess 'scientific' expertise and hence were incapable of governance. As I argue above, discipline is power used in the art of government and, therefore, the selection of experts was a deliberate method to determine the standard and content of future government policy. As well, control of policy implementation was assured because some police officers in rural areas continued to be official Protectors of Aborigines, while all police were unofficial Protectors. When it came to Board membership, the fact that a particular person had specific values, experience or expertise, or lobbied for inclusion, was secondary to the general idea that specialist expertise and experts were required.

Nonetheless, it is evident that some practices survived the changing methods of rule. These practices were often related to civil rights, like freedom of movement to gain a living, (white) rights of paternal protection for children and parochial assistance in case of sickness and old age. Scientific expertise was thought to fix the 'problem of protection and assimilation'. However government officials, particularly those in the field like Destitute Board, Education Department and Pastoral Board inspectors and the police, often used techniques that were based on a non-scientific understanding—past or experiential understanding of civil rights and of problems of poverty. Valverde calls such non-scientific understanding 'in between', 'hybrid' knowledges and 'low status' knowledges.<sup>56</sup> Such knowledges were not based on expert opinion, as they were a hybrid that was drawn from knowledge or commonsense about one's job and sometimes 'borrowed bits of science'.<sup>57</sup> This implies that 'scientific' expertise was not as important for practitioners at the point of implementation, as it was for policy production by executive government.

By the late 1950s, the combination of factors expressed above produced a distinct shift in Board policy. It is then, through the invitation to a senior bureaucrat in the Education Department to join the Board, that the introduction of the expertise of education is

observed. Chapter 10 offers a detailed examination of ways in which the 'solution' of educational expertise represented the 'Aboriginal problem', highlighting the role it played in accelerating assimilation policy in line with contemporary political influences. At the same time, there were expressed concerns about the nature of the Board, which included unelected, non-representative experts. The concerns related to the lack of parliamentary accountability by unelected experts. Debate, once again, focussed on whether such a board should have executive powers or be merely advisory. This thesis traces the steps by which a mode of governance emerged in the 1960s in which experts were at hand but were, ultimately, divested of direct executive power.

I show that, by the 1960s, the Playford Government no longer needed an executive board of 'scientific' experts as it had experts at hand in the Board for Anthropological Research and the Department of Social Studies, the University of Adelaide. Moreover, public servants in the Aborigines Department had themselves become 'scientific' experts through their networks with the University and the South Australian Museum and through their roles as teachers of public administration at the University.<sup>58</sup> Consequently, in 1963 under new legislation, a new Aboriginal Affairs Board was created which was *advisory* rather than executive. While this Board had a membership almost identical to the Aborigines Protection Board, notably the new Board included Aboriginal participation. The thesis argues Aboriginal participation in governance was sanctioned when 'clothed only in advisory powers'.<sup>59</sup> Also, Aboriginal participation only occurred once there existed a two-way street between government and the required expertise or, more specifically, once the 'scientific' discourses of normalisation were entrenched within government. Significantly, this raises important questions about liberal governance.

The thesis offers insights into the methods that were deployed to ensure that Aboriginal people did not attain the status of liberal subjects. I trace how 'scientific' expertise produced Aborigines as subjects needing regulation because of their welfare, health and housing needs. That is, the normalising categories of 'scientific' expertise created the rationale for non-liberal forms of governance of Aborigines. Significantly, by the time Aboriginal people were included on the new Aboriginal Affairs Board, the normalising categories of the medical, anthropological and social science experts were firmly established not only in the Aborigines Department but also in other bureaux of government, such as the Education and Children's Welfare and Public Relief

Departments. Hence, normalising categories allowed continued biopolitical interventions into the affairs of Aboriginal people and paradoxically, these forms of control were less conspicuous because of Aboriginal representation on the new *advisory* Board.

### Methodology

The thesis uses the composition of the Aborigines Protection Board and its policies as its structure since this provides a working guide to the logic of governance in operation at the time. I employ the genealogical style of historical description advocated by Foucault. This style is ‘gray, meticulous, and patiently documentary’ and avoids ‘retracing the past as a patient and continuous development’; rather, it encourages non-oriented investigation of institutions, practices and discourses so as to elucidate their particularities and contingencies.<sup>60</sup>

Chapters 1 and 2 in Section One give an outline of institutions and techniques of colonial governance of Aborigines and an overview of the genesis of the Board itself. The Section supports my contention that governance of Aboriginal people was non-liberal because Aborigines were believed to be subject populations requiring paternal, authoritarian governance. The outline identifies the processes that ensured the participation of ‘scientific’ experts in executive government. There were two important aspects of these processes—government gained power to regulate through using the norms of individual conduct and consolidated power through the rhetoric of claiming it was governing using ‘scientific’ rationality.

Section Two examines areas of expertise of the Board, barring Chapter 6, which addresses the non-scientific expertise in the field by police officers, confirming that, despite new rationalities of governance based on the need for ‘scientific’ expertise, some practices based on experience, commonsense and ‘borrowed bits of science’ did not change.<sup>61</sup> This was an anomalous area of administration because the Police Department, like the Children’s Welfare Department, had the Chief Secretary, not the Commissioner of Public Works, as its minister in cabinet. However, police were given authority to carry out some of the legislation that pertained to Aborigines and therefore are a crucial part of the story. Chapter 6 reviews the law specific to Aboriginal people as well as the policy of rations and other relief.



Chapter 3 explains the way in which the issue of land affected the legalisation of Aboriginal status. Land legislation and policy were structured to endorse the sectionalisation of Aborigines into *full* and *part* populations. This involved two aspects, creating large reserves for the protection of 'full-blood' Aborigines and leased blocks to facilitate the assimilation of part-Aborigines. Chapter 3 also examines the role of the Chairman of the Board who considered the Aborigines Department a peripheral player in his large portfolio as Minister of Public Works. The Chapter demonstrates that, like most other members of Parliament, he was reactive rather than proactive about Aboriginal affairs and, significantly, alerts us to the fact that the need for experts on an executive Board was largely rhetoric.

The study of the medical professionals in Chapter 4 confirms the understanding of the 'Aboriginal problem' as one of a *full* and a *part* population. This understanding was developed through methods of practice that focussed on medical surveys for 'full-blood' Aborigines, although there was medical attendance for all Aboriginal people. In these ways Aboriginal status was consolidated as *full* and in need of protection, or *part* and equivalent to the lower classes, therefore requiring assimilation. Detribalised 'full-blood' Aborigines did not neatly fit this model because at times they were considered in need of protection and at other times they were believed to be on course towards assimilation. Chapter 4 outlines how the medico-scientific experts of the Board influenced the discourse that the only true Aborigines were 'full-blood' tribal Aborigines requiring protection and segregation from the mainstream population and also from detribalised part-Aborigines.

Chapter 5 traces the implementation and administration of special legislation for the protection of Aboriginal women and exposes the conundrum that was created. Special legislation treated adult women as children under the law and thus contradicted the women advocates' platform of equal rights for men and women. Women policymakers enlarged the dominant understanding of the 'problem' but they did not challenge the division into *full* and *part* populations; rather they included gender and equal rights as factors of protection and assimilation. Chapter 5 consequently indicates how even alternative approaches merged with the controlling practices of the politics of the time.

As stated above, Chapter 6 examines the role of police in Aboriginal administration and demonstrates how they upheld norms of good behaviour by controlling 'space' and by enforcing law. In addition, they attended to the welfare needs of Aboriginal people. Police had a conflicting role that required them to be both the Protectors of Aborigines and prosecutors of criminal behaviour allegedly committed by them.

In Chapter 7, it is revealed that the 'scientific' practices of eugenics and of anthropology provided the 'intellectual technology' to govern Aborigines. The Chapter examines how the expertise of scientists inculcated itself into governance with the willing acceptance of most politicians and bureaucrats and of some of the secular and mission advocates. As a result, it explains how anthropological expertise of the mostly medical scientists was simultaneously anchored to government and located 'at a distance'. It also demonstrates how the administration of the status of Aborigines, which was endorsed by 'scientific' expertise, was carried out through exemptions for Aboriginal people from protective legislation.

The complex relationship between political governance by the State and moral guidance by the Church is explored in Chapter 8 through analysis of voluntaryism and 'practical' governance exercised by mission organisations. Governments appeared to be the dominant partner of this vacillating relationship, using missions when it suited them. However, this was not the whole story since governments realised that they could not call on moral causes because they were thought by the public to be lacking in that respect. Therefore, they sought, at times, recourse to those organisations perceived to have 'soul'. In Chapter 8, I demonstrate how the non-'scientific' expertise of mission organisation at times challenged but also supported the prevailing views on governance.

Even as late as 1939, agricultural expertise was still turned to as a 'solution' to 'problems of protection and assimilation', despite the evidence of voluntary Aboriginal migration from reserves to urban areas. Chapter 9 demonstrates the connection between agriculture and religion that was maintained through imposition of moral values and social norms. It explores how the ideal of Village Settlements and model farms relied on non-liberal practices. These were the legal control of emigration and immigration to reserves and the adoption by Aborigines of civic norms, which meant absorption into the mainstream population. In this Chapter, I show how expertise was used for both liberal and non-liberal purposes through the regulation of Village Settlements in

particular. In addition, the example of pastoralism demonstrates how officials conceded that governance was ineffective in remote areas. In remote areas, as the norms that were imposed through the connection of religion and agriculture were absent, governing practices worked irregularly with pastoralism which was the dominating structure.

Chapter 10 examines how pedagogical practices of educational expertise were employed to convert Aboriginal children and adolescents to European values and norms and acceptance of government, the social contract and liberal individualism. This was achieved, at times, through non-liberal means whereby adult Aborigines were forced into accepting State parenthood for their children. Moreover, the Aborigines Department, rather than improving housing at reserves and camps, permitted children to become neglected. As a result, the courts declared Aboriginal children to be State children. They were then subjects of the State's industrial school system. The policies and practices for training of children were to test severely the tensions between 'scientific' expertise, the executive powers of the Board and government accountability. The Chapter identifies how authoritarian practices undermined principles of parental responsibility.

The final chapters, Chapters 9 and 10, reveal that the expertise of education was promoted towards the end of the Board's administration in place of the expertise of agriculture. This late change in expertise was not perverse as education and industrial training had been early colonial policy. It also fitted the increased emphasis on assimilation as the desired goal.

The story ends in 1963 with the inclusion of Aboriginal representatives on the Aboriginal Affairs Board, the non-executive successor to the Protection Board. This move, I show, was determined by the pressure of concerns for democratic accountability which could be acceded to as there was now a 'two-way street' between government and the locus of science—bureaucrats had become experts themselves and unelected experts were either anchored to government or located 'at a distance' in the University and Museum. Significantly, this 'two-way street' continued to deny Aborigines the status of experts. The Board on which they were now invited to sit was *advisory* only. The year 1963 was also the beginning of the end of 'protection and assimilation' and the adoption of new articulations of governance, firstly 'integration' and later 'self-determination'. Nonetheless, as Rowse argues, new techniques of liberal governance did

not entirely displace previous ones. For instance, while assimilation was promoted, older disciplinary and pastoral techniques persisted.<sup>62</sup> Also, although the 'collectivist' or 'communal' liberalism of self-determination appeared to displace the 'individualistic' liberalism of assimilation it, in fact, 'inherited and built upon many of the practices of "assimilation"'.<sup>63</sup>

The thesis tells a complex story about the relationship between government and expertise. In summary, it shows that 'scientific' experts were invited to take an executive role in the governance of Aboriginal people but that the government also used the rhetoric of 'needing experts' to achieve particular goals. This rhetoric was used so as to apply a mode of governance that excluded those with experience, including Aborigines, from executive governing processes. In this manner, through the use of unelected 'scientific' experts on an executive board, liberal government compromised accountability. This was a temporary stratagem so as to incorporate the normalising categories of the medical, anthropological and social sciences into governance until bureaucrats themselves had acquired the desired expertise; that is, the experts' knowledges created a biopolitics that determined governing methods and condoned non-liberal practices. Unelected 'scientific' experts were the tools of government, problematising Aboriginal affairs in ways that made these affairs amenable to governance. While specific advice based on expert knowledge was used to formulate policy at times, in the end the triangle of 'sovereignty-discipline-government' absorbed the experts. The versatility of the triangular relations of rule meant that traditional and modern practices, Christianity and science, control and self-government were all part of the mix. This implies importantly that there was not an unbroken linear progression from disciplinary and pastoral practices to self-government.

The thesis examines the techniques of governance that both maintained protection policy and produced a more comprehensive assimilation policy. This means looking at the art of government (governmentality) through the power relations of discipline, 'pastoral power' and liberalism. Also, it means examining the mentalities and techniques that made 'expert/expertise' a key factor. Those people with the particular knowledges deemed expert were appointed members of the Board and their understanding of the 'Aboriginal problem' created a biopolitics, which delineated the particular methods of dealing with Aborigines. For governing purposes, Aboriginal people were categorised as a *specific type* of citizen despite the rhetoric of the

prevailing liberalism to create one nation with equal rights and responsibilities for its members. On the other hand, the rhetoric of the universalising assimilation policy denied Aboriginal cultural difference and so Aborigines could only become liberal citizens by moulding themselves into behaviours that negated their own traditions.

- <sup>1</sup> Gustave Flaubert, letter of 2 January 1854 about his novel *Madame Bovary* in T. Cave 'Introduction' in G. Flaubert. *Madame Bovary: life in a country town* (1857) Oxford University Press 1981, p. xviii. The book is a fiction about the (female) body and scientific experts.
- <sup>2</sup> M. Foucault, 'Governmentality' in G. Burchell et al (eds.) (1991) *The Foucault Effect: studies in governmentality*. Hemel Hempstead: Harvester Wheatsheaf, pp. 87-104. N. Rose, 'Government, authority and expertise in advanced liberalism', *Economy and Society*, 22:3, 1993, pp. 283-299. M. Dean (1999) *Governmentality: power and rule in modern society*. London: Sage.
- <sup>3</sup> J.S. Mill (1948) *Utilitarianism, liberty and representative government*. London: Dent, pp. 389-393. First published 1910.
- <sup>4</sup> P.E. Gottfried. (1999) *After liberalism: mass democracy in the managerial state*. New Jersey: Princeton University Press, pp. xiii-xiv.
- <sup>5</sup> The illustration, "The 'Service' Physiologised", also suggests a Flaubertian idea of textual explanation as 'dissection'.
- <sup>6</sup> M. Dean (1999), *Op.cit*, p. 209.
- <sup>7</sup> J. Jose (1998) *Biopolitics of the subject: an introduction to the ideas of Michel Foucault*. Darwin: NTU Press, p. 36.
- <sup>8</sup> Dean (1999) *Op.cit*, p. 204.
- <sup>9</sup> M. Dean 'Liberal government and authoritarianism' in *Economy and Society*, 31:1, February 2002, pp. 37-61. Dean argues that authoritarian elements are 'enduring features of liberal approaches to government, readily illustrated by episodes from the genealogies of economy, police, poverty and welfare...'. p. 40.
- <sup>10</sup> B. Hindess 'Deficit by design' in *Australian Journal of Public Administration*, 61:1 March 2002, pp. 30-38.
- <sup>11</sup> Dean (2002) *Op.cit*, pp. 39-40. Dean believes this 'reliance on authoritarian techniques is a consequence of the understanding of government as a limited sphere that must operate through the forms of regulation that exist outside itself', that is the forms of regulation within civil society.
- <sup>12</sup> M. Foucault, 'Governmentality' in Burchell et al (1991) *Op.cit*, p. 102.
- <sup>13</sup> M. Foucault, 'Nietzsche, genealogy, history' in D.F. Bouchard (ed.) (1993) *Language, counter-memory, practice: selected essays and interviews by Michel Foucault*. New York: Cornell University Press, p. 155.
- <sup>14</sup> *Ibid*, pp. 139-140.
- <sup>15</sup> M. Foucault, 'Governmentality' in Burchell et al (1991) *Op.cit*, p. 99 and p. 102.
- <sup>16</sup> *Ibid*, p. 102.
- <sup>17</sup> *Ibid*.
- <sup>18</sup> A. McHoul and W. Grace. (1993) *A Foucault Primer: discourse, power and the subject*. Victoria: Melbourne University Press, p. 26.
- <sup>19</sup> *Ibid*, pp. 66-67.
- <sup>20</sup> M. Dean and B. Hindess, 'Introduction' in M. Dean and B. Hindess (eds.) (1998) *Governing Australia: studies in contemporary rationalities of government*. Melbourne: Cambridge University Press, p. 2.
- <sup>21</sup> I use 'full-blood', 'half-caste', 'mixed race' and so on that were used to explain the categories of 'race' at the time, since this is a study of the logic of governance in a specific historical period. I also use 'white(s)' to refer to Europeans and, at times, the 'Indigenes' and the 'Indigenous population/people' to refer to the Aborigines.
- <sup>22</sup> R. McGregor. (1997) *Imagined Destinies: Aboriginal Australians and the doomed race theory, 1880-1939*. Victoria: Melbourne University Press, p. x. McGregor notes that by 1880 the theory of Aborigines as a doomed race was consolidated. Although Aborigines were considered to be 'doomed' in the face of the perceived superior civilisation of Europeans, government official, missionaries and philanthropists still believed that 'full-blood' Aborigines could be spared if they were protected from this advance. Hence, segregated missions were advocated in order to prevent 'dying out'.
- <sup>23</sup> McGregor notes that at the 1907 meeting of the Australasian Association for the Advancement of Science the extinction of the 'full-blood' Aborigines was not considered inevitable, p. 61.
- <sup>24</sup> *Ibid*, p. 129.
- <sup>25</sup> SAPP No.26 Progress Report of Aborigines Royal Commission, recommendation 26(k). A regulation for such social engineering was not gazetted but policies worked towards this aim of separating 'as much as possible' full and part Aborigines, which was considered the 'desirable' outcome (recommendation 17).
- <sup>26</sup> Dean (2002) *Op.cit*, p. 52.
- <sup>27</sup> *Ibid*, p. 47.
- <sup>28</sup> B. Hindess. (1996) *Discourses of Power: from Hobbes to Foucault*. Oxford: Blackwell, p. 103.

<sup>29</sup> *Ibid.*, p. 105.

<sup>30</sup> K. Stenson 'Beyond histories of the present' in *Economy and Society*, 27, 4 November 1998, p. 340. Stenson is critical of Hindess' approach in using Foucault's conception of discipline, pastoral power and liberalism as the explanation for the political rationalities that are necessary for rule. He states that liberalism should be conceived 'not as a point on a spectrum, but as a political field'. I agree with this point but argue that in order to understand Australian colonialism and the administration of Aborigines, it is imperative to look closely at power relations. Hindess' method is useful because it allows a varied study of power, power relations that are not only in liberalism but also in Foucault's 'discipline' and in pastoral power.

<sup>31</sup> Hindess (1996), *Op.cit.*, p. 115.

<sup>32</sup> There were many South Australian experts in the medical sciences who branched into anthropology, for example, Doctors W. Ramsay Smith, H. Basedow and J.B. Cleland; their influence spanned 1900 to 1960.

<sup>33</sup> See State Parliament's session of October 1935.

<sup>34</sup> Hindess (1996), *Op.cit.*, p. 117.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, p. 153. Hindess cites M. Foucault 'The ethic of care for the self as a practice of freedom' in J. Bernauer and D. Rasmussen (eds.)(1988) *The Final Foucault*. Boston, Mass.: MIT Press, p. 18.

<sup>37</sup> *Ibid.*, p. 118.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*, pp. 120-121.

<sup>42</sup> The superintendents were men; often their wives were the 'matrons'. The long-term superintendents like Garnett, Penhall and Bray were one-half of a couple with influence. For instance, Mrs Garnett gave evidence at the 1913 Royal Commission. When Penhall became an administrator at Head Office, Mrs Penhall remained interested in Aboriginal affairs and accompanied him on his visits to the Stations (mainly it seems to renew old acquaintances). Mrs Bray JP was a returned army nursing sister from the First World War who was awarded an MBE in 1962 for services to ex-service women's and nursing organizations as well as other women's associations.

<sup>43</sup> Hindess (1996), *Op.cit.*, p. 123.

<sup>44</sup> The current Howard Liberal Government's policy of 'mutual obligation' fits with the logic of pastoral power. Mutual obligation policy where Federal Government benefits apply only once citizens fulfil certain requirements, for example 'work for the dole', is being extended into remote Aboriginal communities. In the latter half of 2004, some Aboriginal communities were told that when basic hygiene practices were instituted on a daily basis then they would be eligible for benefits like the installation of petrol bowsers. *Advertiser* Editorial 11 December 2004.

<sup>45</sup> Hindess (1996), *Op.cit.*, p. 130.

<sup>46</sup> M. Foucault on 5 April 1978 in C. Gordon 'Governmental rationality: an introduction' in G. Burchell et al (eds.)(1991) *The Foucault effect: studies in governmentality*. Hemel Hempstead: Harvester Wheatsheaf, pp. 19-20 cited in Hindess (1996), *Ibid.*, p. 125.

<sup>47</sup> M. Foucault (1980) *Power/knowledge: selected interviews and other writings 1972-1977*. London: Harvester, p. 98 cited in McHoul and Grace, *Op.cit.*, p. 73.

<sup>48</sup> C. Raynes (2002) *'A little flour and a few blankets': an administrative history of Aboriginal affairs in South Australia, 1834-2000*. Adelaide: Department for Administrative and Information Services (State Records). See for identification of the metres and metres of files held in the State Government archives, the majority relating to the personal lives of South Australian Aboriginal people. The minutes of the Aborigines Protection Board are said to be 'missing' for some of the critical years of the Board's operation (December 1945 to September 1954 and June 1957 to July 1960). More correctly, the records are not amongst those consigned to the State Records Office.

<sup>49</sup> J. Lechte, 'Ethnocentrism, Racism, Genocide...' in M. de Lepervanche and G. Bottomley (eds.) (1988) *The Cultural Construction of Race*. Sydney: University of Sydney, p. 40.

<sup>50</sup> Rose (1993), *Op.cit.*, p. 283.

<sup>51</sup> P. Miller and N. Rose, 'Governing economic life' in M. Gane and T. Johnson (eds.)(1993) *Foucault's new domains*. London & New York: Routledge, pp. 83-84 and Rose (1993), *Op.cit.*, p. 285. Also see, N. Rose and P. Miller 'Political power beyond the state: problematics of government' in *British Journal of Sociology*, 43:2, 1992, pp. 173-205.

<sup>52</sup> Miller and Rose, *Ibid.*, p. 84.

<sup>53</sup> Rose (1993) *Op.cit.*, p. 297.

<sup>54</sup> *Ibid.*

---

<sup>55</sup> At the 1967 Referendum, it was popularly demonstrated that the Federal Government should be responsible for Aboriginal affairs. In 1972/1973 'nationalisation' occurred. In SA, in 1970, the State Departments of Social Welfare and Aboriginal Affairs were amalgamated, thereby indicating the nature of Aboriginal governance as 'welfarisation'.

<sup>56</sup> M. Valverde (2003)(b) *Law's dream of a common knowledge*. Princeton University Press, pp. 20-22.

<sup>57</sup> *Ibid*, p. 22. For this reason Valverde is cautious about perceiving science and expertise to be dichotomous to experience (and democracy), p. 22 and p. 26.

<sup>58</sup> From the early years of the Aborigines Protection Board, its Secretary, the Head of the Aborigines Department, was a guest teacher for the Diploma of Public Administration at the University of Adelaide.

<sup>59</sup> T. Rowse, 'Aborigines: citizens and colonial subjects' in J. Brett, J. Gillespie and M. Goot (1994) *Developments in Australian politics*. South Melbourne: Macmillan, p. 191. Rowse refers to the first Federal Government organisation of Aborigines, the National Aboriginal Advisory Committee. It was not until the Aboriginal and Torres Strait Islander Commission was established that Aborigines were 'given genuine executive powers'.

<sup>60</sup> M. Foucault, 'Nietzsche, genealogy, history' in D.F. Bouchard *Op.cit*, p. 139 and p. 153. Refer to J. Goldstein 'Foucault among the sociologists: the "disciplines" and the history of the professions', *History and Theory*, 23:1, 1984, pp. 170-192, for an analysis of the positive aspects of using a Foucaultian model for writing history.

<sup>61</sup> Valverde (2003)(b) *Op.cit*, p. 22.

<sup>62</sup> T. Rowse, 'Neo-liberal/"advanced liberal" tendencies in contemporary Aboriginal affairs', paper presented at 'Culture and Citizenship' conference, Australian Key Centre for Cultural and Media Policy, Griffith University, Brisbane, September/October 1996, p. 4. See web site for conference paper – <http://www.gu.edu.au/centre/cmp/Rowse.html> (accessed 19 March 2002)

<sup>63</sup> T. Rowse (1998)(a) *White flour, white power: from rations to citizenship in Central Australia*. Melbourne: Cambridge University Press, p. 221.



## *Section One: Preamble*

This Section of the thesis serves several purposes. First, it provides essential background to the emergence of the Aborigines Protection Board in 1939. Chapter 1 traces the history of colonial governance, identifying key themes such as the reliance on ‘leading strings’, precursors of twentieth century scientific experts. It also provides pointers to the kinds of problematisations crucial to this period of governance, for example, a ‘doomed race’ of ‘full-blood’ Aborigines and two Aboriginal populations—*full* and *part*. Chapter 2 examines closely the precedents and debates leading to the decision to set up a board of unelected experts to govern Aborigines. The significant roles played by other government organisations and by lobby groups such as the Aborigines Friends Association, are also traced in this Chapter.

The second purpose of this Section is to identify key themes in the emerging rationality of governance encapsulated in the Aborigines Protection Board. As the discourse of science and progress had superseded the nineteenth-century discourse of Christianity and progress, so that civilisation through Christianity had lost its hegemony, ‘scientific’ expertise, and not experience or other sorts of expertise, was thought to be the ‘solution’ to the ‘Aboriginal problem’. A key theme, as a result, was the acceptance that there were two populations of Aborigines (*full* and *part*) and that these populations would progress at different stages. This problematisation underpinned the policies of protection and assimilation, which required the turn to scientific ‘expertise’ to govern the two populations. The call for a board of experts with scientific knowledge to be used in the interest of progress and to ‘solve’ the ‘Aboriginal problem’ was almost unanimous amongst parliamentarians, bureaucrats and advocates.

The second Section of the thesis, prefigured here, traces the way in which the groups of scientific experts and others involved in Aboriginal governance conceptualised the ‘Aboriginal problem’, the conflicts among these problematisations, and the resultant governmental practices. Crucially we shall see elaborated the non-liberal character of

colonial liberal governance. Aboriginal peoples were subjected to non-liberal practices, justified by defining them as distinct from 'civilised' society. The Government was willing to compromise democratic accountability in order to draw into government the experts required to identify and cement the divisions between populations—'full blood' and mixed race Aborigines, and the white mainstream.

Liberal governance then is never 'all of a piece'. Rather, liberal governance includes non-liberal, even authoritarian, practices to rule populations. As Dean says, in order to rule successfully, authoritarian practices are applied to populations often 'with the best of bio-political intentions'.<sup>1</sup> Significantly, as we shall see through the details of the use of rations, education, special legislation and exemption certificates as techniques of governance, Aboriginal people were the casualties of the need to rule 'successfully'. They were the ones exploited, marshalled, segregated and denied representation. They were indeed J.S. Mill's subject populations and the victims of non-liberal rule.

---

<sup>1</sup> Dean (1999) *Op.cit.*, p. 132.

---

## *Institutions and techniques of governance*

Liberty in England sprang from the quarrels of tyrants  
*Voltaire 1734<sup>1</sup>*

There were several shifts in the rationalities of governance leading up to the establishment of the Aborigines Protection Board, a Board predicated on the belief that scientific knowledge and expertise, gained through formal qualifications rather than experience, were the best means of governance for Aboriginal people. As we shall see, the early colonial period was notable for its reliance on medical professionals for the governance of Aborigines and the later period was notable for the influence of a paternalistic bureaucracy indebted to utilitarian and liberal theories of government. Colonial rationalities of governance were affected by the utilitarianism of Bentham and the liberalism of J.S. Mill and then, at the end of the nineteenth century, by eugenic thinking that emphasised the view that heredity determined superiority. As a result, it was thought that the poor were inherently inferior and that mixed races were degenerate because of their hybridity. The turning point for the governance of Aboriginal people occurred in the first decades of the twentieth century with the advances of science and the promotion of the idea that science could provide solutions to administrative problems.

It was John Stuart Mill who believed that subject populations were best ruled by bureaucrats through a ‘“government of leading strings”’.<sup>2</sup> He described the government of ‘leading strings’ as ‘one which possesses force, but seldom uses it: a parental despotism or aristocracy...’ and which is ‘required to carry such a people [that is those that are “incapable of conforming their conduct to a rule, or law”] the most rapidly through the next necessary step in social progress’. In addition, he believed that this government was ‘only admissible as a means of gradually training the people to walk

alone'.<sup>3</sup> Mill's argument relies on presuppositions about the nature of progress, with stages or steps towards achieving self-government (he believed the 'best form of government [was to] be found in some one or other variety of the Representative System'), and about societies as savage, barbarian or civilised.<sup>4</sup>

Mill's idea of the 'leading strings' was a reference to being in a state of 'pupillage', namely the 'strings with which children were taught formerly to walk'.<sup>5</sup> Bikhu Parekh uses the term 'leading strings' in another sense that is analogous to the leading first-violin player in an orchestra. Both definitions are helpful and, for my purpose of examining expertise, Parekh's emphasis is particularly useful. According to Parekh, Mill's 'leading strings' are bureaucrats. He construes that Mill believed the affairs of colonised peoples 'were best run by a body of carefully selected, well-meaning and professionally trained bureaucrats free from the control of elected politicians who were all bound to be subject to the influence of shifting public opinion'.<sup>6</sup>

Parekh's interpretation is influenced by Mill's own career of thirty years in the East India Company's headquarters in India House, London, as a leading bureaucrat. (Mill never visited India.) Mill disagreed with the takeover in 1858 of the East India Company by the British State to govern India, believing that governance by the Company using tutelary 'leading strings' was 'best [to] carry those communities through the intermediate stages which they must traverse before they can become fit for the best form of government'.<sup>7</sup>

Parekh identifies bureaucrats with professional training as 'leading strings' who comply with Mill's progressive human beings. Mill thought the ideal being was 'a progressive being whose ultimate destiny was to secure the fullest development of his intellectual, moral, aesthetic and other faculties'. A leading man (not a leading woman as I show later) had a '“striving and go-ahead character”...“One whose desires and impulses are not his own has no character, no more than a steam-engine has a character”'.<sup>8</sup> Mill believed that 'progressive beings' were the best governors of colonial subjects because colonial subjects were 'in a state of “nonage” or “infancy”'.<sup>9</sup> As Aborigines were considered non-progressive beings, rather they were seen as still 'infants', this automatically excluded them from becoming Parekh's 'leading strings' (and board members). They, no doubt, were fully developed in their own society but in liberal terms, Aboriginal people were 'infants' because they did not 'value autonomy,

individuality, self-determination, choice, secularism, ambition, competition and the pursuit of wealth'.<sup>10</sup>

I use Parekh's interpretation of 'leading strings', confident that Mill would have agreed 'leading strings' were progressive beings. Bureaucrats in the governance of non-Europeans were specified to be professionally trained, one of the indicators of being 'an expert'. Mill discriminated in favour of Europeans as he considered that only they had the specific characteristics that meant they were 'progressive'.<sup>11</sup> He also believed that men would run colonial governments. While Mill considered that women had the same capabilities as men in most cases, and hence supported their enfranchisement, he thought they lacked the ambition and concentration for 'serious jobs'.<sup>12</sup>

There was a steady growth of professionally trained experts from the eighteenth century onwards due to both overseas commercial expansion and the establishment of industrial development in Europe.<sup>13</sup> This had a flow-on effect to 'leading strings' in government who were then 'professionally trained'. Corfield gives 'a broad definition' of the professions in her study of Britain from 1700 to 1850: namely,

as all skilled tertiary-sector occupations that are organised around a formal corpus of specialist knowledge with both a theoretical and a practical bearing...often (there is) a distinctive ethos. That focuses upon 'service' (rather than production or distribution), indicating not that professionals are individually more altruistic...[rather] that their occupations are centred upon the provision of expertise. Other correlates include: a high social prestige; a formalised process of training and qualification; and some degree of regulation or control of entry into the business.<sup>14</sup>

The key words for my purpose are 'the provision of expertise' and 'a formalised process of training and qualification'. This description also fits Parekh's view of Mill's 'bureaucrat' who had to be 'well meaning and *professionally trained*' (my emphasis). There were many other people in society who had just as much or more power as professionals. For instance, those with land, wealth and titles did not rely on specialist knowledge, applied or otherwise, to maintain social power.<sup>15</sup> Also, power was not related to the occupations that had the most numbers, like agricultural labourers, because high availability reduced their status. Rather, professionals maintained their power 'from their scarcity as well as their status'. That is, although there was a need to supply professionals according to demand, 'sufficient scarcity [was also needed] to safeguard the exclusivity and incomes of practitioners'.<sup>16</sup> In addition, the length of time and money required to gain qualifications by say, surgeons, guaranteed scarcity and,

therefore, status. These ideas are alluded to when I discuss the experts/professionals who became responsible for the protection and welfare of the Aboriginal populace.

In order to understand the administration of Aboriginal people in the twentieth century, it is necessary to understand previous governance. Government administration in the nineteenth century and after was affected both by liberal rationalities of governance that contributed to the perception of bureaucracy as progressive and masculine, and by the idea that the best bureaucrats were experts who had acquired proficiency in professional techniques of public administration.<sup>17</sup>

From the eighteenth century onwards, the liberal rationalities of governance that were gradually asserted referred to the superiority of 'scientific reason' over both common sense and traditional ways of thinking. Moreover, by the middle of the nineteenth century the term 'expert' referred to a specific type of person, whereas previously it had been used generally to describe a person's abilities in a particular area. This meant '[i]mplicitly, the experts began to challenge other social power-brokers'.<sup>18</sup>

As we will see later in the thesis, Parekh's ideas on governance by 'leading strings' follow through in the establishment of a board to govern Aborigines. The Aborigines Protection Board members were bureaucrats and representatives of lobby groups with only one politician, the Minister, as the representative of the populace. The members were 'leading strings' as they were 'carefully selected' and 'well meaning' and were preferably 'professionally trained'. By 1939, the prevailing discourse was that 'scientific' experts, rather than Mill's nineteenth-century 'bureaucrats' or Parekh's 'leading strings', were considered ideal. This discursive differentiation is misleading for two reasons. First, I demonstrate that Aborigines Department bureaucrats themselves became 'scientific' experts and second, as Mill's thoughts on the ideal human being show, experts could indeed be 'leading strings'.

However, our starting point is the early colonial period of governance and I show that during the first years of the Colony of South Australia, governance was affected by the 'leading strings' in the South Australian Company while being steered by the Colonial Office's representative in the Governor. In 1851, the Colony was granted its first Constitution and a partially representative government in the Legislative Council.<sup>19</sup> As membership of the Legislative Council required a property qualification, it meant that

'leading strings' amongst the colonists controlled this institution. This remained the *status quo* for as long as the Legislative Council was dominated by men who, if not pastoralists and agriculturalists, were associated in some way or other with these professions.<sup>20</sup> The continued prominence of these high-status occupations, which were reliant on favourable land regulation and access, meant that debate about Aboriginal dispossession never moved from a theory about their rights to own land to more than the application of the meanest compensation. In addition, the Aboriginal people were disadvantaged by 'the devolution of power to the white settlers' because

the accomplishment of self-government had rendered it impossible for the metropolitan government to 'interfere' in such affairs as 'native policy' even as (through its concentration of expertise, world-wide experience, and capacity to apply political solutions) an 'imperial' policy would have been more just and more successful.<sup>21</sup>

Ideas about the experts' reinforcement of Aboriginal dispossession and about the development of a colonial form of governance are taken up in the rest of the chapter.

### **Colonial rationalities and practices**

The well-documented record of European expansion and colonisation demonstrates that there was not a systematic understanding or convention as to the governance of conquered inhabitants until the mid-eighteenth century when the rights of the individual in relation to power in the Sovereign (or Pope) were beginning to be formulated.<sup>22</sup> Some analysts consider a notion of good colonial governance attributable to individual nations but this approach does not give due regard to the fact that relations between indigenous peoples and their conquerors varied according to time and place and the tensions and contradictions of the values and ideas of individuals involved.<sup>23</sup> The British conquerors of Australia were influenced by a heterogeneous literature about the non-European world. In this literature, there existed a tension between a view of indigenes as 'noble savages' or as uncivilised, near-brutes.<sup>24</sup> Thomas Hobbes portrayed the latter in his *Leviathan*. Jean-Jacques Rousseau in contrast created the concept of the 'noble savage' who displayed the pure characteristics of the state of nature.<sup>25</sup> In both cases, humans who were in a state of nature were considered to hold property in the labour of their bodies. Through labour, a human could move from a state of nature to civility, first by hunting and gathering the natural produce of the earth, and then by cultivating and enclosing a specific piece of the earth. As John Locke stated: '*As much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his*



*Property*'.<sup>26</sup> With the acknowledgement of property in land, Europeans theoretically established a code of practice for colonisation. This code meant that, if indigenous inhabitants showed they had property in land, it was necessary for colonisers

to persuade them to accept overlordship, or to lease a portion. [If indigenes] had not yet mixed their labour with the earth in any permanent way; or if the region were literally uninhabited, then Europeans considered it to be *terra nullius*, to which they might gain permanent title by first discovery and effective occupation.<sup>27</sup>

Colonisation memorials acknowledged *terra nullius* and its support by Church and State, as illustrated in the 'Australia Day' advertisement in figure 3.

By the early nineteenth century in Britain, there was considerable humanitarian concern about both slavery and the effects of colonisation on indigenous peoples. These concerns led to the abolition of slavery in 1833 and a House of Commons Report from the Select Committee (British Settlements) on Aborigines in 1837. At the time, British policy required the assimilation of indigenes by 'civilising' and Christianising whilst 'protect[ing] colonists from native attack and establish[ing] legal rights and immunities for both groups'.<sup>28</sup> Humanitarians were concerned that the welfare of indigenes had not been guaranteed in the face of settlers' desire for land and the *laissez faire* code of British governments with regard to enterprise. The Report emphasised that the protection of Aborigines was the British Government's exclusive mandate. To make sure that protection was carried out there were: prohibitions on the sale of liquor; amendments to criminal law taking the Aborigines' differences into consideration; appointments of Protectors who were to collect specific and accurate statistics about indigenes; and governmental promotion of the special needs of indigenes, so as to encourage the involvement of missionary societies in religious and welfare activities.<sup>29</sup>

It is important to note that the rise of the professionals/experts was taken as fact in these recommendations. Techniques of government included expertise in law, the art of warfare (the profession of arms), theology, philanthropy and the use of statistics. Malthus' *An Essay on the Principle of Population* of 1798 (there were reprints in 1803 and 1826) mathematically related population growth with availability of food supplies and attributed human misery to nature, not to social neglect. Dean states that 'his arithmetic and geometric ratios of subsistence and population' indicated that 'the natural order', as previously argued by Condorcet and Godwin, was not 'self-adjusting' but could lead to an 'insurmountable situation of scarcity'.<sup>30</sup> In a chapter of the 1803 edition entitled 'Of the Checks to Population in the Lowest Stage of Human Society', Malthus

used statistics from Australia as evidence of his theory of ignoble nature, that is, of the 'Hobbesian state of nature'.<sup>31</sup> He postulated that there was only one workable population policy to avoid 'vice and misery', and that was 'moral restraint—the deliberate delay of marriage on the part of the adult male' and 'a conduct strictly moral during this period of restraint'.<sup>32</sup>

Malthus' influence presaged the rise of professional statisticians and the foundation of Statistical Societies (London, 1833; Adelaide, South Australia circa 1841).<sup>33</sup> Although the societies were a product of humanitarian ideas for social reform, they were also a result of scientists' desires to contain abstract political ideas within an objective science framework. Reekie notes that the professional men of the statistical societies had a moral agenda whereby the miseries of urbanisation were to be curbed by using governmental techniques of public health and education. This meant constructing particular male and female identities and 'moral' categories, like the concept of 'illegitimacy'.<sup>34</sup> These ideas are followed up in later chapters. However, it was no coincidence that the principal method of governance used by Protectors of Aborigines was the collation of statistics.<sup>35</sup>

Specific recommendations to include medical professionals in indigenous governance were absent from the 1837 Report. At this time, the established professionals were clerics, lawyers, military and physicians; statisticians were the new breed of experts arising out of urbanisation and industrialisation. It can only be assumed that the presence of physicians was a given fact. Just as warships, army camps, prisons and other institutions had resident or visiting physicians, so too new British settlements were thought not to function without them.<sup>36</sup>

### **'Systematic' governance**

The early nineteenth-century history of the South Australian Colony, which was a struggle between humanitarian concern for Aborigines and the free-enterprise values of the majority of settlers, affords a good example of Foucault's triangle of 'sovereignty-discipline-government' and its security apparatuses that targeted populations. This period saw the abolition of slavery, the rise in humanitarian concern exemplified by the growth of missionary societies, the increase in population in Britain as a result of urbanisation and industrialisation, and the proliferation of professionals and experts. As

a result of the considerable increase in the British population, ideas about colonisation, resettlement and transportation were current. Surplus populations, the urban poor and rural workers who had lost their employment because of mechanisation, became topics of concern for government and philanthropy. Newly-colonised settlements were seen as 'solutions' to poverty, crowding and unemployment in Britain. In fact, the South Australian Colony was a consequence of the Wakefield plan of settlement that meant that all land would be sold to pay for costs of settlement of new agricultural labourers in particular.<sup>37</sup>

Hassell, Gibbs and Walsh have told the history of settlement in South Australia from the point of view of the government of the Aboriginal people and concede that, as the majority of settlers were concerned with their own protection (against the Aborigines and the difficulties of settling in an unknown land) and for the establishment of a society with British values and material comforts, Aboriginal people were treated as a hindrance to their wants and needs.<sup>38</sup> Generally, Aboriginal groups, their numbers depleted through disease, hunger and violence, survived the nineteenth century either due to their geographic location in distant and inhospitable areas of the Colony, or because they were protected by a small number of missionaries, the representatives of the humanitarian minority.

From first settlement in 1836 until self-rule twenty years later, the government of the Aborigines was the preserve of the Governor and the characteristics of the Governors reflected the type of governance. As indicated, the House of Commons Report had recommended the appointment of Protectors. This was adopted in the Colony with the emphasis on the Protector being a Crown nominee and not a functionary of either the Board of Colonisation Commissioners or of the financiers of the Wakefield plan, who had formed the South Australian Company. German missionaries from the Evangelical Lutheran Missionary Society of Dresden, who received assistance from the English evangelical G. F. Angas, also influenced governance. Angas was one of the financial backers behind the Wakefield plan for colonisation and did not arrive in the Colony until 1851. His political and commercial interests in colonisation, that caused the dispossession of the Aborigines' lands, seemed to contradict his support for the missionary project of protection, civilisation and Christianisation. This ambiguity of

attitude and practice was a noticeable characteristic of many settlers who were concerned about the treatment of Aboriginal people.<sup>39</sup>

In addition, the newspapers exerted considerable influence due to the fact that they not only publicised treatment of Aborigines by settlers but also reported legislation, appointments of Protectors, and other political matters.<sup>40</sup> As Seaman notes, '[w]hether the papers influenced public opinion or merely reflected it, the newspaper story of early South Australian attitudes towards the Aboriginal people is a revealing and sorry saga'.<sup>41</sup> Governments recognised the power of the newspapers. When George Stevenson of the *Register* criticised Governor Gawler's Aboriginal policy in 1840, Gawler transferred government printing from the *Register* to the *South Australian*, whose editor endorsed his policy.<sup>42</sup>

Of the six Governors in the early colonial period before self-rule, two were captains and two were lieutenants-colonel; that is, their expertise was the profession of arms. The first Governor, Captain John Hindmarsh, issued the Colony's Proclamation (prepared by his private secretary, George Stevenson), which was protectionist and optimistic about the Aborigines' prospects as civilised British subjects. The rhetoric of the Proclamation pleased the Colonial Office in England.<sup>43</sup> However, Hindmarsh's personal beliefs were more pragmatic. He expressed the hope that '...the aborigines might be civilised, and above all prevented from acquiring a taste for liquor'.<sup>44</sup> Unable to find anyone else, he appointed George Stevenson as interim Protector.<sup>45</sup> The Colonial Office had failed to secure Wesleyan George Robinson, Protector in Van Diemen's Land, (or his son) for the position. Lord Glenelg of the Colonial Office 'vainly sought a missionary for this purpose' from the London Missionary Society, while George Angas sought 'a Christian man'.<sup>46</sup> The Colonial Office, following the Robinsons' refusal of the offer, because of the insufficiency of the salary, said it was 'difficult to find a man well qualified for the peculiar duties of that Office'.<sup>47</sup>

Shortly after, Captain Walter Bromley was appointed as interim Protector. He was chosen because his 'experience with North American Indians and a period of residence on Kangaroo Island were thought to make him eminently suitable for civilizing the natives'.<sup>48</sup> His appointment indicated that, even if expertise based on Christian training was the ideal requirement at this time for the position of Protector, personal experience of indigenous peoples was an acceptable qualification. Bromley was replaced when his

intellectual capacity was called into question.<sup>49</sup> The press described him as 'old decrepit useless', 'querulous', 'feeble' and 'impotent'.<sup>50</sup> In self-defence, Bromley 'declared that he could have taught native children, if money had been provided'.<sup>51</sup>

Bromley's appointment caused some rancour; however, it only reflected Hindmarsh's lack of ability to carry out the protection and assimilation recommendations of the Colonial Office. Hindmarsh's next nominee was the physician Dr William Wyatt, who held the post for two years from August 1837. Wyatt was given specific instructions based on Colonial Office rationalities of colonial governance that were printed in the *Register* and the *Government Gazette*. These were to:

...ascertain the strength and disposition of the tribes, especially those near the settled districts...protect their proprietary rights in land...encourage friendship with the settlers and induce them to work for themselves and for the settlers...the very old and the very young, the very hungry and the very ill, were [to be] furnished with food and clothing [but]...no gifts should be made...[the settler who has been encouraged to employ Aborigines] should supervise the performance of the contract and prohibit the supply of intoxicating liquors...A plot of ground was to be enclosed where the natives could be encouraged to work...It was hoped that he would lead them by degrees to civilization and Christianity...He was told to learn their language and teach them English...to engage an interpreter, and to attach one or two docile and intelligent natives to him, who could accompany him on his expeditions...Then he would be able to explain British law to the tribes, prevent aggression, and bring offenders to justice.<sup>52</sup>

The appointment was considered temporary and part-time as Wyatt was in private medical practice. The unrealistic expectations required of him became a precedent for future Protectors, Sub-Protectors and mounted police. The tasks were too numerous for one person and few people had the skills required to be effective. The Protector's tasks also assumed the cooperation of the settlers, whereas in practice he was forced to cooperate with *them*. His duties were performed in terms that suited white communities and, consequently, there was no protection of Aboriginal proprietary rights in land where the settlers desired the land for agricultural purposes.<sup>53</sup>

Wyatt's appointment also adds to the 'mystery' surrounding the medical profession and Aboriginal governance. The inference was that the doctor performed both his own and the Protector's tasks. The reality was that, regardless of the Protector's high status as a medical practitioner, the requirements of the position were too onerous. The medical profession's eminence in society meant that the Governor was spared public criticism over the effects of colonisation on Aborigines, as long as government further reinforced the profession's status.<sup>54</sup> Osborne believes 'there is an intrinsic connection between

liberalism in medicine and the enhancement of the status of the medical *persona*'.<sup>55</sup> He explains that:

Liberalism creates the possibility for this state of affairs in so far as it promotes an emphasis upon the personal integrity of the professional; even though this valorization of the practitioner's 'person' exists in a certain state of conflict with liberalism's emphasis upon equality and 'contract'.<sup>56</sup>

Another aspect of Aboriginal governance that led to the preference for medical expertise was the underlying inference that disease prevailed where there were congregations of people. Arguments that support the notion that preference was given to Protectors from the medical profession in order to monitor diseases in white settlements persist. For example, Jenkin notes that, although there was '[s]ome effort...made to vaccinate the Kaurna against smallpox', overall, Aboriginal people received medical attention spasmodically and when settlers were 'threatened by the prospect of contracting their own contagious diseases back again'.<sup>57</sup> However, a somewhat less cynical view is that maintaining Aboriginal health was important for their own sake, as well as for the colonists, since healthy Aborigines were potential assets to the Colony as labourers. In support of this view, Dr J. Walker (Protector 1861-68) was recorded as vaccinating the children at Point McLeay in 1863, which was not in the vicinity of a populous white settlement. Later, Dr Blue of Strathalbyn performed vaccinations and, by 1873, missionary George Taplin was vaccinating both Aboriginal children and adults.<sup>58</sup>

Hindmarsh's two-year term as Governor, despite his expertise in military strategy and leadership, reflected all the difficulties that beset government henceforth. Although he feared the effects of liquor on the Aborigines, by concentrating on alcohol as the 'problem', he overlooked the importance of the confiscation of lands and the consequent loss of shelter and food supplies. His appointment of a high status professional as Protector meant that Hindmarsh appeared to fulfil the requirements of the Colonial Office. However, the policies of other branches of government, particularly the Crown Lands Department, were simultaneously destroying Aboriginal societies.

Lieutenant-Colonel George Gawler, as Governor from 1838, increased government spending and thereby brought the Colony to the verge of bankruptcy. He instructed the preparation of a 'Native Location' of twelve huts and a government school. In this action he was technically acting illegally because the 1834 *Act* to establish the Province, which made no mention of the Aborigines, had declared all land available for sale as

‘waste and unoccupied’. The Governor faced a conundrum because the Colonial Office expected him to protect Aboriginal people and to preserve their proprietary rights in land, while all land was for purchase from the Land Fund. It was not until 1842 that the Imperial *Waste Lands Act* provided for reserve land for public use and thereby land could be set aside for the benefit of Aborigines.<sup>59</sup> There was another anomaly and that was the Protector’s salary, which was to be paid out of the Land Fund, the very source of the Aboriginal people’s dispossession.<sup>60</sup>

Appointed by the Colonial Office, Dr Matthew Moorhouse arrived in 1839 as the first permanent and full-time Protector. He was required to ‘devote himself wholly to the duties of his office, without following any other occupation’.<sup>61</sup> Moorhouse was advised to

most diligently endeavour to instruct the natives in reading, writing, building houses, making clothes, cultivating the ground and all the other ordinary acts of civilisation...to bring to them to the knowledge of GOD, and of the fundamental truths of CHRISTIANITY...[to] see that they do not at any time fall into destitution.<sup>62</sup>

These instructions failed to mention proprietary rights but emphasised that Aborigines should be encouraged to look after themselves. Moorhouse had to ‘keep notes of all the information...and a detailed journal of all his proceedings’. He was to present quarterly reports to the Executive Council but emergencies were to be reported at once.<sup>63</sup>

Moorhouse directed his energy to the schooling of Aboriginal children. However, he soon came to believe that his efforts in this enterprise were unsuccessful, and so he recommended that the children be separated from their parents.<sup>64</sup> This was achieved, first, by making the school at the Native Location, adjacent the Adelaide Gaol, a boarding school. Then, in 1845, the school was moved to the barracks, near Government House, formerly used by the Surveyor-General and the Sappers and Miners, which meant that the children were severed even further from ‘the influence of their parents’.<sup>65</sup> Five hundred pounds, taken from the fifteen per cent of the gross proceeds from land sales kept in the Land Fund, were spent on upgrading the facilities. Theoretically, this portion of land sales was set aside for the ‘benefit, civilization and protection of the aborigines’ as stipulated under the 1842 Imperial *Waste Lands Act*.<sup>66</sup> Rowley comments that ‘the idea of limited services as compensation for real property’ was implied by the fifteen per cent allotment.<sup>67</sup>

Moorhouse served under the four remaining colonial Governors. Of the four, only Captain George Grey (1841-45) had any significant will to prioritise the affairs of the Aboriginal people. Before arriving in South Australia, Grey had experience in the colony on Swan River, Western Australia. He published a *Report on the means of civilizing the Aborigines of Australia* in 1840, and *A Vocabulary of the Dialects of South-Western Australia* and two volumes of his journal in 1841. Grey 'attempted to deduce laws of kinship, consanguinity and inheritance, making frequent comparisons with Old Testament and contemporary American Indian societies'.<sup>68</sup> He recognised the importance of ritual and custom to Aborigines; that is, their emphasis on social custom rather than material needs. Grey took issue with the idea of the 'noble savage'—that humans were free when in a state of nature—because Aborigines were 'subjected to complex laws', which kept them 'in a hopeless state of barbarism'.<sup>69</sup> His ideas reveal that there was not a uniform thinking about the Aboriginal populace amongst colonists, suggesting that current debates opposed to a 'black armband' mode of history have no cause to excuse discrimination against Aboriginal people based on the argument that colonists were ignorant of contrary ideas and, hence, did not know any better.<sup>70</sup>

In 1841, Grey was forced, because of Colonial Office policy, to make economy measures in the overall government of the Colony through retrenchments and wage cuts. Despite this, Grey's governorship was noted for its production of legislation. For example, *Ordinances* for Aborigines were passed in 1844 relating to admission of evidence, the employment of prisoners and the protection, maintenance and upbringing of orphan and destitute children (the Protector was made legal guardian). Grey was concerned with instituting a 'uniform system of British law' to punish those, be they Aborigines or settlers, who committed crimes against Aboriginal people. As Aborigines were not able to swear the oath, he sought to rectify the inadmissibility of their evidence, particularly 'when it related to themselves and was supported by strong circumstantial evidence'.<sup>71</sup> In regard to law enforcement through police patrols, he supported the institution of a mounted force.

Grey's governorship demonstrates the application of systematic 'scientific' knowledge by 'leading strings'. His policy was to 'break down...native customs as rapidly as possible', optimally within a single generation.<sup>72</sup> His methods were both increased missionary activity and distribution of rations from the depots at Adelaide, Moorunde,



Encounter Bay and Port Lincoln. Initially, the depots were established to decrease Aboriginal attacks on settlers' property and livestock. During Grey's governorship, ration depots became 'scientific' methods of social control as they concentrated Aboriginal groups distant from white settlements and encouraged their dependency on government for food and clothing.<sup>73</sup> The Aborigines Office budget was split evenly between salaries and rations—provisions, implements and clothing. Grey also encouraged employment through 'a system of rewards for white employers and native employees', as well as 'training in Native Institutions and Schools by apprenticeship'.<sup>74</sup>

Moorhouse's Protectorship lasted eighteen years. With Grey's support, he applied himself to the education of Aboriginal children but, by 1849, he was losing faith in achieving civilisation by 'mental and religious instruction'.<sup>75</sup> By this time, the Walkerville boarding school for the Murray River children had merged with the Adelaide tribes' government school at the old barracks site (1845) and included 'a system of apprenticeship for boys'.<sup>76</sup> The combined school closed in 1852 and the policy of central education was replaced by government grants to native schools located out of Adelaide.

In 1856, the Report of the Select Committee of the Legislative Council on the Colonial Estimates recommended a cut to expenditure in general and this included the Aborigines Office. Moorhouse noted that the Land Fund portion allocated for the Aborigines 'had not been nearly used', inferring either that there was no demand by Aboriginal people for assistance or that there were no longer any Aborigines.<sup>77</sup> Moorhouse even agreed to the abolition of his own office, as he believed he was Protector in name only, as well as the offices of the two Sub-Protectors. However, he did '[plead] for support for Poonindie', the decentralised Aboriginal institution.<sup>78</sup>

Aboriginal affairs were reaching a low point when Moorhouse declared his role to be 'merely nominal', and when the Colony got its own Parliament. The prevailing belief was that the Aborigines who were in contact with civilisation could no longer be helped because of the presumed superiority of the European settlers.<sup>79</sup> This marked the beginning of what became known as the 'doomed race theory'.<sup>80</sup> The theory was considered to be natural law (or God's will) and the concept was explained in terms of 'progress' and 'race'. Governor McDonnell and the Government appeared to be 'impatient with the whole problem' and, in early 1858, Dutton, who would be Premier

for six months in 1865, suggested to the Chief Secretary that they should 'leave the aborigines for others to care for or transport the whole race to Kangaroo Island'.<sup>81</sup> Dutton, who had been active in the Colony for over twenty years, had previously explained that:

[T]he black inhabitant gradually dwindles away 'before the blighting effects of civilization', and another half century will most probably also see the end of the Australian aboriginal race; if not in the far interior, at all events within the settled districts (Dutton quoted E.J. Eyre, former Sub-Protector at Moorunde).<sup>82</sup>

The Government believed it did not have the appropriate expertise to deal with Aboriginal affairs. As a consequence, it thought it was limited to granting funds to missionaries and humanitarians for the provision of welfare, education and religion and to implementing segregation practices, like that applied by George Robinson on Flinders Island in Bass Strait.<sup>83</sup> Aboriginal survival hinged on protection policies administered by missionaries and philanthropists and funded by government.

Moorhouse's career correlated to the development of Aboriginal administration, which eventually was perceived negatively as a 'relief problem'. In 1856, he was Protector of Aborigines as well as Comptroller of the Destitute Poor, Superintendent of the Female Immigration Depot, Immigration Agent and a member of the Board of Education.<sup>84</sup> Although a physician by profession, his experience in the portfolios of Aboriginal affairs (handled by Crown Lands), the destitute poor, and immigration, amounted to the administration of relief in the distribution of food and clothing and in the provision of institutionalised accommodation.

The Protector was not perceived to be a typical bureaucrat as the Protectorship did not fit into the civil service structure (1852 *Act*), which set three salary classes for all officers except temporary ones, the police and officers paid from the Land Fund. The Colonial Office expected the Protector's salary to be paid from the Land Fund, although at times it came out of general revenue. Moorhouse himself added to his 'outsider' status when, unlike most bureaucrats who pursued long-term careers in government but, like some early pioneers, he turned to politics.<sup>85</sup> His indeterminate professional status to some extent reflected lack of government clarity in Aboriginal policy in the 1850s.

When called to give evidence at the Legislative Council Select Committee on Aboriginal welfare and administration in 1860, Moorhouse claimed no need to increase the size and number of reserves because the numbers of Aborigines were diminishing.

This inference to depletion of the Aboriginal populace could be made from the expenditure of the Aborigines Office, which rising from £500 in 1840 to £4,000 in 1854 when the Land Fund money would have been inadequate, fell to £2,000 in 1860.<sup>86</sup>

In 1860, there had not been a Protector since Moorhouse's departure four years earlier. For this period Aboriginal administration was the preserve of the Commissioner of Crown Lands and Immigration and of two Sub-Protectors who were still employed. On account of public opinion, the Select Committee was forced to investigate the welfare of Aboriginal people. Previously, in July 1857, an Aborigines' Amelioration Committee was established. It sent a deputation to the Commissioner of Crown Lands requesting the appointment of an honorary board. The Committee deplored the reduction in staff of the Aborigines Office and the end of the policy of native schools in Adelaide. It recommended that agents, stationed in proscribed districts, be appointed to supply medicine, food and blankets to destitute Aborigines, to Christianise Aborigines and to present monthly reports on 'racial increase or decrease, diseases or other subjects of interest'. Also, it suggested that some settlers (with financial support from government) be asked to provide flour and meat to Aborigines.<sup>87</sup>

Although the use of agents was a well-known colonial administrative practice, the Commissioner rejected this idea on the grounds that only bureaucrats were to have direct control of all disbursements, except in remote districts where willing settlers could be authorised to issue government relief in the form of flour and blankets. He added that it would 'be advertised that medical men who attended natives seriously ill were entitled to Government remuneration'.<sup>88</sup> Further, in contrast to the philanthropic ethos of the Colonial Office policy of the early nineteenth century, he stated that the Government was only required to supply 'provisions, blankets, implements, sundries, and medical attendance at outstations' and was not responsible for funding the spread of Christianity or for re-instating educational institutions.<sup>89</sup>

Central administration of Aboriginal people was no longer thought necessary (the closure of the Protector's office). This was done to save money (1856 Select Committee on Colonial Estimates) and also to support the policy of decentralisation due to decreasing numbers of Aborigines living in the Central Districts. The Poonindie Native Institution near Port Lincoln was the first step in this process when the remaining

Adelaide Aborigines, who were ex-scholars of the Native School, were transferred to this location in 1850.

The Amelioration Committee's proposals reflected the Victorian Government policy (1860) of a central board and of local agents. In contrast to Victoria where the appointment of local agents was practical, South Australia's geographical size and terrain made such a policy more difficult to administer; hence the suggestion that settlers in remote districts take on the task of ration distribution. The South Australian Government left the role of religious instruction and education to missionaries, which meant considerable financial savings. In defeat, the concerned citizens of the Amelioration Committee could only form private institutions supported by government grants. In 1859, the Government provided £500 towards the establishment of a mission at Point McLeay.

The 1860 Select Committee declared that Aboriginal policy of the past had lacked a system.<sup>90</sup> G.F. Angas, the long-time supporter of education for Aborigines, was on the Committee, together with Baker, Davenport, Waterhouse and Hall.<sup>91</sup> They interviewed seventeen settlers and three Aborigines, including an Aboriginal woman. The settlers were selected either because of 'long residence in the colony' or because they had actively participated in schemes for the benefit of Aborigines. They included the Bishop of Adelaide, the Commissioners of Police and Crown Lands and F.W. Howell, Superintendent of Convicts, as well as former Protectors, Doctors Wyatt and Moorhouse, and the incumbent Sub-Protectors, Minchin and Mason.<sup>92</sup>

The Committee recommended the appointment of a Chief Protector, Sub-Protectors and settlers engaged in ration distribution. Its policy for children was the establishment of a central elementary school and 'an institution in an isolated position to continue the training given in the school'. It recommended the removal of children from their elders' influence, 'however harsh such a measure might seem'.<sup>93</sup> Welfare and education costs were to be covered by a special fund, 'independent of annual votes', which would be financed by increasing the number of Aboriginal reserves. More reserves promised to raise government revenue since they were leased to settlers and not used by Aboriginal people. This was thought to be an interim measure because of the perceived inevitable extinction of the Aborigines, after which time the reserves would revert to the Crown.<sup>94</sup> In the event, most of the Committee's recommendations were not fully instituted,

although the Protector's position was re-established in 1861 and the incumbent was another medical professional, Dr John Walker.

In the early colonial period, it was considered that medical professionals with an interest in state affairs were the best experts for overseeing the civilising and Christianising of Aboriginal people. Higgs helps us to understand the reasons why doctors were considered appropriate for this role. Capitalism forced doctors to elaborate the specialised knowledge and altruism of their vocation, both to achieve social position and 'to gain access to the financial rewards and prestige of posts in the bureaucracy of the emerging Victorian state'.<sup>95</sup> He elaborates:

[the] concern of the doctor was no longer the disequilibrium of the humours of the individual aristocratic patient but the health of the state as a living organism. The reorientation of the profession from aristocratic patronage to the cash nexus led to the apotheosis of national medical and vital statistics as *the* tools of the medical profession.<sup>96</sup>

The Victorian idea of 'the state as a living organism' is demonstrated in the illustration 'The "Service" Physiologised' (see figure 1) and the conception would persist well into the mid-twentieth century.

One explanation for the 'mystery' of governance through medical professionals relates to liberal and non-liberal tendencies of the professions. Non-liberal tendencies include the professionals' penchant to make their discipline 'exclusive to themselves' and 'the close intimacy between professionals and state, the latter serving as guarantor of the territorial rights of the former'. The liberal tendencies of professions are that they are 'constantly suspicious of [their] own authority'.<sup>97</sup> The medical profession, in particular, is conscious of not treating patients in a '“sovereign” manner'; that is, service has 'to be subject to limits'. Osborne suspects that this is a result of 'the generic "incapacity" of the patient—it is within medicine that the legitimacy of the authority relation will be particularly problematic, not least because relations between doctor and patient are no doubt intrinsically difficult to contractualize'.<sup>98</sup> Aboriginal people were perceived to be 'infants' not capable of realising liberalism's expectation that populations 'contractualize' their relationship with the state. Liberal governance required that the medical Protectors' special role became a buffer between Aborigines and the state, and Aborigines and colonists. Medical professionals were perceived as useful for this purpose since, of all professionals, they were the most personally aware of the limits of their authority over those who were powerless.

Dr Walker's appointment reflected the privileging of the medical profession in the governance of the Aboriginal populace in the colonial period. Doctors Wyatt, Moorhouse and Walker had experience in school administration, ration distribution, medical relief and statistical reporting. They were required to follow up evidence in legal cases that involved Aborigines, including post mortems. Aspects of their legal duties are discussed in Chapter 6 on Police. Wyatt was required to enquire into the numbers and 'disposition of the tribes', Moorhouse to keep a journal on every occurrence, and Walker to keep a census with the emphasis on disease and whether or not Aboriginal people were declining in numbers. These techniques of governance paralleled the development of the medical profession and the rise of the statisticians, 'whereby problems within civil society could be posed and "solved" in non-economic terms'.<sup>99</sup> This suited colonial governments in that finance was always the immediate problem.

Importantly, the technique of governance whereby the leading or Chief Protectors were medical professionals was linked to a specific population, namely 'full bloods' living in a tribal manner. Later, the reason for change in government methods was that there were fewer 'full-blood' Aborigines in the settled districts. When the 'native' population was made up of non-tribal and part-European Aboriginal people, the new expert, as revealed in the next section, was either a missionary, a humanitarian, a police officer or a bureaucrat at a lower classification than the Protectors of the colonial period (often an 'amateur'). Part-Aborigines, no longer in a state of nature, were governed, at times, like lower-class Europeans because they were perceived to be the children of 'the white man'. In contrast, 'full-blood' Aborigines were the majority of the population in the Northern Territory, administered by South Australia from 1863, and

a government officer had added to his duties the role of Protector of Aborigines. Until 1908, the role was assigned to the Chief Medical Officer...It was strictly a part-time job and invariably subservient to the incumbent's pre-occupation with medical care for Whites.<sup>100</sup>

The desire for the use of medical professionals as leading Protectors remained foremost when the Commonwealth Government took over the Territory in 1911 although in practice medical men were not always available.<sup>101</sup> The case of the Northern Territory confirms the links between the use of medical professionals in governance and the belief that the Aboriginal populace of 'full-bloods' was in need of protection in order to prevent a 'doomed race'.

When Dr Walker died in 1868, this ended thirty years of faith in the expertise of the medical profession to administer government policy. The following period was a pivotal time in government policy because the only ‘expertise’ extended to Aboriginal people for many decades was protection and relief. Not until the early 1900s, when it was noticeable that Aborigines were not ‘doomed’ and that the part-Aboriginal population was in fact increasing, did governments begin to propose that scientific expertise might provide answers to perceived problems. As stated previously, government officials used the term ‘scientific’ loosely, broadly indicating knowledge that was objective and training in specialised techniques. In the meantime, governments continued the practice of using a medical professional as the leading Protector in the Northern Territory and gradually reassessed policy for tribal Aborigines in remote districts of South Australia so that they were ‘policed’ as well as protected. For those Aboriginal people in the settled districts of the State, governments continued with ‘expertise’ that relied not on professional qualifications but on the routine distribution of rations and materials to aid self-sufficiency and employment.

### **A paternal authority**

In the previous sections, reference is made to the Aborigines as colonial subjects in Mill’s state of ‘nonage’ or ‘infancy’. That is, Aboriginal people were considered to be immature as well as being in a state of nature—free, noble savages. Mill’s thought has its origins in Locke who, to put it simply, proposed that civil society derived from paternal authority. Governance of the people was compared with the authority of a father over his children. Even while making this comparison, Locke made a distinction between political power and paternal (as in parental) authority.<sup>102</sup> Locke argued that a child who is not capable of growing to maturity and having ‘such a degree of Reason wherein he might be supposed capable of knowing the law, and so living within the Rules of it...is *never capable of being a Free Man*’.<sup>103</sup> Using the same logic, Locke believed that ‘*Lunaticks* [sic] and *Ideots* [sic] are never set free from the Government of their Parents’.<sup>104</sup> This argument can be used for immature adults incapable of living under the rule of law who accordingly are not free. Employing these analogies, Mill perceived native colonial subjects as not capable of living within British law; having not yet reached maturity, they must be subject to authority.

The point is that the Aborigines, the colonial subjects of British government, were rarely recognised as mature and independent humans. The categories most associated with them were ‘children’, ‘scholars’ (that is students), ‘apprentices’, ‘servants’ and ‘labourers’.<sup>105</sup> In the previous section, it was revealed that patterns of colonising—native schools, training institutions (apprenticeships), and missions—assumed an authority versus ‘child’ relationship with teachers, superintendents, missionaries and Protectors as the authority. Locke was careful to add that

*Parents in Societies, where they themselves are Subjects, retain a power over their Children, and have as much right to their Subjection, as those who are in the state of Nature...[that is] every Subject that is a Father, has as much a Paternal Power over his Children, as the Prince has over his.*<sup>106</sup>

However, by using Lockean theory that held that ‘immature’ adults incapable of living within reason (and therefore British law) were subject to paternal authority (the Government), governments could justify ignoring the parental authority of Aborigines over their children.<sup>107</sup> That is, the adult Aborigines themselves were subject to paternal governance because they were considered ‘children’. This meant that, using this logic, the Protectors and other government officials could adopt political authority over Aboriginal people as well as assume their (the Aborigines’) parental authority because they were not deemed ‘capable of bearing the freedoms and responsibilities of mature subjectivity’.<sup>108</sup>

Locke recognised that the first duty of the father to the child was education. This was to be carried out in the child’s nonage when the father had authority over the child. When a father apprenticed his son to another, the son’s obedience was to his employer but he was still required to honour and respect his parents.<sup>109</sup> That is to say, apprenticeships were historically associated with filial (obedience) relationships. Laslett notes that this master/apprentice relationship, like master/servant, gave the master temporary power and placed the apprentice/servant under the discipline of the master’s family. For Locke and his peers, ‘servants’, who by the seventeenth century included workers in industry and agriculture, were ‘under domestic authority’.<sup>110</sup> These ideas have different social assumptions to those about workers in the twentieth century when authority over workers was not thought of as ‘domestic’ but rather as an impartial, non-paternal authority.

Emigrant orphans and poor children maintained from general revenue were subject to legal control through apprenticeships. Orphan and part-Aboriginal children, who



appeared to have little male parental supervision (fatherless), were 'State' children in the eyes of the authorities. The *Destitute Persons Relief Act No.11* of 1842 (and the *Apprenticeship of Orphans Act No.8* of 1848) gave the Children's Apprenticeship Board 'power to apprentice and place out State children'.<sup>111</sup> *Ordinance No.12* of 1844—to 'provide for the protection, maintenance and upbringing of orphans and other destitute children of Aborigines'—was 'almost identical to a provision' in the *Destitute Act* of 1842.<sup>112</sup> As a result, destitute Aboriginal children over 13 years old could be bound as apprentices until 18 years old but consent of the parents was required if they were living in the Colony. Consequently, the Protector apprenticed four Aboriginal boys to the Colonial Engineers Department as trainee blacksmiths and carpenters, two boys to a tannery and two to the Governor as messengers.<sup>113</sup> It eventuated that the term 'apprentice' not only referred to 'young persons in industry' but also to 'State' children.<sup>114</sup>

Increasingly, the instructions given to Protectors, Sub-Protectors and other people administering the Aboriginal populace assumed that Aboriginal people were incapable of becoming free through improvement. The instructions described a helpless subjectivity in Aborigines and, consequently, the system of control through medical expertise was protectionist and paternalistic. In late 1861 following the Select Committee, during debate in the State Assembly, Dr Moorhouse, now Commissioner of Crown Lands, stated that, as there was 'a great deal of sickness' (in this case amongst the Aboriginal people in the South Eastern Districts), 'the proposed new Protector should be a medical man—all other qualifications being equal'.<sup>115</sup> The recommendation illustrated the connection between medical expertise and protectionism so that Aborigines would not fall into the category of a 'doomed race', as described above. Consequently, Dr Walker was appointed and instructed to make a

general tour of inspection through the Province [to] acquire full information respecting the aborigines, so that [he was] enabled to submit such a report, accompanied by any suggestions which [he might think] proper, as [would] afford the Commissioner [of Crown Lands, the minister in charge of Aboriginal affairs] a ground work for establishing a regular system for the relief of the physical and temporal wants of the aborigines.<sup>116</sup>

He was the sole person in the Aborigines Office until June 1866 when a clerk was employed.<sup>117</sup>

In 1866, there were 57 depots where relief was issued (eighteen in the South Eastern Districts, thirteen in the Far North, eight in the North, seven in the West, four each on Yorke Peninsula and the River Murray Districts, two on the Eastern Plains and one on Kangaroo Island). Obviously, this was too large an area of inspection for one person so, in January 1866, J.P. Buttfield was appointed as a Sub-Protector for the Northern Districts operating out of Blinman but inspecting all 'the settled country north of Mount Remarkable'. Walker issued the following instructions to Buttfield:

...you will proceed to make a tour of the district, visiting the depôts,...as well as any other stations where the natives are residing; and will from time to time furnish a report of your progress.

You will make yourself well acquainted with the conditions of the various aboriginal tribes, especially as regards the means of subsistence within their reach, and will report at once any want of the necessaries of life, and make suggestions for the prompt and efficient relief thereof.

You will also make particular inquiry regarding the health of the natives, and endeavor as far as possible, to alleviate the sufferings you may observe. A supply of medicines will be forwarded, so as to enable you to minister to the sick in such cases as you may consider yourself competent to manage.

You will investigate any alleged crimes committed against their persons or property, and promote the prosecution of the offenders; and you will impress on the minds of the natives that, while they will be protected in the full enjoyment of their rights and privileges as subjects of the Queen, they must themselves render obedience to the law, and that you will not attempt to shield them from just punishment for any transgression thereof.

It is most desirable that you should cultivate a personal knowledge of the aborigines of your district, and endeavor to secure their confidence.

You will visit the depôts periodically, inspecting the quality and condition of the stores, and attending to their proper distribution.

You will furnish a general report quarterly,...<sup>118</sup>

I have quoted the full instructions given to the Sub-Protector because they indicate the 'regular system' worked out by the Commissioner of Crown Lands on Walker's appointment, which retained currency for the next hundred years. Additions were made to procedures as a result of legislation in 1911 and 1939, but the basis of the duties of the Sub-Protectors in the non-central areas was established with these instructions. Of course, similar requirements had been in place for the previous Protectors and Sub-Protectors.

A survey of the appointments to Sub-Protector for the Northern Districts reveals the gradual investment of this role by police. Originally, there was some doubt as to the Sub-Protector's future as Buttfield was appointed *pro and tem*; however, in August 1868, the Chief Secretary assured members in the Legislative Council that 'the Government did not intend to remove from office the Protector of Aborigines in the Northern Districts'.<sup>119</sup> At this stage in the opening up of the Province to settlement, the

Far North had only been partly surveyed. Those districts that had been surveyed were immediately leased to graziers and cereal farmers, although they were the homelands of thousands of tribal Aborigines. Settlement in the north (as with the south) meant disruption of Aboriginal lifestyle, leading to the need for government relief and protection from unscrupulous settlers, miners and others.

On the appointment of a permanent Sub-Protector in 1873 to the Adelaide Office (the Office had been staffed by only a clerk since the death of Walker five years before), Buttfield's role as Sub-Protector came second to his position as Stipendiary Magistrate. (He was a fully salaried Stipendiary Magistrate and his Sub-Protector's salary was halved.) In 1884, B.C. Besley, Sub-Inspector of Police at Port Augusta, with thirty years experience in policing, succeeded Buttfield as Sub-Protector. From then on, a precedent was established, as the Sub-Inspector at Port Augusta was also the Sub-Protector for the Northern Districts. For some time after Besley's appointment, the Aborigines Office supported patrolling by paying forage allowances to the Sub-Inspector but, from the early 1900s, the only payment the Port Augusta outpost received was £1 per month for clerical assistance.<sup>120</sup> These events indicated the importance of policing to Aboriginal administration in remote areas (see illustration figure 7).<sup>121</sup> The Aborigines Office with its minimal budget may have welcomed this outcome whereby the Chief Secretary picked up the costs of Aboriginal administration. It meant, however, that policy in the non-settled areas was affected by the policies of the Police Commissioner within the Chief Secretary's department. Police were always considered different from other civil servants because of the discipline required for the force and, undoubtedly, this had some bearing on Aboriginal administration in the Far North.<sup>122</sup>

In 1873, E.L. Hamilton, the clerk in the Aborigines Office, was promoted to Sub-Protector.<sup>123</sup> His career indicates that, for forty years, the Sub-Protector was considered a low-status appointment requiring limited skills and knowledge. Hamilton's initial annual salary was £160 and by 1877, he was receiving £210 but he retained this salary until he retired in 1908. He was the sole occupant of the Adelaide Office, confirming that the Sub-Protectorship included all duties. Hamilton was not content with the low salary level as he applied for an increase in 1878 without result.<sup>124</sup> In comparison, Walker received £400 as Protector and Buttfield £300 as Sub-Protector for the Northern Districts (not including forage allowances).<sup>125</sup> Hamilton was classified differently,

possibly as a clerk of about mid-rank.<sup>126</sup> However, this was a period when employee retrenchments were implemented to maintain the 'ethos of "small government" [which] was well in place by 1850', and which was to continue 'through to the second half of the twentieth century'.<sup>127</sup> In this political climate, Hamilton may simply have been grateful to retain a position. For instance, in May 1881, the *Observer*, reporting on government proposals for retrenchments, stated that the Aborigines Office was to be abolished leaving clerks from the Crown Lands Department to carry out its normal operations, and the Secretary to the Commissioner to perform the duties of the Protector as well as his own.<sup>128</sup>

Despite his rank, Hamilton had many responsibilities including policy matters. His reports reveal his grasp of provincial politics. For instance, his Report for 1878 commented on policy:

The mission station system [five missions at this stage], efficiently carried out, will evidently be the most effective mode of dealing with the natives; and when every industry is introduced that affords a reasonable prospect of successful culture, providing suitable pastoral, agricultural, and other light occupations, a large number of natives may be usefully and profitably employed, and eventually become self-supporting communities.<sup>129</sup>

Hamilton criticised the level of government expenditure on the Aboriginal populace. He compared expenditure per head in South Australia and Victoria, and commented that the 'amounts cannot be regarded as very excessive compared with the large revenues now derived from these provinces'.<sup>130</sup>

Hamilton also had minimal ministerial support. The ministers responsible, Cabinet and other parliamentarians had very little to say about Aboriginal people for forty years. Debate in Parliament was almost non-existent save for matters to do with the Northern Territory. Even in the Territory the main concerns were customs collection, immigration (particularly 'coolies' and small landholders from Asia and the Pacific), mining, land rents and potential sugar plantations. Every so often parliamentarians raised questions about 'outrages' by Aborigines, particularly during the building of the Overland Telegraph. The questions raised about South Australian Aboriginal people (and there were few of them) were usually about destitution and disease. The immediate response was the supply of rations and medicines, but there was no discussion of policy, either for the present or for the future.

The inferences made by politicians and civil servants were that Aborigines were dying out. There was considerable confusion over this issue as often the perceptions were related to the low expenditure on Aborigines (this, of course, had more to do with the parsimony of government than the numbers of Aboriginal people), to the outbreaks of disease and to deaths, and to the low income from the Aboriginal portion of the Land Fund (this again was not because of the lack of need for reserves and, therefore, numbers of Aborigines, but because government had not proclaimed many reserves). There was considerable evidence of epidemics and disease. Casanova believes that, in the Western District, 'a generation of Aborigines was decimated by diphtheria, whooping cough and measles after 1860'.<sup>131</sup> Aboriginal people, like isolated white rural families, were vulnerable to epidemics as they had 'no natural immunity' and were at some distance from receiving care.<sup>132</sup>

The newspapers, at times, were ambiguous about the idea of 'dying out'. Often they reported on the appearance of large numbers of Aborigines. The Government was put in an embarrassing position in May 1881 when the *Observer* reported, on the same page, both the proposed abolition of the Aborigines Office which meant a saving of a mere £360 in salaries, and a report by Lance Corporal Clode of Venus Bay (Western District) on the sighting of 700 Aboriginal people near Lake Gairdner.<sup>133</sup> At other times, the press promoted the idea of the 'doomed race'. In 1848, George Stevenson of the *S.A. Gazette and Mining Journal* 'first verbalised in print the developing attitude that the "physically and mentally inferior" native race should properly be superseded by the "superior" white civilisation'.<sup>134</sup> Seaman believes that in the 1850s and 1860s the newspapers emphasised the 'doomed race theory' above all else.<sup>135</sup>

In 1879, the Government was openly criticised in the book *The Native Tribes of South Australia*. The Government had funded the book's production as part of a public relations exercise in which it sent information and artefacts from the South Australian Museum to the Sydney International Exhibition. J.D. Woods, a journalist and sometime minute secretary to governmental committees, was asked to edit the book, which included three 'old' ethnographies commissioned by government in the 1840s; two recent ethnographies by the missionary George Taplin and police trooper Samuel Gason; and a vocabulary of a Northern Territory dialect. Woods included a spirited introduction that attacked the Government over its lack of an Aboriginal policy. He

pointed out that, as the State's Constitution of 1856 had failed to address Aborigines, this allowed the Government to dismiss a 'Protectorate' that was serious about their status. An intense debate ensued in the local papers between Woods and Taplin, a contributor to the book. Woods' diatribe embarrassed Taplin because the Aborigines Friends Association mission at Point McLeay that he administered received the only government annuity for missions and it was almost twenty percent of total expenditure of the Aborigines Office.<sup>136</sup> Taplin's umbrage at Woods' criticisms, which implied the Point McLeay mission was deficient, effectively saved parliamentary 'leading strings' from having to address public ire.<sup>137</sup>

Hamilton failed to get support from ministers over Woods' attack on the Aborigines Office either in the press or in Parliament, since Woods had effectively silenced the Government as it had commissioned the book. In his Annual Report, Hamilton corrected Woods' inaccuracies and defended the Government over preservation of Aboriginal 'manners and customs'. In 1875, the Aborigines Office issued circulars for the collection of folklore, ethnography and language. George Taplin edited the circulars for publication as *Aboriginal Folklore*. In conclusion, Hamilton stated that there were 50 depots and five mission stations issuing relief to Aboriginal people, 'and, unless the monthly returns furnished by the issuers are wilfully falsified, I am unwilling to believe that these officers neglect their duties to such an extent as has been suggested'.<sup>138</sup> His statement astutely shifted blame as it demonstrated that administration was not confined to the Aborigines Office alone. At least 55 persons participated in issuing relief at depots and missions. Some were government officials like mounted police and Crown Lands Rangers, but the remainder were private citizens who were often the employees of pastoralists (who were also parliamentarians).

It is clear that the governance of Aborigines was a complex affair. Just as many of the station managers who were issuing relief worked for well-off landholders who had disinherited the Aboriginal people of their land and income, government itself (the representatives of the people and the civil service employees) was both the source of relief and the means of disinheritance. As a consequence, the Aborigines Office and its minister were reactive rather than proactive. As 'political power' had been 'devolved...to "interested" parties, giving the determining voice to "organised individualism",...[the] self-interest of the...white settlers manifestly outweighed the

voice of the dispossessed Aborigines...'.<sup>139</sup> Hamilton's inadequacies were characteristic of the incumbencies of other 'specialist' protectors [who] did not have sufficient community backing or "professional" *esprit de corps* for their purpose'.<sup>140</sup>

The Aborigines Office was scrutinised again, in 1881, during debate on the abolition of the Protectorate. Reverend F. W. Cox who, as a representative of the Aborigines Friends Association, might have been thought to have some sympathy for Hamilton's position, wrote to the *Observer* deploring the proposed abolition and criticising the civil service. Cox believed that Aborigines needed 'solicitude that only experience and sympathy can give'. Although not criticising Hamilton directly, he believed bureaucrats to be unsuitable, as Aborigines needed 'a protector and a friend'.<sup>141</sup> Cox was particularly concerned that clerks in the Crown Lands Office were possible administrators of Aborigines; however, his views inferred that missionary types rather than professional administrators had the requisite expertise needed in a Protector.

Of the five missions, Poonindie, Point McLeay, Kopperamanna/Killalpaninna, Point Pearce, and Hermannsburg, only Poonindie was self-supporting. The others received rations, clothing and transport subsidies (and Point McLeay, as already stated, received a grant) from government. In 1874, George Taplin of Point McLeay urged the Government to do something about future policy and suggested special legislation for Aborigines.<sup>142</sup> The fact that Taplin made these suggestions was unusual, because missionaries and their representatives usually challenged government over protection-type issues, like retention of reserves, police assistance and relief during epidemics.

In addition to missions, the Aborigines Friends Association conducted schools at Encounter Bay and Lacepede Bay (closed 1876) and Mrs Christina Smith ran a school and later an Aborigines' Home in Mount Gambier (closed 1867). On request, governments supplied furniture and clothing to the schools. In 1879, Hamilton recommended that the status of native schools 'be raised, and the position of the teachers improved, by making them State schools', as had been done in Victoria with good results.<sup>143</sup> Although Hamilton suggested expansion of policy, parliamentarians failed to do anything more than react to complaints and scandalous reports (independent or in the press). Reports of destitution, drunkenness or disorder were transmitted to the Sub-Protector who, on verification with those in the field like the issuers of relief, local

doctors and police, took appropriate action, within budgetary limitations, both through the supply of rations and medical care and in the defence of Aboriginal prisoners.<sup>144</sup>

As stated previously, in this period there were approximately 50 ration depots. The issuers of the stores had been given written instructions as to procedures. The rations were

1. to be issued regularly—only to the sick, the old and infirm, orphan children, and women with infants under twelve months; but occasional supplies [might] be given to able-bodied natives when there is a reason to believe that they are in want, and unable to obtain employment or provide food for themselves.
2. The ration or daily allowance, to each person receiving relief, not to exceed—Flour...1lb, Sugar...2ozs, Tea...1/2oz. [To be entered in the usual Ration Return]. Or, when rice [which is to be used as a medical comfort] is given instead of flour, the allowance not to exceed—Rice...1lb, Sugar...4ozs, Tea...1/2oz [To be entered in the Medical Comfort Return].
3. The usual medical comforts may be issued when required, and also such other articles as may be certified, by a qualified Medical Practitioner or a Justice of the Peace, to be absolutely necessary; the accounts for which are to be certified by the issuer, and forwarded to the Protector with the monthly return.
4. The monthly returns of 'Receipts and issues', 'births and deaths', etc, etc, to be regularly kept, according to forms herewith transmitted; and forwarded, direct to this office, not later than the seventh of each month.
5. Receipts for stores to be forwarded direct to this office as soon as possible after the arrival and inspection of the goods.
6. All returns to be signed and dated.
7. Care is to be taken to make requisitions for fresh supplies in sufficient time to secure their dispatch, and arrival at a depôt, prior to the stock on hand being exhausted.<sup>145</sup>

Most of the correspondence received by the Aborigines Office referred to rations. Requests, receipts, transportation details and letters about spoilt rations prevailed. Other items that were issued included tobacco, soap and sago; blankets, trousers, shirts and cloth; needles and thread; tomahawks and axes; pots and pannikins; spoons; netting twine, fishing lines and hooks; oars, anchors and chains; boats and canoes; firewood and medicines. The sundry items revealed that the Aboriginal people, in contrast to indigent settlers, traversed two different streams of government policy. They were treated both as destitute persons in need of relief and as the labouring classes employed in clearing, woodcutting and fishing.

The policy, such as it was, indicated that Aborigines at this stage in the history of the Province, although being judged by a paternal authority, were ultimately treated differently from the white destitute poor. This difference was expressed both by the fact that rations included sundry items that ensured employment, and that missions were the preferred homes for vagrants rather than reformatories and other such institutes. The



white poor were institutionalised as a remedial action, whereas Aborigines were not subject to the same philosophy. This was evident because the Destitute Board was not sure of its role with regard to the relief of Aboriginal people. For example, in 1878 the Chairman of the Destitute Board wrote to the Aborigines Office saying that three Aborigines had been supplied with rations and asking for instructions as to future requests.<sup>146</sup> In this period, too, it seems that government believed that Aboriginal children should go to Aboriginal missions rather than to Destitute Board institutions. For instance, Sub-Protector Buttfield asked the Aborigines Office for its policy in relation to the 1866 Bill for the establishment of reformatories for destitute and vagrant children.<sup>147</sup> It followed that Reverend Cox of the Aborigines Friends Association agreed to maintain a girl at Point McLeay with the provision of £3 monthly by her non-Aboriginal father.<sup>148</sup> This was still the policy a decade later when a part-Aboriginal orphan girl found destitute at Bundaleer was sent to Point McLeay on the suggestion of Inspector Saunders that she be removed so as to attend school there.<sup>149</sup> With regard to health concerns, country town physicians who applied to be medical officers to Aborigines, for which they received payment from the Aborigines Office, attended Aboriginal people. At times, doctors who had been appointed by the Destitute Board to attend the destitute poor, supported country physicians' medical services to Aborigines.

The paternal authority over Aborigines can be described as protective and pastoral but with some self-regulating practices at times which were revealed in spasmodic attempts at forming Aboriginal people into labourers through native schools, missions and the supply of tools for self-employment. This state of affairs changed later through the application of science. Aboriginal people, and the white poor, were then the subjects of scientific theories on heredity and environment and of scientific management through training in institutions and model farms and villages.

### **The advances of science**

In the early years of the twentieth century, attitudes about the future of Aboriginal peoples changed. A comment at the 1907 Australasian Association for the Advancement of Science conference signalled the crucial reason for the change in the art of government from paternal oversight to scientific management. At that conference, a speaker concluded that the extinction of the 'full-blood' Aborigines was not inevitable and that 'survival was a possibility if the Australian people and the Australian

government adopted appropriate methods'.<sup>150</sup> From that time on, the idea that the gradual civilising influences of Christianity and notions of progress would 'solve' Aboriginal affairs gave way to the application of specific methods as 'solutions'. There was now a perception that the Commonwealth rather than state governments should take charge of Aboriginal administration. It was a perception influenced, no doubt, by both the Federation of the Australian states in 1901 and Commonwealth government control of the Northern Territory in 1910. Dr Ramsay Smith, in 1909, declared in the Official Year Book of the Commonwealth of Australia that the Aboriginal 'problem...is not a difficult one to solve, were a solution really desired'.<sup>151</sup>

Ramsay Smith was a medical scientist with an interest in anthropology. As a member of the Aborigines Protection League in 1926, he was part of a 'radical' movement to establish separate Aboriginal States. Before his declaration in the Year Book, he had reported both to the State Government on the health of white residents (acclimatisation) in the Northern Territory and to the Australasian Association for the Advancement of Science on 'The Place of the Australian Aboriginal in Recent Anthropological Research'.<sup>152</sup> This indicated that scientific ideas were not confined to scientific organisations but were sought out by government and non-government bodies. However, religious groups were antipathetic to scientific methods and scientists, particularly evolutionary theories, like those of Ramsay Smith, which conflicted with religious doctrines.

The new privileging of scientific expertise is clear in the Royal Commission of 1913. In contrast to the Select Committees of 1860 and 1899, scientific and not just experiential evidence was sought. The Royal Commission was called primarily because the missions were seen to be failing the task of assimilating part-Aborigines. Its terms of reference were to inquire into 'the control, organization, and management of the institutions in this State set aside for the benefit of the aborigines, and generally upon the whole question of the South Australian aborigines'.<sup>153</sup> At the earlier Select Committees, only people who had experience amongst Aborigines were interviewed. The witnesses at the 1860 Committee were government officials; for instance, the Protector, the Sub-Protectors, a magistrate and police officers; missionaries and ministers of religion; landowners; and three Aborigines. The Select Committee of the Legislative Council on The Aborigines Bill, 1899, interviewed two former Government Residents of the

Northern Territory, one the drafter of the Bill; seven missionaries or clerics; eight pastoralists; both Members of Parliament for the Northern Territory; a government contractor; and F.J. Gillen, former Sub-Protector in Central Australia. Gillen's anthropological expertise was not considered professional as it was based on experience rather than qualifications. The written evidence of two police officers located in the Territory was also accepted.

The differences between the 1899 and the 1860 Select Committees were that, in 1899, no Aborigines were interviewed and the South Australian Protector and Sub-Protector were ignored. J.V. O'Loughlin, Chief Secretary, who introduced the 1899 Bill in the Legislative Council, was disappointed that the Select Committee recommended its withdrawal. He was also critical of the process saying that it was 'an extraordinary omission that the Protector of Aborigines was not called to give evidence, and perhaps he was as much to blame as other members of the committee for that'.<sup>154</sup> The omission of Hamilton, the Protector, who for decades had minimal professional and economic backing, supports the evidence that the Aborigines Office had a low status.

The 1913 Royal Commission was, of course, more expansive than the earlier Select Committees. The Commissioners travelled to Queensland and New South Wales to gather evidence, and visited both Point McLeay and Point Pearce to interview Aboriginal residents, white staff and several Point McLeay graziers.<sup>155</sup> In addition, the Commissioners interviewed members of the Aborigines Friends Association, which was responsible for Point McLeay, the trustees of the Yorke Peninsula Aboriginal Mission (Point Pearce) and other missionaries. As well, the Chief Protector and the Secretary of the State Children's Council gave evidence which indicated that the Chief Protector's role was valued (the position had been upgraded by the 1911 *Aborigines Act*), and that the opinions of the State Children's Council in relation to Aboriginal children were believed to be important. The opinions of Aborigines were sought, however, police evidence was not. Possibly, this was not thought to be necessary as the Chief Protector was an ex-policeman.

It is significant that the Royal Commission sought out the scientific evidence of E.C. Stirling, Professor of Physiology.<sup>156</sup> Stirling had science degrees that included training in medicine and anthropology. He was asked his opinion, 'as a professional man', of diseases, hospitals, housing and the question of 'dying out'.<sup>157</sup> Stirling's views were

valued for reasons beyond his scientific expertise. He was a 'leading string' from a family of 'leading strings'. His father and brother were both members of the Legislative Council.<sup>158</sup> This 'leading string' status does not undermine the claim that government had turned to scientific expertise to ground policy approaches, as the majority of the questions asked of Stirling required his medical knowledge of diseases and his anthropological knowledge about life expectancy of 'full-blood' Aborigines.

The Royal Commission attempted to investigate methods to deal with three main issues. The dominant issue was the role of the missions in Aboriginal welfare due to the fact that Point McLeay and Point Pearce in particular were perceived as increasingly dysfunctional. Two reasons for this perception were that the Point McLeay administrators were bailed out financially with an extra grant of £1,128 in 1912, and that inspections of the missions had revealed that the residents were not satisfied with their conditions. The other tasks of the Royal Commission were the issues of the 'deplorable condition' of the growing number of part-Aboriginal children and of the prevalence of infectious diseases in Aboriginal groups.<sup>159</sup>

In Parliament, Angus made a 'sectional' division of the 'problem' by stating that the whites

had dispossessed the aborigines, and brought them into a state of unfitness to care for themselves. So far as the full-blooded blacks were concerned, they should be well cared for, but the half-castes and quadroons should be trained to look after themselves by the labour of their own hands.<sup>160</sup>

This dividing of the Aboriginal 'problem' reflected the increasingly popular view that the Aboriginal race, meaning 'full-blood' Aborigines, was not 'doomed' and that *part* Aborigines were increasing in numbers. The argument, as suggested in Angus' comment, was that *full* Aborigines required protective segregation to save them from 'dying out' while *part* Aborigines were to be assimilated in due course into the mainstream.

The emphasis was on the sectional division of Aborigines into two distinct populations, *part* and *full*. The concept of sections was a new perception and it occurred at a time when there was growth in both policy formation and scientific methods. Sectionalisation was a different concept from that held by the Colonial Governors who thought all 'natives' would merge eventually with settlers. For example, the early policy of apprenticeship of youth (*Ordinance* No.12, 1844) expressed a desire to put

Aborigines on an economic footing with the white working classes, and the policy of granting blocks of land to the white husbands of Aboriginal women promoted the creation of a mixed racial group. That is, the early policies did not sectionally divide Aborigines although the occurrence of part-Aborigines was commented on. It can be said that in the early years there was a policy of protection of Aboriginal people as British subjects (or at least the rhetoric of it) but not a policy of protection as segregation. The latter idea emerged gradually, starting with the Poonindie Institution and, even then, there was not a division of Aborigines into *full* and *part*.

From 1913, the 'problem' was constituted as the need to control two populations (and a third in the whites). As a consequence, non-government philanthropists often selected one of the 'two' Aboriginal populations as their special interest. Government, of course, did not have a choice and had to support all populations, although the assimilation policy was aimed at reducing the 'problem' to one Aboriginal population. That is, there would be only one population through the protection of *full* Aborigines and the disappearance of *part* Aborigines into the white population.

Stirling, who was asked for his opinions on missions and health, believed that the

State should make an effort to preserve...the pure natives [but the] half-caste [who] has been a new element [should be allowed] to merge in the general population...I should treat them as ordinary men, that is, if they are physically capable of looking after themselves.<sup>161</sup>

His reference to 'a new element' explains the reconstitution of the 'Aboriginal problem' that was occurring. Up to this date, the dominant question had always been whether or not the 'native race' was dying out. This was not a clear-cut question for a man of Stirling's years who could remember when many 'pure' Aborigines occupied the rural areas as well as visited urban Adelaide, and who was aware that there were still large groups of Aboriginal people in the north of the State as well as many with an 'admixture of white blood' in the settled areas. Stirling used the peculiar scientific language of 'admixtures', with its Euro-centric bias, that would pepper debates for the next forty years.

Angus asked Stirling for his opinion about governance of the part-Aboriginal population in the process of assimilation. He queried whether 'it would be a good thing to give those people *leading strings* for a while in order to direct their energies into certain channels' (my emphasis). Stirling agreed with this idea and said that 'a great

deal' would need to be done to support an assimilation policy. He believed 'the half-castes should be treated apart from the full-blooded blacks', but the Government should not 'throw the whole of the half-castes out to look after themselves'. The 'able' and 'strong' should work, 'and I do not see why they should not work like other men'.<sup>162</sup> This was as much as the inquirers could get from Stirling about the system required for assimilation.

At this point, it is useful to consider Angus' suggestion about introducing governance by 'leading strings' in order to achieve assimilation. Angus used the original meaning of 'leading strings'; that is, Mill's state of pupillage rather than Parekh's interpretation of the term as 'leaders' (see page 28). Hence, Aborigines were to be tutored like young children until they were able to 'walk' by themselves. Angus was looking for a 'solution' to governing the part-Aboriginal population and turned to Mill's ideas about governance. Mill believed that slaves should be governed using 'leading strings' because they had the incapacity to '[conform] their conduct to a rule, or law', being able only to follow 'a direct command'. Mill's ideas of government were based on a linear view of progress; hence, he directed 'that leading-strings are only admissible as a means of gradually training the people to walk alone'. He also qualified that 'in seeking the good which is needed, no damage, or as little as possible, be done to that already possessed'. Moreover, he believed that:

The form of government which is most effectual for carrying a people through the next stage of progress will still be very improper for them if it does this in such a manner as to obstruct, or positively unfit them for, the step next beyond.<sup>163</sup>

This discussion continues in Chapter 8 on mission organisation where the two types of organisation, mission or government, are debated. Angus' line of questioning led to a conclusion that the part-Aboriginal population needed training both by 'leading strings' and using 'leading strings' as tutelary power, rather than the perceived lax administration of mission organisation in order to progress to the 'next step'.

After the debate on strategies of government, Stirling was asked his opinion about venereal diseases, hospitals (including lock-hospitals) and medical patrols to tribal areas.<sup>164</sup> Stirling had much to say about the design of living quarters where bad ventilation resulted in the increased occurrence of pulmonary disorders. The politicians were trying to work out a medical policy, but the line of questioning was random and the consequent responses were as unfocussed as the questions. Jelley of the Legislative

Council expressed the concern that if Aborigines had good housing they would increase 'in numbers, so as to become a very great burden on the State'. Stirling showed his confusion as to Jelley's meaning by responding that that would not occur as 'black races die out in the presence' of whites.<sup>165</sup> The more some lines of debate continued, the more contradictions and obfuscations in reasoning occurred. The white debaters while sectionally dividing the Aboriginal population for some issues were ambiguous about this division for others.

Stirling had been called primarily for his scientific opinions about racial demise and health; however, when asked if he had anything further to say, he addressed the issue of part-Aboriginal children. It is of interest that the politicians were about to ignore Stirling's considerable experience and influence on State Government boards, namely the Destitute Board and the State Children's Council that dealt with neglected children. Stirling had precise ideas about removal of 'half-caste' children from their parents to State care. He believed that children should be removed at two or three years of age before they could adopt Aboriginal 'habits or customs'. When asked, he said he did not believe in removing them as babies because they would need much more official supervision. As a former State Children's Council official, he knew that children with the 'attractiveness of infancy' would more easily find foster parents and, consequently, not be as much a burden financially to the State. He conceded, 'you are depriving the mothers of their children, and the mothers are very fond of their children; but I think it must be the rising generation who have to be considered'.<sup>166</sup> On that note, his evidence was finalised.

It is possible that the Commissioners did not directly ask for Stirling's opinion on Aboriginal children as they had already heard the considerable evidence of the Secretary of the State Children's Council, James Gray. However, the Commissioners may have thought Stirling's ideas were too harsh, particularly when it came to mission residents, as in their recommendations they stated:

It was advisable to deal with the child as far as possible in the small community in which he lives, especially the half-caste child. We should first separate the half-caste community from the full-blood, and then deal with the children of the half-caste in that community, train the boys in blacksmithing, carpentry, masonry, shearing, etc, and the girls in housekeeping.<sup>167</sup>

It appears that Stirling's medico-scientific knowledge was desired for matters regarding the governance of 'full-blood' Aborigines but not for matters about part Aboriginal children, indicating the division of the 'Aboriginal problem' as noted earlier.

Ideas about the governance of part-Aborigines appeared to be best left to the experience and systematic 'scientific' administration of bureaucrats. W.G. South, the Chief Protector, who was a former policeman with patrolling experience in the Far North and Central Australia, explained the bureaucratic model to the Royal Commission. South criticised the missions at Points Pearce and McLeay because missionaries 'bring the natives up too much on charity instead of on justice', and that 'it is high time that the Government took over the industrial work altogether'.<sup>168</sup> The precedent for South's model were the policies of the New South Wales and Victorian governments, where the Aborigines 'for some years [have] been entirely controlled and supported on reservations owned and managed by the Government'.<sup>169</sup>

South's model was government-run Aboriginal reserves providing both industrial institutions and homes for the elderly and physically infirm. Aboriginal people would work for wages either off the reserves, while still retaining homes there if they so wished, or on the reserves. South did not believe that Aborigines should be allotted blocks of land until they were trained, as the 'indiscriminate allotting of land to natives would be a waste of public money. The native cannot work a farm without implements and stock, and that will cost hundreds of pounds'. He characterised the existing industrial management at Point McLeay as 'ridiculous'. His feelings about Point Pearce, as it was farmed by white sharefarmers, were that 'you should [not] bring up natives on the earnings of white people, or let the white people work the land there at all'.<sup>170</sup> Angus, a supporter of the Aborigines Friends Association and possibly a bit hostile to South's inferred criticism of the organisation, replied that South's idea had 'not much industrial scheme about' it but was a mere substitution of one type of farming for another; that is, South advocated dairy farming instead of pastoralism. South, when pressed further, stated that the missions had been

splendid institutions for the old blacks but I do not think they are necessary for the present day blacks. I think that the missions should do their work the same as other churches, but the industrial work should be controlled by the Government.<sup>171</sup>



Illustrative of the confusing and contradictory ideas about the 'Aboriginal problem', South offered a very different interpretation of sectionalisation of the Aborigines from Stirling's. South divided on a time scale, 'old' and 'present day'. His ideas about protection were only for the 'old blacks' and for those incapable of working for wages or who were without family. Stirling in contrast offered a view that was more or less geographic; the 'pure' Aboriginal people in the 'back country' against those in the settled areas. South, therefore, saw the focus as the mission stations whereas Stirling, and others, overlooked the stations and concentrated on the 'back country'. South's focus was made apparent by the following statement:

If they were going to remain a race of aboriginals I would not trouble any more about them than merely feeding them. But you have another race to deal with and it is increasing in numbers, and I do not think it should be an obligation of the general taxpayer to support the people of that race as loafers.<sup>172</sup>

South was keen to have government control of Point McLeay and Point Pearce, having little faith in the abilities of either the Aborigines Friends Association or Point Pearce's Board of Trustees. Diplomatically, he did not directly criticise the Association in front of its sympathisers, Angus and Lewis; instead he criticised the Board of Trustees saying that there was 'only one practical man on the committee...The others are auctioneers, lawyers, etc.'<sup>173</sup>

South thought that an organisation with a central manager in Adelaide would be successful. He said that as the manager he 'would control the work the same as the Railway Department is controlled'. Angus queried whether the 'man...to run such a huge concern' would need 'qualifications...of the nature of agricultural experience and the handling of men, and so on?' South agreed but, even so, he wanted to recommend himself for the position, as 'a man of experience and of good common sense to be head of the department [was required]. The local managers would have to be good practical men who were skilled in farming, grazing and dairying'. South's plan was that the Aborigines Department would oversee both the financial management of the farms at the stations and the 'training [of] a primitive race of people'. He was asked for his opinion on the need for either a board of control or management by the head of the department. South said he did not 'feel very strongly on the matter either one way or another'. However, he added 'I think that a board would sometimes prove a weakness' as the Aborigines 'will not submit to the decision of the manager and [would] go to the Government members of the board and object, and there is temporising'<sup>174</sup>

The evidence submitted during the 1913 Royal Commission identifies the contradiction and complications arising from the division of Aborigines into *full* and *part* populations and the perceived best methods of governance of populations whether by medico-scientific expertise or systematic 'scientific' expertise of government bureaucrats. The divisions and governing rationalities were never clear-cut partly because of the confusion over the status of Aborigines. South mistakenly simplified Aboriginal administration arguing that it needed only common sense and experience, like the administration of the Railways Department. Although he envisaged administration along 'scientific lines', referring to industrial schemes and management, he failed to account for the financial cost of 'scientific' methods. When given an opportunity to argue for better funding he did not take it. However, he did suggest that additional staff, like a Protector and an accountancy and correspondence clerk, were needed.

### **Non-liberal rationalities of governance**

As discussed previously, Mill denied liberty to those 'in a state of "nonage" or "infancy" ', which included the colonial subject.<sup>175</sup> He, however, assumed that 'non-progressive' beings were capable of improvement through education and training. Mill also divided 'populations on the basis of those who avail[ed] themselves of the opportunity for improvement and those who [did] not'.<sup>176</sup> The Aboriginal people on the mission stations were at times identified with Mill's wilful population that did not take opportunities for self-improvement. The Royal Commission evidence was sprinkled with phrases describing the 'wilfulness' of the Aborigines, such as 'living in idleness', 'as little work as possible', 'nomadic instincts', 'idle and useless' and so on. Mill's notion of 'wilfulness' was applied to all illiterates, paupers, delinquents, the feeble-minded, and indigenes who did not accept 'responsibility' for improvement.<sup>177</sup>

Dean gives examples of 'illiberal' forms of liberalism. There was Mill's authoritarian rule that advocated the 'role of "good despots" for those nations without the spring of spontaneous improvement'; that is, the despots were the 'leading strings' (Parekh) of the trading companies and government authorities in India. Then, there was Bentham's principle of 'less eligibility' that administratively effected 'a division between the population that subsists through the exchange of labour and those who depend on relief, social assistance or charity for that subsistence'. This principle was an example of 'non-

liberal forms of thought and practice that are a component of liberal rationalities', which resulted in 'Bentham's pauper management scheme and the nineteenth-century workhouse'.<sup>178</sup>

The evidence of the Royal Commission reflected non-liberal thinking. If the Aborigines on the mission stations failed as independent labourers they would then be the stigmatised paupers of Bentham's workhouse. This latter result seemed the more probable to the Commissioners, as the residents of the mission stations were 'half-castes', 'mulattos and quadroons' and 'octoroons'.<sup>179</sup> The theme of degeneration of the race through heredity was the end result of ideas that had incorporated Bentham's 'less eligible' paupers, Mill's wilful people of the lower classes and pseudo-Darwinian ideas about evolution. Valverde's work on liberal and non-liberal modes of governance examines the idea that liberalism exists through the 'despotic' practices of governance as well as through 'self-rule', the 'irreducible despotism in the heart of the paradigmatic liberal subject's relation to himself'.<sup>180</sup> 'Self-rule' insists that even 'improved' adults must retain the willpower to control the passions. Degeneration, therefore, was believed to occur through failure of will, where the passions had not been completely subsumed, as well as through racial atavism, namely the physical reversion to a past generation.

The scrutiny of Aboriginal people by the Royal Commission reflected that of other part-populations like paupers, illiterates, the physically infirm and those deemed to be mentally unfit in this period. Galtonian eugenics was influential as it attributed degeneracy to heredity and to those who bred indiscriminately, and sought to manage 'breeding' so as to eliminate criminality and social parasitism.<sup>181</sup> Unsurprisingly, given the prevalence of these ideas, part-Aborigines were particularly subject to investigation because of both their heredity and the fact that they were a growing population, unlike the middle and upper-class colonists whose birth rate was declining. In response to low birth rates amongst these colonists, the Federal Government introduced a £5 baby bonus in 1912 (*Commonwealth Maternity Allowance*). Aborigines were ineligible for the bonus.

Questions about racial decay and growth featured at the Royal Commission. The following questions, posed by Angus, were typical:

Do you think that ultimately the full-blooded natives will die out?...  
Do you find that the half-caste is a better man than the full-blood?...  
Is the half-caste a better man physically than the full-blood?...<sup>182</sup>

The differing responses to these questions indicate the flux of ideas around this topic at the time. For example, R.H. Beardsmore, secretary to the New South Wales Board for the Protection of Aborigines, declared that in his view the 'half-caste' was neither physically nor morally 'as good a man as the full-blood'. This was because 'the fathers of the half-castes are naturally the most depraved white men, and if heredity counts for anything it must mean that those children are worse than the full-blood children'.<sup>183</sup> In direct contrast, South claimed the 'half-caste is a better man than the black fellow. I think it would be a disgrace if he were not'. He was asked whether 'the cross is an improvement on the aboriginal' and he replied, '[u]ndoubtedly, both physically and mentally. And as time goes on the second cross will be still better. The quadroon is almost as white as ourselves'.<sup>184</sup>

'White' inheritance therefore could be either bad because of moral depravity or good because of 'whiteness'. There was also a flexibility demonstrated in the ways in which particular views about heredity were shaped to fit particular political projects.<sup>185</sup> For example, Dr Ramsay Smith, president of the Central Board of Health and a liberal reformer who promoted nurture over nature, argued that the health of Point McLeay school children could be improved by altering their environment. His recommendations to this effect, however, were interpreted by Education Department inspectors as needing to 'make allowance in their reports for the fact that the children were "only Aborigines"'.<sup>186</sup> On the one hand, suggestions for alterations to the school environment were backed by Ramsay Smith's scientific theory that favoured environmental factors over heredity; on the other hand these recommended alterations were proof to the inspectors that heredity prevailed over environment. The evidence of the Royal Commission revealed the confusion over ideas about heredity and environment. This confusion affected the ability to form a comprehensive policy for Aboriginal administration.

The Commissioners' concerns about heredity and environment had an effect on their recommendations for the residents of the missions. By directing the Government to take control of the missions, they supported a scheme that segregated part-Aborigines from the rest of the population, both whites and 'full-blood' Aborigines, for an indefinite period. They made the following proviso in their recommendations:

That it is desirable that the able-bodied half-castes, quadroons, and octoroons should not be dependent on the charity of the Government, and that consequently, although the stations may continue to be looked upon as the homes of these people for the present, the able-bodied should be compelled to go into outside employment wherever possible.<sup>187</sup>

The Commissioners had faith that the 'outside' white environment would triumph over heredity. That is, part-Aborigines would merge with the white population and become small farmers and rural labourers.

The Commissioners' recommendations also had dual interpretations depending on the 'political presuppositions' of the inquirers. On the one hand, their recommendation for able-bodied young Aboriginal men to leave the stations for work inferred that the stations were inferior communities but the Commissioners' intentions were assimilation. On the other hand, their recommendation that 'the aboriginal reserves or leases are fully developed with the assistance primarily of the natives living on them' inferred that the reserves were potentially viable farms; that is, a scheme for indefinite segregation.<sup>188</sup> The Commissioners appeared to be endorsing productive environments to ensure thrifty and able workers. Eugenic scientists and others interpreted their recommendations as meaning that the mission station residents had innate inferior qualities requiring them to be segregated from the white population and, also, that those who worked off the stations would prove to be innately inferior workers.

### Conclusion

The recommendations of the Royal Commission revealed that 'not only had a notable change in public opinion taken place, but that the problem itself had changed'. That is, the policy for the 'native race' was no longer one of protection but of 'training' to make Aborigines 'useful members of society', independent of charity.<sup>189</sup> More clearly, the 'problem' was sectionalised as a protection policy for *full* Aborigines and a gradual assimilation policy for *part* Aborigines. Young part-Aborigines were to be trained immediately to become 'white' workers and old part-Aborigines were to be segregated on government and private mission stations.

The Royal Commission decided that the protectionist legislation of the 1911 *Aborigines Act* was not sufficient. It recommended that an amending act instituting an Advisory Board be introduced to deal with the added policy of segregation, concomitant with the training and employment of youth. The Chief Protector's role was expected to change

in that he would become secretary and chief executive officer of the proposed board. This would mean his autonomy and responsibility would alter as Aboriginal affairs would be controlled by a six member board and local committees at the stations. No change was made to the departmental structure; however, the formation of the advisory board in 1918 went some way to alleviating the expanded duties of the Chief Protector.

The Royal Commission marked an attempt to regain control of the Aboriginal populace who had been abandoned by government and made the responsibility of missions decades previously, and to alter existing policies and a perceived unsatisfactory departmental organisation. By 1916, the Department was no longer a welfare disbursement-type organisation, as its financial accounts included revenue and assets resulting from the takeover of the stations. The Royal Commission had not addressed finance, because the overall theme was the expected self-sufficiency of part-Aborigines. It supported the view that 'scientific' ideas of farm management and organisational reform were sufficient to make the stations going-concerns, with the existing budget covering the needs of the 'dying race' of 'full-blood' Aborigines. As mentioned previously, this attitude was consistent with late nineteenth-century ideas that social reform could be achieved by applying 'scientific' (in the sense of systematic) methods to existing 'problems'. That is, poverty had little to do with unequal distribution of resources but more to do with inefficient, non-scientific governance.

The Royal Commissioners sought a variety of opinions from many witnesses, including Aborigines. For example, Stirling, a definite 'leading string', was asked for his opinions as was Edginton, the caretaker of the Mt Serle government camel depot, and a man most unlike Stirling but with first-hand experience. He was included as a witness during the Commissioners' tour of the non-settled areas. In Edginton's case, there was nothing gained by accepting evidence from a 'non-scientific' source as in response to the question, 'Considering the experience you have had have you any information that you could impart to the Commission that you think would be of advantage to the Government, and also to the natives', he merely replied, 'I cannot make any suggestion that would be of any value'.<sup>190</sup> Although the Commissioners welcomed advice formed from experience, non-experts without qualifications were often intimidated by their lack of status. This confirms that only some types of experience or expertise were influential.

There was openness by the Royal Commissioners to a variety of viewpoints. This is even more evident when compared with Verran's statement in Parliament. When the Progress Report of the Royal Commission was put to the Legislative Assembly, Verran, former Labor Premier and Commissioner of Public Works, articulated that one reason for the inquiry was to de-stabilise the private monopoly of some citizens over Aborigines. He stated that the Commissioners

could understand that some adverse feeling was aroused among people who had been accustomed to have control of the black folk, and to make them dance around as they liked...They found considerable discontent existing among the natives...[who were] mixed, with a good deal of the wickedness of the white man and none of his goodness.<sup>191</sup>

It was apparent that there was a negative view about the Aboriginal residents at the mission stations that had now come under governmental control and there was confirmation of the conflict that existed amongst the factions, namely parliamentarians, bureaucrats, non-government advocates, Aboriginal people and mission station staff. These were factors that reinforced the lack of political will to change the administrative structure by means of an executive board and local committees.

The Royal Commission revealed that administration by experts in mission organisation, more specifically religious or philanthropic people, was no longer thought suitable, particularly for part-Aborigines. By rejecting this type of administration and taking over the mission stations, the Government was to put itself under scrutiny. Even though governance was said to be effective if it was carried out using scientific reason, we shall see in the following chapters that in practice government still relied on personal experience, common sense and previous methods. The dominant discourse became governance through 'scientific expertise' but the ambivalence between rhetoric and practice is symptomatic of the contradictory nature of liberalism.<sup>192</sup>

- <sup>1</sup> <http://www.bartleby.com/34/2/9.html> accessed 20 October 2003. F.M. Arouet de Voltaire (1734) *Philosophical Letters*. Letter IX – On the government. The Harvard Classics, 1909-14.
- <sup>2</sup> B. Parekh, 'Liberalism and colonialism: a critique of Locke and Mill' in J. Nederveen Pieterse and B. Parekh (eds.) (1995) *The decolonisation of imagination: culture, knowledge and power*. London: Zed Books, p. 94.
- <sup>3</sup> J.S. Mill, 'The Criterion of a Good Form of Government' *Considerations on Representative Government*, Everyman's Library Edition (1974) in R.J. Arneson (ed.) (1992) *Liberalism Volume II* England: Edward Elgar, pp. 112-113.
- <sup>4</sup> *Ibid*, p. 115.
- <sup>5</sup> *The Australian Concise Oxford Dictionary of Current English*, G.V. Turner (ed.) (1987) Melbourne: Oxford University Press, p. 609.
- <sup>6</sup> Parekh (1995) *Op.cit.*
- <sup>7</sup> Mill in Arneson *Op.cit.*, p. 115.
- <sup>8</sup> Parekh (1995), *Op.cit.*, pp. 92-93.
- <sup>9</sup> *Ibid*, p. 93.
- <sup>10</sup> *Ibid*, p. 97.
- <sup>11</sup> Mill *Op.cit.*, pp.389-393.
- <sup>12</sup> J. Annas, 'Mill and the Subjection of women' *Philosophy* 52 (200) April 1977 reproduced in R.J. Arneson (ed.) (1992) *Liberalism Volume II*. England: Edward Elgar, pp. 162-163, 172 and 174. Annas' ideas support the debate that Mill's essay on *The Enfranchisement of Women* probably was Harriet Taylor's 'contribution' to his work, pp. 161-176.
- <sup>13</sup> For example: W. Prest (ed.) (1987) *The professions in early modern England*. London: Croom Helm and G.E. Mingay (1979) *Rural life in Victorian England*. London: Futura.
- <sup>14</sup> P.J. Corfield. (1995) *Power and the professions in Britain 1700-1850*. London and New York: Routledge, pp. 25-26.
- <sup>15</sup> *Ibid*, p. 13.
- <sup>16</sup> *Ibid*, p. 36.
- <sup>17</sup> See illustration on the growth of the Public Service from 1836 to 1936 in South Australia (figure 2).
- <sup>18</sup> Corfield, *Op.cit.*, p. 37. R. MacLeod (ed.) (1988) *Government and expertise: specialists, administrators and professionals 1860-1919*. Melbourne: Cambridge University Press. MacLeod notes that the 'nouns "expert" and "expertise" seem to have entered colloquial English around 1860 (although the adjective "expert" was current long before)...By the 1880s (expert) came to connote a person having any special skill or knowledge', p. 256.
- <sup>19</sup> It was 1856 before an act was passed vesting government in three estates: the Governor as representative of the Sovereign and two houses of parliament in the Legislative Council and the House of Assembly. W. H Marcus. (1876) *South Australia: its history, resources and productions*. London: Sampson Low, Marston, Searle and Rivington, pp. 30-42.
- <sup>20</sup> A.P. Keain. (1957) *The Legislative Council of South Australia 1857-1957*. Thesis, University of Adelaide. Although the most common occupations are hard to determine because of the number of occupational combinations and lengths of terms, pastoralist-agriculturalist and pastoralist-merchant occupations prevailed.
- <sup>21</sup> J. Eddy, 'The technique of government: governing mid-Victorian Australia' in R. MacLeod (ed.) (1988) *Government and expertise: specialists, administrators and professionals, 1860-1919*. Melbourne: Cambridge University Press, pp. 174-175.
- <sup>22</sup> A. Frost, 'New South Wales as *terra nullius*: the British denial of Aboriginal land rights' in S. Janson and S. Macintyre (eds.) (1990) *Through White Eyes*. Sydney: Allen & Unwin, pp. 65-76.
- <sup>23</sup> For example, W. Crocker. (1947) *On governing colonies: Being an outline of the real issues and a comparison of the British, French and Belgian approach to them*. London: George Allen & Unwin.
- <sup>24</sup> T. Hobbes. (1651) *Leviathan*, C.B Macpherson (ed.) (1985) Victoria: Penguin, p.186.
- <sup>25</sup> J-J. Rousseau. (1755) *A discourse on inequality*. M. Cranston (trans.) (1984) Victoria: Penguin.
- <sup>26</sup> J. Locke. (1690) *Two treatises of government*. Peter Laslett (ed.) (1988) Victoria: Cambridge University Press, p. 290. Emphasis in the original.
- <sup>27</sup> Frost *Op.cit.*, p. 67.
- <sup>28</sup> P.B. Walsh. (1966) *The problem of native policy in South Australia in the nineteenth century (with particular reference to the Church of England Poonindie Mission 1850-1896)*. Thesis, University of Adelaide, p. i. J. Woolmington notes that the 'words Christianity and civilisation were sometimes used interchangeably' in 'The Civilisation/Christianisation debate and the Australian Aborigines' in *Aboriginal History*, 10:2, 1986, p. 90.



<sup>29</sup> *Ibid*, p.iv.

<sup>30</sup> M. Dean 'A genealogy of the government of poverty' in *Economy and Society*, 21:3, 1992, p. 231.

<sup>31</sup> D.J. Mulvaney, 'The Australian Aborigines 1606-1929' in S. Janson and S. Macintyre (eds.) (1990) *Through White Eyes*, p.12.

<sup>32</sup> Dean (1992), *Op.cit*, pp. 231 and 249 footnote.

<sup>33</sup> The Adelaide Society was established before December 1841.

<sup>34</sup> G. Reekie. (1998) *Measuring immorality: social inquiry and the problem of illegitimacy*. Melbourne: Cambridge University Press, pp. 36-7.

<sup>35</sup> The 'Report on the Aborigines of South Australia' presented in December 1841 to the Statistical Society in Adelaide by Christian Teichelmann (German missionary) and Matthew Moorhouse was a forerunner of official documentation. See R. Foster (ed.), 'Two early reports on the Aborigines of South Australia' in *Journal of the Anthropological Society of South Australia*, 28:1, 1990, p. 38.

<sup>36</sup> Although a medical professional was often an official in the administration of Aborigines, medical policy other than the conduct of surveys did not materialise. See Chapter 4 on the medical profession.

<sup>37</sup> This plan was for systematic colonisation. Land was to be sold in small lots to attract settlers and the purchase money was to be used to attract further emigration. The principle was to reward labour on the land; that is, landless labourers were to work to save up to buy small lots. The main intention was to prevent free land grants, pauper emigration and convict transportation.

<sup>38</sup> K. Hassell. (1966) *The relations between the settlers and aborigines in South Australia, 1836-1860*. Adelaide: Libraries Board of South Australia (Unpublished Thesis, University of Adelaide, 1921). R.M. Gibbs. (1959) *Humanitarian theories and the Aboriginal inhabitants of South Australia to 1860*. Thesis, University of Adelaide. P.B. Walsh *Op.cit*. (See C. Mattingley and K. Hampton (eds.) (1988) *Survival in our own land*. Adelaide: Wakefield Press, for the Aborigines' point of view of rationalities of governance. Also, refer to the personal histories of Aborigines listed in the Appendices.)

<sup>39</sup> M.M. Macilwain. (1997) *Environs of the Murray Mouth — a cradle of political thought: ambiguities and indigenous/settler relations*. Thesis, University of Adelaide. My thesis outlines the ambiguities and contradictions in the written work of South Australians Simpson Newland and Katherine Langloh Parker and Aborigines associated with Point McLeay mission. That is, 'civilised' Aborigines at times conveyed similar ambiguities as those expressed by the settlers about social progress and nostalgia for lost beginnings.

<sup>40</sup> The *South Australian* published the Aborigines Office expenditure from 1840-49.

<sup>41</sup> K. Seaman, 'The press and the Aborigines: South Australia's first thirty years' in *Journal of the Historical Society of South Australia*, 18, 1990, p. 28.

<sup>42</sup> *Ibid*, pp. 31-32.

<sup>43</sup> R. Gibbs, 'Relations between the Aboriginal inhabitants and the first South Australian Colonists' in *Proceedings of the Royal Geographic Society of A'asia (SA Branch)*, V61, 1960, p. 66. George Stevenson drafted the Proclamation. At a later date he became editor of the *Register* (see preceding paragraph).

<sup>44</sup> Gibbs (1959), *Op.cit*, quoting Hindmarsh at a dinner on 10 September 1835 in his honour as Governor-elect, p. 31.

<sup>45</sup> George Stevenson was the first newspaper editor of the Colony with his paper the *S.A. Gazette and Colonial Register*.

<sup>46</sup> Gibbs (1959), *Op.cit*, pp. 39-40.

<sup>47</sup> *Ibid*, pp. 81-82.

<sup>48</sup> Walsh, *Op.cit*, p. 17.

<sup>49</sup> The *Register* [17 March 1838] and the *South Australian* [22 December 1838] reported this later.

<sup>50</sup> Gibbs (1960), *Op.cit*, p. 72, quoting from the *South Australian* 22 December 1838.

<sup>51</sup> C.M. Davey. (1956) *Children and their law-makers*. Adelaide: Griffin Press, pp. 104-105.

<sup>52</sup> Hassell, *Op.cit*, p. 23. SAGG 12 August 1837 cited.

<sup>53</sup> Rowley (1974) *The destruction of Aboriginal society*, Victoria: Penguin (1<sup>st</sup> published 1970), pp. 76-77. With regard to the responsibilities and objectives of the Protectors, Rowley states that they were 'incompatible' with the colonial enterprise.

<sup>54</sup> Wyatt was one of five members of a Medical Board appointed in 1844. He was made the secretary of the Board.

<sup>55</sup> T. Osborne, 'On liberalism, neo-liberalism and the "liberal profession" of medicine' in *Economy and Society*, 22:3, 1993, p. 349. Emphasis in the original.

<sup>56</sup> *Ibid*.

<sup>57</sup> G. Jenkin. (1995) *Conquest of the Ngarrindjeri*. (1<sup>st</sup> pub. 1979) Point McLeay: Raukkan Publishers, p. 70. Jenkin quotes from the *S. A. Gazette* 11 July 1839.

<sup>58</sup> *Ibid*, p. 124.

<sup>59</sup> Walsh, *Op.cit*, refers to the illegality of creating the Native Location and the fact that the 1842 Imperial Act was the first legislation to provide for Aboriginal reserves, pp. 6 & 17.

<sup>60</sup> Gibbs (1960), *Op.cit*, p. 65. G.N. Hawker. (1967) *The development of the South Australian civil service 1836-1916*. Ph.D. Thesis, Australian National University, p. 39. The Colonial Office had set the Protector's salary at £250 per annum, which corresponded with the most senior level of the three classes of civil servants.

<sup>61</sup> Select Committee Report No.165 1860, 'General Duties of the Protector of the Aborigines', Appendix, p. 1.

<sup>62</sup> *Ibid*. Emphasis in original.

<sup>63</sup> *Ibid*. The Governor presided over and appointed an Executive Council of eight members. In 1851, the Legislative Council was made up of twenty-four members, eight appointed by the Governor and sixteen elected by the people (membership required a property qualification). Harcus, *Op.cit*, p. 31.

<sup>64</sup> Davey, *Op.cit*, p. 105.

<sup>65</sup> P. Stretton, 'Aborigines, orphan immigrants, and the destitute: the changing uses of a North Terrace site' in *History SA*, May 1999, p. 8. The Sappers and Miners were soldiers working for the Survey Department, indicating their important role in establishing the infrastructure of the Colony. They were moved to the Native Location when the Aboriginal school went to the Barracks.

<sup>66</sup> Hassell, *Op.cit*, p. 82. F. Gale. (1964) *A study of assimilation: part-Aborigines in South Australia*. Adelaide: Libraries Board of South Australia. The Colonial Office letter to Governor Grey 15 September 1842 advised that 15% portion of the Land Fund was to be used for Aboriginal welfare.

<sup>67</sup> Rowley (1972), *Op.cit*, p. 83.

<sup>68</sup> Mulvaney, *Op.cit*, p. 18.

<sup>69</sup> *Ibid*. Mulvaney quotes Grey in his second volume of *Journals of two expeditions of discovery in North West and Western Australia*, p. 217.

<sup>70</sup> In the late 1990s, some politicians and journalists referred derogatorily to 'black armband' versions of history. For example, 'black armband' history, according to P.P. McGuinness, editor of *Quadrant* (from 1998), was noted for a 'mawkish sentimentality' in debates on Aboriginal issues, particularly on the 'stolen children'. P.P. McGuinness 'The future of *Quadrant*' in *Quadrant* 343: XLII January-February 1998, p. 12.

<sup>71</sup> Hassell *Op.cit*, p. 42. Aborigines as pagans were not able to swear on the Bible.

<sup>72</sup> Walsh, *Op.cit*, pp. 35-36.

<sup>73</sup> R. Foster, 'Feasts of the full-moon: the distribution of rations to Aborigines in South Australia 1836-1861' in *Aboriginal History*, 13:1, 1989, pp. 63-78. Foster notes the creation of dependency was a 'political tool...to punish...or to reward individuals' for bad and good behaviour, p. 77. The Aborigines Office budget for 1842 and 1843 was £1,000. Hassell *Op.cit*, p. 82.

<sup>74</sup> Hassell *Op.cit*, pp. 42-43. The 1843 Act of the Imperial Parliament authorised 'colonial Governors to take steps for the legal admission of the evidence of aborigines, if they wished it', p. 82.

<sup>75</sup> Gibbs (1959), *Op.cit*, p. 93.

<sup>76</sup> Walsh, *Op.cit*, p. 46.

<sup>77</sup> Hassell, *Op.cit*, p. 157. Moorhouse referred to the portion as 10% rather than the 15% stipulated in the 1842 Act.

<sup>78</sup> *Ibid*. Matthew Hale, Church of England archdeacon, established the Poonindie Native Institution in 1850.

<sup>79</sup> Gibbs (1959), *Op.cit*, p.101.

<sup>80</sup> R. McGregor (1997), *Op.cit*.

<sup>81</sup> Gibbs (1959), *Op.cit*, p. 101. From CSO 156/1858 3 February 1858. Governor MacDonnell was a professional administrator. Although his intention seemed to have been to settle locally as he bought land on Eyre Peninsula, he was transferred at short notice as Governor to Hong Kong in March 1862. J. Casanova. (1992) *Fading Footprints: pioneers, runs and settlement of the Lower Eyre Peninsula*. Pt Lincoln, SA: J. Casanova, p. 77.

<sup>82</sup> F. Dutton. (1846) *South Australia and its mines, with an historical sketch of the colony, under its several administrations, to the period of Captain Grey's departure*. London: T. & W. Boone, p. 323.

<sup>83</sup> Robinson, the Tasmanian Protector, applied segregation on a remote island as the means to preserving 'full-blood' Tasmanian Aborigines.

<sup>84</sup> Davey, *Op.cit*, p. 107. Davey notes that between March 1856 when he retired and November 1856 when he left for a trip back to England, Moorhouse worked without pay as Protector of Aborigines. In 1860, he was elected to the House of Assembly and in the following year, he entered Cabinet for nine days as the Commissioner of Crown Lands, the minister responsible for the Aborigines Office.

<sup>85</sup> Hawker, *Op.cit.*, p. iv. Hawker notes that by 1880/90 many senior civil servants had been in service for over twenty-five years. Between 1857-74 there was a 'close relationship' between heads of departments and ministers. The heads were 'eager to conserve the *status quo*' and the ministers 'having made some early financial reforms and having brought a number of boards into the departmental structure, were intent on running a going concern'. Moorhouse was an early 'pioneer' and being a 'pioneer' gave many men political clout. For example, Simpson Newland and John Lewis were both pioneers, both entered Parliament, both became Companions of the Order of St. Michael and St. George and both wrote memoirs of their pioneering pasts. (*Memoirs of Simpson Newland, C.M.G.* [1926] and *Fought and Won* [1922].) See M. Steiner 'Matthew Moorhouse: a controversial colonist' in *Journal of the Historical Society of South Australia*, 31, 2003, pp. 55-68, for a careful consideration of his career.

<sup>86</sup> Hassell, *Op.cit.*, p. 168.

<sup>87</sup> *Ibid.*, p.161.

<sup>88</sup> *Ibid.*

<sup>89</sup> *Ibid.*, p. 162.

<sup>90</sup> *Ibid.*, p. 174.

<sup>91</sup> Waterhouse, Davenport and Baker all held positions in Cabinet during this period (late 1850s to early 1860s). Davenport, an attorney, was one of the trustees of the Poonindie Native Institution.

<sup>92</sup> Hassell, *Op.cit.*, p. 166.

<sup>93</sup> *Ibid.*, p. 173.

<sup>94</sup> *Ibid.*

<sup>95</sup> E. Higgs, 'The struggle for the occupational census, 1841-1911' in R. MacLeod (ed.) *Op.cit.*, p. 76.

<sup>96</sup> *Ibid.* (Emphasis in the original.) Prest would disagree with some of this interpretation of the medical profession. First, there is considerable evidence that the Victorian era did not create the professions as they were noticeable well before and second, medical practitioners and patients were a heterogeneous group from all levels of society, *Op.cit.*, pp. 1-24.

<sup>97</sup> Osborne (1993) *Op.cit.*, p. 346.

<sup>98</sup> *Ibid.*, p. 346.

<sup>99</sup> Higgs *Op.cit.*, p. 76.

<sup>100</sup> T. Austin. (1992) *Simply the survival of the fittest: Aboriginal administration in South Australia's Northern Territory 1863-1910*. Darwin: Historical Society of the Northern Territory, p. 64.

<sup>101</sup> Dr Herbert Basedow filled the post in 1911 but resigned after a month and, in order to counteract public criticism, the Government appointed the highly respected biologist Baldwin Spencer. After his twelve-month term, there was a 'succession of amateurs' then the police. However, from 1927 to 1939 Dr Cecil Cook was Chief Medical Officer and Chief Protector. T. Austin. (1993) *I can picture the old home so clearly: the Commonwealth and 'half-caste' youth in the Northern Territory 1911-1939*. Canberra: Aboriginal Studies Press, p. 44 and p. 51. Note: from 1926-1931 the NT was divided into North Australia and Central Australia.

<sup>102</sup> Locke, *Op.cit.*, p. 314.

<sup>103</sup> *Ibid.*, pp. 307-308. Emphasis in the original.

<sup>104</sup> *Ibid.*, p. 308. Emphasis in the original.

<sup>105</sup> I use the term 'scholars', rather than the contemporary 'students', as government statistical reporting in this period used 'scholars'.

<sup>106</sup> Locke, *Op.cit.*, p. 314. Emphasis in the original.

<sup>107</sup> There are some parallels between Aborigines and other sub-populations. Women's rights to their children were withheld until the *Guardianship of Infants Act* (1887) and the *Maintenance Act* (1940). The same logic applied in that women were considered 'immature' adults subject to paternal authority.

<sup>108</sup> Dean (1999) *Op.cit.*, p.133.

<sup>109</sup> Locke *Op.cit.*, p. 313. Note Locke uses 'son' when referring to children.

<sup>110</sup> *Ibid.*, p. 322 footnote by Laslett.

<sup>111</sup> Davey *Op.cit.*, pp. 120-121. The duties of the Children's Apprenticeship Board were assumed by the Destitute Board (later The State Children's Council and then later again Children's Welfare and Public Relief Board).

<sup>112</sup> A. F. Roder. (1987) *Aboriginal children under the law: a history of the specific legislative provisions relating to Aboriginal children in South Australia, 1836-1972*. Thesis, University of Adelaide. The 1842 *Act* applied to British subjects in general.

<sup>113</sup> Davey, *Op.cit.*, p. 106.

<sup>114</sup> *Ibid.*, pp. 120-121. It was not until 1920 that 'young people in industry' were given legal status with factory legislation that included an Industrial Code. However, legal status was immediate for 'State' children in apprenticeships.

<sup>115</sup> *The Observer*, 19 October 1861. Walker was a legally qualified medical practitioner and Resident Magistrate of Strathalbyn. S.M. Layton 'The Protectorship of John Walker' in *Journal of the Anthropological Society of South Australia*, 30:2, December 1993, pp. 67-88. In the House of Assembly Mr Dutton had put the question, which was answered by Moorhouse who had been the last incumbent of the position.

<sup>116</sup> SAPP No.198, 21 December 1866. Aborigines Department Return, instructions dated November 1861.

<sup>117</sup> In late 1866, Walker went on leave and E.B. Scott who had been Sub-Protector at Moorunde, following E.J. Eyre in the 1840s, acted as Protector during 1867. Walker died in September 1868.

<sup>118</sup> SAPP No.198, *Op.cit.*

<sup>119</sup> SAPD 11 August 1868. The Chief Secretary was minister for the police.

<sup>120</sup> Public servants whose duties included travelling were paid allowances to cover the cost of maintaining a horse.

<sup>121</sup> According to Pastor P.A. Scherer, the photograph of H.C. Swan, Stipendiary Magistrate astride camel and accompanied by B.C. Besley, Police Inspector, was taken on occasion of a public enquiry held at Hermannsburg mission in 1890. The photograph confirms the influence of 'the law' and policing even amongst remote Aboriginal people.

<sup>122</sup> Hawker *Op.cit.* Police officers were not classified like other civil servants (1852 *Act*).

<sup>123</sup> Hamilton had seven years experience as a teacher with the Board of Education and eight years as a clerk in a Local Court (Gumeracha).

<sup>124</sup> SRSA GRG 52/2 Vol. 1, 19 February 1878.

<sup>125</sup> Hamilton gave evidence at the Public Service Commission 1888-1890 and was to remind the commissioners of this fact. He stated that: 'I feel that my services have not been so liberally recognised as they might have been', particularly as 'the duties of this office are as onerous and responsible now as they were then' [during Walker's Protectorship]. SAPP 1890 Seventh Progress Report of the Public Service Commission, No. 30c.

<sup>126</sup> SAPP No. 58 Civil Service Salaries, 1863. In 1863, there were six classification levels including cadet.

<sup>127</sup> A.C. Castles and M.C. Harris. (1987) *Lawmakers and wayward whigs: government and law in South Australia 1836-1986*. Adelaide: Wakefield Press. The authors state that mismanagement of finances in the Colony prior to Governor Grey plus 'strong opposition of many settlers to costly government activities' encouraged officials in 'small government', p. 43.

<sup>128</sup> *The Adelaide Observer*, 28 May 1881, p. 941.

<sup>129</sup> SAGG, 20 March 1879, p. 791.

<sup>130</sup> *Ibid*, p. 792.

<sup>131</sup> Casanova *Op.cit.*, p. 197.

<sup>132</sup> *Ibid*, p. 190. Casanova states that disease in rural areas was indifferent to class (also implying it was indifferent to race). In May-June 1872 there was a diphtheria epidemic in which 'six young Barr-Smiths (and) the children of the Scot and Irish shepherd(s) and the uncounted children of the Aborigines' died.

<sup>133</sup> *The Adelaide Observer*, 28 May 1881, p. 941.

<sup>134</sup> Seaman, *Op.cit.*, p. 35 quoting from Stevenson in the *S.A. Gazette and Mining Journal*, 24 June 1848.

<sup>135</sup> *Ibid*, pp. 35-36.

<sup>136</sup> See the *Register* and the *Observer* March/April 1879. In 1878, the grant to Point McLeay was £1,000.

<sup>137</sup> J.D. Woods, *Register*, April 1879.

<sup>138</sup> SAGG 20 March 1879, p. 792.

<sup>139</sup> Eddy, *Op.cit.*, p. 175.

<sup>140</sup> *Ibid*.

<sup>141</sup> *The Observer*, 11 June 1881.

<sup>142</sup> SRSA GRG 52/2 Vol. 1, 23 July 1874.

<sup>143</sup> SAGG 20 March 1879, p. 791.

<sup>144</sup> Protectors were required to ensure that Aborigines received adequate defence before the courts.

<sup>145</sup> SAPP (No.198), 21 December 1866.

<sup>146</sup> SRSA GRG 52/2 Vol. 1, 15 July 1878.

<sup>147</sup> *Ibid*, GRG 52/2 Vol. 1, 20 October 1866.

<sup>148</sup> *Ibid*, GRG 52/2 Vol. 1, 22 August 1867. The girl appears only to have resided at the mission for a few months.

<sup>149</sup> *Ibid*, GRG 52/2 Vol. 1, 22 August 1878.

<sup>150</sup> McGregor (1997) *Op.cit.*, p. 61.

<sup>151</sup> *Ibid*.

<sup>152</sup> W. Ramsay Smith. (1906) *Report on hygiene in the Northern Territory of South Australia*. Adelaide: Government Printer and *Australasian Association for the Advancement of Science* Report of 11<sup>th</sup> meeting,

1907. Ramsay Smith was appointed to the Adelaide Hospital in 1896. He was medical officer to the Adelaide Gaol and president of the Central Board of Health. As Pascoe states, he was a 'pioneer in public health'. J.J. Pascoe (ed.) (1901) *History of Adelaide and vicinity*. Adelaide: Hussey & Gillingham (Reproduced 1972, Parafield Gardens: Alan Osterstock).

<sup>153</sup> SAPP 1913 No. 26, Progress Report of the Royal Commission on the Aborigines.

<sup>154</sup> SAPD 20 December 1899, p. 379.

<sup>155</sup> The commissioners were William Angus (Chairman) MP and associated with the Aborigines Friends Association (AFA), James Jelley MLC (Labor), John Lewis MLC and on the AFA committee, George Ritchie MP and John Verran MP (ex Labor Premier). [Point Pearce was originally written as Point Pierce.]

<sup>156</sup> Stirling had been a co-founder of the Adelaide Medical School. He was a qualified scientist (his Cambridge training included anthropology). He was Honorary Director/Director of the South Australian Museum from 1889 to 1913 and Honorary Curator of Ethnology 1914 to 1919. See P. Jones, 'Collections and curators: South Australian Museum anthropology from the 1860s to the 1920s' in *Journal of the Historical Society of South Australia*, 16, 1988, pp. 95-100.

<sup>157</sup> SAPP No. 26 1913, *Op.cit.*, p. 124.

<sup>158</sup> Professor Stirling had been the first President of the State Children's Council (SCC) in 1886, also having served on its predecessor the Destitute Board; he had also been a MP (1884-1887). His daughter, Harriet Stirling, was a member of the SCC from 1907-1941 and its President from 1923-1926.

<sup>159</sup> SAPD 6 November 1912, p. 862. Citing Angus who moved that a Royal Commission rather than a mere select committee be appointed.

<sup>160</sup> *Ibid.*

<sup>161</sup> SAPP No. 26 1913, *Op.cit.*, p.124.

<sup>162</sup> *Ibid.*

<sup>163</sup> J.S. Mill in R.J. Arneson (1974) *Op.cit.*, p. 113.

<sup>164</sup> The definition of lock-hospital under the *Aborigines Act* (1911) was 'a hospital or other institution, or the part of a hospital or other institution...' Such places treated contagious diseases and the *Act* made it an offence if the patient refused to be committed and treated, or departed prior to discharge.

<sup>165</sup> SAPP No. 26 1913, *Op.cit.*, p. 125.

<sup>166</sup> *Ibid.*

<sup>167</sup> SAPD 26 November 1913, p. 992.

<sup>168</sup> SAPP No. 26 1913, *Op.cit.*, p. 3.

<sup>169</sup> *Ibid.*, p. 4.

<sup>170</sup> *Ibid.*, p. 5.

<sup>171</sup> *Ibid.*, p. 6 and p. 10.

<sup>172</sup> *Ibid.*, p. 12.

<sup>173</sup> *Ibid.*, p. 6.

<sup>174</sup> *Ibid.*, pp. 6-7.

<sup>175</sup> Parekh (1995) *Op.cit.*, p. 93.

<sup>176</sup> Dean (1999) *Op.cit.*, p. 133.

<sup>177</sup> *Ibid.*, p. 134.

<sup>178</sup> *Ibid.*

<sup>179</sup> SAPP No. 26 1913, *Op. cit.*, p. 122. (The evidence of the Secretary of the State Children's Council).

<sup>180</sup> M.Valverde, "'Despotism" and ethical liberal governance' in *Economy and Society*, 25:3, 1996, p. 359.

<sup>181</sup> Dean (1999) *Op.cit.*, pp. 136-137. Francis Galton was the founder of eugenics. His published works on heredity spanned forty years (1860-1900).

<sup>182</sup> SAPP No. 26 1913, *Op.cit.*, p. 107.

<sup>183</sup> *Ibid.*

<sup>184</sup> *Ibid.*, p. 11.

<sup>185</sup> C.L. Bacchi, 'The nature-nurture debate in Australia, 1900-1914' in *Historical Studies* 19:75, 1980, p. 209. Ramsay Smith's ideas are taken from his report to the AAAS, *Transactions* 1913, 'Australian conditions and problems from the standpoint of present anthropological knowledge', pp. 367-372, see Bacchi, pp. 208-209.

<sup>186</sup> Jenkin, *Op.cit.*, p. 198. In 1909, in response to Ramsay Smith's recommendations, the Education Department reduced school hours, lowered the standards, and destroyed books and slates that supported contagion with pulmonary diseases. Ramsay Smith had visited Point McLeay in 1908 to determine the cause of the high death rate between 1905 and 1907, particularly of children, pp. 197-198.

<sup>187</sup> SAPP No. 26 1913, *Op.cit.*, p. ix.

---

<sup>188</sup> SAPP No. 26 1913, *Op.cit*, p. vii.

<sup>189</sup> Davey, *Op.cit*, p. 111.

<sup>190</sup> SAPP No. 21 1916, Final Report of the Royal Commission on the Aborigines, p. 14.

<sup>191</sup> SAPD 26 November 1913, p. 992.

<sup>192</sup> B. Parekh, 'The cultural particularity of liberal democracy' in *Political Studies*, Vol. XL, 1992. Parekh states that liberalism amongst other things 'rejects traditional wisdom and common sense in the name of scientific reason', p. 173.

---

## *The Aborigines Protection Board*

...power is tolerable only on condition that it mask a substantial part of itself.  
Its success is proportional to its ability to hide its own mechanisms.  
*Foucault*<sup>1</sup>

The previous chapter introduced the historical context to policies of Aboriginal governance, revealing the shifts in rationalities and techniques of government. With the increasing reliance on 'scientific' methods, governance changed from mission to governmental control of Aboriginal institutions, and from the use of medical professionals to government bureaucrats as Protectors. In this chapter, the different facets of the governing framework that made the mechanism of the Aborigines Protection Board operational are examined, so as to enlarge on the development of the 'social problem of protection and assimilation'. In the process, we shall see that the legislation of 1939, the *Aborigines Act Amendment Act*, which was devised for the Aboriginal population and administered by 'scientific' experts, was fabricated piecemeal.

This chapter explores the structure of the Board as an introduction to its members, whose expertise forms the substance of Section Two. For the purposes of the thesis, the key focus is how the composition of the Board, the 'scientific' expertise involved, was identified as critical to governance of Aboriginal people. To this end, it is necessary to determine how, and to what extent, Aborigines were ruled through experts 'at a distance', substantiating Nikolas Rose's insight: 'political rule would not itself set out the norms of individual conduct, but would install and empower a variety of "professionals" who would, investing them with authority to act as experts in the devices of social rule'.<sup>2</sup>

The analysis also seeks to determine how secular advocates attached to non-government institutions, religious bodies, politicians and officials shaped the Board and influenced the direction of debates on Aboriginal governance.<sup>3</sup> The analysis is helped by the practice of genealogy which, as Dean describes, is 'the methodical problematization of the given, of the taken-for-granted', in developing an understanding of governance.<sup>4</sup> He argues that genealogy replaces 'why' questions that '[efface] careful and meticulous analysis' with 'how' questions, which importantly present 'the challenge of establishing a coherence out of that detail'.<sup>5</sup>

So far, the analysis about 'scientific' experts has revealed that 'leading strings', both as leaders and tutelary power, were advocated. 'Leading strings' as leaders were Governors, Protectors and advocates for Aborigines, including parliamentarians and missionaries. When the Aboriginal population in the settled areas was categorised as 'full-blood', the ideal 'leading string' was a medical professional. Later, when 'full-blood' Aboriginal people were believed to be a 'doomed race', the 'leading strings' included bureaucrats, police and missionaries. Once the 'Aboriginal problem' was identified as a problem of two populations, 'full-blood' and part-Aborigines, then there was a turn towards using 'scientific experts' as 'leading strings'.

The critical point is that Mill advocated governance by professionally trained bureaucrats and not parliamentarians subject to the pressures of public opinion. In his view, bureaucrats were best to use tutelary 'leading strings' for the governance of dependent, 'uncivilised' populations as long as they had 'specially [Aboriginal] knowledge and experience'.<sup>6</sup> As we shall see in this chapter, debates in parliament about the governance of Aborigines stressed the need for 'scientific' experts 'at a distance', because, at this point in time, there was a lack of professionally trained bureaucrats. However, this problem was in the process of being resolved as the Institute of Public Administration had been established in the 1930s with the aim of producing professional public administrators who were to utilise Millian tutelary 'leading strings' and to become Parekh's leaders.<sup>7</sup> In the meantime, private elites were enlisted as an interim mechanism in order to change modes of governance, and they were given executive oversight of Aboriginal affairs. Ultimately, the private elites, analysed in detail in Section Two, were mere functionaries, facilitating a recomposition of forms of governance. After this recomposition, accountability was no longer an issue as the new



bureaucratic 'scientific' experts were subject to the *Public Service Act* and reported to ministers in Parliament.

### The importance of expertise

Several kinds of boards were proposed for the governance of Aboriginal people, but only that which relied on 'expertise' came into operation. Other proposals that based membership on social position and values, or on a specific composition, for example some government and some local members, failed. Although government and local experience are described as forms of expertise and expertise is a kind of social position, the expertise sought for the Board was singular. The idea of governmentality can be used to explain this peculiarity. Social position is usually associated with status from wealth, which means it has a material connection. Status and wealth are related to sovereignty or a position of power and coercion, whereas professional expertise is the 'mechanism' or application of the Foucaultian 'apparatuses of security', which use specific knowledges, like the disciplines of public administration and criminology, to rationalise governance.<sup>8</sup> That is, professional expertise suits the 'triangle' of 'sovereignty-discipline-government' to govern populations.<sup>9</sup>

The Board's purpose was the protection, welfare and control of complex sub-populations, which had been constituted as social problems through liberal governance. Therefore, it required the 'authority' of professional expertise, 'inextricably linked to the formal political apparatus of rule'.<sup>10</sup> Other boards, like those controlling children, had a similar purpose. They, too, eventually had professional experts as members and this process corresponded to the growth in the social sciences during the twentieth century.

The Board was an example of government as an art or rationality. Its administration can be seen as analogous to Rose's description of the emergence of the 'state of welfare'. This 'state', he suggests, is transformed by 'the invention of various "rules for rule" ' into a

centre that *could* programme—shape, guide, channel, direct, control—events and persons distant from it. Persons and activities were to be governed *through* society, that is to say, through acting upon them in relation to a *social* norm, and constituting their experiences and evaluations in a *social* form...these formulae for a state of welfare sought to maintain a certain distance between the knowledges and allegiances of experts and the calculations of politicians.<sup>11</sup>

Following this model, Aboriginal administration under the Board constituted indirect political rule through social rule by experts.

Importantly, each new era of governance always has elements of the triangle of 'sovereignty-discipline-government'. It is not a matter of progression or evolution. When liberal governance is perceived as a 'rationality of rule', as Rose argues, the 'residues of past rationalities intersect with the phantasms that prefigure the future'.<sup>12</sup> More clearly, O'Malley explains that Foucault's model has the 'dynamics of such triangular relations', not evolutionary elements whereby the society of government replaces the disciplinary society that has superseded sovereignty.<sup>13</sup> The model does not 'imply any hierarchy of efficiency, nor competition between forms of power, although such forms may be expected to collide as well as to collude'.<sup>14</sup> The story of the Board confirms this description.

When the Bill for the creation of the Board was introduced in Parliament in 1936, politicians stipulated that the members of the Board should be those who were not only 'practical' and 'experienced' or having 'practical experience', but also those who had specific expertise.<sup>15</sup> They believed that expertise was important as it signified 'authority arising out of a claim to a true and positive knowledge of humans, to neutrality and to efficacy'.<sup>16</sup> As Rose states, expertise 'came to provide a number of solutions which were of considerable importance in rendering liberalism operable'.<sup>17</sup> The parliamentary debate of 1936 gave the impression that the discourse of experts and expertise in Aboriginal governance was a new phenomenon. This thesis suggests that, alternatively, there was a shift in beliefs about the kind of expertise required.

The emphasis by parliamentarians on expertise rather than experience was an effect of the rise of scientific communities. For instance, museums, universities and the Australasian Association for the Advancement of Science were established in Australia by the late 1880s. The South Australian Museum had been dominated by natural scientists (zoologists) from its foundation in 1862. Professor Stirling's appointment, in 1889, raised the status of physical anthropology at the Museum because

[h]is interest in the physiology and origins of the Australian Aborigine was shared by his Medical School colleague Professor Archibald Watson, by the Government Pathologist John [sic] Cleland (father of the more famous J.B. Cleland), and by William Ramsay Smith...<sup>18</sup>

As a result of the prominence of scientists in such organisations as the Museum, the University and the Government, anthropology emerged as an 'appropriate knowledge' for administration of Aboriginal people.<sup>19</sup> 'Medical men' had been used in the governance of 'full-blood' Aborigines from first settlement and their prestige was enhanced further as a result of the influence of medical scientists like Stirling, Watson, Cleland and Ramsay Smith in the field of physical anthropology.

Previously during the 1899 parliamentary debate, when an Aborigines Bill was first introduced, Aboriginal governance was thought to be the arena of men (and only men) who had experience of the world. Between 1899 and the 1936 debate it was stated in Parliament that 'practical' men were wanted.<sup>20</sup> These were men like pastoralists who had lived and worked in remote areas, or those who had undertaken government expeditions in remote areas, for example, anthropologists, geologists, surveyors, and police. Missionaries and philanthropists were not included, as they were too concerned with ideals rather than 'practical' matters.

In some cases it was not 'expertise', but a specific combination of official and local governance that was thought appropriate. For example, in November 1913, Angus of the Assembly moved that the Progress Report of the Aborigines Royal Commission be adopted. He said that the Commission had concluded that the organisation of the Aborigines Department was unsatisfactory and that it 'recommended that the care of the aborigines should be taken over by a Government board'.<sup>21</sup> The suggested board members were: the Chairman of the State Children's Council, the Director of Agriculture, two members nominated by the Government, and the Chairmen of Local Committees for the mission stations (Point McLeay and Point Pearce).

As stated in the previous chapter, the board recommended by the 1913 Royal Commission failed to be constituted due to a lack of political will. During further debates, a proposal was approved for the Government to take over Point Pearce and Point McLeay in 1915 and 1916 respectively. After this, the organisation of the Aborigines Department remained the same until 1918 when the Advisory Council of Aborigines was appointed. This was a result of lobbying by the Aborigines Friends Association, the former administrators of Point McLeay. The Association had complete control of the Council, as all seven members were also Association members. Jenkin, writing in 1979 about the Association and its long-term domination by Protestant

clergy, stated '[e]ven today its meetings begin with prayer and Bible readings, and much of its concern is with the propagation of the gospel amongst Aboriginal people'.<sup>22</sup>

However, governments were able to overlook the Friends Association lobby since the Council's function was only advisory. By 1939, when the Board replaced it, the Council had spent at least half of its existence being politely ignored by government. John McInnes, member for West Torrens and a former Commissioner of Public Works, articulated the Government's explanation for this. In parliamentary debate, he stated that the Council was *not* 'constituted entirely of practical people who have had experience in the handling of aborigines'.<sup>23</sup> This point was mainly directed at female Council members but also applied to missionaries and philanthropists who were not regarded as practical or experienced in 'worldly' affairs.

As stated, in 1936 there was a difference in the discourse in Parliament. Members of Parliament were beginning to define more precisely the kind of expertise they sought for board membership. For instance, Baden Pattinson, member for Yorke Peninsula (the electorate which included Point Pearce), stated:

I should like to see appointed a board of seven consisting of five men and two women. In its personnel should be included persons skilled in science, anthropology, education, police administration, pastoral and agricultural industries, and missionary work.<sup>24</sup>

Also, there were discussions on alternatives to a board of experts. Richards of Wallaroo District suggested that the Protector and Aborigines Department be supported by at least three inspectors 'of the right type'.<sup>25</sup> Blackwell (East Torrens) advocated a board but thought it should have different characteristics from what was being proposed; that is, it should be a full-time board of three competent men.<sup>26</sup> Rudall (Barossa) was the most pessimistic of the Assembly members, believing that all forms of Aboriginal administration had little chance of success.<sup>27</sup>

Nonetheless, there was considerable time spent determining the composition of the proposed Board. There were two main points to this debate. First, there was the issue of the competency of the incumbent Chief Protector to fill the role of Chairman. Second, there was rivalry between the Ministry who wanted to keep the power of the Board with government, and those members who represented the lobbies' interests and who wanted to make sure the Board was not loaded in the Government's favour. There was also much debate on whether or not to have women on the Board and, if so, how many, as

well as on the issue of Aboriginal representation. In the first case, members were aware of lobby groups who would be put out if women were not included. In the latter, it was clear that there would be little political pressure, as the Friends Association did not support Aboriginal representation on the Board.

There were individuals and groups who lobbied for Aboriginal representation. Pattinson, like other members whose constituencies included missions or Aboriginal stations, was favourable to Aboriginal representation. So, too, were members of the Aborigines Protection League who had contact with Aboriginal activists, many of whom were members of the Australian Aboriginal Association that received organisational support from the League. In June 1936, Pattinson presented a petition to the Assembly from 161 Aborigines, which was received and read, asking Parliament to implement measures to provide for 'their better treatment', 'the better education of their children, and proper opportunities for their advancement', the appointment of a Protection Board, and 'direct representation' on the Board by Aborigines and their descendants 'in order to provide for their advancement'.<sup>28</sup> The petition was ignored.

Despite Parliamentary debates and the lobbying of advocates and the Aborigines themselves, the 1936 Bill for the creation of the Board failed to proceed in the Legislative Council. It was amended and reintroduced in the 1939 session of Parliament by Malcolm McIntosh, the Minister in charge of the Aborigines Department and the Commissioner of Public Works (see figure 4). By then, the composition of the Board had been decided—scientific experts would be appointed. McIntosh stated:

If a board were appointed comprising representatives of those sections of the community who have specialized interest or knowledge of the aboriginal question, its members should be particularly competent to deal with the matters entrusted to it.<sup>29</sup>

The Legislative Councillors agreed with the Assembly's recommended composition of the Board. One member even went so far as to suggest the groups from which the expertise should be chosen. He cited: Aborigines Friends Association, Aborigines Protection League, League for the Protection of Aboriginal Women, University of Adelaide, Woman's Christian Temperance Union and the Presbyterian Board of Missions.<sup>30</sup> In response to this suggestion, another member said the Lutherans had just as much reason to be selected as the Presbyterians, also that he did not know how much the Temperance Union knew about the 'aboriginal question', although they knew a 'good deal about the liquor question'.<sup>31</sup> The final decision was to leave the process to

the Minister because, if the criteria were too formalised, 'it would be there for all time'.<sup>32</sup>

McIntosh, the Minister, was aware that the administration of the Aborigines Department needed to change. He had previously asked William Penhall, the acting Chief Protector, to examine the situation. Penhall reported that there had been 'almost a unanimous desire for the creation of a Board of Control' during the 1937 session of Parliament.<sup>33</sup> That is, the parliamentarians were responding to the wishes of pressure groups and to the perceived 'general feeling in the community'.<sup>34</sup>

For these reasons by 1938, the administration and the Executive, represented by the Chief Protector and the Commissioner of Public Works, accepted that a board of experts was the appropriate mechanism of governance. Moreover, in South Australia at that time, 'Wainwright's model' of public administration prevailed. William Wainwright, Auditor General and theorist behind the Playford Government's industrialisation strategies, promoted the board system above bureaucratic and executive control, as 'there must be both public responsibility and technical and financial expertise', and 'the managers of the enterprise must not be its directors'. That is, in Wainwright, the principle was established that 'in large undertakings', 'the formation of policy, and the carrying out of that policy, should not be entrusted to the same individuals'.<sup>35</sup>

As discussed, other ways of forming boards rather than using people with expertise were available at the time. It is, therefore, relevant to consider why the new Board was to be comprised solely of experts who were professionals and had education, or more precisely, why political discourse endorsed expertise rather than social position, values and so on. This is an important question because, by applying the condition of expertise, it meant that Aborigines were immediately ineligible, since they did not have professional qualifications. Under this logic, most women were similarly rejected. However, we shall see in Chapter 5, community support, the influence of women's associations and in particular government recognition of the role of these associations in the protection of Aboriginal women, overcame this potential blockage. No such intervening factors permitted the inclusion of Aboriginal representatives.<sup>36</sup>

As there was considerable debate about the constitution of an executive board to replace the existing advisory body, the Advisory Council of Aborigines, it is necessary to consider the historical significance of using a board and the use of boards in other Australian states. Boards were used extensively in Australian colonial administration to devolve responsibility so that 'the individual minister, formally at least, became but one of a number of instruments through which executive government was conducted'.<sup>37</sup> This practice contrasted with governing methods in England where the use of boards was decreasing and local governments had become the means of administration.<sup>38</sup> In Australia, the goal was to reduce control through the executive arm of government. For the Protection Board, however, this was not a major issue. This was because the Minister for Aborigines (Commissioner of Public Works) left the management of the Aborigines Department, a small, low status department within his extensive portfolio, to the Chief Protector. That is, power at the practical, day-to-day level was invested in the Chief Protector or the bureaucracy rather than in the Minister. The issue in this instance then was to decrease the control of the Chief Protector who had been given considerable legal powers under the *Aborigines Act*, 1911. There was adverse feeling that one person should be so powerful, as well as the perception that a single officer could not alone fulfil the many duties of the position.

Boards, therefore, were promoted as an administrative 'device' both at national and local levels in the eighteenth and nineteenth centuries. They were 'invoked variously to dilute individual power and prestige, to utilize available experience, to provide continuity, to check individual extravagance, to cater for the needs of decentralization' and to ensure that 'the opportunities for patronage' were increased.<sup>39</sup> This last rationale provoked some criticisms. For example, Pattinson stated that appointments to boards were not 'genuine' but rather 'rewards to friends' or 'silencing of critics'.<sup>40</sup> However, in the main, during the late 1930s, most participants in debates on Aboriginal affairs, both Aboriginal and non-Aboriginal, were favourable toward the creation of a board as the instrument of government. One reason for this preference was dissatisfaction with the Chief Protector; however, the main reason, as we shall see, was the desire to 'utilize available experience'.<sup>41</sup>

As boards were used for Aboriginal governance across Australia, the South Australian Government drew on other states' legislation and administrative systems. Victoria (1860), New South Wales (1883), Western Australia (1886) and Queensland (1888) had

boards for the administration of Aboriginal people and their different histories and reasons for existence provide some useful background to the types of debates that ensued locally about governance.<sup>42</sup> Victoria, the only state to have made a native treaty, was the first to institute a board. The Central Board Appointed to Watch over the Interests of the Aborigines was established in 1860 as a result of government inquiries into deaths of Aborigines from epidemics. The Central Board had the help of local committees and local guardians, which, as stated above, was an aspect of the English method where boards gave way to local governments. In 1869, the earliest legislation for Aboriginal administration in Australia was enacted, namely the *Act to provide for the Protection and Management of the Aboriginal Natives of Victoria* whereby 'the segregation of the aborigines was the keynote'.<sup>43</sup> A new board, the Board for the Protection of Aborigines, was created under the *Act*.

In 1881, there were further government inquiries into Aboriginal deaths. Following changes to the personnel on the board in 1884, recommendations were made for assimilationist legislation for part-Aborigines. Consequently, in 1886, legislation gave government protective control of 'full-blood' Aborigines on reserves and forced Aboriginal people, who were not 'full-blood' and younger than 35 years, off reserves to compete economically with white people. The exceptions to removal from reserves were female part-Aborigines married to 'full-blood' Aborigines or infants of such Aborigines. In effect, Aboriginal people living away from reserves were not entitled to special assistance.

New South Wales provided some alternative rationalities of governance. From the institution of the first board, Board for the Protection of Aborigines (1883), until 1940, the Protector of Aborigines was also the Commissioner of Police. This was in contrast to Victorian boards that were the affairs of the Chief Secretary. In 1940, the New South Wales Aborigines Welfare Board was administered under 'Public Charities'.<sup>44</sup>

In Western Australia, legislation for Aboriginal people came into effect with the *Protection Act* of 1886. A Board of five members, who were also Protectors, conducted Aboriginal affairs.<sup>45</sup> Following a 'Royal Commission into the condition of the Natives' in 1905, the *Aborigines Act* created an Aboriginal department and Chief Protector with Protectors, often police, in every district (a copy of the Queensland system). As a consequence,



the power of the Chief Protector in dealing with whites was in practice only really effective, especially in the frontier regions, where it happened to coincide with police policy and suit the consensus generally established between the police and settlers in such areas.<sup>46</sup>

Queensland, too, had an Aborigines Protection Board in 1888. In 1897, the *Aboriginals Protection and Restriction of the Sale of Opium Act* saw the introduction of a new system. The administration of Aboriginal affairs in Queensland then consisted of a small Department of Native Affairs, superintendents of settlements/reserves and Protectors (usually police) up until the passing of the *Aborigines and Torres Strait Islanders' Act*, 1965.<sup>47</sup>

States referred to each other's legislation when formulating policy. Also, lobby groups, both secular and spiritual, referred to the legislation and experience of the other states when petitioning politicians. For instance, the South Australian *Aborigines Act* of 1911 adopted principles from the Western Australian *Act* of 1905 that had incorporated parts of the Queensland *Act* of 1897. The Western Australian and Queensland legislation emphasised matters to do with the protection of Aborigines as employees in decentralised economies, namely on outback stations and on fishing vessels. This meant that the South Australian *Act* lacked ideas for the administration of urban and fringe-dwelling Aboriginal people. The examples of Victoria and New South Wales for governance of Aborigines in the settled areas had the effect that, in the 1930s, a board was considered to be the best institution for Aboriginal administration.

In the 1950s, South Australia would turn to the Victorian legislation again. The Victorian model was considered the ideal to manage Aboriginal people who were becoming more centralised (as was the case in Victoria and New South Wales). In 1957, the new Victorian Aborigines Welfare Board comprised the Chief Secretary as Chairman, the Under-Secretary, and eight members. The Ministers for Education, Housing and Health nominated a member each. The last five members, the non-government nominees, were to include at least two Aborigines and one 'expert in anthropology or sociology' but were not considered essential. They were to be appointed only if suitable persons were available and they were 'willing to be appointed'. Local committees were still a feature of the Victorian legislation as up to nine members could be appointed 'in any locality where aborigines reside'. For the first time, there was no clause defining 'Aboriginality' and assistance was available to

anyone who had Aboriginal heritage.<sup>48</sup> Over many decades, parliamentary debates in Victoria had queried the effectiveness of the Board but, nevertheless, a precedent had been set with its institution.

### **The question of executive or advisory boards**

The institution of a board had historical precedents and the particular issue of contention was whether a board should be executive or advisory. Consequently, it is necessary to outline the history of the Advisory Council of Aborigines in order to understand the transition to the executive-style Aborigines Protection Board. The Council's role was purely advisory, whereas the proposed Board was to be an executive institution whose members, as official Protectors, were to originate and implement policies. Aborigines Friends Association members who were frustrated by their advisory role, which allowed the Chief Protector to disregard them, dominated the Council. Their dominance in political debates is investigated in Chapter 8 on mission organisation. The Friends Association was the major lobby group in the State and its principle, since inception in 1857, was to have itinerant agents, both spiritual and temporal, amongst Aboriginal people, and these agents were to be responsible to a board.<sup>49</sup> The Association established a mission at Point McLeay in 1859, and its members were advocates for the Aboriginal people of that area even after the Government took over the mission in 1916. At its 77<sup>th</sup> annual meeting in 1936, the Association declared that a board was necessary as the existing system was 'obsolete', and that special legislation should be introduced for part-Aborigines while retaining the existing *Act* for 'full-blood' Aborigines only.<sup>50</sup>

In this period, there were less influential missionary bodies and pressure groups than the Aborigines Friends Association, like the Aborigines Protection League, the Women's Non-Party Association and the Australian Aboriginal Association.<sup>51</sup> The members of other lobby groups were concerned about the domination of the Council by the Friends Association. In the 1920s, J.C. Genders of the Protection League made public his view that the Friends Association 'runs' the Advisory Council.<sup>52</sup> Of even more concern was the fact that J.H. Sexton, Secretary of the Friends Association for over twenty years, dominated the Association absolutely. As Dr Charles Duguid commented, Sexton '*was*' the Friends Association.<sup>53</sup> It was not until the late 1920s that nominees of the Women's Non-Party Association (who were also Protection League members) were made Council

members, and a nominee of the United Aborigines Mission became a Council member in the early 1930s. However, by then the Government was ignoring the Council's advice, the explanation being that it lacked 'practical people' (this point was mainly directed at women members, a point raised earlier).<sup>54</sup> The final years of the Council were frustrating ones for its members as they were not often consulted by the Commissioner of Public Works or the Chief Protector. Ultimately, the majority of advocates thought that a mere *advisory* council was not the best means of Aboriginal administration. The Aboriginal people from the settled areas of the State, Point Pearce and Point McLeay, also agreed, as demonstrated by the petition of 1936, that a board was preferable.

In the 1930s, lobby groups and Aborigines expressed concern about the governance of the Aboriginal populace. The issue of governance had both ethical and political facets. Ethically, advocates thought it was inappropriate that one person only, the Chief Protector, held power over the affairs of Aborigines. Aborigines, with the support of the lobby groups, presented petitions to this effect to Parliament in 1933 and in 1936. In addition, the Aborigines Friends Association believed that the administration of the incumbent Chief Protector, M.T.M. McLean, was damaging since he 'had no training in the psychology of the aborigines, or any practical experience of working among them'.<sup>55</sup> The matter was political because, as demonstrated in later chapters, the Chief Protector and the Executive did not adopt the ideas of the Friends Association-dominated Advisory Council. McLean was as unpopular with the Friends Association as had been the first Chief Protector, W.G. South.<sup>56</sup> These officials, however, could not be accused of being unknowledgeable, since they had spent all their working lives in government posts that dealt with Aboriginal people. The disagreement hinged on the appropriateness of 'bodies of knowledge'. When advocates said that McLean had no experience, they really meant that he had not gained that experience either through missionary or through anthropological work; that is, he was neither humanitarian nor 'scientific' in his approach.

Under the provisions of the *Aborigines Act* of 1911, regulations were made in 1918 to establish the Advisory Council of Aborigines. The Council was to report to the Minister:

Upon any matter connected with the protection, control, training, or education of, or otherwise affecting the interests of, the aboriginal and half-caste inhabitants of the State;

Upon any matter which is referred to the Council by the Minister; and  
Generally as the best means of carrying into effect the objects of the Aborigines  
Act, 1911.<sup>57</sup>

Regulations gazetted in 1925 (and revoked in 1933) made the Chief Protector a member of Council. Francis Garnett was both Chief Protector, after South's death in 1923, and Council member for five years. On his retirement from government, he remained on Council for some years as an ordinary member. It was during this latter period in the 1930s that McLean was Chief Protector. He was not at ease with the Council and may have had most difficulty with the Secretary, Sexton. He eschewed the role on Council from April 1933, the beginning of Butler's Government, until July 1937 after Sexton stood down from being Secretary (this position was filled by W.R. Penhall). Sexton was one of the most critical Council members when it came to judging McLean's competency, although his complaints were cloaked in terms of the job being too big for one man. Sexton displayed a number of stratagems to influence governance and, although he chose not to be a Board member, he remained active in debates right through the 1940s. He may have been of more use to his nephew, Thomas Playford, leader of the Government from 1938, as an influential, independent advocate than as a member of the Board. His serviceableness was apparent in the debates over the use of inviolable reserves for weapons testing, as discussed in later chapters.

The Council was effective up to the mid 1920s but tensions between the Council, the bureaucracy and the Executive increased greatly after this time. A key issue was the handling, or rather the poor handling of the 1923, *Training of Children Act*, due to considerable public reaction that was fuelled by some Aborigines Friends Association members. The legislation was partially suspended after misapplication by the State Children's Council. The *Act* to remove Aboriginal children directly to State institutions without their appearance before the courts on charges of neglect, had been the initiative of Chief Protector South. However, South's successor, Garnett, had different views on the removal of 'half-caste' children from their parents. While he was a superintendent of mission stations, he supported removal over the dormitory system, which some Friends Association members on the Council promoted.<sup>58</sup> Then, he changed tack not because he believed in the natural rights of Aboriginal parents, but rather because he felt that removal of children, whether to a dormitory on the stations or to an institution off the stations, would cause parents to have no incentive to industry.<sup>59</sup> Given the divergence of opinions over issues like child removal, it was apparent to all those

concerned that the Council's advisory role was the basis of its inability to affect governance directly. The Council, however, was not without influence as it was able to publicise issues like the misapplication of the 1923 *Act* indirectly through lobby groups, the newspapers and the Aboriginal people themselves.

The consequences of the difficulties between the Council and the bureaucracy were vociferous debates about the best governing structure for the Aboriginal populace. In 1928, the Chief Protector of Queensland, J.W. Bleakley, was requested by the Commonwealth Government to report on Aboriginal affairs in the Northern Territory. As a result of a visit to Adelaide for consultation with the Aborigines Protection League (because of its proposal for separate native states) and the Advisory Council (because of its scheme for a Federal Advisory Council), Bleakley reported that the pressure groups in South Australia wanted a State Aborigines Advisory Board. It was thought that this institution should have specific qualities.

Unless such a board is composed of persons with expert scientific or administrative knowledge of aboriginal characteristics and conditions, it would be of little value and only calculated to hamper administration.

Such a board, to be effective, should contain a trained anthropologist, a medical expert in diseases peculiar to natives, and officers and missionaries experienced in aboriginal administration, who should all have first hand knowledge of Territory [or South Australian] conditions. Their duties should be confined to advising on matters of policy.<sup>60</sup>

It is clear that the most important requirement of board members was expertise. It is instructive to note that, in 1928, the pressure groups believed that the board members' duties should be limited to *advising* on policy. However, as we shall see, the 1939 *Act* gave each Board member unlimited responsibilities as Protector, legal guardian and policy maker. The importance of these factors, which revealed the power invested in the Board and the compromise of Parliamentary accountability because all members except the Minister were unelected—not representatives of the polity—unfolds in later chapters. In the past, such control had been confined to the Minister (and the Executive in his place) and the Chief Protector, his representative in the bureaucracy.

The turn to an executive board instead of the advisory body was important for the recomposition of membership, which was to be based on 'scientific' expertise rather than the Advisory Council's experience or membership of the Aborigines Friends Association. There were various types of board membership and various types of boards—advisory and executive. It is useful to examine the Children's Welfare and

Public Relief Board (the State Children's Council and the Destitute Board prior to 1927), a related body, which had a different governing structure to the Aborigines Protection Board. The Children's Welfare Board's members were chosen because of their social positions and values. The Destitute Board (from 1849) comprised government officials and clergy, whereas the members of the State Children's Council (from 1886) were people of 'public standing' and, like the Destitute Board, with 'explicit religious affiliations' (members from every religious community).<sup>61</sup> However, with the amalgamation of the two institutions in 1926, as a result of the *Maintenance Act*, the members were chosen because they were 'the established voluntary servants of the state in this field'.<sup>62</sup> The 1926 *Act* reconstituted the governing structure so that the chairman of the Welfare Board was also the executive officer, subject to the *Public Service Act*. He was in charge of the bureaucracy and advised by Board members.

As discussed previously, expertise constitutes one kind of social position. The Welfare Board's history revealed that there were different views about the kinds of social position that needed to be represented on boards dealing with destitute, neglected, delinquent, uncontrolled and orphan children. For instance, earlier forms of governance like the Destitute Board favoured religious experts, while the State Children's Council favoured Christian members who actively contributed to public life. Five of the twelve members of the Council were former Boarding Out Society members. 'Boarding out' was an alternative to industrial schools for destitute and delinquent children who were 'State children'. The Boarding Out Society's theoretical founder, Emily Clark, had 'sought to break the replicating cycle of pauperism by getting the children out of the Asylum and into the homes of respectable colonists'.<sup>63</sup>

The Welfare Board (Children's Welfare and Public Relief Board) was related to the Aborigines Protection Board because Aboriginal people, through their children, were at times subject to its control. For example, from 1909, policy for Aborigines formulated by Chief Protector South stipulated:

The half-caste problem is still a difficult one, but as the State Children's Department is now willing to take charge of the children, I hope to be able to place under its control all those found wandering and camping with the aborigines. Unfortunately some country justices of the peace consider the State Children's Act of 1895 does not apply to half-castes, but the Act does not discriminate. It applies to all children under the age of 18 years who are, in the opinion of the justices, 'destitute or neglected'.<sup>64</sup>

Subsequent legislation in 1923 also reinforced the role of the Welfare Board in the affairs of Aborigines because it gave the Aborigines Department the power of 'transferring aboriginal children at the age of fourteen years to the care of the State Children's Department'.<sup>65</sup> Aboriginal people, as a result, came under the control of both the Commissioner of Public Works (Aborigines Protection Board) and the Chief Secretary (Children's Welfare and Public Relief Board). It is important to note that Aboriginal children who were made State children 'disappeared' in the system, as their difference (Aboriginal status) was not recorded. Statistics kept by the State Children's Council, and later the Children's Welfare and Public Relief Department, did not differentiate by race. Consequently, it is difficult to determine how many Aboriginal children were made 'State children'.<sup>66</sup>

Before the *Aborigines Act* of 1911, children of Aborigines were informally charges of Protectors, police and State Children's Council or Destitute Board inspectors. The *Act* formalised some procedures. The Chief Protector became legal guardian, and Protectors became local guardians, of all children less than 21 years of age who were of Aboriginal heritage, in spite of the children having parents and relatives.<sup>67</sup> The only exceptions were those children who were State children according to the *State Children's Act*, 1895.

In late 1911, during the second reading of the Aborigines Bill in the Legislative Council, John Lewis supported removal of half-caste children 'to the care of the State Department'. However, he thought that the 'feelings' of the mothers of the children should be 'consulted', and that the mothers 'should be allowed to go with their children for a time until they became accustomed to their new surroundings'.<sup>68</sup> J.J. Duncan, Member for Midland, was not as sympathetic. Referring to the fact that some country justices of the peace interpreted the 1895 *Children's Act* as not applying to children of Aboriginal heritage, he stated that the 1844 *Ordinance* in itself gave government the power to remove Aboriginal children and the *Act*, moreover, emphasised this power. The Chief Protector's response to this debate was that the *Children's Act* applied to all children under 18 years of age 'who are, in the opinion of the justices, "destitute" or "neglected"'.<sup>69</sup>

In 1923, the *Aborigines (Training of Children) Act*, discussed in the previous section, came into force, giving the Chief Protector the power to transfer children to a State

Children's Council institution for training. The intention of the *Act* regarding legitimate children on government-run stations was to ensure that when they left school they received vocational training. Under the legislation, the separation of Aboriginal children was not worded according to caste or 'blood,' but according to legitimacy. All illegitimate children who were 'neglected' or 'destitute' could be confined to the State Children's Council until they were 18 years for boys and 21 years for girls. In the case of legitimate children, only those who had reached 14 years or who had passed the school Qualifying Certificate could become State children. This legislation became a dead letter in the settled areas, as mentioned previously, when a State Children's Council inspector, with police assistance, removed an illegitimate baby from its mother at Point McLeay. Children at government-run institutions like Point McLeay could not be declared 'destitute' because this called into question government responsibility for conditions at the institutions.

The removal of an illegitimate Aboriginal child to a State Children's Council institution should have been considered to be unprecedented as the Council did not remove the illegitimate children of non-Aboriginal women, unless they were uncared for. Rather, the Council 'controlled' illegitimacy by enforcing the inspection of the home and the parent (mother) of the illegitimate child. Illegitimate children were the regular charges of Council inspectors until they reached the age of seven years. This was enforced for their 'protection'. That is, maintenance of the hygiene, health and proper care according to State Children's Council norms was expected of the mothers of illegitimate children. As the Chairman of the Welfare Board explained, in August 1933, illegitimacy was not a reason in itself for removal. Only if the local police charged children with 'neglect', were the children 'committed to an Institution under the care of this department', but the 'matter [must] be decided by the Court and the Authorities in charge of the Mission Station'.<sup>70</sup> There is further discussion about these categories in later chapters.

The 1923 *Act* attempted to cement links between the Aborigines Department and the State Children's Council, officially, with a form for the 'Transfer of Control' that was attached as a Schedule to the *Act*.<sup>71</sup> The 1939 legislation retained the legal and bureaucratic methods of dealing with illegitimate Aboriginal children in the 1911 and 1923 *Acts*. The only differences were insubstantial, namely references to the 1926 *Maintenance Act* and to the Children's Welfare and Public Relief Board instead of the State Children's Council.



For many decades, the welfare of Aboriginal children was to be an issue that affected the relations between the Protection Board and the Welfare Board. When the Protection Board sought to transfer 'neglected' and 'destitute' Aboriginal children under Section 38 of the *Aborigines Act*, to any institution within the meaning of the *Maintenance Act* with the approval of the Welfare Board, that Board would not agree to such transfers. The Welfare Board's reasoning for its actions was explained according to the status of the children's parents. The Welfare Board created three categories of parents. They were parents who were part-Aborigines, fully independent of government resources because they were employed and paying rates and taxes, tribal parents, and all those parents not included in the above.

In the case of 'neglected', 'destitute' or 'uncontrolled' children of Aboriginal parents of the first category, who were considered part of the white community, the Welfare Board would take action. The Welfare Board accepted as its clients only those Aboriginal people who were assimilated; all other Aboriginal and part-Aboriginal children were declared the responsibility of the Protection Board. In the Welfare Board's opinion, 'it would be unthinkable to remove the children' of 'myall [sic] aborigines living a tribal life etc'. For all other cases, the Welfare Board thought that the Protection Board could 'hardly...expect' them 'to admit aboriginal children into Departmental Institutions when it has no power or authority in the matter of improving their usual living conditions'.<sup>72</sup> The position of the Protection Board was circumscribed. Its members were legal guardians of all Aboriginal children until they attained the age of 21 years but, if an Aboriginal child was charged by a court as neglected under the *Maintenance Act*, it was deemed 'unfit to have such guardianship'.<sup>73</sup> As Bartlett was to inform the Minister of Works, 'there could be serious repercussions' if he as 'Protector of Aborigines was charged with unfit guardianship'. The Department was in an 'impossible legal position'.<sup>74</sup>

The question is why had the relations between the Welfare Board and the Protection Board become fraught? Before the *Act* of 1923, the Welfare Board was quite willing to admit 'neglected' and 'destitute' part-Aboriginal children into its care. After this, there were several possible causes of friction between the boards. First, the 1924 incident of removal of the Aboriginal baby from Point McLeay resulted in much bad publicity, particularly about the State Children's Council. This changed the attitude of the Welfare

Board, which was now more acutely aware of the conundrum posed by upholding special protective legislation of the *Aborigines Acts* while trying to assimilate part-Aborigines using legislation designed for the mainstream population. Secondly, the governing structure and the emphases in the philosophy of the Welfare Board altered with the amalgamation of the Children's Council and Destitute Board in 1926. Executive power now favoured the bureaucracy, as the chairman of the Destitute Board was appointed the executive officer of the Welfare Board. Thereby, his role expanded to include both 'the relief of destitution' and the implementation of the amended statutory law that gave 'power to grant cash payments as maintenance...to women with families'.<sup>75</sup> It was the beginning of an emphasis not merely on rescuing children from families that had been the ethos of the Children's Council, but of helping the families. A third cause related to the intention of the 1939 *Aborigines Act*. Reverend Gordon Rowe, member of the Protection Board and Secretary of the Friends Association, believed the 'obvious intention' was for the Welfare Board to take responsibility for neglected Aboriginal children but that it had ignored its role 'because out of courtesy it was given the power of veto'. He was appalled at this perceived intransigence particularly because the Welfare Board had six or seven 'suitable institutions, a staff of 100 or more, and approximately 140 thousand pounds a year'.<sup>76</sup>

An impasse had arisen for which the reasons were never explained overtly. For example, the Chairman of the Welfare Board, F.J. McNally, stated in August 1954 that: '[m]y Board is not anxious, for several reasons, to have aboriginal children in our Departmental Institutions housing neglected and destitute children'.<sup>77</sup> Although he did not state what his Board's grounds were, one possible reason was articulated in a letter to the Secretary of the Protection Board in November 1956, concerning Aboriginal boys under Welfare Board custody and control. The Welfare Board felt that 'as native boys, they look to you [the Aborigines Protection Board] rather than to this Department regarding their future and possibly the same is felt by their various employers'.<sup>78</sup>

The difficult relationship between the two Boards was exacerbated by governing structures with different forms and distribution of executive powers. It is an example of how the Protection Board did not and could not act in isolation to address the welfare of Aboriginal people because it was hampered, and helped, by other government bodies. The intricacies of these interactions unfold in later chapters.

### **The formation of the Aborigines Protection Board**

The debate about a board was reopened in Parliament in the latter part of 1935. It had not been a political issue since the 1913 Royal Commission findings were presented to Parliament. In the Assembly H.S. Hudd, Commissioner of Public Works, informed the House that he had received the Advisory Council's report concerning the formation of a board.<sup>79</sup> Afterwards in the Legislative Council, W. Hannaford asked if the Government would appoint a board as the Aborigines Friends Association and Advisory Council agreed to the 'urgent need for a board of management'.<sup>80</sup> A board as a means of administration of the Aboriginal populace was the policy of the Friends Association since its establishment. At this time there were three Friends Association members on the Advisory Council, namely Sexton, Yelland and Archdeacon Bussell. The other members on Council included the chairman, Cleland (Board for Anthropological Research), Cooke and Johnston (Women's Non-Party Association) and Anquitel (United Aborigines Mission). Chief Protector McLean had not been a member of the Council since April 1933. As the Friends Association no longer held the 'balance of power' in the Council, it can be inferred that all pressure groups wanted a board as the desired administrative structure. J.C. Genders of the Aborigines Protection League was the only non-government figure to have publicly expressed negative views about a board (see footnote 52).

In 1936, the Aborigines Act Amendment Bill was carried in the Assembly but lapsed in the Legislative Council due to dissatisfaction with the proposed Board constitution. The contentious items were the roles of the chairman and the secretary, and which of the two should be a public servant and, consequently, 'the intermediary with the Government'.<sup>81</sup> The Assembly wanted the chairman to be the executive officer, appointed by government and not by Board members (as per the Welfare Board where its chairman was the executive officer). Some members of the Upper House favoured the secretary of the Board as executive officer under direction of the Board. Others, affected by both letters in the press and direct representation to Parliament, had different reasons for being dissatisfied with the Bill. The Aborigines Friends Association, in particular, articulated displeasure. It was worried that the existing administration would be perpetuated. Namely, the Chief Protector would be appointed either chairman or secretary with voting rights on the Board, as well as being departmental head; that is, he would help form policy as well as implement it. The Friends Association was emphatic

that an *independent* Board alone should create policy. It wanted to adopt the Victorian Board model where the minister was chairman but the deputy chairman presided at meetings resulting in an independent Board, which advised the minister who then instructed the head of department.

In the following year, the Friends Association and other groups lobbied the Government to form a Board of Inquiry to investigate Aboriginal issues. The Commissioner of Public Works assured the Assembly of the competency of the Advisory Council to carry out an investigation. He also said that a Research Committee of the Advisory Council had been appointed 'to make the necessary inquiries'.<sup>82</sup> The Friends Association was reported to be happy with the appointments because Cleland was 'representing anthropology', McLean 'the official side' and Sexton 'the missionary aspect', resulting in a situation where 'the whole field of aborigines' welfare should be covered'.<sup>83</sup> The Committee, with Penhall as secretary, held its inaugural meeting in October 1937 but shortly after Cleland went overseas, and McLean was continually on sick leave from September 1938, leaving Sexton and Penhall as the principal drafters of the new legislation. They referred to the Western Australian *Native Administration Act* of 1936 for a definition of Aborigines and concurred that 'the term "aboriginal" be used to include the full-blood aboriginal inhabitants of Australia and all persons who are in any way related to them by blood'. They also incorporated the concept of 'exemption' from the proposed legislation into the *Act* for those Aborigines (irrespective of their wishes) who assimilated into the white community. This meant that the Board was able to declare particular Aboriginal people to 'cease' to be Aborigines 'for the purposes' of the *Act* 'by reason of [their] character and standard of intelligence and development'.<sup>84</sup> The entire Advisory Council supported the exemption concept.<sup>85</sup>

In October 1938, the Advisory Council asked the Commissioner of Public Works to introduce a Bill to create a Board as it considered 'the duties involved in the care of the aborigines form too heavy a burden for one man to bear and that such responsibilities should be shared by a Board'.<sup>86</sup> In March 1939, the Council resolved that, on the Board's appointment, Penhall be permanent Head of Department and Secretary of the Board.<sup>87</sup> The Council, as a whole, had little impact on future developments and held its last meeting in late 1939, after the *Aborigines Act Amendment Act* was assented to in November.

When the Bill was introduced in Parliament in August 1939, F.K. Nieass questioned the Minister about criticisms in 'this morning's press' that neither concerned organisations nor Mr Chinnery, Commonwealth Minister for the Interior (and Native Affairs), had been consulted about the Bill.<sup>88</sup> His reference was to Phyllis Duguid who had complained to the *Advertiser* that the advice of the League of Women Voters (Women's Non-Party Association), Woman's Christian Temperance Union, Aborigines Protection League, Young Women's Christian Association and League for the Protection and Advancement of Aboriginal and Half-caste Women had not been sought.<sup>89</sup> Several days later, after receiving a copy of the Bill from the Minister, she wrote again to the Editor of the *Advertiser* praising the Bill in general but was critical of the power to revoke 'exemptions'. She stated that the clause had 'the flavour of probation' and gave 'an unfortunate bias to a splendid measure'.<sup>90</sup>

Of all the organisations, only the Aborigines Friends Association was privy to the final input into the 1939 Bill. The Government gave the appearance of democratic processes but it had only conferred with the Friends Association, that is with Sexton. McIntosh admitted that he had not sought advice from departments in other states (for example Mr Chinnery) but had used their legislation 'to select the best provisions...for insertion in our legislation'. He stated that the Advisory Council 'and similar institutions' had been 'in close touch with the government regarding the subject'. This was dissemblance on his part as the Council had not been effective since early 1939, and it was its depleted Research Committee of Penhall and Sexton that had prepared the Bill. Making plain his bias, he candidly assured the Assembly that the Bill met 'with the approval of the Aborigines Friends' Association and many workers associated with that organization'.<sup>91</sup>

During the debate in the Assembly on the inclusion of exemptions from the proposed legislation, it became clear that Dr Duguid, chairman of the Aborigines Protection League, had lobbied many members of parliament.<sup>92</sup> He was concerned about the wording of the Exemption clause, which read that an Aboriginal person was to be judged 'by reason of his character and intelligence'. Duguid favoured the use of 'by reason of his standard of development'. Eventually, a compromise was reached with an amendment to the Exemption clause that added 'development' after 'intelligence'. This, however, did not address Duguid's intention because he recognised that tribal Aboriginal people were high in character and intelligence but not in standards of European development. It is important to note that Duguid was considered an

influential figure in Aboriginal affairs and that his ideas were incorporated, but only in a fashion.

When the Bill reached the Upper House, there was more debate on the constitution of the Board rather than on the new aspects of the legislation (the definition of Aboriginality and Exemptions). In fact, the item that was contentious in the Assembly, namely the inclusion of all people of Aboriginal heritage as subjects of the legislation with the proviso that particular Aborigines could be exempted by the Board, was dispatched with the comment that if 'it is the desire of the association [Aborigines Friends Association] to have this definition' then the Legislative Council should leave it alone.<sup>93</sup> Again, as in the 1936 debate, there was keen discussion on the composition of the Board. The names of both individuals and associations were presented to determine Board membership. J.M. Beerworth's disappointment at not securing confirmation of the appointment of a 'medical man' became apparent when he rather indignantly stated:

I do not agree with the Minister that this Bill was prepared in the House of Assembly and brought down here. It was prepared outside for the Commissioner of Public Works. I have a growing conviction that the people whose organizations are mentioned helped to prepare the Bill...Certain organizations outside are determined to have their nominees on the board.<sup>94</sup>

Beerworth felt that representatives of the polity and not pressure groups, which had vested interests, should be the influences on the proposed legislation.

After the Bill was sent back to the Assembly for consideration of the Legislative Council's drafting amendments, C.J.D. Smith (Victoria District) once again spoke against it. He was concerned that 'at least 1,000 inhabitants of the State will be deprived of their citizenship...I should like the matter brought under the notice of the Commonwealth Minister for the Interior'.<sup>95</sup> Smith was ruled out of order. This was a final attempt to protect his constituents along the Coorong, who were mostly independent of government, from the legislation. As people of Aboriginal heritage, they were to come under the new *Act* and would have to apply for exemption to regain some of their previous status. The complexities of this issue are discussed in Chapter 7.

The debates in Parliament revealed that there was a discernible move to emphasise the need for expertise by the 1930s, although some of the older parliamentarians retained the language of the past with its emphasis on 'practical men' and 'men of the world'. As Reynolds states, '[l]ong years on the frontier were no longer accepted as a necessary

qualification for authoritative views on the Aborigines'.<sup>96</sup> Rather it was the language of scientific expertise, and in particular anthropology, that younger, less conservative, and perhaps more ambitious, members of parliament were employing. Parliamentarians who acted on experience rather than scientific opinion were unsuccessful in furthering their aims.

Markus observes some subtleties in discourses about Aboriginal people during this period.<sup>97</sup> He notes that politicians 'derived their racial categories from practical experience', while scientists and administrators used racial classifications derived from academic research and scientific opinion. In his view, this means that 'in the context of the racial thought of their time, politicians were pre-racist, lacking the current intellectual justification for their practices'.<sup>98</sup>

We saw above that C.J.D. Smith's concern for the welfare of the Victoria District Aborigines and J.M. Beerworth's anxiety at not legislatively assuring a 'medical man' and ex-policewoman, Kate Cocks, as members of the Board, were not persuasive.<sup>99</sup> Following Markus' argument, because these views were driven by experiential rather than academic research influences, they were perceived to lack scientific backing and hence to be less relevant. Politicians, officials and lobbyists who had 'authoritative views' about Aboriginal people derived from academic research and scientific opinion, were dominating debates. Clearly, expertise acquired through the natural, medical and social sciences was in the ascendant.

The *Amendment Act* of 1939 required that the Board be an incorporated body consisting of the Minister and six other members (two women) appointed by the Governor. The members were not subject to the *Public Service Act* and, at the discretion of the Minister, could receive reimbursement for official expenses.<sup>100</sup> They were, as a consequence of their membership alone, Protectors of Aborigines for the State, and legal guardians of every Aboriginal child. This latter office applied to all children under 21 years, even if they had a parent or other living relative. The exception was if a child was a State child under the *Maintenance Act*. The Secretary of the Board was appointed by the Governor and was subject to the *Public Service Act*. The Minister was Chairman with the option of selecting a member as Deputy Chairman. The duty of the Board was that of 'controlling and promoting the welfare' of Aboriginal people.<sup>101</sup> This included the distribution of funds provided annually by the Parliament.

As discussed, various members of parliament put forward their recommendations for Board members during the 1936 and 1939 sessions. An investigation of debates in 1936 reveals that parliamentarians nominated Sexton as the future chairman and Aborigines Friends Association representatives as Board members. Kate Cocks, a former policewoman and Sub-Protector, was nominated at least three times, and Davies suggested David Unaipon or Mark Wilson as Aboriginal representatives.<sup>102</sup> In 1939, Kate Cocks was nominated again and there were pointed references made to Dr Duguid as a suitable 'medical man'. Holden, member of the Legislative Council, recommended that at least two members should be nominees of the University of Adelaide (Dr Cleland was mentioned). As discussed, Councillor Halleday suggested the six organisations he thought should forward nominees (Aborigines Friends Association, Aborigines Protection League, League for the Protection of Aboriginal Women, the University, Woman's Christian Temperance Union and the Presbyterians). Also, behind the scenes, lobby groups consulted the Minister about their nominees. In 1936, Sexton, on behalf of the Friends Association, sent a list of fourteen 'most suitable' nominees in response to the request of the then Commissioner of Crown Lands, Malcolm McIntosh.<sup>103</sup> Three of the Advisory Council members (Cleland, Cooke and Anquitel) were on the list as was Chief Protector McLean. The remaining ten nominees included Duguid, two Friends Association members, Police Inspector Giles, and the Education Department psychologist Dr Constance Davey. Also, there were Halcombe, an ex-magistrate with experience on the Children's Court, three academic specialists (H.H. Finlayson, Professor Harvey Johnston and Dr Grenfell Price), and Sir Edward Lucas, who had participated in Methodist Conferences.<sup>104</sup>

Those finally selected as Board members were: Dr J.B. Cleland, Chairman of the Board for Anthropological Research, University of Adelaide and Chairman of the Advisory Council; Constance Cooke and Alice Johnston, nominees of the League of Women Voters (Women's Non-Party Association) to the Advisory Council; Dr Charles Duguid, private medical practitioner and active member of the Presbyterian Church; Reverend Canon S.T.C. Best, Acting Secretary of the Australian Board of Missions; and Len Cook, a senior bureaucrat in the Department of Agriculture and a qualified experimental agriculturist.



The outcome of the selection appeared not to be contentious because 'expertise' was used as the guiding factor. The predictable inclusions were three members of the Advisory Council: both women members (Cooke and Johnston) and the scientist, Cleland (appointed Deputy Chairman). Duguid was included as the representative 'medical man'. This was unsurprising as his name had been bandied about since 1936 and he had contributed actively to the wording of the Exemption clause. Len Cook from the Department of Agriculture was included for his expert knowledge of farming practices and because, as a public servant, he was required to support the Government. Department of Agriculture staff were advisers to those in charge of farming on government stations (as discussed in Chapter 9). Even though Canon Best was selected for his expertise in mission organisation, unlike Archdeacon Bussell of the Advisory Council, he was not a practising missionary. Sexton had not previously nominated him, but he was a vice-president of the Friends Association. Best and Sexton were co-workers in mission administration through the Friends Association, the Board of Missions and the British and Foreign Bible Society (Sexton was Secretary of the Bible Society).<sup>105</sup>

### **The purpose of the Board**

As discussed in the Introduction, government applied power over Aboriginal people by claiming superior knowledge of the Aboriginal subject. Also, it governed using a rationale that emphasised the attainment of individual liberty through acceptance of obligations and self-regulation. By 1939, the Government itself believed that this power was only acceptable to both white and Aboriginal people if it was applied by a board of experts rather than through the office of one man in the Chief Protector. There was some impetus to include Aborigines on the Board through petitioning by Aboriginal people themselves and through the efforts of a few humanitarians who believed in self-administration, but to no effect. One dissenting voice over the use of a board was that of J.C. Genders, Secretary of the Aborigines Protection League, who believed firmly in indirect rule for Aborigines. Indirect rule required the creation of model states for Aboriginal people where they established their own institutions, albeit with the help of white resident administrators. This method allowed for Aboriginal difference and did not guarantee the creation of Christian liberal democracies, although Genders anticipated that model states would aspire to be democracies.

The denial of a role for Aboriginal people was framed in terms of their lack of the required expertise to be members of an institution like a board. After the presentation to Parliament of the 1936 Aboriginal petition, the Commissioner of Public Works asked the Advisory Council to respond to the idea of direct representation by Aborigines on the proposed Board. The Council stated that Aboriginal representation was not desirable as it was not aware of any South Australian Aborigine who was fit 'by his education, training and professional qualifications to occupy a seat on such Board'. It softened this response by adding that it felt sure that a new Board would 'receive favourably and sympathetically any constructive suggestions that any sectional interest of the Aborigines, whether full-blood or half-caste, can place before it'.<sup>106</sup> The language of 'sectional interest' reflected the white idea that the Aborigines were two populations, that is, *full* or *part* Aborigines. Government had assumed this division for three decades, ratifying it in the Progress Report of the 1913 Royal Commission. The inference was that Aborigines assumed the division as well. More likely Aboriginal people saw divisions along the lines of language groups, families and place, for example, Point Pearce as opposed to Point McLeay.<sup>107</sup>

The Advisory Council's attitude to Aboriginal representation indicated both paternalism and a belief in expertise as tied to professional qualifications. The view supported a model of representation that required 'disinterested' scientific expertise combined with a certain sympathetic involvement and experience in Aboriginal affairs. This model consequently added to the confusion between the meanings of 'expertise' and 'experience' and challenged the assumption that experts were disinterested and objective. As has been shown, the so-called 'disinterested' experts were often associated with interested lobby groups.

The politicians who supported Aboriginal members on the Board included Richards, Wallaroo District, and Pattinson and Davies, both representing the Yorke Peninsula District. These were the members of parliament for the petitioners from Point Pearce and the surrounding towns. This fact confirms Markus' argument that scientists and administrators were influenced by racial categories derived from scientific research and opinion, whereas the racial categories of politicians were derived from practical experience.<sup>108</sup> Richards, Pattinson and Davies endorsed their constituents as Board members because, from experience, they knew their abilities. Of course, it could also be said that they needed their votes to hold seats in Parliament.

The purpose of the Board was to replace the Office of the Chief Protector with an incorporated board consisting of the Minister and six other members. All Board members were automatically made Protectors of Aborigines, which required them to 'have and exercise the powers and duties given or imposed' by the *Aborigines Act Amendment Act*, 1939, throughout the State. This was the only change to the administrative structure of the Aborigines Department, apart from the Office of the Chief Protector, since the establishment of the Colonial Protectorate.<sup>109</sup> As stated, the Protector was largely taken up with ration distribution. Moorhouse, the first permanent Protector, had a combined role as Comptroller of the Destitute and Protector. As the Destitute Asylum's administrator, he had daily 'to grapple with questions of cost and quality of food supplied both to residents and to recipients of outdoor rations'.<sup>110</sup> His duties with the Destitute Asylum overlapped with the Protectorate, indicating the inter-relatedness of the government portfolios. The 1860 Select Committee confirmed the lack of a structure when it commented that the 'almost entire absence of any system for the protection and support of the aborigines precludes the Committee from commenting upon its inefficiency'.<sup>111</sup> The origins of an effective administrative system occurred when the 1911 *Aborigines Act* upgraded the Protector in the Central Districts (Adelaide and environs) to Chief Protector and gave him statutory control of the Aboriginal populace.<sup>112</sup>

The principal policy changes in the 1939 *Act*, apart from changes to the administrative body itself, were the Definition of Aborigines (S.4) and Exemptions from the Act (S.11a). Three other changes were made also. They were Section 18, the restriction on size of Crown lands that the Minister may allot or purchase for Aborigines (not exceeding a 160 acres block previously), Offences against Female Aborigines (S.34a), and Attendance at school by children between 14 and 16 years who reside at any Aboriginal institution (S.40a). They had previously been agreed to during the debate of the 1936 Bill. When the Attorney General introduced the new Bill in 1936, on behalf of the Commissioner of Public Works, he did not draw attention to Sections 18 and 34a. However, he suggested that the regulation that required 'children to attend school unless they have secured employment or are absent for some other good reason' be made valid. He was referring to Regulation 10, which had been gazetted in 1926. When McIntosh, the Commissioner, introduced the 1939 Bill, he repeated the very same thing about the 'doubtful validity' of Regulation 10 and said of the other amendments that they were 'of

a less important nature which do not require special comment'.<sup>113</sup> McIntosh's reference to the validity of Regulation 10 that contravened the school leaving age of the mainstream population, reflected government concern about the validity of all the regulations for Aboriginal people. This issue is discussed in later chapters.<sup>114</sup>

In the House of Assembly in September 1939, C.J.D. Smith attempted to have those Aboriginal people 'of half blood or more' excluded from the definition of Aborigine and, therefore, from the *Act*, arguing that these people would be denied 'the privilege of citizenship' if they were covered by the *Act*.<sup>115</sup> McIntosh, Minister of the Aborigines Department, said that if Smith's amendment was carried, it would 'strike at the root of the Bill' and it would 'make it necessary to take a blood test of every native'.<sup>116</sup> Sections 4 and 11a were indeed central to the working of the Bill. McIntosh denied that some people of Aboriginal heritage would be discriminated against as '[t]here is power to exempt them for all time'. He stated that the Bill's object was 'to bring as many of these people into the community life as possible, and not to make it difficult for them to enter it'.<sup>117</sup> The amendment was supported by only twenty five per cent of those present and so the clause was passed.

The Minister presented two amendments to the section on exemptions of Aborigines from the operations of the 1939 *Act*. First, as discussed previously, Duguid's suggestion about 'development' as the key word was adopted but not the way he intended. Secondly, specific definitions of exemptions, whether unconditional or limited, were passed. An 'unconditional' exemption was not revocable whereas a 'limited' exemption was revocable within a three-year period. After three years had passed, limited exemptions could be made unconditional and the persons concerned would no longer 'be deemed to be aborigines for the purpose of this or any other Act'.<sup>118</sup>

In the Legislative Council, there was very little debate on the 'definition of aborigine' and the exemption clause. The opinion was that there should not be any changes made because the Aborigines Friends Association thought the definition 'in every way clear and desirable'. Wallace Sandford stated that while in conversation with a Friends Association member he was told that the Association 'looked upon' the definition 'with great satisfaction'.<sup>119</sup> F.A. Halleday was the only member to demur. He said it 'appears that under this clause every person with the slightest trace of aboriginal blood will come under the supervision of the board. I consider that is going too far'.<sup>120</sup> This comment

was ignored. As stated before, the Council's main interest in the Bill was the composition of the Board and, after a short debate on the definitional issue, the Bill went back to the Assembly for consideration of drafting amendments and for finalisation.

The absence of debate in 1939 on Sections 18 and 34a, the issues of allotment of unlimited land for farming and protection of women, demonstrates that parliamentarians had some reluctance to bring these matters to the fore. During the 1936 debate, A.W. Christian (member for the rural district of Flinders which included Koonibba Mission) introduced a clause to amend Section 18 of the 1911 *Act*. Section 18 gave the Minister power to allot lands 'in a block not exceeding one hundred and sixty acres' to Aborigines. Christian referred to the numbers of Aboriginal people who had 'displayed great industry and were capable of sustained effort. In view of this the half-castes should be given the same opportunity of settling on the land as their white brothers'.<sup>121</sup> Hudd for the Government accepted the amendment that removed the restriction on size of the block. Christian had previously brought this matter to the attention of the Lower House in 1935, when there was discussion of the need to increase the budget of the Aborigines Department to offset farming losses at both Point Pearce and Point McLeay. Playford thought that, as the cost per Aborigine had risen from four shillings weekly in 1930 to over seven shillings in 1935, the Aborigines Department should be investigated. Governments were scrutinised publicly over expenditure. (See illustration figure 5—a newspaper report on departmental expenditure in the 1930s.) Christian argued that Aboriginal people were unable to be absorbed into the white population as 'they were not permitted to hold more than a certain area of land and that limits their achievements'. He stated that since 'the acreage is too small...the natives will have to be supported at the mission stations'.<sup>122</sup>

The alteration to Section 18, to allow an unlimited allotment of land by the Government to Aborigines, was an aspect of the assimilation policy to absorb Aboriginal people socially and economically into the larger community. As long as the law restricting allotment to 160 acres or less was in place, both Aborigines and mission organisations had good reasons for maintaining missions and government stations as the residences of able-bodied Aborigines. If Aboriginal people were to be encouraged to stay in the rural areas, they needed employment. Usually they worked in casual and seasonal jobs off the missions and government stations, and returned to them when the work ran out. One

way of keeping Aboriginal people permanently independent of government stations and living in rural areas was to set them up as farmers and graziers. A farm of 160 acres or less was usually not a viable enterprise unless it was prime land. Parliamentarians agreed with the rationale for changing Section 18, but were reluctant to debate the matter in detail, as they knew that any open discussion about the allotment of land would cause an inundation of enquiries from the public. The availability of land grants and leases had always been the most important issue for white settlers.<sup>123</sup> Also, Aboriginal people were intent on compensation for the loss of their homelands by the offer of blocks, particularly when they had some historical attachment to the land. The land issue is examined in Chapter 3.

Offences against Female Aborigines (Section 34a) had a long history before its final inclusion in the 1939 *Act*. The Women's Non-Party Association had taken an active interest in the welfare of Aboriginal women because of the building of the north-south railway from Oodnadatta to Alice Springs, and before that, the extension of the east-west line from the Western Australian goldfields to Port Augusta. The Association initially lobbied the Advisory Council in mid 1926 for new regulations that would ensure women police officers were on duty along the north-south line. It also advocated stringent rules similar to the Western Australian legislation about white men consorting with Aboriginal women. In November 1926, the Association requested that the *Aborigines Act* be amended to deal with the protection of women. Again, in June 1928, the Association lobbied the Advisory Council and referred to Western Australian legislation and to Federal government legislation for the Northern Territory that protected female Aborigines. After three years of delay in responding to its requests, in 1929, the Association forwarded a petition on the protection of Aboriginal women. Then again, in mid 1933, when a deputation of members of pressure groups met with the Commissioner of Public Works, the protection of women was one of the ten points brought to his notice. In the intervening years Constance Cooke became an Advisory Council member and, in June 1931, she suggested to the Council that it adopt 'similar laws to those of the Federal government dealing with offences against native women'.<sup>124</sup>

Finally, when the issue appeared in the Aborigines Bill of 1936, it was titled 'Offences against Female Aborigines'. F.T. Perry, who introduced the clause in the Assembly, advised that there were similar laws in Queensland, Western Australia and the Northern Territory. He said that his reason for promoting the clause, as it forbade sexual relations

between white men and Aboriginal women who were not legally married, was 'to prevent an increase in the number of half-castes' or 'to maintain the purity of the race' (by this he meant the Aboriginal 'race'). The Attorney General, S.W. Jeffries, reminded the House that criminal law was available for offences against all women and then tried to delay the introduction of the clause by leaving it as a task for the new Board. His concern was that the clause would 'create one law for the native population and another for the white population'.<sup>125</sup> When it came to the vote, the clause was agreed to by a narrow margin of only two votes, all to no avail because during the third reading of the Bill, there was enough negative discussion to ensure that the Bill failed in the Legislative Council. The issue was of sufficient concern to cause A.W. Christian to ask the Attorney General to report to the House on 'the number of prosecutions and convictions, if any, against white men for offences against native girls and half-castes under the age of consent'.<sup>126</sup>

The lack of debate in Parliament on introduction of the 1939 legislation indicates that the Government did not want to encourage discussion about the protection of Aboriginal women (Section 34a). Keain has shown that the ideas of the pastoralists were a major influence in the Legislative Council.<sup>127</sup> For instance, the 1911 *Act* did not legislate for the benefit of Aboriginal employees, which was surprising as it immediately followed the Northern Territory *Aborigines Act* of 1910 that dealt in a major way with Aboriginal employment on pastoral stations. It was either a lost opportunity or a deliberate avoidance of the issue so as to protect 'vested interests' in the pastoral industry.<sup>128</sup> The new legislation, Section 34a, had the potential to 'interfere' with sexual liaisons that occurred in remote districts, and hence were considered to be within the domain of pastoralists. Women's groups were primarily concerned with compelling pastoralists and their employees, as well as miners, doggers, fettlers and so on, to provide for offspring who were the consequence of unions with Aboriginal women.<sup>129</sup> The Attorney General stated that Parliament should be careful not to make one law for Aborigines and one law for the white population, and that the matter was best left for consideration by the proposed board, as there were 'arguments for and against...enacting such a law'.<sup>130</sup> At the vote, Section 34a was approved by only a majority of two. This issue is discussed in detail in Chapter 5; however, the fact that Section 34a managed to get included in the 1939 *Act* can be attributed to the tenacity of women's groups and also to the fact that the same clause was part of legislation in the Northern Territory and the states that still had

unsettled and remote frontiers. The politicians who opposed the clause were unable ultimately to present strong enough reasons to dissuade those favouring special protection. The Government was not comfortable with having extended discussions about the issue because there were just as many critics, and powerful ones at that, as there were supporters.

### Conclusion

In the decades leading up to the 1939 *Act*, in public and political discussion, Aboriginal people were divided into two sections: 'full-blood' Aborigines who needed protection from white society, and part-Aborigines, who it was thought should be assimilated into the mainstream of white society. Liberalism was the key rationality behind this thinking. The rationale was that those individuals who were considered ready for white civilisation should be educated to 'appropriate standards of civility, reason and orderliness'. That is, they should accept the responsibilities that go with the liberty of the individual through limited government.<sup>131</sup> 'Full-blood' Aborigines were to be protected from the mainstream population and left to their own destiny on reserves, aided by white experts as the experts thought necessary.<sup>132</sup> Both populations were to be governed through the expertise of scientists and those experienced in mission and welfare administration. The division of Aboriginal people into *full* and *part* populations encouraged specialisation so that experts claimed interest in one or other of the divisions. By 1940, there was further complexity as, at times, Aboriginal people were perceived to belong to *full* or *part* or detribalised sections, and the political elites expected that the three sections would 'progress' differently, requiring varying levels of protection or of assistance for assimilation.

When the Minister for the Aborigines Department introduced the Amendment Bill in Parliament in August 1939, he explained the Government's concerns:

If the Aborigines Department is to be effective, it is obvious that its attention must be directed to the half-castes and persons of less aboriginal blood, and some of the most serious problems facing the department relate to the proper care and training of these people.<sup>133</sup>

The Government felt, however, that it was not equipped to do this task alone. Hence, it recommended creation of the Board of Protectors. The Board was an effective way of spreading responsibility at no extra cost to government since Board members were unpaid. The establishment of the Board also silenced the Government's critics among



concerned lobby groups, since some of their number, as Board members, became themselves morally and legally accountable for Aboriginal administration.

Representation by lobby groups was a contentious issue. There was the argument that governments wanted lobbies represented on government boards because their presence neutralised the debates of other political advocates. This was not always the case; for example, political advocates from the Aborigines Advancement League, and ministers of religion like J.C. and W.L. Scarborough, were able to effect policy changes because they influenced public opinion through the newspapers and public meetings. This was particularly true with Labor politician Don Dunstan, who, as a member of the Aborigines Advancement League and as a member of the House of Assembly was effective, on occasions, in bringing attention to issues of Aboriginal governance. Another strand to this argument was that if governments included lobby representatives on government boards, the lobbies' effectiveness was limited because governments controlled the utilisation of the lobbies' specific knowledge and, at times, foiled their plans.<sup>134</sup>

Alternatively, there was the argument that government boards were not served well by lobbies. For example, Bartlett, Head of Department, warned the Minister in 1958 that although 'much good could arise' from appointment of a committee to survey Aboriginal institutions, he worried about the appointments to such a committee. He added that there were 'a number of well meaning persons who would undoubtedly welcome appointment...but whose views on aborigines are so diverse and divorced from reality that the Government could be embarrassed by any subsequent recommendations'.<sup>135</sup> The Government was cautioned by the bureaucracy of the potential difficulties of incorporating advocates into the governing system.

Rowley notes how institutions like the Board (Rowley's example is Departmental bureaucracy) really absolve parliamentarians for their lack of development of Aboriginal welfare. They can simply refer critics to the operation of the Board and its experts. Rowley details how in this situation governments are seen to have the advantage in any debate about their effectiveness:

Major activities of government can still directly decrease Aboriginal welfare and rights, while at the same time these are to be actively promoted by a small department or sub-department of the same government. Thus government so promotes economic development as to destroy Aboriginal welfare—and retains some illusion that Aboriginal welfare is being attended to by 'experts'.<sup>136</sup>

There remained, however, the difficulty created by the non-elected status of Board members. This was certainly a contentious issue attracting adverse comments particularly from Don Dunstan, Opposition Member of Parliament, because of the lack of accountability to Parliament. Dunstan believed the Minister, and the Aborigines Department, were able to hide behind the Protection Board because its members had executive powers.<sup>137</sup> However, the needs of the Government and the power of the lobbyists meant that for the duration of the Protection Board expertise replaced accountability as the rationale for the existence of the Board. As we shall see, in the end this concern for parliamentary accountability led to a return to an advisory body, signalling a shift in the art of government and a reframing of the 'Aboriginal problem'.

The 1939 *Act* was an uneven fabrication of controlling devices to protect and provide for the welfare of all people of Aboriginal heritage. In Section Two, we shall see how the expertise thought significant for the Board created a biopolitics of the Aboriginal population. Interventions by government using the experts of the Board were required to produce 'liberal subjects', often through non-liberal means. Such interventions also had the effect of creating tensions and contradictions in administration of Board policy.

- <sup>1</sup> M. Foucault (1990) *The will to knowledge: the history of sexuality*. Vol. 1. Victoria: Penguin, p. 86.
- <sup>2</sup> Rose (1993) *Op.cit*, p. 285.
- <sup>3</sup> M.A. Schain, 'The Racialization of Immigration Policy. Biopolitics and Policy-making' in A. Heller and S. Puntischer Riekmann (Eds.)(1996) *Biopolitics. The Politics of the Body, Race and Nature*. Aldershot: Avebury. Schain's concern is immigration policy and he argues that the debate over the policy was 'under the control of...political elites, who effectively controlled the political agenda by constructing the institutions through which the debate took place', p. 162. The question of the extent of control held by political elites could well be asked with regard to Aboriginal policy.
- <sup>4</sup> M. Dean, 'A genealogy of the government of poverty' in *Economy and Society*, 21:3, 1992, p. 216.
- <sup>5</sup> *Ibid*, p. 228.
- <sup>6</sup> Mill (1948) *Op.cit*, p. 391.
- <sup>7</sup> The Institute of Public Administration (London) formed a regional group in South Australia in late 1927. Its first aim was to establish the Chair of Public Administration at the University of Adelaide. The Institute was told that this was not possible as other chairs had priority and instead instituted a Diploma of Public Administration which was taught by well-known, and some not so well-known, lecturers. J.W. Wainwright, the Government's adviser on industrial matters taught from 1931. He became Auditor-General in 1934. During the Aborigines Protection Board era, its Secretary and Head of Department was a lecturer; first W.R. Penhall and then C.E. Bartlett
- <sup>8</sup> M. Foucault, 'Governmentality' in Burchell et al (1991) *Op.cit*, p. 102
- <sup>9</sup> *Ibid*.
- <sup>10</sup> Rose (1993) *Op.cit*, p.285.
- <sup>11</sup> *Ibid*. Emphases in the original.
- <sup>12</sup> *Ibid*, pp. 284-286.
- <sup>13</sup> P. O'Malley, 'Risk, power and crime prevention' in *Economy and Society*, 21:3, 1992, p. 256.
- <sup>14</sup> *Ibid*.
- <sup>15</sup> G. V. Turner (ed.) (1987) *The Australian Concise Oxford Dictionary of Current English*. Melbourne: Oxford University Press. The dictionary defines an expert as a 'person having special skill or knowledge' and the derivation of the word comes from the Latin for 'experience'.
- <sup>16</sup> Rose (1993) *Op.cit*, p. 284.
- <sup>17</sup> *Ibid*.
- <sup>18</sup> Jones, *Op.cit*, p. 100. William Lennox Cleland not John Cleland as cited.
- <sup>19</sup> See L. Smith and G. Campbell 'Governing material culture' in M. Dean and B. Hindess (1998) *Governing Australia: studies in contemporary rationalities of government*. Melbourne: Cambridge University Press, pp. 173-193. Smith and Campbell discuss the role of human sciences (in particular archaeology) that worked through museums, 'in establishing colonial rule as force of arms and trade, rendering understandable, tractable and governable "native" populations', p. 173.
- <sup>20</sup> The language of 'practical approaches' to Aboriginal governance continues today. The 1930s followed a period where the charity and idealism of missionaries were thought to 'smooth the dying pillow' of a doomed race. The current Howard Liberal Government's policy of 'practical reconciliation' follows a period of 'welfarisation', which utilitarian-minded governments perceive to be non-productive and irresponsible, and counter to their ideal of 'mutual obligation'.
- <sup>21</sup> SAPD 26 November 1913, p. 992.
- <sup>22</sup> Jenkin (1995) *Op.cit*, p. 74. The Association ceased to exist in November 2000.
- <sup>23</sup> SAPD 10 November 1936, p. 2293.
- <sup>24</sup> *Ibid*, 12 November 1936, p. 2423.
- <sup>25</sup> *Ibid*, 11 November 1936, p. 2370.
- <sup>26</sup> *Ibid*, 10 November 1936, p. 2305.
- <sup>27</sup> *Ibid*, 12 November 1936, p. 2432. R.J. Rudall b. 1885, lawyer and Rhodes Scholar; MHA Barossa 1933-38 and Angas 1938-1944; MLC 1944-1955. He was variously Minister for Lands, Attorney General, Minister for Repatriation; Irrigation; Education; and Industry and Employment in the Playford Government. H. Coxon, J. Playford and R. Reid (eds.)(1985) *Biographical Register of the South Australian Parliament 1857-1957*. Netley: Wakefield Press.
- <sup>28</sup> *Ibid*, 30 June 1936, p. 358.
- <sup>29</sup> *Ibid*, 10 August 1939, p. 466.
- <sup>30</sup> *Ibid*, 31 October 1939, p. 1540. Frank Halleday b. 1899; MLC 1938-1943; dairy farmer; associated with Morialta Children's Home, Christian Fellowship Association and Churches of Christ Social Services Department. Coxon, Playford and Reid *Op.cit*.
- <sup>31</sup> SAPD 31 October 1939, p. 1540.
- <sup>32</sup> *Ibid*, 31 October 1939, p. 1541.

- <sup>33</sup> W.R. Penhall (15 September 1938). Minute to CPW from Chief Protector of Aborigines (acting).
- <sup>34</sup> *Ibid.*
- <sup>35</sup> H. Stretton 'An intellectual public servant: William Wainwright, 1880-1948' in *Meanjin*, 50:4, 1991, p. 571. Stretton cites Wainwright's report on the railways in SAPP 1931 No. 57, pp. 18-19.
- <sup>36</sup> *Observer* 25 October 1913 and *Advertiser* 24 October 1913. Women's associations lobbied government for up to two women on government committees and boards that dealt with women's concerns.
- <sup>37</sup> P. Finn. (1987) *Law and Government in Colonial Australia*. Melbourne: Oxford University Press, p. 13.
- <sup>38</sup> *Ibid.*, p. 128.
- <sup>39</sup> *Ibid.*, p. 10.
- <sup>40</sup> SAPD 12 November 1936, p. 2421.
- <sup>41</sup> Finn *Op.cit.*, p. 10.
- <sup>42</sup> I do not investigate Tasmania because, from an early date, Aborigines were said to have 'died out'. This meant that special legislation was not created for their descendants. I also do not make comparisons with the NT and the Australian Capital Territory because they were administered by the Commonwealth Government, and the NT had a large majority of Aborigines as its populace.
- <sup>43</sup> Victorian Parliamentary Debates 30 April 1957, p. 342. M. Deverall, 'Records of the administration of Aborigines in Victoria, c 1860-1968' in *Aboriginal History*, 2:2, 1978, p. 108. M.F. Christie (1979) *Aborigines in Colonial Victoria 1835-86*. Sydney University Press.
- <sup>44</sup> P. Read 'A double headed coin: protection and assimilation in Yass 1900-1960' in B. Gammage and A. Markus (eds.) (1982) *all that dirt: Aborigines 1938*. Canberra: ANU Press History Project. The first Board had no statutory powers but was 'by far the most benevolent' of the boards as it relied on 'a liberal optimism' that the best for everyone concerned would occur, p. 12.
- <sup>45</sup> P. Biskup (1973) *Not slaves, not citizens: the Aboriginal problem in Western Australia, 1898-1954*. St Lucia: University of Queensland Press, pp. 23-26. The Board (1886-1898) was the responsibility of the Governor alone and not a Minister of the Crown.
- <sup>46</sup> Rowley (1974), *Op.cit.*, p. 196.
- <sup>47</sup> Unless specifically mentioned the details of the States' Aboriginal affairs are taken from Rowley, *Ibid.*
- <sup>48</sup> Victorian *Acts* of 1869 (No.349), 1890 (No.1059) and 1957 (No.6086).
- <sup>49</sup> Jenkin (1995) *Op.cit.*, p. 76.
- <sup>50</sup> *Advertiser*, 5 March 1936.
- <sup>51</sup> The Aborigines Protection League was founded in 1925 and was mainly a white humanitarian group that gave support to the Australian Aboriginal Association, mainly an Aboriginal group that was founded by the Point Pearce branch in 1928. The Women's Non-Party Association was a white women's group that was established in 1909 as the Women's Non-Party Political Association. In 1924, it changed its name to The League of Women Voters with Women's Non-Party Association as its subtitle.
- <sup>52</sup> *Daylight*, January 1928, pp. 282-283. Genders as editor called the Advisory Council a 'Pooh-Bah' Advisory Council. Genders, a founding member of the Aborigines Protection League, had a reputation as an independent thinker. He, alone amongst the political elites, believed a board was just 'a continuance of the methods of over a hundred years which have given such unsatisfactory results'. (J.C. Genders. (1937) *The Australian Aborigines*. Adelaide: Aborigines Protection League.)
- <sup>53</sup> Duguid Papers, Mortlock PRG 387, Duguid to Professor Oliphant, letter of 18 November 1946. Emphasis in the original.
- <sup>54</sup> SAPD 10 November 1936, p. 2293.
- <sup>55</sup> J.H. Sexton, Secretary of Aborigines Friends Association (AFA), letter of 31 March 1936 to M. McIntosh, Commissioner of Crown Lands.
- <sup>56</sup> The Chief Protectors were W.G. South (1911-23), F.W. Garnett (1923-30), M.T.M. McLean (1930-38) and W.R. Penhall (1938-39). South's background was the police force from 1877 (with a short period as collector of customs). Garnett had been a former superintendent at both Point McLeay (five years) and Point Pearce (about 17 years). The Aborigines Friends Association had a different attitude to Garnett because of his direct association with the mission stations. McLean's background was the Aborigines Department from 1912; he had been South's clerk and probably 'supporter'. Penhall was superintendent at Point Pearce (two years) and Point McLeay (about four years) and, from 1931, accountant then Chief Protector/Head of the Aborigines Department.
- <sup>57</sup> *SA Gazette* 24 January 1918. Duties of Council and Regulations of 1911 *Act*.
- <sup>58</sup> The Aborigines Friends Association members at times agreed with the removal of children and this is shown by their support of the *Aborigines (Training of Children) Act* of 1923. The contradictory views of the Friends Association and Advisory Council members are examined in later chapters.
- <sup>59</sup> *Daylight*, 28 February 1925.

<sup>60</sup> J.W. Bleakley. (1929) *The Aborigines and Half-castes of Central Australia and North Australia*. Parliament of the Commonwealth of Australia.

<sup>61</sup> B. Dickey. (1986) *Rations, residence, resources: a history of social welfare in South Australia since 1836*. Netley: Wakefield Press, pp. 150-152.

<sup>62</sup> *Ibid*, p. 148.

<sup>63</sup> *Ibid*, p. 54.

<sup>64</sup> SAPP No. 29 Chief Protector's Report year ended 30 June 1909.

<sup>65</sup> SAPP No. 29 Public Works Report year ended 30 June 1923.

<sup>66</sup> Once they were made 'State children', destitute, orphan and mixed-race Aboriginal children were subject to the exact same governance as the white population. All other Aborigines were subject to different rationalities of governance. This is clear despite the fact that government officials, in particular statisticians, included annual reports about Aborigines subsequent to reports on destitute white children and on white adults receiving public relief. That is, government records aligned all Aborigines with destitute whites.

<sup>67</sup> The definition of 'Aboriginal' in the 1911 and 1923 *Acts* was more complex than the 1939 definition of being 'descended from the original inhabitants of Australia'. The earlier *Acts* excluded 'any half-caste who was three generations removed from his full-blooded ancestor' from the definition of 'Aboriginal' (from the AFA's solicitors, W. & T. Pope, 1 September 1937).

<sup>68</sup> SAPD 26 September 1911, p. 267.

<sup>69</sup> *Ibid*, 5 October 1911, pp. 325-327.

<sup>70</sup> SRSA GRG 52/1/17/1933.

<sup>71</sup> Ernest Anthony, member for Sturt, made a curious statement during the 1936 debate on the Aborigines Bill. He supported the introduction of a board because a board would 'do the work much better than' being done now by the Advisory Council. He put an end to all contrary arguments by saying that he should know, as he had been a member of the Council for 2-3 years. Anthony was never a Council member. However, he was a State Children's Council (SCC) member (1922-26) during a tumultuous period—the *Training Act* of 1923 and the re-absorption of the SCC into the Destitute Board to become the Children's Welfare and Public Relief Board. There must have been considerable discussion about Aboriginal affairs during SCC meetings for Anthony to say, ten years later, that he had been an Advisory Council member. This shows the relatedness of the two Boards (SAPD 4 November 1936, p. 2236).

<sup>72</sup> SRSA GRG 52/1/58/1957, C. Bartlett, Secretary of Aborigines Protection Board, to Minister of Works 12 January 1959, p. 2.

<sup>73</sup> *Ibid*.

<sup>74</sup> SRSA GRG 52/1/195/1961, letter of 29 May 1961.

<sup>75</sup> Dickey (1986) *Op.cit.*, pp. 174-175.

<sup>76</sup> SRSA GRG 52/1/58/1957, letter dated 6 November 1958 to Minister of Works.

<sup>77</sup> *Ibid* GRG 52/1/74/1955.

<sup>78</sup> *Ibid*.

<sup>79</sup> SAPD 1935, p. 652. The Advisory Council recommended a Board of Management for Aborigines with seven honorary members and the Chief Protector as Executive Officer (Advisory Council minutes of 4 September 1935).

<sup>80</sup> *Ibid*, p. 737.

<sup>81</sup> *Ibid*, 18 November 1936, p. 2588 Hon. C.R. Cudmore.

<sup>82</sup> *Ibid*, 12 October 1937, p. 1065.

<sup>83</sup> *Advertiser* 13 October 1937 'Research Committee on Aborigines: personnel announced'.

<sup>84</sup> Section 11a Exemptions from *Aborigines Act Amendment Act 1939*.

<sup>85</sup> SRSA GRG 52/12 Minutes of Advisory Council, meeting of 5 April 1938.

<sup>86</sup> *Ibid*, meeting of 4 October 1938.

<sup>87</sup> *Ibid*, meeting of 7 March 1939.

<sup>88</sup> SAPD 15 August 1939, p. 482.

<sup>89</sup> Phyllis Duguid, spouse of Dr Charles Duguid, was President of the League for the Protection and Advancement of Aboriginal and Half-caste Women and later a member of the Children's Welfare and Public Relief Board (1945-1964). She was a Women's Non-Party Association member and its President from 1966 to 1968.

<sup>90</sup> *Advertiser* 15 August 1939, p. 20 and 18 August 1939, p. 26.

<sup>91</sup> SAPD 10 August 1939, p. 468.

<sup>92</sup> Duguid later accused Sexton of removing him from the Aborigines Friends Association while he was overseas (from the end of 1937) because he had criticised Sexton's 'unhealthy ways'. Duguid to Professor Oliphant 18 November 1946, Mortlock PRG 387.

<sup>93</sup> SAPD 31 October 1939, pp. 1539-1540.

<sup>94</sup> *Ibid*, p. 1541.

<sup>95</sup> *Ibid*, 7 November 1939, p. 1681.

<sup>96</sup> H. Reynolds. (1998) *This whispering in our hearts*. St Leonards: Allen & Unwin, p. 233.

<sup>97</sup> A. Markus, 'After the outward appearance: scientists, administrators and politicians' in B. Gammage and A. Markus (eds.)(1982) *all that dirt: Aborigines 1938*. Canberra: ANU Press History Project.

<sup>98</sup> *Ibid*, p. 85.

<sup>99</sup> Beerworth exemplifies the reference by Reynolds and Markus to men with 'practical experience'. He was a police officer and Sub-Protector for fifteen years in the Northern Districts during Chief Protector South's time.

<sup>100</sup> SRSA GRG 52/16 minutes 19 December 1956, Cabinet approved a fee of a guinea per meeting for Board members.

<sup>101</sup> *Aborigines Act Amendment Act*, No.14 of 1939, section 5.

<sup>102</sup> Jenkin (1995) *Op.cit*. Jenkin's history of Point McLeay provides biographies of Unaipon and Wilson.

<sup>103</sup> Aborigines Friends Association letter of 31 March 1936.

<sup>104</sup> Finlayson was Curator of Mammals at the SA Museum; Johnston (husband of Alice Johnston, Board member) was Professor of Zoology, the University of Adelaide as well as Chairman of the Museum Board; Grenfell Price was author of nineteenth century settler and Aboriginal history.

<sup>105</sup> The close connection between the Aborigines Friends Association and the Australian Board of Missions was revealed when, during the 1920s and 1930s, they both doggedly and consistently misrepresented the Aborigines Protection League's platform for a Model Native State, even after being advised of their incorrect interpretations. (J.C. Genders was constantly to inform the readers of *Daylight* about the intransigency of the two organisations.)

<sup>106</sup> SRSA GRG 52/12 Advisory Council minutes of special meeting 9 July 1936.

<sup>107</sup> Although it is unusual to find written evidence of Aborigines sectionally dividing themselves into *full* and *part* populations, one example occurs in a Ngarrindjeri deputation's memorial presented to Parliament requesting government takeover of Point McLeay. The deputation of 18 Aborigines referred to themselves as 'true aborigines of the lakes' and 'real blacks' and other Point McLeay residents as 'the half white population of the place'. From the *Advertiser* 12 April 1907 'Point McLeay Natives. Want more food and less prayer' See B. Attwood and A. Markus (1999) *The struggle for Aboriginal rights: a documentary history*. NSW: Allen & Unwin, pp. 56-57. R. Foster "endless trouble and agitation": Aboriginal activism in the protectionist era' in *Journal of the Historical Society of South Australia*, 28, 2000(a), p. 19.

<sup>108</sup> Markus (1982) *Op.cit*, p. 85.

<sup>109</sup> Rowley (1974) *Op.cit*, pp. 81-84. Although there were few actual administration changes, the philosophies of Aboriginal affairs had altered. For instance, Rowley identifies 1856/57, the advent of responsible government, as indicative of the change in philosophy of the protectorship years. He says that between 1857 and 1911 there was a lack or 'failure of policy', p. 81.

<sup>110</sup> Dickey (1986) *Op.cit*, pp. 27-28.

<sup>111</sup> SAPP No.165 1860, p.1.

<sup>112</sup> The *Aborigines Act*, 1911 (No.1048).

<sup>113</sup> SAPD 10 August 1939, p. 467.

<sup>114</sup> Regulation 10 is discussed in Chapters 9 and 10 with regard to the legality of Regulation 1 and the concern of government that regulations under the *Aborigines Act* might, in fact, be illegal as they interfered with the natural rights of Aborigines. Also, Regulation 10 is examined with regard to the governance of Aboriginal children.

<sup>115</sup> SAPD 21 September 1939, p. 927.

<sup>116</sup> *Ibid*, p. 928.

<sup>117</sup> *Ibid*.

<sup>118</sup> *Ibid*, pp. 928-929.

<sup>119</sup> *Ibid*, 31 October 1939, p. 1537 and p. 1539.

<sup>120</sup> *Ibid*, p. 1539.

<sup>121</sup> *Ibid*, 12 to 13 November 1936, pp. 2436-2437.

<sup>122</sup> *Ibid*, The Estimates 29 October 1935, p. 1232 and p. 1235.

<sup>123</sup> M. Williams 'More and smaller is better: Australian rural settlement 1788-1914' in J.M. Powell and M. Williams (eds.)(1975) *Australian space. Australian time: geographical perspectives*. Melbourne: Oxford University Press, p. 61. Williams states that the 'method for disposing of the land and its mode of settlement...probably aroused stronger feelings than any other matter, both for the farmers...and for the governments who desperately needed the revenue from land sales'.

<sup>124</sup> SRSA GRG 52/12 Advisory Council minutes 1 June 1931.

<sup>125</sup> SAPD 12 to 13 November 1936, p. 2437.

---

<sup>126</sup> *Ibid*, 16 November 1936, p. 2442.

<sup>127</sup> Keain, *Op.cit.*

<sup>128</sup> Rowley (1974) *Op.cit.*, p. 219.

<sup>129</sup> The government offered a bounty for dingo and wild dog 'scalps' in order to protect the pastoral industry. 'Doggers', both Aboriginal and non-Aboriginal, made a seasonal living from the bounties.

<sup>130</sup> SAPD 12 to 13 November 1936, p. 2437.

<sup>131</sup> Hindess (1996) *Op.cit.*, p. 130.

<sup>132</sup> The topic of reserves is discussed in Chapter 3 on the government and land.

<sup>133</sup> *Advertiser* 11 August 1939, p. 7.

<sup>134</sup> Marcus Beresford *pers.comm.* 2000, manuscript (draft PhD) on environmental community organisations and government. He is a former administrator of the Conservation Council of South Australia.

<sup>135</sup> SRSR GRG 52/1/203/1957 Report to Minister by Bartlett 26 March 1958 on recommendation by the Stockowners' Association for appointment of a committee.

<sup>136</sup> Rowley (1974) *Op.cit.*, p. 56. See Bibliography for details of the three volumes on the government of Aborigines in Australia.

<sup>137</sup> SAPD30 August 1962 re Aborigines Affairs Bill, p. 814.

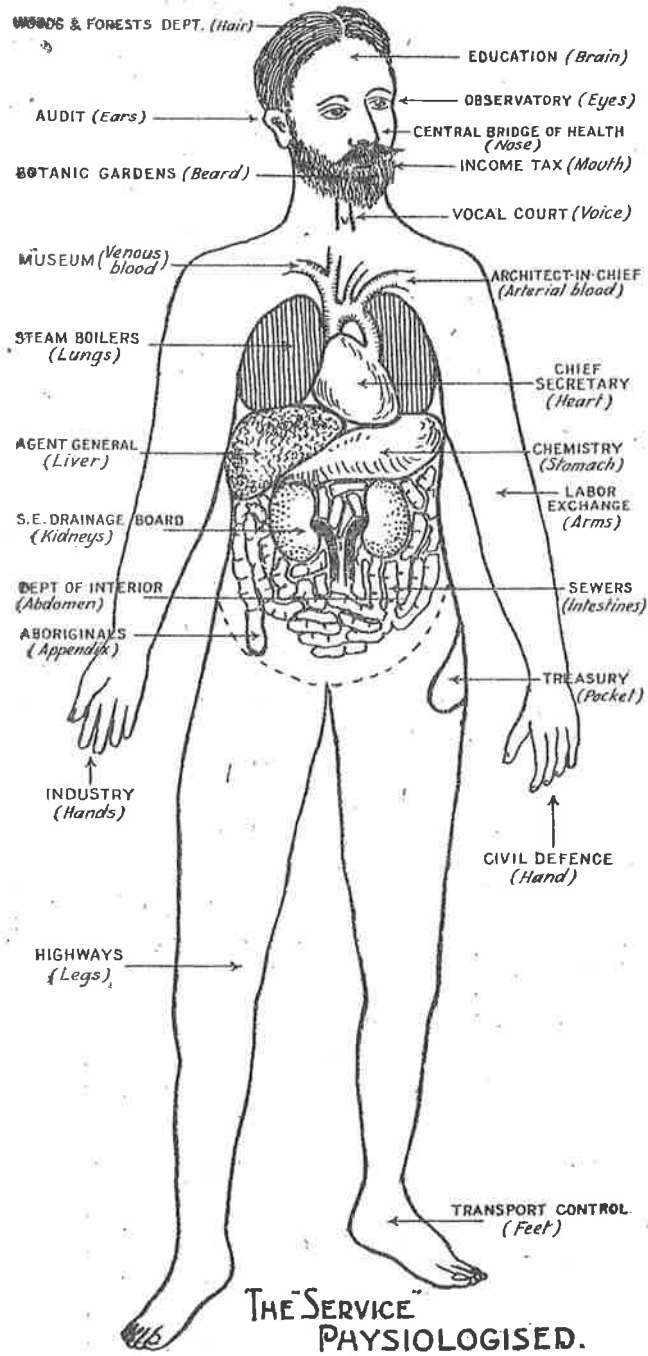


Figure 1 *Public Service Review*, 31 July 1943



THE SERVICE



1836

1936

Figure 2 *Public Service Review*, 1936



Figure 3 *The News*, 30 January 1956



Figure 4 Cabinet members 1938 (Malcolm McIntosh far right) (Mortlock)

And while we are in this generous frame of mind, consider for a moment our parsimonious attitude towards woods and forests. We give them exactly one penny a year. Unlike

## State's Bill

brought up to regard as the fellow who carries the pot of gold on his back



There is not much left of it in our pockets. The Treasury is no doubt, because of its habit of dealing in round figures, doubtful and gets a shilling. The redemption of the Public Debt, which seems a task anyhow, has to be met by a contribution of 4 9/10 per cent of the way of what we pay in taxes.

A bitter blow remains. The silver-earned coppers take a million of the State's forestry enterprises cost for the exact equivalent of the value of of Fisheries or even of the State and Tender Board are squeezed out of the pockets of every man, woman and child in South Australia every year by the Government Motor Cars.

But worse is to come. If you have counted up the items by date you will

| How the State spends our money |      |
|--------------------------------|------|
| Police . . . . .               | 8/10 |
| Forests . . . . .              | 1d.  |
| Roads . . . . .                | 10/2 |
| Aborigines . . . . .           | 9d.  |
| Legislature . . . . .          | 2/3  |

Figure 5 'Expenditure: where your money goes', *The Advertiser*, 8 January 1938

# WHAT THE L.C.L. Playford Government HAS DONE and WILL DO!

## What has been done

### STATE WAR EFFORT IMPRESSIVE

★ The Government has succeeded in getting a big share of Defence Expenditure for South Australia. More than ten times the number of Munition Workers engaged in the whole of Australia in the last war will be required in South Australia alone.

### EMPLOYMENT GREATLY INCREASED

★ Factory employment last year showed a percentage increase double the average of all States. Retail employment last year also showed a much greater proportionate increase than any other State.

### NEW INDUSTRIES COME TO S.A.

★ The policy and actions of the Government have proved effective in bringing new industries to the State. Existing industries have been assisted to expand. A more balanced economy for South Australia, has been achieved quickly, benefiting the Producer and the Wage-earner.

### PRIMARY INDUSTRIES ASSISTED

★ The Wheat Stabilisation Scheme was brought about largely as the result of the L.C.L. Playford Government's persistence and co-operation. Money has been obtained for Drought Relief, Marginal Lands, Debt Adjustment, State Grant, and advances to Producers.

### SERVICES SHOW BIG EXPANSION

★ Education, Hospitals, Housing, and other Services have been extended. The five-year road programme is nearing completion, and the £3,000,000 Water Supply System—Morgan to Whyalla—has been started.

## What will be done

### WAR EFFORT TO BE EXTENDED

★ The Government will push on with all speed with the establishment of every possible War Industry, and will spare no effort to help this country to help the Empire to win the War.

### MORE FINANCE FOR FARMERS

★ The State Bank Act will be amended to permit long-term loans to Farmers at low interest rates. Interest on Frost Relief advances will be reduced to the nominal rate of one per cent.

### TAX REDUCTIONS FORESHADOWED

★ As the big programme of industrial development proceeds, it will be possible to make further reductions in income tax. Relief will be afforded people on the lower income levels, and those with family obligations.

### ADVANCES FOR HOME BUILDING

★ The policy of making advances to the State Bank, for loans to those who desire to obtain their own homes, will be continued. The Government will advance to the Housing Trust further sums for housing construction and improvement.

### SAFEGUARDS FOR FIGHTING MEN

★ Special repatriation plans will be made to avoid the mistakes of the last war. A Minister has been appointed for this task; he will collaborate with the Commonwealth. Preference in Government employment for returned men will be made certain by Act of Parliament.

*It is to your  
Interest to keep  
them in Office by  
VOTING TOMORROW FOR*

*Playford Government  
CANDIDATES*



★ At left are some of the achievements and proposals of the Playford Government. The Government has demonstrated its capacity and is ready, fortified by experience, to undertake with full vigor, the work to be done. These are critical times. We cannot afford to waste the weeks and months which a new administration would take to find its feet. Give the Playford Government the strength in Parliament that will enable it to do the job effectively. Let side issues wait.

**... SUPPORT THE  
PLAYFORD GOVERNMENT  
BY RETURNING PLAYFORD  
GOVERNMENT SUPPORTERS**

**YOU MUST VOTE BEFORE 7 P.M.**

Figure 6 *The News*, 28 March 1941



Figure 7 Stipendiary Magistrate Swan and Police Inspector Besley, 1880 (Mortlock)

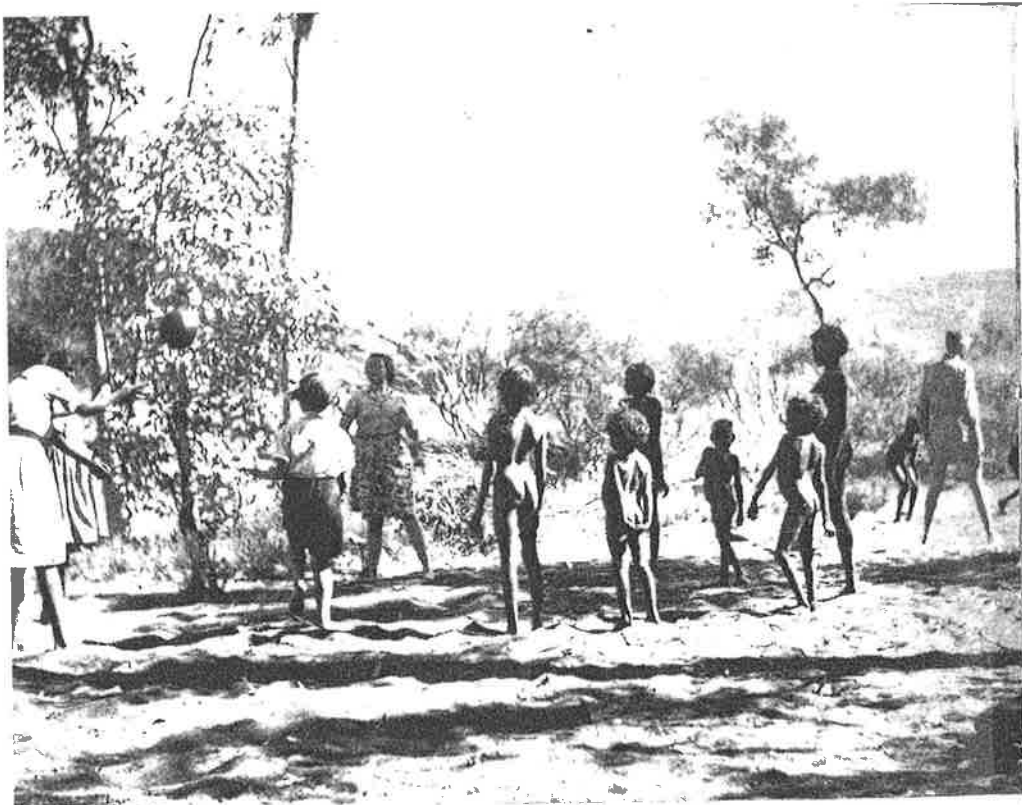


Figure 8 Charles Duguid's children, Ernabella, 1946 (Duguid 1972)

**Wushells**  
Cups...  
Finer Flavor

# THE NEWS



REPRODUCED BY PERMISSION  
OF THE AUSTRALIAN GOVERNMENT

Today's News Today!

CITY FORECAST:  
Cool; a light shower or two.

Now at Elliott's  
Race-bred D.K.W. Motor Cycles  
The ultimate in 3-strokes  
1 model—RT100, RT200 and RT300.  
**Elliott's**  
EASIER TO RIDE  
Easy Terms. Phone EA 1166

No. 9,417 Phone LA 1271

ADELAIDE: THURSDAY, OCTOBER 15, 1953

28 PAGES

Price 4d. \*\*

# THE A-BOMB GOES UP

## Second big blast soon

The atomic weapon was successfully exploded early today at proving ground west of Woomera.

Second major test will be made early.

The records of the results are collected for evaluation. Full reports were taken.

Announcements were made by the Prime Minister (Mr. Churchill).

Some 100 British and Australian troops and about 200 technicians saw the explosion, the first of the present series of tests at Woomera.

### News reports

**Mushroom column**  
By J. L. LAMERON, Special Correspondent of The News, who has flown from London.

The atomic bomb, the first in history to be exploded over land, today blew the top off a South Australian desert. It was said, could be heard away and with overtones that were heard by the world.

The blast started the morning with a noise that was so long that took 57 sec. to reach the ears of those in the desert.

The familiar mushroom column climbed unsteadily 15,000 ft., leaned and dropped, and the world stumbled one more step towards the twilight.

(Continued on Back Page.)

### Original profile

By J. L. LAMERON, The News, Special Correspondent at the scene.

The bright flash and a lurid glow that lit up the desert and smoke, the first atomic explosion on the Australian mainland, was seen on time at 7 a.m. today.

The indication was given of the nature of the weapon which was exploded from the tower.

(Continued on Back Page.)

- Page 2: Smaller Than a Monto Bello
- Page 5: Grotesque Toys in Barren Land
- Page 14: History Made in Our Midst
- Page 11: Pion 600 a year ago.



THE BLACK, MUSHROOM-SHAPED CLOUD SURGES UPWARD ... CHANGES ... AND BEGINS TO ASSUME THE SHAPE OF AN ABORIGINE'S PROFILE.

Figure 9 The News, 15 October 1953

SAVE THE ABORIGINES MOVEMENT.



Members of a deputation from the Aborigines Protection League, which met the honorary Federal Minister (Senator McLachlan) on Thursday. Front Row (left to right)—Mr. T. H. Webb, Hon. W. Langdon Parsons, M.H.R., Mrs. W. T. Cooke, Mrs. A. K. Gossie, Senator McLachlan, Mrs. J. A. McKay, Miss A. L. Tenkinson, Capt. S. A. White, and Col. Genders. Back Row—Messrs. David Roper, P. Williams (president of the Port Pirie branch of the Australian Aborigines Association), T. P. Bellehambers, H. J. Deebie (acting president), Mark Wilson (secretary to the Port Pirie branch), J. A. McKay, and James Lamb. The object is to have reserved 464,000 acres on Eyre's Peninsula to be managed by detribalized and half-caste natives.

Figure 10 *The Register*, 1 June 1928



BACK FROM THE FROZEN SOUTH, members of the Mawson exploration expedition were honored a civic reception by the Lord Mayor (Mr. Glover) yesterday. From left—The Lord Mayor's secretary (Mr. Hamman), the Lady Mayoress (Mrs. Glover), Lady Mawson, Sir Douglas Mawson, Mrs. Harvey Johnston, Professor Harvey Johnston. There was a large and distinguished gathering of citizens at the reception.

Figure 11 *The Advertiser*, 14 April 1931



Figure 12 Police Sergeant Homes, *Walkabout*, 1 February 1948



Figures 13 & 14 Mulka Bore and Mrs Aiston, *Walkabout*, 1948





Figure 15 J.B. Cleland, 1934 (Mortlock)

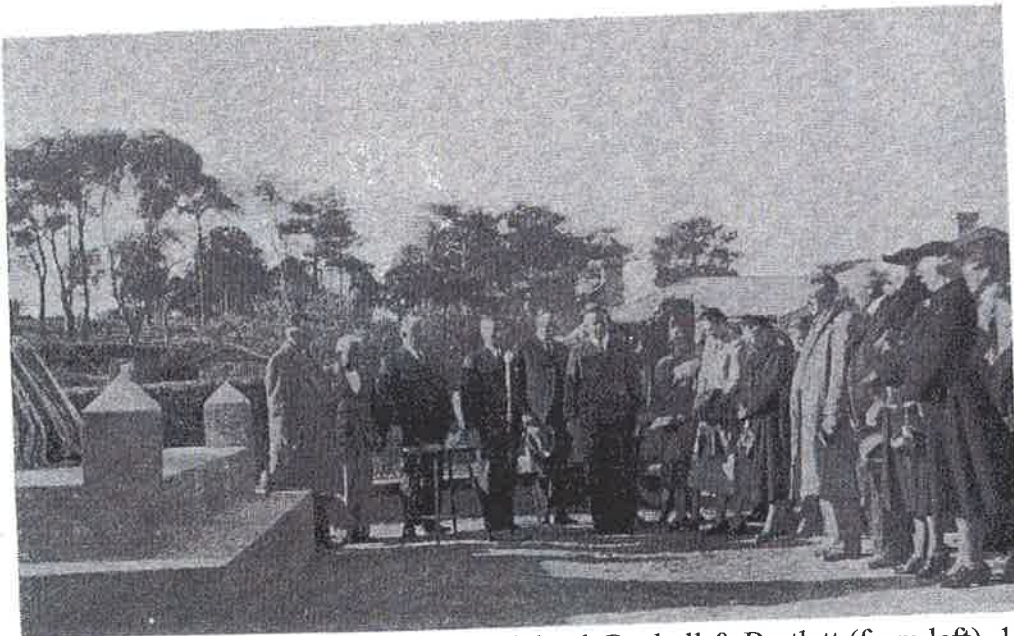


Figure 16 Rowe, Unaipon, McIntosh, Cleland, Penhall & Bartlett (from left), 1950 (AFA)

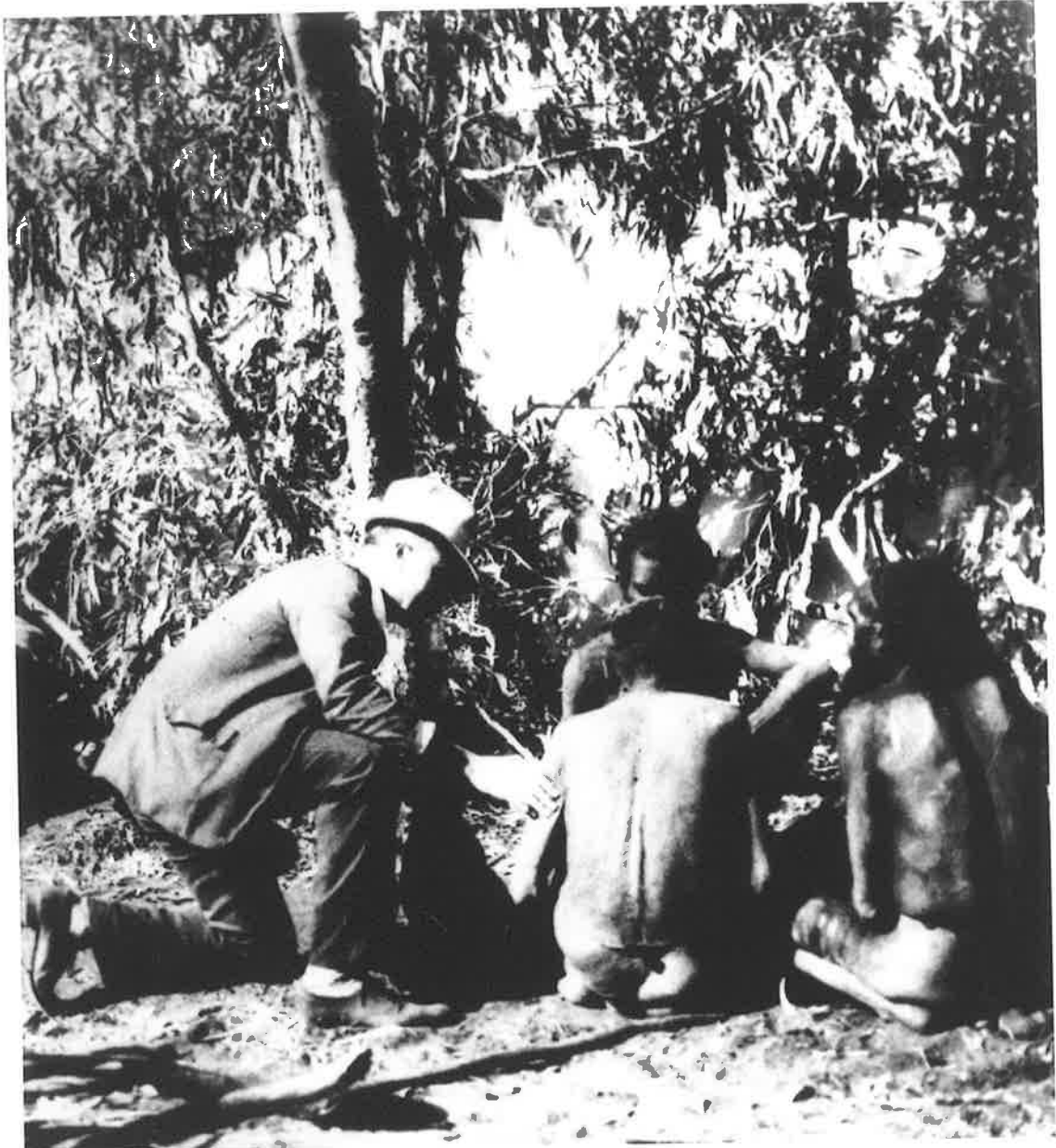


Figure 17 J.B. Cleland, 1932 (Mortlock)



**ABORIGINES Mr. Percy Rigney, 51 (left), and Mr. Robert Wanganeen, 62, talking with the Minister for Territories, Mr. Hasluck, at the Science Congress today.**

Figure 18 *The News*, 22 August 1958

*Farm implements and St Matthew's church with the chimney in the background, about 1880. SLSA*



Figure 19 Poonindie ca. 1875 (Mortlock)



Figure 20 W.R. Penhall (fourth from right) West Terrace Cemetery, 1951 (Mortlock)

CHILDREN'S WELFARE AND PUBLIC RELIEF DEPARTMENT.

Probation Officer

(Male or Female).

Salary Range: If Male. £1,020/1,150. If Female. £686/716.

Duties: Assist with preventive and reformatory probation work relating to juveniles, prepare reports, contact employers, visit homes and give advice concerning employment and use of leisure time. Act as Probation Officer under the Offenders Probation Act, 1913-34, and as Attendance Officer under the Education Act.

EDUCATION DEPARTMENT.

Caretaker, Adelaide Boys' High School

Salary Range: £747/777 per annum, plus an allowance of £1/10/- per week for special duties.

Duties: Supervision of cleaning of the school; supervision and watering of ovals, lawns and garden; carry out minor repairs and perform some cleaning and general duties. A house is available for a married man at a rental at present of £3/13/- per week.

ABORIGINES DEPARTMENT.

Welfare Officer

(Female).

Salary Range: £656/686 or £686/716 per annum, depending on age, experience and qualifications.

Duties: Assist in promotion of welfare amongst aboriginal women and children, interviews and visiting the sick in hospital and institutions, finding suitable employment and training for girls, and follow-up visits of inspection to see if girls are absorbing training, attending to their duties and are being properly cared for.

Applications for the positions set out **HEREUNDER** should be made to:

The Staff Officer,

Public Service Commissioner's Office,

Education Building, 31 Flinders Street, Adelaide.

(Telephone: Central 8720)

Figure 21 *The Advertiser*, 2 April 1955

# IF YOU LOVE BABIES...

# Here is a job for you

By a Staff Reporter

**The two little aboriginal babes, pictured here, need a heap of looking after.**

**They squawk for their dinners in the middle of the night . . . they need frequent changes and dusting with talcum powder . . . and they demand no end of cuddling.**

But then—perhaps six aboriginal babies — all —you wouldn't mind boys — are waiting for all the bother. foster homes.

You might even like to make a home for one of them.

If so, the Aborigines Department (W2012) is waiting to hear from you. Six-month-old Timothy is available for immediate adoption.

For Andrew, aged seven months, the department seeks a loving foster home.

## Another six

They're not the only babes in the wood, either. At an aboriginal women's home in Adelaide, another

Mr. C. Bartlett, Protector of Aborigines, said today:

"In the past year 12, aboriginal children have been adopted by SA families.

## Successful

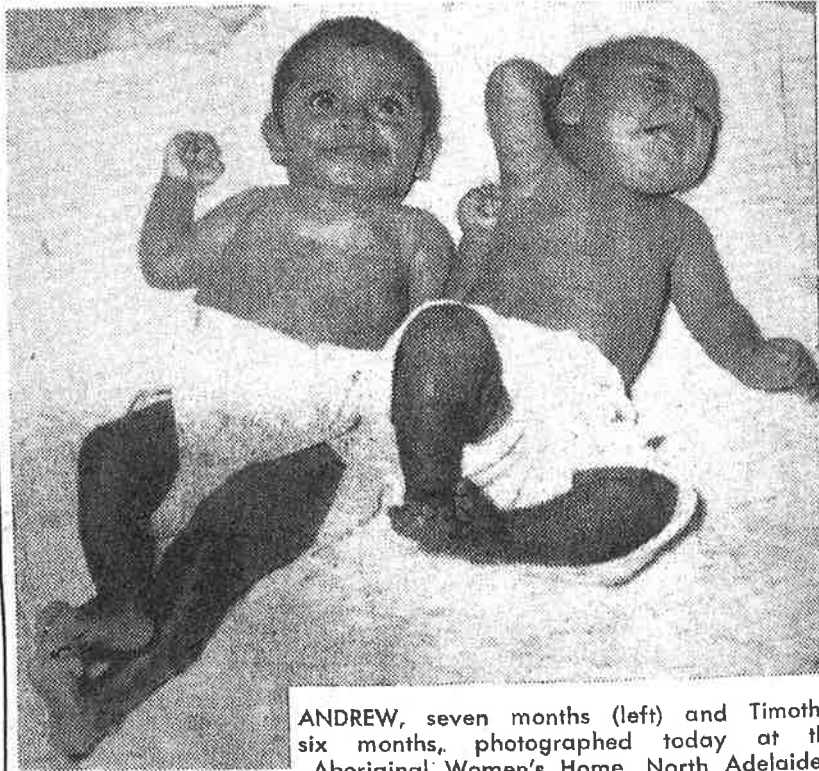
"All adoptions have been successful—and some families have come back to ask for a second aboriginal child."

Procedure for adopting an aboriginal was the same as for a white child Mr. Bartlett said.

Adoptive parents, and foster parents, were carefully screened.

"Our main concern is to see that the children are happy," he said.

"And—on present indications—aboriginal children seem to get along with white parents just fine."



ANDREW, seven months (left) and Timothy six months, photographed today at the Aboriginal Women's Home, North Adelaide.

Figure 22 *Sunday Mail*, 22 November 1958

## *Section Two: Preamble*

Governance by 'scientific' expertise, while the actual conduct of government, was also the political discourse of government because government needed the 'intellectual machinery...for rendering reality thinkable in such a way that it [was] amenable to political deliberations'.<sup>1</sup> In this way, the discourse about the use of 'scientific expertise' opened up Aboriginal governance to 'interventions by administrators, politicians, authorities and experts—as well as by the inhabitants of those domains themselves'.<sup>2</sup>

A specific theme traced in Section Two is the relationship between governance and expertise—how 'scientific expertise' was applied, where other expertise and experience were used, and what expertise was ignored. A few Aborigines Protection Board members became 'gatekeepers' of particular techniques of governance. By gatekeeping ideas pertaining to their own fields of interest, these members were able to exclude the competing ideas of other experts. Some fields of governance, for example mission organisation, showed a lack of flexibility in dealing with changing political events. As a result, they lost place and power to 'scientific' experts. In the end, as we shall see, although the experts on the Board had been given substantial executive powers according to the 1939 *Act*, they were constrained by the indifference of politicians and of the public to Aboriginal affairs and by a financially circumscribed and traditionally 'entrenched' bureaucracy.<sup>3</sup> The bureaucracy was modern in its pursuit of efficiency through educational programmes established by the Institute of Public Administration and through improvements to employment conditions that were gained by the Public Service Association.<sup>4</sup> However, as new legislation built on old, many bureaucratic practices became entrenched.

In his studies on government and expertise, Rose finds that liberal governance has created the need for rule 'at a distance' through the claims to truth by experts.<sup>5</sup> The case study of the Aborigines Protection Board in the preceding chapter reflects exactly the growth and role of expert knowledges in emerging forms of governance in South

Australia. However, the fine detail of the succeeding chapters tell a more complex story about executive, non-representative expertise that is both anchored to government and 'at a distance'. As well, we shall see that regulatory precedents were just as important as expert knowledges to the critical machinery of government. Civil laws and old statutory laws, like the Poor Law, and the practices associated with them, which were conditioned by the pastoral power of Christian values and norms, had effects despite the new expertise of the human and natural sciences. That is to say, tradition and experience wrestled with science and expertise. This is in accord with the ideas of Foucault. He never claimed that there was a complete shift from one rationality of governance to another, namely from sovereignty to discipline to government; rather, he described liberal governance as governance that has triangular aspects of 'sovereignty-discipline-government'.

The discussion in Section One revealed that governments employ indirect and obvious forms of power relations, which are always pervasive. When analysing the rationalities and techniques of government, there is more to gain from asking 'how' governance occurs rather than 'who' governs. This means that analysis of expertise and practice is more profitable than asking who is in control and the basis of their legitimacy of control. For example, an analysis of Aboriginal governance requires scrutiny not only of the rationalities and techniques of the Protectors who had power under the legislation, but also of the practices that affected Aborigines, from rations to mission rules, from Child Endowment to medical surveys, and from the advocacy of lobby groups to the rhetoric of parliamentarians. Analysis then is not based on a general theory of government. Rather, a recommended method to achieve this overview of governmental conduct is to identify what is seen to be problematic by those carrying out governance and by those criticising it. Dean describes problematisations in governance as conceptions of problems that are 'made on the basis of particular regimes of practices of government, with particular techniques, language, grids of analysis and evaluation, forms of knowledge and expertise'.<sup>6</sup> To study governance therefore we need to interrogate 'the way we ask questions about how we govern and the conduct of both the governed and the governors'.<sup>7</sup>

We shall see how specific groups of experts—protectors of women, doctors, anthropologists, missionaries, agricultural scientists and advocates of vocational

training—advanced particular ‘solutions’ to the ‘Aboriginal problem’ according to their own evaluations of the ‘problem’. In many cases, these groups of experts identified the ‘problem’ to be something quite different from the ways that parliamentarians and government administrators, or indeed other ‘experts’, understood the ‘problem’. These diverse problematisations established a biopolitics of the Aboriginal population. The biopolitics enabled interventions, sometimes authoritarian, into the different areas of concern of Aboriginal affairs that the experts thought important to liberal governance.

Section Two elaborates the biopolitics of the Aboriginal population that was established through analyses of the expertises thought necessary for the executive Aborigines Protection Board. In Chapter 3, we shall see how land legislation secured the sectionalisation of the problem into *full* and *part* Aborigines and, in Chapter 4, how the sectionalisation was consolidated through practices that emphasised medical surveys for *full* Aborigines even while medical attendance applied to all Aborigines. Chapter 5 complicates the sectionalisation as special legislation was enacted for the protection of Aboriginal women as non-consenting adults, thereby problematising Aboriginal women’s legal status. Chapter 6 on police examines the norms of ‘good’ behaviour for Aborigines and highlights that enforcing good behaviour was dependent on authoritarian practices, which denied full citizenship with regards to alcohol use and freedom of movement. Chapter 7 demonstrates that the deterministic view that heredity was superior to environment had the effect of supporting protection for ‘full-blood’ Aborigines as a policy of segregation, and the absorption of part-Aborigines by the white population. Mixed race Aborigines were judged to be a ‘problem’ because their hybridity ‘proved’ they were inherently inferior. Detribalised ‘full-blood’ Aborigines were also judged to be a ‘problem’ as they were considered not suited for white civilisation and hence they were to remain on the fringes of society. Chapter 8 describes the attempt to put into force rational practices of governance while maintaining an Aboriginal populace that was influenced by norms of ‘good’ Christian behaviour. Christian behaviour was also a factor in Chapter 9 and in the discussion on agriculture. This Chapter emphasises the connection between norms of ‘good’ behaviour and agricultural ideals as demonstrated by Village Settlements. Chapter 10 shows how the education of Aboriginal children became the main method of assimilation. To produce a rising generation of liberal subjects required civilising and Christianising, diminishing the value of Aboriginal culture. Such rationalities of governance required the imposition



of non-liberal, even authoritarian, practices of self-regulation and the application of disciplinary regimes of an authoritarian liberalism.

The kind of close study produced in this thesis confirms Foucault's insight. The 'growth' of government beyond strictly state institutions is complex and uneven. While we can identify shifts of influence towards specific forms of expert knowledge, often described as 'progress', the practicalities of government that required experience and the use of 'hybrid' knowledges, remained important aspects of the governing processes. To find out how we govern, therefore, requires detailed examination of the complex mix of governmental problematisations. The overriding goal of the need to govern successfully means that non-liberal practices to produce the desired ends of self-regulation are sometimes countenanced. These tactics, as we shall see, are effective at times and resisted at others. These insights into the 'illiberality' of liberal governance go some way to explaining current issues of Aboriginal governance in contemporary Australia.

---

<sup>1</sup> Rose (1993) *Op.cit.*, p. 289.

<sup>2</sup> *Ibid.*

<sup>3</sup> W.E.H. Stanner, 'The Aborigines' in J.C.G. Kevin (1939) *Some Australians take stock*. London: Longmans, p. 33.

<sup>4</sup> See *Public Service Review*. The 1920s and 1930s can be regarded as the years of 'efficiency'. During this time, the State Government created the Public Service Commissioner's Department in response to ideas on 'efficiency'. The 'efficiency' drive was supported by new ideas on 'scientific' methods and by the restrictions on government spending caused by the 'Great Depression'.

<sup>5</sup> Rose (1993) *Op.cit.* Rose has studied the social and 'psy' sciences in particular.

<sup>6</sup> Dean (1999) *Op.cit.*, p. 28.

<sup>7</sup> *Ibid.* Carol Bacchi has built on this methodology by arguing that attempted 'solutions' to 'problems' are 'competing interpretations or representations of political issues'. She calls these competing interpretations 'problem representations'. See C.L. Bacchi (1999) *Women, policy and politics: the construction of policy problems*. London: Sage, pp. 1-2.

---

### *The Ministry: the issue of land*

...a fine country gentleman...looking after favourite plans of drainage and enclosure; then admired...as the best rider on the best horse in the hunt; spoken well of on market-days as a first rate landlord; by-and-by making speeches at election dinners, and showing a wonderful knowledge of agriculture; the patron of new ploughs and drills, the severe upbraider of negligent landowners...

*George Eliot 1859<sup>1</sup>*

In this chapter, the critical features of land policy are explored with the aim of demonstrating how land determined understandings of the 'Aboriginal problem'. There were two issues that affected early land policy. First, there was the restriction that applied to missions over the availability of large portions of Crown land. Nineteenth-century legislators were concerned that reserves when leased to missions should be used for the benefit of the Aboriginal people and not for the profit of settlers. Second, there was the question whether descendants of Aborigines in the settled areas who were no longer 'full-blood' Aborigines, should have different access to blocks from that of settlers. The policy about leases for Aboriginal people was unclear because legislators had not determined requirements of eligibility for blocks. Although not clearly articulated, the policy remained confused because it was not determined whether detribalised Aborigines of mixed descent were classified as Aborigines. These issues set the background to transactions over land, which were often surreptitious. Philanthropists and missionaries usually communicated indirectly with governments when first establishing missions. Governments often made deals, which meant the State, in return for Crown land leases, devolved financial responsibility for Aboriginal people to missions. This tendency for concealment about government policy over land continued. For example, the secrecy over the Commonwealth Government's access to

large parts of the interior in the 1940s and 1950s for collaboration with the British Government and its weapons testing, as discussed later, demonstrates that influential experts were powerless to ensure the use of land for Aboriginal protection and benefit.

The observations made in this chapter suggest that the political discourse about the need for a board of *scientific* experts to administer Aborigines was more rhetorical than description of the character of the Aborigines Protection Board, since the Minister's expertise in Aboriginal governance was the result of experience not scientific training. The Minister, Malcolm McIntosh, was a successful accountant with farming and grazing interests in the southeast of the State and his constituency included Point McLeay.<sup>2</sup> Experience and management expertise were the qualities he brought to the role of the Minister/Chairman, as he was 'a very prosperous King William Street farmer'.<sup>3</sup> This shows that we need to be careful about accepting at face value the argument that government became the preserve of scientific experts. In fact, the Minister was there to 'manage' the scientific experts. He gave the appearance that he listened to the scientific expertise on the Board; however, once the Board had developed its initial policies he attended meetings only if there was a crisis. He was often reactive rather than proactive to ideas expressed by some of the experts on the Board, and it is apparent that he accorded more consideration to some experts than others. Moreover, his actions were not always transparent because of the complex mix of financial contingencies, party policies and personal principles involved (see illustration figure 6 for examples of party politics). These issues are examined in this and the remaining chapters.

Before beginning, it is necessary to reiterate that Foucault's genealogical style of historical description is used in this and the following chapters so as to explain the governance of the South Australian Aboriginal people. This method seeks to avoid any preconceptions and a resulting 'monotonous finality' through careful questioning about 'how' governance occurs. The object is to 'elucidate particularities and contingencies' so as to avoid pre-empting particular themes and to use the narrative to reveal issues that help explain the modes of governance which were implemented preceding and during the operation of the expert, executive Aborigines Protection Board.<sup>4</sup>

### Problematizations of land

The report of the Aborigines Office for 1878, written by Hamilton, the Sub-Protector, outlined the areas of concern about Crown lands. Hamilton identified these as leases of reserves to missions and of blocks to individuals, and this fitted with the evolving model of governance for Aboriginal affairs, which was missions for the protection of *full* Aborigines and assimilation for *part* Aborigines. The model contained internal contradictions, based as it was on opposing political ideals. That is, on the one hand, it made allowances for collective or communal 'ownership' for those who were perceived as either a 'doomed race' or requiring protection from white influences—*full* Aborigines, while on the other hand it made some allowances for the ideal Lockean principles of individual property ownership for assimilated *part* Aborigines. Note, however, that in the latter case, blocks remained Crown leases and were not freehold property.

Hamilton explained that the five existing missions were issued with new leases of 21 years duration and that the leases contained 'provision for the protection of the rights and interests' of the Aboriginal people. The lessees were required to 'furnish returns at stated periods supplying satisfactory evidences that the stations [were] being properly managed for the sole use and benefit of the aborigines'.<sup>5</sup> The missions were Hermannsburg (1877) 576,000 acres, Point Pearce (1868) 12,800 acres, Kopperamanna (1866) 64,000 acres, Point McLeay (1859) 4,498 acres and Poonindie (1850) 15,455 acres. Hamilton, himself, believed the mission station system was the best system available for the benefit of the majority of the Aboriginal people.<sup>6</sup>

The second area of concern was the leasing of blocks of land not in excess of 160 acres to individuals. Hamilton noted a 'few cases' where this applied:

A half-caste native has obtained a fourteen years lease of 160 acres. He is an industrious, intelligent man, has saved money, and now possesses stock and farm implements, and keeps a bank account, and has made several improvements on his farm. Similar leases are in course of issue to four other natives, one of whom recently married a European woman.<sup>7</sup>

The report did not address land issues that did not fit the evolving model, as Hamilton preferred to highlight the protection policy of mission stations and the success stories about assimilated Aborigines. The issues that were disregarded included Aboriginal

reserves leased to white farmers and the 'tenure' of Aboriginal people who occupied camps on the boundaries of white towns (fringe-dwellers).

As explained previously, the *South Australian Act* made *all* land for sale and failed to mention Aboriginal people. The early governors realised that they would not be able to implement the protection policy of the Colonial Office unless some land was legally set-aside for Aborigines. Protection was a possibility when the Imperial legislation of 1842, in the form of the *Waste Lands Act*, permitted Aboriginal reserves, as it made it legal to reserve land for public use. Nonetheless, the first South Australian *Waste Lands Act*, No. 8 of 1842, failed to provide for Aboriginal reserves. Its title indicated its purpose—*An Act for Protecting the Waste Lands of the Crown in South Australia*, from encroachment, intrusion, and trespass. A Commissioner of Crown Lands was appointed under this *Act* and, in 1851, in the interests of protecting Aboriginal people, Crown leases that alienated large tracts of pastoral country were drafted to stipulate their right to 'dwell upon lands held under lease, and to follow their usual customs in searching for food'.<sup>8</sup> Finally, the 1857 *Waste Lands Act* made land 'for the use or benefit of the aboriginal inhabitants of the country' and for other public purposes an exception to all other waste land which was for sale.<sup>9</sup>

Notwithstanding, when a short time later the South Australian Government gained responsibility for the Northern Territory, the *Act for regulating the Sale and other disposal of Waste Lands of the Crown* lately annexed to the Province of South Australia (the *Northern Territory Act*, 1863) failed to mention Aborigines, as the Government's intention was the setting of prices and sizes of holdings. The *Act* stipulated that lands not less than an area of 160 acres were to be sold (in contrast to the settled parts of South Australia where an 80-acre system was usual). In effect, the Territory was put up for sale with 1,562 town lots (at seven shillings and sixpence an acre) and a quarter of a million acres of country land (at 12 shillings per acre).

During the next decades numerous other enactments that regulated the occupation of Crown lands, and amended previous legislation, were passed. It was not until 1877 that a Crown Lands Consolidation Bill, which was accepted by both Houses of Parliament with little comment, did more than just provide for reserves for 'use and benefit' of the Aborigines. Despite having three main interests in the squatters, miners and agriculturalists, the legislation allowed the Governor to:

demise to any aboriginal native, or the descendant of any aboriginal native, any Crown Lands not exceeding one hundred and sixty acres, for any term of years and upon such terms and conditions as the Governor shall think fit [Part I (11)]. (And to)...

grant leases for any term not exceeding twenty one years, at such rent and upon such terms and conditions as he may think fit, of any aboriginal reserves, in blocks not exceeding one hundred square miles: Provided that such leases shall be subject to a right of renewal so long as it can be shown, to the satisfaction of the Governor, that they are required for and applied to the use of the aboriginal inhabitants [Part VI (90)].<sup>10</sup>

Although restrictions on land for individual Aborigines were lifted, the legislation imposed a requirement on missions that leases of large reserves serve Aboriginal people, or they would be revoked. There was debate in Parliament over the terms of mission leases and ‘whether 21 years was sufficient or whether 50 or 99 years should be adopted’. The Commissioner of Crown Lands said that it was important to legislate terms of leases as presently they ‘were held merely at the will of the Commissioner of Crown Lands’.<sup>11</sup> The Attorney General added that leases were only for terms of fourteen years and that ‘[n]o one could say that future Parliaments would not act as liberally by the aboriginals as they were doing’. Mr Lindsay queried why ‘mining leases [were] given for ninety-nine years, and the Committee of Poonindie [was not] trusted more than twenty-one years’... ‘It was a disgrace that the aborigines of the colony should have to trust to voluntary efforts when they had a perfect right to be supported by the State’.<sup>12</sup> Thomas Playford Senior then pointed out that the terms referred to any Aboriginal reserve not just to the missions. The reserves ‘were at present let, and the Government got the money. He did not suppose that a penny of it went to the aborigines’. He thought a term should be stipulated so that missions were sure of tenure and could ‘improve the land and increase it in value—all for the relief of the aborigines’.<sup>13</sup>

The Sub-Protector’s report of 1878 and the debates in Parliament in 1877 indicate that two issues drove the inclusion of some rights to the use of land by Aboriginal people in the 1877 legislation. The issues were tenure to missions that had established reserves for the protection of Aborigines, and tenure to Aborigines and their descendants. The parliamentarians were divided over the length of tenure for missions. The debate arose because some supporters of Poonindie mission believed that it would be auctioned off to white settlers who were already complaining that the land was too valuable to be used as a mission. Other members were concerned that mission committees ‘might make an

abuse of the endowments...[and that] Parliament would act wisely in saying that too much power should not be placed in the hands of the successors to the Committee', that is the Poonindie Committee.<sup>14</sup> These members thought that the missions would not be used for the Aborigines' benefit.

However, the concern over missions in the interior related not just to tenure of leases but also to their size. It was acknowledged that remote missions required large areas in order to be commercially viable at raising stock and as a buffer separating the mission from white influence at stations and towns. Although it was felt to be 'absurd' to limit leases to 100 square miles when the Government had just leased the Hermannsburg mission 600 square miles, the 100 square miles stipulation was passed.<sup>15</sup> The reason behind this limitation was that the clause applied to all Aboriginal reserves. While 600 square miles in the interior might only be leased for £75 annually by a squatter and was negligible revenue for the Government, in the settled areas where land was valuable, the Government could expect high returns. The Government had leased an extremely large area to Hermannsburg missionaries without having adequate legislation in place. In this way, as its land statutes for Aborigines were almost non-existent prior to 1877, bar providing reserves for 'use and benefit', it was officially acting illegally.

The second issue that spurred legislation were the rights of Aboriginal people to blocks of land. One of the requirements made of the first Protectors was to turn Aborigines into self-sufficient farmers. The plan was both protectionist and assimilationist with an overarching principle that assumed the superiority of white civilisation. In order to promote this process, the Government granted land to white men of the labouring class who married Aboriginal women. The grants can be seen as a form of 'dowry' from government, or even an early form of affirmative action.<sup>16</sup> This was also a process aimed at ensuring Aboriginal women's protection from exploitation by white men, as it encouraged white men to marry their Aboriginal partners. The policy was apparent from at least 1848 when Kudnarto of the Kaurna people married Tom Adams and he was granted deeds to an Aboriginal reserve in the mid-north of the Province. At this time, and until the enactment of the *Married Women's Property Act* of 1883, married women could not hold land, and deeds they held as single women were transferred to their husbands on marriage.



Parliamentary debates about Aboriginal rights to blocks of land centred on the size of the block and on the 'inheritance' of the land grant. Generally, it was thought that an 80 acres limit was too stringent but that 300 acres was too liberal. Eventually, the 160 acres limit was accepted. The Government wanted to insert a proviso to prevent land passing to the detribalised (and mixed race) descendants of Aborigines, even though government members were adamant that they wished to act liberally towards Aborigines. The Commissioner of Crown Lands said that he considered 'it quite right the Government should recognise the claim of the aborigines' to land.<sup>17</sup> With regards to the future, the Attorney General said he wanted 'to be liberal, and even if they did go to the third or fourth generation he believed they would be carrying out the desire of the House and the community, supposing the circumstances were such as to justify favourable consideration'.<sup>18</sup> As a consequence of the debate, the Government was persuaded to abandon its proviso for curtailing land inheritance claims by detribalised Aboriginal people. The end result was that descendants of Aborigines, regardless of tribal status (or skin colour), had a claim to land.

An analysis of this debate and reference to future debates and legislation show that the Government was in some confusion as to its Aboriginal policy. At this point in time, it did not have a definition of Aboriginal status and by being talked out of including the proviso that 'the term of the demise end[ed] on the death of the person', it appeared to agree that all future generations were defined as Aborigines rather than 'full-blood' Aborigines and 'half-castes'.<sup>19</sup> However, the case of Kudnarto's descendants reveals that this was not the Government's intent.

In 1877, there had previously been no legislation for the demise of land to Aboriginal people. The policy to grant land to white men who had married Aboriginal women was also not legally enforceable. The Government drafted the clause about 160 acres blocks in the 1877 legislation to cover present and future leases to *full* Aborigines in particular, rather than to be able legally to lease land to mixed race descendants of Aborigines, but Parliament left the clause open-ended to allow for special circumstances. The case of the descendants of Kudnarto and Tom Adams shows this to be so. When Kudnarto died in 1855, the Government revoked the land grant thereby confirming that the block had been Kudnarto's land rather than her husband's (or their children's) land. The (mixed race) children of Kudnarto and Tom Adams made attempts to regain the deed to the

block during the 1870s and 1880s but without success.<sup>20</sup> This denial to the descendants contravened the Government's stated wish that they wanted to be liberal towards Aboriginal people and recognise their claim to land. It reinforces the idea that when governments talked about the descendants of Aborigines their definition of Aboriginal was 'full blood' and did not include Aborigines of mixed descent assimilated to white society.

It was not until the turn of the century that Aboriginal people were officially categorised into two sections, *full* and *part*. The 1911 *Aborigines Act* defined 'Aborigine' so as not to allow all future generations to be classified as Aboriginal. Even a person with a 'full-blood' Aboriginal mother and a non-Aboriginal father (designated a 'half-caste') was required to live with a 'full-blood' Aborigine, either as husband or wife, or to reside habitually with 'full-blood' Aborigines to be classified as an Aborigine. It is at this point that the *part* population was not only expected to assimilate with the white labouring class but also to be 'Aborigines' no longer.

It seems that before the turn of the century, the Government was 'pre-racist' and its restrictions on future generations existed because it 'thought there should be a limit'... 'to giv[ing] the natives some title'.<sup>21</sup> The 'term' pre-racist comes from Markus, as discussed in Chapter 2 (page 102), who argues that 'in the context of the racial thought of their time, politicians were pre-racist, lacking the current intellectual justification for their practices'.<sup>22</sup>

The debate on the 1899 Aborigines Bill in the Legislative Council indicates that 'intellectual justifications' for racism were based on 'the law of evolution and civilisation [which] demanded that the weak race must give place to the strong one'.<sup>23</sup> The Hon. Henry Adams supported 'humane and just' legislation for a 'mentally weak' minority population.<sup>24</sup> He sought to caution about racially based legislation because

There was a school—thank God it was a small one—who contended that where individuals through age, infirmity, or crime became of no use to the State their passage to the next world should be made a quick one. He hoped they would not find a champion of that theory in the Council.<sup>25</sup>

The parliamentary debate, which was in terms of the Aborigines as a 'weak' race opposed to the 'strong' white race, did not take up issues that were promoted by the school of thought that Adams referred to. The Legislative Councillors were more concerned with legal avenues to ensuring protection for Aboriginal people employed in

pastoral, mining and fishing industries. To this end, they were comfortable with acknowledging that the 'principle' of the Bill was 'the treatment of natives in the same way as children', namely the non-liberal treatment of Aborigines as children and not as consenting adults.<sup>26</sup>

Apart from the reserves that were allotted to missions, there were other reserves for Aborigines that were leased to white farmers. The Commissioner of Crown Lands informed Parliament that these reserves 'were neither large nor numerous, having been declared in the early days of the colony, and were not to be found far north of Adelaide. They brought in a rental of about £1,100 per annum'. Asked about reserve policy, he said that 'undoubtedly [the reserves] would be sold by auction in the future as they had been in the past'.<sup>27</sup> The 1877 legislation avoided including any new terms in respect of these reserves by qualifying that only the reserves granted to missions were 'required for and applied to the use of the aboriginal inhabitants'.<sup>28</sup> At this stage, the Government did not have a policy for using existing reserves for Aborigines, apart from raising revenue by leasing to white farmers, but it did give itself the option of creating new reserves. It is important to remember that land was one of government's main sources of revenue; hence, the detailed and continually updated legislation for Crown lands. As Hirst states, central government obtained nearly all its revenue from custom duties and by selling and leasing Crown lands.<sup>29</sup>

As stated, the first major legislation concerning Aboriginal people was the *Aborigines Act* of 1911. The requirements of the existing land legislation, the successors to the 1877 *Act* and the *Northern Territory Act* of 1863, were incorporated into the *Aborigines Act*. Clauses 14, 16 and 18 in the new legislation referred to land. Clause 14 gave the Government the power to provide reserves for Aborigines but there was an emphasis on reserves as institutions for protection and segregation because the new *Act* was influenced by the 1905 Western Australian legislation on Aborigines.<sup>30</sup> The former definition of reserves as Crown lands for the 'use and benefit' of the Aborigines, as stipulated under the 1877 *Act* and in direct lineage from the 1842 *Imperial Waste Lands Act*, now had meanings related to 'mission station, reformatory, orphanage, school, home, reserve, or other institution for the benefit, care, or protection' of Aborigines. (The definition of an Aboriginal institution in the *Aborigines Act* of 1911.) This definition had been appropriated from the Western Australian legislation that had been

drafted using the Queensland legislation of 1897 as its guide. The emphasis was not on ‘use’—Aborigines making ‘use’ in a self-determined manner—but on ‘benefit’ and that which was done to protect and manage Aborigines. Land was no longer seen as a ‘vacant’ natural space to be used by those with a hunter-gatherer heritage as they saw fit, but as a space to cultivate, erect buildings and assimilate to white standards.

Clause 16 dealt with land for missions and gave the Government the power to ‘grant leases of any Crown lands to any mission or other aboriginal institution...at such rent and on such terms as [it] thinks fit’.<sup>31</sup> The Clause incorporated the 21 years lease of the 1877 *Act* and the size requirements, in blocks not more than 1,000 square miles, of the Northern Territory *Land Act* of 1899. The Clause also stipulated that:

Every such lease may grant a right of renewal, provided it can be shown to the satisfaction of the Minister that the lands therein described are required for and applied to the use and entirely for the benefit of aboriginals or half-castes, or both.<sup>32</sup>

The intention of the original clause of the 1877 *Act* was repeated, although the definition of Aborigines was more specific and added the words ‘entirely for the benefit’, which as noted above placed an emphasis on protection.

Finally, Clause 18 covered the issue of blocks for individual landholders:

The Minister may on the recommendation of the Chief Protector and Surveyor General allot to any aboriginal in a block not exceeding one hundred and sixty acres any Crown lands available for settlement, or may, on such recommendation as aforesaid, purchase land for occupation by aboriginals, and allot the same in such blocks as aforesaid, and any such allotment shall be upon such terms and subject to such conditions as may be prescribed by regulation.<sup>33</sup>

Clause 18 effectively changed the intention of the 1877 *Act* to demise land not only to Aborigines but to their descendants as well. The new Clause did not allow for ‘inheritance’ claims or to claims by ‘half-castes’ not living with ‘full-blood’ Aborigines. Any improvements to a block of land made by the older generation did not necessarily assure land occupancy to future generations of the family. This was hardly the liberal ethos of the 1877 *Act*. Rather it opposed Locke’s principle of land ownership through adding labour to the ‘earth’. No matter how much labour an Aboriginal person applied to land, there was no guarantee of continued occupancy by the family applying the labour. This meant that property claims by the descendants of Kudnarto and Tom Adams, and by other Aboriginal families, on the basis that their ancestors had worked the land were even less likely to be heard.

The 1911 *Act*, as well as the 1877 *Crown Lands Act*, were not forms of native title as under these Acts, Aboriginal people were always only lessees of the land. However, the 1911 *Act* appeared to allow for an expansion of the possibility to lease land. It suggested that freehold land could be bought over and above the existing Aboriginal reserves on Crown lands. Nevertheless, the *Act* was limited because only those people defined as Aborigines under the *Act* were included, thereby excluding future generations of part-Aborigines without connection with ‘full-blood’ Aborigines. ‘Full-blood’ Aborigines, because of their ‘nomadism’, were rarely seen as suiting farming. It was thought that part-Aborigines, with generations of white influence, would be the only Aborigines to make successful agriculturists. Contradictorily, the *Act* legislated that those most unfamiliar with agriculture were possible small landholders.

Land legislation was piecemeal and contradictory, but it eventually determined Aboriginal status through endorsing large reserves for ‘full-blood’ Aborigines, and providing leases for small blocks of land to a few Aboriginal people on the condition that they assimilated. The concerns determining the policy included the notion of some liberality to land claims for *full* Aborigines while ensuring that *part* Aborigines, who were recognised as the ‘children of the white man’, complied with the requirements for land that the white population was expected to meet.

### **The Aborigines portfolio—‘a sideline of Government activity’<sup>34</sup>**

The Aborigines Office portfolio, from responsible government in 1856 to the formation of the Board in 1939, was the responsibility of different ministers. From 1856 to 1892, it was the responsibility of the Commissioner of Crown Lands. In 1892, it became part of the portfolio of the Minister of Education, who was also the Minister for the Northern Territory. When Tom Price became Premier in 1905, he was both the Commissioner of Public Works and the Minister of Education until his death in 1909. The South Australian Aborigines Office remained with the Minister who was Commissioner of Public Works when the Northern Territory was transferred to the Commonwealth Government at the end of 1910. From then on, the Aborigines Office was located with Public Works.

The anomalous position of the Aborigines Department was discussed at the Royal Commission of 1913. One of its recommendations was that ‘as the State Children’s

Department is under the Chief Secretary, the Aborigines Department be placed under the same Ministerial head'.<sup>35</sup> The implications of this recommendation are discussed in Chapter 10. Succeeding parliamentarians queried the unlikely positioning of the Aborigines Department in Public Works. As Pattinson stated during debate on the 1936 Aborigines Bill:

Why it was ever attached to that Department [Public Works] no one has ever been able to explain to me satisfactorily and I am quite sure that the present Commissioner of Public Works and some of his equally estimable predecessors have often wondered why they have been saddled with this somewhat distasteful task. [The Hon. J. McInnes a former Commissioner interrupted] No one else wanted it. [Pattinson continued, sympathising with McInnes and the present Commissioner] I think it is one of the last departments in the Government service to which this branch should be attached, because it does not seem to bear any relation to public works. Probably as a result of this it has been regarded merely as a sideline of Government activity.<sup>36</sup>

There were nine different ministers responsible for the Aborigines Department from the formation of the Advisory Council in 1918 through to the establishment of the Aborigines Protection Board, 21 years later. The minutes of the Council revealed minor ministerial influence mainly because it was only an advisory body to the Minister. As Tom Playford Junior remarked in the 1936 debate:

The present administration has not been effective because, firstly, a new Minister coming into office is without experience and, secondly, is saddled with an Advisory Council and a Chief Protector, both giving him advice upon the same subject, with the best of intentions, on totally different lines. That must lead to confusion, and cannot be in the best interests of the department or the aborigines.<sup>37</sup>

During the period 1924 to 1927, a Labor government was in power. Hill and McInnes were the Ministers during this time. There was little debate in Parliament on Aboriginal issues. Ministers left affairs of the Council to the Chief Protector, who was made a member from 1925 (until 1932). The beginning of 1927 can be seen as a turning point. The Liberal-Country Coalition Government of R.L. Butler promoted Malcolm McIntosh to the Ministry as Commissioner of Public Works and Minister of Education, in repayment for Country Party support. McIntosh had been one of the two members for the electorate of Albert since 1921, and Country Party leader. He was 'dubbed a "twister"' by those in the Country Party that were against coalition with the Liberals.<sup>38</sup> McIntosh was to become the Minister most associated with the Aborigines Protection Board, as he was Minister for over twenty years. His opponents may have had scant regard for his methods and at least one of them thought his 'performance only a little above mediocre, and he had limited vision'.<sup>39</sup> It was a turning point because Butler's

first government from 1927 (he was Premier again from 1933 to 1938) was the first government to find itself under serious scrutiny in Parliament over Aboriginal issues. This was due to the election of the Independent Member for the Barossa, Dr H. Basedow.<sup>40</sup> Basedow was the president of the Aborigines Protection League that had been established in 1925 and supported Aboriginal self-administration. Basedow was not a member of parliament during the subsequent Labor Government of Hill/Richards from 1930 to 1933 and during this time, there was absolutely no parliamentary debate on Aboriginal issues. (Butler and Basedow were both returned in April 1933 but Basedow died suddenly only weeks later.)

From what has been discussed, it is apparent that very few individuals belonging to the Executive or the Parliament had an interest in policy for Aboriginal people. Parliamentarians usually spoke on Aboriginal policy from a personal experience of Aborigines (particularly those parliamentarians with pastoral interests) or were lobbied by missions to put up amendments to existing law. As was shown in Chapter 1, from responsible government onwards, new ideas originated in the parliamentary sphere only as a result of the 1860 Select Committee, the debates on the legislation that was passed in 1911 and the 1913 Royal Commission. Basedow, who had trained as a geologist and a medical practitioner, was neither a mission lobbyist nor a person whose ideas about Aborigines resulted from personal experience. For the first time, a scientist was in Parliament arguing with the benefit of an expertise that was new for that arena of administration. His interest in Aboriginal affairs was already acknowledged as he had, amongst other things, been a participant in the establishment of the North West Reserve in the Musgrave Ranges in 1920, submitted a medical report on the Aborigines of Central Australia in 1920/21, and published the text *The Australian Aboriginal* in 1925.

Basedow's contribution to the establishment of the North West Reserve needs to be discussed as it also indicates that the South Australian Government was now being influenced in its Aboriginal policy by federal governments, scientific associations and overseas interests. Membership of both the Wells Exploration and Prospecting Expedition of 1903 and the Northern Territory Scientific Expedition of 1905 gave Basedow experience of the Musgrave Ranges. As stated previously, he was, very briefly, the Chief Protector and Chief Medical Inspector of Aborigines for the Northern Territory in 1911. (It was at that time that he first suggested that Arnhem Land be made

a reserve.) These appointments meant he was at times an employee of both South Australian and Commonwealth governments, but mostly he steered clear of connection with governments and institutions, becoming an independent public speaker and activist.

In 1914, Basedow suggested to the Methodist Conference that a mission be established in the Musgrave Ranges and wrote to the Commissioner of Public Works asking that the Government proclaim a Provisional Aboriginal Reserve in the northwest of the State. He said: 'My appeal is from a scientific as well as a humane point of view...I am supported in my plea by influential bodies in the Old World and learned societies, and...by the Australian Methodist Conference'.<sup>41</sup> He followed this up with the Premier saying that Cabinet should approach the Western Australian Government to get their support for proclamation of an adjacent reserve in Central Australia. In 1919, Basedow again spoke publicly about the need for a reserve in the North West and a deputation for this purpose waited on Ritchie, the Commissioner of Public Works. Curiously, the public debate about the reserve did not cause any follow-on debate in Parliament although members of Cabinet were obviously affected. As a result of the deputation's call for a reserve of 40,000 square miles, the Government called on the Commonwealth in mid-1919 to facilitate a 'joint action' of the South Australian, Western Australian and Commonwealth Governments to create a reserve of 70,000 square miles, 'otherwise disease, the greatest killer, would come into the proposed area [in South Australia] across the border'.<sup>42</sup> The area covered by the reserves of the three governments was eventually known as the Central Australian Reserve.

In the winter of 1919, Basedow began a medical mission to Central Australia that would last two years in all. Commonwealth governments eagerly sought out his opinions on the Northern Territory but his independent thinking appeared to cause resentment in the Aborigines Friends Association-dominated Advisory Council. For example, the Council was offended because it was not consulted about Dr Basedow's medical patrol to which the State Government approved a £500 grant (this was matched by some pastoralists). When Basedow's report was presented to the Council in late 1921, the Council urged the Minister to delay printing the report as the recommendations 'involve a change in Government policy in dealing with the Aborigines, as well as a large expenditure of public funds'.<sup>43</sup> Although the



disagreement was not made clear, it appeared that the Council was referring to Basedow's medical protection policy for Aboriginal people. This matter is discussed further in the next chapter.

The Aborigines Friends Association supporters' attitude towards Basedow related to their criticism of the Aborigines Protection League. The basic principle of the League was 'to advocate the return of land to the aborigines to be governed by themselves'.<sup>44</sup> The Association was publicly critical of the League's proposed Aboriginal Model State, calling the scheme 'fantastic and impracticable'.<sup>45</sup> The League's scheme was to constitute Aboriginal states managed by 'native' tribunals. Specially selected white people would assist the Aborigines to achieve self-administration. The idea was that the states would have representatives in federal parliament (ultimately). Arnhem Land was thought to be an area suitable as an Aboriginal state. The idea was not recognition of individual title to freehold land but Aboriginal rights to rule themselves in a state that was established on Crown land. This was clear from Clause 1(d) of the League's petition to Federal Parliament outlining 'A Model Aboriginal State', which stated that '[n]o native to be detained in the State against his will but upon his leaving any land allotted to him to revert to the Crown'.<sup>46</sup>

The Federal Government considered the League's petition. In 1928, in lieu of instituting a Royal Commission into Aboriginal affairs, which was not favoured by most of the States, it asked the Queensland Government to appoint a senior administrator to report on Central and Northern Australia. J. W. Bleakley, the Chief Protector of Queensland, was appointed to the task and asked to comment on the idea of a Model State. When Bleakley presented his Report, he condemned the League's idea as not 'viable in either political or anthropological terms'.<sup>47</sup> That is, Bleakley believed Aboriginal people did not have an understanding of Western democracy or 'federation of tribes for mutual government or protection' and so the idea of the Model State was impracticable.<sup>48</sup>

Previously, in late 1927, the League had waited on the Premier to ask that ten square miles of good agricultural land be made available to Aboriginal people from the settled areas of the State. The idea was that Aborigines should manage the land with assistance if they needed it. Eyre Peninsula was suggested as a suitable site for a South Australian 'Model State'.<sup>49</sup> In order to promote this idea, the Australian Aboriginal Association

was formed in early 1928. Shortly after, there were 84 members of the Point Pearce branch of the Association. The Point Pearce branch waited on the Commissioner of Public Works in May to petition for better conditions at the government station. Then, a deputation of the League and Aboriginal Association met federal minister, Senator McLachlan, to discuss both the petition for a Model State in the Northern Territory and the creation of a reserve on Eyre Peninsula along similar lines. Mr Williams, president of the Point Pearce branch of the Aboriginal Association, said that there was 'a growing desire among the natives to own their own land'. The Senator told the deputation of the planned investigation by Bleakley.<sup>50</sup> (See illustration figure 10, which depicts this meeting.)

In June 1928, a combined deputation of the League and Aboriginal Association met with the Commissioner of Public Works and asked for 64,000 acres in perpetuity for detribalised Aborigines. McIntosh, the Commissioner, replied that there was no suitable land in the State. He added that the Advisory Council thought the scheme impracticable, that the League should not advertise that 'Australia' treated the Aborigines badly, that Aboriginal people were not able to manage farms and were better off on the government stations, and that a huge expense would be required to set up a native state.<sup>51</sup> J.C. Genders, the editor of *Daylight*, the official organ of the League and Aboriginal Association, responded with

Mr McIntosh is a young man with high qualifications and will we hope make his mark in Australian politics. He has the necessary ability and it remains for him to decide whether he will be one of Australia's great statesmen or become merely a politician of whom we have already an elegant sufficiency. On aborigine matters, Mr McIntosh has however, like other Members of Parliament, much to learn.<sup>52</sup>

The State Government and Commissioner McIntosh were under some pressure from the lobby groups who had managed to have their case heard by the Federal Government. In addition, both state and federal governments were under scrutiny because of the League's activism in England. Also, the issue had reached the attention of the League of Nations and the International Labour Office as a result of lobbying overseas by Basedow and Constance Cooke, a member of the League's executive and convenor of the Women's Non-Party Association's Sub-Committee on Aborigines.<sup>53</sup>

Genders, the honorary secretary of the League, when commenting on Bleakley's Report, stated that land 'is a leading plank in the proposals of this League, and it is a matter for surprise that it is not included in the recommendations of Mr Bleakley or the

Aborigines Friends Association, and that it finds no place in missionary propaganda'.<sup>54</sup> A one-day conference was held in Melbourne in 1929, convened by the Federal Minister for Home Affairs, to discuss the Bleakley Report. Of the 33 delegates at the conference, all were missionaries except two representatives of pastoralists and nine of associations. The Minister dismissed radical ideas like 'land rights' for Aborigines with 'I think you are a little ahead of your time, Mr Genders...I feel that, in making Australia a great nation, the welfare of the white settlers must be studied as well as the welfare of the Aborigines'.<sup>55</sup> Genders' ideas about land were that corporate communities of Aboriginal people would be granted land and mineral rights. Every tribal group in the Northern Territory, Western Australia, Queensland and South Australia could be given grants while states without tribal Aborigines would have one province or district per state set aside for the descendants of Aborigines.<sup>56</sup> He wanted to put a motion to the conference (seconded by Constance Cooke) but it was not supported. It read:

That to all nomadic tribes still with their tribal governments, land, taking the aboriginal boundaries, should be allotted in perpetuity, and that they should be allowed to govern it, as far as they are able, with the assistance of a government resident and teachers and that no white person be allowed into the territory without a permit.<sup>57</sup>

The Minister for Home Affairs commented that Genders' motion was 'a general question which did not concern him or affect his department'. In his view, the task of the Federal Government was the economic development of the Northern Territory, not Aboriginal welfare.<sup>58</sup>

Genders criticised the Bleakley Report because it did not question if 'there is anything fundamentally wrong in our past methods'. It did not suggest Aboriginal land ownership or even discuss the debilitating system of doles (rations as doles are discussed in later chapters). Genders believed that Bleakley made no 'serious attempt to state the case from the black man's point of view' and no Aboriginal people, 'the people most deeply concerned', were represented at the conference.<sup>59</sup>

The debate on Aboriginal reserves reveals what has been described as the 'intrusive humanitarianism' of some whites and the fact that the doomed race theory, based on the Western dichotomy of 'progress and primitivity, civilisation and savagery' that underpinned earlier Aboriginal policy, became less influential during the inter-war years.<sup>60</sup> McGregor identifies two streams of thought about reserves. There were those

who supported the plan that Aboriginal people should be segregated on reserves with only scientists permitted to visit. Promoters of this plan included Professor F. Wood Jones, former Curator of Anthropology at the South Australian Museum and later Professor of Anatomy at the University of Melbourne, and his colleague Dr D. Thomson, anthropologist. In South Australia, the scientist J.B. Cleland, Advisory Council and Board member, supported absolute segregation. The alternative scheme was that Aboriginal people should be segregated but only as a stage in the assimilation process and that experts, particularly anthropologists, would visit and assist. Professor A.P. Elkin, Professor of Anthropology at the University of Sydney, was an advocate of this alternative. Other public persons who were against absolute segregation included Reverend Sexton of the Aborigines Friends Association and Advisory Council, William Cooper, secretary of the Australian Aborigines' League, and Charles Chewings, a mining engineer with extensive experience in Central Australia.

McGregor argues that both streams, complete segregation and segregation as one step in the passage towards assimilation, assumed that scientific experts, in particular anthropologists, would provide solutions to the 'Aboriginal problem' and that their 'solutions' were 'within a set of assumptions firmly established within the Western intellectual tradition' of the civilisation/savagery dichotomy.<sup>61</sup> However, the Aborigines Protection League's platform for Aboriginal reserves stands outside this schema. The League, which ultimately had over 7,000 signatories to its petition for a Model State submitted to the Federal Parliament, advocated absolute segregation but as a self-administering state. Only in the interim stages, before total independence, was the state to have a Government Resident and other white specialists providing services. The platform was eventual self-rule with Aboriginal representatives in state and federal governments. In effect, it was similar to 'indirect rule' which involved the 'co-operation' of the colonised in their 'own development', as opposed to the alternative of white dominance or assimilation by which the native's 'advancement' meant 'his detachment from his [own] tribal surroundings'.<sup>62</sup> Genders believed that assimilation was not 'just', although it had not been tried at a national level. He believed indirect rule should be adopted so that Aborigines 'achieved national pride' through establishing their own government, universities and so on, and 'then it will be time enough to talk of assimilation'.<sup>63</sup> In this scenario, Genders did not countenance assimilation until a later date, if at all.

The League incorporated the 'intrusive humanitarianism' of whites toward Aborigines because it 'had the image of bourgeois philanthropy' and its members' 'Christian allegiance...was the strongest single force'.<sup>64</sup> The idea of the Model State 'sprang from benevolence and a sense of outrage at sufferings imposed on the Aborigines'. There was also 'the desire for universal brotherhood'.<sup>65</sup> In these respects, the Model State did invoke the dichotomy of civilisation/savagery in that progress was thought to entail the establishment of Western forms of governance. However, Genders believed that Aborigines would adapt Western forms to suit themselves and did not assume an inherent 'weakness' or 'childishness' in them that would prevent this happening.

The seeming flexibility of governments, state and federal, in approving large reserves stemmed from the fact that these reserves were perceived to be economically useless. This flexibility, however, did not extend to making the reserves into 'Model States'. It was thought 'that few non-Aborigines would want to use or visit' the large reserves and, consequently, they became sites of 'Aboriginal administration' by whites.<sup>66</sup> There was no security for the Aborigines as, although the reserves were apparently useless, 'this did not tempt any government to a reckless recognition of the right of prior occupation in any area. All reserves remained Crown land, and the classification could be administratively revoked'.<sup>67</sup> Indeed, as Rowley states, the boundaries 'meant little' and non-Aborigines continued their 'search' for 'economic assets' within the reserves.<sup>68</sup>

The Minister's role with regard to the large reserves reflected the nexus between government and enterprise. Although large areas were proclaimed Aboriginal reserves, tenure was not secure so as to allow for white enterprise should the opportunity arise.<sup>69</sup> This implied that ministers were expected to be adept in scientific management methods as quite often their dealings bypassed parliamentary processes of government. Before giving examples of non-representative interference in large reserves that occurred during the lifetime of the Board, there was an earlier example of non-parliamentary governance.

Charles Duguid's lobbying strategy directed at ministers in South Australian and Commonwealth governments reveal non-parliamentary processes behind the formation of the Central Australian Reserve mission. Duguid, medical practitioner and Moderator of the Presbyterian Church (a federal position), was elected president of the Aborigines

Protection League in May 1935. As noted, under the leadership of Basedow and Genders the League supported the 'Model State' and, by 1935, it had an overarching policy for federal control of Aboriginal people. The League had separate land policies for tribal and detribalised Aborigines. In the case of the former, the plan was to create new reserves where necessary and to make them inviolable, while for the latter the policy was individual blocks of land.<sup>70</sup>

Duguid used his connections in the Church and in missionary and protection societies (both in Australia and overseas) to lobby the Federal Minister for the Interior and State ministers. He knew that he was likely to have more success operating largely outside state parliamentary processes, using strategies to create tension in both governments and societies, which wanted to be seen positively by the public. In August 1935, Duguid met with Hudd, the Commissioner of Public Works, to discuss Government proclamation (as a State Centenary Project) of the Musgrave Ranges as an inviolable Aboriginal reserve. This would require police patrols on the reserve's eastern border and a visiting medical patrol and, in return, the Presbyterian Church would set up a mission there. Duguid was pleased with the outcome of his strategy since he recorded that, in late 1935 at the Caledonian Society's Halloween Party, Sir George Ritchie, Chief Secretary and a former Commissioner of Public Works, 'told me I would get a letter in the morning from the Government approving my plan for a mission in the Musgraves. £1,000 was promised if I could raise a similar amount and get a responsible church to give continuity to the plan...'<sup>71</sup>

Duguid's interest in the Central Australian Reserve, a policy issue for three governments, meant that he quickly construed that he should lobby the Federal Government rather more emphatically than the State Government. He, like others, was aware that state governments were considering the eventual federal control of Aboriginal people. For example, previously in 1933, during debate in Parliament, Playford sought the Premier's opinion as to whether or not he thought Aborigines should be 'nationalised'. Butler, the Premier, agreed it would be a 'good thing'.<sup>72</sup> This debate, such as it was, partly explains the attitude of Ministers of the Aborigines Department. On the one hand, a minister was required to proceed with the introduction of amending legislation that was sought by the bureaucracy and lobbies and, on the other hand, he was conscious that there was an interest by some parliamentarians and

lobbies in making the Federal Government responsible for all Aboriginal affairs. It became a case of deciding not to spend too much time or money on an issue that might not be a State 'problem' in the near future. For the lobbies, it meant canvassing other than State politicians. The effects of debates about 'nationalisation' of the Aborigines, federal government take-over of responsibility for Aboriginal people, are examined in the next section.

### **Land policies of the Board**

As discussed in Chapter 2 on the Aborigines Protection Board, one of the amendments to the 1911 *Act* was that made to Section 18, restriction of allotments to Aboriginal people to 160 acres or less. The size restriction was removed by the 1939 legislation. The legislation also stipulated that all people of Aboriginal descent were Aborigines unless they were 'granted' exemption. As discussed previously, the 1911 *Act* had a more limited definition of what it was to be an Aborigine, with mixed race adults excluded if they were not married to 'full-blood' Aborigines or living with 'full-blood' Aborigines. The 1939 *Act* meant that more people were eligible for blocks of land under Section 18, but perversely, once they were exempted from the legislation, they became ineligible. The effects of exemption are discussed in Chapter 7.

By the end of 1940, the Board had drawn up a 'Statement of Policy', forwarded to the Commissioner of Public Works, which was 'to enable the native population to become independent and useful members of the community'. Points 6 and 9(c) referred to land issues while some of the other points referred to development of reserves but these are discussed in Chapter 9. Point 6 stated that '[w]here necessary, the acquisition of suitable blocks of land on the river or in coastal districts for homesteads and community establishments' will occur. Point 9(c) stated:

To enable the tribal natives of the Musgrave Ranges to remain self-supporting, the land between the Reserve for Aborigines in the north western corner of the State and the buffer Mission Station at Ernabella should continue to be attached to Ernabella as at present, or be added to the Reserve for Aborigines.<sup>73</sup>

Before discussing the policy, it is interesting to note that shortly after the policy document was developed in February 1941 the Chairman, the Commissioner of Public Works, McIntosh, stopped attending meetings. Hereafter, he was to attend only in times of crisis or when the Secretary, the Head of the Department, was absent. It seems that little discussion of overall policy or of future plans occurred between the Board and the

Executive because in 1956, when submitting an updated policy statement to the Public Service Commissioner in support of a staff increase, the Secretary stated:

During 1941 a Statement of Policy of the Aborigines Protection Board was submitted to Cabinet and accepted as being in accord with over-all Government policy. Since that time, certain modifications have been made and the fact that moneys have continued to be made available by the Government indicates the Board's actions received Government approval.<sup>74</sup>

As mentioned earlier, McIntosh as Commissioner of Public Works left the day-to-day administration to the bureaucracy and otherwise did not get involved in the Department.

Several events would have circumscribed any minister, even if he wished to be proactive in Aboriginal affairs. When McIntosh was made Commissioner of Public Works in late 1938, for the second time, it was in the Government of Thomas Playford. (Playford remained in office until 1965 and McIntosh controlled Public Works until 1958 when ill health forced his resignation.) A combination of events restricted the Aborigines Department on the eve of the operation of the Board. Playford cut expenditure in 1939, the war effort limited funds and staff, and state governments expected 'nationalisation' of Aboriginal affairs.<sup>75</sup> Playford, as mentioned before, was in favour of a national policy for Aborigines. He had raised the issue in Parliament in 1933 and again in 1934 when Butler, the Premier, had advised that the matter would be discussed at the next Premiers' Conference.<sup>76</sup> For at least a decade from 1942, there was negligible debate in Parliament. The 1944 Federal Referendum (14 points) included the 'question of whether the Aborigines would be added to the Temporary Post-War Powers Bill'.<sup>77</sup> The Referendum failed and the State Government was not aware until 1946 that the Commonwealth would not legislate to accept Aboriginal affairs. As stated in the Board's Report of that year: 'During recent years the Board has been unable to implement fully the policy formulated in 1940 because of the suggestion that the Commonwealth Government would probably assume control of all aborigines'.<sup>78</sup> As outlined, parliamentarians had little interest in Aboriginal affairs and the Minister would not feel the pressure of his portfolio until the mid-1950s when, as a result of decades of negligence, because of minimal funds and staff in the Aborigines Department, and because of the increasing numbers of Aboriginal people, more attention was directed to Aborigines' sub-standard living conditions.



After the enactment of the 1911 legislation, debates on blocks of land had focussed on those Aborigines who had long association with white society, living at Point McLeay and Point Pearce stations. Otherwise, in the words of former Chief Protector South,

[t]he indiscriminating allotting of land to natives would be a waste of public money. The native cannot work a farm without implements and stock, and that will cost hundreds of pounds...I want the natives trained first...[t]he allotting of land should be a reward to good natives when they have shown themselves worthy to receive it.<sup>79</sup>

The Board's emphasis on blocks in coastal and riverine districts with the intention of establishing individual homesteads and 'community establishments,' Point 6 of the 'Statement of Policy', was directed particularly at those people in the part-Aboriginal populations on the established stations, who it thought were more easily assimilated. Others, who were considered harder to assimilate into the white population, were expected to remain on the stations and reserves. These included the elderly and incapacitated who would not be self-sufficient if not receiving government accommodation and assistance. This policy was not properly implemented because cutbacks to expenditure meant few new blocks were made available to Aborigines. The actual stock of land available did not increase despite the fact that, as a result of the 1939 *Act*, some sections of land that were previously administered by the Crown Lands Department and leased to Aboriginal people, were now under the control of the Board.<sup>80</sup> The result was that only a select group of Aborigines leased blocks.

The blocks that became available for lease were either re-leased to the same lessees or they were leased to Aboriginal people whose families had a previous history of farming blocks. These were often families that had been given their first breaks in landholding when the Aborigines Friends Association operated Point McLeay and established outstations at the Needles on the Coorong and at Wellington. The Board continued to provide support to families who had a history of landholding from the nineteenth century in this part of the State. For example, in June 1940 the Board approved the Secretary's recommendation for the provision of lucerne seed to a member of one of these families: 'L... is a good type of aboriginal working rather poor land without capital, and, as the seed would enable him to provide green food for his cows in the summer, I recommend...assistance be granted'.<sup>81</sup> It also supported a small number of families who were seen to fit the 'reward to good natives' category of Chief Protector South. For instance, a family at Point Pearce and a family at Baroota Reserve, near Port

Germein, were supported in their occupancy of land. The Point Pearce family kept pigs and undertook rabbiting while the Baroota family, when not farming the reserve themselves, were permitted to engage white farmers in share farming.

The definition of Aborigine under the 1939 *Act* and the exemption process, discussed in Chapter 7, created complexity in the application of the policy of land allotments. The Aborigines, mostly part-Aborigines who had years of experience with white society, who were exempted from the status of 'Aborigine', did not qualify for allotments, as legally they were not Aborigines. Taking into account South's opinion, which was typical, this meant that at the point of meeting the 'training' requirements to become landholders, Aboriginal people concurrently reached the point of being exempt. That is, all those not yet exempted were not 'fit' to be landholders and would not be allotted blocks under Section 18.

An example of this dilemma occurred at Kingston. Without consultation, all except the two elders of the Kingston group of Aboriginal people were exempted from the *Act* in early 1941, becoming legal whites. The Board made the exemptions without informing the Aborigines Department of its intention to expedite the process, thereby creating an embarrassing situation for bureaucrats who had previously outlined to the Aborigines at Kingston the benefits of the 1939 *Act*. Penhall, the Head of Department, unaware of the Board's intention, had even suggested to one Aboriginal man that he write to the Board for assistance to buy land under Section 18. Later, the same Aboriginal man applied for assistance to get a block and was refused on the basis that he had been exempted and because 'no money [was] available for such a purpose'.<sup>82</sup> This suggests that if there had been money the Department may have done something, and that the problem was ineffectual drafting of the 1939 Bill. While the Aboriginal man continued to tenant a block leased to a white lessee, Penhall suggested he apply to the Director of Lands for a vacant block of his own in the Hundred of Duffield. As he was legally no longer an Aborigine, this man could not ask the Aborigines Department to act under Section 18 on his behalf for the block. The Aboriginal man had to compete with white lessees for rental blocks. This was not an easy process for Aboriginal people since they did not have capital and could not meet the Lands Department's requirements that fencing and so on be maintained.

The Lands Department's role was to raise revenue from the leasing of land. The basic criteria for persons to lease land were that they pay their rentals and improve the holding. When considering applicants, however, the Department would take many factors into account including farming experience, financial standing, number of family members available as workers, the viability of the block to support the family in question and so on.<sup>83</sup> The founding principles of the State carried out by the Lands Department were based on ideas of progress through land development. The fundamental criterion was that land be allocated to persons who shared this belief system. There was no room in this plan for sentiment on the part of Lands Department officials or for recognition of different values.

In summary, the promise of blocks for Aboriginal people was proscribed by many factors, including the Lands Department philosophy. There were the wider political issues like the setback to expansion because of the War, Playford's focus on industrial prosperity rather than on governance that provided for the welfare of disadvantaged sub-populations, like Aboriginal people, and the anticipated federal government takeover of Aboriginal affairs.<sup>84</sup> With regard to the potential recipients of the Board's land policy, there was the perceived and actual ability of Aborigines to lease/buy and improve land, and the catch that prevented those Aboriginal people who had been exposed to capitalism from acquiring land through the Board because they were exempt from the 1939 *Aborigines Act*. In addition, there was the lack of land stocks because the Aborigines Department could not afford to buy land and did not have much land of its own since the Lands Department had gradually sold off Aboriginal reserves that had been proclaimed in the settled areas in earlier times.

Point 9(c) of the Board's policy statement, the extension of the limits of the North West Reserve to include Ernabella mission, was a protectionist measure on behalf of the Aborigines in the Musgrave Ranges. Duguid was the major instigator of this clause. Ernabella mission was his area of interest and it seems that after his resignation in 1947 the ethos of 9(c) was not thought as imperative as it was in 1940. This fact is supported by the exclusion of this clause from the revised policy statement of 1956, which concentrated on welfare measures and made no reference to protection through the provision of inviolate reserves. After Duguid's resignation, Constance Cooke and Alice Johnston were the only Board members who had also been members of the Aborigines

Protection League in its early years.<sup>85</sup> By the mid 1950s with a crisis in social conditions for Aboriginal people as the most apparent responsibility of the Board, Cooke and Johnston may have decided to delay self-administration through the establishment of inviolate reserves. It was not until 1981, when the *Pitjantjatjara Land Rights Act* became law, that all the land that Duguid envisaged as part of the North West Reserve was included. This legislation 'provided for 103,000 square kilometres of land to be held under inalienable freehold title by an incorporation made up of all traditional owners of the lands'.<sup>86</sup>

Duguid resigned from the Board in 1947 on a matter of principle. A British Army report on the Long Range Weapons Project was submitted in 1946 to the Commonwealth Government. In 1947, it was decided to establish the headquarters of the range on Arcoona Station near Pimba (later to become Woomera township). As Duguid stated: 'As Protector of Aborigines I could not agree to roads being constructed in the Aboriginal Reserve, observation towers erected on it, and rockets fired across it'.<sup>87</sup>

From July 1946, Duguid wrote to the press about the Rocket Range. In August, there was a mass protest and public meeting in Adelaide organised by 'The Common Cause' (Duguid was this umbrella group's last president).<sup>88</sup> In November, Duguid wrote that the Rocket Range was already 'an established fact, and although discussed by Cabinet, the scheme had never been before Parliament. But for Mrs Blackburn it would never have been discussed at all'.<sup>89</sup> During this period, there was no debate in State Parliament on the proposed Rocket Range and its effects. Lindsay Riches, Member for Stuart and Mayor of Port Augusta, attended the public meeting organised by 'The Common Cause' in August 1946. His interest in Aboriginal affairs was well known since he was one of the few members to ask questions of the Minister in Parliament during the 1940s. Riches' primary concerns were the conditions for Aboriginal people at Port Augusta reserve and mission (Umeewarra), at Ooldea and at Yalata.

In January 1947, Duguid heard that 'Friends of the Aborigines' in Adelaide had discussed the Rocket Range with the military and it was agreed that there would be no risk to Aboriginal people. Gordon Rowe, secretary of the Aborigines Friends Association, assured Duguid that no interview or statement to that effect had taken place.<sup>90</sup> (Rowe was appointed to the Board in July 1947, vice Duguid.) In March, Duguid addressed a meeting in Melbourne arranged by the Rocket Range Protest

Committee. In his address 'The Rocket Range and the Aborigines', delivered in Melbourne in August, Duguid again criticised the Association for stating untruthfully that Aborigines wanted employment at the Rocket Range with the army. Previously, Duguid had written to Professor Mark Oliphant about the Association and the Rocket Range:

Its statement is nonsense and a lie but it is exactly what I would expect from it [the Aborigines Friends Association]. The fact that this body was satisfied was thrown at me in a Forum of the Air debate on the subject. I replied that the President, the Rev. J.H. Sexton, *was* the Association and the Premier's uncle...he saves the Government's face on every possible occasion...Sexton knows nothing of the Reserve...If Evett [sic] met the Association I bet it was Sexton...The opinion of the Aborigines Friends Association on vital aboriginal affairs is worthless. It is one man's word—a yes man to the Premier who doubtless sent Evett to him...I shall never submit to needless tribal damage to the fine people of the Interior.<sup>91</sup>

Duguid was equally critical of the Federal Government. The Minister of Defence, J.J. Dedman, had asked him and the anthropologist, Donald Thomson, as vocal opponents of the Rocket Range, to attend the Australian Guided Missiles Committee at the Victoria Barracks in Melbourne in early 1947. As Duguid stated: 'From what transpired in the House after the Committee made its report I was left in little doubt that I had been called to allow the Minister (not present at the Committee) to tell Parliament my objections had been met'.<sup>92</sup> He followed up the matter of being used as a dupe with a letter to Prime Minister Menzies, objecting to his name being used in Parliament 'in the way you used it'.<sup>93</sup> These examples show clearly that ministers used the rhetoric that government decisions about Aboriginal people relied on the advice of experts with scientific knowledge and experience of Aborigines, all the while actual techniques of governance selected *particular* scientific expertise that did not interfere with the process and goals of government. In this case, the expertise of military scientists was solicited.

Duguid's letter to McIntosh, resigning from the Board in April 1947, went to two pages. He began with 'my determination to resist invasion of the Aborigines Reserve is at variance with the State Government's policy...But any assistance I can give the Department in the matter of aboriginal uplift and welfare will be gladly given'. He went on to give a highly critical summary of the Board's first six years pointing out that policy had not been 'put into action' and that funds were 'inadequate', ending with 'the time is at hand when the natives themselves will state the case for their people'.<sup>94</sup>

Here we see that even a public and highly respected professional/expert like Duguid was not able to influence Federal and State Government policy on the uses of land for Aborigines. The Rocket Range affected both Aboriginal reserves and pastoral leases. However, there was no support from pastoralists in questioning the State Government's role in the Rocket Range, although they experienced a period of uncertainty as to what would happen to portions of their leases. The Pastoral Board seemed to reflect the pastoralists' overall philosophy when it reported that 'the State government should do everything possible to facilitate the Long Range Weapons trials, so long as the pastoral industry continued and pastoralists were happy with arrangements'.<sup>95</sup> Despite the setback, Duguid was able to find one positive outcome. He stated that as a result of the

sustained opposition across Australia however...the Federal Government appointed a special officer, a man well-fitted by experience to understand the tribal people, Walter McDougall [sic]...His responsibility was the care and protection of the Aborigines in the Reserve—ensuring that they had proper explanation and warning when rockets were to be fired.<sup>96</sup>

MacDougall's job as patrol officer was to dissuade Aboriginal people from settling in the Woomera Rocket Range Reserve. His experience was called on again in the 1950s, when the Federal Government permitted British government development of its nuclear deterrence strategy through testing A-bombs in the area south of the North West Reserve, at Emu and Maralinga in the Great Victoria Desert. MacDougall's initial task was to determine the numbers of Aborigines living in this vast area. There were two tests at Emu in October 1953 and seven at Maralinga between September 1956 and October 1957. The issue of unaware, defenceless Aboriginal people was made public through the newspapers (see figure 9 'The A-Bomb goes up'). Toyne and Vachon describe how the blasts 'were carefully planned so that winds carried radioactive dust clouds away from the population centres of the south and east towards the Pitjantjatjara communities and cattle stations in the north'.<sup>97</sup>

MacDougall believed the tests were important for 'world security'. In his view, 'the safety of the Aborigines' was 'something that could be accomplished by reconnaissance, census and vigilance'.<sup>98</sup> His attitude must have been consistent with the Board's view since it did not oppose the plan, as the threat of a nuclear war was thought to be genuine.<sup>99</sup> As Protectors, they were negligent in overlooking the effects of the atomic testing on Aboriginal people of the Great Victoria Desert; and as Board members, they failed to support policy that deemed the North West Reserve inviolate.

It is apparent from the above discussion that the Board was powerless to protect the tribal areas in question even if it openly disagreed with the Federal Government's actions. The Board, including Duguid, viewed the North West Reserve as a 'problem' of protection of 'full-blood' Aborigines from white civilisation. Had the Board incorporated the philosophy of the early Aborigines Protection League, promulgated by Genders and Basedow, it might have seen Federal Government interference as violation of the rights of a self-administering 'model state'. The 'solution' in this scenario might have been a more strident criticism of long-range rocket and atomic testing, calling on the United Nations and international disarmament groups for support. The logic behind the Board's opposition would not have been based on notions of 'world security' through the fallacy of nuclear deterrence, but on the violation of state rights to security.<sup>100</sup> At the very least, a call for Aboriginal opinion and the opinions of newly independent former colonies might have resulted if the political issue had been presented as a violation of the security of an independent state. Without competing interpretations of the political situation, the issue of national defence immediately sidelined State and local policies that focussed on protection of 'full-blood' Aborigines.

### **Conclusion**

Both government and settlers had a limited understanding of the Aborigines' rights to land because of their prior occupation. The views of the settlers were contradictory and they were morally divided as to appropriate ways of restoring Aboriginal proprietary rights. Over time, the omission of the violent and discriminatory treatment of Aboriginal people by whites from their own history meant that there was a lack of or selective interpretation of history of the prior occupation of land. There was little public debate about land for Aborigines and consequently government rationalisation of the 'problem' was sketchy. Rowley's argument is that such rationalisation affected the ability to govern because the 'power of government to deal with a social problem depends largely on the electorate's understanding what that problem is; and what it is cannot be stated without some indication of how it arose'.<sup>101</sup> This chapter indicates that governments make selective interpretations of the 'problem' in order to govern. It also shows that the interpretations of the land problem that were selected reflected a basic acceptance that land should be viewed as an issue where ultimate control was vested in powerful interests, whether they were anonymous governmental/corporate interests or

local pastoral companies. Land ownership was extended to those who were to gain the most immediate profit from land use. Preference was given therefore to large, proven capitalists rather than potential ones. This helps explain why Aboriginal people infrequently gained individual title to land. By definition, they were believed to be unable to meet Locke's endorsement of land ownership through improvement by the addition of labour to the 'earth'. Land ownership was only available to Aborigines who succeeded economically which also perversely exempted them from Aboriginal status.



- <sup>1</sup> George Eliot (1967) *Adam Bede*. London: The Zodiac Press, 1<sup>st</sup> pub. 1859, p. 415.
- <sup>2</sup> *Who's who in Australia* (1955) XV edit., Melbourne: Herald and Weekly Times.
- <sup>3</sup> R. Jennings (1992) *Barnacles and parasites: independent members of the South Australian Parliament 1927-1970*. Plympton: Nesfield Press, p. 21. King William Street is the major thoroughfare in Adelaide.
- <sup>4</sup> M. Foucault 'Nietzsche, genealogy, history' in D.F. Bouchard, *Op.cit*, p. 153.
- <sup>5</sup> SAGG 20 March 1879, p. 791.
- <sup>6</sup> Kopperamanna was taken over by Killalpaninna mission in 1868.
- <sup>7</sup> SAGG 20 March 1879, pp. 791-792.
- <sup>8</sup> SAGG 30 January 1851 Commissioner of Lands to Colonial Secretary. This right exists up to the present time.
- <sup>9</sup> 1857 No. 5 *An Act for Regulating the Sale or Other Disposal of Waste Lands Belonging to the Crown in South Australia* (the *Waste Lands Act*) Clause 3.
- <sup>10</sup> *Crown Lands Consolidation Act*, 1877.
- <sup>11</sup> SAPD 10 July 1877, p. 342.
- <sup>12</sup> *Ibid*, 23 August 1877, p. 734.
- <sup>13</sup> *Ibid*, p. 735. Thos Playford Snr (1837-1915) MHA from 1868. In the Ministry from 1876, Premier between 1887 and 1894. Senator 1901-1906, Minister of Defence 1905-1907.
- <sup>14</sup> SAPD 23 August 1877, p. 736.
- <sup>15</sup> *Ibid*, p. 738.
- <sup>16</sup> The term 'dowry' in this context is taken from a seminar delivered by Robert Foster and Mandy Paul, 'Women's Native Title' at the Indigenous Studies Network meeting, Adelaide University, June 2000. Also, M. Paul and R. Foster 'Married to the land: land grants to Aboriginal women in South Australia, 1848-1911' in *Australian Historical Studies*, 34:121, April 2003, pp. 48-68.
- <sup>17</sup> SAPD 10 July 1877, p. 343.
- <sup>18</sup> *Ibid*.
- <sup>19</sup> *Ibid*, p. 342.
- <sup>20</sup> L. O'Brien, 'My education' in *Journal of the Anthropological Society of South Australia*, 28:2, 1990, p. 125. Kudnarto's descendants have kept the issue of the land grant in the public arena to this day.
- <sup>21</sup> SAPD 10 July 1877, p. 343.
- <sup>22</sup> Markus (1982) *Op.cit*, p. 85.
- <sup>23</sup> SAPD Hon. H. Adams, Legislative Council, 1 August 1899, p. 43. Henry Adams 1851-1926; MLC 1894-1902; United Labor Party, Trades & Labour Council; co-secretary Anti-Commonwealth Bill League. *Biographical Register of the South Australian Parliament 1857-1957*, *Op.cit*.
- <sup>24</sup> *Ibid*.
- <sup>25</sup> *Ibid*.
- <sup>26</sup> *Ibid*, Hon. R.S. Guthrie, 16 August 1899, p. 72.
- <sup>27</sup> SAPD 23 August 1877, p. 738.
- <sup>28</sup> The *Crown Lands Consolidation Act*, 1877, Part VI (90).
- <sup>29</sup> J.B. Hirst. (1973) *Adelaide and the Country, 1870-1917: their social and political relationship*. Melbourne University Press, p. 225. Hirst notes that this was a method of revenue accumulation that reduced the impact of local governments. 'By keeping the price of land high and by imposing import duties, parliament made local rating for the various public services unnecessary and hence reduced local government to a minor role. This course served the interests of landed wealth very well and the population generally was content to allow the central government to predominate since it acquired a variety of services without seeming to pay for them'. Custom duties were an indirect tax while revenue from Crown lands was 'not a tax at all'.
- <sup>30</sup> The *Western Australian Act* used Queensland legislation as its guide, namely the 1897 *Act*, No. 17. Kidd believes the 'provisions of the 1897 *Aboriginals Protection and Restriction of the Sale of Opium Act* clearly echo those of *Industrial and Reformatory Schools* legislation which had operated for almost half a century in the white community, targeting and removing those deemed to be "at risk" of abuse or neglect. Analysis of the terms of the Act confirm a primary concern with monitoring inter-racial relations rather than with racial segregation' [pp. 47-48]. That is reserves were not 'intended to facilitate wholesale racial segregation and were [not] set up to operate as "total institutions"'. Kidd defends her argument by the fact that the government had 'neither the manpower nor the means to martial nearly 20,000 Aborigines out of the general community to be supported and supervised on reserves' [pp. 46-47]. R. Kidd. (1997) *The way we civilise: Aboriginal Affairs—the untold story*. St Lucia: University of Queensland Press.
- <sup>31</sup> *Aborigines Act*, 1911, No. 1048, Clause 16 (1).
- <sup>32</sup> *Ibid*, Clause 16 (2).

- <sup>33</sup> *Ibid*, Clause 18.
- <sup>34</sup> SAPD 12 November 1936, p. 2419. Pattinson during debate on the 1936 Aborigines Bill.
- <sup>35</sup> Progress Report of the Aborigines Royal Commission 1913, Clause 22, p. ix.
- <sup>36</sup> SAPD 12 November 1936, p. 2419.
- <sup>37</sup> *Ibid*, p. 2428. Thos Playford Jnr (1896-1981) MHA from 1933 Murray then Gumeracha. In Ministry from April 1938, Premier from November 1938 to March 1965.
- <sup>38</sup> Jennings *Op.cit*, p. 21.
- <sup>39</sup> *Ibid*. This was the view of Tom Cleave Stott, Independent member for Ridley, who was not known for his humility and his impartiality.
- <sup>40</sup> Herbert Basedow's father, the Hon. M.P.F. Basedow, had been Minister of Education in 1881 and Chairman of the 1899 Select Committee of the Legislative Council on the Aborigines Bill.
- <sup>41</sup> Basedow Collection, Mortlock Library PRG 324, letter dated 4 June 1914.
- <sup>42</sup> Rowley (1974) *Op.cit*, p. 228.
- <sup>43</sup> SRSA GRG 52/12 minutes of Advisory Council, meeting of 1 November 1921.
- <sup>44</sup> J.C. Genders *The Australian Aborigines* 4 January 1937, p. 27. For considered discussion on the Model State Scheme see K. Blackburn 'White agitation for an Aboriginal state in Australia' in *Australian Journal of Politics and History*, 45:2, 1999, pp. 157-180.
- <sup>45</sup> *Daylight*, 30 April 1925, p. 871.
- <sup>46</sup> *Ibid*, 30 November 1926, p. 114.
- <sup>47</sup> M. Roe, 'A Model Aboriginal State' in *Aboriginal History*, 10:1, 1986, p. 44.
- <sup>48</sup> J. W. Bleakley. (1929) *The Aborigines and Half-Castes of Central Australia and Northern Australia*. Commonwealth Parliamentary Papers, Vol. 2, p. 1188.
- <sup>49</sup> *Daylight*, December 1927, pp. 270-271.
- <sup>50</sup> *Ibid*, 30 June 1928, p. 341.
- <sup>51</sup> *Ibid*, p. 339.
- <sup>52</sup> *Ibid*.
- <sup>53</sup> *Ibid*, 31 March 1928, p. 306.
- <sup>54</sup> J.C. Genders. (1929) *Australian Aborigines: a statement by the Aborigines Protection League*.
- <sup>55</sup> J.C. Genders *The Australian Aborigines* 4 January 1937, point 9.
- <sup>56</sup> *Ibid*, points 23 and 24.
- <sup>57</sup> J.C. Genders. *Report to State Executive Aborigines Protection League on Conference held in Melbourne 12 April 1929*, 26 June 1929.
- <sup>58</sup> *Ibid*.
- <sup>59</sup> *Ibid*.
- <sup>60</sup> R. McGregor, 'The Aboriginal Reserves debate of the inter-war years' in *Journal of the Royal Historical Society of Queensland*, 15:11, 1995, p. 545.
- <sup>61</sup> *Ibid*, p. 551.
- <sup>62</sup> J.C. Genders. *The Australian Aborigines*. 4 January 1937, p. 3 quoting Dr L.P. Mair (lecturer in Colonial Administration at London School of Economics) (1936) *Native Policies in Africa*. London: Routledge.
- <sup>63</sup> *Ibid*, p. 3.
- <sup>64</sup> Roe, *Op.cit*, p. 42.
- <sup>65</sup> *Ibid*, p. 44. Roe indicates that amongst the Aborigines Protection League's supporters were many theosophists, hence the 'ethos of universal brotherhood' (see footnote 5 of his article).
- <sup>66</sup> Rowley (1974) *Op.cit*, p. 254.
- <sup>67</sup> *Ibid*, p. 250.
- <sup>68</sup> *Ibid*.
- <sup>69</sup> A. Lavelle, 'The mining industry's campaign against native title: some explanations' in *Australian Journal of Political Science*, 36:1, 2001, p. 101. Lavelle refers to the mining industry and native title following the *Native Title Act* of 1993. He demonstrates that the mining industry maintains that native title is adversely affecting it as a form of 'political posturing' without foundation. The industry exaggerates 'impediment to mineral exploration and development' so as to 'ensur[e] that government policy better reflects mining interests. Government policy is an investment determinant over which the industry can exert some influence, unlike other determinants such as commodity prices and exchange rates'.
- <sup>70</sup> NLA MS 5068 Duguid papers.
- <sup>71</sup> *Ibid*, Duguid's personal note.
- <sup>72</sup> SAPD 1933, p. 1551.
- <sup>73</sup> SRSA GRG 52/1/137/1940.

<sup>74</sup> *Ibid* GRG 52/1/182/1962.

<sup>75</sup> *Ibid* GRG 52/1/56/1939. The Estimates for 1939/40 required cutbacks. Playford's policy (as stated to Dr W.A. Cramond, Director of Mental Health) was the establishment of a prosperous secondary industry before providing social welfare services on more than a very limited scale. S.Cockburn (assisted by J. Playford). (1991) *Playford: benevolent despot*. Adelaide: Axiom, pp. 204-205.

<sup>76</sup> SAPD 1933 p. 1551 and 1934 p. 1648.

<sup>77</sup> C. Milich. (1967) *Official attitudes to the South Australian Aborigines in the 1930s*. Thesis, University of Adelaide, p. 73.

<sup>78</sup> SAPP No. 20 Report of Aborigines Protection Board year ending 30 June 1946, p. 2.

<sup>79</sup> Minutes of Evidence of Aborigines Royal Commission, 1913, pp. 5 and 11.

<sup>80</sup> SRSA GRG 52/1/115/1940.

<sup>81</sup> *Ibid* GRG 52/1/12/1940 memo of 3 June 1940.

<sup>82</sup> *Ibid* GRG 52/1/26/1941 letter of 26 August 1941.

<sup>83</sup> P. Donovan. (1995) *'In the interest of the country': a history of the Pastoral Board of South Australia 1893-1993*. Adelaide: Pastoral Management Branch of the South Australian Department of Environment and Natural Resources, pp. 87-88. Donovan gives an example of the complexity of determining the best person as the lessee of a block. During the War the working potential of every family member was considered since many sons had enlisted and their absence might be permanent should they be killed. Also, as in the case described by Donovan, one applicant was refused because through no fault of his own he was severely gassed and permanently incapacitated during the previous War.

<sup>84</sup> See footnote 69.

<sup>85</sup> Gordon Rowe, Board member from 1947 and Secretary of the Aborigines Friends Association, was also an Aborigines Protection League member. He appears to have been a member in the early 1940s and not in the more radical era of the Aborigines Protection League in the 1920s-1930s.

<sup>86</sup> P. Toyne and D. Vachon. (1987) *Growing up the country: the Pitjantjatjara struggle for their land*. Victoria: McPhee Gribble/Penguin, p. 108. The Aborigines of the Maralinga Tjarutja Lands were granted title to 76,000 square miles of area in 1984.

<sup>87</sup> NLA MS 5068 Duguid papers, box 11 draft report on Rocket Range, p. 66.

<sup>88</sup> S. Mitchell 'The Common Cause Movement' in *Journal of the Historical Society of South Australia*, 16, 1988, pp. 38-45. The group began in South Australia in 1943 and its aims were victory over fascism, poverty, unemployment, and international goodwill. In its last year, it included prison reform and Aboriginal rights under its 'umbrella', pp. 41 & 45.

<sup>89</sup> NLA MS 5068 Duguid papers, box 3 press cuttings, January 1947. Duguid in *The Australian Intercollegian* VI: 3 (1 May 1947). Doris Blackburn was an independent Labor member of Federal Parliament from 1946-49 who opposed the testing and use of guided missiles.

<sup>90</sup> *Ibid*.

<sup>91</sup> Mortlock PRG 387 Duguid papers, letter of 18 November 1946. Emphasis in original. The 'Evelt' Duguid refers to appears to be Herbert (Doc) Evatt who was Attorney General and Minister for External Affairs from 1941 in the Curtin Federal Labor Government.

<sup>92</sup> NLA MS 5068 Duguid papers, box 11 draft report on Rocket Range, p. 67.

<sup>93</sup> Mortlock PRG 387 Duguid papers, letter of 2 December 1947.

<sup>94</sup> *Ibid*, letter of 28 April 1947.

<sup>95</sup> Donovan, *Op.cit*, p. 114. Pastoral Board Minutes 20 June 1949.

<sup>96</sup> NLA MS 5068 Duguid papers, box 11 draft report on Rocket Range, p. 67.

<sup>97</sup> Toyne and Vachon, *Op.cit*, p. 124.

<sup>98</sup> K. Palmer, 'Dealing with the legacy of the past: Aborigines and atomic testing in South Australia' in *Aboriginal History*, 14:2, 1990, p. 200.

<sup>99</sup> For example, the Aborigines Department sent two staff members on courses at the Australian Civil Defence School in Victoria, which had been established by the Commonwealth Government 'to teach as wide a cross section of the community as possible, the means of mitigating the effects of an atomic attack and consequent radio active fall-out'. SRSA GRG 52/1/68/1959 letter from South Australian Civil Defence Organisation 20 May 1959.

<sup>100</sup> Deterrence policy has not prevented states from acquiring nuclear weapons. This can be attributed to the inequities in the United Nations Nuclear Proliferation Treaty whereby the five nations on the Security Council with the power of veto are in fact nominated nuclear states.

<sup>101</sup> Rowley (1974) *Op.cit*, p. 6.

---

## *Medical profession: surveys and medical attendance*

In appointing a Medical Officer for the No 2 District, and the Workhouse...the guardians cannot separate without expressing the regret they feel at losing Mr Hoare's valuable services...a regret coincided in by the poor, the rate-payers, and the public...

*Board of Guardians 1852<sup>1</sup>*

Whereas government rationalities of Aboriginal proprietary rights, based on Locke's ideas, were seldom articulated in full, government rationalities about Aboriginal health clearly identified from first settlement the usefulness of the medical profession in Aboriginal governance. As with property, so with health, the influence of Locke's liberal philosophy is clear. Locke identified two aspects to liberal governance's approach to health. If it was known that a practice or remedy was available for the cure or prevention of disease then the state might 'esteem the matter weighty enough to be taken care of by a law', as in the official immunisation against smallpox in the nineteenth century.<sup>2</sup> Alternatively, 'the poor, the ratepayers and the public' could not expect the state to be responsible for 'a languishing disease' where the remedy was unknown, because '[n]either the right nor the art of ruling does necessarily carry along with it the certain knowledge of other things'.<sup>3</sup> In other words, the state could not promise to secure health and longevity. These ideas underpinned colonial health policy, although some contradictory effects for Aboriginal people would evolve.

The government appointed medical professionals as the first Protectors, which conformed with liberal governance's intervention in health if disease was thought to be preventable. This suggests that government believed initially that the diseases of Aborigines were curable and hence they were not a 'doomed race'. The status of Aboriginal health was to the forefront of every official report, as was census data that analysed morbidity. Indeed, the effects of diseases on Aboriginal numbers were topics

of debate well into the twentieth century. Government officials often expressed the view that disease among Aborigines was being held in check. This was despite publicity about nineteenth-century epidemics like smallpox, which had spread along the River Murray in the 1830s, venereal diseases, which were noticeable along the Murray and at the whaling station at Encounter Bay in the 1840s and, as noted before, diphtheria and whooping cough, which had devastated Eyre Peninsula Aboriginal people. As discussed previously, the debate over the 'doomed race' was not easy to follow, as 'full-blood', not mixed-descent Aborigines, were categorised as 'Aborigines'.

In this chapter, I analyse the techniques of government that were put in place to deal with the medical needs of Aboriginal people. The resulting variety in forms of governance supports Foucault's thesis that the triangle of sovereignty-discipline-government is neither formulaic nor static, but is subject to shifts in power and knowledge. As noted in the previous chapter, decisions about land were discretely made at the very centre of government. By contrast, generally, officials and professionals at local levels made decisions about health. Chief Protector South described the array of governing procedures in his Annual Report for 1921,

The health of the aborigines throughout the State during the year has been fairly good, and their requirements have been well attended to by the depot-keepers, who have cheerfully given their services free of charge. The numerous medical officers and hospital authorities and attendants have all given the native patients every care within their power.<sup>4</sup>

As we will see, medical practitioners and sundry officials in the field, detached and 'at a distance' from government, were recognised as the 'experts' in Aboriginal health, and Aborigines Department officials and Aborigines Protection Board members were only one facet of the governance of health. The financial cost and the inability to assure health were reasons for government reticence to shoulder medical services.

Once Aborigines were problematised as *full* and *part* populations, 'medical experts' included anthropologists, ethnologists, natural scientists and even antiquarians. These 'medical experts' were assigned a central role in Aboriginal governance and their presence on the Aborigines Protection Board was deemed essential and uncontroversial, because they were thought to have 'solutions' for the protection of 'full-blood' Aborigines. As a consequence, the initial medical policy of the Protection Board was medical surveys in remote areas and only at a later date, so as to support assimilation,

did the medical policy broaden to become the supervision of the health of all Aboriginal people.

The medical expertise of the Board can be described as a very particular expertise because Board members, Drs Duguid and Cleland, were medical experts with personal and professional interests in protecting the tribal, 'full-blood' Aborigines of the North West. In Duguid's case, medical expertise related to a missionary role, namely a concern not only for physical health but also for spiritual and moral uplift. In Cleland's case, it referred to the discovery of 'new science' related both to the physical body and to the culture of 'man'.

It appears then that the appointment of medical professionals to the Protection Board was in line with political discourse on the need for experts. However, distinctions within this discourse are important. The focus on 'full-bloods' did not fit the post Second World War federal government emphasis on assimilation. From that time, it did not appear to matter who the professionals were, and what they said, as long as the Government was perceived to be able to call on medical expertise for *full, part* and detribalised populations when they needed it. The rhetoric of reliance on expertise was more important than the actual role accorded to experts.

Moreover, the inclusion of medical expertise on the Board, which indicated an active policy of ensuring the good health of Aboriginal people, sat in tension with governmental mentalities about health policy in general. When it came to 'health and statecraft', Osborne explains that the English tradition did not encourage doctors as legislators although liberal governance 'legitimate[d] a medical profession in the interests of an indirect government of health'.<sup>5</sup> The rationale for this arose because, as stated earlier, government cannot guarantee good health; it can only encourage it through controlling living conditions by the provision of clean water, sewerage, vaccinations, adequate housing, medical services and so on. The 'indeterminate character of health policy' meant that governments could expect at the most 'to bring about health as a kind of deliberately intended by-product of their activities'.<sup>6</sup> That is, liberal governance resists making the concept of health absolute, which as its end result makes it a citizenship right (that can also be construed as a duty of citizenship).<sup>7</sup> As we shall see, the initial Board medical policy was not so much about ensuring good health

as about protection of *full* Aborigines from interference from whites, and this paternalism had little to do with the rights and obligations of liberal citizenship.

### Remote surveys

To understand government interest in the health of Aboriginal people in remote regions, it is important to understand that the pastoral industry was reliant on Aboriginal labour. This was apparent from as early as 1899 when the Aborigines Bill was discussed in Parliament. The chairman of the 1913 Royal Commission on the Aborigines reminded the Commissioners of this fact when he read a letter from a newspaper, which referred to Aboriginal people and venereal diseases.

These black people are of great service to the pastoralists, who are very much concerned about their probable rapid extermination. What will they do if the blacks continue to disappear at the same rate for another year or two...It is to be hoped that the Government will not delay in relieving these helpless beings before the otherwise inevitable happens and leaves a dark stain upon our conscience and administration.<sup>8</sup>

The need for Aboriginal labour in the pastoral areas was perhaps the single most important reason for the concern over their health and for the focus by government on remote medical surveys.

The history of medical surveys prior to the establishment of the Board illustrates little coherence in the approaches to preserving an Aboriginal labour force in the pastoral areas. Chief Protector South sought a bureaucratic means of controlling the spread of communicable diseases amongst Aborigines. Dr Stirling, a medical expert and ethnologist, did not appear to have a well-thought out understanding of the health issues for Aborigines. Dr Basedow's own intellectual eclecticism as a geologist, medical expert and politician, meant he identified the areas of need for Aboriginal health but, at the same time, was moving on to the next project of interest.<sup>9</sup>

For many years, South had advocated that some sort of medical action should be taken for Aboriginal people in the non-settled areas. In his evidence of July 1914 to the Royal Commissioners, he stated that 'a medical man should travel round visiting and treating the natives, and then report as to future steps'.<sup>10</sup> The 1911 *Aborigines Act* had given government the power to establish hospitals for Aborigines and to declare public hospitals or other institutions lock-hospitals for the isolation of patients with contagious diseases. According to the *Act*, 'contagious disease' meant 'venereal disease, including

gonorrhoea' and this definition was contentious as venereal diseases were 'not notifiable' in South Australia and, for that reason, venereal diseases were not listed as infectious diseases in the *Health Acts*.<sup>11</sup> Legally qualified medical practitioners were authorised to examine Aborigines suspected of contagion and to detain them until they were free of disease. South stated in his 1912 Annual Report that a lock-hospital was 'urgently required' because there were 'numerous cases of venereal disease all over the State'. He suggested that it be established, in accordance with the *Act*, near Point Pearce on Wardang Island 'where all natives suffering from loathsome, communicable diseases could be isolated and treated'. South rationalised that, if the buildings were made of galvanized iron and a doctor made regular visits, this would be 'cheaper than having a resident medical officer'.<sup>12</sup> The financial costs of governing Aboriginal people were a constant concern of the Government. South's Annual Report of 1921 confirmed that governance was difficult due to the increasing costs of supplies and services. Lack of funds for the Department also meant that the Government did not implement the recommendations made that year by the Basedow medical mission (discussed below).

The Royal Commissioners took up South's idea. They asked Dr Stirling for his opinion about contagious diseases and lock-hospitals. Stirling confirmed that he had seen many cases of venereal disease in Aborigines and, as most of his experience was in the North West, he could say that there was 'a very fair amount of venereal disease there'. When asked about hospital design, he said that an iron and wood structure was sufficient and that a 'first-class hospital ward' relied more on 'sanitary appliances and proper ventilation' than construction materials. Stirling believed that venereal diseases did affect the survival of the 'black race' and that treatment was essential to their existence. He had 'doubts' as to the practical 'means for doing it', given long distances and poor communications. He agreed that lock-hospitals were a good idea and that for Aboriginal people in the settled areas there would not be much 'trouble' in putting this into effect. Notwithstanding,

[t]he difficulty is with the natives who are living in their own encampment. To get hold of those natives you would need a very drastic system of inspection and examination. If the State is prepared to undertake that you would get the natives all right.<sup>13</sup>

Given the special circumstances, the Commissioners then suggested that police troopers could send Aborigines with venereal diseases to hospital for treatment. They asked



Stirling if this method of dealing with Aborigines in remote areas was 'worth attempting'. Stirling replied that 'I hesitate to give a very definite answer to that'.<sup>14</sup>

Basedow had less reluctance than Stirling in suggesting answers to the difficult task of providing medical relief to Aboriginal people with contagious diseases and preventing their spread. The facts behind Basedow's medical mission of 1919-1920 are not clear, as his motives were complex. At the same time that he was lobbying for the creation of the North West Reserve as an inviolate area that would create a barrier against disease, he was also personally interested in exploration. He was a trained geologist and an anthropologist, and subsidised patrols helped his own intellectual and commercial enterprises. It appears that pastoralists approached Basedow to conduct a medical mission. The mission was to survey the extent of venereal disease amongst Aborigines in the interior and to administer to their needs. The pastoralists were prepared to subsidise the mission, which indicated their concern over the health of the Aboriginal labour force.

In May 1919, a public meeting was held with Basedow as the guest speaker. The Premier, the Mayor of Adelaide, the Chief Protector and three Advisory Council members were also in attendance. Basedow proposed that lock-hospitals be established 'for the treatment of a plague that among some of the tribes is rampant', and that a reserve, 'a very necessary isolation from white men', be set-aside in the interior, the rationale being that for the Aborigines who were 'clean and well there is proposed a return to their former conditions'. He argued that only in the interior was there space for Aborigines to 'resume their former mode of living', and he suggested that the Federal and Western Australian authorities be involved in the scheme.<sup>15</sup> Peake, the Premier, undertook to consult the Minister in charge of the Aborigines, as well as the Federal Government, regarding Basedow's suggestions. Basedow also told the meeting that:

There should be thorough medical protection, not only in regard to diseases brought by Europeans, but to such disorders as were brought about by the insanitary conditions of the camps. The treatment of venereal disease required the establishment of one or two lock hospitals. The aborigines have been given reserves on paper, but never in practice...<sup>16</sup>

A letter from the Governor, who had sent his apologies, was also read out to the meeting. In response to Basedow's information that a medical survey was about to be undertaken, the Governor stated: 'Government funds and Government support are the only avenues through which, in his Excellency's opinion, you can commend the success

of your venture...'<sup>17</sup> This comment seems to be a key to understanding the forces at play in relation to Aboriginal governance. The Government, even with its limited budget, wished to retain authority over Aborigines and not lose out either to the pastoral entrepreneurs or to the medical professionals. The Governor's letter also refers to rivalry between the State and Federal Governments, particularly with regard to the Northern Territory. The letter, too, may be interpreted to make a personal reference because Basedow was a descendant of German settlers and had obtained his medical degree and doctorate in German universities. In a post-war scenario, the Government may have been wary of Basedow's connections and ambitions.

As a consequence, the State Government backed the pastoralists' £500 subsidy for the medical mission with an equal amount and Basedow, his wife as nurse and two assistants (his brother E. Basedow and R.G. Thomas) made three surveys to treat venereal diseases and tuberculosis in particular. In late 1919, the party travelled northeast to the Cooper Basin area for four months and much of their medical relief went to Aboriginal people affected by the post-war Spanish flu epidemic.<sup>18</sup> In 1920, the first survey was along the east-west railway to Eucla, Nullarbor, Ooldea and Tarcoola, and the next survey was north to Marree, Oodnadatta, Todmorden, Dalhousie and the lower Northern Territory, returning to Adelaide in September 1920. The Government had set up a committee on the Chief Protector's suggestion 'to control the expenditure and fix the remuneration of the Medical Practitioner and assistants that will be required, and regulate other necessary expenditure'. The committee members were the General Manager of the Beltana Pastoral Company, Mr Thomas of Messrs Coles and Thomas, the Under Treasurer and the Chief Protector.<sup>19</sup>

The pastoralists who supported the medical mission were organised by Mr Thomas. Messrs Kidman, McTaggart and Elder gave donations, while George Brooks refused to donate.<sup>20</sup> When Basedow returned he reported to the State Government. There were interviews in the newspapers. In late 1919, he told the press that the condition of the Aboriginal people of the Coopers Basin was 'aweful', that Mounted Constable Gason in the 1880s had reported that the numbers of Aborigines was increasing so as to be a 'menace to the white population' but now diseases ravaged them. He also commented that one of the greatest needs was communication.<sup>21</sup> He said that there was an

'unwholesome state of affairs' along the east-west railway line but that he would have to report to the Government before he could make further public comments.<sup>22</sup>

Daisy Bates, an independent humanitarian, informed one of the newspapers that when the Basedows reached Ooldea they walked into the 'native camp' and told the Aborigines to 'strip and be photographed'. Tobacco was used as an inducement. Bates wrote, 'Dr Basedow is extending his very pleasant little trip, and augmenting its pleasure and profit by his numerous photographs; but in justice to myself and my work—so largely of the "hush-hush" kind—I must publish the above facts.'<sup>23</sup> Bates' publicity about her work revealed the 'competition' among the humanitarians to be recognised as experts on Aborigines and the embellishment of their achievements. Basedow himself in the foreword to his book, *The Australian Aborigines*, was not reticent about his accomplishments as he remarked that he easily befriended Aboriginal people since he was able to impress them with his medical skills.<sup>24</sup>

Basedow's report was submitted to the Commissioner of Public Works and the Advisory Council. The Council damned the report by stating that it would involve large expense and departed from government policy.<sup>25</sup> The Council recognised that medical surveys involved scientific expertise and was a move away from the influence of missionary groups to provide medical services in remote areas. As explained, South made no reference to Basedow's Report in his Annual Report while the Commissioner of Public Works only commented that Basedow had completed his medical survey.<sup>26</sup> The newspapers appeared to forget the matter entirely as it was overshadowed by debates on the proposed new Aborigines Bill for the Training of Children. South, who had a particular interest in medical surveys, resulting from his early experience in the police force, was debilitated by heart disease and died eighteen months later.

Nevertheless, some pastoralists who were involved financially in the medical mission (Kidman and the Beltana Pastoral Company) did not retreat. With the help of pastoralists in the Queensland section of Coopers Creek, they instituted a service called the Border Nurses from 1924. Then in 1928, the Australian Inland Mission opened the Elizabeth Symon Nursing Home at Innamincka to serve the area. The Mission was a medical, spiritual and social service for white people in particular. The nurses, according to Burchill, also cared for Aboriginal people.<sup>27</sup>

Basedow continued with his campaign for the North West Reserve and recognised that the Federal Government was possibly more suitable for this purpose and more financial than the State Government. In 1922, he proposed to the Governor General of Australia that an Aborigines' Medical Protection League be established. The Federal Government, although it had financed the Northern Territory part of Basedow's survey and other reports and surveys (Walker and Bleakley in 1928), as noted previously, was more interested in the promotion of white settlement in the Territory. To this end the Inland Mission, and later the Flying Doctor Service (1927), provided a medical service for the Territory's inhabitants.<sup>28</sup>

### **Local attendance and public health**

Even though the Aborigines Department did not act upon the medical surveys of 1919-1920, other than to forward them to the Department of Health for consideration, they still managed to be an issue. When the Aborigines Protection Board drew up its policies to enable the Aborigines 'to become independent and useful members of the community' in 1940, it specified its health policy to be a 'Medical survey of the health of the aborigines in South Australia'.<sup>29</sup> The rhetoric about the required expertise for the Protection Board had focussed on the need for medical experts and this meant a focus on surveys. It is surprising that medical surveys overshadowed medical attendance as the Aborigines Department and Protectors had been attending to health since at least the time of Protector Hamilton (1873-1908) when doctors were no longer the preferred choice as Protectors. The rhetoric indicated that medical experts like Duguid and Cleland had such authority that their ideas about surveys as the focus of Board policy were not contradicted. Duguid and Cleland both thought only tribal 'full-blood' Aborigines were 'true' Aborigines and hence their bias towards medical surveys. There is more discussion on the authority of scientists in Chapter 7. As we shall see, however, by 1956, 'welfare' became the key concept articulated by officials and the policy was changed to 'Medical supervision of health of aborigines of South Australia'.<sup>30</sup> As the emphasis shifted to *part* and detribalised Aboriginal people and assimilation, surveys by individual medical experts gave way to attendance by 'welfare' experts. Perceptions of the problem had altered, and 'experts' were recruited accordingly.

At the same time as Hamilton was made Protector in 1873, legislation was enacted to prevent the spread of disease in the State. For example, in the same year, the *Public*

*Health Act* created the Central Board of Health and Local Boards of Health attached to local government. Also, at that time, the Government sought to combat disease via immigration and enacted the *Quarantine Act*. (The *Vaccination Act* had been in effect since 1853, vaccinations having been made compulsory in England from that date.) Those implementing public health legislation included medical practitioners, nurses, sanitary inspectors from the Central Board of Health and the Local Boards of Health, police, inspectors from the Departments of Education and the Children's Welfare and Public Relief (Destitute Board), as well as the Aborigines Department and missionaries.

Governance through public health laws was the convention in England where '[s]ocially conscious medical men were already public-health experts when they were brought into government in the mid-1850s'. By 1875, they 'also became administrators and generators of sanitary legislation'.<sup>31</sup> The need in England for sanitary regulations resulted from the occurrence of epidemics, for example cholera, and of endemic diseases, such as typhoid, due to unregulated urban development. In South Australia, the need was related both to the absence of sanitary infrastructures and to a concern to maintain the image of the State as a desirable place for immigrants because it had a 'healthy climate and [was] a land free of epidemic and endemic disease'.<sup>32</sup> The public health professionals were able to implement measures quickly using the English experience of modern sanitation and disease prevention through the isolation of infectious persons. There was always a certain amount of public resistance, however, to public health regulations, which involved vaccinations, destruction of unsanitary dwellings that still were homes, and lock-hospitals.<sup>33</sup>

Hardy identifies nineteenth-century administrators as vacillating between *laissez-faire* and intervention (or utilitarianism). The former guaranteed the liberty of the individual over the good of the state, and limited government expenditure or the immediate economy, rather than expenditure for long-term economy.<sup>34</sup> South Australian governments struggled between the two economic practices. On the one hand, governments denied individual liberty by implementing the *Vaccination Act* and so on, but on the other hand, they supported the medical professionals' confidential relationship with patients when it came to advising on the incidence of venereal diseases. As noted earlier, venereal diseases were 'hush-hush' or 'a plague' and not a topic for polite conversation. Although a *Venereal Diseases Act* was passed by both

Houses of Parliament in 1920, it was never proclaimed despite the fact that after the First World War the disease was endemic, as ten per cent of soldiers returned infected. A clandestine night clinic for venereal disease carriers was established at the Adelaide Hospital but mandatory reporting was not enforced until 1965.<sup>35</sup>

When it came to venereal diseases, the Aboriginal population was denied individual liberty from 1911. Under the 1911 *Act*, power was given to government officials and medical practitioners to detain Aborigines for treatment. Given the earlier discussion on the illiberality of liberalism, the legal-medical apparatus of security applied to the Aboriginal sub-population through the 1911 *Act* is not unexpected. However, the aspects of this measure are complex. 'Despotic' governance was applied to Aboriginal people generally because they were seen to be 'immature', in a state of 'nonage', needing to be improved. The description of venereal diseases as 'hush-hush' and 'a plague' referred mostly to prudent notions about sexuality and to its rampant spread amongst 'immoral' people. Aborigines, like savages and children, were not considered capable of controlling their 'lower' urges because only 'the wills of truly mature adults were powerful enough and sufficiently well-trained to exercise control over the passions'.<sup>36</sup> However, the 'plague' aspect of the diseases, rather than immorality, was of more concern to medical professionals because of the fear of lack of containment. Officials, too, had reservations about containment because they left control of venereal diseases among Aboriginal people in remote areas to the police. Police surveillance was thought to be limited because of Aborigines' 'walkabout' habits.

The intention of the 1911 *Aborigines Act* was that a medical practitioner would force detention but it appears that there was the option not to do so. The intention was made apparent in South's note to the Commissioner of Public Works, in late 1910, about four cases of syphilis reported by police at Denial Bay on the West Coast.

This is a most serious case and points to the urgent necessity of the Bill now before parliament becoming law as under clause 17 these natives could be put and kept on Koonibba Mission and medically treated instead of being permitted to wander about spreading this loathsome disease amongst both whites and blacks to be handed down for generations as pointed out by Dr Stevens.<sup>37</sup>

Section 28(3) of the new *Act* stated that the practitioner 'may' rather than 'shall' direct the removal to and detention in a lock-hospital for Aboriginal contagious disease carriers. Governments either did not blatantly want to deny individual liberty to persons

with venereal diseases, or knew they could not enforce these regulations, as they had not set up hospitals for this purpose.

The debate between the rights of the individual and the good of the state may have exacerbated the relationship between government and the medical profession over control of public health. There was a dispute over government control of appointments, made under the 1867 *Hospitals Act*, to the Adelaide Hospital Board.<sup>38</sup> The medical profession wanted to retain authority over its own status although it was aware that it benefited from its relationship with government. Osborne believes that liberal governance's problems arise when trying to control medicine because it 'allows and promotes' the 'enhancement of the status' of medical professionals.<sup>39</sup> He explains that:

The passage of acts delimiting the expertise of the profession, the establishment of ethical codes and of a medical register can be described as liberal manoeuvres—whatever their consequences concerning the professional 'enclosure' of medical knowledge, or the guaranteeing of particular status-patterns for selective sectors of the profession in so far as they were attempts to govern medicine at a distance, even whilst this entailed the maintenance of the social status of clinicians as a key determinant of competence itself.<sup>40</sup>

Apart from perceived government interference in the profession, the doctors also were divided amongst themselves over the causes of infectious diseases. The miasmists believed that disease originated in the miasma caused by decay, hence the need for good ventilation, while the contagionists believed disease was a result of transmission from the sick to the healthy.<sup>41</sup> There was also a divide amongst the public over whether or not the services of scientifically trained doctors were preferable to using patent medicines or traditional healing practices. Linn's analysis shows that there is some doubt as to whether the medical profession gained its status from its 'reliance on scientific discovery', 'through innovative thinking' and 'a willingness to be a part of public health', or because government recognised and supported its authoritative role.<sup>42</sup>

As pointed out previously, medical professionals contributed to the appearance of disunity in health services and governance through their eclectic interests. From first settlement, doctors had been conspicuous in that they took on many roles in society (Wyatt and Moorhouse were examples). By the end of the nineteenth century, 'medical men...[were also] leaders in various branches of natural history', for example Doctors Stirling, Ramsay Smith, Basedow and Cleland.<sup>43</sup> Because medical professionals had authority in so many areas of government and knowledge, it is important to ascertain

how medicine propagated white ideas about Aborigines that influenced governance, and ultimately Aboriginal people's ideas about themselves.<sup>44</sup> Given that 'medicine spoke with all the authority of science and in universalising utterances...[it] made it all the more attractive to espouse, all the more difficult to contradict'.<sup>45</sup>

In general, the Aboriginal population was not held responsible for its ill health. Rather Aborigines were seen as free of diseases before their introduction from outside. This view needs to be understood in the context of the determination of white settlers in South Australia to maintain the idea of the purity of the natural environment and its inhabitants, so as to attract immigrants. Therefore, numerous statements were made about the healthy climate in texts on South Australia.<sup>46</sup> Aboriginal people were said to have deteriorated as a society only because of whites, Afghans, Chinese and so on. Diseases were introduced and the Aborigines were forced to live in one place rather than as nomads. They were said to be promiscuous but the spread of venereal diseases was considered to be the fault of others, not of Aborigines themselves. These views show a marked contrast from Vaughan's study of Western medical discourses on Africans where in the early years of colonisation African 'primitiveness' was seen as the cause of disease. The distinction for Aboriginal people was that 'deculturation' through living in houses, wearing clothes, drinking alcohol and so on, was not presented as their fault.<sup>47</sup>

The Royal Commission of 1913 was concerned with the increasing numbers of part-Aborigines. Part-Aborigines were no longer identified as Aborigines and there was constant reference to their being almost white. It was after this time that 'decultured' Aboriginal people were seen as blameworthy in terms of health. They were thought undeserving of assistance, like the poor, white labouring classes, because they did not help themselves but lived on doles. As a result, the medical discourse about part-Aborigines who were perceived to be 'decultured' because of their light caste increasingly reflected medical discourses about dependent whites.

The Central Board of Health controlled and reported on public health in the State. It did not identify Aborigines in its reports unless to describe the outbreak of disease at a particular government station or mission. An analysis of the Central Board's Annual Reports over a thirty-five year period reveals very little about Aborigines and their health. The only incidents noted were that typhoid fever was suspected at Point Pearce



in 1942, immunisation conducted in the outback including the Nepabunna and Finnis Springs missions in 1953, and a survey of Aboriginal people was undertaken in the Far North for tuberculosis in 1955.<sup>48</sup> This indicates that the Central Board did not consider 'decultured' Aborigines living in or near country towns and in Adelaide to be different from whites, as their medical condition was not itemised in its Annual Reports.<sup>49</sup>

The Annual Reports from 1955, and for the next two or three years, revealed more as they covered tuberculosis testing. Statistics were presented for country and metropolitan school children, both those born in Australia and migrants, National Service Trainees and 'Aboriginal natives'. During the 1950s, immunisations carried out at Ernabella mission were also noted. Then in 1958 and 1961, poor sanitation was reported at Gerard mission in particular. It was not until the 1958 Annual Report that there was any serious discussion on Aboriginal health. Because of its uniqueness, I quote it in full.

Primitive aboriginal sanitation was highly adapted to a nomadic way of life. The congregation of natives on mission stations has made an alteration necessary. Some missions have been deficient in both knowledge and resources. Others have endeavoured not to interfere with native customs. Action has been taken to help the former and in the latter case it has been explained that alteration in living ways must necessarily involve an over-riding of custom. Many countries have a large substandard native population which acts as a reservoir of endemic diseases. Efforts are being made to prevent our small native communities from becoming such a reservoir.<sup>50</sup>

In this public health discourse, Aboriginal people were not responsible for disease rather the blame for disease was attributed to the ignorance of mission and government officials and to the inadequacy of resources. Thus, although the medical discourse was spoken authoritatively and was 'difficult to contradict', the only white ideas about Aborigines were that their suffering resulted from white failure to overcome disease. This discourse contributed to the prevailing idea that Christian missions were 'responsible for much poor physical and mental health'. In contrast, the contemporary view is that some missions helped to maintain Aboriginal connection with land, thereby contributing to good health.<sup>51</sup> Overall, it is noteworthy that South Australian health discourses in the main, unlike those in Africa, did not sheet home responsibility for ill health to the Aborigines themselves.<sup>52</sup>

In general, public health discourse on Aboriginal health reflected a combination of ideas from both medical professionals and government officials. Cleland personified this professional and governmental combination. He was for over thirty years, from the early 1930s, a member of both the Central Board of Health and boards associated with

the Aborigines Department.<sup>53</sup> Medical professionals like Cleland, as discussed above, were leaders in other sciences and it is in the disciplines of anthropology and natural history that discourses about Aboriginal difference were most apparent. These are discussed in Chapter 7 where I survey scientific theories as they were applied to Aboriginal people. The specific discourse of the Public Health professionals rarely commented on Aboriginal difference. 'Public health' was mainly concerned with areas of dense population and Aborigines in urban areas were perceived to be no longer *full* (tribal) Aborigines. 'Decultured' Aborigines were treated to similar medical and public health supervision as the dependent poor in the white community. Also, as public health was concerned with densely populated areas, the experts involved included engineers, architects and statisticians, as well as bureaucrats and medical professionals. Most of the former experts had minimal experience and knowledge of Aboriginal people.

### **Medical policies of the Board**

The debates on the 1939 Bill revealed that the politicians' intents were to make a medical professional a Board member, although they appeared to be disinterested in the specifics of the medical policy and its administration. Duguid and Cleland were the medical professionals favoured by the politicians. With so much effort and time spent on determining the type of Board membership, no thought was given to the fact that the requirements of Section 24 (Hospital Accommodation) and Sections 25-26 (Provisions for Treating Contagious Diseases), and the definitions of 'Contagious disease' and 'Lock-hospital', remained the same as the 1911 *Act*. It was not until the enactment of the 1962 Bill that the emphasis on lock-hospitals and venereal diseases was dropped, thereby removing the stigma that had become attached to Aboriginal people. Broader meanings of health were made under Section 25 (Provisions for Treating Contagious or Infectious Diseases) in the 1962 *Act*. There was no good reason for the emphasis on venereal diseases above other infectious diseases in the 1939 legislation, apart from maintaining the lineage of the 1939 *Act* with the 1911 *Act*. The emphasis was thought necessary because, although all contagious diseases caused debility and might lead to death, only venereal diseases were widely linked to sterility, a concern for those who wished to preserve the Aboriginal 'race'.

There were two groups in the white population who were most concerned with the declining population of 'full-blood' Aborigines, and venereal diseases were thought to

be a significant reason for this decline. Pastoralists, as noted previously, were aware that as their enterprises relied on Aboriginal labour, venereal diseases would deplete the numbers of workers available in the future. The other group were the white professionals who carried out surveys on 'full-blood' Aborigines, particularly those living in the North West Reserve. It was noted that, in 1933,

an Adelaide University party visited...the forerunners of the endless stream of personnel to visit...These scientific bodies conduct surveys on every conceivable aspect of the Aborigines. They do dental surveys; surveys to discover why Aborigines can sleep on bare ground without covering, even when the ground temperature is sub-zero; why natives of the interior have fair hair...of the making of surveys there is no end!<sup>54</sup>

Cleland as a prominent member of the Board for Anthropological Research at the University of Adelaide was one of the scientists who conducted surveys. The idea of 'medical surveys' espoused in the Board's policy, also referred to these scientific surveys, and by keeping the policy brief and unrestricted, it allowed scientists to carry out all manner of tests in the name of medical science without upsetting Board policy.<sup>55</sup>

Given that Duguid wanted Aborigines of the North West to be protected, it is surprising that he did not expand on the Board's medical policy so as to provide protection for those at Ernabella mission from excessive scientific investigation and consequent contact with the outside. He had previously reported, in 1935, that 'scurvy in Central Australia, where cattle and drought have destroyed the vitamins, influenza, tuberculosis and venereal diseases are among the commoner diseases to which the native has fallen prey'. He was determined to protect the 'full-blood' Aborigines since their 'health' was 'serious, and the only hope is to get them away from the townships and as far as possible from contact with white men'. He deplored the fact that there had never been 'a medical missionary in Australia' and felt that, when 'a Christian Anthropological Mission' was established in the North West, 'an approved Christian Medical Missionary, who has had anthropological training', should be employed.<sup>56</sup> Duguid believed there were good and bad white influences on Aborigines. It was the whites with few morals amongst the doggers, miners and station people that he wanted restricted. Anthropologically trained medical people were another matter altogether.

In the late 1940s, the idea of the immoral white as opposed to the white professional as the reason for the problems faced by Aborigines was prevalent. For example, the theme of a play performed at the time in Adelaide inferred that regretful incidents would

continue to occur 'if authorities continue to use debased types to contact aborigines, instead of scientists'. The play purported to be opposed to the Rocket Range at Woomera but, contradictorily, not to the English rocket scientists employed there.<sup>57</sup>

It is clear that the two medical professionals on the Board had particular personal interests that did not include part-Aborigines, whom they did not distinguish from whites. Duguid, as noted previously, wanted to be concerned specifically with tribal 'full-blood' Aborigines. Cleland, as a member of the Central Board of Health and a pathologist noted for having performed '6,000 continuous autopsies', was professionally involved in the prevention of disease and the history of disease as told through post-mortems. That is, he was an expert in bodies of all kinds.<sup>58</sup> Nonetheless, like Duguid, he had a keen interest in the Aboriginal people living in the inviolate North West Reserve because they were 'racially' pure, untainted by whites both morally (Duguid) and physically (Cleland). As stated earlier, this explains why no medical policy other than medical surveys of Aboriginal people in remote areas was articulated when the Board was formed.

Duguid divided Aborigines, of whom he was a Protector as a Board member, into 'the whole blood and the myall natives' and the rest.<sup>59</sup> His request for a position on the Board, although he wanted to represent only tribal Aborigines, was not easily dismissed, as he was able to say to the Commissioner of Public Works that he spent his annual holidays at Ernabella. 'I am sure the Pastoral Board as well as your own Department will recognise the extra value my visits to the far north and the farthest north west will have if the powers of a Protector were officially vested in me.'<sup>60</sup> The cash-strapped Aborigines Department could not ignore free medical support in inaccessible areas.

Even so, Duguid was involved in the issues of all Aboriginal people. After he resigned from the Board over the Government's acceptance of the Rocket Range, he informed the Commissioner of Public Works that he was available should the Aborigines Department require his help with 'aboriginal uplift and welfare'.<sup>61</sup> Most importantly, he was available for medical emergencies or other matters arising in the North West Reserve and, consequently, he was called in to help with the measles epidemic in 1948. His notoriety as the person behind the establishment of Ernabella mission, his public denouncement of the Rocket Range, his activities in the Presbyterian Church and his

membership of the Aborigines Protection League and the Aborigines Advancement League meant that his opinions about Aboriginal affairs were sought out.

Duguid was critical of most government and mission activity, except for Ernabella. He favoured 'full-blood' Aborigines because he believed they were not affected by any inheritance from 'depraved' whites. In 1942, he assured a fellow Presbyterian that there is 'no question of Ernabella being asked to cater for half-castes. The Aborigines Protection Board would never sanction that...we need another home [Colebrook Home was already overcrowded] for these children who are at large and unprotected...'<sup>62</sup> Although he tried to help part-Aborigines, he believed that their future was assimilation. However, his attitude did change over time. His personal bias was shaken in the 1950s when his foster son, a 'full-blood' Aborigine, wed a part-Aborigine. Also, because of his work with the Aborigines Advancement League, he was personally involved with part-Aborigines when they moved into urban communities in the 1950s.<sup>63</sup> Duguid's personal experience affected his scientific beliefs, challenging the common image of the disinterested professional (see figure 8 Duguid combined personal activities with his political aims).

Duguid was concerned over the lack of a medical mission in the interior and he expressed this in letters to both State and Federal Government officials. Like Basedow before him, he realised the importance of dealing with the Federal Government when it came to reserves for Aborigines. From at least 1934, he lobbied the Federal Minister for the Interior about reserves, ration depots for the aged and infirm, nursing staff at northern missions to attend to lepers, freedom of access to waterholes and fauna on pastoral leases and the needs of detribalised Aboriginal people, in particular that the white man needed to 'stand by the contract', a euphemism meaning not to 'interfere' with Aboriginal women.<sup>64</sup> By 1942, Duguid called on the Minister for the Interior to make Ernabella a 'buffer station' and to carry out scientific investigations of Aboriginal health:

It would cost at least £1,000 a year without equipment if a first class man is to be employed, and anything less than first class should not be contemplated...A medical research depot among the tribal aborigines would receive world-wide attention on the scientific side and on the humanitarian it would save the native race.<sup>65</sup>

Duguid had previously argued that the Federal Government would not establish a medical service for Aborigines, 'so long as the natives are not a menace to the health of

the white population'. He said that Aborigines die when they get European diseases while they are in a chronically sub-nutritional condition.<sup>66</sup> Shortly after, his argument for medical staff rested on the idea that anthropological research was both necessary and optimal—he manipulated the logic of his debates to get the results he desired.

Duguid assisted in the creation of the image of 'uncontaminated' Aboriginality in the North West, which would serve to allow Board members and missionaries to become the regulators of the types of white influence that were permitted to visit Aboriginal reserves, the North West Reserve in particular. During the operation of the Board, for example, R.M. and C.H. Berndt, anthropologists and representatives of the Australian National Research Council and the University of Sydney, were prohibited access to missions and stations in 1943 to undertake 'a survey of the contact between natives and white people and the problems and repercussions arising thereon'.<sup>67</sup> In 1959, Michael Sawtell, a member of the New South Wales Board for the Protection of Aborigines, was refused entry to the North West Reserve, as was 'The Inland Mineral Expedition', whereas C.P. Mountford and L. Sheard, who were supported in their activities by the South Australian Museum, were given approval in 1940. Again, we see the highly selective use of scientific expertise in the governance of Aboriginal people.

### **The Board and medical attendance**

As noted earlier, the health of Aboriginal people was maintained by numerous 'depot keepers', 'medical officers', 'hospital authorities and attendants'. It had been the policy of the Colonial Surgeon to appoint medical officers to country towns, public hospitals and prisons. The medical officers had 'destitute and police duties', in addition to their paid work at country hospitals.<sup>68</sup> Dr Cotter, government medical officer at Port Augusta, described his numerous duties in an effort to elicit a pay-rise from the Colonial Surgeon's Department in 1871:

[i]n this Port we have to receive the destitute sick sent down from the Far North (over 50 Miles) the West (250 Miles) & the East (100 Miles) in addition to our own population which comprises an average destitute list exceeding 50 persons and an average of about 250 Aborigines—the Gaol likewise is situated about three and a half miles from the port.<sup>69</sup>

From 1902, as a cost-cutting measure, the Colonial Surgeon's Department gradually altered the duties of medical officers of country hospitals so that they did not attend the destitute poor or Aborigines *ex officio* but received a retainer from other government

sources for the service. By the 1930s, it was expected that particular government departments themselves, like Children's Welfare and Public Relief Department and Aborigines Department, and the local government authorities would appoint medical officers and pay retainers for their services.<sup>70</sup>

As a consequence, the policy of the Aborigines Department was similar to that of the Welfare Department regarding 'Medical attendance for persons in needy circumstances'. Regulation 89 under the *Maintenance Act* of 1926 stated:

Medical Officers to attend persons in necessitous circumstances are appointed in various districts throughout the State. Orders for such attendance may be given by the Chairman, Mayors and Town Clerks of municipalities, Chairmen and Clerks of district councils, and Representing Officers of the Board.<sup>71</sup>

At the very first meeting of the Board in 1940, members renewed the existing arrangement regarding services between the Department and the numerous medical providers. Annual allowances for medical attention to Aborigines were approved for seven doctors. Also, the annual donation of ten guineas to the Adelaide Hospital and of ten and three guineas respectively to the District Trained Nursing Societies of Marree and Farina were also passed. In addition, the annual subsidy of £5 for medical supplies provided by former Mounted Constable Aiston to Aboriginal people in the far northeast of the State was approved. There was a standard written agreement made between doctors and the Department. For example, Dr P.F. Shanahan signed an agreement for £50 per annum in January 1921 for the Marree to Oodnadatta district, which included all the area along the railway line between the towns. The agreement read:

I hereby agree to give Medical Attendance to supply Medicines...to all sick Aborigines, at their personal application to me at the places above mentioned. I also agree to attend at the Aborigines' wurlies or other dwelling places, within a radius of 5 miles from my residence in such district, such of the Aborigines as may at any time require medical or surgical aid, and are unable to apply personally to me, and will render them whatever professional assistance or medicines they may be in need of.

I undertake to keep a record of all cases of disease, accident, etc, coming under my observation and treatment, and forward a quarterly return on the prescribed form to the Protector of Aborigines, Adelaide, together with a report on the general condition of the Aborigines during such period.  
One month's notice of resignation required.<sup>72</sup>

The other doctors who made agreements in 1921 resided at Victor Harbor, Kingston and Bordertown, and they received annual subsidies ranging between £7 and £13.

Sick Aborigines had to obtain an order, similar to that required by Regulation 89 of the Children's Welfare and Public Relief Department, before they made 'personal

application' to the doctor. In 1936, the police and medical officers at Streaky Bay wrote to the Chief Protector asking about the required procedure for Aboriginal people to get medical treatment. Chief Protector McLean replied that an order was required from either the district councillor or police officer before calling on the doctor.<sup>73</sup> This procedure was the same as the Relief Department's procedure for those in 'needy circumstances'. Non-Aborigines applying for relief from the Welfare Department often approached the local court or police station since the officials were the representatives of the department in many districts.<sup>74</sup> The need for an order was justified by the following reason:

The expenses for medical attendance on natives is heavier in this district than any other and I would be glad if the Constable would keep a strict look out to see that the natives do not impose on the Department as they are very fond of running to the Doctors for medicine. (The Chief Protector to the Commissioner of Police regarding the police at Swan Reach on receiving the account of Dr Webb of Swan Reach for attendance on an Aborigine.)<sup>75</sup>

Non-medical officials like police officers or councillors were expected to make decisions as to whether or not needy Aborigines required medical attention. Police often assumed this task simply because there was no local government in remote areas, and one of their most important duties was patrolling. The emphasis on following strict procedures to obtain medical services reflected the view (stated explicitly in the previous quote from the Chief Protector) that efforts were needed to weed out hypochondriacs and malingerers among Aboriginal people. On the other hand, it is completely possible that governments wanted to minimise expenditure and hoped this could be achieved if the Aboriginal populace was dissuaded from using services because of the troublesome paperwork required.

By the 1930s, there were 38 government-subsidised country hospitals, 'all classes being eligible for treatment thereat, and charges made in accordance with the financial circumstances of each patient'.<sup>76</sup> Those unable to pay for treatment, that is destitute, were admitted free of charge. At times, community hospitals, after determining that the Aborigines who were regular attendees were not destitute, would write to the Aborigines Department requesting that it pay 'an annual grant...for attendance and maintenance of Aboriginal patients'. The Department usually gave this type of request short shrift not only because of its own impecunious state, but as the Chief Protector stated to the solicitors of the Maitland Hospital, the 'Hospital Board may charge these patients if it is considered that they are not destitute...' In this particular case, the Chief



Protector believed he was not failing in his duty to Aboriginal people to provide for their welfare should the Hospital refuse treatment because of failure to pay, as the local medical practitioner in Maitland attended nearby Point Pearce government station for an annual stipend.<sup>77</sup> This example of the types of 'disputes', between the Department and hospitals, indicated that medical provision for Aborigines was complex. Often, officials were unsure of the particular responsibilities of the Aborigines Department, as opposed to those of the Welfare Department, and also many Aboriginal people were unaware of these divisions and of the expectation that they were required to pay if they were not destitute.<sup>78</sup>

The Aborigines Department was quick to make government-subsidised medical services accept responsibility for Aborigines as they would any needy white person. In 1940, the Elliston Hospital, which did not have a resident medical officer, claimed for treatment of an Aboriginal woman by the Streaky Bay doctor, which was charged to the hospital. The Department refused to pay on the grounds that the Government paid an annual subsidy of £470 to the hospital so that destitute patients and State children could be treated there.<sup>79</sup> The Department's perception was that its own funds were for those Aboriginal people who did not get treated as 'white' people, namely 'full-blood' Aborigines, and for those who were not able to provide for themselves, the old and infirm amongst part-Aborigines. However, the situation regarding infectious diseases produced a different response. Local government councils usually accepted the costs of sending residents with contagious diseases to the Metropolitan Infectious Diseases Hospital. If the residents included Aborigines, the Department agreed to pay hospital bills incurred by councils for all Aboriginal people.<sup>80</sup>

In order to explain the particular effects of such medical policies on Aboriginal people, fringe-dwellers at Iron Knob and at Kingston are examined. Board members, Cooke and Johnston, inspected the camp of 28 Aborigines of 'full-blood' and mixed race at Iron Knob in August 1940 with the local constable. The women Board members were concerned with the site of the camp that was exposed to the elements, and was half a mile north of the industrial town. They were also concerned about the inadequacy of housing. In their report, they repeated the comments of the local schoolteacher and white parents who did not want children who 'coming from such miserable crowded homes, may contaminate the white children'. They also gave the constable's viewpoint

that the Aborigines would be better off either 'living in a community of their own' near several farms that offered the men work, or being transferred to the mission at Port Augusta. Cooke and Johnston thought the Aboriginal schoolchildren 'looked fairly clean and bright, and some were getting on well at school'. They recommended that the Board should consider supplying milk for the children since their parents could not afford it. Also, they stated that the rations were inadequate, as they were the basic flour, sugar and tea, and that rice or sago, soap, baking powder and material for clothes should be included. The ideas of women Board members are explained in the next chapter.

The inspection was a fact-finding one that members, on appointment, carried out all over the State to examine conditions of camps and missions. There was also the task of finding out the numbers of adults and children, and in particular, the ages and parentage of the children. Cooke and Johnston reported that there were fourteen children below ten years of age in the camp. Three were 'white children' and the 'other children looked like half-castes'. Apart from the personal statistics, there were the issues of housing and health. In one dwelling, the mother had taken two children to Port Augusta hospital; that left four others in the care of her spouse. He was unable to work till she returned and this meant he was unable to bring in the meagre amount of 25 shillings a week for labouring on a nearby station.<sup>81</sup>

The police and schoolteacher were applying pressure to move the Aborigines to Port Augusta and set up a 'separate school for the Aboriginal children' there. The local policeman was more sympathetic to the Aboriginal people than his superior in Port Augusta, who believed that unnecessary expense was being incurred when sick Aborigines had to be escorted to the hospital in that town. The Head of the Aborigines Department had advised the local policeman that Aboriginal people had to go to Port Augusta public hospital rather than the private hospital at Whyalla, which was closer, unless they were 'too sick to undertake the journey'.<sup>82</sup> When the local policeman conveyed the news that the Aborigines objected to sending the children to Port Augusta mission for schooling, unless 'accompanied by their mothers', the Board opposed the move and sought the help of Reverend Woods of Whyalla to assist in improving living conditions at the camp. The Board also decided to ask the Commissioner of Public Works to request the Lands Department to find a suitable site to create a local Aboriginal Reserve. The Board thought the 'solution' to the 'problem' of the Iron Knob

camp that included 'full-blood', detribalised Aboriginal people, at this point in time, lay in a quasi-protection rather than assimilation into the country centre at Port Augusta.

This example revealed the complexity of issues affecting one small group of Aborigines. The Education, Police, Aborigines and Lands Departments all had input into the handling of the medical requirements of Aborigines. In addition, the medical officer at the Port Augusta hospital and the local board of health inspector had opinions on the issue. The Protection Board had to consider the needs of the Aboriginal people concerned and the suggestions for their good health by sundry officials in the field but, ultimately, the Board members' decisions rested on the status of the Aboriginal people concerned. Namely, 'full-blood' Aborigines required protection and detribalised 'full-bloods' were on a slow track to assimilation in comparison with mixed-race Aborigines who were on a fast track.

Meanwhile another group of fringe-dwellers, the mixed race Blackford Aboriginal populace, lived in a village near Kingston (South East). The visit by the Board members to this group was scheduled for the end of 1940, but illness struck the Aborigines leaving at least two children dead as a result of tubercular meningitis. The group had been targeted previously by the Board to be exempted from the new legislation, the 1939 *Aborigines Act*. The local policeman informed the Board of the deaths in November, and that other Aboriginal people had been admitted to hospital 'reputed to have been covered with vermin and scabies', and that one adult was suspected of having tuberculosis. The Secretary to the Board asked the policeman, when next issuing rations to the Aborigines, to instruct them 'to take every precaution against disease and to clean up their houses, camps, lavatories, etc'. He informed the officer of the expected Board visit where 'the question of the general health of the natives will then come under review'. The visit was postponed until March 1941, on the police officer's advice, because 'on account of sickness, [the Aborigines have] moved to various parts of Coorong'.<sup>83</sup>

The Board unsatisfactorily left the police officer to issue instructions for cleaning up houses and yards, and failed to provide relief for this group of Aboriginal people immediately, before it temporarily disbanded. Cleland's report on the visit stated that the 'houses and premises and gardens were remarkably neat and clean and tidy...Even though it was known we were coming, it was obvious that these places were under

ordinary circumstances well looked after'.<sup>84</sup> This statement overlooked the fact that just four months earlier highly contagious diseases had been reported, some resulting in deaths. It was more remarkable that Cleland, as a member of the Central Board of Health, did not investigate the conditions at Blackford village since diseases had been rife in the immediate past. There were unanswered questions about a lack of lavatories, sewerage pits, good water, warm clothes, firewood and so on.

Cleland noted that the Aborigines 'seem to fit in reasonably well in the surrounding social fabric', and that they did not demand much of the Aborigines Department. He believed that the majority should be 'exempted from the provisions of the Act and passed out into the general community'. He argued that should the exempted Aborigines 'meet with reverses their necessities could be attended to equally well by the Public Relief Department'. Cleland's comments provide insights into how the Board perceived its responsibilities and how distinctions were drawn among Aboriginal people to suit these perceptions. The Blackford village case revealed that, for the Protection Board, the Aborigines Department had no responsibility for those who were 'exempted', while those with exemptions who 'reverted' to government dependency became the charges of the Public Relief Department. Cleland suggested that 'enquiries might be made as to what medical arrangements are made with the local medical man by the Public Relief Department for the necessitous poor. At present I believe we pay about £20 a year, plus mileage, for attendance on the natives'.<sup>85</sup>

Cleland appeared to be unaware of the degree to which medical services had been used in the last year by Aboriginal people. The police officer's reports revealed the extent since he issued rail passes for Aborigines to attend hospital on the advice of the local doctor, and referred them to the doctor for medical attention. For example, the policeman issued a rail pass to a man to visit his tubercular wife in Naracoorte Hospital (this man's mother and two sisters died two years prior, apparently from typhoid); a woman and her son were supplied with the inflammation-reducing drug antiphlogistin; a woman was issued with a rail pass to take her child to hospital; rail passes were again issued for a woman, also a mother with a sick three year old child and a man to take an old, infirm adult to hospital; a woman accompanied her sick son to the hospital on Dr Marsden's recommendation; other Aboriginal people requested blankets and clothes as they were 'badly off for clothes now'; and Dr Marsden confirmed scabies at

Blackford.<sup>86</sup> Despite his experience in public health, Cleland did not make an issue of the health situation in Blackford because, as a consequence of exemption practice, the Board relinquished responsibility for the Blackford Aborigines to the various authorities that dealt with the local white community.

The health conditions at Iron Knob and Blackford can be compared. The Iron Knob camp people were detribalised Aborigines or the immediate descendants of them. They were not considered ready to 'pass' into the general community without considerable assistance. Therefore, they were not thought to be a group who would receive exemptions from the *Act*. On the other hand, almost all of the Blackford Aboriginal populace was exempted, whether they wanted to be or not, in April 1941. The Aborigines Department immediately provided the Children's Welfare and Public Relief Department and the Unemployment Relief Council with a list of exempted Aborigines stating that all costs for medical attention, fares, rations and so on were to be arranged with the Welfare Department and that in 'actual practice the persons exempted are not entitled to any privileges or concessions from the Aborigines Department'. Nonetheless, shortly after, the Head of the Aborigines Department supplied an exempted family with rabbit traps informing the police officer that:

[s]trictly speaking the aborigines who have been exempted...are not entitled to receive any benefits, the cost of which would be chargeable to the sums voted for aborigines. However, I will take the responsibility of supplying 2 dozen traps so as to give this family every opportunity to make good.<sup>87</sup>

The officers of the Aborigines Department would continue to make arbitrary decisions over assistance for exempted Aborigines. In the example given, concern (or maybe caution) might have played a part in providing assistance since the family involved was the same one that had lost a grandmother and two aunts to typhoid, and two daughters to tubercular meningitis. This family also had enlisted the help, in late 1940, of their local Member of Parliament for government assistance to pay for the funerals of the two girls.<sup>88</sup> Publicity over the poor health conditions of the Blackford Aborigines would have discredited the newly appointed Board and the Aborigines Department. The Head, cautious about public criticism, knew that by assisting the family he was avoiding it.

These examples reveal that while the medical requirements of the Blackford Aboriginal people became the responsibility, strictly speaking, of the Welfare Department, those of the Iron Knob Aboriginal people remained the responsibility of the Aborigines Department. The initial actions of the Department were positive. In 1941, as suggested

by the women Board members, the Board paid the milk supply for the Iron Knob children.<sup>89</sup> However, a report twenty years later by J.D. Weightman, the Aborigines Department's Welfare Officer at Port Augusta, was critical of the living conditions of two families at Iron Knob. All the children were the offspring of one man, an Aborigine, and he worked on a pastoral station.<sup>90</sup> Weightman considered that the seven children were neglected and stated that four of them had been admitted several times to Port Augusta Hospital with gastroenteritis and pneumonia (a baby of one of the families had died in the previous year). There was inadequate legislation to declare the children neglected and make them wards of State (this issue is examined in Chapter 10).

The Sister of the District and Bush Nursing Society declared the homes of the families at Iron Knob 'totally inadequate' and she believed that the mothers 'have an apathetic outlook' to caring for their children. As with other medical professionals in the period under review, nursing sisters were influenced by ideas that infants' and children's welfare needed to 'be protected through the application of the scientific and rational insights of experts'.<sup>91</sup> As a result, the poor health of children was sheeted home to the incompetence of parents, in particular mothers, and factors like poverty were often overlooked in the goal to achieve the middle-class norms of associations like the Mothers' and Babies' Health Association and the Adelaide School for Mothers.<sup>92</sup> Motherhood norms used in the execution of assimilation policy are discussed in the next chapter on 'sympathetic' expertise.

Conditions at Iron Knob, as reported by Weightman in 1961, appeared to be no better than those reported by Cooke and Johnston in 1940. One of the reasons for this was the intransigence of Board policy. As Weightman stated, it was policy not to erect homes for couples living in *de facto* relationships. He had pressured the women to consider that one or other of them marry the father of their children but they had refused. Another reason was that it was not until the late 1950s that the Department had enough funds to increase the number of its permanent Welfare Officers from two to four (by 1962 it had ten Welfare Officers). In 1957, there were two Welfare Officers permanently based out of Adelaide, one at Ceduna and one at Port Augusta. This lack of staff up until the late 1950s was one of the reasons for the failure to improve camps. Up until then, the needs of the Aborigines had to be dealt with by the local police officer whose duties were numerous and extended not only to Aboriginal people but also to all the community.

The situation for the Blackford Aborigines twenty years later is hard to ascertain. In the late 1950s, there was one Departmental house at Kingston available for Aboriginal people and it appears to have been tenanted irregularly. The reason attributed to long delays in tenanting the house was put down to lack of employment in the district. As the Department's policy was to place families with working fathers in government houses, this precluded housing Aboriginal families that did not fit this model. However, by the 1960s, the house was let to Aboriginal women who were widows, deserted wives, sole parents or wives with husbands in gaol. Marjorie Angas, one of the Welfare Officers for the settled districts, recommended that the Departmental houses should be occupied regardless of whether or not a perceived suitable family was found to occupy them, as empty homes encouraged squatters. Angas believed 'we must be reasonable. We have many unhoused wanderers and there is much to be done before all is in order'.<sup>93</sup>

In mid 1965, there were thirteen Aboriginal people living in the Kingston house that was leased to a terminally ill Aboriginal woman who was being cared for by two other adult women, one of whom was her daughter. The daughter was expecting her husband to join her on his release from gaol, while the other woman's husband had deserted her. Lone parents, like these three women, needed to occupy satisfactory dwellings else they risked losing their children to the care of the State. A report by the Aborigines Department about one of the women and her tenancy at Kingston, stated that 'one of her children will be returned to her from the Children's Welfare Department immediately and later, if conditions prove satisfactory, another child will be returned to her'.<sup>94</sup> Aboriginal women without partners and incomes were in a double bind. Until the 1960s, they were the last to be eligible for housing and without adequate housing, they were presumed to neglect their children.

The bulk exemptions of the Blackford Aborigines and their expected assimilation into the general community worked for those families that met the requirements of the conventional family with employed fathers and mothers with home duties. As with other families, Aboriginal families did not always or even often meet this ideal, and it can be assumed few Blackford families made it through the 1940s and 1950s without hardship. After twenty years, the Blackford Aboriginal people were dispersed. Country villages like Blackford and small towns like Kingston did not offer work as the State moved from an economy dominated by agriculture to a centralised industrial economy.

The Blackford and Kingston Aboriginal populaces were to be found living in larger country towns and suburban Adelaide. Those who had made this transition were mostly families with adults who were employable and, therefore, were considered suitable tenants for public and private housing.<sup>95</sup>

### Conclusion

As demonstrated, various personnel were in medical attendance. For detribalised Aboriginal people and their descendants not living on missions, the police and medical officers in the towns, and at the public hospitals in the larger towns, largely carried out medical attendance. In some areas, the nursing societies and religious groups were operative in ensuring a perceived fair standard of nutrition, hygiene, clothing and housing materials. Part-Aborigines of the settled areas, living off missions and government stations, relied on the same people but they were also assisted by Welfare Officers from the Aborigines Department, inspectors from the Welfare Department and the local boards of health attached to district councils, as well as the medical service of the Education Department. The Aborigines Department tried to shift responsibility for medical services for exempted Aborigines to other departments but often gave some assistance depending on the request, funds available, the public attitude to Aborigines and the attitude of the officers involved. Medical attendance involved numerous government procedures and, often, medical needs were met by a variety of responses. The Board's medical policy, firstly surveys then later supervision of the health of Aboriginal people, through its simplicity of statement belied its actual complexity of delivery. Its concentration on who should pay for medical costs overshadowed the implementation of procedures to improve nutrition, hygiene and housing.

In the final analysis, medical expertise was not necessary for the operation of the Board. Duguid's example proves this as, after his resignation in 1947, he was consulted and used for his expertise when the Board needed it. In Cleland's case, his medical expertise was not always practically accessed. His public health experience should have been of great assistance to the Board but he may have overlooked instances of public health concern, as shown by the incident at Blackford, in the interests of expediting the assimilation policy. This matter is debated further in Chapter 7. 'Surveys' identified Aborigines as different from the rest of the population and in need of protection, whereas 'attendance and supervision' were assimilationist. Analyses of diseases of 'full-



blood' Aborigines predominated and this is borne out by scientific publications on physiology and disease, which aimed to determine the extent of contamination of 'full-blood' Aborigines by diseases of non-Aborigines and, hence, to determine the origins of Aborigines (and of the culture of 'man').<sup>96</sup> For a long time the medical history of part-Aborigines in the settled areas failed to attract the same intensity of scientific interest and this may be attributed to policies of physical assimilation or absorption which aimed to reduce the Aboriginal population to one only—'full-blood' Aborigines.<sup>97</sup>

<sup>1</sup> R.R. Chivers (1971) *The Hoare Family*. Adelaide. Chivers quoting the Minutes of the Board of Guardians of Faversham Union, 185?, about William Parker Hoare FRCS, paternal grandfather of Constance Cooke (date not specified).

<sup>2</sup> J. Locke (1988) *A letter concerning toleration*. London: Collier Macmillan, 1<sup>st</sup> pub. 1689, p. 36.

<sup>3</sup> *Ibid*, p. 31. The 'poor, the ratepayers and the public' refers to the Board of Guardians in Chivers above.

<sup>4</sup> SAPP No. 29 year ended 30 June 1921.

<sup>5</sup> T. Osborne, 'Of health and statecraft' in A. Petersen and R. Bunton (eds.) (1997) *Foucault, Health and Medicine*. London: Routledge, p. 183.

<sup>6</sup> *Ibid*, p. 182.

<sup>7</sup> *Ibid*, p. 180.

<sup>8</sup> SAPP No. 21, Minutes of evidence of the Aborigines Royal Commission Final Report 1916, p. 23.

<sup>9</sup> T. Austin, 'First false start in Capricornia: Herbert Basedow, Northern Territory Chief Protector of Aborigines' in *Journal of the Historical Society of South Australia*, 17, 1989, pp. 112-123. Austin notes that prior to his appointment in the Territory, Basedow already impressed as being reluctant 'to work in bureaucratic harness', p. 113. See also H. Zogbaum 'Herbert Basedow and the removal of Aboriginal children of mixed descent from their families' in *Australian Historical Studies*, 34:121, April 2003, pp. 122-138 for particulars relating to Basedow's anatomical studies and claim of no atavism—reversion to a previous generation.

<sup>10</sup> SAPP No. 21, Minutes of evidence of the Aborigines Royal Commission Final Report 1916, p. 24.

<sup>11</sup> The *Aborigines Act* of 1911, interpretations. Annual Report of the Central Board of Health, year ended 31 December 1933, p. 4. It was believed that 'police methods alone' did not contain venereal diseases and treatment and education were preferable methods (quoting Sir Arthur Newsholme), p. 4. Notifiable infectious diseases were controlled at the local level by general practitioners, schoolteachers and officials of Local Boards of Health. They included diseases ranging from measles to malaria to meningitis to leprosy. Isolation of disease sufferers, in the first instance, was in the home and later in general hospitals. Difficult cases requiring particular expertise or needing long-term treatment were referred to the Metropolitan Infectious Diseases Hospital.

<sup>12</sup> SAPP No. 29b 30 June 1912. 'Loathsome' was an adjective to describe diseases used in some public health legislation and was not peculiar to South. 'Infectious and loathsome diseases' under the *Food and Drugs Act Amendment Act* 1934 included venereal diseases, tuberculosis, respiratory tract infections and skin diseases.

<sup>13</sup> SAPP 1913 No. 26, Minutes of evidence of the Aborigines Royal Commission, pp. 124-125.

<sup>14</sup> *Ibid*.

<sup>15</sup> *Advertiser*, 7 May 1919.

<sup>16</sup> *Ibid*.

<sup>17</sup> *Ibid*.

<sup>18</sup> C. Stevens (1994) *White man's dreaming: Killalpaninna Mission 1866-1915*. Melbourne: Oxford University Press. In a period of five years, disease and emigration depleted the population of the Cooper Basin area by half. Stevens notes that apart from influenza, tuberculosis and sexually transmitted diseases, there were numerous other ailments brought about by 'highly contagious' and 'unhygienic' camp conditions, p. 239.

<sup>19</sup> SRSA GRG 52/1/53/1919 and CSO 582/1919.

<sup>20</sup> Refusals could have been on the grounds that the survey left out a particular pastoral station or that the person was financially not able (in debt to the bank) or simply that the pastoralist was not interested. Kidman and Elder of the Beltana Pastoral Company were identified by the Chief Protector as having 'most of the country' and 'treat[ing] the natives as if they thought the world of them'. SAPP No. 21, Minutes of evidence of Aborigines Royal Commission, Final Report 1916, p. 24.

<sup>21</sup> *Register* 27 November 1919.

<sup>22</sup> *Ibid*, 11 September 1920.

<sup>23</sup> *Advertiser* 28 June 1920.

<sup>24</sup> This attitude was noticeable in others too. For instance G. Horne, doctor and scientist, used the considerable experience of Mounted Constable Aiston to write an ethnography and also said '[m]y friendship and their friend [Aiston], and some lucky display of surgical skill, enabled me at once to jump into the esteem of three of their number'. G. Horne and G. Aiston (1924) *Savage Life in Central Australia*. London: Macmillan.

<sup>25</sup> SRSA GRG 52/12 minutes 1 November 1921.

<sup>26</sup> SAPP No. 29 1921. The Department of Health received a copy of Basedow's Report for action as it saw fit.

<sup>27</sup> E. Burchill. (1960) *Innamincka*. Adelaide: Rigby. Burchill nursed at Innamincka from 1930 to 1931.

<sup>28</sup> The Federal Government commissioned Dr W.D. Walker (from South Australia) to report on health conditions of the Aborigines in the Territory in 1928. J.W. Bleakley also commented on health conditions in his 1928 *Report on the Aborigines and Half-Castes of Central Australia and North Australia*.

<sup>29</sup> SRSA GRG 52/1/137/1940.

<sup>30</sup> *Ibid* GRG 52/1/182/1962.

<sup>31</sup> A. Hardy, 'Public health and the expert: the London Medical Officers of Health, 1856-1900' in R. MacLeod (ed.) *Op.cit.*, p. 129.

<sup>32</sup> F.S. Hone, 'Medicine' in C. Fenner et al. (1936) *The centenary history of South Australia*. Adelaide: Royal Geographic Society of Australasia (SA Branch), p. 344. Hone notes that tuberculosis was not contained ironically as consumptives were sent from England because of the climate.

<sup>33</sup> For information on unregulated urban development and the resulting diseases, both epidemic and endemic diseases, see J. Raftery 'Health' in *The Wakefield Companion to South Australian History*, *Op.cit.*, pp. 244-247 and 'Keeping healthy in nineteenth century Australia' in *Health and History*, 1, 1999, pp. 274-297.

<sup>34</sup> Hardy, *Op.cit.*, p. 131.

<sup>35</sup> R. Linn. (1993) *Frail flesh and blood: the health of South Australians since earliest times*. Woodville: The Queen Elizabeth Hospital Research Foundation Inc., p. 137.

<sup>36</sup> M. Valverde, ' "Despotism" and ethical liberal governance' in *Economy and Society*, 25:3, 1996, p. 361.

<sup>37</sup> SRSA GRG 52/1/29/1910 letter of 10 November 1910, referring to Dr Stevens, Commissioner of Public Works 1140/1910.

<sup>38</sup> Linn, *Op.cit.*, p. 104.

<sup>39</sup> T. Osborne, 'On liberalism, neo-liberalism and the "liberal profession" of medicine' in *Economy and Society*, 22:3, 1993, pp. 349-350.

<sup>40</sup> *Ibid*, p. 350.

<sup>41</sup> Linn, *Op.cit.*, p. 110.

<sup>42</sup> *Ibid*.

<sup>43</sup> Hone, *Op.cit.*, p. 347.

<sup>44</sup> D. Arnold. (1993) *Colonizing the body: State medicine and epidemic disease in nineteenth-century India*. Berkeley: University of California Press, p. 291.

<sup>45</sup> *Ibid*, p. 292.

<sup>46</sup> Hone, *Op.cit.* Hone's comments are typical of comparisons between England and temperate Australia. However there is another discourse on climate relating to the tropics and the fact that tropical Australia was not suitable for whites. Consequently, disease and Aborigines takes on a different tone when reference is made to northern parts of QLD and the NT. See W. Anderson (2002) *The cultivation of whiteness: science, health and racial destiny in Australia*. Carlton South: Melbourne University Press.

<sup>47</sup> M. Vaughan. (1991) *Curing their ills: colonial power and African illness*. Cambridge: Polity Press, pp. 201-205.

<sup>48</sup> SAPP No. 57, Central Board of Health Annual Reports 1933-1968. Earlier Central Board of Health Reports found tubercular diseases most prevalent amongst Aborigines, for example 1880/81 No. 78, p. 7.

<sup>49</sup> Judith Raftery reaches different conclusions, *pers.comm.* May 2005. She believes that part-Aborigines are not mentioned in the Central Board of Health Annual Reports because they were considered, 'in every way', a distinct sub-population that was a concern of the Aborigines Department, which 'made inadequate provision for their health'. See J. Raftery (2006) *Not part of the public: non-indigenous policies and practices and the health of indigenous South Australians 1836-1973*. Kent Town: Wakefield Press.

<sup>50</sup> SAPP No. 57, *Op.cit.*, Annual report for year ended 31 December 1958.

<sup>51</sup> J. Raftery, 'Indigenous Australians, Religion and Health', paper presented at the Annual Conference of the Society for the Social History of Medicine, Southampton, 2000. Good health tied to land and identity is a contemporary view and there is support for the view that missions were responsible for poor health, Judith Raftery *pers.comm.* May 2005.

<sup>52</sup> Vaughan *Op.cit.*

<sup>53</sup> Cleland was a member of the Central Board of Health (1934-1968), Advisory Council of Aborigines (1933-1939), Aborigines Protection Board (1940-1962) and the Aboriginal Affairs Advisory Board (1963-1965). In 1968, he was 90 years old.

<sup>54</sup> W.M. Hilliard. (1968) *The people in between: the Pitjantjatjara people of Ernabella*. London: Hodder & Stoughton, p. 84. Hilliard was a Deaconess of the Presbyterian Church and, from 1954, in charge of the craft industry at Ernabella.

<sup>55</sup> Anderson, *Op.cit*, pp. 181-243 discusses the medical surveys conducted through the Board for Anthropological Research in the 1920s and 1930s and concludes that Aborigines were the subjects of intensive 'biological and medical scrutiny', p. 182.

<sup>56</sup> C. Duguid, 'Moderator's Address' in *The Presbyterian Banner*, April 1935, pp. 9-10.

<sup>57</sup> Mortlock PRG 387 theatre programme included in Duguid papers. A play written by Gwenneth Ballantyne on the Woomera Rocket Range performed by the University of Adelaide Student Theatre Group.

<sup>58</sup> Linn, *Op.cit*, p. 138. The autopsies were performed between 1927 and 1948.

<sup>59</sup> NLA MS 5068 Duguid Papers. Letter from Duguid to Commissioner of Public Works, 21 September 1939.

<sup>60</sup> *Ibid*.

<sup>61</sup> Mortlock PRG 387 Duguid to the Commissioner of Public Works, 28 April 1947.

<sup>62</sup> NLA MS 5068 Duguid Papers. Duguid to Rev. J. McMaster, Convenor, Presbyterian General Assembly, 16 May 1942.

<sup>63</sup> The Aborigines Protection League folded in May 1946. Its funds were donated to the League for the Protection and Advancement of Aboriginal and Half-caste Women, which had been established by Phyllis Duguid and Miss Eaton (president of the Woman's Christian Temperance Union) in 1938. In June 1946, the League admitted male and Aboriginal members. In July 1946, it became the Aborigines Advancement League with Dr Duguid as President.

<sup>64</sup> NLA MS 5068 Duguid Papers. Duguid to Thomas Paterson, Minister for the Interior, 1934.

<sup>65</sup> *Ibid*. Duguid to J.S. Collings, Minister for the Interior, 5 January 1942.

<sup>66</sup> *Ibid*. Duguid to J.S. Collings, Minister for the Interior, 30 December 1941.

<sup>67</sup> SRSA GRG 52/1/97/1940 letter of 14 December 1943 from the Berndts to the members of the Aborigines Protection Board.

<sup>68</sup> I.L.D. Forbes. (1996) *From Colonial Surgeon to Health Commission: the government provision of health services in South Australia 1836-1995*. Adelaide: Openbook Publishers, pp. 180-181. 'In the 1870s the brief of country medical officers was extended to include attendance on Aborigines', p. 180.

<sup>69</sup> *Ibid*, p. 177, from SRSA GRG 78/2, letter of 21 August 1871. The reference to the Gaol alludes to the fact that many Aborigines were inmates.

<sup>70</sup> *Ibid*, pp. 180-181.

<sup>71</sup> SAGG 7 April 1927 p. 796.

<sup>72</sup> SRSA GRG 52/1/1/1921 Form 100-13 September 1872.

<sup>73</sup> *Ibid* GRG 52/1/63/1936.

<sup>74</sup> SAGG, *Op.cit*, Regulations 84-88 'The making of application for relief under this Act'

<sup>75</sup> SRSA GRG 52/1/72/1922.

<sup>76</sup> Linn, *Op.cit*, p. 152.

<sup>77</sup> SRSA GRG 52/1/42/1921 letter dated 20 May 1921.

<sup>78</sup> From the 1940s, the Aborigines Department paid medical benefits funds fees for some part-Aborigines so that they could independently access medical services. The Department also encouraged part-Aborigines to consider paying medical benefits funds themselves once they had their own incomes or received government benefits.

<sup>79</sup> SRSA GRG 52/1/81/1940.

<sup>80</sup> *Ibid*, GRG 52/1/46/1940.

<sup>81</sup> *Ibid*, GRG 52/1/122/1940. Compare this rate of pay with the requirements of the *Maintenance Act* of 1926 which stated that male State children, of 17 years of age and upwards, apprenticed out were to be paid a minimum of 22 shillings and sixpence per week.

<sup>82</sup> *Ibid*, GRG 52/1/44/1940.

<sup>83</sup> *Ibid*, GRG 52/1/11/1940.

<sup>84</sup> *Ibid*, GRG 52/1/44/1937.

<sup>85</sup> *Ibid*.

<sup>86</sup> *Ibid*, GRG 52/1/11/1940.

<sup>87</sup> *Ibid*, GRG 52/1/26/1941.

<sup>88</sup> *Ibid*, GRG 52/1/11/1940 namely C.J.D. Smith MP.

<sup>89</sup> *Ibid*, GRG 52/1/13/1941.

<sup>90</sup> *Ibid*, GRG 52/1/195/1961.

---

<sup>91</sup> J. Raftery 'Saving South Australia's babies: the Mothers' and Babies' Health Association' in B. O'Neil, J. Raftery, and K. Round (eds.) (1996) *Playford's South Australia: essays on the history of South Australia, 1933-1968*. Adelaide: Association of Professional Historians Inc., p. 280.

<sup>92</sup> *Ibid*, pp. 279-281. For discussion on the norms of middle-class mothering used by nurses and medical officials to the detriment of those with poor health that was related to poverty, see J. Raftery ' "Mainly a question of motherhood": professional advice-giving and infant welfare' in *Journal of Australian Studies*, 45, 1995, pp. 66-78 and J. Raftery (1996) *Ibid*, pp. 275-294.

<sup>93</sup> SRSA GRG 52/1/99 & 100/1959.

<sup>94</sup> *Ibid*.

<sup>95</sup> See M. Forte. (1995) *Flight of an eagle: the dreaming of Ruby Hammond*. South Australia: Wakefield Press. This is an account of Ruby Hammond's family (the Ahangs) who came from Blackford near Kingston.

<sup>96</sup> Examples of studies on disease are: J.B. Cleland 'Diseases among the Australian Aborigines', *Journal of Tropical Medicine and Hygiene*, Vol.31, 1928, 15 instalments, and H. Basedow 'Diseases of Australian Aborigines', *Journal of Medicine and Hygiene (London)*, 192? (specific date unknown). Thomas examines research on Indigenous health research, in particular that which was published in the *Medical Journal of Australia*, 1914-1969, revealing that it was not until the 1960s that there was any prominence given to Indigenous health. Thomas found that J.B. Cleland 'wrote one in every six publications' in the *Journal* before 1950 and he dominated the period of the 1920s and 1930s. D.P. Thomas (2004) *Reading Doctors' Writing: race, politics and power in Indigenous health research, 1870-1969*. Canberra: Aboriginal Studies Press, p. 68. Chapter 7 gives some details of the studies carried out by scientists to determine difference (and origin).

<sup>97</sup> The Aborigines Department records reveal that details of the health of *all* Aborigines were kept. For instance, there are records for Aborigines that were patients of city hospitals, records of TB surveys at Point McLeay and Point Pearce and numerous other medical details in police and mission reports. Even though part-Aborigines were not of scientific interest to medical experts before the 1960s, their medical history, like that of other Aborigines, was maintained by government officials.

---

*'Sympathetic' expertise: the protection of Aboriginal women*<sup>1</sup>

Jack: With this damned Morrison chap about — Protector of Aborigines, they  
call him — it'll go hard with yer.  
Brumby: (*slowly, derisively*) Hard with *me?*...  
Jack: If Morrison got onto it — the girl bein' under age.  
Brumby: (*crowing hilariously*) A blasted nigger! What are yer givin' us? Ever  
heard of a white man doin' time for a black girl? Aw, go on...  
Jack: But times is different, Brum. Times is changing...  
*Katharine Susannah Prichard 1927*<sup>2</sup>

Although a much-discussed topic during the early twentieth century, protection of Aboriginal women (and girls) from sexual exploitation by white men was not covered by special legislation until 1939 with the *Aborigines Act Amendment Act*. The supporters of the legislation sought to discipline white male offenders and thereby to raise the status of Aboriginal women, by increasing regulation over and above criminal law that punished assaults of *all* women and girls. However, the special legislation, Section 34a, had the effect of controlling Aboriginal women, making them children (not consenting adults) under the law. The task in this chapter is to trace these developments.

Constance Cooke and Alice Johnston, the women members of the Aborigines Protection Board, were representatives of the Women's Non-Party Association, a lobby group active in South Australia from 1909. Even though the women members were sympathetic to the feelings of Aboriginal women, and had been instrumental in the passage of Section 34a of the 1939 *Act* that provided special protection for Aboriginal women, they were affected by the social norms governing matters of the private sphere. Since the nineteenth century, the norms of 'domestic hygiene, education, childrearing and child labour' were introduced by 'scientific' discipline and 'philanthropic interventions', working 'through members of the family, particularly women'.<sup>3</sup> As a

result, women have often acted as moral agents, accepting that it was their duty to monitor the sexuality of all men and the welfare of the lower classes in order to uphold the private realm norms of bourgeois society. To this end, they sought to protect other women from men who failed to control their passions, by compensating for men's lack of will if necessary with criminal legislation based on consent, which penalised assaults against women and girls. Protection legislation that was orchestrated by the women lobbyists associated with the Women's Non-Party Association, however, went further than such criminal legislation. Protection legislation infringed on the private lives of Aboriginal women and, consequently, Aboriginal women were treated as 'immature', not as autonomous liberal subjects. More specifically, unlike criminal law based on consent, protection legislation treated Aboriginal women as children in law and there was no specified age of consent. Paradoxically, this ran counter to the Association's platform of women's equal status to men. In this case, a punitive Christian morality combined with authoritarian characteristics in the women philanthropists, which sought to discipline 'unimproved' and degenerate men, resulted in the use by government of non-liberal techniques that limited Aboriginal women's status in law by controlling the personal lives of the women.<sup>4</sup>

The events that led to the special clause of the 1939 *Act*, Section 34a, track the history of white women's inclusion on the Aborigines Protection Board and their status as 'experts' in Aboriginal governance (see figure 10). After twenty years of practice in social reform, the women advocates of the Women's Non-Party Association had acquired a form of 'scientific' expertise, which gave them the credentials for Board membership. However, the popular opinion was that Board membership for women required 'sympathetic' expertise, commonly associated with views of woman's nature, and this opinion had the effect of downgrading women's expertise based on credentials and experience.<sup>5</sup> The chapter also finds that, although women members advocated Aboriginal women's equal rights and improved conditions for women and children, they did not challenge the representation of the problem as protection for *full* Aborigines and assimilation for *part* Aborigines. 'Sympathetic' expertise sought to improve Aboriginal women's status through government relief that was available for all women. In order to access government benefits, however, Aboriginal women's maternal and domestic roles had to conform to normalised living standards. To this end, the

Women's Association sought the disciplinary control of Welfare Officers to advance Aboriginal women's maternal and domestic roles.

This chapter begins by tracing the history of concern for protection of Aboriginal women. In support of this history, the second section describes the specific role played by the 'sympathetic' experts associated with the Women's Association who became members of the Advisory Council of Aborigines and the Aborigines Protection Board. The focus then shifts to an exposition of how the Protection Board executed the special legislation, Section 34a of the *Aborigines Act*, principally through the police in the field. Attention then shifts back to the efforts of 'sympathetic' expertise in promoting Aboriginal women's maternal and domestic roles so as to secure their access to government benefits.

### **Crimes against Aboriginal women**

The need for protection of Aboriginal women from sexual exploitation by white men was a theme from South Australia's foundational history, which described their early capture and enslavement by white whalers and sealers. One story became emblematic of this history. This is the story of the Aboriginal women who were kidnapped from the mainland and taken to Kangaroo Island by sealers. Three of the women escaped. Two survived as they found a dinghy to make the crossing between the landmasses, while the third, after swimming the straits, was discovered dead on the shore with her child still strapped to her back.<sup>6</sup> The frequent recall of this story was used to acknowledge the long-standing occurrence of white male depredations.

In contrast to the story confirming white sealers' depredations, the 1860 Select Committee Report revealed that some settlers placed the responsibility for white men's abuse on Aboriginal women themselves. When Moorhouse, the former Protector of Aborigines, was questioned about children who were ex-scholars of the Adelaide School, he stated that the boys 'went into the country principally as shepherds and stock-keepers'. George Hall, the chairman, queried if 'the girls went as lubras'. Moorhouse replied that they 'went to the men, and they were generally found handy about the house. They frequently became bad, however'. Hall asked if they could not have 'by being properly placed, receive[d] any benefit'. Moorhouse answered that could have occurred '[p]erhaps, by being among European women. They generally [became]



common, however; and, consequently, would not breed. They became, in fact, prostitutes. This was one reason of the natives dying off so rapidly'.<sup>7</sup> Later, when interrogated by John Baker about Aboriginal behaviour, Moorhouse re-iterated that the boys and girls of the school were sexually promiscuous and that because the girls 'were too common' they 'did not breed'. Baker queried if the reason for the infertility was a result of 'communication amongst Europeans, or themselves'. Moorhouse answered that it was because of sexual relations '[a]mongst themselves'.<sup>8</sup> This debate exposed attitudes of officials towards inter-racial relationships—Aboriginal women were judged already immoral. The debate did not extend to consider reasons for consent to sexual relations, like privations caused by colonialism. However, there was the understanding, whether it was due to medical science or observation only, that frequent and different sexual partnerships, promiscuity, increased the incidence of infertility in women due to communicable infections.

Twenty years later, government was faced with the issue of sexual promiscuity in the mainstream white population, which required some action on its part. The Social Purity Society, which sought government involvement in the protection of young white women, became politically active. In 1883, petitions with over 1,000 signatures were sent to Parliament calling for amendment of the law so as to protect the virtue of young women. Two issues drove this political action. They were: the increased incidence of venereal diseases due to 'immorality'; and under age seductions of young girls. In Parliament, Charles Kingston stated that, although social reform was the work of the Church and 'the ladies', they needed power through legislation to support desirable social mores. Kingston said that many of his colleagues, but not he, wanted to leave the whole issue alone, considering 'it was not the duty of statesmen to take it up'.<sup>9</sup> The parliamentarians' attitude towards 'immorality' amongst non-adults generally was one of leaving it to the enforcers of moral values amongst the clergy and social reformers, while their attitude to immorality amongst adults was *laissez faire*, as it could hardly be expected that all adults were virtuous.<sup>10</sup> Consequently, parliamentarians viewed the relationships of adult Aboriginal women also in this manner, but they believed themselves to be concerned for *all* girls, Aboriginal and white. The age of consent had been raised gradually so that by 1899, it was an offence to commit indecent assault on a child below 17 years of age, irrespective of consent.<sup>11</sup> Nonetheless, as many Aborigines

did not describe their ages in European terms, white men could protest innocence because the ages of girls were unknown.

In 1899, Charles Dashwood, Government Resident and Judge of the Northern Territory, who had been asked by the Government to draft a Bill for the protection of Aborigines, stated that legislation was necessary for both South Australian and Territorian Aborigines 'particularly as regards their protection, and also with reference to the evidence necessary to be obtained regarding crimes perpetuated against aboriginal females'.<sup>12</sup> The Bill was unsuccessful as it was thought to interfere detrimentally in employment relations. William Gray, missionary, stated it would cause 'a hardship to cut off that supply of labor [Aborigines] from settlers and a disadvantage to the aborigines to do so'. He believed that 'all the evils arise from the unrestricted access which whites have to aboriginal camps, and the unrestricted harbouring of aborigines on boats and premises of white men.'<sup>13</sup> Reverend J.G. Reuther, who had extensive experience in the Far North and Kopperamanna mission, advocated for increased penalties in provisions about Aboriginal women, so that white men were forced to pay maintenance for 'their illegitimate white offspring'.<sup>14</sup>

The issue of maintenance was one that also challenged mainstream society. Under the *Destitute Persons Act* (1881), destitute persons were to be maintained by their relatives, and men had to take responsibility for illegitimate offspring. The *Act*, however, gave little chance of securing relief from men because it

Provided that no man shall be taken to be the father of any illegitimate child upon the oath of the mother only: Provided also that no man shall be adjudged to be the father of an illegitimate child upon the evidence here corroborated...And provided also, that if it shall be shown that, at the time such child was begotten, the mother was a common prostitute, no orders shall be made hereunder as against the alleged father of such child.<sup>15</sup>

The 1899 Committee recommended that protective legislation be enacted, giving 'increased powers to protectors of aborigines, enabling them, amongst other things, to prosecute offenders against the law'. It also recommended that Aboriginal workers be assured personal security by making their employers liable to certain conditions, through the following provisions:

Issue of certificates to reputable persons, giving authority to employ aborigines or half-castes, and for prohibiting the illicit intercourse of such persons or their employés [sic] with female aborigines or half-castes whilst so employed...For prohibiting removal of aborigines from their own district, unless stringent provisions are made for their return.<sup>16</sup>

It took another decade before any action was taken, and then Dashwood's Bill was altered to make separate bills for the Territory and South Australia. In the meantime, Hamilton, the Protector, lamented the fact that the recommendations of the 1899 Committee were in abeyance. One of the matters that concerned him, in his Annual Report for 1903, was the legal protection of Aboriginal women. He stated that the 'laxity of the law' makes protection difficult 'unless actual cruelty and ill treatment can be sufficiently proved'.<sup>17</sup>

The 1911 *Aborigines Act* (South Australia) was drafted as protective legislation for all 'full-blood' Aborigines, adults and children, and those part-Aborigines who associated with 'full-blood' Aborigines, and for all part-Aboriginal children not older than 16 years (18 years in 1923). Also, the legislation made the Chief Protector the legal guardian of all Aboriginal and 'half-caste' children below 21 years, regardless of family members' participation in their upbringing. Female 'half-castes', whether associated with 'full-blood' Aborigines or not, were protected like 'full-blood' Aborigines and 'half-caste' children below 16 years from unlawful removal from 'one district to another, or to any place beyond the State' [Section 12(1)]. On the other hand, Aboriginal women lawfully married to and residing with non-Aborigines were exempted from the liability to removal to reserves [Section 19(c)]. The South Australian *Act* failed to include Dashwood's idea of protection of Aboriginal female employees from abusive employers except for the peculiar Section 34, which stated that:

If any female aboriginal or female half-caste is found dressed in male attire and in the company of any male person other than an aboriginal or half-caste, she and the person in whose company she is so found shall each be guilty of an offence against this Act.

This clause was included as a result of rumours that squatters disguised their Aboriginal mistresses by using them as station hands and drovers. Dashwood who had given evidence of such practices to the 1899 Select Committee substantiated the rumours. Section 34 was drafted ostensibly to outlaw the removal of Aboriginal women but it confused the issue by making 'cross-dressing' an offence for both the women and their employers. Dashwood pointed out that Aboriginal women were being 'obtained by what [was] termed "running them down", and forcibly [taken] from tribes to stations'. Moreover, the women 'were "rundown" by station blackguards for licentious purposes, and then kept—more like slaves than anything else'.<sup>18</sup>

Protection for Aboriginal women was not discussed at any length during the Royal Commission of 1913, since its terms of reference were specifically to enquire into the institutions set up for Aborigines, in particular Point McLeay and Point Pearce, and only generally to report on those not living on them. It was presumed that female residents of Aboriginal institutions were protected because the 1911 *Act* had made it illegal for non-Aborigines, who were not authorised, either to enter reserves and institutions or to persuade Aborigines to leave such places [Sections 20-21]. Due to Daisy Bates, however, the protection of women living off institutions was brought to the Commissioners' attention. The newspapers interviewed her in 1914 regarding the proposed construction of the east-west railway line and its effects on Aborigines of the Far West, and her appointment as a Protector for the Ooldea region where she was resident. As a result of the publicity, the Commissioners asked the Chief Protector about the need to appoint a female Protector. South believed that a male 'itinerary protector' should be appointed because 'a man could go where a woman could not'; in other words, 'to the interior away from white people'. He relayed that, on Daisy Bates' admission, 'she had never been where she could not get bread', and South thought that if that was the case, 'I do not call it out in the bush'.<sup>19</sup> The Commissioners reached a conclusion that 'the appointment of a lady inspector [was] not warranted in view of the small number of black women in the locality referred to'.<sup>20</sup> They did not recommend the appointment of a male Protector either and the task of welfare and protection was left to the police along the line, Daisy Bates at Ooldea and itinerant missionaries like Annie Lock.

The *Aborigines Act* (1911) in itself failed to protect Aboriginal women although, as stated, Sections 20-21, which could be enforced effectively by the superintendents of those institutions, protected women living on the stations at Point Pearce and Point McLeay and on the missions. Police reported on the difficulties of applying protection under the *Act* at reserves and camps. For example, the Tarcoola police on the east-west line informed their superior at Port Augusta that two white men were 'liv[ing] with the Aborigines and sleep[ing] with the lubras'. The Chief Protector, who had inspected the camps along the line in the previous year, had asked the police to report on white men's infringement of Aborigines' camps.<sup>21</sup> The Police Inspector at Port Augusta suggested to the Chief Protector that '[p]erhaps it will be possible for the Police at Tarcoola to get a

case against them...If a conviction can be obtained it may [have] a good effect on others'.<sup>22</sup>

The situation presented difficulties because tribal Aborigines from further north, who were short of food because of drought, visited the camps of railway employees looking for relief. Troubles arose because Aboriginal people were to face changes in diet, contact with European diseases and the attentions of white men without their own sexual partners. Unlike in other remote regions, their plight was made public because of the railway. Passengers reported that Aboriginal people congregated at the railway stations so as to beg. Although parliamentarians rarely debated the conditions of Aborigines in the period before 1939, their welfare along the east-west line was one topic that did arise. For instance, in 1920, the Commissioner of Public Works was asked in Parliament about the circumstances of the Ooldea Aborigines who had migrated to Tarcoola. He advised that the Aborigines had no need to beg for food since there were ration depots along the line.<sup>23</sup> The issue of rations for Aboriginal people along the railway was raised again in Parliament in 1929 and then again in 1935. In 1929, the Commission of Public Works reported that rations were increased at the rail depots, particularly for the children, and in 1935, that he would contact the missionary, Annie Lock, to advise on the situation there.

The notoriety over the lack of protection for Aboriginal women along the east-west line and the passing of the Bill in March 1926 for the construction of the railway from Oodnadatta to Alice Springs, raised concerns among women's groups. As a result, the Women's Non-Party Association wrote to the Commissioner of Public Works about protection for Aboriginal women, stating that new regulations were required like those under the Western Australian *Act* for consorting and that women police should be employed.<sup>24</sup> The Commissioner of Public Works replied that no action was to be taken to change the *Aborigines Act*. However, the Women's Association forced the issue with federal authorities because the 1918 *Ordinance* of the Northern Territory had improved sections of the 1910 *Aboriginals Act* so as to make it an offence 'to "habitually consort", keep an Aboriginal or half-caste mistress, or "unlawfully" have carnal knowledge of an Aboriginal or half-caste woman'.<sup>25</sup> As penalties were '£100 or three months gaol, and loss of the licence to employ in the case of an employer; and the onus of proof was on the defendant', this was quite an imposition by both frontier standards

and previous practices. Rowley attributes the severity of the penalties to the 'growing half-caste problem' in the Northern Territory.<sup>26</sup> This issue is discussed shortly but returning to events in South Australia, once the Federal Government had agreed with the Women's Association on the necessity of taking special precaution over the construction of the north-south line from the South Australian border to Alice Springs, the South Australian Government was forced to act as well. A regulation was gazetted in April 1927, which declared an area of ten miles on either side of the proposed railway line off limits to Aborigines unless they were lawfully employed there.<sup>27</sup> Accordingly, the section of the line from Oodnadatta to the Northern Territory border was restricted until the completion of the railway.

The provisions of the regulation to prohibit Aboriginal incursion into the construction area was a more effective protection than the 1918 *Ordinance*. The failure of the Northern Territory *Ordinance* can be put down to the fact that

such a law could not be enforced; in so far as it could, it would have emphasised the casual relationship and penalised the more or less permanent union. The incidental effect on the status in law of the Aboriginal woman was to lower it further, by purporting to control her intimate life.<sup>28</sup>

Rowley attributes the difficulty of enforcing the law to the large frontier of the Territory, the small number of police and the difficulty of getting up a case. He also identifies that special legislation of this sort diminishes legal status, a theme in this chapter. In South Australia, the unsettled areas posed the same problems of enforcement under the *Aborigines Act*. Nonetheless, the *Police Offences Act* (1936), Section 85(1), gave more clout to the police to prevent 'consorting with Aborigines and half-castes'. Section 85 related to idle and disorderly conduct in the community as a whole. The Section, which had applied since 1863, was repealed in 1958. Its significance is discussed later in this chapter and in Chapter 6 on police.

Rowley's understanding of South Australian protection policy as provided in the 1911 *Act* is one interpretation of political events. He reasoned that 'the real effort to protect the women does not seem to have been made until the part-Aborigines were being seen as a "problem" in their turn. Then the legislation aimed to limit the "problem" by preventing miscegenation'.<sup>29</sup> An analysis of the practices of the Aborigines Department, and the lobbying tactics of the Women's Association, reveals that the issues were much more complex than this and open to a variety of interpretations.

Laws and practices in the Northern Territory influenced Rowley's understanding. He equates Sections 20-21 of the South Australian *Act* of 1911 (and 1939), which restricted access of non-Aborigines to reserves and Aboriginal institutions and prevented the removal of Aborigines from such places, to Section 42 of the Northern Territory *Act*, which made it an offence for non-Aborigines to be within five chains of an Aboriginal camp. He believes these laws (and others), both in the Territory and South Australia, were enacted particularly to prevent miscegenation.<sup>30</sup> However, Sections 20-21 were operative just as much to protect *all* Aborigines from fraudulent non-Aborigines as to protect Aboriginal women from sexual assault by white men. For example, hawkers were required to seek formal permission from the Aborigines Department before visiting missions, government stations and reserves in order to ensure that Aboriginal residents had some recourse should they be sold inferior goods and to prevent the sale of alcohol.<sup>31</sup> The issue of alcohol is discussed in the next chapter.

Also, Rowley argues that a concern with miscegenation lay behind Section 34a of the South Australian *Act* of 1939 as with the 1910 Northern Territory *Act* (Section 22), where marriage between an Aborigine and a non-Aborigine needed ministerial authority. However, Section 34a required non-Aboriginal men to *marry* Aboriginal women or they would be charged with an offence for consorting, hardly an intervention aimed at limiting miscegenation. Moreover, when police and other officials sought the permission of the Board for the marriages to take place, it was often to verify the reputations of the non-Aboriginal partners. The concerns in this case were the good treatment of Aboriginal women and adequate paternal maintenance of offspring. Another reason for the law, as discussed previously, was the desire to check infertility and population decline among 'full-bloods' due to sexually transmitted infections.

This is not to say that Rowley is completely inaccurate. During debates of the 1939 Bill, at least one parliamentarian stated that Sections 34 and 34a were required for the prevention of increases in the part-Aboriginal population. And Rowley is doubtless correct that legislation banning marriages between 'full-blood' and 'mixed-race' Aborigines in other jurisdictions had as a goal to preserve 'blackness' in 'full-blood' Aborigines and, in the process, to breed out 'blackness' in part-Aborigines.<sup>32</sup> However, Section 34a owed its existence to the lobbying of the Women's Association that, while expressing on occasions dominant ideas about miscegenation, sought the protection of

women and improved status through legislation. In South Australia, it seems, the legislation was seen to be the 'solution' to a number of 'problems'.

### **Women's Non-Party Association and protection of Aboriginal women**

The Women's Association was involved in Aboriginal affairs from the early 1920s with its platform for equal representation of women on public boards, like the Advisory Council of Aborigines. The activities of the Association in relation to protection of Aboriginal women (and children) reveal that some women gained recognition as 'sympathetic experts' through practice and the study of race relations. Ida McKay was the first woman to bring the issue of protection to prominence. She was a former postmistress who then lived for nine years in Alice Springs.<sup>33</sup> Her husband, John McKay, had more than 35 years experience in the Northern Territory as a telegraphist. He was appointed to Alice Springs as Post and Telegraph Stationmaster in 1908, a position that meant he was also Sub-Protector of Aborigines for Central Australia. As a result of her experience, in 1926 Ida became the Convenor of the first Aborigines Welfare Committee of the Women's Association, together with Constance Cooke, Mrs Ashley Norman and Miss Blanche Stephens.<sup>34</sup> The Committee's main policy was protection regulation, in particular along the north-south railway line.

At the beginning of 1921, when members of the Advisory Council were up for reappointment, the Commissioner of Public Works, prompted by the Women's Association, suggested that a 'lady' member be appointed. The all-male Council declined on the grounds that they were already 'in thorough harmony'.<sup>35</sup> In 1922, the issue resurfaced when there was an unexpected vacancy due to death. The Women's Association recommended Harriet Stirling, respected member of the State Children's Council, to fill the vacancy. The Advisory Council, however, thought that it was 'more fitting for a gentleman to be appointed' but should the request be granted, two and not one women were preferred as members.<sup>36</sup> The inclusion of two women was known to be impossible as legally there was no power to increase the total number of members. The Government then appointed H.B. Crosby, a member of parliament, seemingly to break up the monopoly of the Aborigines Friends Association on the Council.

Members of the Women's Association, including Ida McKay, interviewed the Commissioner of Public Works in late 1923 asking for the introduction of protection



legislation in the Aborigines Bill, in line with the Western Australian *Act* which made 'it a criminal offence for the white man to live with a native woman', and which required 'the consent of the Protector for marriage between such a couple'.<sup>37</sup> The Commissioner agreed with the Association's recommendation but it was too late as the 1923 Bill that dealt with the training of Aboriginal children, had already been drafted. From then on, the Association, through Mrs McKay, made public the 'inadequate' care of 'half-caste children of the north' and as a result several articles to that effect appeared in the *Register*.<sup>38</sup> Following discussions on this issue, the Association decided that:

it would be an excellent thing if some of the youngest and fairest, a selected few, could be taken into our State and placed in the care of the State Children's Council. They would then be boarded out in decent Christian homes with foster-mothers, and supervised by a completely trustworthy and efficient authority.<sup>39</sup>

The Association sent a deputation to the Minister asking that he seek the consent of the Federal Government to place 'the youngest and whitest of the children (the quadroons and octoroons)...already under Government care, orphans, or the offspring of depraved mothers' in the care of the State Children's Council.<sup>40</sup> The Association referred to the children of Central Australia, a Federal Government jurisdiction, and the women's discourse reflected the contemporary emphasis on miscegenation and presumed immorality among Aboriginal people.

In 1927, Ida McKay became the first woman member of the Advisory Council on the death of C.E. Taplin. (The Council's nominees had been the scientists associated with the University and the Museum, namely J.B. Cleland, R.H. Pülleine and T.D. Campbell.) The Women's Association now directed attention to the question of Aboriginal women's rights while still, at times, revealing its concern about miscegenation. McKay argued that women should have been appointed years ago to ensure '[b]etter protection of coloured women'. In her view, however, this protection could best be achieved if all coloured women were 'treated as children in law, that is no specified age of consent, a breach of which law should be a penal offence'. The 'problem' she wished addressed was stated as: 'For want of this protection numbers of half-caste and quadroon children have been born'.<sup>41</sup>

Ida McKay believed that 'only a sympathetic woman' was able to understand the plight of Aboriginal women. She thought that the treatment of Aborigines was 'a slur on Australia' and was interested in the Aborigines Protection League's idea of the Model State so that Aboriginal people could 'rule [their] own land'. In addition, she believed

that a Federal Advisory Council was needed to make sure that laws protecting women were enforced, in particular federal government laws.<sup>42</sup>

Mrs McKay's views demonstrated the Women's Association's affiliation with the Protection League over its Model State and with the Aborigines Friends Association (Advisory Council) over its preference for a Federal Advisory Council. Her ideas about the Model State were reported in the *Register*. She believed that, at first, 'white teachers and administrators' were needed and she again stressed the idea that Aboriginal women should be protected because without protection 'she did not think the problem would ever be satisfactorily settled'. To repeat, for Ida McKay the 'problem' was the mixed-race population, as she stated that: 'I think most half-castes would be best brought up in the country, where they could be taught to work in a self-supporting community, and have opportunities to marry among their own kind'.<sup>43</sup> Even though her ideas were not developed, she did not suggest assimilation as absorption but the retention of a mixed-race population. Her views, which had been influenced by the idea of Model States, were a variation of those expressed by her husband and others.

For example, in an annual report when he was Sub-Protector for Central Australia, John McKay focussed on the 'half-caste question'; a question that he believed was serious and difficult to solve. In contrast to 'solutions' that advocated that Aboriginal women be treated as children in law, he promoted registration of all Aboriginal births so that for Aboriginal women there was the possibility for enforcement of the age of consent under criminal law. He believed that 'half-castes' under 'seven years of age [should be removed] to the city, and placed in a good institution, where they could be trained for domestic service'. He was mainly concerned for female Aborigines because he stated that: '[i]f these unfortunate girls are not provided for by some such scheme it will mean eventually that we will have white women living as savages. Can anything be more appalling or degrading to our much-vaunted civilization of the twentieth century'.<sup>44</sup> McKay, who was described by Reverend Kaibel of the Lutheran Mission as a 'kind-hearted and just gentleman', thought that a removal scheme would 'grapple with the present evil', while the enforcement of registrations of births to identify ages of consent 'to protect them later on', would 'gradually do away with half-caste children'.<sup>45</sup>

About a decade after John McKay's Report, there was an employment scheme in place in South Australia for children from Central Australia. The Federal Government granted

the State £5 per child annually for providing protection and assistance. Many of the children were brought to South Australia by missionaries, ex-Territorians, like those associated with the Northern Territorians Association, and people affiliated with the Aborigines Friends Association and the Advisory Council. For example, the McKays and Alice Johnston of the Women's Association (Advisory Council and Aborigines Protection Board member) employed Aboriginal domestic servants. Police Officers at Alice Springs were recruiters of young people interested in going into service and the wives of pastoral station managers, who sought Aboriginal employees, were known to write directly to them.<sup>46</sup> There were 24 girls in the State and some youths, mainly stockmen on outback stations, when Ida McKay was made the first woman on the Advisory Council.<sup>47</sup>

In 1927, the year the Women's Non-Party Association secured the protection of Aboriginal women along the north-south railway line and the appointment of Ida McKay as its representative on the Advisory Council, the Hon. T. Butterfield remarked during parliamentary debate of the Estimates for the Aborigines Department that it would be better for 'the people of this State' when all 'black' women were dead.<sup>48</sup> Butterfield was one of the members for the northeast Division of Newcastle, which was home to many Aboriginal groups. The Women's Association, which now had recognition in the area of Aboriginal affairs, condemned such ideas publicly, as 'reprehensible'.<sup>49</sup> The secretary, Blanche Stephens, castigated Parliament and warned that white women would remember the member's rash and callous statement at the next elections. She said that Aborigines in their 'natural state' were 'strictly moral people', and that it was 'an insult to the aboriginal woman to imply that her dark skin confers a natural immorality, which is thus a source of danger to the innocent white man'.<sup>50</sup>

Apart from the issue of the protection of women in remote districts, like Central Australia, the welfare of Aboriginal women in the settled areas was a concern of advocates of the Women's Non-Party Association. There had already been some inroads made as one of the first tasks of the Advisory Council (in 1918) had been the establishment of a home for Aboriginal women in domestic service in the city, as well as for those women and children there for medical services. At first, the Salvation Army was approached, but later the Government was persuaded to grant funds to the Adelaide City Mission to provide a home in Sussex Street, North Adelaide, which opened in 1926

with Olive Owen as the matron.<sup>51</sup> In that same year, Mrs Owen was also appointed as Honorary Protector and Visitor to Aboriginal children from the Northern Territory. The Women's Association had first raised the need for this position in early 1925 with the Federal Government. The Aborigines Friends Association recommended their nominees for the post. Miss E.J. Hunter, a former nurse and missionary at Point McLeay, was appointed vice Owen in 1928.<sup>52</sup>

When it came to the inclusion of women, the male-dominated Aborigines Friends Association, Advisory Council and ministry seemed to want to maintain a division according to the working status of women. Owen and Hunter were workingwomen with practical experience, associated with the Friends Association. The Government employed them to visit children away from home, while it appointed the Women's Non-Party Association representatives, McKay, Cooke and Johnston, to the Advisory Council (and Aborigines Protection Board). The Women's Association representatives called themselves 'social workers' and their credentials were often attributed to the status of their husbands (see figure 11).<sup>53</sup> Contrariwise, the Women's Association nominated Mrs A.K. Goode JP and Mrs Johnston as visitors and Miss Hunter, as well as Stirling, McKay, Norman, Cooke and Johnston, for Advisory Council (and Protection Board) membership. The norms of governance that held bureaucracy to be progressive and masculine according to J.S. Mill were now challenged by the procedures of the Women's Association.

The Women's Association succeeded in the appointment of a second woman, Constance Cooke, to the Advisory Council in 1929. Cooke had replaced Ida McKay in the previous year as the Women's Association's main authority on Aboriginal issues. After a visit to the Far North, she gave the Association's view of the 'crisis' of protection when she stated that 'the interference of the white man with the native woman' has been a cause of 'the gradual extinction' of the 'original owners of this land'.<sup>54</sup> Cooke said,

I shall never forget a camp of old and decrepit natives, nor the blind half-caste girl who was with them. She was nursing her quadron baby of about a year old and this child was almost white.

When I visited Oodnadatta I was taken to see a full-blood native baby of about a fortnight old. Its birth had caused rejoicing in the camps as there are so few full-bloods born; they are generally the off-spring of degraded whites or Afghans.<sup>55</sup>

The political situation was represented by Cooke as protection of 'full-blood' Aborigines through the prevention of miscegenation.

Constance Cooke had acquired experience as the Association's representative overseas at the British Commonwealth League conference in 1927, interstate at the National Council of Women, and locally on the Aborigines Friends Association and Aborigines Protection League. (The Commonwealth League's aim was to 'secure equality of liberty and status between women and men in the British Commonwealth of nations'.<sup>56</sup>) From 1929, she campaigned for increased vocational training for Aboriginal youth and the introduction of old age and invalid pensions for Aborigines of mixed descent. She appeared to secure women's influence on the Advisory Council when she was included in a policy formulation sub-committee, together with Walter Hutley and Reverend Sexton.

Cooke's expertise benefited local organisations that lobbied for Aboriginal protection and welfare because she developed debates from single ideas of protection to wider welfare measures and economic equality, all the while recognising land rights. In 1930, as one of the Australian Federation of Women Voters' delegates to the Second Pan-Pacific Women's Conference at Honolulu, Cooke contributed a paper on 'Australian Aborigines and the Status of Alien Women in Australia'. The Federal Government felt concerned about the effects of Cooke's advocacy for Aborigines, which was critical of governments, on its reputation overseas and demanded a right of reply to her paper, which was printed in the Conference's published reports.<sup>57</sup> Later, her paper was circulated Australia-wide to governments and lobby groups. As a participant in the Social Services Section of the Conference at Honolulu, she contributed to the five resolutions passed by that Section. The resolutions were concerned with the low economic status of many families, the use of dangerous drugs for medical purposes, the appointment of women police, and that 'in the study of family life and inter-racial relationships shall be included the study of indigenous people governed by a dominant race, especially in regard to their fundamental right of land ownership'.<sup>58</sup>

The Women's Association, together with representatives from local organisations—the Aborigines Protection League, United Aborigines Mission, Lutheran Mission, Council of Churches, Methodist Women's Missionary Auxiliary, Woman's Christian Temperance Union and Young Women's Christian Association—formed a Study Circle

in 1932 concerned with the treatment of Aborigines. As a result of its work, a deputation approached the Commissioner of Public Works with ten proposals, one of which was the better protection of women. The proposal applied a penalty of £100 and/or six months imprisonment to non-Aboriginal men who cohabited or had sexual intercourse with Aboriginal women who were not their wives. (Section 34a, 1939 *Act* expressed this sentiment with a maximum penalty of £50 or six months imprisonment.) Here we see the determination by the Women's Non-Party Association members to enforce marriage on white men cohabiting with Aboriginal women, which was hardly a proposal designed to end miscegenation. Section 34 of the 1911 *Act*, which referred to Aboriginal women in male attire accompanied by non-Aboriginal men and made both parties culpable, was reworded. The Circle's amendment clause made white men guilty whatever Aboriginal women's attire. Despite this suggestion, the 1911 clause was not changed and passed in its old form as law in 1939.

The Study Circle also advocated the discouragement of polygamy amongst detribalised Aboriginal people. It recommended that the *Act* be amended so that 'natives and half caste girls might be enabled to invoke and obtain its protection in this respect, and not be treated as "property", just because they are of the native race'.<sup>59</sup> This idea was not articulated in the 1939 *Act*. The Women's Association was particularly concerned with polygamy, infant betrothals and child marriage 'among natives in close contact with civilisation', but did not pursue the issue.<sup>60</sup> Constance Cooke, as a spokesperson for the deputation, stated that such tribal customs should not be permitted in detribalised Aborigines and suggested that 'the activities of the women police should be extended so that aboriginal women, especially, should be subject to review by women police officers occasionally'.<sup>61</sup>

The Women's Association worked continuously to ensure the involvement of women in the affairs of the Aborigines Department. Once Cooke and Johnston were appointed as Aborigines Protection Board members, the Association's platform for the '[f]urtherance of the welfare of aboriginal women and children' was seen to have been realised for the most part.<sup>62</sup> The discourse of the Association by 1939, as articulated through Cooke, had evolved as it concentrated on the Aboriginal woman herself, and caste, referring to the distinction between 'full-blood' and part-Aborigines, was not such a dominant issue. This was in direct contrast to the representations by some authorities, who

continued to view the problem as the dependency of the increasing numbers of part-Aboriginal children on government and mission resources. In these cases, it was assumed that white fathers would fail to be responsible for their offspring.<sup>63</sup> Often in these representations, Aboriginal women were 'missing' from the account. Their feelings and opinions were considered expendable for the public good.

In the meantime, the Woman's Christian Temperance Union established the League for the Protection and Advancement of Aboriginal and Half-caste Women in 1938, with the support of churchwomen's organisations and the Young Women's Christian Association. Phyllis Duguid was the first president of the League and its platform was Aboriginal land ownership, education, just remuneration, and the appointment of women Protectors to prevent 'irresponsible contact between white men and Aboriginal women'.<sup>64</sup> Mrs Duguid stated that Aboriginal women 'no longer had the protection of their tribes, and had to be adequately protected by the Government'.<sup>65</sup> The new League absorbed the Aborigines Protection League in 1946 (Genders had died in 1940), opened itself to male members and changed its name to Aborigines Advancement League.<sup>66</sup> Constance Cooke became a Vice President of the Advancement League and brought to the organisation her considerable experience as the Aborigines Protection League spokesperson on mixed-race Aborigines and the necessity of their equal economic status to the white mainstream. Cooke's ideas were influenced by her friendships with Point Pearce Aborigines, particularly those associated with the Australian Aboriginal Association.<sup>67</sup>

There is considerable debate about whether women like Cooke should be seen simply as 'maternalist', echoing the paternalism of so many white male legislators, in their attitudes to Aborigines.<sup>68</sup> Vicky Haskins believes that women's organisations in New South Wales in the interwar period, which took an interest in Aborigines, were driven by maternalism and 'the desire...to secure a foothold in the emerging bureaucratic state, through the appointment of their own representatives to Boards of administration'.<sup>69</sup> In a slightly different vein Paisley argues that Cooke and Mary Bennett of Western Australia, in particular, developed 'an "equality in difference" racial politics' where 'white women should be directly involved in raising the status and conditions of all women'.<sup>70</sup>

A clash between Constance Cooke and Bessie Rischbieth at the triennial meeting of the Australian Federation of Women Voters in 1936 indicates that it is unwise to generalise on the motives of women reformers.<sup>71</sup> Cooke proposed that the platform be extended to include 'the demand for equality of status for Aboriginal women'.<sup>72</sup> Mrs Cooke lost out over this point as the conference, led by Rischbieth, reaffirmed its policy for federal government takeover of responsibility for Aboriginal affairs, thereby shelving her proposal.<sup>73</sup> Lake states that Cooke was one of a few women prepared to denounce Australia's treatment of Aborigines at home and overseas; others were reluctant to be 'critics of the nation...undermining Australia's national reputation'.<sup>74</sup>

Whether or not McKay, Cooke and Johnston should be called maternalists, they successfully established themselves as 'sympathetic' experts in Aboriginal affairs. As a result of lobbying by Women's Association activists, the South Australian government was the only government in the first part of the twentieth century to appoint women board members, primarily as the Protectors of Aboriginal women.<sup>75</sup> However, legislating protection for Aboriginal women in the 1939 *Aborigines Act Amendment Act* had a downside as the legislation ultimately limited their liberty, as we shall see in the next section. The illiberality of the legislation might explain the reluctance of many men in Parliament to debate or endorse the protection of Aboriginal women, as discussed in Chapter 2, since such measures raised concerns about society's enlightened progress, the freedom and equality of the liberal subject, as well as the uncomfortable subject of scurrilous behaviour of some non-Aboriginal men. As argued by both Dean and Valverde, 'illiberal' rationalities and techniques of governance, however, are countenanced to achieve the objective of rule and are rationalised by producing some subjects as 'immature' adults.<sup>76</sup> This is what occurred in the case of South Australia's protection legislation.

### **The Board and the execution of special protection legislation**

Statements that infer that Aboriginal women, unlike other women, were 'accorded no protection' before the 1939 legislation are misleading, as is Rowley's deduction that the 1918 Northern Territory *Ordinance* 'lessen[ed] the penalty for rape by providing an alternative charge' to that which was applied in the larger community.<sup>77</sup> The opinion of the South Australian Crown Law Department was that specific legislation for Aborigines dealt 'with cases not considered criminal offences', but criminal acts were to



be prosecuted under criminal law (this argument also applied to the Northern Territory).

Criminal law provided that:

If any male person has carnal knowledge of a native woman against her will or by force it becomes an offence under the Criminal Law Consolidation Act...Sects 48 & following Sects deal with cases of violence, i.e. Rape or attempted rape; Carnal knowledge or attempted carnal knowledge...It is also suitable for cases of under age indecent assault.<sup>78</sup>

Laws for cases of sexual relations without consent and under the age of consent were in place, but the factor that was often missing was the will to implement them.

During debate in the Assembly in the late 1930s about the proposed legislation, there were almost equal numbers of members reluctant to include protection under Section 34a, as there were supporters for it. The supporters made two points: first, that the new clause would help 'prevent an increase in the number of half-castes'; and second, that 'experience elsewhere [in Western Australia, Queensland and Northern Territory] indicates that it is advisable to have a similar law in this State'.<sup>79</sup> The Government, all four Executive members in the Assembly, Lacey, Leader of the Opposition, and McInnes (Labor), a former Commissioner of Public Works, all opposed the amendment because in their view criminal law already covered offences either where consent was withheld or for those under the age of consent.

The Attorney General was concerned that the measure would make one law for Aboriginal people and another for non-Aborigines, while Stephens (Port Adelaide) stated that the new clause would 'make it legal for a half-caste to commit an offence against a half-caste or any other woman'.<sup>80</sup> Stephens was concerned that mainstream law would no longer bind part-Aboriginal men because they would be 'Aborigines' under the 1939 *Act*. Christian (Eyre) sought to ameliorate any disagreement by adding that 'natives do not marry in the same way that the white people do'.<sup>81</sup> Most of the debate had already occurred in a Parliamentary Committee rather than in the Assembly, and none occurred in the Legislative Council. Crosby, Member for Barossa and a former Advisory Council member, summed up the feelings of those who were reluctant to comment on the issue when he said 'we cannot by law control human passions'.<sup>82</sup> Everyone seemed to agree that the issue represented 'one of the worst offences in our State', both morally and racially, because the white offenders 'disgrace their colour and race and cause much misery to the offspring of these people'.<sup>83</sup>

Rowley asserts that the original Section 34 in the 1911 *Act*, Aboriginal women in 'male attire' in the company of white men, which made it an offence for both Aboriginal women and their employers, referred 'to the frontier custom of "employing" female stockmen' and indicated 'the nature of demands on Aboriginal society—for work and for sexual services'.<sup>84</sup> Section 34a of the 1939 *Act* consequently, by association with Section 34, also retained the idea that it was sexual offences by whites that occurred on the frontier, the domain of the pastoralist, that were the 'problem'. That is, legislation for the protection of women was inextricably linked with the need to maintain a labour force in remote areas. Debates in Parliament gave no information about this context but there was the inference that uncontrolled liaisons were matters pertaining to the pastoral fiefdoms. In fact, the original prosecutions under 34a were executed by the police officer based at Oodnadatta, a rail and road junction from where men, beasts and goods went into the interior and the far-flung pastoral stations.

Once the 1939 legislation was passed, Mounted Constable Bradey at Oodnadatta immediately charged some of the white men in his large and remote district who had Aboriginal women as sexual partners. Bradey had only limited success as once other white men knew his intentions they either disguised their relationships or remained 'out bush'. The Board praised Bradey in his efforts but he did not get the same support from his immediate supervisor, Sub-Inspector Parsonage at Port Augusta.

Parsonage took a completely different view of the 'problem'. He did not attach the same importance to sectionalisation of Aborigines into *full* and *part* that had been secured by government rationalities. His opinions were influenced by the fact that tribal Aborigines were attracted to the fettlers' camps along the north-south and east-west railways as well as to the towns along these routes. He perceived that the Aborigines were choosing to attach themselves to white communities. For this reason, he believed that many of the sexual liaisons were personal matters between Aboriginal women and white men, and therefore prosecution was an extreme measure. Parsonage thought that legalising marriages was not a solution either, because most relationships did not conform to marriages between white people. He also thought that disturbances resulting from white incursions into Aboriginal camps could be handled, if need be, by other legislation, for instance the *Police Offences Act*.

As stated earlier, Section 85(1) of the 1936 *Police Offences Act* referred to idle and disorderly behaviour amongst Aborigines and aimed at prosecution of non-Aborigines. Section 85(1) may have been useful in remote areas but in the central districts it was a 'seldom-used law', which made 'it an offence for a white man to lodge with Australian aborigines'. In one case of prosecution, a newspaper report stated that the law implied that there must be 'more than one Aborigine', suggesting that it was not there for use in *de facto* marriages between a white man and an Aboriginal woman. In this instance, the defendant was found guilty but was fined only £5, which was insignificant compared to the maximum penalty of £50 or six months imprisonment under the 1939 *Aborigines Act*, Sect. 34a.<sup>85</sup>

Bradey's first prosecution proceeded only after he had pursued a suspect for several weeks. Initially, in August 1940, he wrote to the Head of the Aborigines Department about the suspect and the difficulties in securing a charge. Penhall agreed with Bradey that he could not press charges for merely an attempt to procure 'carnal knowledge'.<sup>86</sup> Finally in September, the defendant was charged with a breach of Section 34a (c) carnal knowledge of a female Aborigine (three months hard labour) and a breach of the *Licensing Act* (Sect.172) procuring sex through supplying an Aboriginal tracker with liquor (one months hard labour). Bradey succeeded with seven more prosecutions before the end of 1940. Penhall encouraged him, saying that, if action could be taken 'against all offenders, it might be possible to stamp out the offence'. He emphasised that parts (a) and (b) of Sect. 34a meant breaches occurred when a white man consorted 'whenever he has the opportunity' and when he 'particularly favour[ed] any one aboriginal woman'.<sup>87</sup>

There were more developments when some of the men, who had long-term liaisons with individual women, said, when faced with prosecution, that they were willing to marry but there was no celebrant in the district. In late 1940, the Board recommended that Bradey be given a licence to perform marriages but stipulated that he must notify the names of persons to be married prior to the event '[a]s an additional protection for the aborigines'.<sup>88</sup> The Board believed 'that a white man who had lived with one native woman should be encouraged to marry that woman, and in such cases prosecution is not desired'. Subsequently, the Board approved three marriages.<sup>89</sup> However, it was left to Bradey's discretion to decide whether or not the woman would benefit by being married

to a particular white man. The Board's advice was that the primary object was the protection of women, rather than normalising sexual relationships between white men and Aboriginal women. In white men's camps, Aboriginal women might benefit from receiving 'white tucker' while being treated badly in other ways. Bradey believed that some Aboriginal women would not suffer to a great extent if they left their white men as 'we could obtain jobs for them, and even if a few of them were brought in to Oodnadatta and given rations for a while they would soon settle down and be a lot happier and better for it'.<sup>90</sup>

In 1941, Bradey's main concern became the protection of young girls who were used as prostitutes by their employers. Penhall advised him that the Board was the legal guardian of all Aborigines under 21 years of age and that it would support the police in any action requested by the Board. He stated:

The natives are free agents, and no white man in this country has any rights over them, consequently if they wish to leave a job they are free to do so without let or hindrance. You need have no fear of counter actions in carrying out the instructions of the Board, for the Board accepts full responsibility for all action undertaken on its behalf.<sup>91</sup>

There was a subtext to Penhall's comment. Bradey's hard-hitting approach to enforcing legislation obviously caused friction with white employers used to having their own way. It must be remembered that under *Ordinance* 18 of the Northern Territory, where the penalty was £100 or three months gaol, if the guilty party were an employer he would also lose his licence to employ Aborigines. Section 34a was similar to the *Ordinance* but South Australian legislation had never sought to license employers or control wages and conditions of employment. This opportunity was lost in the 1911 *Act* and again in the 1939 *Act*. Bradey and the Board were attempting to use Section 34a in partial compensation for this lack. Employers were having to face up to the civil rights of the Aboriginal people but were often able to continue as before because there were no legal impediments to their actions. Many police did not interfere in employment relations even if the Aborigines' civil rights appeared to be infringed. As stated previously, Bradey did not have Parsonage's full support and, possibly, he did not have that of many of his colleagues.

In early 1942, Bradey left the force and by then the issue of women who were *de facto* partners to white men had not the same impetus as in 1940, although he did perform another two marriages shortly before leaving. His successor, Mounted Constable

Connell ex Innamincka, on appointment was successful in a conviction under the *Act* for which the Secretary congratulated him because 'it will serve as a deterrent to other men'.<sup>92</sup> Connell appeared to do the Board's wishes initially but was more conscious of keeping his peace with white men in the district, since he did not pursue the task with any vigour later.

When Parsonage was asked his opinion about licensing Bradey to perform marriages, he questioned 'the propriety of marriages between white men and native women, and also of any marriage involving an uncivilized aborigine'. He also wanted 'provision...[to] be made in the Aborigines Act to authorize a legal union between such parties'.<sup>93</sup> Penhall argued that if a woman was 'considered by a white man to be suitable to live with as his mistress...surely [she is] entitled to the protection provided by the Marriage Act'. He also thought that if Parsonage believed that 'a union between such persons...to be a proper procedure if performed under the provisions of the Aborigines Act (if amended) [then why should there be] reason for any objection to the union under the provisions of the Marriage Act'.<sup>94</sup> Parsonage wanted to prevent interference in the *status quo*. The fact that he suggested altering legislation inferred that he was stalling for time knowing the lengthy process involved in amending statutes.

Parsonage's attitude was not unexpected or exceptional. For example, the Rector at Alice Springs who helped the Diocese of Willochra by occasionally visiting Oodnadatta, declined to perform marriages when asked by the Board. He thought what was needed was 'a State marriage' to 'safe-guard the Church's Sacramental marriage'. He felt that the men only wanted to marry to be 'on the right side of the law' and their true motivation had to be 'lust' since they were living with 'black women'. His attitude to the women was that 'it [would cause] further complications amongst the natives themselves and with their own marriage rites'. Most likely, they would need to 'become Baptised as members of the Church' before 'Sacramental marriage' could be performed.<sup>95</sup>

The experiences of Bradey reveal the difficulties of executing Section 34a. Some members of the Board realised they could not always rely on officials to carry out protection law and that they did not have whole-hearted support of the public, lay or

religious. As with crimes against women that were offences under criminal law, offences under Section 34a were only prosecuted if there was the will to do so.

### **Welfare officers and domestic roles, government benefits and assimilation**

The Women's Non-Party Association was well aware of the difficulty of applying criminal law for the protection of Aboriginal women. Since the 1920s, it had called for the appointment of women police as Protectors in the hope that women Protectors would serve Aboriginal women more effectively. Kate Cocks, in the force from 1916 to 1935, was sympathetic with the concerns of the Women's Association for the protection of Aboriginal women. Interviewed on return from a fact-finding tour in 1938 on the role of women police, she declared the need for women police in Central Australia 'to deal with the half-caste problem there'. She emphasised that the responsibility belonged to the Federal Government and added: '[I]f Inland Mission nurses could go to the outback, so could women police. The nurses were already doing good work, but there were certain things they could not do without a police-woman's authority'.<sup>96</sup> Women police were the jurisdiction of the Chief Secretary and possibly because of this, Miss Cocks' requests were ignored, since Aborigines were the responsibility of the Commissioner of Public Works.

Due to the women's groups, the issue had overseas recognition. In 1938, the Honorary Secretary to the Agent General for South Australia, Daisy Solomon, wrote to the Aborigines Department reporting on the resolutions of the Annual Conference of the British Commonwealth League. The Conference thought the 'best possible policy' was to raise the status of Aborigines so that they secured 'a definite place...within Australian civilisation'. One recommendation was for 'the Australian Governments to appoint capable women, sympathetic to the Aborigines, to serve as Protectors and Inspectors'.<sup>97</sup> The matter was also pushed locally. At a public meeting in mid 1939, the Aborigines Protection League passed several resolutions, one of which stated that 'the question of protection and advancement of the aboriginal and half-caste women be in the hands of women protectors'.<sup>98</sup>

The Aborigines Department was not against such a measure in principle. Over the years it had relied on women *in the field* like the independent Daisy Bates and Annie Lock

and others attached to missions in the outback, as well as employing the wives of superintendents, nurses and female teachers on government stations to administer to women's needs. The Department sought Miss Cocks' experience at any opportunity. For example, she was appointed to conduct a survey at Point Pearce station on women's welfare and employment prospects.<sup>99</sup> Women police like Miss Cocks had been involved for some years in the welfare of Aboriginal women who had become urbanised. This support supplemented officials of the Children's Welfare and Public Relief Department and lay people connected with the Aborigines Friends Association and Adelaide City Mission who inspected the homes of the indigent and visited the sick.

The ongoing issue of protection of girls in the city had culminated some years before when Miss Green, superintendent of the City Mission, complained about 'half-caste' girls in the West End who were creating a nuisance and subject to vice, and who were in some eyes promiscuous. This had resulted in a meeting in mid 1931 between Miss Green, women police and Advisory Council members to discuss protection. Miss Green thought Aboriginal girls should be prevented from leaving the government stations and the women police 'urged that employment should be given them on the Stations'. Constance Cooke believed that women should have protection wherever they lived and wanted legislation adopted similar to that of the Federal Government, which was applied in the Northern Territory. Garnett, a Council member and former Chief Protector, held 'the girls referred to be disciplined by being sent to a Station near Marree' for training.<sup>100</sup> The issue of training for employment is discussed in Chapter 10.

It is important to note that, by 1940, welfare administration was so widely spread amongst various bodies, both private and government, that government attempts to manage a situation frequently resulted in contradiction. For instance, Garnett's remedial practice would only expose young Aboriginal women to conditions in remote areas where some white men contravened the norms of social behaviour knowing that they would in most cases not be found out, and which the Women's Association had been striving to prevent. Those who had persisted with the issue of protection believed that it was time to take stock. A Welfare Officer was thought necessary 'not only for supervision of the aboriginal girls and women in the metropolitan area, but that

aboriginal mothers, particularly in outback areas, need supervision and guidance in bringing up their children, especially in regard to matters of health, hygiene and moral training'. It was felt that trained nurses with 'other necessary qualifications' were the suitable appointments as welfare officers.<sup>101</sup> As discussed in the previous chapter, Aboriginal families like other families living under inadequate social and economic conditions, were subject to the ideas, practices and moral authority of medical professionals and officials who believed poor health to be the fault of those families themselves because the families failed to use rational regimes of hygiene and nutrition. Frequently, medical professionals and the organisations they served, gave advice and instruction to mothers as if political and economic factors had no import into the mothers' lives.<sup>102</sup>

Since May 1941, the League for the Protection and Advancement of Aboriginal and Half-caste Women had been pressing for a Welfare Officer who was a trained social worker. In that year, the Board agreed to encourage outside bodies like the missions 'to take up welfare work amongst the aborigines in the City and on the Stations and Reserves'.<sup>103</sup> Consequently, despite constraints of Manpower Regulations because of the war effort, in 1943 Dr Jean Davies was appointed as Welfare Officer for six months (the appointment was temporary because of the constraints). Dr Davies had a connection with the Presbyterian Church (and Dr Duguid) as she had previously reported on disease, nutrition and hygiene at Kunmunya mission in the Kimberleys. Her first duties included visiting a club for Aboriginal women and girls, patients in various hospitals, and homes in the West End with Aboriginal woman Mrs S. Wanganeen (whose own home was officially recognised as a boarding house for Aborigines visiting the city for medical services. The Department reimbursed her expenses). Dr Davies then reported first hand on the conditions on reserves.

On completion of Dr Davies' appointment, Sister P.E. McKenzie was transferred from her position as nurse at Point McLeay station to become Welfare Officer. From then on, the Sister visited government stations, reserves and fringe camps, supervised youth in employment and visited Aboriginal people in hospitals. It was a huge job for one person and was in the old mould of the Welfare Department's inspectors, except that she had nursing training. It was not until the mid to late 1950s that more Welfare Officers were appointed. As late as 1963, only one of the then fourteen Welfare



Officers was a trained social worker.<sup>104</sup> Government employed women as inspectors and visitors in the field, including professionals like Dr Davies and Sister McKenzie, but was still reluctant to recognise them as policy implementing bureaucrats. Women's Association members like Constance Cooke, nonetheless, clearly posed a threat to the masculine Millian bureaucracy.

Once it was apparent that Section 34a, the protection of Aboriginal women, had limitations depending on the will of the police in the field who were required to implement the law, advocates of the Women's Non-Party Association and other women's groups to which Constance Cooke and Alice Johnston were members, directed their attention to policies that advanced Aboriginal women's status. To this end, they sought to improve Aboriginal women's maternal and domestic roles so as to ensure their eligibility for government benefits.<sup>105</sup> They stressed the importance of appointing female Welfare Officers, in particular trained social workers, because they believed that Aboriginal women needed support not only for the sake of their health and happiness but also because their access to welfare benefits related to their roles in the domestic realm. For example, the Women's Non-Party Association met with Mr Chinnery, Department of Native Affairs, and was advised that Aboriginal women 'living under civilised conditions' would be eligible for the Widows Pension when the new legislation concerning benefits was passed.<sup>106</sup>

Against a long history of exclusion of Aboriginal women from maternity benefits, the women's organisations also worked to secure them access to those benefits.<sup>107</sup> In the early days of the new Australian nation, there were concerns about declining birth rates. This concern is well documented.<sup>108</sup> A *Maternity Allowance Scheme* (1912) was introduced to encourage women to have babies. It involved a baby bonus of £5 per viable birth. Significantly, the bonus was not available to 'aboriginal natives of Australia'.<sup>109</sup> As Aboriginal people were ineligible for other Federal Government benefits and pensions, the Maternity Allowance was more about upholding this restriction rather than a measure to curb the births of Aborigines, 'full-blood' or part-Aborigines. However, this has been a matter of much debate with support for the latter observation that the Allowance sought to 'minimise' Aboriginal birth rates.<sup>110</sup>

By the Second World War, attitudes changed to the extent that the popular view, at times, was that part-Aborigines, particularly those who were assimilated, should be

eligible for government benefits. Aboriginal women, married or unmarried, were eligible for the Maternity Allowance if they did not have a preponderance of Aboriginal 'blood'. The classification by 'blood' was subject to anomalies. For instance, as one Aboriginal man stated, because he was three-quarters Aboriginal and his wife a 'half-caste', their daughter was ineligible for the Allowance. As he aptly said, 'my particular caste deprives me and also my children from a Full-Blood and a Half-Caste Privilege'.<sup>111</sup> There has been much written about the racism inherent in Commonwealth legislation that employed categorisation by 'blood' which cannot be dealt with here.<sup>112</sup>

Child Endowment was introduced as a wartime measure. The payment was intended as a family wage supplement to assist those living below the minimum wage and not as a stimulus to population growth.<sup>113</sup> Consequently, it did not specify the 'blood' requirement of the Maternity Allowance, where light skin was used as an indicator of assimilation. The *Child Endowment Act* also stipulated that endowments were to be 'applied to the general maintenance, training and advancement' of children.<sup>114</sup> This allowed regulation of eligibility. Initially, the Endowment was not paid to Aboriginal mothers who were nomadic or who were wholly maintained by the State. State governments, however, were critical of this interpretation of eligibility, agreeing that Aboriginal women dependent on State relief on Aboriginal institutions 'should not be forced to leave Settlements for the purpose of receiving endowment'.<sup>115</sup> Thereafter, in 1942 Child Endowment was opened up to those who were dependent on the State and to 'nomads', who previously were expected to be self-reliant.

Aboriginal mothers, including *de facto* and foster, were eligible for Child Endowment if they were maintaining children less than 16 years of age. Payment was received for all children, after the first.<sup>116</sup> The money was to be paid directly to them unless the Aborigines Protection Board considered the mothers either 'unreliable' or unfamiliar with the cash economy, whereupon it arranged for receipt of endowment money from the Federal Government on their behalf, and 'for the issue of food and clothing orders to the value of the amount available'.<sup>117</sup>

In 1952, the Protection Board wrote in its Annual Report that, because Aborigines were liable to pay income tax, they should be eligible for Maternity Allowance despite their skin colour. It argued for access to the Allowance for '[a]ll aboriginal mothers, whose standard of living is equivalent to the average in the district, and who accept the same

obligations and responsibilities as other women in the district', and thought that the 'test of eligibility should not be the degree of aboriginal blood, but the standard of life maintained by the mother concerned'.<sup>118</sup> By 1959, almost all Aboriginal people were eligible for Commonwealth allowances, benefits and pensions. However, 'nomadic' or 'primitive' Aborigines continued to be excluded except in the case of Child Endowment, which had been granted to them almost from the inception of the scheme. In 1966, this discrepancy was overturned and all Aboriginal people were eligible for government relief.

As stated above, the 1952 Report revealed that the Protection Board had reached an understanding that Aboriginal families should be judged according to the living standards of their neighbours. Previously, Aboriginal families were compared with conventional white families with normalised bourgeois values. Governance through these values was early colonial practice. For example, in 1848 Kudnarto was trained in 'good housekeeping' methods of cleanliness and hygiene so that she could marry her white husband. Governance had not changed when, in the 1920s, the Chief Protector told the Aborigines Friends Association that according to State Children's Council regulations a neglected child must not be returned to Aboriginal stations or camps because they were considered by the Council (Welfare Department) to be sub-standard.<sup>119</sup> Inspectors of the Children's Welfare Department were required to make sure that children's homes were 'satisfactory as regards cleanliness, accommodation, and moral surroundings'.<sup>120</sup>

The fact that the Board was not able to reach an understanding about appropriate living standards before 1952 can be attributed to two factors. First, the Board was implementing an exemption scheme, developed in the 1930s, which was based on personal character and 'standard of intelligence and development', 1939 *Act* Section 11a(1) (discussed in Chapter 7). This implied a mode of living, often described as 'civilised', which was based on Christian norms and a high standard of materialism, even if rustic life did not warrant it. The other factor was that, from the latter part of the nineteenth century, the home and by extension, the role of the wife and mother was idealised. The home was the locus of a bourgeois notion of a refuge from the 'rational world of capitalist commerce, industry and the State'.<sup>121</sup> It was women's role to ensure that the home lived up to this idealisation—a further indicator of 'civilisation'.<sup>122</sup>

Governments desiring 'civilisation', 'citizenship' and assimilation of Aborigines, imposed European norms through the discourses of motherhood and home. The Maternity Allowance was only gradually granted to Aboriginal women and those living in rudimentary abodes like 'nomadic and primitive' Aboriginal people were the last to receive the Allowance. The granting of 'motherhood' benefits to Aboriginal women reinforced domestic ideals and, in doing so, the measure was assimilationist.

The Board supported Aboriginal rights to benefits and pensions, particularly when, like other working people, they were required to pay Commonwealth income taxes in 1942. Constance Cooke was an advocate for these rights even prior to the Board's formation.<sup>123</sup> Once it was determined in the mid 1940s that the Federal Government was not going to take financial responsibility for Aborigines as a whole, the State Government was intent on securing assistance for them through those Commonwealth schemes that denied their eligibility because of their ancestry ('blood'). For example, in October 1944, the Premier appealed to the Prime Minister to allow Aborigines who were 'civilised', including residents of government stations and missions, to receive Commonwealth social security. The 'issue remained a point of dispute' between the Commonwealth and the States until the 1959 legislation overturned most restrictions.<sup>124</sup>

### Conclusion

Protection legislation was the unique contribution of Cooke and Johnston to the Aborigines Protection Board. These women used their membership of women's organisations to further their political aims and, as a result, they added a different discourse to the dominant one of protection for *full* Aborigines and assimilation for *part* Aborigines. Their proposals did not rely on the division of populations; rather, Aboriginal women were to be protected *despite* their 'caste' or domicile. At the same time, however, they continued to incorporate concerns with class, gender and citizenship, namely the elements of improvement and self-control, motherhood and domesticity, and civil rights and regulations into their recommendations.<sup>125</sup> In the process they reinforced a rationality of rule based on a biopolitics of the Aboriginal sub-population, with race as a dominant governing mechanism. As Stoler says:

The discourse of race was not on parallel track with the discourse of the nation but part of it; the latter was saturated with a hierarchy of moralities, prescriptions for conduct and bourgeois civilities that kept a racial politics of exclusion at its core.<sup>126</sup>

The story of the women Board members supports this interpretation, showing how the discourses of class, gender and race served as governmental apparatuses of security, the forms of knowledge used to harness biopolitical interventions.

The special legislation in Section 34 (34 and 34a) was dropped from the 1962 *Act* because of its effect of perpetuating difference by diminishing the status in law of Aboriginal women. This irony must not have been comforting to the women who had fought for the inclusion of protective law. Their critics had always thought their zeal was inappropriate and would have felt justified by the demise of the law. The next chapter, focussed on Police, expands our understanding of the relationship between the Protection Board and the administration of law. It also elaborates on the difficulties inherent in 'special' legislation for sub-populations.

- <sup>1</sup> *Daylight* 30 July 1927. Ida McKay, member of the Advisory Council of Aborigines, believed 'only a sympathetic woman' could comprehend the condition of Aboriginal women.
- <sup>2</sup> K.S. Prichard (1991) *Brumby Innes and Bid Me to Love*. Sydney: Currency (1<sup>st</sup> Pub. 1927), pp. 64-65.
- <sup>3</sup> Dean (1999), *Op.cit*, p.128.
- <sup>4</sup> Valverde (1996) *Op.cit*. Valverde explains the effects of personal despotism or the 'irreducible despotism in the heart of the paradigmatic liberal subject's relations to himself' as contributing to 'the persistence of illiberal practices of moral governance', p. 359.
- <sup>5</sup> *Daylight Op.cit*, Ida McKay reinforced the popular view.
- <sup>6</sup> D. Bell. (1998) *Ngarrindjeri Wurruwarrin: a world that is, was, and will be*. North Melbourne: Spinifex, pp.426-427. The story is taken from George Taplin's journals 1859-1879 (15 February 1871). Another story, an Aboriginal dreamtime legend of genesis, tells of two wives running from their Aboriginal husband and drowning in the same straits. This legend was told to anthropologist, Ronald Berndt, by Albert Karloan (1864-1943) of the Manangka clan in 1939. See pp. 91-93.
- <sup>7</sup> 1860 Select Committee, p. 95.
- <sup>8</sup> *Ibid*, p. 97.
- <sup>9</sup> SAPD 31 May 1883 to 28 February 1884.
- <sup>10</sup> See SAPD 21 & 22 December 1898 debates re Children's Protection Bill and whether or not legislation should be enacted to ensure 'virtue' in men and women particularly as '[r]eligious influence was lax in new countries, and it was only right that the deficiency should be made up by legislation', p. 1193.
- <sup>11</sup> The *Children's Protection Act* (1899) raised the age of consent from 16 to 17 years. The *Magistrate's Guide* (revised 1906) inferred this applied to all children (boys and girls), p. 446. However, the *Criminal Law Consolidation Act* re criminal offence of rape states that 'Females under the age of 17 years are deemed incapable of consenting to an indecent assault' *South Australian Police — Instructions to Special Constables* (1939) Government Printer, p. 19. The *Criminal Law Consolidation Act* (1935) left the age of consent at 16 years not taking into account the 1899 *Children's Protection Act*. The *Criminal Law Consolidation Act* of 1952 corrected this anomaly.
- <sup>12</sup> SAPP No. 77 Select Committee of the Legislative Council on the Aborigines Bill, 1899, p. 1.
- <sup>13</sup> *Ibid*, p. 27.
- <sup>14</sup> *Ibid*, p. 54.
- <sup>15</sup> The *Destitute Persons Act*, 1881, p. 210. With the introduction of the *Maintenance Act*, 1926, Section 60, (and *Standfield v Byrne*, [1929] S.A.S.R. 352) the onus was shifted somewhat towards the man.
- <sup>16</sup> SAPP No. 29, Report of the Protector of Aborigines year ended 30 June 1907.
- <sup>17</sup> SRSA GRG 52/1/296/1903 Annual Report for year ended 30 June 1903.
- <sup>18</sup> SAPP No. 77a Select Committee of the Legislative Council on the Aborigines Bill, 1899 *Op.cit*, p. 26.
- <sup>19</sup> Minutes of Evidence of Aborigines Royal Commission 1916, No. 21, p 25.
- <sup>20</sup> Final Report of Aborigines Royal Commission 1916, No. 21, p. v.
- <sup>21</sup> SAPP No. 29 Annual Report of the Chief Protector year ended 30 June 1918. South stated that 200 Aborigines were not giving trouble along the line and would return to their own country.
- <sup>22</sup> SRSA GRG 52/1/1/1919.
- <sup>23</sup> SAPP No. 29 Annual Report for year ended 30 June 1920.
- <sup>24</sup> SRSA GRG 52/12 Advisory Council Minutes March, June and November 1926.
- <sup>25</sup> Rowley (1974) *Op.cit*, p. 236.
- <sup>26</sup> *Ibid*.
- <sup>27</sup> SAGG 7 April 1927.
- <sup>28</sup> Rowley (1974) *Op.cit*, p. 236.
- <sup>29</sup> *Ibid*, p. 206.
- <sup>30</sup> *Ibid*, pp. 232-236.
- <sup>31</sup> SRSA GRG 52/1/60/1940 A hawker was given permission to enter Point McLeay. At Point Pearce, white fishers required permission to enter so as to reach fishing grounds, which were only accessible by traversing the reserve. This became a serious issue at times when it was observed that white fishers were supplying alcohol to residents, GRG 52/16 minutes of Aborigines Protection Board, 22 September 1954. Also, all mission staff required official resident permits for the duration of their employment on missions and reserves.
- <sup>32</sup> C.D. Rowley. (1971) *Outcasts in white Australia: Aboriginal policy and practice*. Canberra; ANU Press, 'South Australia amended its legislation to prevent miscegenation...but it made no attempt to control marriage' p. 25. For example, in WA it was government policy to attempt to breed out 'blackness' in part-Aborigines by preventing marriages between 'full-blood' Aborigines and part-Aborigines. The

WA legislation of 1936 stated that 'no half-caste need be allowed to marry a full-blooded aboriginal if it is possible to avoid it'. The differences between states are discussed briefly in Chapter 7.

<sup>33</sup> Women were employed in post offices through family connections—once their fathers, or brothers, died or were promoted elsewhere. The post office enabled women to gain considerable skills normally denied them. Other positions open to women were as telephonists and typists—these were seen to be suited to women and there were few opportunities to get 'male' jobs.

<sup>34</sup> Mrs Norman was Alma Matthews and her husband was W.A. Norman, solicitor and local councillor. The Matthews family were well-known missionaries, formerly of Maloga Mission, NSW, and then Manunka on the Murray River in SA (1901-1911). See N. Cato (1993) *Mister Maloga*. St Lucia: University of Queensland Press, 1<sup>st</sup> Published 1976.

<sup>35</sup> SRSA GRG 52/12 Advisory Council Minutes, 6 December 1920.

<sup>36</sup> *Ibid*, 7 February 1922.

<sup>37</sup> *Non-Party News*, November 1923.

<sup>38</sup> Mortlock SRG 116/2 Women's Non-Party Association Minutes of the executive, 17 September 1924 and *Non-Party News*, October 1924.

<sup>39</sup> *Non-Party News*, November 1924.

<sup>40</sup> *Ibid*, December 1924.

<sup>41</sup> *Daylight*, 30 July 1927.

<sup>42</sup> *Ibid*.

<sup>43</sup> *Ibid*, 30 November 1927.

<sup>44</sup> *Register*, 6 August 1909.

<sup>45</sup> *Ibid*, 9 October 1910 and 6 August 1909.

<sup>46</sup> SRSA GRG 52/36 Misc Correspondence 1925-1939, volume one. One of the many tasks of the Police was to act as agents of unemployed workers.

<sup>47</sup> The Chief Protector noted that by 1938 there were only two girls left under his jurisdiction, since the others had reached 21 years of age, when they were 'released from control and nearly all of them are still employed within the State of South Australia and are managing their own affairs'. SRSA GRG 52/8 Protectors Letterbook 1927-1939, letter to Chief Protector Darwin, 23 February 1939.

<sup>48</sup> Thomas Butterfield (1871-1943) was a farmer who was appointed as organiser for the United Labor Party in 1914. He was MHA Newcastle 1915-1917 and 1918-1933. Between April 1924 and April 1927 he was the Commissioner of Crown Lands and Minister of Agriculture. Coxon et al *Op.cit*.

<sup>49</sup> *Daylight*, December 1927 and SAPD 1 December 1927, p. 1858.

<sup>50</sup> *Advertiser*, 5 December 1927.

<sup>51</sup> Reverend Sexton was influential in this decision as he was president of the Adelaide City Mission.

<sup>52</sup> Miss Hunter and Miss Taplin were the Aborigines Friends Association's official visitors to Aboriginal patients at Adelaide Hospital in 1926.

<sup>53</sup> While they were Aborigines Protection Board members, the credentials of Cooke and Johnston were often described in terms of their spouses—Dr Terment Cooke and Professor Johnston both had recognised careers at the University of Adelaide. For example, Bartlett, Head of the Aborigines Department, responded to an inquiry from the Honorary Secretary of the Council for Aborigines Rights (Victoria) about the credentials of Board members with 'women who have been concerned in many organisations in this State for many years. In both cases their husbands occupied senior positions at the Adelaide University. Both have had many years experience with aboriginal affairs' GRG 51/1/170/1957 letter of 11 October 1957. Cooke, at times, decried the different treatment of women Board members. For example, she protested against their exclusion from Annual Staff Conferences (instituted in the late 1950s) at the Board meeting of 20 September 1961, GRG 52/16 minutes of Aborigines Protection Board. Not once did either one of the women act as chair in the absence of the Deputy Chairman. The role went to male members, even those of recent appointment—together with Cleland, Cooke and Johnston were the longest serving members of government boards dealing with Aboriginal affairs.

<sup>54</sup> *Daylight*, 30 June 1928, p. 342.

<sup>55</sup> *Ibid*.

<sup>56</sup> Mortlock SRG 116/2 Women's Non-Party Association 11 November 1925.

<sup>57</sup> See Chapter 3, p. 136 concerning Basedow. The personal lobbying overseas by both Herbert Basedow and Constance Cooke in the 1920s, which 'denounced Australian treatment of Aboriginal people', drew attention to government policies about Aborigines at the United Nations and the International Labour Office. See *The Wakefield Companion to South Australian History*, *Op.cit*, p. 125. Cooke had personal friends, the Darnley Naylor, who she visited in Geneva during 1927. Henry Darnley Naylor, Adelaide University Classics Professor, had founded the League of Nations Union in SA and on his retirement to England devoted most of his time to the League of Nations because he was a firm 'advocate of collective

security in international relations'. His wife Ethel Richman Wilson was 'a leading member of several women's organisations'. *ADB* vol. 10, p. 668. See Fiona Paisley's account of the Federal Government's concern about its international reputation and its right of reply to Constance Cooke's paper in F. Paisley "For a brighter day": Constance Ternent Cooke' in A. Cole, V. Haskins & F. Paisley (eds.) (2005) *Uncommon ground: white women in Aboriginal history*. Canberra: Aboriginal Studies Press, pp. 186-190.

<sup>58</sup> Mortlock SRG 116/1 Women's Non-Party Association General minutes from Constance Cooke's report of Second Women's Pan Pacific Conference, 1 November 1930.

<sup>59</sup> Mortlock SRG 116/1 Women's Non-Party Association General minutes 25 November 1933.

<sup>60</sup> *Advertiser*, 6 May 1933.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Non-Party News*, August 1926. The Executive of the Women's Non-Party Association congratulated Constance Cooke and Alice Johnston on their appointment to the Aborigines Protection Board and stated that it 'trusts that the greater powers of the new Board will enable them to accomplish more than was hitherto possible'. Mortlock SRG 116 Executive meeting of the Women's Non-Party Association of 7 May 1940.

<sup>63</sup> The argument about the irresponsibility of the fathers of mixed-race children was used even when white paternity occurred in earlier generations; namely 'absent' white fathers were the Aborigines' grandfathers and great-grandfathers.

<sup>64</sup> NLA Duguid Papers MS 5068, box 8.

<sup>65</sup> *News*, 23 May 1939.

<sup>66</sup> The constitution of the Aborigines Protection League was reconstituted in February 1940. At the same time, it affiliated itself with the long established overseas group called the Anti-Slavery Society.

<sup>67</sup> See F. Paisley (2005) *Op.cit.*, pp. 184-185 for an account of Cooke's activities at Point Pearce, particularly her encouragement of the Girl Guides' movement.

<sup>68</sup> A. Holland 'Wives and mothers like ourselves? Exploring white women's intervention in the politics of race, 1920s-1940s' in *Australian Historical Studies*, 32:117, October 2001, pp. 292-310. Holland is critical of Marilyn Lake's view that white reformers were radical. They did not challenge the White Australia policy and their concern for Aboriginal women 'did not translate into a critique of absorption'. See A. Holland 'Mary Bennett and the feminists: a response' in *Australian Historical Studies*, 32:120, October 2002, p. 398. This is a response to M. Lake 'Women and "whiteness"' in *Australian Historical Studies*, 32:117, October 2001, pp. 338-342. M.E. McGuire 'The legend of the good fella missus' in *Aboriginal History*, 14.2, 1990, p. 124 & p. 149. McGuire discusses the myth of 'kind mistresses' with Aborigines as the 'objects of their maternal care', which 'died with Daisy Bates just after World War II'. While Tonkinson argues that the idea of sisterhood between Aboriginal and white women cannot be substantiated and any friendships were rarely 'egalitarian' in nature. M. Tonkinson, 'Sisterhood or Aboriginal servitude? Black women and white women on the Australian frontier' in *Aboriginal History*, 12.1, 1988, p. 38.

<sup>69</sup> V. Haskins, ' "Lovable Natives" and "Tribal Sisters": feminism, maternalism, and the campaign for Aboriginal citizenship in New South Wales in the late 1930s' in *Hecate* XXIV, ii, 1998, p. 9. Haskins defines maternalists as women who thought that as pioneers they were therefore suitable reformers.

<sup>70</sup> F. Paisley, 'White women in the field: feminism, cultural relativism and Aboriginal rights, 1920-1937' in *Journal of Australian Studies*, 52, 1997, p. 122.

<sup>71</sup> See F. Paisley (2005) *Op.cit.*, p. 192 for an account of Cooke's role at the 1936 meeting.

<sup>72</sup> M. Lake. (2000) 'Colonising Colonists: Feminists negotiating gender, race and nation in Australia' paper presented at XIX International Congress of the Historical Sciences, Oslo, 2000, p. 6.

<sup>73</sup> The Australian Federation of Women Voters triennial meeting was held in September 1936 during the SA State's centenary celebrations. Constance Cooke put the motion about Aboriginal affairs to the Federation meeting and it was reported as being carried unanimously thus indicating that, if there was any conflict about the Federation's Aboriginal platform, it was not made public. *Advertiser* 15 September 1936.

<sup>74</sup> Lake (2000) *Op.cit.*, p. 7.

<sup>75</sup> F. Paisley. (2000) *Loving Protection: Australian feminism and Aboriginal women's rights 1919-1939*. Melbourne University Press, pp. 90-91. It appears that all states appointed women as local Protectors. For instance, in WA from the 1910s the Aborigines Department appointed 'honorary "Lady Protectors", usually station wives,...[who were amateurs] untrained in contemporary educational theory, anthropological knowledge or social work'. When women were finally appointed to boards in other states, there was no conformity with the type of female expertise required. In 1939, the NSW Aborigines Welfare Board, which had repeatedly rejected women as members, now 'resolved that one new member should be a woman, suggesting the Education Department's female inspector of schools', Haskins, *Op.cit.*



p. 16. Haskins notes that, in the past nominees without the support of both government officials and Aboriginal activists had been rejected. Previously the NSW Board had rejected nominations made by women advocates, including nominees with expertise in social anthropology. In the late 1950s, Margaret Tucker (Lillardia) was the first woman member of a Victorian board but she was appointed as an Aboriginal representative.

<sup>76</sup> Dean (1999) *Op.cit.* and Valverde (1996) *Op.cit.*

<sup>77</sup> M. Allen, M. Hutchison and A. Mackinnon (eds.) (1989) *Fresh evidence, new witnesses: finding women's history*. Netley: South Australian Government Printer. The authors state that Aboriginal women were accorded no protection before the 1939 *Act*, which 'speaks volumes for the colonisers' approach' to Aborigines and 'their use of Aboriginal women's sexuality', pp. 50-51. Rowley (1974) *Op.cit.*, p. 236.

<sup>78</sup> SRSA GRG 52/23 Miscellaneous, advice of 11 November 1940.

<sup>79</sup> SAPD 12-13 November 1936, p. 2437. Perry, MP East Torrens, introduced the amendment. Note Constance Cooke lived in the East Torrens Division.

<sup>80</sup> SAPD Stephens 12-13 November 1936, p. 2437.

<sup>81</sup> SAPD Christian 12-13 November 1936, p. 2437.

<sup>82</sup> SAPD Crosby 10 November 1936, p. 2310.

<sup>83</sup> SAPD Stephens 12-13 November 1936, p. 2437 and Perry 10 November 1936, p. 2301.

<sup>84</sup> Rowley (1974) *Op.cit.*, p. 219.

<sup>85</sup> *News*, 31 May 1938. This incident took place in the city precinct of Adelaide. *Police Offences Act* No. 2280, 1936 S.85 (1) was changed in 1953 (No.55) and 1956 (No.51) to Consorting with Aborigines and Half-castes (Sect 14, 1-3). It was repealed in 1958.

<sup>86</sup> SRSA GRG 52/1/5/1940 Aborigines Department Correspondence.

<sup>87</sup> *Ibid.*, GRG 52/1/5a/1940.

<sup>88</sup> *Ibid.*, GRG 52/16 Minutes 25 September 1940 (Dockets 5/1940 and 130/1940). In cases where a woman was under age the permission of a parent or guardian was required for legal marriage. Under the 1939 *Act*, the Board (and local Protectors) were the legal guardians of all children under 21 years of age, despite a child having a living parent or other relative. This meant that in many cases the Board had to approve marriages.

<sup>89</sup> *Ibid.*, GRG 52/16 Minutes 4 December 1940 and 8 January 1941 (Docket 5a/1940).

<sup>90</sup> *Ibid.*, GRG 52/1/5a/1940 Correspondence.

<sup>91</sup> *Ibid.*, GRG 52/1/7/1941 Correspondence 13 June 1941.

<sup>92</sup> *Ibid.*, Correspondence 17 November 1942.

<sup>93</sup> *Ibid.*, GRG 52/1/130/1940 letter of 27 August 1940.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*, GRG 52/1/130/1940 Correspondence 9 September 1940, Rector to the Board.

<sup>96</sup> *News*, 24 May 1938. Cocks found in New Zealand that women police were more like 'wardresses'.

<sup>97</sup> SRSA GRG 52/1/42/1938 Letter of 18 July 1938.

<sup>98</sup> *Advertiser*, 16 June 1939.

<sup>99</sup> SRSA GRG 52/12 Minutes 2 November 1937 and 2 August 1938.

<sup>100</sup> *Ibid.*, GRG 52/12 Minutes 1 June 1931.

<sup>101</sup> *Ibid.*, GRG 52/16 Minutes 14 October 1942.

<sup>102</sup> Raftery (1996) *Op.cit.*, p. 281.

<sup>103</sup> SRSA GRG 52/1/43/1941.

<sup>104</sup> Dickey, *Op.cit.*, p. 264.

<sup>105</sup> Mortlock SRG 116 report of the Women's Non-Party Association of July 1942, p. 7. Mrs Ashley Norman, convenor of the Aborigines Welfare Committee, advised that the Aborigines Protection Board had been asked to employ a trained social worker. Constance Cooke and Alice Johnston, Board members, were still members of the Welfare Committee of the Non-Party Association.

<sup>106</sup> *Ibid.* The eligibility requirements for the Widows Pension (widows and deserted women) were the same as those for Child Endowment and the Old Age Pension

<sup>107</sup> For example, in 1936, at the fourth annual conference of the National Council of Women, it was resolved that 'all Aboriginal and three-quarter caste' women 'who are living under ordinary civilised conditions' receive the maternity allowance, *Advertiser* 18 September 1936.

<sup>108</sup> R. Howe and S. Swain, 'Fertile grounds for divorce: sexuality and reproductive imperatives' in K. Saunders and R. Evans (eds.) (1992) *Gender relations in Australia: domination and negotiation*. Sydney: Harcourt, Brace, Jovanovich, pp. 158-174. The Federal Government's argued that its aim was 'not to encourage pregnancy, but to reduce infant mortality and maternal mortality' by supporting medicalised births, p. 170.

<sup>109</sup> A. Markus, 'Australian governments and the concept of race: an historical perspective' in M. de Lepervanche and G. Bottomley (eds.) (1988) *The cultural construction of race*. Sydney: Sydney University Press, p. 52. Aboriginal people were also denied Old Age and Invalid pensions.

<sup>110</sup> A. Markus, 'Legislating White Australia, 1900-1970' in D. Kirkby (ed.) (1995) *Sex, power and justice: historical perspectives of law in Australia*. Melbourne: Oxford University Press, p. 249.

<sup>111</sup> SRSA GRG 52/1/12/1941, letter of 3 February 1941.

<sup>112</sup> Markus (1988) *Op.cit*, pp. 46-59, Markus (1995) *Op.cit*, pp. 237-251; J. McCorquodale, 'The legal classification of race in Australia' in *Aboriginal History*, 10:1, 1986, pp. 7-24 and T. Clarke and B. Galligan, "'Aboriginal native" and the institutional construction of the Australian citizen 1901-48' in *Australian Historical Studies*, 26:105, 1995, pp. 523-543.

<sup>113</sup> The link to wage supplement is also confirmed by the fact that state governments paid for Child Endowment through payroll taxes. Child Endowment, like the Maternity Allowance, had a 'pro-natalist element' and this was exposed by the fact that Child Endowment was made payable to mothers, Howe and Swain (1992) *Op.cit*, p. 171. This fact was contentious, at times, when mothers were perceived by government officials to spend endowment money inappropriately.

<sup>114</sup> W. DeMaria, "'White welfare: black entitlement". The Social Security access controversy, 1939-59' in *Aboriginal History*, 10:1, 1986, p. 33.

<sup>115</sup> SRSA GRG 52/1/27/1941, letter of 18 July 1941.

<sup>116</sup> By excluding one-child families until 1950, the Endowment scheme disadvantaged young women with illegitimate infants in particular. However, the justification for exclusion of the first child was that the basic wage in itself supported a man, a woman and one child.

<sup>117</sup> SRSA GRG 52/1/27/1941, letter of 18 July 1941. Conference for Heads of Aborigines Departments, Sydney 1 July 1941, attended by Penhall and letter of 18 July 1941. The *Act*, on the Commissioner of Pensions' approval, allowed the States to apply endowment to the 'general maintenance, training and advancement' of the children residing on government settlements and reserves and on missions rather than individual disbursement. *Child Endowment Act* (1941) Sect.22 (1) and Regulation 16(1-2), DeMaria *Op.cit*, pp. 32-33. The extent to which the Aborigines Department and missions in SA disbursed endowment generally, rather than individually, is outside the scope of this thesis.

<sup>118</sup> SAPP No. 20, Aborigines Protection Board Annual Report year ended 30 June 1952.

<sup>119</sup> Mortlock SRG 139/1/40 Garnett to Sexton 2 May 1924.

<sup>120</sup> SAGG 7 April 1927, Regulations under the *Maintenance Act*, 1926.

<sup>121</sup> K. Reiger. (1985) *The disenchantment of the home: modernising the Australian family 1880-1940*. Melbourne: Oxford University Press, p. 3. The home was the site for applying the expertise of 'science', emphasising good health, hygiene, nutrition and training for responsible citizenship for the young. In this scenario, women were required to be efficient housewives and knowledgeable mothers.

<sup>122</sup> C. Bacchi, 'The "Woman Question" in South Australia' in E. Richards (ed.)(1986) *The Flinders History of South Australia*. Netley, SA: Wakefield Press. Domestic discourses were dominant well into the twentieth century but were 'prescriptive, not descriptive [as it] reflected the feelings of those who controlled the press and public offices, the middle classes, about how women should behave and not about how they were behaving', p. 405.

<sup>123</sup> SRSA GRG 52/12 minutes of the Advisory Council of Aborigines, 7 July 1930. Constance Cooke proposes Old Age and Invalid Pensions for 'half-castes'.

<sup>124</sup> DeMaria, *Op.cit*, p. 36. Penhall, at the Conference of Commonwealth and State Aboriginal Welfare Authorities in 1948, re-iterated the Premier's view stating that all Aborigines, except 'full-blood Aborigines living under primitive or nomadic conditions', should receive full social service benefits, DeMaria, p. 37.

<sup>125</sup> Allen et al *Op.cit*, p. 228. Women's Non-Party Association Annual Report 1931. Over time, the Women's Non-Party improved the wider community's perception of Aboriginal women's civil and personal status. However, Section 34a existed for 'the moral protection of native women', which implied that the issue of abuse of women was often perceived by the community as the fault of women.

<sup>126</sup> A.L. Stoler. (1995) *Race and the education of desire: Foucault's History of Sexuality and the colonial order of things*. Durham and London: Duke University Press, p. 93. These ideas are supported in S. Thorne (1999) *Congregational missions and the making of an imperial culture in nineteenth-century England*. Stanford, California: Stanford University Press. Thorne argues that 'the missionary movement contributed considerably to the very making of class and gender identities'. It became a 'terrain of class and gender as well as racial struggle', p. 157. She also argues that as women missionaries were not preachers (the spiritual being the domain of men) they were involved in 'a more social gospel designed to improve the health, education, and welfare of colonized bodies' and that this social, rather than purely spiritual, 'missionary praxis...[was] more conducive to racial distinction', p. 18. There are some

---

similarities between women missionaries' 'praxis' and that of the 'social workers' of the Women's Non-Party Association. The connections between patriarchy, nationalism and race are also made by medical historian Suzanne Parry in 'Identifying the process: the removal of "half-caste" children from Aboriginal mothers' in *Aboriginal History*, 19:2, 1995, pp. 141-153, and Francesca Bartlett 'Clean, white girls: assimilation and women's work' in *Hecate*, XXV, 1, 1999, pp. 10-38.

---

## *Police: alcohol, rations and the law*

I had to take charge of the natives' stores, and also to act as clerk to the church, as Mr Nation read the Church of England service every Sunday. The duties to be performed at this station were more like pleasure than anything else.

*McLean, Moorundie 1840s<sup>1</sup>*

This chapter examines the place of police and policing in the administration of Aboriginal people. It demonstrates inherent tensions within liberal governance, and a combination of liberal and non-liberal rationalities of rule. Specifically, we will see how beliefs about Aboriginal people and their status in terms of 'civilisation' contributed to these tensions. On the one side, the regulation of alcohol reveals that Aboriginal drinking was subject to a specific prohibition, which allowed police to coerce and harass Aboriginal consumers of alcohol. In addition, the 1911 *Aborigines Act* and the subsequent 1939 legislation for the protection and welfare of Aborigines had particular effects for policing because police became the public face of a non-liberal government that treated Aborigines as non-consenting adults. On the other side, the police duties of ration distribution, a form of liberal governance usually associated with welfare bureaucrats or philanthropists that was analogous to Foucault's pastoral power, could bring 'pleasure' in their performance as recorded by Mounted Policeman McLean at Moorundie.<sup>2</sup>

The role of police has been represented more often as control in both authoritarian and normalising disciplinary ways. Such a representation overlooks the common tendency in forms of liberal governance to focus on the creation of self-regulating citizens and the fact that, as Stenson points out, 'within a liberal order...repressive techniques are inherently unstable in their effects and create major problems of legitimation'.<sup>3</sup> As we will see, the aim of inducing self-regulation is particularly difficult for policing where

collection of evidence presents problems due to cultural differences and to language barriers, when patrolling is conducted in remote areas, and when Aboriginal people are thought in need of protection from alcohol, and from idle and disorderly settlers.

### **Police expertise and colonial policing**

Given that the political discourse prior to the formation of the Aborigines Protection Board was that members, and by extension Protectors, should be 'scientific experts', in order to facilitate the governance of Aboriginal people, the question is—did this apply to police? Stenson's work on policing shows that the police's 'symbolic presence...was crucial' in the nineteenth century. Although the policeman was 'drawn from humble origins', he had a smart uniformed appearance (see illustration figure 12). His was a 'restrained use of force, superior height, authoritative carriage, cleanliness and sobriety' so as to provide 'a visible symbol of civilised conduct which could be open to all citizens and not just the gentry'. That is, the policeman had to represent the 'liberal, universalist juridical authority'.<sup>4</sup> The colonial police commissioners like O'Halloran, Tolmer and Warburton had some of these attributes because as military leaders their presence was authoritative. So, too, with police associated with Aboriginal affairs. The newspaper obituary of Chief Protector and former policeman W.G. South stated that the mounted police had 'contained many well-educated men, who were destined to reach important offices'.<sup>5</sup> As with South, Mounted Constable Beerworth later became a member of parliament and took part in debates about the formation of the Aborigines Protection Board.<sup>6</sup> South had perhaps viewed his position in the force as more than just that of the nineteenth-century prototype since he was also an active member of the Council of the Public Service Association. Such practice was different from the early period of policing since Tolmer is described as 'basically a soldier, not a Civil Servant'.<sup>7</sup>

In an examination of late nineteenth-century law and order professions, Pellew notes that the prisons and constabulary inspectors 'developed' expertise 'on the job' as they 'learned how to report what they observed and how to make subsequent use of their observations'.<sup>8</sup> She states that, by the end of the century, there was a 'new "scientific" spirit' replacing the previous 'military tone' in penology and law and order.<sup>9</sup> The creation of a women's police force in South Australia in the early twentieth century is evidence of the new 'scientific' approach. Officers like Kate Cocks eschewed the use of

weapons and force, and the wearing of uniforms, and thought themselves social workers. Miss Cocks had a background in teaching as well as in probationary work for the State Children's Council.<sup>10</sup> Although the roles of women police were different in many respects from those of policemen, women received equal pay, which reflected their importance to policing. Miss Cocks' former occupation demonstrated that it was perceived that police benefited from training in social behaviour.

It is difficult to describe colonial policing practices fully and accurately because the duties of police were diverse and historiography about police and Aboriginal people is limited. A 'true' picture could be conveyed only by a survey of police records, a task beyond the scope of this thesis. However, a wide array of secondary sources offers insights into the exercise of criminal law and the role of lawmakers and practitioners in the colonial period.<sup>11</sup>

At settlement, the Governor's contingent of marines was used as 'police' initially, the first lockup was a tent, and drunkenness was prevalent amongst both prisoners and guards (the marines).<sup>12</sup> Hindmarsh, the Governor, as a result of the marines' inadequacies, formed a force of ten mounted and ten foot constables. The founders of the Colony had not provided for a police force and, consequently, the *ad hoc* nature of its formation influenced the type of organisation it was to become. The force was expected to police as well as to carry out many extraneous duties.<sup>13</sup> Governor Gawler established a permanent force in 1839, which was to serve the town and districts. Kaukas believes that Gawler modelled the force on the London Metropolitan Police because of his friendship with Charles Rowan, an early Commissioner of the London force, rather than on his own experience in the British army.<sup>14</sup> The legislation of 1839 was a copy of the New South Wales *Police Act* of 1833 except for 'one significant variation—the centralisation of police command'.<sup>15</sup>

As mentioned in Chapter 1, the police were considered a group apart from other government departments. They were poorly paid, often retrenched during government cutbacks, and had limited conditions of employment until the twentieth century. Clyne lists over thirty extra duties that police were required to perform. Apart from issuing rations to Aborigines, they issued licences of all types, inspected anything from public houses to vermin, collated agricultural statistics and performed much of the work involved in the courts.<sup>16</sup> However, in the first decades of the Colony's establishment,

police were a semi-military force expected to discipline the growing number of immigrants, and to control the influx of ticket-of-leave men from the eastern seaboard and convict escapees from Van Diemen's Land, and to prevent the increasing conflict between settlers and Aboriginal people.<sup>17</sup>

The fear of aggravations from convicts, ex-convicts, bushrangers and Aborigines (as occurred in the eastern settlements) was the reason for the creation of a mounted force and 'the military-style ethos which went with it'.<sup>18</sup> Castles and Harris believe that this ethos 'would still find a place in the working of the South Australian police force for years to come'.<sup>19</sup> Aborigines had more contact with the mounted contingent of the force than with the foot constables. The mounted force was armed with sabres and guns similar to the para-military Royal Irish Constabulary, which had been formed to deal with 'unstable and sometimes insurrectionary situations' faced by British governments in Ireland.<sup>20</sup> In contrast, the London Metropolitan Police and police in the counties were 'armed only with truncheons or staves'.<sup>21</sup> Notwithstanding, Mackay's review of policing in the 1840s indicates that a comparison with a para-military trained constabulary did not always apply, since the force that was established was 'preventive', and its key duty was active patrol of urban streets and rural districts.<sup>22</sup> In support of Mackay's findings, Tolmer's career reveals that, although he was military trained, he was centrally based with wife, children and extended family.<sup>23</sup> By contrast the Irish Constabulary recruited men who were 'single, had some military training, were posted to areas away from family and friends, and were transferred frequently to prevent fraternisation with the local population'.<sup>24</sup>

By the mid-nineteenth century, a training program was introduced for police recruits whereby they were 'instructed in military drill, the aims and objectives of police work and were paired with experienced policemen on the beat'.<sup>25</sup> Prior to this, recruits had minimal training and were equipped with a copy of the police manual, *Instructions and regulations for the police force of the province of South Australia*. An official notice of 1840 encouraged settlers to form voluntary militia corps to 'advance the peace, prosperity and good understanding' of the Colony. Strathalbyn District subsequently had a corps, which was 'always organised to repel any native attacks'.<sup>26</sup> Later a district constabulary was formed (*Act of 1852*), which made it compulsory for male ratepayers to serve for periods of twelve months. They were unpaid except for being 'recompensed

by receiving all or part of the fines which had to be paid by offenders they brought before the courts'.<sup>27</sup> It was also during this period that moves were made for providing extra security in the case of both internal and external threats to peace and sovereignty. In 1854, Parliament passed *Acts* to establish both a volunteer military force and a militia force in the Province. For example, volunteer rifle and cavalry corps were operative at Milang, Goolwa and other towns in the 1860s.<sup>28</sup> As there were corroborees being held by Aboriginal people under Tod's Hill, Milang District, up to the early twentieth century, the use of local militias for controlling the activities of Aborigines still had currency.<sup>29</sup>

During Tolmer's incumbency as Police Commissioner, a native constabulary was established. The cost of this force was taken from the land fund revenue, as were other Aborigines Department expenses. The force operated from 1854 to 1856, although small numbers of native police (as well as trackers) were employed before this time. The Sub-Protectors at Moorundie and Wellington were also made Inspectors of Native Police. There were 24 'native' constables at these two reserves. In addition, there were twelve 'native' constables at Venus Bay and three at Port Augusta. They were paid one shilling per day in comparison to European corporals who were paid nine shillings per day. As well, the constables received clothing and equipment plus rations.

Native constabularies had been established in other colonies. In the Port Phillip District, there were three distinct Corps, which had been formed initially in 1837 and were wound up in 1853. Over that period, 140 Aborigines had been members of the Corps. The Corps' purpose was to control bushrangers and escaped convicts, and 'it hoped to civilize the men of the Corps'.<sup>30</sup> There was 'no shortage of recruits for the police', and Fels notes that Aboriginal people added this experience 'to their cultural repertoire, not the destruction or rejection of the old identity'.<sup>31</sup> In New South Wales, the native police operated from 1849 to 1859 (in 1859 Queensland became a colony and inherited the Native Police Corps). The Corps policed the pastoral, prospecting, logging and other frontiers. At its peak, the Corps had over 130 Aboriginal police. It protected the frontiers against bushrangers and escapees, but its main purpose was to allow settlers to open up the outlying districts without hindrance from the native occupiers.

Several New South Wales Select Committees reviewed policing. The first, in 1847, found the Corps at Port Phillip to be 'very useful in checking the aggression of the



blacks...but entertain[ed] great doubts about the propriety or necessity of constituting it on a permanent footing or as a Police to be employed against the white population'.<sup>32</sup> The 1856 Committee inquired into improving the organisation and management of the Native Police Force on the New South Wales frontiers, while the 1858 Committee inquired 'into murders on the Dawson River and outrages between Aborigines and settlers in view to providing better protection for life and property'. Then, in 1861, Queensland established a Select Committee to inquire into police and the 'merciless actions of several officers'.<sup>33</sup>

This abridged history of the native Corps in the eastern colonies reveals that they were active during the frontier period of the colonies and were thought particularly useful in regions where there was conflict between Aboriginal people and settlers. The fact that a training in the Corps was considered a 'civilising' one, which gave Aborigines status, employment and provided rations for their families, was secondary. That is, the settlers' interests, not Aboriginal people's welfare, were paramount. This is the same context in which the formation of the Native Police in South Australia, as well as in the Northern Territory, can be viewed.<sup>34</sup> There is some evidence that the mounted police acted like a para-military force in the Northern Territory. For example, W.H. Willshire, the commander of the Northern Territory Native Police Corps was arrested in 1891 for ordering the murder of two Aboriginal men but was acquitted due to lack of evidence and exonerated, remaining in the force until 1908.<sup>35</sup>

In the colonial period, there was the issue of determining the context in which policing was required, whether it was a matter of war or of civil unrest. At the 1861 Select Committee (Queensland) into the Native Police Force, John Ker Wilson, squatter of twenty years, demonstrated this problem in his evidence when he said that

the settlers require as much control as the Police...If the magistrates are obliged to overlook the doings of the Police, they must also overlook any imprudent acts committed by the settlers. The system does not appear to me to be a legal one...to legalize the acts of the Force...you would have to pass a law to render killing no murder. But if a Military Force were established instead of the Native Police, then any district requiring their services could be declared in a state of siege.<sup>36</sup>

This issue confronted officials in South Australia as well. Chief Justice Cooper and Moorhouse, the Protector, tried to adhere to the policy that Aborigines, as British subjects, were equal before the law despite the 'quasi-military actions' of police.<sup>37</sup> Examples of para-military activity occurred after the massacre of shipwrecked

passengers of the brig *Maria* by Aborigines in 1840, and after skirmishes amongst overlanders moving stock from the eastern colonies and Aborigines at Rufus River in 1841. In the first situation, two Aboriginal men were tried summarily by Police Commissioner O'Halloran and publicly hanged as a lesson to other Aborigines. The second situation was a failed effort to prevent further killings because police led by Protector Moorhouse, together with a party of overlanders, were themselves involved in an altercation that ended in the deaths of thirty Aboriginal people.<sup>38</sup>

Following these setbacks to the ideals of good governance, the Chief Justice urged Moorhouse to educate the Aboriginal populace about the rule of law for their own protection, but this was not possible due to the lack of resources of the Protectorate and the ever-widening frontier.<sup>39</sup> Where the 'thin blue line' of the Mounted Police 'moved in with settlement...[they] stood between the black and white races and protected each from the other to an appreciable degree'. Schmaal believes that, as a consequence, the mid-north region 'never experienced the bloody violence which took place on...[the] West Coast and other areas'.<sup>40</sup>

In 1851, the Commissioner of Police reported to the Colonial Secretary that the Aboriginal people of Port Lincoln 'have well-grounded fears in passing through the runs of the settlers'. As a result, as discussed in Chapter 3, the Commissioner of Crown Lands amended pastoral leases to include clauses 'recognizing the undoubted right of the natives to traverse the runs, so long as they do not violate the rights of property; and also providing for their due protection'.<sup>41</sup> This indicated that the Government, in response to inadequacies of police numbers on the frontier, looked for alternative methods of providing protection for Aborigines.

Governor Grey, in particular, realised that the law did not protect in any measure because it excluded Aboriginal testimony in court since 'they could not demonstrate a belief in an after-life in the Christian fashion'.<sup>42</sup> Between 1844 and 1849, *Ordinances* were passed to make reforms to enable Aborigines to testify without swearing the oath. However, juries 'remained sceptical of Aboriginal evidence, particularly in cases where Europeans were in the dock...[and] this was borne out by the failure to prosecute whites for alcohol supply to Aborigines'.<sup>43</sup>

Aboriginal customary law posed an additional challenge to the liberal goal of creating self-regulating citizens. There were conflicting schools of thought. Grey, as mentioned in Chapter 1, believed Aboriginal customs to be barbarous and wanted Aborigines bound by British law even for crimes amongst themselves. In contrast, Moorhouse believed in the application of *inter se*, that offences by Aborigines against other Aboriginal people should be discharged according to customary law.<sup>44</sup> Moreover, Cooper believed that 'bringing Aborigines before the colonial courts for European offences committed in tribal situations where the Aborigines still regarded themselves as bound by their own law', was neither wise nor fair.<sup>45</sup>

Language barriers were another factor that prevented the promotion of liberal governance. The Protectorate engaged interpreters and encouraged police in learning Aboriginal dialects. Aborigines were 'discharged when no-one could be found to adequately and fairly interpret between them and the Court'.<sup>46</sup> For example, Wyatt employed James Cronk (Cronck) who was fluent in Kurna, and Moorhouse paid Christina Smith's son £50 annually as an interpreter for the Boandiks of the South East. As the frontier expanded, it became increasingly difficult to find interpreters for the many different dialects and, consequently, difficult to get evidence. Moreover, 'when the law and its agencies failed to adapt quickly enough to address such concerns', it created an adverse situation as settlers thought too many Aborigines were being discharged and took the law into their own hands.<sup>47</sup> That is, as the Colony was opened up without adequate police numbers, particularly in the outer regions, settlers who previously might have been sympathetic towards Aborigines now lost confidence in the law and government since protection of life and property was almost negligible.<sup>48</sup>

Justice for Aboriginal people was difficult to administer even by those with their interests in mind. There were factors relating to evidence, to the availability of witnesses, to the skills of interpreters who could describe the nature of offences under colonial law to Aboriginal defendants and witnesses and to coronial duties. For example, while Moorhouse's medical expertise meant he was able to use his skills to investigate murder by exhuming bodies and establishing the cause of death, often bodies were burned to conceal evidence.<sup>49</sup> This fact further confirms the importance of the expertise of the medical Protectors in the early years of the Colony when there was much violence on the widening frontier.

Rowley, as discussed in the previous chapter, notes that law enforcers on the frontier found their task difficult due to their small numbers and the problems involved in getting up a case against offenders. Also, it was shown that the Police Inspector at Port Augusta was concerned about prosecuting whites for offences against Aborigines along the east-west railway. The difficulty of collecting evidence to prosecute a case, where those involved were illiterate in English and unfamiliar with the law, persisted. The challenge of delivering justice to Aborigines continued well into the twentieth century, indicated by the notorious Stuart case.<sup>50</sup>

The West Coast murder of a white female child in the late 1950s remains infamous. It could be argued that the case against Stuart was one of the reasons that led to the demise of the long-standing Playford Government because it demonstrated that the State's legal system and governance were anachronistic.<sup>51</sup> While under intense public and media scrutiny, the flaws of the legal system and governance surfaced and revealed that officials had become 'omnipotent', failing to recognise their purpose as that of serving the community.<sup>52</sup> Stuart's death sentence was commuted because of the doubtful manner in which the police gained his confession, because of the inadequacies of the juridical and political processes that followed his conviction, and also because of a private member's bill to abolish capital punishment that was before Parliament.<sup>53</sup> It was felt that the police extracted Stuart's confession when there was some doubt of the extent of his knowledge of the English language and law and, like other Aborigines, he was 'prone...to confess too readily' so as to expedite the interrogation.<sup>54</sup> Stuart who had been intoxicated at the time the murder took place, was questioned by police without the presence of legal counsel or of an Aborigines Department Welfare Officer. A.R.A. Kleinig, the Welfare Officer for the Ceduna area, was at the police station to seek out witnesses but was not present during the confession. This was 'a fault of policy' as the *Aborigines Act* did not specify processes but only generalised that it was the duty of the Aborigines Protection Board 'to exercise a general supervision [of Aborigines]...to protect them against injustice, imposition and fraud'.<sup>55</sup> The Stuart case reflected the difficulties that were associated with policing, and the juridical and political problems that had beset the State from the beginning of the colonial period when trying to give Aboriginal people 'special protection'.

### The policing of alcohol

The previous section identified some of the difficulties that affected policing because Aboriginal people were illiterate in English and unfamiliar with British law. As most police work amongst Aboriginal people increasingly required the imposition of disciplinary techniques and self-regulating practices so as to control alcohol, this is the focus of this section. Public drunkenness was a criminal offence for all citizens, and would remain one until the late twentieth century. Legislation of 1839 had made it illegal for settlers to supply liquor to Aboriginal people whether they were 'full-blood' or part-Aborigines. In 1915, an additional law was passed to make it an offence for Aborigines to drink or have drunk liquor or be in possession of liquor.<sup>56</sup> Alcohol use raised questions of whether excessive consumption was a medical or a legal problem and alcohol supply raised questions about moral regulation and the regulation of location or space for selling and for consuming alcohol. Police patrolled for criminal offences by Aborigines for public drunkenness and possession of liquor and by settlers in supplying liquor to Aborigines. As we will see, Aborigines were frequently gaoled for liquor offences whereas settlers were fined.

Early colonial governance was concerned with the detrimental effects of alcohol on Indigenes. Hindmarsh, the first Governor, had two thoughts about the Aboriginal populace, as stated in Chapter 1, and they were civilisation and protection from liquor. His concerns about alcohol arose from general knowledge about Indigenes in other countries. Officials, even at this time, had wide experience, which is revealed by the flow of civil and military personnel between England and the colonies and back again. Interim Protector Bromley, for instance, had spent twelve years with Nova Scotian Indians and wrote an appeal on their behalf.<sup>57</sup> Unrau, in response to the numerous sociological theories on the reasons for heavy drinking amongst Indigenes, argues that Indian behaviour copied the drinking standards set by colonists who, in addition, had imposed a paternalistic prohibition, 'capitalistic enterprise' and 'tribal dispossession' on the Indians.<sup>58</sup> This rationale seems to apply to alcohol use in South Australia as well.

Drunkenness amongst colonists was an issue from first settlement since Hindmarsh's own marines were infrequently sober. The Chairman's Report of the 1861 Select Committee on the Native Police Force in Queensland stated that 'no detachment of Native Police should be stationed in the vicinity of any of the towns, as the facilities for

obtaining intoxicating liquors tend to demoralize the Troopers, and have, in some cases, resulted in the most serious outrages and breaches of the law'.<sup>59</sup> This behaviour was not so surprising considering the Report of the 1854 Board of Enquiry into the management of the Native Police, which revealed that the force's commandant, Frederick Walker, was dismissed the following year because he was found to be habitually intoxicated.<sup>60</sup>

The work of the police in the Mid-North, in the 1850s, was taken up in

disturbances caused by the disorderly conduct of wild young bloods from the northern sheep runs. These young fellows came into Clare to 'knock down' their pay cheques, the presence of six pubs in the main street being the great attraction. Their unruly behaviour caused many a fight and the police were kept busy conveying the offenders to the police cells...by wheelbarrow.<sup>61</sup>

Also, the 'influx of hundreds of miners' to the copper mines of Kanmantoo and Callington, who held 'political meetings' in these towns, resulted in 'drunk and very noisy' citizenry.<sup>62</sup> Between 1870 and 1880, workers built the first bridge over the Murray River and the railway to the border. As a consequence of these events, there were 'countless sly grog shops and one hotel, which, although it was never licensed, was able to carry on a roaring trade'.<sup>63</sup> It is apparent that hard drinking occurred on the pastoral and mining frontiers, and during the building of the infrastructure of roads and railways that followed.

Even when the frontiers had receded, hard drinking remained a feature of the lives of both Aborigines and whites in remote areas of South Australia and in the Northern Territory. For example, former policeman Wilson reviewed drunkenness in the Northern Territory in the early twentieth century, and revealed that it far exceeded other crimes. Statistics showed that excessive drinking was predominantly a European vice that overflowed in disorderly behaviour. Significantly, although less than ten percent of Aboriginal people were drunks, they were gaoled, whereas Europeans were cautioned or received small fines.<sup>64</sup> A survey of verdicts of the Marree court in the Far North of South Australia before the decriminalisation of drunkenness in 1984 revealed that 46 percent were for drunkenness. It can be deduced that even in contemporary times alcohol continued to be 'a centrepiece of social life' in frontier regions of the State.<sup>65</sup>

The disastrous effects of the heavy use of liquor by Aborigines were noted in many sources. This was despite the fact that it had been an offence to supply Aborigines with liquor since early settlement. For example, the townspeople of Kingston in the South

East complained to the Colonial Secretary in 1864, that they were 'almost daily or nightly annoyed by riotous conduct of the natives who rendezvous here in great numbers'.<sup>66</sup> Also, the newspapers reported drunkenness and fighting amongst Aboriginal people at Wellington and Wirrabarra in the 1870s and 1880s.<sup>67</sup> Christina Smith made known the health concerns of hard drinking when she described the inmates of the Aborigines Home at Mount Gambier (1865-1867). She stated that 'the natives' had 'become more susceptible to disease' because of 'their altered conditions of life...and this fact, aided by drink and infanticide, has nearly extinguished the once numerous and fine race of aborigines that peopled this district'.<sup>68</sup>

In 1861, Aboriginal men, who it was thought had attained some 'civilisation', as they were 'well known in the district', while drunk, were found to be guilty of the murder (and rape) of Mrs Rainberd and her two children. This case raised concerns 'about the amenability of Aborigines to British law'.<sup>69</sup> It was a turning point for authorities who, instead of emphasising 'issues of jurisdiction, education and civilisation', then raised 'questions of how to control Aborigines by placing restrictions on their location, behaviour and freedoms'.<sup>70</sup> Officials attributed Aboriginal 'bad' behaviour to alcohol abuse because they were yet to be civilised, whereas European 'bad' behaviour, because of over-indulgence of liquor, was excused as a temporary fall from civilisation. The Rainberd crimes confused this logic because those found to be guilty were Aboriginal men who were believed to have reached a level of civilisation whereby like Europeans they were able to use free will and self-control.

Public drunkenness was a criminal offence although increasingly it came to be viewed as an illness. Once the Adelaide Asylum was built, alcoholics were often sent there rather than Adelaide Gaol. It is probable that some destitute Aborigines sent to the Asylum because they were 'insane' were in fact alcoholics. For example, there was 'still a sizeable Aboriginal camp at Mount Barker in the 1880s and when Perrinkindjerri, an insane Aboriginal woman, was refused passage per mail [coach] because of her filthy condition, the constables had to hire a cart and thus leave for the Adelaide Asylum with her'.<sup>71</sup>

Police commissioners at their first Australian Conference in 1903, declared that drunkenness should be viewed as a social problem, the solution to which was 'medical treatment of offenders' rather than 'fines or imprisonment'.<sup>72</sup> South Australian

Commissioner Madley tested former Commissioner Warburton's theory that cheap liquor would cure insobriety and found the reverse. That is, most alcoholics drank cheap wine. These forays into behavioural sociology were uncharacteristic of police officers since they seldom got involved in reformist theorising. As a result, constables were advised to distinguish 'between cases of illness and drunkenness'.<sup>73</sup> All the same, public drunkenness remained an offence under the *Police Offences Act* until 1984.

An examination of police correspondence and journals of the late nineteenth century by Lucas and Fergie revealed that it was 'the state's project to assert moral discipline and regulation' along the frontier, and processes used included 'undercover campaigns...to detect the illegal sale of alcohol...[so as to] "tame" the frontier'.<sup>74</sup> In the case of Aboriginal people, it was originally thought that prohibition rather than a mix of moral normalisation and legal regulation was the only method of protecting them. This was because Aborigines were believed, paternalistically, to be incapable of self-control. They were portrayed as 'children' in need of protection from the idle and roguish amongst the white labouring classes. As time went by, alcoholism amongst Aborigines was increasingly criminalised. One reason for more scrutiny of Aborigines was that drunkenness was seen as 'a failure of demeanour' in the public sphere.<sup>75</sup> Police patrolled public places not private homes. Aboriginal drinking did not take place privately but were outdoors, social events; hence they were punished for disorderliness in public spaces. In 1839, the suppliers of liquor in particular were penalised but by 1915, Aboriginal people were prosecuted for offences involving consumption and possession of liquor.

South Australia law about alcohol did not differentiate between Aborigines, as did the special legislation for the protection and control of Aboriginal people, the *Aborigines Act* of 1911. The *Licensed Victuallers Amendment Act* of 1869-70 had ensured that prohibition against liquor provision covered both 'full-blood' and part-Aborigines.<sup>76</sup> Consequently, the disadvantages for *all* Aborigines over specific prohibition law included dealing with the black market to gain alcohol and paying bootleg prices. The settlers who were the Aborigines' contacts with 'civilisation', were themselves criminals in that they were prepared to contravene the law of 'civilisation', and were frequently 'rogues' taking advantage of the underprivileged. Other effects of prohibition were binge-drinking habits so as to avoid being caught with alcohol. This



was all to no avail after 1915 because, even though Aboriginal people might be found without bottles of liquor, they could be prosecuted for being found 'to have been drinking liquor' (Section 59, 1915 *Licensing Act*).

The issue of alcohol was to the fore of government reports. In the Report of the 1860 Select Committee, a list of reasons for the decrease in numbers of Aboriginal people included the 'excessive' use of intoxicating liquor, and a statement that Aborigines who 'despite of existing laws to the contrary, are frequently aided by Europeans in obtaining supplies'.<sup>77</sup> The Report of the 1913 Royal Commission recommended that 'where practicable all depôts for the distribution of rations and blankets...be in places away from towns where there are hotels and wineshops'.<sup>78</sup> Every year, about a dozen settlers were charged up to £10 (up to £25 after 1908) for supplying liquor to Aborigines. Inspector Clode at Port Augusta suggested that it would help police 'in keeping down this class of offence if an amendment to the *Licensing Act* of 1908 could be passed making it punishable for dealers in liquor or colonial wine to have aborigines upon their premises'.<sup>79</sup> Police in the field, who were also Sub-Protectors, reported frequently to the Aborigines Department and were commended for their assistance. Clode's suggestion was encouragement for the introduction of Section 59, possession by Aborigines, in the *Licensing Act* of 1915.

As stated, of all convictions of Aboriginal people, most were for drunkenness and after 1915, they included breach of the *Licensing Act*, namely possession of liquor. A sample of government reports before and after the *Aborigines Act*, 1911, reveals that 80-90 per cent of all convictions were liquor related. Even so, Protector South noted that, with only 35 to 50 convictions annually, it 'shows the aborigines to be a remarkably law-respecting people'.<sup>80</sup> Notwithstanding the fact that Aborigines were generally law abiding, prohibition did not prevent them from drinking but did diminish their social inclusion. Aborigines lacked access to 'circuits of sociability' and 'employment contacts' that 'were important for the white working class, particularly men'.<sup>81</sup> For example, denial of access to clubs of returned servicemen meant that former Aboriginal servicemen were unaware of benefits that veterans received.

The emphasis in the earlier years was on the protection of the social purity of Aborigines and, although Aboriginal people were penalised for drinking alcohol, it was the white suppliers who were publicly discredited. As stated in the previous chapter,

government had already legislated for social purity of the white population. The reform movement of the late nineteenth century driven by the Social Purity Society, which had 'key focal points' in prostitution and drinking habits, advanced the 'enforcement of morals' through legislation.<sup>82</sup> As a result of the reforms, police had been given the power 'to control or oversee social behaviour' and, more importantly, an 'extended mandate...[for] police discretionary action'.<sup>83</sup> Prior to this, police did not determine the norms of behaviour. In the past, they had a 'position of more or less pure instrumentality', whereas after the amendment of the *Police Offences Act*, they 'came to exert a significant law-making and rule-making function'.<sup>84</sup> Significantly, this same period had coincided with the first parliamentary debates about protective legislation for Aborigines as a population separate from the mainstream, which resulted in the 1911 *Aborigines Act* and legal distinctions about the status of Aboriginal people.

Valverde argues that where there exists the 'coexistence of contradictory modes' of governance as is amply displayed during the Australian colonial period, mechanisms work through 'the naturalization of distinct "kinds" or types of humans and the geographicalization of distinct spaces supposedly requiring distinct modes of governance'.<sup>85</sup> Governance of Aborigines displays this pattern. The prohibition of alcohol consumption in public spaces like hotels, and suspicion of consumption in homes, indicate that the Aboriginal populace was governed not only through status but also through location.

For example, the status of a man of mixed Chinese and Aboriginal descent from Kingston was used to control his access to liquor. The man objected to legislation that, in effect, prevented him from going into a hotel and asked for an exemption from the legislation. The Attorney General's opinion was sought and he confirmed that, although Australian born and a British subject, the man was 'a half-caste' and therefore the section under the *Act* preventing liquor to be sold, bartered, exchanged, retailed or given 'to any aboriginal native of Australia, or half-caste of that race' applied.<sup>86</sup> An example of control through 'space' occurred when Police at Berri wanted permission to enter houses on the local Reserve because they suspected Aboriginal people of consuming alcohol. They were told that if police were given the right it would be a breach of civil liberties. However, Reserve staff already had this right because the houses were government-owned and the Aboriginal residents were there *gratis*.<sup>87</sup>

Another example of the governance of 'space' occurred at Swan Reach Reserve in late 1941. The local policeman and Mr Wiley, missionary of the United Aborigines Mission, agreed 'that the present settlement, being so close to Swan Reach, is the cause of most of the trouble'. Not only did Aboriginal women 'hang around the township and entice the white men across to the Reserve at night', but Aboriginal men also loitered 'around the betting shops, and...at times procure[d] liquor'. Meanwhile, any white men 'hanging around the Reserve are difficult to catch, as there are public roads all round the present block, they have a legitimate right to be on them'.<sup>88</sup> There was an awareness of the boundaries of legal and illegal spaces and the uncontrolled 'space' caused by the cover of night. In this case, the activities of Aboriginal people were under constant surveillance by both police and the missionary.

There were other penalties for Aborigines arising out of liquor prohibition legislation. For instance, an Aboriginal man lost his licence to a block near Poonindie, which was given to another Aborigine, because the Aborigines Department received a complaint about his drunkenness.<sup>89</sup> In another case, Mounted Constable Connell, policeman at Innamincka, removed an Aboriginal woman from her job at the Innamincka Hotel to Yandama Station in early 1940, because she was 'suspected' of channelling alcohol to Aboriginal kin. The Secretary of the Protection Board agreed with Connell's actions and stated that hotels were not the 'best places for natives, and they should only be employed there if no other work is available'.<sup>90</sup>

The establishment of the Aborigines Protection Board coincided with the beginning of the Second World War. There was social upheaval because of future uncertainty, and police were adjusting to new norms, which also entailed redefining public spaces. This caused some difficulties for police when policing alcohol because it often meant dealing with sexual relationships between a white population pushing the limits of accepted social behaviour and the heavily regulated Aboriginal population. As well, there was now an accent on discrediting Aborigines for drinking because the assimilation policy of the Aborigines Protection Board presumed civic responsibility. Drinking and gambling were seen as the reasons for absenteeism from employment and the cause of disruptions in family and home life. The Board thought the parents 'concerned' were culpable and 'hoped' that they would 'soon realize the serious nature of the handicap they impose on their children'.<sup>91</sup>

Measures to assist in protecting social purity at the missions at Point McLeay and Point Pearce were the institution of temperance meetings and the Band of Hope, a mutual help youth group. The Superintendent of Point McLeay stated the

temperance work has been successfully carried on, and we have used every effort to suppress the supplying of drink to the natives, and are pleased to report a better state of things in that direction, but would urge upon those in authority to make the law exceptionally stringent in regard to the supplying of intoxicating liquor to aborigines.<sup>92</sup>

Such measures as temperance groups made limited impact, however, and the annual reports of the Aborigines Department continued to reveal that police court statistics attributed 'that indulgence in intoxicating liquor is the chief cause of trouble amongst the aborigines'.<sup>93</sup>

The Secretary of the Protection Board, Bartlett, agreed that the prohibition section of the *Licensing Act* was 'restrictive' but rationalised that, as 'there are many near-primitive and under-developed aborigines, as well as the fact that almost all major crimes committed by aborigines are carried out under the influence of alcohol', it was necessary.<sup>94</sup> He added that, once 'a reasonable standard of intelligence and development' was obtained, an Aborigine 'can be exempted, when he is no longer deemed to be an aborigine and may then obtain intoxicating liquor'.<sup>95</sup> Bartlett's statement indicated that prohibition applying to Aborigines was similar to age-related alcohol prohibitions that prevented white people under 21 years from purchasing alcohol. Aboriginal people were considered 'immature', requiring protection as if they were children; as discussed previously, this revealed the authoritarian and dual standards of liberal governance.

### **Policing the 1911 *Act* and subsequent legislation**

The legislation of 1911 and 1923 were examples of coercive and disciplinary laws, which followed through into the 1939 *Aborigines Act Amendment Act*. The last, however, had some aspects that could be described as encouraging self-regulation among Aboriginal people. That is, there was the possibility of exemption from the *Act*, which put the exempt in a position, like settlers, of being subject to disciplinary and normalising regimes. The discussion about exemptions occurs in the next chapter. In this section, the special legislation for Aborigines is examined to reveal the role of police in modes of governance that resulted from the legislation.

Valverde's previous insights on indirect regulation through the use of distinctions in status and space support the conclusion that assumptions cannot be made about modes of governance. Sovereign despotism existed alongside disciplinary and self-regulating regimes. Moreover, the idea that expert knowledges were necessary for governance was political discourse; that is, it was an 'apparatus for rendering reality thinkable'.<sup>96</sup> It was political discourse because most regulation, in fact, was carried out through 'commonsense, job-based knowledge, and (very occasional) borrowed bits of science'.<sup>97</sup> This aptly describes the role of police in the field.

Before 1911, there was only one specific law in South Australia that affected Aboriginal people (apart from alcohol legislation) whereby social norms were upheld. This was the 'Idle and disorderly persons' section of the *Police Act* that criminalised the vagabond behaviour of white people without lawful fixed residences or lawful means of support, who lodged or wandered with Aborigines (temporary and lawful occasions were excluded).<sup>98</sup> This law was dubbed 'consorting with Aborigines' and its implementation was pre-eminently suited to police, since they were able to conduct surveillance of behaviour that centrally based officials from the Aborigines Department or Protection Board were not able to do. (The law was not repealed until 1958.)

Although initially, the 'consorting with Aborigines' law appeared to have been a protective measure for Aborigines, eventually it was used to keep the races apart. That is, the law infringed on the civil liberties of Aboriginal people, although the offender was the white person. The New South Wales *Aborigines Protection Act* (1909) Section 10 'wandering with Aborigines' was the very same law. Queensland and Western Australia used an alternative governing technique. In those states, it was an offence for non-Aborigines to frequent the camps of Aborigines and 'female half-castes' or to be within a distance of less than five chains of the camps.<sup>99</sup> Nonetheless, all the laws had similar intentions—controlling sexual liaisons that produced children without parental support and preventing the introduction of liquor to Aborigines when white people set up temporary and permanent camps with them.

With the introduction of the protective and controlling legislation of 1911, the *Aborigines Act*, police now had a specific role in the governance of Aborigines. Before going further however, it is important to note the reasons for and processes behind the

legislation. Prior to 1911, ordinances about protection of orphan and destitute children, the taking of the oath and rules of evidence and the employment of Aboriginal prisoners had been passed. However, *Ordinance* No. 12 (1844) about children was the only one in operation at 1911. The *Ordinance* was used to apprentice Aboriginal children to suitable trades or to find them employment and allowed magistrates to interpret the extent of the Protector's control over the children. Protector Hamilton (1873-1908) petitioned the Government to legislate for the protection of Aboriginal children, orphan and neglected, by sending them to a mission. He wanted a clause to this effect inserted in legislation for the protection of children because the *State Children's Act* failed to mention neglected children of Aboriginal descent.<sup>100</sup> As stated previously, the Social Purity Society, which advocated moral reform and the purity of girls in particular, had secured the provision of 'better protection for young persons' in legislation that consolidated criminal law.<sup>101</sup> Amongst other things, the provision raised the age of consent to 16 years and protected young women from prostitution. As Jose states, the Society

made some headway in having their views form the basis for State intervention in the domain of private conduct. Several new offences entered the statute books which were intended to define the new boundaries for appropriate moral conduct.<sup>102</sup>

These events concerned Aborigines as well, since many reformers believed Aboriginal girls were unprotected from the advances of non-Aboriginal men, and this had resulted in an increase in the numbers of Aboriginal people of mixed descent.

Hamilton was also aware of the specific protection legislation for Aborigines in other states. Queensland's *Native Labourers' Protection Act* and the *Aboriginals Protection and Restriction of the Sale of Opium Act* were comprehensive, applying to all people of Aboriginal descent and giving Protectors, Superintendents of Reserves and persons directed by them considerable influence over Aboriginal affairs. Western Australia had enacted protective legislation that used the Queensland legislation as a guide. New South Wales relied on general legislation (*Vagrancy and Police Offences Acts, Infant Protection, Neglected Children, Juvenile Offenders and Apprentices Acts*), and the *Supply of Liquors to Aborigines Prevention Act*, before enacting its own *Protection Act* in 1909 (the *Act* referred to the general legislation as well). The *Protection Act* created a Board that had the Inspector-General of Police as chairman. New South Wales governments were transparent in their acknowledgement of police influence in the governance of Aborigines.

Hamilton's interests were the non-frontier areas because he felt that the mission stations had 'no legal status' and that they 'should be recognised as reformatory and industrial institutions, which would confer necessary powers on their managers, giving them authority to deal with a class of troublesome and refractory natives'.<sup>103</sup> He believed that there was 'a new race of educated half-castes and quadroons, who are increasing in number' and that 'some system' was 'necessary for boarding them out and apprenticing them to some suitable employment'.<sup>104</sup> Justice Homburg, Attorney General and Minister of Education, endorsed the need for legislation as well because, in its absence, 'we will have some difficulty if we have to send these people [Aborigines of mixed descent at Point McLeay and Point Pearce] away from the stations without finding employment for them'.<sup>105</sup> The Aborigines Friends Association had been lobbying for legislation, too, because 'we are hampered by the failure of European law to deal effectually with aborigines, who suffer injustice in many ways, owing to the circumstances of their position requiring exceptional treatment'.<sup>106</sup>

In 1907, Hamilton reported that a Draft Bill had been prepared incorporating the recommendations of the 1899 Select Committee.<sup>107</sup> When former police officer South succeeded Hamilton as Protector, he too urged the Government to consider the enactment of protective legislation. The Parliament had failed to pass legislation in 1899, which dealt with protection and employment in frontier regions. Pending further investigation by a Select Committee, the debate on the Aborigines Bill was adjourned. The Committee recommended that the Bill be withdrawn as it was felt to be inoperable and 'in some respects might be injurious to the aborigines' because avenues of employment would be closed.<sup>108</sup>

In South's first Annual Report, he stated that, together with Hamilton, he had reworked the Bill and suggested that separate *Acts* for South Australia and Northern Territory be considered because 'in South Australia proper, the chief problem is the half-caste, who is yearly increasing'. He went on to say that, if nothing was done, 'I fear we shall long be troubled with an aboriginal problem in the shape of a lot of nomadic half-caste mendicants'.<sup>109</sup> On the one hand George Taplin, missionary at Point McLeay, and the philanthropists of the Aborigines Friends Association wanted special protection and welfare legislation, and on the other hand, the Government view, as articulated by Hamilton, Homburg, and South, was that of securing the legal means of forcing

Aborigines into training so as to be employable and not a burden on the State. Given the Government view, it was surprising that, unlike Queensland legislation (Section 33, 1897 No. 17) that provided for certification of exemption to 'half-castes' and unlike the Western Australian *Act* (Section 63, 1905 No. 14) that did the same for all Aborigines, the 1911 *Act* did not provide for exemptions. Or, the South Australian *Act* could have followed the New South Wales example. The New South Wales *Act* applied to people of Aboriginal descent who received rations or aid from the Protection Board or were resident on a reserve. This, therefore, excluded all those who did not need assistance from special protection legislation and, consequently, freed governments from provision of services.

In Chapter 1, it was argued that the appointment of the Inspector of Police at Port Augusta as a Sub-Protector revealed the importance of policing to Aboriginal governance in the Northern Districts. Also, in Central Australia, the police officer at Alice Springs was the Commander of the Native Police, the Postmaster was the Sub-Protector, and rations were issued at Overland Telegraph Company (OTC) repeater stations between Darwin and Adelaide. The system of using officials like police and OTC staff as 'Protectors' commenced in 1877. They, and all police involved with Aboriginal people, had to 'submit a report' every quarter to the Protector of Aborigines 'on the number of aborigines in their Districts, approximate ages, sex, physical condition and if there were any problems with drought, disease etc, and if there was a need for rations of food and clothing'.<sup>110</sup>

Rowley demonstrates that the police (and other government officials) needed the pastoralists' approval. He states that the pastoral interests resembled colonial commercial enterprises. Because governments depended on the enterprises for 'development', the enterprises (or pastoralists) could 'always, through their political and social contacts, go straight to the central or colonising government' ignoring local officials.<sup>111</sup> Furthermore, the pastoral interests were positioned 'to frustrate good intentions of local officers or to corrupt them with social acceptance, in order to undermine their efforts; and even to refuse openly to be bound by the law which the junior officer in the field [might] try to enforce'.<sup>112</sup> Rowley's point helps to explain the pressures of policing in remote areas when the interests of the pastoralists opposed those of their Aboriginal labour force. The conduct of pastoralists is examined in Chapter 9.



Policing has often been portrayed in negative terms.<sup>113</sup> Clark, for instance, argues that policing practices affected the ethos of the 1911 legislation, which, subsequently, 'assisted the development of a police sub-culture which has clashed...with Aborigines'.<sup>114</sup> An exception to this is the example of F.J. Gillen, Sub-Protector at Alice Springs, who withstood the pastoralists' disapproval when reporting Mounted Constable Willshire, the Commander of Native Police, for murders and extreme force in controlling Aborigines. Mounted Constable South was Willshire's arresting officer and replacement and he was to use his policing experience when appointed (Chief) Protector from 1908.

As with the regulation of alcohol, the 1911 statute governed through contradictory modes of governance and the mechanisms used worked through 'status' and 'space'. Valverde notes that it has been 'difficult in most societies to govern race directly, but race has certainly been governed'.<sup>115</sup> In general, regulation has been indirect, through the regulation of space or location and liquor laws. Governance through space is similar to governance through alcohol that 'is everywhere an ad hoc, unsystematic, non-professionalized "minor" practice that takes very different forms and is articulated with all manner of extraneous objectives and habits of governance'.<sup>116</sup>

The 'paternalism of the 1911 legislators' was revealed when they 'prohibited [Aborigines] from entering towns at the dictates of government officials' and restricted them 'to designated reserves, places where they could be kept segregated from European communities'.<sup>117</sup> Apart from having the power to arrest people offending against the legislation, police were specifically identified in the legislation of 1911 (and 1939) in regard to 'space'; that is, the removal to or from designated locations, and the inspection of sites. Police were required to remove Aborigines with contagious diseases to hospitals, inspect places of employment and make sure Aborigines had not been removed to other states without authorisation. Police were allowed to enter reserves and institutions, areas banned to non-authorised settlers (and eventually to exempted Aborigines). Sections 31-33 of both *Acts*, 'Aboriginal Camps and Prohibited Areas', authorised police to assist Protectors to remove Aboriginal camps from townships, to prevent loitering in towns, particularly if not 'decently clothed', and permitted authorities to prohibit Aborigines from specific towns unless 'in lawful employment'. Because of these prohibitions, Aboriginal people were harassed in many towns, Port

Augusta, Meningie, Swan Reach, Tailem Bend to name a few. For example, Tailem Bend was proclaimed out of bounds to Aborigines who were not in lawful employment in 1923.<sup>118</sup> (Contentious sections about the movement of Aboriginal people both between states and within South Australia were repealed in the 1962 legislation.)

An example of indirect regulation occurred in 1934 when the District Council of Murray Bridge complained about 'undesirable aboriginals camping' in the town's vicinity. The Chief Protector visited Murray Bridge, together with the Chairman of the Advisory Council, to assess the situation. An opinion was sought from the Crown Solicitor about the use of Section 31 of the *Act* to remove 'offending' Aborigines. It was suggested that the local Police Officer telephone the Chief Protector when an instance occurred. Subsequently, the Chief Protector would send the police to deliver a written notice ordering the camp to be removed 'a specified distance from the town', then we shall see 'if it has the desired effect'.<sup>119</sup> The situation was handled 'delicately', as the Crown suggested that the Chief Protector

should obtain from the police officer the reasons why it is desired to move the aboriginals on, and it would be advisable for the Chief Protector, when he obtains an oral report from the police, to make a memorandum of that report in a docket and therein record his decision that he thinks it necessary to give the appropriate notice.<sup>120</sup>

In 1942, the policeman at Murray Bridge, Sergeant Edington, reported on a complaint from the District Council about the large number of Aborigines at the Aboriginal camping grounds. The Sergeant said that he approached the camp and warned 'if things don't improve (I was referring to drinking liquor...) I would be compelled to request that the camp be closed...to my surprise Mr K replied "Those are big words Mr Edington that is more than you can do, an attempt was made before to shift us but it was not successful"...'<sup>121</sup> The application of Section 31 was obviously not straightforward. The Crown was concerned about the denial of civil liberties and did not give government officials the freedom to act unconditionally. The police seemed to tread gingerly in response. The incident exposed the tensions between civil liberties and special legislation for Aborigines. Police in the field were left to their own discretion when overseeing social behaviours and frequently they used the governing methods of surveillance, coercion and harassment.

Finnane examined the historical law and order response to such situations where conviction was difficult. He found that, in 1903, the 'attorney-general urged the

advantage of the police “hustling” the [white] keepers of betting shops, “even tho” Convictions are not actually obtained in Police Court’. At the same time, Police Commissioner Madley instructed police “even to exceed their lawful powers” to remove crowds gathered round betting shops’. That is, it was left to the individual police officer’s discretion as to how he or she controlled behaviour.<sup>122</sup> This explains the fact that different responses to Sections 31-33 were obtained, according to the officials and police involved, the town itself, the Aboriginal populace and the time of intervention.

There was no consistency to the operation of ‘removal’ of camps. Police actions exposed all the anomalies, contradictions and tensions in legislation like the Aborigines, Licensing and Police Offences legislation. For example, one case was that of an Aboriginal man who had been prevented under the ‘consorting’ section by Victor Harbor police from travelling in the car of a white male friend. Former Aborigines Protection Board member Dr Duguid took up his cause. With the help of the Aborigines Advancement League, he succeeded in getting Section 14 of the *Police Offences Act*, the ‘consorting’ section, overturned.<sup>123</sup> The Protection Board’s Report for 1959 lamented the loss of Section 14 because it was used to protect Aborigines ‘from disreputable “white” men...taking advantage of their womenfolk’.<sup>124</sup>

The Board’s belief in police control was evident when the ‘consorting with Aborigines’ section of the *Police Act* was repealed in 1958. Aborigines Protection Board members as Protectors had from the beginning recognised the use of police in Aboriginal affairs. For example, every police officer involved in Aboriginal administration was sent a letter from the Secretary, on the Board’s behalf, thanking them for their assistance and enlisting their support for the Board. At the same time, recognising the usefulness of police in the field, the Board asked that they give Aboriginal men equal opportunity with unemployed white men for work in their district.<sup>125</sup> The Board could not overlook the importance of police because of their involvement in many areas of governance, for example ration distribution, and this is explained in the next section.

### **Ration distribution**

As discussed, special legislation for Aborigines and police offences legislation were coercive and disciplinary, requiring policing of status and space. Together with the

enforcement of legislation to prohibit alcohol, these policing techniques matched the prevailing understanding of policing as a vehicle for implementing 'the governmental concerns with sovereignty, disciplinary control and the knowledge and regulation of populations'.<sup>126</sup> The understanding was incomplete because policing was 'involved in the whole range of governmental tasks'.<sup>127</sup> The distribution of rations was an example of one of the extraneous tasks of policing, which contrasted with the typical understanding of the police force as a disciplinary mechanism. The provision of relief, although disciplinary in many ways, also meant serving 'the very old and the very young, the very hungry and the very ill [who were to be] furnished with food and clothing' and more resembled the pastoral power of Foucault's shepherd-flock model.<sup>128</sup>

Rationing was a form of poor relief that can be described as a government 'activity...to prevent dangers to the security of the state, life and property'.<sup>129</sup> Liberal governance conceives of security being achieved through the freedom of individuals but if 'the security of property or of the state' is endangered by freedom of will, then 'detailed regulation of particular populations' is applied.<sup>130</sup> Aboriginal governance reflected this fear of insecurity. Aboriginal people, dispossessed from homelands and means of survival, were forced to make 'illegal' appropriation of white property. Ration provision was the relief provided by government to secure white property. When rations were viewed as the means of security, the police force was the obvious locus of this provision. As argued previously, rations were also compensation and the means of 'civilising' through promotion of employment (provision of fishing and hunting implements), and through providing clothes, medicines and school supplies. The provision raised its own problems of dependency and this remains an issue of concern today.<sup>131</sup>

In regards to the pastoral power of relief provision, the whole period under scrutiny in the thesis displayed a singular logic. Protector Walker had established 'a regular system for the relief of the physical and temporal wants' of the Aborigines so that, by 1866, as mentioned in Chapter 1, there were 57 depots issuing relief.<sup>132</sup> Some of these depots were missions and pastoral stations but many were police stations. As argued earlier, Aboriginal people received relief as well as implements for fishing, hunting, hewing and clearing. The latter items were for their own means of survival as well as to promote employment amongst whites. The 1939 *Act* stipulated the same aims as the

policy of the nineteenth century. The Department was 'to distribute blankets, clothing, provisions, and other relief or assistance...' and 'to provide, as far as practicable, for the supply of food, medical attendance, medicines, and shelter for the sick, aged, and infirm...' All articles, like blankets and clothing, were to remain the government's property thereby preventing their sale or barter.<sup>133</sup> With the establishment of the Aborigines Protection Board, the ration distribution system, which as Rowse states was 'a considered technique of frontier government', was well entrenched.<sup>134</sup>

In the nineteenth century, there were mixed rationalities for the governmental technique of rations distribution: compensation for loss of land, protection of the destitute, control of the frontier as Aborigines' attacks on stock (and persons) were minimised through provisions, containment at depots so as to be available as a pool of labour, and a method of conveying colonial policy and law.<sup>135</sup> The way out of the ration cycle for Aboriginal people was through *waged* employment (they were often paid in material goods) and after 1939, through exemptions, which made them eligible to receive pensions and government benefits. Indigenous peoples in other countries were treated differently and entered the cash economy at earlier stages of colonisation. For example, the Indian chiefs of the North American east coast were paid annuities from 1830 (*Indian Removal Act*) in return for their land and resettlement of their tribes on the western reservations. Unrau finds that entering the cash economy had its pitfalls when many of the chiefs bought alcohol with annuity money, even though alcohol sale to Indians was prohibited.<sup>136</sup> In 1847, legislation was enacted to give authorities the discretion to pay families and individuals, instead of the chiefs, moneys and goods under treaties. Even though 'annuities in the form of merchandise occasionally had positive results', at times 'daily sustenance and implements for tilling the soil' provided by government were sold for whiskey by some Indian groups. Moreover, under this new system, the tribes were broken into individuals and the land was broken up as well.<sup>137</sup> Rowse's study of rationing in Central Australia also revealed that a cash economy was divisive because it did not 'preserve cultural difference'.<sup>138</sup> Rationing or 'managed consumption' away from the influence of towns, in contrast, maintained community 'cohesion and attachment to the hinterland'.<sup>139</sup>

The governmental technique of ration distribution under the Protection Board needs to be described in order to reveal the anomalies, tensions and contradictions in the

practice, which affected individual policing. A new policeman at Port Germein received the following instructions about ration provision: allow about two weeks for delivery of supplies and dole out per week to adults, seven pounds flour, two pounds sugar, four ounces tea, one pound rice, two sticks tobacco (smokers only), quarter bar soap and baking powder (one tin per four weeks). Children are to receive half of the allowance of flour, sugar, tea and rice. As the policeman expected some remuneration, he was told that there was none 'for this service'.<sup>140</sup> New policemen, and those in areas with large numbers of Aborigines, sought recompense on occasion because the task was additional to usual police duties and also remuneration had occurred at times in the past. For example, there had been a special annual payment of £12 to the policeman at Goolwa, which was discontinued when large numbers of Aborigines no longer gathered there. This was an anomaly because at that time, even though 100-150 Aboriginal people congregated at Oodnadatta and up to 50 at Mannum, the police there did not receive compensation.<sup>141</sup>

There were other internal contradictions in the early 1940s, which the Protection Board left to police discretion. For example, rations were supplied to police stations at Goolwa, Bordertown, Kingston, Meningie, Wellington (and Taillem Bend), and Swan Reach in the riverine and southern coastal districts; Port Germein, Port Augusta, Marree, Oodnadatta, Innamincka in the north; and Fowlers Bay, Ceduna, Wirrulla and Iron Knob (Whyalla) in the west, with directions not to issue them to the able-bodied as there was plenty of work due to the War and lack of manpower. Aborigines who were self-supporting were required to enrol at the nearest police station to acquire a clothing ration book like whites because there was a wartime shortage of clothing and blankets.

The supply of blankets to Aborigines people was 'a considered technique' of colonial governance.<sup>142</sup> It had been maintained throughout as an annual compensation to all Aborigines for the effects of colonialism. With the establishment of the Protection Board, 950 blankets were ordered from government supply for 1940, and police received instructions that

only Heads of Families should receive more than one blanket, and in such cases not more than two blankets per family.

In the case of single persons distribution should be made in accordance with your judgement as to the needs of the person applying for a blanket.

[From] experience, if the natives know that they can get a number of blankets each year, they do not bother to preserve them.<sup>143</sup>

Mounted Constable Haarsma of Meningie police station wrote that he had received only 25 blankets, and consequently he was only able to issue two each and not three as in 1939. Haarsma's view was 'if they are not satisfied they can make application for the extra. But I do think that they are too careless with their blankets, and that they should make them last very much longer than what they do'.<sup>144</sup> He was not prepared to make allowance for the fact that supplies of blankets during the War were second grade and unlikely to last a whole year's use.

In the same period, rations were also issued at eleven pastoral stations. Coondambo, Murnapeownie, Alton Down, Clifton Hills, Anna Creek and Mount Dare Stations received the usual supplies and blankets. Mona Downs and Pandie Pandie Stations received wheat, flour, sugar, tea (second grade), rice, sago, tobacco and soap plus dress materials, trousers, shirts, reels of cotton, fishing lines and hooks. Mungerannie received the same supplies except the fishing gear, while Nullarbor Station received the usual food items and blankets as well as clothing, dress materials, Epsom salts, clay pipes and eucalyptus oil and Nilpinna Station the usual foodstuffs and billies, pannikins and tomahawks. The details of the supplies indicate that, in the remote areas, rations were similar to those issued in the nineteenth century, and hence upheld a 'considered technique' of frontier governance.<sup>145</sup> In contrast, Aboriginal people in the settled areas who were of mixed race had to apply individually to police stations if they wanted either clothing or items for hunting and fishing. Leaving the ration provision to police discretion opened up this technique of governance to further anomalies and contradictions.

Ration provision to 'full-blood' Aborigines did not receive the same arbitrary consideration as that which applied to mixed race Aborigines. However, the provision had its own concerns that arose from frontier conditions. For example, Mr A. McLean of Anna Creek Station, via Marree, wrote to the Aborigines Department in late 1940, asking for an urgent supply of rations as more than twenty Aborigines, 'mostly very old', had come down from the north. Next winter, he wrote again to say that there were a number of Aboriginal people from the west 'in a pitiful state of semi-starvation and I feel it would be inhuman to drive them away'. They were Aboriginal people from Lake Phillipson district, Tarcoola and Coober Pedy 'way' who had suffered from a 'bad season for game'. In addition, there were 'a dozen [who] have worked down here from

around Warrina. The latter are all aged and infirm'. In autumn of the following year, McLean telegraphed to say that about 50 Aborigines were at the station 'feeling cold badly if blankets not available send second hand wool bales'. Six months later, he asked again for more supplies because it is

impossible for me to do more than I am doing for them as I am without clothing for working boys [Aboriginal men and youths].  
If it was not for the meat they get from me their position would be much worse...not any rabbits in the country and the old people are not active enough to hunt kangaroos.<sup>146</sup>

The Department sent the food and blanket supplies but clothing was withheld temporarily while the Ration Commission processed the required wartime permits. This example reveals that pastoral station managers (and police in the Northern Districts) found the task of issuing rations neither routine nor undemanding as often lives depended on the supplies. In this case, there were many factors that made the situation critical including drought and wartime constraints.

The complexity of ration provision in frontier regions is demonstrated by the case of George Aiston, a former policeman, who was an official Protector for the Newcastle District at Mulka Bore near Marree. He had the power and duties ascribed to Protectors under the *Aborigines Act*, and was also legal guardian of Aboriginal children. In addition, he received £5 annually for medical supplies. In 1941, 'almost completely blind', he wrote to the Department to say

I have run a Mission Station out of my own pocket for the past, nearly thirty years in this country...I hope you do not close this Depot, it is the only one where the blacks can come when they are in trouble, with the other camps, large families are not welcomed at any of them, any man who has a lot of children is hunted from everywhere, he cannot get work as the stations do not want to be bothered with children, they come here and I make them welcome and look after them to the extent of my financial limit, the only reward I get is that most of them turn out good useful boys and girls, but they all leave me to go out and work as soon as they are able, but they all look upon me still as their protector, in its broadest sense, they come to me with their illnesses...<sup>147</sup>

Aiston's concerns about the effectiveness of the governing of Aborigines indicate that ration provision was not a mere mechanical process for him and Mrs Aiston but led to a long-term concern for the Aboriginal people of the district.<sup>148</sup>

Over the period under study, there were marked distinctions in preferences for married or unmarried police. These distinctions illustrate important changes in approaches to governance. In the colonial period, there was a preference for 'unencumbered' police in remote areas as commanded by Police Commissioner Warburton. His directive of 1861



for mounted police was that they be 'smart active unencumbered *unmarried* men'.<sup>149</sup> However by 1939, the emphasis had shifted to the desirability of married police officers. The concerns now were the need to decrease mixed-race sexual liaisons and to introduce the 'civilising' effect of white women. The illustrations of Mulka Bore (figures 13 and 14) give some indication of Mrs Aiston's contribution to 'civilisation'.

One of the results of the rations system was 'the construction, among colonists, of a body of knowledge about the colonised'; that is, as theorised by Foucault, power and knowledge 'inform each other'.<sup>150</sup> Aiston, as noted, had knowledge of and experience with the Coopers Creek District Aboriginal people. This knowledge was included in a text, co-authored by Dr Horne, *Savage Life in Central Australia*.<sup>151</sup> Horne, the scientific expert, used Aiston's governing practice, first as a policeman and then as a Protector, and the knowledge of the subject population that was generated from his experience. In the process, Aiston's power and knowledge was enhanced because of Horne's scientific status. Nonetheless, expertise gained from experience was considered inferior to that gained from professionalism and education because Aiston had a minor reputation and social position in contrast with Horne. This example was similar to that of the collaboration between F.J. Gillen and W. Baldwin Spencer in Central Australia.<sup>152</sup>

While scientific experts and superiors in the Public Service often undervalued the police officers' knowledge, their practice was rated as significant to governance, both in positive and negative ways. It had been a matter of concern for some time that the police had dual and contradictory roles, particularly in remote areas. As 'Protectors' of Aborigines (and sometimes as official Protectors, like Aiston and the Inspector of Police at Port Augusta), police were put in an ambiguous position when called to prosecute cases on behalf of the Government. Constance Cooke remarked on this while on tour to the West Coast in 1941. At Tarcoola, Constable Grovermann conveyed to her that 'it was particularly difficult for him to carry out the dual role of Protector of Aborigines and prosecutor for the whites'.<sup>153</sup>

Dual and contradictory roles dated from the early colonial period with the appointment of Sub-Protectors who were also Special Magistrates. E.J. Eyre at Moorundie and J. Hawker at Bundaleer were given such appointments and had one constable each to assist them in their duties. In 1891, the Protector's 'Report to the House of Assembly about ration distribution north of Port Augusta' revealed that of the 24 South Australian

depots, police controlled six, Justices administered five, twelve were at pastoral stations and one at Killalpannina Mission.<sup>154</sup> The Justices were probably pastoralists or those with their interests. This demonstrated the interconnections between implementers of law, pastoral stake-holders and 'Protectors' of Aboriginal welfare through rations, patrolling and reporting (including statistical reporting) to the Aborigines Department and to other officials in public health, Crown lands, education and so on.

Even before the establishment of the Aborigines Protection Board, Bleakley's Report of 1929, following the Coniston killings in Central Australia, had expressed concern with the authoritarian and contradictory roles of police and the limited extent of their effectiveness, given their small numbers and the size of the frontier. In remote regions, during such operation of authoritarian systems of administration, it was only ration provision that could be represented 'as an enlightened adjunct to police authority'.<sup>155</sup> The representation was inconsistent, however, since rationing too relied on disciplinary control and self-regulating norms.

### **Conclusion**

The idea that policing is normally unenlightened authority seems to correspond to the representation of policing as 'centrally concerned with crime control'.<sup>156</sup> Stenson argues that this representation is 'misleading' as police have been involved 'in a wide range of policing tasks...and in a combination of governing strategies'.<sup>157</sup> More clearly, because of the multifarious nature of their tasks, even though they are 'involved in ruling and may be involved in repressive practices, it cannot be assumed that they are simply a component of a centrally organized or functioning Leviathan, operating according to essential principles'.<sup>158</sup> That is, police themselves are the objects as well as the instruments of governance.<sup>159</sup> This was evident in their contradictory roles as both 'Protector' and prosecutor of Aborigines and by their tasks, which were both authoritarian (crime control) and serving (ration relief) in nature. Contradictions in policing provide important examples of non-liberal modes of governance that operated in the period under review.

Law and legal discourses were 'the perfect instruments' of colonial rule as they performed 'legitimizing, energizing, and constraining roles in the West's assumption of power' over indigenous peoples.<sup>160</sup> This applied to the South Australian settlement.

Once law was used in the justification of dispossession, the use of police in Aboriginal governance to protect through sovereign and disciplinary methods and to assimilate through normalising and self-regulating techniques, was a matter of course. As shown in this chapter, police adapted to this role, gaining expertise through experience. Chief Protector South's involvement in the first major legislation in 1911, the Royal Commission of 1913 and the legislation of 1923 reveal the 'scientific' expertise of police. With the establishment of the Aborigines Protection Board, policing of Aborigines was an entrenched method of governance that continued until special legislation for Aboriginal people was removed with the racial discrimination legislation of 1966, and self-government was provided for by the *Aborigines Affairs Act Amendment Act* soon after.

<sup>1</sup> J. McLean 'Police experiences with the natives. Recollections of old colonists' in *Proceedings of Royal Geographical Society of Australasia (SA Branch)*, 6, 1903, p. 88. James McLean, Mounted Police Force, at Moorundie (Moorunde), River Murray, in 1840s under orders of William Nation, Esq, SM.

<sup>2</sup> *Ibid.*

<sup>3</sup> K. Stenson 'Community policing as a governmental technology' in *Economy and Society*, 22:3, 1993, p. 375.

<sup>4</sup> *Ibid.*, p. 378.

<sup>5</sup> *Advertiser* 28 May 1923. Obituary of Chief Protector W.G. South. 'Well educated' in 1920s would have had a different meaning than contemporary meanings, that is, a primary education and work experience.

<sup>6</sup> Keain, *Op cit*, Appendices. J.M. Beerworth, b. 1884, MP Newcastle 1933-38; Labor, Northern 1939-47; educated at public school; farmer, policeman, clerk, hotel-keeper, politician, Mayor of Port Augusta.

<sup>7</sup> M. Tonkin (ed.) (1985) *Some adventures of Alexander Tolmer: in colonial South Australia 1840-1856*. South Australia: KB Printing Services, p. 169.

<sup>8</sup> J. Pellew 'Law and order: expertise and the Victorian Home Office' in R. MacLeod (ed.) (1988) *Op.cit.*, pp. 59-60.

<sup>9</sup> *Ibid.*, p. 70.

<sup>10</sup> G.W. Shapley (1964) *Miss Kate Cocks, her life and work*. South Australian Methodist Historical Society, p. 11. The Annual Report of the State Children's Council recommended the formation of a women's police force, 30 June 1914.

<sup>11</sup> A.R. Pope (1998) *Aborigines and the criminal law in South Australia: the first twenty years*. PhD Thesis, Faculty of Arts, Deakin University; Castles & Harris (1987) *Op.cit.*; J. Schmaal (1999) *Tales of the Troopers: stories from the wild colonial days*. J. Sykes and B. Potts (eds.) Kent Town, SA: Wakefield Press; R. Clyne (1987) *Colonial Blue: a history of the South Australian Police Force 1836-1916*. Kent Town, SA: Wakefield Press; L.E. Skinner (1975) *Police of the pastoral frontier: native police 1849-59*. St Lucia, Qld: University of Queensland Press; M.H. Fels (1988) *Good men and true: the Aboriginal police of the Port Phillip District 1837-1853*. Melbourne University Press; B. Rosser (1990) *Up rode the troopers: the black police in Queensland*. University of Queensland Press; M. Williams 'The establishment of the South Australian Native Police 1834-1860' in *Journal of the Anthropological Society of South Australia*, 32:1, 1999, pp. 68-82; Mrs James Smith (1880) *The Boandik tribe of South Australian Aborigines*. Adelaide: Government Printer; E.M. Dunn (1967) *The history of Kingston SE and the surrounding district*. MA Thesis, History, University of Adelaide; Casanova (1992) *Op.cit.*; A. Tolmer (1882) *Reminiscences of an adventurous and checkered career at home and at the antipodes, Vol.1 & 2*. London: Sampson Low, Marston, Searle & Rivington; A. Stapleton (1992) *Willshire of Alice Springs*. Western Australia: Hesperian Press; Tonkin *Op.cit.*

<sup>12</sup> Schmaal, *Ibid.*, pp. 4-5.

<sup>13</sup> Clyne, *Op.cit.*

<sup>14</sup> T. Kaukas 'Policing South Australia' in *History SA*. No. 150, 2000, p. 1.

<sup>15</sup> D. Mackay 'The influence of government policy on police numbers and length of service in South Australia in the 1840s' in *Journal of the Historical Society of South Australia*, 25, 1997, p. 107. The *Police Force Act* of 1839 (No.6) was disallowed. Later, it was followed up with the *Act* of 1844 (No.19).

<sup>16</sup> Clyne, *Op.cit.*, pp. 208-210.

<sup>17</sup> After some years of using ineffective convict camps and the Stockade at Dry Creek as a labour prison, a central stone gaol was built, at a huge cost, during Gawler's governorship, putting an end to transportation of prisoners convicted of serious crimes to Van Diemen's Land. The gaol was built using Benthamite designs. The result was the self-regulation of prisoners as described in Foucault's Panopticon.

<sup>18</sup> Castles and Harris, *Op.cit.*, p. 46.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, p. 45.

<sup>21</sup> *Ibid.*

<sup>22</sup> Mackay, *Op.cit.*, p. 107.

<sup>23</sup> Tonkin, *Op.cit.* Tolmer's sister-in-law accompanied the family to SA and lived with them.

<sup>24</sup> J. Kamira 'Indigenous participation in policing' in M. Enders and B. Dupont (eds.) (2001) *Policing the lucky country*. Sydney: Hawkins Press, p. 71.

<sup>25</sup> Mackay, *Op.cit.*, p. 117.

<sup>26</sup> J. Faull (1981) *Alexandrina's Shore: a history of the Milang District*. Milang and District Historical Society, p. 18. The official notice was in the Government Gazette of February 1840.

<sup>27</sup> Castles and Harris, *Op.cit.*, p. 171.

<sup>28</sup> *Bailliere's South Australian Gazetteer*, R.P. Whitworth (ed.) (1866), Adelaide: Bailliere Publisher.

- <sup>29</sup> Faull, *Op.cit*, p. 18.
- <sup>30</sup> Fels, *Op.cit*, p. 3.
- <sup>31</sup> *Ibid*, pp. 226 and 18.
- <sup>32</sup> *Ibid*, p. 200.
- <sup>33</sup> Skinner, *Op.cit*, p. 373. Rosser provides an account of the notorious Native Police through the oral history of an elder of the Bandjalung people, *Op.cit*.
- <sup>34</sup> Tolmer had not recommended a distinct Corps of Native Police in SA because the frontier was stable by the 1850s. He believed Aborigines were not to be trusted with the charge of outstations and, consequently, they were used as trackers. Williams (1999) *Op.cit*, p. 73.
- <sup>35</sup> Stapleton *Op.cit*. Willshire's reputation has been augmented over time.
- <sup>36</sup> Rosser, *Op.cit*, p. 181. Evidence of 18 June 1861.
- <sup>37</sup> Pope, *Op.cit*, p. 65.
- <sup>38</sup> A. Nettelbeck (2001) 'Maria Massacre' and 'Rufus River Massacre' in *The Wakefield Companion to South Australian History*, Kent Town, SA: Wakefield Press, pp. 332 and 469.
- <sup>39</sup> Pope, *Op.cit*, pp. 69-70.
- <sup>40</sup> Schmaal, *Op.cit*, pp. 188-189.
- <sup>41</sup> SAGG letter dated 24 January 1851 from Crown Lands Office to Colonial Secretary.
- <sup>42</sup> Castles and Harris, *Op.cit*, p. 23.
- <sup>43</sup> Pope, *Op.cit*, p. 110.
- <sup>44</sup> *Ibid*, pp. 129 and 151.
- <sup>45</sup> Castles and Harris, *Op.cit*, p. 21.
- <sup>46</sup> Pope, *Op.cit*, p. 127.
- <sup>47</sup> *Ibid*.
- <sup>48</sup> *Ibid*, pp. 244-245.
- <sup>49</sup> *Ibid*, pp. 235-236.
- <sup>50</sup> D. Dunstan (1981) *Felicia: the political memoirs of Don Dunstan*. South Melbourne: Macmillan. Dunstan believed the 'recording of confessional statements' was a 'vexed one' as convictions were often 'based entirely upon such statements and even on particular words or expressions in them (as was the case with Stuart)', p. 87. Dunstan was Labor Party Member for Norwood from 1953; 1965-67 Attorney General & Minister for Community Welfare and Aboriginal Affairs; Premier 1967 and 1970-79.
- <sup>51</sup> Cockburn *Op.cit*, Chapter 20 'The Stuart Case' (includes pertinent bibliographic references).
- <sup>52</sup> Castles and Harris, *Op.cit*, pp. 349-350.
- <sup>53</sup> K.S. Inglis (1961) *The Stuart Case*. Melbourne University Press.
- <sup>54</sup> *Ibid*, p. 316.
- <sup>55</sup> *Ibid*, p. 317.
- <sup>56</sup> The *Licensed Victuallers Act*, 1839 No.1 Sect.28 and the *Licensing Act Amendment Act*, 1915 No. 1236 Sect.59, later Sections 172 and 173 respectively of the *Licensing Act* (1932) No. 2102. They were still applicable in 1962.
- <sup>57</sup> W. Bromley (1820) *An appeal to the virtue and good sense of the inhabitants of Great Britain, Etc., on behalf of the Indians of North America*. Halifax.
- <sup>58</sup> W.E. Unrau (1996) *White man's wicked water: the alcohol trade and prohibition in Indian country, 1802-1892*. Lawrence, Kansas: University Press of Kansas, p. 118. Unrau's study reveals the complexity of the alcohol issue since prohibition was applied by laws that defined a 'space' called 'Indian country'.
- <sup>59</sup> Rosser, *Op.cit*, p. 201.
- <sup>60</sup> Skinner, *Op.cit*, p. 161.
- <sup>61</sup> Schmaal, *Op.cit*, p. 188.
- <sup>62</sup> *Ibid*, p. 68.
- <sup>63</sup> *Ibid*, p. 142.
- <sup>64</sup> B. Wilson, 'Stupor in paradise: drunkenness, disorder and drug offences in the Northern Territory 1870-1926' in M. Enders and B. Dupont (eds.) (2001) *Op.cit*, pp. 148-150. Wilson is a former Assistant Commissioner of the NT police. He believes police were tolerant of 'heavy drinking' possibly because it was attributed to the effects of climate. The main offenders of opium use were the Chinese; there were very few Chinese drunks.
- <sup>65</sup> R. Lucas and D. Fergie, 'A nobbler at Blazes Well: the policing of alcohol in the Marree-Birdsville Track District' in *Journal of the Historical Society of South Australia*, 24, 1996, p. 37.
- <sup>66</sup> Dunn, *Op.cit*, p. 98. Dunn quotes from the letter to the Colonial Secretary.
- <sup>67</sup> SRSA GRG 52/2 Vol. 1 Register of Correspondence Received by Aborigines Department – October 1878 *Advertiser* and November 1881 *SA Register*.
- <sup>68</sup> C. (Mrs James) Smith, *Op.cit*, p. 33.

- <sup>69</sup> Pope, *Op.cit*, p. 85.
- <sup>70</sup> Pope, *Ibid*.
- <sup>71</sup> Schmaal, *Op.cit*, p.170. Hanna shows that destitute Aborigines, like Werrieotinna at Penola [last of the 'full-blood' Pinejunga Aborigines], were abandoned by previous employers, local residents and Councillors. In Werrieotinna's case, although sane, one of the leading citizens and landholders arranged for his certification of lunacy whereby he was sent to the Parkside Asylum in late 1901 and died there in the following year. C. Hanna (with D. Abbey, G. Clifford, A. Roper)(2001) *Corartwalla: a history of Penola, the land and its people*. South Australia: Magill Publications, pp. 217-222.
- <sup>72</sup> Clyne, *Op.cit*, pp. 226-227.
- <sup>73</sup> *South Australian Police—Instructions to Special Constables*, (1939) Adelaide Government Printer, p. 5.
- <sup>74</sup> Lucas and Fergie, *Op.cit*, pp. 44-45. M. Valverde (1998) *Diseases of the will: Alcohol and the dilemmas of freedom*. Cambridge University Press. Valverde notes that the policing of alcohol usually focuses on 'orderliness, public morals, and the non-corrupt running of the liquor business', and not on 'health, medicine, sexuality, and crime', p. 12.
- <sup>75</sup> Lucas and Fergie, *Ibid*, p. 38.
- <sup>76</sup> The *Licensing Victuallers Act* 1869-70 No. 16 Sect. 65. Note the possession of alcohol in Sect 59 of the 1915 *Licensing Act Amendment Act* No. 1236 always referred to both 'full-blood' and part-Aborigines. The exemption clauses of the 1939 *Aborigines Act* meant that exempted Aborigines were allowed freedom of will when it came to alcohol. This aspect, which refers more to specifics of 'caste' and 'civilisation', is discussed in the next chapter.
- <sup>77</sup> SAPP 1860 Report of Select Committee No. 165 by George Hall, Chairman.
- <sup>78</sup> SAPP No. 26 1913 Progress Report of Aborigines Royal Commission, Recommendation 24.
- <sup>79</sup> SAPP No. 29 Annual Report of Protector of Aborigines year ended 30 June 1912.
- <sup>80</sup> SAPP No. 29 Annual Report of Protector of Aborigines, year ended 30 June 1908.
- <sup>81</sup> Valverde (1998) *Op.cit*, p. 168.
- <sup>82</sup> J. Jose 'Legislating for social purity, 1883-1885: the Reverend Joseph Coles Kirby and the Social Purity Society' in *Journal of the Historical Society of South Australia*, 18, 1990, p. 119.
- <sup>83</sup> M. Finnane 'The politics of police powers: the making of police offences acts' in M. Finnane (ed.) (1987) *Policing in Australia Historical Perspectives*. Kensington: New South Wales University Press, pp. 98 and 104.
- <sup>84</sup> *Ibid*, p. 109.
- <sup>85</sup> Valverde (1996) *Op.cit*, p. 357.
- <sup>86</sup> SRSA GRG 52/1/204/1904 Correspondence Aborigines Department. The *Licensing Victuallers Act* 1880 No. 191, Sect. 81, later to be Sect 172 under the *Licensing Act* 1915 No. 1236.
- <sup>87</sup> *Ibid*, GRG 52/1/240/1961 Correspondence Aborigines Department. The Crown Solicitor advised that as per Regulations only Reserve staff (Superintendent) were allowed entry and that an amendment allowing Police authorisation was a denial of citizenship. In February 1940, the Crown Solicitor gave permission to the Superintendent of Reserves to enter 'native cottages [which] belong to government' because as Aborigines do not pay rent they were not tenants, and therefore had no tenure. [GRG 52/1/53/1940].
- <sup>88</sup> SRSA GRG 52/1/81/1941 Correspondence Aborigines Department Report on Swan Reach Reserve by Mr A.H. Bray, Welfare Officer and Superintendent of Reserves, 25 November 1941.
- <sup>89</sup> *Ibid*, GRG 52/1/59/1919 Correspondence Aborigines Department.
- <sup>90</sup> *Ibid*, GRG 52/1/27/1940 Correspondence Aborigines Department, 15 and 22 January 1940.
- <sup>91</sup> *Ibid*, Report year ended 30 June 1953.
- <sup>92</sup> SAPP No. 29 Annual Report of Protector of Aborigines year ended 30 June 1907, report by A. Redman.
- <sup>93</sup> SAPP No. 20 Annual Reports of Aborigines Protection Board years ended 30 June 1953 and 1954.
- <sup>94</sup> C.E. Bartlett 'Legislation in South Australia and its impact on the Aborigines', *Mankind*, 5:11, 1962, p. 475.
- <sup>95</sup> *Ibid*.
- <sup>96</sup> Rose (1993) *Op.cit*, p. 289.
- <sup>97</sup> Valverde (2003) *Op.cit*, p. 22.
- <sup>98</sup> *Police Act*, No. 10, 1863.
- <sup>99</sup> QLD 1901 No. 1 Section 16 and WA 1905 No 14 Section 36.
- <sup>100</sup> SRSA GRG 52/1/286/1901 Memorandum by Hamilton of 22 September 1898. *Children's Protection Act*, 1899 and *State Children's Act*, 1895.
- <sup>101</sup> *Criminal Law Consolidation Amendment Act*, 1885.
- <sup>102</sup> Jose (1990) *Op.cit*, p. 119.

- <sup>103</sup> SAPP No. 29 Annual Report Protector of Aborigines year ended 30 June 1905.
- <sup>104</sup> *Ibid.*
- <sup>105</sup> *Ibid.*, quoted in the Report.
- <sup>106</sup> *Ibid.*, quoted in the Report. C.E. Taplin, Aborigines Friends Association member, prepared a draft Act using the Queensland *Acts* but 'introducing some features not contained in those Acts' GRG 52/1/330/1905.
- <sup>107</sup> SAPP No. 29 Annual Report Protector of Aborigines year ended 30 June 1907.
- <sup>108</sup> SAPD 14 November 1899 Hon. F. Basedow, p. 257.
- <sup>109</sup> SAPP No. 29 Annual Report Protector of Aborigines year ended 30 June 1908.
- <sup>110</sup> C. Hopkins (1995?) *South Australian Police 1838-1992: a history of the development and operations of the force from its establishment*. Adelaide: Media Response, p. 95. Hopkins states that this procedure, which began with Matthew Moorhouse, was still in place in the 1930s and not terminated until the 1960s.
- <sup>111</sup> Rowley (1974) *Op.cit.*, p. 216.
- <sup>112</sup> *Ibid.*
- <sup>113</sup> A. Clark. (1992) *'For their own good': the Aborigines Act, 1911*. Thesis, Adelaide University and R. Foster ' "endless trouble and agitation": Aboriginal activism in the protectionist era' in *Journal of the Historical Society of South Australia*, 28, 2000(a), pp. 15-27.
- <sup>114</sup> Clark, *Ibid.*, p. 2.
- <sup>115</sup> Valverde (1998) *Op.cit.*, p. 169.
- <sup>116</sup> *Ibid.*
- <sup>117</sup> Castles and Harris, *Op.cit.*, p. 25.
- <sup>118</sup> SAGG 17 January 1923 p. 225. Proclamation as per *Aborigines Act* 1911, Sect. 33(1). It appears the Prohibition clause was administered in an uneven manner. The Editor of *Daylight* (31 August 1926) reported that the Commissioner of Public Works (Hill) had suspended the Prohibition re entering country towns for twelve months.
- <sup>119</sup> SRSA GRG 52/1/30/1934 letter from Chief Protector to Police Murray Bridge 3 March 1937.
- <sup>120</sup> *Ibid.*
- <sup>121</sup> *Ibid.*, GRG 52/1/112/1940 Edington to Superintendent Johns, Police Department 16 February 1942.
- <sup>122</sup> Finnane, *Op.cit.*, p. 108 quoting Madley 14 July 1903 GRG 24/6/673/1903.
- <sup>123</sup> In 1958, a deputation to the Commissioner of Public Works about Section 14 included members of the Aborigines Advancement League, United Aborigines Mission, Woman's Christian Temperance Union, League of Women Voters and the Young Women's Christian Association. There were representatives from a dozen other groups, mostly church organisations but also the Trades Labour Council, Apex, Country Women's Association and ToCH.
- <sup>124</sup> SAPP No. 20 Annual Report Aborigines Protection Board year ended 30 June 1959.
- <sup>125</sup> SRSA GRG 52/1/86/1940 Secretary to Port Germein Police Station. From 1898, police were labour agents registering the names of the unemployed in their districts, Hopkins, *Op.cit.*, p. 104.
- <sup>126</sup> Stenson, *Op.cit.*, p. 373. Stenson states that there has been a progression of representations about policing. First, there were the 'pre-liberal dystopian images of the totally policed society', followed by the 'new police' of the London Metropolitan Police, p. 373.
- <sup>127</sup> *Ibid.*
- <sup>128</sup> Hassell, *Op.cit.*, p. 23. Instructions to Protector Wyatt printed in *Registrar*, 12 August 1837.
- <sup>129</sup> Dean (1999), *Op.cit.*, p. 116.
- <sup>130</sup> *Ibid.*, pp. 116-117.
- <sup>131</sup> Prior to the established of the Aborigines Protection Board, in the 1920s Genders of the Aborigines Protection League had forecast that 'doles' were detrimental to self-government.
- <sup>132</sup> SAPP No. 198, 21 December 1866 *Op.cit.*
- <sup>133</sup> 1911 and 1939 *Aborigines Acts* Section 7, parts 3 & 4 and Section 30.
- <sup>134</sup> Rowse (1998)(a), *Op.cit.*, p. 17.
- <sup>135</sup> Foster (1989), *Op.cit.*
- <sup>136</sup> Unrau, *Op.cit.*, pp. 40-59.
- <sup>137</sup> *Ibid.*, pp. 52-53.
- <sup>138</sup> Rowse (1998)(a), *Op.cit.*, p. 206.
- <sup>139</sup> *Ibid.*, p. 215.
- <sup>140</sup> SRSA GRG 52/1/86/1940 letter of 1 August 1940.
- <sup>141</sup> *Ibid.*, GRG 52/1/250/1899 letter to Minister for Agriculture from Protector Hamilton of 20 July 1900.
- <sup>142</sup> Rowse (1998)(a), *Op.cit.*, p. 206.
- <sup>143</sup> SRSA GRG 52/1/12/1940 Secretary to Mounted Constable at Meningie, 13 June 1940.
- <sup>144</sup> *Ibid.*, letter of 8 June 1940 from Haarsma at Meningie to the Secretary.

- 
- <sup>145</sup> Rowse (1998)(a), *Op.cit*, p. 206.
- <sup>146</sup> SRSA GRG 52/1/68/1940 McLean to Penhall December 1940 through to November 1942.
- <sup>147</sup> *Ibid*, GRG 52/1/28/1940 letter to Penhall 10 April 1941.
- <sup>148</sup> Hopkins, *Op.cit*, p. 22. Aiston had resigned from the police force rather than be transferred to another country post. He made his living at Mulka Bore by supplying water to drovers at a penny a head of stock.
- <sup>149</sup> *Ibid*, p. 6. Emphasis in the original.
- <sup>150</sup> Rowse (1998)(a), *Op.cit*, p.5.
- <sup>151</sup> See Chapter 4, footnote 24.
- <sup>152</sup> R.S. Gillen (ed.) (1995) *F. J. Gillen's First Diary 1875: Adelaide to Alice Springs, March to June*. Kent Town, SA: Wakefield Press, pp. 16-17.
- <sup>153</sup> SRSA GRG 52/1/113/1940 Report of visit to Ooldea Mission 16 September 1941.
- <sup>154</sup> SAPP No. 93 'Particulars re Distribution of Aborigines' rations north of Port Augusta' by E.H. Hamilton, Protector (ordered by the House of Assembly 17 July 1891).
- <sup>155</sup> T. Rowse 'Strehlow's Strap. Functionalism and historicism in a colonial ethnography' in *Journal of Australian Studies*, 35, 1992, p. 102.
- <sup>156</sup> Stenson (1993), *Op.cit*, p. 379.
- <sup>157</sup> *Ibid*.
- <sup>158</sup> *Ibid*, p. 374.
- <sup>159</sup> *Ibid*, p. 378.
- <sup>160</sup> R.A. Williams, Jnr (1992) *The American Indian in Western Legal Thought: the discourses of conquest*. New York and Oxford: Oxford University Press, p. 8.



---

## *Anthropological science: authority of knowledge and exemptions*

The scientists arrived. There were German and English Professors of great attainment among them, and in perfect amity the congress was opened in the Town Hall, Adelaide...leaders of thought in their own countries, seekers after knowledge in Australia.

*Daisy Bates at the Australasian Association for the Advancement of Science Conference in 1913<sup>1</sup>*

Prior to the use of 'scientific' expertise to govern Aborigines, some practices had already been established based on 'systematic' governance and the sectionalisation of the Aboriginal population. For example, after the Royal Commission of 1913, the missions in the settled areas, Point Pearce and Point McLeay, were made government stations for the training of mixed-race Aborigines, while in 1920 a large area of the North West was made an inviolable reserve for the protection of 'full-blood' Aborigines. The theoretical knowledge to support the sectionalisation of Aboriginal people was not cohesive and it was not until the late 1930s that scientists, professionals associated with the discipline of anthropology, succeeded in securing a theoretical basis for such biopolitical intervention.

In this chapter, we shall see that it was during the 1920s and 1930s that the processes of liberal governance in which the 'apparatuses of security', 'composed of power relations co-ordinated in relationships with systems of knowledge' were identified and substantiated.<sup>2</sup> There were successive steps in securing scientific knowledge, rather than experience or Christianity, to direct governance in building the authority of scientists and in presenting 'an anthropological solution' to the 'Aboriginal problem'. The biopolitical mechanisms espoused by scientific expertise maintained a non-liberal or 'negative' eugenics policy, which is discussed in the next section, whereby sectionalisation into *full* and *part* populations was justified for liberal and utilitarian

ends. In order to ensure these ends, the *Aborigines Act*, 1939, incorporated the technique of exemptions that processed the divisions in the Aboriginal population and secured the 'anthropological solution'. The 'solution' signalled the effectiveness of the two-way street of science and government that had been established.

### **'Seeding Time' in scientific history**

In his reminiscences, John Burton Cleland, former Deputy Chairman of the Aborigines Protection Board and Professor of Pathology at the University of Adelaide, described the early 1920s as 'an admirable seeding time in the scientific history of South Australia'.<sup>3</sup> Not only had a medical society and journal been established at the University, as well as handbooks on natural history, but also the Board for Anthropological Research was founded with members like F. W. Jones, Chair of Anatomy at the University, and T. D. Campbell, Honorary Curator of Anthropology at the South Australian Museum. Jones and Campbell contributed to this genesis with a paper in the proceedings of the Royal Society of South Australia entitled, 'Anthropometric and descriptive observations on some South Australian aboriginals' where they espoused the 'doomed race theory'.<sup>4</sup> Equally, it was a 'seeding time' for anthropological scientists at the Museum because the Anthropological Society of South Australia was established with Campbell as Chairman and Norman Tindale, ethnologist at the Museum, as Honorary Secretary. However, before demonstrating the processes carried out by scientists to include themselves in the governance of Aborigines, it is necessary to survey an earlier period in the development of science in the State, where science was first hailed as the 'sign' of universal reason and progress. Not only was science 'the touchstone of rationality' but also nationhood meant 'to be endowed with science'.<sup>5</sup>

As discussed previously, the Museum and scientific associations were founded in the late nineteenth century following the State Constitution in 1851 and severance of some imperial ties. For example, there were the Royal Society of South Australia (formerly the Adelaide Philosophical Society, founded 1853) and the Royal Geographical Society of South Australia (founded 1885), which secured specific forms of truth that declared the prevailing forms, where Christianity meant civilisation, no longer practical. As time progressed, this meant that scientific expertise prevailed over experience, both religious and secular.

Medical scientists were foremost in the 'seeding time' of scientific intervention into Aboriginal governance. Professor E.C. Stirling, the Museum Director and Professor of Physiology at the University, gave evidence at the 1913 Royal Commission on Aborigines on their health as well as on their decline, as a result of his participation in the Darwin to Adelaide expedition in 1892 led by the Governor, Earl of Kintore, and in the Horn Expedition to Central Australia two years later. William Lennox Cleland, father of J.B. Cleland, was another who was prominent in establishing 'truths' about Aborigines. Colonial Surgeon and President of the Royal Society between 1898 and 1900, Cleland sought to discover the origins (primitivism) of Aborigines.<sup>6</sup> To this end, the physical anthropology of Aborigines occupied him and he 'stressed the importance of anthropometric studies'.<sup>7</sup> William Ramsay Smith, Head of the Department of Health and twice President of the Australasian Association for the Advancement of Science (founded 1888), was a physical anthropologist who contributed directly to national societies. He maintained a distance from local medico-scientific circles because the Government had appointed him physician to the Adelaide Hospital, despite the wishes of the South Australian Branch of the British Medical Association, during the notorious 'Hospital dispute'.<sup>8</sup>

Ramsay Smith's wider perspective beyond local concerns may have been instrumental in the resolution to nationalise control of Aborigines, which was passed at the 1913 Welfare of Aborigines Committee of the Ethnology and Anthropology Section of the Australasian Association for the Advancement of Science. The views of scientists revealed the established forms of 'truth' about Aborigines. These were concern over health and survival of 'full-blood' Aborigines; their primitivism and origins, leading to an understanding of the human race in general; the best means of governance and the issues surrounding evolutionary determinism, heredity and environment. The expertise of the men of the medical and natural sciences 'helped to set the nation's racial agenda', which aimed to idealise 'whiteness'.<sup>9</sup> McGregor (1997), Anderson (2002) and Thomas (2004) are of use for background about the 'doomed race theory' and the influence of science and medicine on racial theories and, by extension, on government policies.<sup>10</sup>

The recommendations of the Welfare of Aborigines Committee listed the advantages of nationalisation of the system of responsibility for Aboriginal people as the treatment of the 'aboriginal problem as a whole, and on a systematic and scientific plan'; the even

distribution of the 'financial burden' over the states to create efficiency; the creation of a 'national sentiment of sympathy and pity...towards this unfortunate race whom we have dispossessed'; and the preservation of a 'valuable labour asset' for pastoralism. The Committee sectionalised the 'problem'. Its plans were for 'full-blood' Aborigines to be protected on reserves 'in all the northern parts of the Continent'. Aborigines in the settled areas of New South Wales, Victoria and South Australia 'represent a later stage of the aboriginal problem' and, therefore, were 'exempt from the operation', since they were 'well cared for by their respective Governments'.<sup>11</sup> The sectionalisation of the 'Aboriginal problem' in South Australia was already in force due to land legislation, the protection legislation of 1911 and government practices like medical surveys. Another important resolution of the Australasian Association for the Advancement of Science Committee was that, because of their 'rapid decadence and disappearance', 'it is urgent that, in the interests of science, further records and collections' of Aboriginal society 'be made for public preservation'.<sup>12</sup>

This rationality of governance meant that university scientists like Professors Jones and Cleland, and natural scientists at the Museum, questioned whether reserves for 'full-bloods' should be inviolate, whether missions should house only 'half-castes' because they 'have already lost their tribal institutions and are simply hangers-on to the white man', and who should deal with 'natives not detribalised'. Also, debates persisted on whether or not only those with special training in anthropology should be involved, thereby excluding those with 'allegiance' or 'bias toward the police, the man on the land, or the missions'. In addition, there was much discussion on the need for medical officers on reserves and on the nationalisation of Aboriginal affairs.<sup>13</sup> These themes maintained currency through to 'nationalisation' in the 1960s. Scientists, both natural and medical, secured a major role in the governance of 'full-blood' Aborigines because of such framing of the debates, and the sectionalisation of the Aboriginal populace by government. Although not as obvious, scientists ultimately had influence on the governance of part-Aborigines, particularly children, because of the dichotomy created by the 'scientific' sectionalisation.

Before examining the scientific 'solutions' to the 'Aboriginal problem', it is imperative to understand the importance of eugenics, the racial optimisation techniques of the time, to governance. Eugenics was a response to pseudo-Darwinian theories on heredity and

environment as factors in 'breeding', and to falling birth rates in the middle classes. In order to improve populations, eugenic specifications were developed. In Australia, these developments were articulated as 'positive' and 'negative' at the Australasian Association for the Advancement of Science conference in 1913. 'Positive' eugenics schemes were those that sought improvement of populations through social and welfare programs. In contrast, 'negative' eugenics schemes concentrated on perceptions of people as 'unfit' socially, or racially or sexually, and looked to the employment of science and government in limiting breeding in such populations. As we shall see, the hereditary determinism of 'negative' eugenics had the effect of supporting the continuance of a policy of protection for 'full-blood' Aborigines and the absorption of part-Aborigines by the white population. Although the end result was social engineering rather than extreme eugenic practices like sterilisation of the 'unfit', this engineering revealed itself in specific government policy in the 1950s aimed at the biological absorption of mixed-race children. As Dean states, with the articulation of eugenics, 'we arrive at a bio-politics that cannot be contained within the limits of a liberal rationality'.<sup>14</sup>

As discussed in Chapter 3, during Legislative Council debate on the 1899 Aborigines Bill, Adams deplored current 'solutions' to 'racial degeneracy' and extreme utilitarian ideas to improve populations.<sup>15</sup> In the same period, W.L. Cleland, Superintendent of Parkside Lunatic Asylum, introduced ideas on degeneracy to the Criminological Society of South Australia. He outlined theories on 'degenerates', like the 'chronic' insane, the 'habitual' offender and the 'endemic' unemployed, who were described by society as 'non-producers' and, therefore, as 'social offenders'.<sup>16</sup> Cleland argued for treatment rather than for conviction, suggesting that heredity could be modified by environment. He proposed that physiology, not law, should 'take its place as judge of appeals in questions not only of the body, but of the mind. That is, it will not only be applied to the cure of disease, but also to the cure of conduct'.<sup>17</sup>

Cleland Senior's remedies were not simply diagnostic; rather he recommended three steps to the improvement of those who were 'physically and mentally below the minimum standard necessary for working in the commonwealth'. These were: separation from the community, corrective discipline to overcome bad habits, and appropriate employment in agricultural settlements so that individuals would develop

their 'latent powers'. In his view, such practices were socially 'more economical and less costly' than criminalisation.<sup>18</sup> Cleland touched on the subject of breeding, stating that children of degenerates had 'bad heredity' but that modification was possible through improvements in environment. He also supported the ethos of the Boarding Out system for State children, emphasising that 'barrack can never take the place of the home, however indifferent even the latter may be'.<sup>19</sup> Cleland advocated 'medical and scientific solutions' to 'degeneracy' ahead of 'solutions' through state regulation.

W. Ramsay Smith debated 'positive' and 'negative' eugenics at the Australasian Association for the Advancement of Science conference of 1913. He urged members to consider that studies of breeding principles could never 'give those particular qualities of body, mind, or morals that the world requires'.<sup>20</sup> 'Positive' eugenics meant that children were brought into a society that had 'fair salaries' and state pensions for widowed mothers, and where women's occupations neither damaged their fertility nor severed them from the 'closest possible contact' with their children. With regard to 'negative' eugenics, Ramsay Smith condemned legislation for the medicalisation of breeding through 'abortion in the case of pregnancy of, or impregnation by, the unfit; euthanasia of the unfit; sterilization of the unfit; and the medical regulation of marriage'.<sup>21</sup>

W.L. Cleland and Ramsay Smith believed in social and economic improvements to populations through 'positive' means. They disagreed with 'negative' eugenicists who held that 'environmental changes could exacerbate the problem by increasing the proportion of genetically inferior stock that bred'.<sup>22</sup> They were cautious about legislating for medico-moral reforms, in contrast with moral reform movements like the Social Purity Society, which wanted the 'governmentalisation of moral regulation'.<sup>23</sup> Hunt traces the development of nineteenth-century sexual (or social) purity concerns through to social hygiene reforms at a later period. Sexual purity was directed at the sexuality of middle-class men and at the lack of 'respectability' of the working classes. The areas of regulatory concern were sexually transmitted diseases, temperance, prostitution, age of consent, rescue homes and even 'white slavery'. The control of adolescents was pivotal. In South Australia, social purity reforms were evident in the 1885 *Criminal Law Consolidation Amendment Act*, and in the *Police Offences and Children's Protection Acts* of 1899. These *Acts* gave 'protection' to youth and were

concerned with their sexuality. Also, as discussed in the previous chapter, the legislation resulted in police discretionary power to regulate and strengthen norms of social behaviour.

In addition, Hunt identifies that social hygiene movements were concerned with racial degeneration, declining birth rates in the middle classes and infectious diseases like venereal infections and tuberculosis. He believes that:

the espousal of eugenics was an aspect of the secularisation of moral discourses...As religion became less self-evident, the prestige of science rose...Its popularity was facilitated by the fact that it reflected back as 'science' that which is familiar (class and sex difference) and justified what its audience already believed (that the working class is a lower order, and women's role is defined by their reproductive organs).<sup>24</sup>

Further, he states that eugenics 'provided a way of breathing substance into the long-standing connection that purity politics had insisted on between immorality and national peril, and endowed it with the growing prestige of science in general and medicine in particular'.<sup>25</sup> These ideas are pursued in the next section, which discusses the influence of science and medicine on the governance of Aboriginal people.

### **The 'anthropological view of this racial problem'**<sup>26</sup>

Of all rationalities and techniques of governance, eugenics 'provided an important instance of the rise of Foucault's biopolitics of population'.<sup>27</sup> The perfectibility of populations was an area of government intervention that required 'scientific' solutions and the authority of scientists. As Rose states:

To govern, one could say, is to be condemned to seek an authority for one's authority. It is also that, in order to govern, one needs some 'intellectual technology' for trying to work out what on earth one should do next—which involves criteria as to what one wants to do, what has succeeded in the past, what is the problem to be addressed and so forth.<sup>28</sup>

Eugenics and scientific practices of anthropology provided the 'intellectual technology' for governance of South Australian Aboriginal people. More explicitly, the scientific practices of J. B. Cleland, Deputy Chairman of the Aborigines Protection Board, had a 'natural history bias' that drew together his interests in 'pure' Aborigines, their environment and their personal biology.<sup>29</sup>

Cleland was appointed to the Advisory Council of Aborigines in May 1933 when Chairman Harvey, Member for Legislative Council, resigned because of illness. His position was enhanced as he was made Chairman of the newly appointed Council, in the

second Butler Ministry. This followed on a period of inactivity under the previous Government, which had refused ultimately to fund Councillors' office and travelling expenses.<sup>30</sup> The question is—how did he assume this position, which in effect ratified a scientist as the most important person on Council when the Council had always been dominated by Aborigines Friends Association evangelical concerns? (Also, in turn, he was made Deputy Chairman of the Aborigines Protection Board, second to the Minister who was Chairman.)

Following the failure to secure the Australian Chair of Anthropology at Adelaide University, the Board for Anthropological Research was created in late 1926. By 1957, it had undertaken 24 expeditions (see illustration figure 15). The Board became the mechanism for Cleland, as its long-serving Chairman, to garner funds for the growth of natural history in the State. Adelaide had lost the Chair to Sydney University despite lobbying representatives of the American Museum of Natural History and the prestigious Rockefeller Foundation in 1925 by taking them on the University's 'first' expedition to the interior. However, the Foundation gave its support to Sydney University because the Federal Government pragmatically chose that University as the training ground for its 'native' administrators.<sup>31</sup>

This failure was a lesson for Cleland that, in order to secure financial backing for anticipated expeditions, it was imperative for the University and Museum to be seen to be necessary for the governance of Aborigines. Scientific expertise not only had to secure the specific forms of truth about Aborigines but also had to become an integral part of the governing process. Such logic fits Rose's premise that 'the exercise of government has become enmeshed' with 'veridical discourses' (Georges Canguilhem's term) about 'the objects, processes and persons governed—economy, society, morality, psychology, pathology'.<sup>32</sup> These discourses have been 'articulated in texts' at an 'elevated' level in universities but more commonly, since the mid-nineteenth century, at a 'vulgar, pragmatic, quotidian and minor level', for example, in penitentiaries, asylums, labour exchanges and other government bureaux.<sup>33</sup> Clearly, input into 'lower' level discourse was imperative to gain recognition and this explains the determination of some university scientists to become part of the governing structure.

The processes that led to a scientific authority figure, namely Cleland, achieving the dominant non-government position on the Advisory Council, were as follows. In May



1927, Cleland wrote to the Federal Government seeking appointment as a Commissioner to the proposed Royal Commission into Aborigines in the Northern Territory, stating that it 'has been suggested that one of the members should be a medical man, preferably with anthropological experience, and I think few medical men in Australia can claim so much under the latter heading as myself'.<sup>34</sup> The Royal Commission did not eventuate partly because the Advisory Council did not support a Royal Commission but recommended the creation of a Federal Advisory Council. Instead, the Federal Government appointed Bleakley to report on the status of Aboriginal people of Central and North Australia. Then in June, C. E. Taplin, long-term Council member, died and scientists, Cleland, Campbell and Dr R. Pulleine, were nominees for the position. However, as stated in Chapter 5, the Government appointed Ida McKay as the first woman member. At this point in time, the women's lobby was more influential, or at least of longer standing, than the scientists' lobby. There had also been a change of government in April 1927, and Malcolm McIntosh replaced McInnes, an opponent of female membership, as Commissioner of Public Works and minister for the Aborigines Department.<sup>35</sup>

In 1928, Cleland participated in the University Board anthropological expedition to Koonibba. Then, in the winter of the following year, he led a team of the University Board to Hermannsburg, travelling on the inaugural journey of the north-south railway to Alice Springs. As a consequence of this trip, Cleland wrote to the Federal Government about the deficient state of health services in Central Australia.<sup>36</sup> As Thomas points out, Cleland had contended as early as 1911 that governments needed the advice of doctors, 'as experts in understanding all "social problems" ', to provide 'solutions'.<sup>37</sup>

Cleland operated at both federal and state levels to secure a role for scientists in governance. Even so, the scientists themselves were not a united group. Cleland and those who took part in the expeditions organised by the University and the Museum were not active in local lobbies, like the Aborigines Friends Association and Aborigines Protection League.<sup>38</sup> Scientists from an older generation, for example the ornithologist S.A. White (1870-1954), and non-conformist scientists like Ramsay Smith (died 1937), Basedow (died 1933) and Duguid were members of one or both of the lobbies. Daisy Bates was the only woman 'scientist' and, although not a member of the lobbies, was

supported in her social work amongst the Aborigines by them and by the Government.<sup>39</sup> For instance, Cleland and his fellow scientists were not part of a deputation of philanthropic and religious groups that approached Herbert Hudd, Commissioner of Public Works, in July 1933 with a ten-point plan for improving governance. Nonetheless, by September 1934, when he delivered a wireless talk on 'The Australian Aborigines—his food and how he gets it', Cleland had clearly established a role for himself and his cohort to be seen as authorities on tribal Aborigines and potential participants in governance. This was further enhanced, in 1936, when Cleland organised a comprehensive survey of blind Aborigines in the State. This, too, promoted his personal ambition as the most important authority on Aboriginal diseases.<sup>40</sup>

Cleland has been described as a person whose 'scientific interests [were] pursued through prodigious committee work', and this is indeed apparent.<sup>41</sup> He consolidated his position through various undertakings in the 1930s. In early 1934, he visited Point Pearce as Chairman of the Advisory Council and, ignoring his duty to report back to the Council, he conferred first with the Commissioner of Public Works. In the winter of that year, he was again on a University expedition, this time to Ooldea in the west and then east to the Birdsville Track (see figure 17). He played a minor role for a time on the Advisory Council because Reverend Sexton controlled events such as they were, and since once again the Government referred few issues for its consideration. However, Cleland was influential in validating anthropological science in the government of Aboriginal people to non-scientists because, in late 1935, he asked Norman Tindale to advise Council about improving housing at the Swan Reach Reserve by building 'native' dwellings.<sup>42</sup>

Cleland and Sexton were appointed to the Federal 'Board of Enquiry into the Ill treatment of Aborigines in Central Australia' in May 1935. Cleland was made the Chairman although he was the Government's second choice as A.P. Elkin, Professor of Anthropology at Sydney University, had declined the position. The appointment of an anthropologist to such an inquiry was unprecedented. In the past, leadership of any inquiry, for example the 1928 Coniston Inquiry, went to a magistrate with extensive experience in policing.<sup>43</sup> C.P. Mountford, secretary for the Board of Enquiry, was sceptical of Cleland's motives as he appeared 'much more interested in the disappearance of the mulga than that of the native', and as Markus states, Sexton's

motives were questionable as well because he had 'a record as an apologist for government action'.<sup>44</sup>

Then, in late 1936, Cleland visited the Commissioner of Public Works to persuade him of the need for utilising the Advisory Council and including the Chief Protector as a member. Reverend Bussell, Aborigines Friends Association member and on Council since its inception in 1918, had died thereby creating a vacancy. Cleland nominated the ex-Surveyor General Theodore Day because of his knowledge of Aborigines and land issues. Sexton supported the nomination while other councillors recommended Duguid, Aborigines Protection League president and Presbyterian Moderator. It may have been that Cleland was trying to impress the Ministry with the importance of secular experts to governance, particularly those like himself and Day who focussed on 'full-blood' Aboriginal people but were not affiliated with missions.

Early in 1937, Cleland was selected as one of the State representatives to the initial 'Conference of Government Officers or Boards controlling Aborigines'. Following negotiations with State leaders, the Federal Government had decided that, because every state had different governing practices and since Aborigines were 'in various stages of evolution', a Federal conference would be held periodically rather than 'nationalisation' proceed immediately.<sup>45</sup> The Advisory Council nominated Cleland and Sexton, as they were its Chairman and Secretary, to attend the Conference with the Chief Protector. Butler, the Premier, barred Sexton because it seemed that both the State and Federal Governments did not want to support his campaign for the inclusion of 'non-official bodies' like the Aborigines Friends Association at the Conference. Also, governments were moving in a direction away from philanthropic and religious activists towards scientists as suitable experts to advise government.<sup>46</sup>

Cleland and Chief Protector McLean attended the Conference, which resolved to protect 'full-blood' tribal Aborigines on inviolable reserves and to provide state supervision and support for detribalised 'full-blood' Aborigines. All other people of Aboriginal descent were expected to be absorbed into the mainstream. Cleland was adamant that tribal Aborigines should not be deliberately detribalised because 'they are unique and one of the wonders of the world' and there would be 'very vigorous objections...by scientists' should this become policy.<sup>47</sup> In recommending absorption of 'half-castes', he stated that there should be a comprehensive investigation by persons trained in the 'study of social

and economic problems' to 'ascertain whether the half-caste is able to take his place in the community under present conditions, or whether, on the average, he will always prove to be only a grown-up child who will have to be protected and nursed'.<sup>48</sup> Cleland moved a motion for such an investigation to be conducted by Adelaide University's Department of Economics in conjunction with the Board for Anthropological Research. He said he had the Vice-Chancellor's permission to make such a recommendation and that the Commonwealth should bear the costs of £2,000 incurred for the task and for the special investigator. Two of the New South Wales representatives queried the expense and suggested that a royal commission would have more authority than a socio-economic survey. One of the Victorians said that Federal funding would be best spent on individual states, while A.O. Neville of Western Australia believed that departmental heads already had such information. Cleland's motion was negated without any response from Mr Carrodus and Dr Cook for the Commonwealth and Mr Bleakley from Queensland. It is important to note that Cleland was the only non-government member at the Conference, that is, the only person not entirely subject to *Public Service Acts* and indirectly accountable to the polity and for government expenditure.

The Commissioner of Public Works put Cleland's proposal for a Board of Enquiry to investigate the 'half-caste problem' to the Advisory Council. The proposal outlined the role of the University's Department of Economics, 'along with a syllabus as to the scope of such an enquiry'.<sup>49</sup> The Board was to have five members, the Chief Protector, the lecturer in economics at the University, a representative of the Board for Anthropological Research, for example, Dr H.K. Fry 'who has the advantage of being a medical man', Cleland as Council Chairman and the Honorary Secretary of the Council.<sup>50</sup> Although canvassed at both the Federal Conference and the Advisory Council, the board was not established. Membership was heavily weighted in favour of 'science' and it would have been of interest to know what non-scientists thought about this, particularly as women members on the Advisory Council asked for representation by a woman but there was no resolution on the matter.

To further promote his authority on 'full-blood' Aborigines and their protection, Cleland lobbied the Commissioner of Public Works H.S. Hudd in mid 1937 about the 'economic effects of detribalisation of Musgrave Range natives'. Given Cleland's now considerable influence on Aboriginal affairs, Hudd stated that he would 'at once refer

the matter to the Commissioner of Crown Lands for his consideration'.<sup>51</sup> At the same time, the Advisory Council was re-governmentalised thus signalling government recognition of its importance or government desire for more influence. The Chief Protector once again was included and William Penhall, the accountant for the Aborigines Department, became Secretary, a position Reverend Sexton abdicated to become Liaison Officer.

In August of 1937, on invitation from Lindsay Riches, member of parliament and Mayor of Port Augusta, the Chief Protector and Cleland visited the local Aboriginal camp, which now had a school for its children, and inspected a site out of town thought suitable for a permanent reserve or mission. On the return journey, they visited Point Pearce and Cleland discussed anti-typhoid inoculations with the Aboriginal residents. He reported on addiction to gambling at both Port Augusta and Point Pearce and suggested prohibition through the 'Betting Act', rather than the proposed *Aborigines Act*. He also suggested that a card system be implemented to record 'parentage, or suspected parentage, the illnesses, misdemeanours, general behaviour, etc. of each individual'.<sup>52</sup> Cleland believed that recording inoculations 'would be very valuable' and it would also be 'important in the near future to know which individuals had full-blood grandparents from the point of view of those who would still come under the care of the Chief Protector'.<sup>53</sup> He was well aware that the proposed legislation would be based intrinsically on colour and 'blood' because, together with the Chief Protector, the Secretary and the Liaison Officer, he was appointed to the Research Committee into the new *Act*.

In addition, Cleland included a recommendation under the heading 'Morons and mentally inferior natives', that the Director of Mental Health and Superintendent of Parkside Mental Hospital, Dr H. Birch, be asked for advice as to whether 'any of the persons, especially young persons, at Point Pearce are mentally so ill-equipped that they are unfitted to be absorbed into the community and to be allowed to beget children'.<sup>54</sup> He was at pains to add that the recommendation was not 'all originating from myself' but probably reflected 'to a great extent the Chief Protector's views'.<sup>55</sup> He thought that a number of Aborigines were mentally 'impaired' and the 'question should be considered whether they should not be placed permanently under control'. As well he stated: 'I consider these persons very dangerous members of the community in that their

offspring are likely to be also mentally feeble and a continual expense to the community'.<sup>56</sup> Cleland was not an 'environmentalist' like his father, W.L. Cleland, who was an authority on mental 'feebleness', as the long-term Superintendent of Parkside Lunatic Asylum, but a 'negative' eugenicist. He was aware that his recommendation was controversial and there was no record of any follow-up action.

His proposal occurred at a time when Aboriginal people in the settled areas were politicised. For instance, William Cooper, secretary of the Victorian-based Australian Aborigines' League, wrote to the South Australian Government asking that, in line with its own recommendation, it encourage other state leaders in 'nationalisation' of Aboriginal affairs. Cooper stated that it 'may seem to you extravagant for us to claim equality with the white race but this is our ideal and toward that end we trust that each administration will progress'.<sup>57</sup> Further, Cleland's authoritarian recommendation did not reflect the resolution of the Canberra Conference to proceed with 'enlightened guidance' and to investigate 'racial problems in America and South Africa' for presentation at the next conference in two years time. The resolution stated that caution was required to prevent 'racial conflict' arising from white prejudice, which was 'disastrous to the happiness and welfare of the coloured people'.<sup>58</sup>

While on his overseas study tour in late 1937, Cleland met with scientists in the medico-anthropological fields. In North America, he discussed the governance of 'half-castes' with Professor S.D. Porteus, the noted clinical psychologist, at the University of Honolulu, and he met with Professor E.A. Hooten of Harvard University to gain funding from the Carnegie Corporation for the proposed Australia-wide study of the physiology of Aborigines and the investigation into 'hybridity'. In London, he conferred with public health officials since he was a member of the State's Central Board of Health (1934-1968).

Cleland delivered an address on 'Some aspects of the problem of the Australian aboriginal and his descendants in South Australia' at the Royal Anthropological Institute in London. He stated that a 'native state' would be 'unworkable' and that inviolable reserves were needed for the 'pure race' of tribal Aborigines in order to maintain their 'purity', while detribalised Aborigines should be encouraged to remain in their 'own' country and their living costs paid by the state. He recommended absorption for part-Aborigines who resembled 'the "feckless" portion of the white community from

whom the submerged tenth are recruited'.<sup>59</sup> He further added that there was no atavism.<sup>60</sup> He was careful to state that the mixed race Aborigines' white parentage in the past had been acceptable because they were men of 'courage and capacity' but, now, they were 'undesirable' whites. 'It is this origin, perhaps, more than the native blood, which makes the half-caste problem a difficult one'. Cleland told the assembly that the numbers of mixed race Aborigines were increasing on protected missions and government stations. 'This sheltered existence cannot be allowed to continue as it will produce in the end a colour problem'. A 'practical scheme' was needed for absorption 'without harm to either component of the mixture. This is the same problem as that of the less fit of the white community and after all these people are at least half-white'. He finalised the address referring again to the 'colour problem', a matter much discussed because of recent policies in South Africa and the racial conflict in North America. 'From a practical and from a humanitarian aspect, the development of a "coloured problem" in Australia cannot be tolerated for a moment'.<sup>61</sup>

On return from his study tour, Cleland informed the Advisory Council of the recent policy of the Union of South Africa with regard to 'native problems'.<sup>62</sup> In the remaining months of the life of the Council, with the Government drafting legislation and planning for a new board, there was very little for members to do. Cleland arranged for Dr Joseph Birdsell of Harvard University to address Council about his expedition, together with Norman Tindale, to enquire into hybridity and the physiology of 'full-blood' Aborigines. The Chief Secretary, Sir George Ritchie, publicly announced the expedition stating that it would provide the scientific proof about atavism and 'data which would be of considerable interest in the field of human genetics'. Also, the accumulated data would be 'useful in solving the problem as to whether these people would be ultimately absorbed in the general populace or whether they were likely to remain a group apart'.<sup>63</sup> It was quite obvious that 'science' had inculcated itself into government, and scientists, like Cleland, were actively pursuing involvement. On the other hand, government was open to this input and believed in the necessity of an association with anthropology. For example, when urged by scientists to send an Australian representative to the Anthropology Conference in Copenhagen in mid 1938, the Federal Government sent Dr Thomson of Melbourne so that 'the Australian treatment of natives, and the need for defining to the world its attitude towards aboriginal problems' was imparted.<sup>64</sup>

Gray observes that Professor Elkin of Sydney University used anthropology, together with his humanitarian interests and membership on the Australian Board of Missions, as 'a tool of change'. However, once he became a member of the inaugural New South Wales Aborigines Welfare Board in 1941, 'all these agencies were together indivisible in engineering change for Aborigines'. Thus, he was 'compromised' intellectually and spiritually because of his collusion with government.<sup>65</sup> By contrast, Cleland had no direct association with humanitarian or mission organisations and deliberately opted to use government to further his scientific aims, which were directed at the 'protection' of the 'purity' of 'full-blood' Aborigines. Unlike Elkin, whose interest was social rather than physical anthropology, Cleland did not validate part-Aboriginal people. McGregor explains that Cleland (and Tindale) were the 'most ardent academic advocates of biological absorption' through 'planned racial intermixing', while Elkin was one of the 'staunchest advocates of social assimilation' through socio-economic services. Moreover, Elkin recognised part-Aborigines as a society in their own right.<sup>66</sup>

Cleland did not accept part-Aboriginal people as authentic because of his emphasis on heredity. His publication, together with Tindale, for the centenary of the State on 'The Natives of South Australia', which omitted the existence of part-Aboriginal people, supported this fact. They described tribal and de-tribalised 'full-blood' Aborigines as a 'lovable race' but 'incapable' of assimilating successfully with the mainstream population needing 'guidance and care, like grown-up children'.<sup>67</sup>

### **'Mental vigour is surely an inherited trait'**<sup>68</sup>

Cleland had performed 6,000 necropsies by the time he retired in 1948 from the Department of Pathology located at the Adelaide Hospital, and was well aware that 'normality', the desired condition of any organism or organ, explained abnormality or pathology. Rose traces the path of this idea in the nineteenth century, from the physiology of the individual to the sociology of populations, so that the 'capacity to identify, measure, instil and regulate through the idea of the norm becomes a key technique of government'.<sup>69</sup> As well, experts of all types described some groups who were not part of the mainstream in terms of pathology. Such sub-populations were classified as deteriorating and degenerating. Consequently, progress not only took on evolutionary aspects but also meant rejecting the 'unfit', in W.L. Cleland's words, those who were not of the 'standard necessary for working in the commonwealth'.<sup>70</sup> To this



end, identifying the intelligence of Aborigines and the notion of atavism were important to scientists. The theory that Aborigines were early Caucasians and, therefore, that mixed races would be absorbed without 'throw backs' to Aboriginality, had been raised and never disputed by scientists associated with Adelaide University. Cleland promoted the theory on his overseas journey in 1937-1938, knowing that it was deduced from experience rather than from any scientific evidence.<sup>71</sup> He also encouraged the idea that it was possible to breed out the colour of mixed race Aborigines. A.O. Neville, Head of the Department for Aborigines in West Australia, advocated this stance as well and the 1936 legislation there determined that 'no half-caste need be allowed to marry a full-blooded aboriginal if it is possible to avoid it'.<sup>72</sup>

S.D. Porteus published numerous works on the 'mentally unfit', concentrating on the size of the human brain. Measuring skulls, particularly of 'primitives', was a recognised scientific practice, and for a long time it was considered 'scientific fact' that small size meant inferior mental capacity. Porteus undertook a study on children at Point McLeay who were predominantly of mixed race.<sup>73</sup> He observed their performance in aptitude tests and decided that those of primary school age were 'normal' but the older children were below average, indicating 'a comparatively short period of mental development'.<sup>74</sup> Dr H.K. Fry was a founding member of the Board for Anthropological Research and, unusually for scientists associated with it, also an Aborigines Protection League member and a vice-president in 1935. Together with Dr Pülleine, he conducted aptitude tests at Hermannsburg and MacDonald Downs in the 1930s that were similar to those administered by Porteus. Fry and Pülleine felt that the tests in Central Australia proved that the 'full-blood' did 'not differ much from European'.<sup>75</sup> As a result, they decided that the mental levels of full-Aborigines differed from part-Aborigines, and consequently, supported Porteus' discriminatory results for mixed race Aboriginal people.

Fry, a medical practitioner, was qualified in public health and anthropology from Oxford University. As the Chief Medical Officer in the Northern Territory, following Basedow's resignation, he had extensive knowledge of Central Australia, to the extent that, in 1935, he was Elkin's nominee as medical anthropologist to Aborigines there.<sup>76</sup> From the 1930s, Fry was the vice-president of the Council for Mental Hygiene and public health officer for the Adelaide City Council, which brought him into contact with

Aboriginal people who moved from government stations to run-down workers' cottages in the West End of the city.<sup>77</sup> His 'mental hygiene' was a 'positive' eugenics based on improving the environment through public health measures, adequate housing, employment, diet and so forth. Nevertheless, his tests on tribal Aborigines inferred that the theory that heredity determined mental capacity, informed his ideas on 'mental hygiene'. This was a long way, however, from ideas that 'negative' eugenicists were promulgating such as controlled breeding of 'degenerates' through sterilization.

In parliamentary debates on the Estimates in late 1934, discussion on 'nationalisation' of Aboriginal affairs and the need for action at the next Premiers' Conference arose. J.A. Lyons, member for Stanley, the mid-north farming electorate, asked the Commissioner of Public Works if there had been any consideration given to 'the biological experiment of breeding the aboriginals white, which might be accomplished in a few generations, and which would rid us of this eternal problem?' Commissioner Hudd simply replied 'Not yet' and with that finalised the debate.<sup>78</sup> Hudd's answer implied that the debate was still to eventuate and, given the scientific discourses of that period, it was indeed a possibility.

Previously, a Federal Government Commission had enquired into educational and institutional aspects of mental deficiency, and this had led to the drafting of a Mental Deficiency Bill in Western Australia. When drafting the Bill, Ethel Stoneham, the head of the government Psychological Clinic, made new classifications of deficiency so that women with illegitimate children, who were 'socially inefficient', and inebriates with 'pronounced instability', were potentially included.<sup>79</sup> In parliamentary debate on the Bill, Dr Saw, surgeon and Member of Legislative Council, supported sterilization of 'uncontrollable' mentally deficient women, and men, believing that this would 'raise the standard of the human race'.<sup>80</sup> The Bill was not passed for a multitude of reasons including lack of finance, the threat to individual liberty, disbelief in inherited mental deficiency and possibly because Dr Saw died during the debate. Fitzpatrick believes Dr Saw's 'professional standing helped legitimise this measure', and his scientific expertise was seen as 'apolitical, value-free and nothing more than the application of technical expertise'.<sup>81</sup>

Under Cleland's influence, scientific studies that started from the premise of the inferiority of mixed race Aborigines because of 'feckless' white ancestry, and the

superiority of 'purity', or at least of the white parentage of men of 'courage and capacity', determined the methodology of studies and some outcomes. This was not to say that scientists were unsympathetic to Aboriginal people and their studies deleterious, but that the presumptions of some scientific theories were yet to be proved and the framing of studies were often biased. Given the public perception that scientists were 'apolitical', this was of some concern for the burgeoning 'veridical discourses' about the Aboriginal populace that supported governance.

When Tindale and Birdsell conducted their survey into hybridity and physical anthropology in the late 1930s, some of Cleland's authoritative ideas about mixed race Aborigines being on par with the white lower classes were influential.<sup>82</sup> Other discourses influencing the survey, apart from degeneracy and pathology of the 'unfit', were the myth of Australia's destiny as a homogenous 'white nation' and the idea that genuine 'families' were only those with a male provider.<sup>83</sup> The survey provided the scientific study that proved that there was no atavism and, consequently, 'no biological reasons' prevented assimilation of mixed race Aborigines, and also, it reiterated the notion that 'full-blood' Aborigines were a 'dying remnant'; the 'doomed race theory'.<sup>84</sup> With regard to the socio-economics of Aboriginal groups, it reconfirmed the idea that tribal people should be segregated on inviolable reserves and emphasised that traditional practices meant environmental conservation and consequent economic advantages for the State. Tindale believed that growing numbers of mixed race Aborigines should not be segregated on the missions and government stations, leading to crowding and sub-standard living conditions. He promoted their education and training to ensure a 'place in the community', but he believed their place was in the working classes of the towns and with the semi-skilled workers of the country.<sup>85</sup> Markus states that Tindale 'failed...to question the validity of the racial categories which had formed the organising structure of his study' and, although he was sympathetic to the economic conditions that beset Aboriginal people as social outcasts, he thought that 'certain mental traits' were 'genetically determined'.<sup>86</sup> With the benefit of hindsight, his 'painstaking and rigorous genetic classification' of hybridity 'may be regarded as the unintended *reductio ad absurdum* of his generation'.<sup>87</sup>

Although the non-liberal practices and ideas espoused by Cleland, and some of his associates, did not eventuate because of resistance to eugenics by the community as a

whole, they re-iterated the 'language of "efficiency" of populations'.<sup>88</sup> As Dean states, even though eugenics was not 'immediately realized', it had a 'range of effects', not least the 'posing of the question of mental deficiency and efficiency in such a way as to make an individual psychology possible'.<sup>89</sup> Rose argues that individual psychology was tied to the conception of normality and that the individual was judged and assessed according to the 'degree of conformity between conduct and social expectations'.<sup>90</sup> 'Normality' and 'conformity' were factors that supported the extension of the idea of social and economic assimilation of part-Aboriginal people into plans for absorption, particularly of the young, into the white population.

The scientists were not without their critics. For example, Dr Charles Chewings (died 1937), geologist and pastoralist, did not agree with absolute segregation, believing that 'full-blood' Aboriginal people were choosing to contact white settlement. He agreed that scientists from the University and the Museum were, no doubt, finding out much that was important but he thought them 'insatiable', requiring 'the uncontaminated natives [be] kept in their primitive state mentally, morally, and in every other way, so that they can be further studied'.<sup>91</sup> Also, in early 1939, Reverend Dickson sparked a heated debate at the Methodist Conference because he stated that scientists thought the Aborigines to be 'so much material on which they could work'. A member of the Board for Anthropological Research denied the accusation saying that scientists assisted governance by advising on relief and welfare, as well as identifying medical problems. He also referred to the usefulness of the Adelaide-Harvard Universities' study on 'half-castes' by Tindale and Birdsell.<sup>92</sup> Later, the Reverend backed down and said he had made a sweeping statement. The authority of science intimidated many people like those associated with the missions who, previously, were assured enough to speak out about Aboriginal affairs. In the end, only scientists, like Chewings, were confidently able to contest the forms of truth constructed by scientists from the University and the Museum.

### **The 'degree of colour, an idea promulgated by scientists',<sup>93</sup>**

Members of the Legislative Council nominated scientists from the University of Adelaide as members of the Aborigines Protection Board. They were Halleday, who had association with Christian welfare organisations, and Holden, car manufacturer and Board for Anthropological Research expedition member (he specified Cleland and one

other). Also, Reverend Sexton recommended fourteen members including Cleland, two scientists associated with the University and the Museum, and Dr Grenfell Price who took 'the anthropological view of this racial problem'.<sup>94</sup> Although allowing for a spread of representation, Sexton recognised the growing authority of scientists particularly as the new legislation was based on 'degree of colour, an idea promulgated by scientists'.<sup>95</sup> Even though Sexton wished to relinquish his governmental role in Aboriginal affairs, after more than twenty years on the Advisory Council, his ideas were still influential through his membership of the Research Committee into the proposed legislation. Sexton wanted to 'simplify procedure' legislatively by having the 'term Aboriginal to cover *all* Aborigines', with provision for exemption (and revocation of exemption).<sup>96</sup> His rationale for total inclusion was that not all 'half-castes' were ready for 'the right of full citizenship' and hence, he believed the basis for exemption in the legislation should be individual ability and 'good' behaviour rather than colour or 'blood'.<sup>97</sup>

In preparation for drafting the 1939 *Act*, the Aborigines Friends Association sought legal advice about the definition of 'half-caste' under the existing legislation (the *Act* of 1911). Sexton was disappointed with the advice as it meant any person who was three or more generations removed 'from his full-blooded ancestor' and his 'great-grandfather or great-grandmother married a white person' was not 'deemed to be an Aboriginal'.<sup>98</sup> Also, the Crown Law Office determined, on request of the Commissioner of Public Works, that the third generation of a 'full-blood' Aborigine and a white person, was not an 'Aborigine' under the 1911 *Act*.<sup>99</sup> As well, the definition was thought inadequate by another source. The Adelaide City Mission welcomed the all-encompassing definition in the proposed legislation because under the present system, whereby light-caste people were not always acknowledged as Aboriginal people, a mission for the 'natives' was, strictly speaking, unable to provide assistance.<sup>100</sup>

The rationalities are complex. On the one hand, the critical factor was presented as the ability for citizenship because of character and intelligence, or standard of development (Duguid's definition), and on the other hand all definitions hinged on genealogy, distance from a 'full-blooded' ancestor and, therefore, on colour and 'blood'. To further confuse the issue, on the subject of 'nationality' of Aboriginal women married to non-Aborigines (both British subjects and others), the Crown Solicitor advised that all people of Aboriginal descent came under the new *Act*, unless exempted, and this fact

was not affected by marriage.<sup>101</sup> However, the Board agreed that once an Aboriginal husband was exempted, his wife and children were automatically exempted as well.<sup>102</sup> This seemed to contradict the Crown's advice that the status of 'Aboriginality' was not affected by marriage. Women married to exempt Aboriginal men were also exempted because of their status as married women. Women married to non-Aboriginal men were not appraised by the same logic but rather by the definition of 'Aboriginality' and so remained Aborigines.

The circularity of such arguments was evident when the son of a white woman and a part-Aboriginal man applied for employment at Point Mcleay. Some of the Aboriginal residents queried the man's eligibility for station work because his mother was white (there was never enough paid work to go around). Penhall thought that, as the man was 'light in colour, and being able bodied, should be able to maintain his wife and child in the general community'. He also thought that it was not 'desirable that children of a white mother should be permitted to live and work on a Reserve for Aborigines'. The Crown Solicitor's response was that it was 'quite clear' that the man concerned was 'an "aborigine" within the meaning of section 4(1)(b) of the Aborigines Act'.<sup>103</sup> The predictions of people like C.J.D. Smith and Halleday in Parliament, who had opposed the all-encompassing definition in the 1939 *Act*, were now coming true (see page 107).

Before continuing, it is helpful to examine the origin of the use of exemptions. The Queensland *Act* of 1897, which was adapted by both Western Australia (1905) and South Australia (1911) to draft legislation and define 'Aboriginal', allowed the minister to determine whether or not any 'half-caste' should be exempted from the provisions of the *Act*, and also permitted him to revoke any certificate of exemption (S.33). The Western Australian government included the power to exempt (and revoke exemptions) for both 'full-blood' and part-Aborigines in the 1905 *Act* (S.63); however, this was not adopted by the South Australian legislation of 1911. New South Wales and Victoria did not see the need to exempt 'half-castes' since the New South Wales Board only gave official recognition to Aboriginal people dependent on government assistance and who were residents at government institutions and on reserves, while Victoria had long since discouraged the inclusion of the 'less than full blood' in its governance of Aborigines.

The failure to include an exemption clause in South Australian legislation arose because of the Government's sectionalisation of the Aboriginal population and its inability to

address employment conditions for all Aboriginal people. For example, when Dashwood, the Government Resident and Judge of Northern Territory, drafted the 1899 Bill he viewed the matter as one of protection but remarked that although the Bill covered the whole State he did not 'think the condition of affairs in South Australia proper...calls for the same interference as it does in the northern part'.<sup>104</sup> Perhaps the surest way of interpreting the 'lack of means for exemption' under the 1911 *Act*, given the importance of Aborigines Friends Association input prior to 1939, is according to Sexton's explanation that:

We contend that all the original Acts were meant to confer benefits upon the unspoiled aborigines. The racial integrity of these has been broken by unprincipled whites and the effect of this clash of colour is to give the half-caste special advantages so that he may be incorporated into the life of the Community the basis of this is in degree of colour, an idea promulgated by scientists, but which should not be considered in any political scheme meant to confer upon the King's subjects the right of full citizenship.<sup>105</sup>

The Friends Association believed that the 1911 *Act* provided protection from 'unprincipled whites' for those Aborigines who might never have full citizenship and hence, exemption was out of the question. Other Aborigines who were racially 'spoiled' needed alternate special legislation to assist them in assimilation. They could fulfil citizenship through character, intelligence and training and then exemption was important. Sexton failed single-mindedly to understand the scientists' classifications according to heredity because his fundamental criteria for citizenship were based on morality (see the next chapter).

The scientists were not so concerned with the means as with the ends, wanting part-Aborigines on the government stations desegregated as soon as possible. The Aborigines Friends Association was concerned with the means, deferring to norms of behaviour as well as individual character so as to continue to regulate part-Aborigines. Duguid opposed the Friends Association's caution over exemptions by putting emphasis on development rather than individual character and by stating that exemptions should be permanent. As indicated previously, Phyllis Duguid publicly declared that revocability attached the stigma of probation.<sup>106</sup> Duguid in response to the Commissioner of Public Works' request for his input into amendments stated that if exemptions were revocable 'the finer and more developed people of aboriginal blood can never be psychologically or spiritually free'.<sup>107</sup> The Commissioner adopted Duguid's suggestion by making two categories of exemption, unconditional and

revocable, which was a move away from the revocability basic to the Queensland and Western Australian legislation.

At one of the first meetings of the new Board in 1940, discussion of who should determine exemptions (under S.11a), the Board or the Board and Department, occurred.<sup>108</sup> Penhall, for one, was clear about the distinction between the duties of the Department and those of the Board. The Department had the daily organisation of practices that were already 'entrenched', like ration provision and day-to-day events on the government stations, or that had a clear basis of administration under the legislation, regulations and policy, while the Board had to consider practices yet to be tried.<sup>109</sup> Given this reasoning, it is possible that Penhall thought exemptions of all but the occasional case were a matter for the Department. Early in 1940, the Board directed the Department to institute a card index system 'showing particulars of each aborigine'.<sup>110</sup> Cleland proposed that the index, a classificatory system that he used for collecting data on natural science while on expeditions, include 'all natives' and describe 'age, parentage, where located, mental ability, willingness to work, tidiness of the home, offences against the law, work and wages earned from time to time. In fact, all matters which may assist in the summing up of a person's activities both those favourable and unfavourable'.<sup>111</sup> By mid 1941, Penhall directed all stations and missions to provide personal details of residents in order to maintain the Department's card system, including characteristics like good shearer, good housewife, lazy, neglectful, intemperate, and so on.<sup>112</sup>

Amongst the first exemptions, as mentioned previously, were the Kingston Aboriginal populace. During 1939 and 1940, Penhall had noted their personal characteristics and described them as 'good' or 'fair type', 'good worker' and 'splendid type' (of women). Also, he noted if they were 'suitable for exemption', 'very quiet' as opposed to 'voluble aggressive type', 'rather bold type of good appearance' and 'practically white', and, finally, 'addicted to drink and gambling' or 'inclined to drink but not seriously'. In addition, particulars of jobs were noted like 'good shearer', working for the Highways Department, employed at the Crown Hotel or at 'Snuggery' or simply 'working', and as well, if they were self-employed, 'leasing a block in the Blackford ranges'.<sup>113</sup> One must question the discord between discourse and practice when it came to implementation of exemptions because, despite Penhall's careful consideration of the people concerned, all



except the two elders of Kingston were exempted. Of course, they were classified differently according to the two types of exemption, namely 'unconditional' and 'limited', revocable within a three-year period. One suspects that exemptions of the Kingston people were approved as a group, not because of individual attributes, but because of 'colour' and for historical reasons since they had been exposed to 'civilisation' for some time. For example, the District Council in the 1880s had moved the Aboriginal camps from Kingston to Blackford reserve to make the town 'more attractive to tourists', but some Aboriginal people remained because they held jobs or had built or were renting 'their own cottages'.<sup>114</sup>

Discussion arising at the end of the financial year on expenditure revealed that Kingston and Bordertown were earmarked as areas of potential savings, since Aboriginal people in country districts were to be absorbed 'into the community'.<sup>115</sup> This principle had already been established. For instance, as a result of an inspection of Point Pearce, Cleland agreed 'that lighter coloured natives, such as..., should be considered for exemption'.<sup>116</sup> Finance was even more of an issue because government funds were now directed towards the war effort. In September 1940, the Board stated that the 'general policy regarding the absorption of light coloured aborigines into the white community' was yet to be investigated. For a time, the policy seemed to have been put on hold whether pending 'nationalisation' or the end of the War it was not clear.<sup>117</sup> In the following year, the Commissioner of Public Works made it plain that Board policy was 'long range', to be implemented 'as funds permitted'.<sup>118</sup> In early 1942, the Board presented its policy as State control of Aborigines but costs to be carried by the Federal Government. This was restated in 1945 following discussion on full citizenship, particularly in relation to tribal Aboriginal people.<sup>119</sup>

As with the Kingston Aboriginal people, the notion of 'development' (and of 'colour') was applied to Aboriginal residents of the city who were granted exemption almost immediately, thereby making those unemployed the charges of the Public Relief Department and not the Aborigines Department.<sup>120</sup> As well as exemptions of Aboriginal people in the settled districts and in the city, exemptions were considered from those requesting them, including Aboriginal men who had held long-term positions as stockmen on pastoral stations. By mid 1941, as stated in a quarterly report to the Premier, about 150 exemptions had been approved.<sup>121</sup>

With exemption, prohibition on alcohol was no longer applicable and this was of interest to both Aboriginal people and the police. The Superintendent of Police in the metropolitan area asked for a list of exempt Aborigines so that the law could be applied correctly.<sup>122</sup> Exempt Aborigines at Kingston were advised that the local police officer was 'supervising the conduct' of those on 'probation', 'for their own good'.<sup>123</sup> Penhall warned an exempt man at Kingston that even though he now had the same rights as whites, if convicted of drunkenness, there was the possible revocation of exemption and 'you will again be brought under the control of this Department'. Penhall's personal advice was to 'give up drink altogether'.<sup>124</sup> The police, who deputised for the Labour Bureau in rural areas, were also informed that all unemployed Aborigines who were exempt had the same status as unemployed white people. Not all Aborigines were content with the status of being exempt. A part-Aboriginal man and his white wife told the local policeman at Meningie that they wanted to 'remain' as they were. If exempt, they were no longer eligible to obtain blocks through the Aborigines Department but had to lease through the Lands Department. Penhall told the policeman that the children of the couple 'should not be brought up as natives' and that exemption was 'really a tribute to their worth, and not a complaint against them'.<sup>125</sup> An exempt Kingston man described the real situation when he complained to Penhall that 'I am still classed as "nigger" as you whites term us. However that is not going to worry me as I still term myself as a Blackfellow'.<sup>126</sup>

When the Board discussed eligibility for exemptions, perceptions of the individuals concerned differed. For example, all members except Constance Cooke approved an unconditional exemption for a woman living with a white man who regarded 'herself as a white woman' and was 'accepted in the community as such'. Mrs Cooke wanted a limited exemption. This suggested that she either had different knowledge of the woman's attributes and personal history and considered her 'undeveloped', or that limited exemption provided the woman with the possibility should she want it, to seek protection under the *Act*.<sup>127</sup> The equivocations of Board members over the terms of the conditions to meet exemption status and about the principles of granting exemption when protection would be precluded indicate that although the exemption practice was one of normalisation—Aboriginal people were now suitable to enter the white mainstream—it conversely retained aspects of pastoral protection. Namely, it was a

hybrid practice in that it was normalising, disciplinary and pastoral. The hybridity of the exemption practice was apparent in that, for many, it remained 'limited' or conditional dependent on 'good' behaviour or on the provision of a quasi-protection. If it was thought that 'good' behaviour was lacking or protection was necessary then limited exemption status was revoked.

The *Act* provided personal protection on government stations and missions, as well as rations, clothing and other items for housing and employment. Given that most Aboriginal people had not had well-paid employment in the past, they did not have savings and assets, which meant they could not establish themselves without difficulty off stations. Many relied on accessibility to stations during sickness, unemployment, and old age, and when raising children. In late 1941, Penhall supplied the administrators at Points Pearce and McLeay with a list of exempt residents who, as official 'non-Aborigines', would now need permission to enter the stations as per Section 20 of the *Act*.<sup>128</sup> There were times when exemption was a distinct disadvantage. For example, the Board revoked the exemption of a disabled returned soldier who, although 'well behaved', needed 'special care' and wanted to live at Point Pearce because of 'difficulties in obtaining board elsewhere'.<sup>129</sup> A woman who was exempt and whose white husband was 'in receipt of a regular income', was denied access to Point Pearce, her former home, while she recuperated from illness. In addition, her young son (also exempt), who was residing with relatives at the station, was expected to leave.<sup>130</sup>

The application of exemptions was often a moral regulation. For example, an Aboriginal widow employed at a country hotel, who was described by the local police officer as having 'a liking for wine' and who received 'white male visitors at her home', was denied exemption.<sup>131</sup> Of additional moral concern for the Board was the fact that two Aboriginal girls also worked at the hotel and one of them resided with the widow. Legal restriction of liquor, through denial of exemption status to the widow, was felt necessary both to repel male attention and to protect youth. Other women were told their exemptions would be considered once they secured divorces from men they no longer cohabited with. In these cases, the Board seemed to feel the women's present *de facto* relationships were more legitimate if previous unions were legally finalised.<sup>132</sup> At times, the norm of legal marriage was promoted over *de facto* unions. For example, an Aboriginal man living with a *de facto* wife was not granted exemption, although all

other conditions were fulfilled, because the woman was an Aborigine under the *Act* due to her status in relation to her legal spouse (an unexempted Aborigine). In this case, the man was advised that he would only be eligible when he discontinued living 'improperly with an aboriginal woman'. Equally, he could have been told that a divorce from her former spouse would clear the way for exemption.<sup>133</sup> Although not explicitly stated, the normalisation of relationships affected eligibility for benefits from the Children's Welfare and Public Relief Department and from the Commonwealth Government (Child Endowment and pensions), and also taxation principles.

In the mid 1950s, exemptions were routinely being approved, denied and revoked. Unconditional exemptions were made when applicants were leading a 'normal, decent, and useful life in the white community'.<sup>134</sup> Revocations were for 'bad' behaviour like liquor addiction and supply of liquor, for 'immorality' and for 'undevelopment', that is unemployment, association with other Aborigines, vagrancy, and sleeping in the open or in non-permanent tin and bag shacks. Also, revocations were for reinstatement of protection under the *Act*. For example, revocations were made when exemption was 'no longer needed' by one person; another was destitute and needing relief on a Reserve; a couple were becoming elderly; and so that a family could apply for allocation for a Trust home on the basis of being Aborigines.<sup>135</sup> The absurdity of the system was emphasised when a woman, who was now married to a white man, was denied exemption because of her four grown up children's 'bad' behaviour.<sup>136</sup> The complexity of the processes was undeniable. For example, a widow with five children was refused exemption because, although suitable personally, she was reliant on relief since the numbers of her dependants meant she was unable to work. By living on a Reserve, she was not eligible for a widow's pension and she was not eligible for exemption because she associated with other Aboriginal people by being on the Reserve. The Board agreed to make sure that shelter and clothing were supplied but her application would only be reconsidered if she removed herself 'from the company of aborigines'.<sup>137</sup>

There were norms and moral regulations as well as bureaucratic formalities. For example, a man was denied exemption because even though employed he associated with Aboriginal people and lived apart from his wife whom he did 'not support, and one of his children [was] maintained by the Department'.<sup>138</sup> The intricacies of personal circumstances caused by births and deaths, unions and separations, complicated an

already complex system so that the original premise of exemption status as a smooth 'progress' from 'tribal' Aboriginal society to white 'civilisation' seemed a mere simplification. Nonetheless, the Board still used 'progress' as the underlying rationale in the process. For example, it was reported in 1955 that two applications were refused 'at this point in time'. Also, one 'limited' exemption was converted to 'unconditional', a sign of progress.<sup>139</sup> The 1962 *Aboriginal Affairs Act* further complicated the exemption system that Sexton believed would 'simplify procedure', by making a distinction between 'full-blood' and part-Aborigines, by creating a *Register of Aborigines* and by allowing for appeals against the new Board's nominations in the *Register*.<sup>140</sup> Part-Aborigines and their direct descendants, even those whose names were removed from the *Register*, were deemed 'persons of Aboriginal blood'. That is, there were now two categories, 'Aboriginal' and 'persons of Aboriginal blood', indicating that the new *Act*, too, permuted factors of 'degree of colour' or 'blood'.<sup>141</sup>

### **The two-way street of science and government**

By the late 1950s, science and government had become a two-way street. This was evident in 1956, when C.E. Bartlett, the Secretary to the Aborigines Protection Board, was nominated as its representative to the Board for Anthropological Research and C.J. Millar, Superintendent of Reserves, was nominated as his substitute.<sup>142</sup> Although it seemed that 'science' had gained a substantial role in Aboriginal affairs, ministers and bureaucrats still held the upper hand. This fact was apparent when officials attending the 1937 Canberra Conference resolved that government members who were not in contempt of each other, as were mission advocates and anthropologists, best served the Conference.

Another case in support of this contention is the fact that, although Cleland seemed to be given considerable latitude by government, McIntosh, the Minister, refused to fund the publication of Tindale and Birdsell's results of their 1938-1939 anthropological expedition, which included Tindale's survey of 'the half-caste problem'. His excuse was that the University had already received considerable government subsidy and its publications could be produced from this source. The Government was reluctant to allot further finance or manpower to anything other than the war effort.<sup>143</sup>

This could be seen as being somewhat dismissive of the input into a social and economic 'problem' by the scientific institutions. Cleland had lobbied the Rockefeller Foundation to support a team from the University's Department of Economics and the Board for Anthropological Research to investigate a governmental 'problem' where there may be 'no full solution' but improvements of the conditions for 'half-castes' should occur 'after a thorough inspection of our local conditions'.<sup>144</sup> As funds from the Rockefeller Foundation were not forthcoming for this venture but Harvard University provided backing for an Australian-wide 'survey of hybridity', Cleland asked Tindale and Birdsell to inspect the economic and social conditions of 'half-castes' while completing the scientific survey. He appeared to be speaking for the Government when he said:

We found the problem here at Point Pearce and Point McLeay, and I am hoping that your [Tindale and Birdsell] experience elsewhere in the other States may help us in coming to some workable scheme for absorbing these people into the general circulation.<sup>145</sup>

The foundation of the 1939 *Act* was the definition of 'Aborigine' and the application of exemptions so that ultimately only 'full-blood' Aborigines would be covered by special legislation. Hence, part-Aborigines needed other forms of governance and this was the 'problem' facing the executive Aborigines Protection Board.

In practice, however, the exemption scheme was not a smooth, systematic process. Whereas in Queensland and Western Australia exemptions were at the minister's discretion as to whether or not he thought an Aboriginal person should be subject to legislative provisions, in South Australia the Board decided on eligibility according to the 'character and standard of intelligence and development' of the individual Aborigine (S.11a [1]). Every Board member had particular interpretations about exemption status. 'Standard of development' had been added on the instigation of Duguid whose motive was the support of 'full-blood' Aborigines, particularly those from the Presbyterian mission at Ernabella who were now 'civilised'. 'Character and intelligence' had been the defining features promulgated by both departmental officials and the Aborigines Friends Association and were aligned with 'progress', understood to mean that, at some stage of contact with white 'civilisation', Aborigines would adopt 'civil' and Christian norms. The criteria 'character and intelligence' were acceptable to Cleland for different reasons, because his benchmark hinged on 'mental vigour is surely an inherited trait'.<sup>146</sup>

As indicated earlier, Cleland's discourse leading up to the 1939 *Act* was dominated by the importance of inherited traits. He believed that both 'pure' Aborigines and

Aborigines whose ancestors were 'desirable' whites, were people who had 'mental vigour'. When it came to the practical application of exemptions as a Protection Board member, Cleland accepted that 'light colour' was an indicator of 'character and standard of intelligence and development' because for utilitarian reasons he wanted complete protection of tribal Aborigines and the immediate assimilation of part-Aborigines into the white mainstream. However, Cleland's logic that was based on negative eugenics—the superiority of heredity—was ambiguous for 'full-blood', de-tribalised Aborigines living on the fringes of the white population. Although pure in 'blood' terms, they were 'cultural hybrids' and for Cleland they were equivalent to 'immature' whites.

At the end of the Protection Board era, Cleland still attributed 'mental endowment' to inheritance, stating that pure Aborigines had a 'high order' of 'mental equipment' but did not have 'the engineering type of brain' like Europeans, so they were best suited to 'station life'. Also, he stated that many part-Aborigines had 'made good' and had 'disappeared in the general white population', but those 'that remain in Government and mission stations are generally the more feckless'.<sup>147</sup> Professor Abbie, at the Department of Anatomy and Histology, refuted Cleland's claims, stating that there was 'no valid evidence' of 'inheritance of acquired characteristics' and that any person with 'proper training' could succeed in engineering as in other fields.<sup>148</sup>

As stated, Cleland's major interest was the protection of the Aboriginal people of the Central Australian Reserve. This was particularly evident when he lobbied the University to take out leases of pastoral properties surrounding the Reserve so as to create a buffer zone, which would protect tribal Aborigines. Cleland believed that the University was 'the body best calculated to serve the interests of the natives owing to the sympathetic relations that have existed between its Board for Anthropological Research and the natives in Central Australia'.<sup>149</sup> He also argued that the Rockefeller Foundation would possibly be more interested in funding scientific expeditions if the leases were held by the University and not by the Government. The University Council considered his idea but dismissed it as not suited to the normal 'activities of the University', whereas it might 'be a subject for the consideration of the Australian National Research Council'.<sup>150</sup> That Cleland was rationalising Aboriginal affairs in this manner is of much interest and was on parallel terms with his involvement in conservation of natural history. He was Chairman of the Commissioners of the Belair

National Park from 1936 to 1965.<sup>151</sup> Unlike Duguid who envisaged protection but also Christianisation of Aboriginal people through missions at Ernabella and also Hermannsburg, and unlike the Aborigines Protection League that envisaged autonomous 'native states', the University scientists wanted the creation of a natural 'museum' in the Central Australian Reserve accessed only by approved scientists.

The establishment of the Rocket Range at Woomera was of concern to Cleland because it opened up the Central Australian Reserve to scientists who were not controlled by the Aborigines Protection Board. This can be contrasted to Duguid's concern about the effects of the Rocket Range on the Reserve, as discussed in Chapter 4, which related to the physical safety and health of Aboriginal people. In 1946, Cleland reported to the Australian Association of Scientific Workers (South Australian Branch) that the Board 'should take a leading part' in the operation of the Rocket Range as the Aborigines most affected were the wards of the South Australian Government, not the Federal Government, and the Board had so far not been consulted and was, as a result, not able to formulate policy. He also argued that detribalisation through mixing with whites would proceed faster than would occur normally, and that this was something that should be avoided, although white women at the Rocket Range would have a 'civilizing' influence.

Again, Cleland demonstrated his rationalisation of 'fit' and 'unfit' whites. Only 'fit' whites had suitable character or mental intelligence to have contact with Aborigines. In addition, Cleland recommended that employment at the Rocket Range for Aborigines should be considered. As well, he stated that, with the establishment of the Rocket Range in the North West, there was a need for welfare officers for Aboriginal women and for medical supervision for all Aborigines. Re-emphasising what had already been recommended in Tindale's Report on the 'half-caste problem', he said that Aborigines played an important part in pastoral areas as employees and as conservationists (controlling dingoes). That is, it was 'really an economic problem to keep them tribalised and in this region'.<sup>152</sup> As shown in Chapter 4, the Board had little control over events that followed in the North West, first with the establishment of the Rocket Range and later with nuclear weapons testing. Rather than decide to operate as an independent activist as did Duguid through the Aborigines Advancement League, Cleland did not diverge from the maintenance of the power relations of the medico-scientific



knowledges, which had become anchored to the Government's Aboriginal administration.

Although Cleland's driving interest was the protection of tribal Aborigines, the rationalities of governance formed by the medico-scientific discourses underpinned policies on detribalised and mixed-race Aborigines and their children.<sup>153</sup> The rationality that attributed mental vigour to heredity meant that detribalised 'full-blood' Aborigines were thought not to have the 'ancestry' to

give him quite the type of mental equipment to start with that he requires to maintain himself in a white community. He probably could do so but would tend to drift into the lower strata of society as he probably lacks the urge that most of us have, except the misfits, to maintain ourselves in comfort at least.<sup>154</sup>

Cleland believed that tribal Aborigines had high intelligence but heredity meant they were adapted to 'overcome the difficult conditions of [their] existence' rather than the conditions of a 'civilized European community'.<sup>155</sup> His definition of 'mental vigour' was class-based and racist as he stated that:

Unfortunately, many of the half-castes are the offspring of white men of an inferior type and it is quite likely that any vicious traits and undesirable manifestations are attributable to the white admixture rather than to the black, though obviously there are aboriginals of poor mental types as well as of good types.<sup>156</sup>

The forms of truth established by science depended on authoritarian attitudes towards 'lower' classes, who were seen to be mentally inferior and 'bad' or 'undesirable' types, as well as on the idea that most detribalised Aborigines, although 'desirable' types, did not have the mental equivalence to succeed in white communities.<sup>157</sup> The other forms of truth which had been constructed by religion and experience, and which were the basis of some Aborigines Protection Board members' thinking, were now reframed by or layered with 'science'. Although a new form of truth was emerging, which centred on socio-scientific welfare, this had not 'toppled' the medical and natural sciences when arrangements were being made to implement the *Aboriginal Affairs Act* and Board of 1962. 'Socio-scientific' expertise is discussed in Chapter 10.

Modes of governance had changed significantly so that the 1963 Aboriginal Affairs Board was advisory only. Through the two-way street of science and government, bureaucrats acquired 'scientific' expertise so that an executive board was no longer needed. Cleland's influence was noticeable in some of the appointments for the new Board. Professor Abbie who had succeeded Cleland at the University also succeeded him

on the Board. Although their ideas were not the same, and Abbie contested Cleland's determinism, this was not the issue. The issue was that a medical scientist with anthropological experience, associated with the University's Board for Anthropological Research, continued to be the most important non-government person on the Board as Chairman and, in addition, Cleland was Deputy Chairman. Cleland's ideas on policy were reflected in the appointments of a well-known pastoralist and a long-serving member of the Country Women's Association. Cleland thought that detribalised Aborigines should be employed on pastoral stations and those couples with 'a considerable admixture of white blood' should be set up in country towns to undertake labouring and domestic type occupations. In these new homes and jobs, they needed to be 'adopted by a citizens' committee and helped to overcome the difficulties they might encounter in becoming equals with the other members of the community'.<sup>158</sup> Cleland saw the Country Women's Association as useful in this task. Apart from an Education Department representative, the remaining members were from the missions and from the Aboriginal populace, revealing that experience was now an acceptable criterion for (non-executive) membership.

### **Conclusion**

Cleland and the scientists associated with the Board for Anthropological Research provided government with the 'intellectual technology' for addressing Aboriginal affairs when the prevailing form of truth, Christianity, was no longer thought to be rational enough to do so. As we shall see in later chapters, this 'intellectual technology' was necessary to create the two-way street between science and government required by the Government. Government acquired the practical use of scientific expertise, and also was able to employ the rhetoric that it used 'scientific' truth when it needed an excuse for non-liberal rationalities and techniques of governance.

<sup>1</sup> D. Bates (1938) *The passing of the Aborigines: a lifetime spent among the natives of Australia*. London: John Murray, pp. 136-137. Bates describes the 'leading men of their day from the leading universities of the world' attending the Australasian Association for the Advancement of Science (AAAS) conference in 1913, on the eve of the Great War. She 'accompanied the congress to Melbourne and Sydney, a happy and exhilarating association from beginning to end...' Bates was an eccentric and contradictory character, both humanitarian and scientist, whose anthropological science has been criticised, at times, as unscientific.

<sup>2</sup> McHoul and Grace, *Op.cit.*, pp. 66-67.

<sup>3</sup> J.B. Cleland Papers, UASC 572.C61.SR2, *Adelaide University Graduate Union Gazette* (1966), p. 7.

<sup>4</sup> N.B. Tindale 'Anthropology' in C.R. Twidale, M.J. Tyler and M. Davies (eds.) (1986) *Ideas and endeavours — the natural sciences in South Australia*. Royal Society of South Australia (Inc.), p. 240. The Anthropological Society was established in 1926.

<sup>5</sup> G. Prakash (1999) *Another reason: science and the imagination of modern India*. New Jersey: Princeton University Press, p. 7. Prakash shows that Indian nationalists challenged British colonialism's authority, where science was used to rationalise the use of despotism (J.S. Mill), by emphasising the advantages of Indian science over English (or Western) science.

<sup>6</sup> McGregor (1997) *Op.cit.*, pp. 46-48. W.L. Cleland's anthropology rested on the idea that Aborigines were a very early example of humanity; that is they were primitive. McGregor demonstrates that Cleland Senior took to 'an extreme...the evolutionary distance between Aborigines and white people', p. 48.

<sup>7</sup> Tindale (1986), *Op.cit.*, p. 239. W.L. Cleland 1847-1913, MB (1876). Resident Medical Officer Parkside Lunatic Asylum (1878); Colonial Surgeon (1896); lecturer University of Adelaide (1886); President SA Branch British Medical Association (1890); President Royal Society of SA (1898-1900); President Mental Science and Education Section of AAAS (1901). [H.T. Burgess (1907) *The cyclopedia of South Australia* (1978 Facsimile Ed., Hampstead Gardens: Austaprint), p. 322.]

<sup>8</sup> W.R. Smith 1859-1937, MB (1892). Senior Physician Adelaide Hospital (1896); Hospital Pathologist 1897-1899; President Central Board Health (1899); city coroner and permanent head of Department of Public Health. Member, Royal Anthropological Society of Great Britain and Ireland. The 'Hospital dispute' arose when the Government dismissed a senior nurse. As a consequence, honorary medical staff resigned and the Government then recruited Doctors Smith and Napier. The British Medical Association's SA Branch condemned Smith and Napier for accepting the posts and expelled them from the Association. [ADB Volume 11, pp. 674-675.]

<sup>9</sup> Anderson *Op. cit.*, p. 1.

<sup>10</sup> McGregor (1997) *Op.cit.*, Anderson *Ibid.*, and D.P. Thomas (2004) *Op.cit.* See Chapter 5 in Thomas for discussion on J.B. Cleland, pp. 85-89. He refers to Cleland's political power in terms of his reluctance to criticise government. I would argue that, in addition to Thomas' comments about Cleland's personal and professional traits affecting his political stance, Cleland could not criticise as he, himself, was government 'at a distance' or governance through non-state institutions. This implies that his influence, like that of Elkin and Cook, was considerable, see p. 85.

<sup>11</sup> T.S. Hall (ed.) (1914) *Report of the Fourteenth Meeting of the Australasian Association for the Advancement of Science*. Held at Melbourne 1913. Proceedings of Section F Ethnology and Anthropology, Welfare of Aborigines Committee, Melbourne: AAAS, pp. 450-452.

<sup>12</sup> *Ibid.*, p. 453.

<sup>13</sup> G. Jenkin (ed.) (1989) *Between the wars: documents relating to Aboriginal affairs 1919-1939*. Magill Campus, South Australia. 'Caring for Aborigines' *Advertiser* (n.d.) interview with Professor Jones about Dr Donald Thomson's report and recommendations on Arnhem Land to the Commonwealth Government, December 1937.

<sup>14</sup> Dean (1999) *Op.cit.*, p. 137.

<sup>15</sup> SAPD 1 August 1899, p. 43. See previous reference Chapter 3, page 131.

<sup>16</sup> W.L. Cleland. (1897) *A comparative study of the chronic insane, the habitual offender, and the endemic unemployed, with a view to treatment*. Adelaide: Webb & Son, p. 10.

<sup>17</sup> *Ibid.*, p. 15.

<sup>18</sup> *Ibid.*, pp. 9-12.

<sup>19</sup> *Ibid.*, p. 13. Catherine Spence, a member of the Boarding Out Society, also delivered a paper to the Criminological Society in 1897. She was an 'environmentalist' believing 'love begets love' and that 'it depends greatly on the environment which of the hereditary traits will take persistent hold on the character'. She also stated that 'a healthy public opinion is more powerful than the law. In an educated and intelligent community it supports the administration of the law if it is intelligent and honest, and such

law reacts in the moralizing of public opinion'. C.H. Spence 'Heredity and environment' in H. Thomson (ed.) (1987) *Catherine Helen Spence*. St. Lucia: University of Queensland Press, pp. 512, 521-522.

<sup>20</sup> W.R. Smith 'Australian conditions and problems from the standpoint of present anthropological knowledge' in T.S. Hall (ed.) (1914) *Report of the fourteenth meeting of the Australasian Association for the Advancement of Science*. Held at Melbourne 1913. Melbourne: AAAS, p. 382.

<sup>21</sup> *Ibid.*, pp. 382-383.

<sup>22</sup> A. Hunt. (1999) *Governing morals: a social history of moral regulations*. United Kingdom: Cambridge University Press, p. 108. For discussion on the definitions of eugenics and its history in Australia see: Bacchi (1980) *Op.cit.*; S. Garton 'Sound minds and healthy bodies: re-considering eugenics in Australia, 1914-1940' in *Australian Historical Studies*, 26, 1994, pp. 163-179; R. Watts 'Beyond nature and nurture: eugenics in twentieth century Australian history' in *Australian Journal of Politics and History*, 40, 1994, pp. 318-334.

<sup>23</sup> Hunt *Op.cit.*, p. 107. Cleland was, amongst other things, Superintendent of Parkside Asylum from 1879-1913 and during this time 'Lunacy' legislation (*Lunatics Act* of 1868 and the *Mental Defectives Act* of 1913) was concerned with administration and deceased estates not 'scientific' interventions. The only innovations, prior to 1939, were laws for admitting voluntary boarders for treatment (1922) and for treatment of discharged servicemen (1935). As discussed in Chapter 4, the *Venereal Diseases Act* of 1920 was passed but not proclaimed. See Osborne (1997) *Op.cit.* for discussion on the discouragement of doctors becoming legislators.

<sup>24</sup> Hunt *Op.cit.*, p. 181.

<sup>25</sup> *Ibid.*, p. 182.

<sup>26</sup> SRSA GRG 52/1/31/36. Letter from Sexton to McIntosh, Commissioner of Crown Lands, 31 March 1936.

<sup>27</sup> Hunt *Op.cit.*, p. 181.

<sup>28</sup> N. Rose. (1999) *Powers of freedom: reframing political thought*. United Kingdom: Cambridge University Press, pp. 27-28.

<sup>29</sup> Thomas (2004) *Op.cit.*, p. 71.

<sup>30</sup> Harvey MLC, McKay and Garnett resigned and were replaced by Cleland, Johnston [Women's Non-Party Association] and Yelland [Aborigines Friends Association]. James Jelley MLC was asked but turned down the position; Yelland was then asked. The Council members served terms of three years and were usually re-appointed.

<sup>31</sup> Sydney University became the home of applied and social anthropology while Adelaide's interest was physical anthropology. The scientists at the Rockefeller Foundation favoured physical anthropology but, obviously, saw the logic of the Chair being supported by a government that wanted 'practical advice on "native administration"'. Anthropologists trained at Sydney University had government appointments to Papua and to the New Guinea Mandated Territory from the early 1920s. W.E.H. Stanner and D. Barwick 'Not by eastern windows only: anthropological advice to Australian governments in 1938' in *Aboriginal History*, 3:1, 1979, p. 38.

<sup>32</sup> Rose (1999) *Op.cit.*, pp. 30-31. Rose adopts the idea of veridicality from Georges Canguilhem in G. Canguilhem (1994) *A vital rationalist* edited by F. Delaporte, New York.

<sup>33</sup> *Ibid.*

<sup>34</sup> Letter to Dr Earle Page, the Federal Treasurer, asking if he would intervene with the Minister for Home and Territories on Cleland's behalf. [Page was a surgeon and MHR for the NSW seat of Couper 1919-1961. He was caretaker Prime Minister in 1939 and for almost two decades, from 1921, the shrewd leader of the Country Party.] Cleland stated that he was 'very anxious' to be included so that he could further his study on diseases amongst the Aborigines. He told the Minister that Dr Page was an 'old friend'. Cleland Papers *Op.cit.*, letter of 6 May 1927. Cleland began the study in 1923 for presentation at the 1924 Australasian Medical Congress (the study was published in 1928 in 15 instalments in the *Journal of Tropical Medicine and Hygiene* volume 31).

<sup>35</sup> McInnes, like some other parliamentarians, believed women to be impractical and inexperienced and, therefore, unsuited for board membership. He was to become Commissioner of Public Works again from April 1930.

<sup>36</sup> Letter of 3 September 1929. Dr Earle Page to discuss the 'establishment of adequate medical services' with Minister for Home Affairs & Territories. Cleland Papers, *Ibid.*

<sup>37</sup> Thomas (2004) *Op.cit.*, p. 70. Thomas cites from Cleland's anonymous editorial in the 1911 *Australasian Medical Gazette*, 'Medical men and social problems', volume 30, p. 331.

<sup>38</sup> Cleland did attend public meetings organised by the Aborigines Protection League (APL). For instance, in April 1936 Dr Duguid as President of the APL gave an address on 'The Aborigines—the new century' at the Adelaide Town Hall. Cleland was in attendance with the Lord Mayor and later spoke up about the

decline in Aboriginal numbers in the settled areas as being due to their 'inability to stand up to the strain of our civilised life'. The meeting was followed by an organ recital, a collection for medical missions and welfare work, and 'large numbers of those present signed membership applications' of the APL. *Advertiser* 17 April 1936.

<sup>39</sup> Bates (1938) *Op.cit.*, Ernestine Hill (1973) *Kabbarli: a personal memoir of Daisy Bates*. Sydney: Angus & Robertson, E. Salter (1971) *Daisy Bates: "The great white queen of the never never"*. Sydney: Angus & Robertson and J. Blackburn (1994) *Daisy Bates in the desert*. New York: Pantheon.

<sup>40</sup> The effects of diseases, for example venereal diseases and blindness, trachoma and glaucoma, were particularly matters of interest to Cleland as a pathologist. As blindness and partial blindness were common in Central Australia, he recommended that the Federal Government be responsible for tribal Aborigines with the affliction, suggesting that they receive care through departmental administration of invalid pensions. Pensions were not yet available for nomads or for those living on government reserves. J.B. Cleland Collection, SAMA. Memo (n.d.) on 'Blindness amongst the Australian natives'.

<sup>41</sup> R.V. Southcott, 'Sir John Burton Cleland (1878-1971), pathologist and naturalist...' *ADB*, Vol. 8, p. 24.

<sup>42</sup> SRSA GRG 52/12 Minutes Advisory Council, July 1935.

<sup>43</sup> A. Markus (1990) *Governing Savages*. Sydney: Allen & Unwin. The 1935 Board was set up to investigate the killing of an Aborigine by Constable McKinnon and allegations of ill treatment. This had followed on the highly publicised reports in newspapers in the southern states of the 1928 Coniston Aboriginal murders and the 1933 murder of Constable McColl in Arnhem Land. As Markus states, in the 1930s, the Commonwealth Government was in 'damage control' over race relations in the NT, pp. 135-138.

<sup>44</sup> *Ibid.* For an analysis of both Cleland's and Sexton's part in the findings of the Board, which had the effect of 'quelling public protest' and concealing 'the reality of police actions', see pp. 137-138. Mountford's comment cited on p. 138.

<sup>45</sup> SRSA GRG 52/1/55/36. Letter of 15 October 1936 from Prime Minister to Premier, SA.

<sup>46</sup> *Ibid.* Letter of 14 January 1937. Commonwealth of Australia, 'Aboriginal Welfare'. Initial Conference of Commonwealth and State Aboriginal Authorities. Held at Canberra, April 1937, Canberra: Commonwealth of Australia. Representations from missionary and other 'interested' organizations were acknowledged [of the SA groups only the Woman's Christian Temperance Union was named]. The proceedings about government subsidy to missions and control of mission activities by government were, of all the proceedings, the only ones held in camera. The Government appeared to be restraining mission participation in debates about Aborigines.

<sup>47</sup> *Ibid.*, Commonwealth of Australia, p. 21.

<sup>48</sup> *Ibid.*, p. 10.

<sup>49</sup> SRSA GRG 52/12 Minutes Advisory Council, 2 February 1937, letter from Commissioner of Public works to Council.

<sup>50</sup> *Ibid.*

<sup>51</sup> Cleland Papers UASC *Op.cit.*, Hudd to Cleland, 22 June 1937 in response.

<sup>52</sup> SRSA GRG 52/1/41/37 Report by Cleland, 17 August 1937.

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Ibid.* Cleland had first raised the issue of 'mental capacity' of Aborigines at Point Pearce with the Commission of Public Works in 1934.

<sup>57</sup> SRSA GRG 52/1/55/36 Letter to Chief Secretary from William Cooper (d. 1941) dated 16 January 1937.

<sup>58</sup> Commonwealth of Australia, *Op.cit.*, Resolutions of Conference.

<sup>59</sup> Cleland Papers UASC *Op.cit.*, Report dated 11 November 1937.

<sup>60</sup> Atavism refers to theories on the genetic dominance of non-Caucasian races. There was the constant fear that the offspring of mixed-race unions would 'throw back' to their genetic ancestry producing dark skin and non-Caucasian facial features.

<sup>61</sup> Cleland Papers UASC *Op.cit.*, Report dated 11 November 1937.

<sup>62</sup> SRSA GRG 52/12 Minutes Advisory Council, 3 May 1938.

<sup>63</sup> *Advertiser*, 2 March 1938 'Half-caste problem to be attacked'. This was followed by an Editorial report the next day, 'Half-caste problems' *Advertiser* 3 March 1938, a three-quarter-length column that was very unusual for issues about Aborigines. The expedition was 'newsworthy' and created public debate on 'blood' and 'colour' with Tindale and Birdsell being frequently reported, *Advertiser* articles from March to June 1938, June to July 1939 when the scientists completed their expedition and also, in July 1940,

'Problems of part Aborigines: Professor Hooten praises anthropological expedition of Tindale and Birdsell'.

<sup>64</sup> *Advertiser*, 26 July 1938. Dr Thomson had recently reported on Aborigines in Arnhem Land to the Federal Government [Interim Report of 1935-36 and Final Report of 1936-37 (pub.1939)].

<sup>65</sup> G. Gray, 'Aborigines, Elkin and the guided projectiles project' in *Aboriginal History*, 15:2, 1991, p. 161.

<sup>66</sup> R. McGregor, 'Representations of the "Half-caste" in the Australian Scientific Literature of the 1930s' in *Journal of Australian Studies*, 36, 1993, pp. 53-54. This attitude influenced Elkin's students. For example, the Berndts wrote positively on mixed-race Aborigines at Ooldea in the late 1930s. R. and C. Berndt 'A preliminary report of field work in the Ooldea region, Western South Australia' in *Oceania*, Vol. XIII, 1, September 1942, p. 70.

<sup>67</sup> J.B. Cleland and N.B. Tindale 'The Natives of South Australia' in *The Centenary History of South Australia*. 1936. Adelaide: RGSA, p. 29. [Supp. To Vol. 36 Proceedings of RGSA (SA Branch)].

<sup>68</sup> Cleland Papers UASC. Paper on the ecology of Aborigines of Tasmania and South Australia. Reference is to founding settlers.

<sup>69</sup> Rose (1999) *Op.cit.*, p. 75.

<sup>70</sup> W.L. Cleland *Op.cit.*, p. 9.

<sup>71</sup> Cleland Papers UASC *Op.cit.* Letter of 6 October 1939 to Dr H.O. Lethbridge where Cleland admits a scientific study was yet to be published on atavism in Aborigines.

<sup>72</sup> Commonwealth of Australia *Op.cit.*, p. 11. The legislation did not go far enough for Neville as he complained that missions 'allow the half-castes under their control to marry anybody'.

<sup>73</sup> Porteus undertook the survey while associated with Melbourne University. He was a lecturer in experimental education there from 1916.

<sup>74</sup> Markus (1982) *Op.cit.*, p. 88. S.D. Porteous 'Mental tests with delinquents and Australian Aboriginal children' in *Psychological Review*, 24, 1917, pp. 32-42.

<sup>75</sup> H.K. Fry and R.H. Pulleine 'The mentality of the Australian Aborigine' in *Australian Journal Experimental Biology and Medical Science*, Vol VIII, 1931, p. 156. D.P. Thomas argues that the publications in the *Medical Journal of Australia* by Porteus and Fry gave 'the clear impression to readers' that Aborigines were inferior to Europeans in terms of their 'intelligence, cognition and even emotions', D.P. Thomas (2004) *Op.cit.*, p. 52.

<sup>76</sup> P. Jones 'Henry Kenneth Fry (1886-1959), anthropologist and medical practitioner...', *ADB* Vol.14, p. 230. Fry refused on the grounds that he would find it difficult to work for Dr Cook, the Chief Protector based in Darwin. The position of medical anthropologist did not eventuate.

<sup>77</sup> Cockburn *Op.cit.*, p. 177. Playford, pre Second World War, recognised that investors were making substantial profits from city slum dwellings. Aborigines and poor whites were their unfortunate tenants, paying only slightly lower than average rents for sub-standard housing.

<sup>78</sup> SAPD 18 October 1934, p. 1492.

<sup>79</sup> M. Fitzpatrick 'Preventing the unfit from breeding: the Mental Deficiency Bill in Western Australia, 1929' in P. Hetherington (ed.) (1988) *Childhood and Society in Western Australia*. Nedlands: University of WA Press, p. 149.

<sup>80</sup> *Ibid.*, p. 151.

<sup>81</sup> *Ibid.*, pp. 156-157.

<sup>82</sup> N.B. Tindale 'Survey of the half-caste problem in South Australia' in *Proceedings of the Royal Geographic Society of Australasia*, 42, 1940-1941, pp. 66-161. Tindale believed that an extreme eugenic practice like sterilization was 'a matter of academic interest only' because of 'the remoteness of the possibility of its employment as a racial measure', p. 116.

<sup>83</sup> M. Macilwain 'The policing of South Australian Aboriginal families: some aspects of the political, social and economic bases of Governmental control'. Paper presented at Cultural Studies Association of Australia Conference held at Adelaide, December 1998, p. 3.

<sup>84</sup> Tindale (1940-1941) *Op.cit.*, p. 67.

<sup>85</sup> *Ibid.*

<sup>86</sup> Markus (1982) *Op.cit.*, p. 91.

<sup>87</sup> *Ibid.* In the 1970s, Birdsell explained that 'classic' physical anthropology had been concerned with describing and classifying using anatomical measurements. It had 'little sense of process, and it lacked comprehension of general evolution'. The 'new' physical anthropology, however, was concerned 'with processes, the formulation and testing of hypotheses, and the application of neo-Darwinian evolution to the human species'. J.B. Birdsell (1975 2<sup>nd</sup> ed.) *Human evolution: an introduction to the new physical anthropology*. Chicago: Rand McNally College, p. xiii.

<sup>88</sup> Dean (1999) *Op.cit.*, p. 138.

- <sup>89</sup> *Ibid*, p. 137.
- <sup>90</sup> N. Rose (1985) *The psychological complex: psychology, politics and society in England, 1869-1939*. London: Routledge & Kegan Paul, p. 230.
- <sup>91</sup> C. Chewings (1936) *Back in the Stone Age*. Sydney: Angus & Robertson, p. 145. Chewings, in fact, thought missionaries were best to 'civilise' Aborigines and, from his own experience, equally as successful was the employment on pastoral stations of 'working native boys and women', pp. 145-153.
- <sup>92</sup> *Advertiser* 13 March 1939 'Scientists and Aborigines: charge of exploitation denied'.
- <sup>93</sup> Cleland Papers UASC *Op.cit*, Sexton, Aborigines Friends Association Secretary, to Minister for Interior [McEwen] 1 June 1938.
- <sup>94</sup> SRSA GRG 52/1/31/1936. Sexton to McIntosh, Commissioner of Crown Lands, 31 March 1936.
- <sup>95</sup> Cleland Papers UASC *Op.cit*, Sexton, Aborigines Friends Association Secretary, to Minister for Interior [McEwen] 1 June 1938.
- <sup>96</sup> *Ibid*. Emphasis in the original.
- <sup>97</sup> *Ibid*.
- <sup>98</sup> Jenkin (1989) *Op.cit*. W. & T. Pope to Secretary of Aborigines Friends Association, 1 September 1937.
- <sup>99</sup> Cleland Papers UASC *Op.cit*. Letter from Pro/Chief Protector to Commissioner of Public Works, 10 September 1938.
- <sup>100</sup> *Advertiser* 16 August 1939. Letter to Editor from I. McKay.
- <sup>101</sup> SRSA GRG 52/1/84/1940. Crown Solicitor's letter of 4 May 1940. Departmental policy prior to the 1939 *Act* had been that Aboriginal women married to non-Aborigines assumed the nationality of their husbands GRG 52/1/32/1937.
- <sup>102</sup> *Aborigines Act*, 1939, Section 11a(3)—the descendants of an exempt person, born after the declaration of exemption, were also exempt. Milich *Op.cit*, p. 62, states that it was Dr Duguid's suggestion that children of exempted parents be 'free' from birth.
- <sup>103</sup> SRSA GRG 52/1/84/1940. Penhall to Commissioner of Public Works and Crown Solicitor, September – October 1943.
- <sup>104</sup> Report of Select Committee of the Legislative Council on Aborigines Bill 1899, No. 77. *Op.cit*, p. 2.
- <sup>105</sup> Cleland Papers UASC *Op.cit*. Sexton to McEwen 1 June 1938.
- <sup>106</sup> *Advertiser* 18 August 1939.
- <sup>107</sup> Duguid Papers NLA MS 5068. Letter to Commissioner of Public Works of 20 August 1939 suggesting alterations.
- <sup>108</sup> SRSA GRG 52/16 Aborigines Protection Board Minutes 27 March 1940.
- <sup>109</sup> *Ibid* GRG 52/1/4/1940 Penhall advised a resident at Point McLeay that appointment as a caretaker of the Hall was departmental, whereas propositions for a dormitory were matters for the Board.
- <sup>110</sup> SRSA GRG 52/16 Aborigines Protection Board Minutes 24 April 1940.
- <sup>111</sup> *Ibid* GRG 52/1/93/1940 Cleland's report on Point Mcleay 1 May 1940.
- <sup>112</sup> *Ibid* GRG 52/1 Memos of mid 1941, e.g. Dkt. 21/41 Finnis Springs, letter of 7 July 1941.
- <sup>113</sup> *Ibid* GRG 52/44 Kingston District record of births etc. Exemptions declared in April 1941.
- <sup>114</sup> Dunn *Op.cit*, pp. 98-99.
- <sup>115</sup> SRSA GRG 52/16 Aborigines Protection Board Minutes 17 July 1940.
- <sup>116</sup> *Ibid* GRG 52/1/111/1940 Report by Cleland 29 May 1940.
- <sup>117</sup> *Ibid* GRG 52/16 Aborigines Protection Board Minutes 4 September 1940. The 'general' policy was not included in the Board's Policy Statement drawn up at the end of the year 52/1/182/62.
- <sup>118</sup> *Ibid* GRG 52/16 Aborigines Protection Board Minutes 14 May 1941.
- <sup>119</sup> *Ibid* 30 May 1945.
- <sup>120</sup> *Ibid* GRG 52/1/94/1940.
- <sup>121</sup> *Ibid* GRG 52/1/53/1941 Quarterly Report to Premier 22 July 1941. The Premier wanted information from government departments for 'publicity purposes', e.g. important questions of policy and administration and the conception and progress of new projects. The Aborigines Department forwarded four points: youth training, employment, development of reserves and exemptions. Milich *Op.cit*, p. 79 notes that between 1940 and 1962 approximately 600 people were granted exemption.
- <sup>122</sup> *Ibid* GRG 52/1/45/1941 19 September 1941. In 1963, the Commissioner of Police was sent 100 copies of a list of Aborigines who had been exempted under the *Act*, saying that, as a result of the 1962 *Aboriginal Affairs Act*, no more 'exemptions will be granted'. *Ibid* GRG 52/1/?/1957 letter of 11 September 1963.
- <sup>123</sup> *Ibid* GRG 52/1/26/1941 12 August 1941.
- <sup>124</sup> *Ibid*.
- <sup>125</sup> *Ibid* GRG 52/1/16/1941 Letters of August 1941.
- <sup>126</sup> *Ibid* GRG 52/1/26/1941 9 September 1941.

- <sup>127</sup> *Ibid* GRG 52/1/13/1941 Secretary to Aborigines Protection Board re Woman at Iron Knob and Whyalla.
- <sup>128</sup> *Ibid* GRG 52/1/45/1941 Letters of 11 November 1941 re S.20 Unlawfully entering reserve or institution.
- <sup>129</sup> *Ibid* GRG 52/16 Aborigines Protection Board Minutes 1 December 1941.
- <sup>130</sup> *Ibid*, 11 March 1942. See Mattingley and Hampton (1988) *Op.cit.* for Aboriginal histories about the application and effects of Exemptions, pp. 44-56.
- <sup>131</sup> *Ibid*, 6 December 1944.
- <sup>132</sup> *Ibid* GRG 52/1/55/1940 and 52/16 Aborigines Protection Board Minutes 5 February 1941.
- <sup>133</sup> *Ibid* GRG 52/16 Aborigines Protection Board Minutes 11 January 1956.
- <sup>134</sup> *Ibid*, 17 August 1955.
- <sup>135</sup> *Ibid*, 2 March 1955, 4 May 1955 and 25 July 1956.
- <sup>136</sup> *Ibid*, 16 March 1955.
- <sup>137</sup> *Ibid*, 17 August 1955.
- <sup>138</sup> *Ibid*, 21 September 1955.
- <sup>139</sup> *Ibid*, 26 October and 21 December 1955. Note: S.11a (4) allowed for Aborigines to appeal against exemption decisions, both refusals and revocations [*Aborigines Act*, 1939].
- <sup>140</sup> Cleland Papers UASC *Op.cit.*, letter of 1 June 1938.
- <sup>141</sup> *Aboriginal Affairs Act*, 1962 (No. 45), Section 4(1) and (2) and Section 17 (1-4).
- <sup>142</sup> SRSA GRG 52/16 minutes 7 November 1956. In 1958, the Board for Anthropological Research comprised Professor Cleland (Chair), Professor Abbie, Doctors Fry, Packer and Thomson, Messrs Barrett, Bartlett, Hale and Tindale. SRSA GRG 52/1/172/1958.
- <sup>143</sup> GRG 23/1/44/1941 letter of 29 November 1941, McIntosh to Penhall, '...the printing [of Tindale's report] cannot give it any added value to the Board in determining policies of administration'. Paper was one of the State's rationed resources, so much so that all government publications were cut back or printed on third-grade paper.
- <sup>144</sup> Cleland Collection SAMA *Op.cit.* Letter to Dr C. Wissler, American Museum of National History, 14 January 1937.
- <sup>145</sup> Cleland Papers UASC *Op.cit.* Letter to Tindale and Birdsell about the costs of the expedition and when they will be able to undertake the SA part of it, 14 December 1938.
- <sup>146</sup> Cleland Papers, UASC *Ibid*. Paper on the ecology of Aborigines of Tasmania and South Australia. Reference is to founding settlers.
- <sup>147</sup> J.B. Cleland 'The future of the Australian Aboriginal' in *The Medical Journal of Australia*, January 2, 1960, pp. 28-29.
- <sup>148</sup> A.A. Abbie 'Correspondence' in *The Medical Journal of Australia*, January 23, 1960, p. 146. Abbie was the Chairman of the Aboriginal Affairs Board for its duration.
- <sup>149</sup> Cleland Collection SAMA *Op.cit.* Cleland to Acting Vice-Chancellor of University of Adelaide 24 October 1932. Cleland's interest had been sparked by an enquiry by the Minister for the Interior (13 September 1932) into the Board for Anthropological Research's ideas on reserves. Consequently, the Federal Government approved an extension of the Reserve 'for a distance of 40 miles along the northern border', Cleland Collection SAMA *Ibid*, Minister for the Interior to Cleland, 12 December 1932.
- <sup>150</sup> Cleland Collection SAMA *Ibid*. Letter of 12 December 1932, Registrar to Cleland, Chair of Board for Anthropological Research.
- <sup>151</sup> J. Southcott, 'Sir John Cleland, CBE (1878-1971) Pathologist and naturalist' in J. Healey (ed.)(2001) *S.A.'s Greats: the men and women of the North Terrace plaques*. Kent Town: Historical Society of South Australia, p. 21.
- <sup>152</sup> Cleland Papers UASC *Op.cit.* Cleland 'The Rocket Range and the natives of South Australia', report to Australian Association of Scientific Workers (SA) October 1946; recommendation to Aborigines Protection Board 11 December 1946.
- <sup>153</sup> See McGregor (1997), Anderson (2002) and D.P. Thomas (2004) *Op.cit.* for further examination of the influences of the medico-scientific discourses.
- <sup>154</sup> J.B. Cleland 'Introduction to a discussion on racial problems between Europeans and Australian Aborigines', Address of Anthropological Society of South Australia's sectional meeting of the Conference on 'The planning of science' (SA Division of Australian Association of Scientific Workers) at University of Adelaide, 15 May 1944, p. 2. [A copy of Address in Mortlock Library.]
- <sup>155</sup> *Ibid*, pp. 1-2.
- <sup>156</sup> *Ibid*, p. 2.
- <sup>157</sup> *Ibid*, pp. 1-3.
- <sup>158</sup> *Ibid*, pp. 3-4.



---

## *Mission organisation: voluntaryism and 'practical' governance*

Nor would it increase the wise legislation of the Province to admit clergymen to the ranks of practical legislators. Indeed, we do not think that there are many clergymen who would care to leave their higher duties to come down and mingle in the ranks of those who fight the fierce political battles by which a young community pushes its way to national progress and success.

*Harcus 1876<sup>1</sup>*

The parliamentary debates of 1936 and those of 1939 indicate that there was a political change during this period that altered the future extent of mission (philanthropic and religious) participation in Aboriginal governance. The change can be attributed to the increasing influence of scientific experts in this area of government and to the fact that government purported to accept the scientists' claims to provide 'solutions' to the 'Aboriginal problem'. In 1936, the majority of politicians still regarded the Aborigines Friends Association (the Association) and its Secretary, John Sexton, as the fit non-government force in Aboriginal affairs. By 1939, even though Sexton was one of the major contributors to the new *Aborigines Act*, he acknowledged the shift towards 'scientific' expertise by not seeking Aborigines Protection Board membership. The shift in influence had been perceptible since South's time as Chief Protector, but even when it finally occurred, it was surprising for its completeness. The object of this chapter is to outline the reasons for the original role of mission organisers in government and for their eventual eclipse as authorities. At the same time that their roles in government diminished, there was a revival of missions and even scientists declared their importance in protecting Aborigines.

There has been minimal scholarship in governmentality studies about the role of religion in rationalities of governance. That said however, Hunter confirms that religion is the 'source of pastoral power' of governance rather than 'a force contending for the

general disposition of power'. Accordingly, pastoral power of governance or, as Foucault called it, the 'shepherd-flock' model, is a combination of individualised care and collective welfare.<sup>2</sup> However, collective welfare, or the welfare state, presents problems 'arising from the fusion between the exclusive status of citizenship and the universal salvation of humanity of the pastorate'.<sup>3</sup> As we shall see, the major criticism of mission organisation was that it encouraged the dependency rather than self-help of its wards and, hence, confirmed a lack of civic responsibility under any welfare state.

Both Gordon and Dean identify that, even though the roles of spiritual and secular rulers were never unified in premodern Europe, in modern times a 'secular pastorate' eventuated based on an episteme of 'reason of state', which also incorporated 'the science of police'.<sup>4</sup> Charity and philanthropy were at a new peak and were incorporated into the domestic 'police'. 'Police', or the 'maintenance of a civil order, a civilised society, and a refining process', later 'came to include all those items of importance to the national welfare not completely or adequately handled by public officials'.<sup>5</sup> Charities promoted their 'moral' role to such an extent that it became civic belief that 'a good national "police" was not to be achieved solely by politicians or by a professional corps of "police", but by publicly concerned, philanthropically minded citizens'.<sup>6</sup> The end result of this process is the promotion by contemporary neo-liberal governments of a 'third sector' of governance whereby 'charity, philanthropy and voluntary activity...can be used both to buttress and also to undermine the ideal of a welfare state'.<sup>7</sup>

More can be said about the 'moral' force in governance. Goldstein notes that Foucault's 'disciplines' accommodate the pastoral power of the professions because, as Foucault stated, "the modern Western state has integrated in a new political shape an old power technique which originated in Christian institutions". Hence, both the professions and Foucault's 'disciplines' have 'religious-clerical roots'.<sup>8</sup> This fact explains the uneasy division between spiritual and secular institutions that was readily identified in Aboriginal affairs. Because, as we shall see, this unease related to the fact that the differences in their mentalities and practices of rule were not as great as the institutions' portrayals of themselves had made them appear to be. Mission organisers were proud of their voluntarism, which they emphasised to disguise their involvement in 'practical' and systematic governance that contradicted the commitment to 'their higher duties'.<sup>9</sup>

### **Mutability versus essentialism**

As argued in Chapter 2, by 1936 the prevailing sentiment in Parliament was that people who were informed by scientific opinion rather than by experience, as were mission organisers, had 'solutions' to the 'Aboriginal problem'. Markus sampled the 1930s discourses of scientists, administrators and politicians and found that only politicians derived racial categories from experience and not from scientific research.<sup>10</sup> As a result, the views of politicians were ambiguous and they continued to direct administrators to apply governing techniques that were first articulated in the House of Commons Report (1837) prepared by the Select Committee (British Settlements) on Aborigines. These 'civilising' techniques formed a pragmatic, multi-pronged plan of governance, as discussed in Chapter 1, and included liquor prohibition and statistical reporting as well as the encouragement of missionary organisation to Christianise and to provide relief.

The racial categories of much 'anthropological science' in this period were essentialist in that the lack of civilisation or 'barbarism' of the Aborigines was thought to be the result of an innate physical quality. John Cleland exemplified scientists who promoted this type of anthropological science because, even after a long career of involvement in Aboriginal affairs, as late as 1960, he still espoused that 'full-blood' Aborigines did not have the 'engineering type of brain' that Europeans were supposed to possess.<sup>11</sup> Moreover, essentialism affected the views of anthropological scientists like H.K. Fry who was active in the Aborigines Protection League. For example, in 1936, when writing for the 'Australian Rhodes Review' about the Aboriginal 'problem', Fry noted that Article 22 of the League of Nations Covenant urged the development of 'peoples not yet able to stand by themselves' as 'a sacred trust of civilisation'. He stated that 'detrribalisation [was] expedited' both through the civilising process and through the League of Nation's encouragement of 'missionary efforts'.<sup>12</sup> That is, Europeanisation and religious instruction were 'bridges not to a higher form of civilisation but to extinction'.<sup>13</sup> Fry believed that 'full-blood' Aboriginal people were the 'true' or 'real' Aborigines. In his opinion, mixed race Aboriginal people were detrribalised 'cultural hybrids' and they were no longer Aborigines.

Missionaries and mission organisers on the other hand, although they might have been paternalist, or even racist, were anti-essentialist because they believed in the 'mutability

of people, not a fixity in their character', as this was 'pivotal' to the 'narrative of conversion and improvement' in Christianity.<sup>14</sup> Missionaries were divided amongst themselves as to the best way to convert Aboriginal people. Some believed Christianity and civilisation to be 'interchangeable' while others thought that 'civilised' Aborigines were the best converts, or alternatively, that conversion was necessary to induce 'civilisation'.<sup>15</sup>

The discourses of politicians, scientists and missionaries illustrate the contradictions inherent in the governance of Aborigines. The reason for these was that the 'civilizing mission' was paradoxically 'forced to undo' the civilised/savage dichotomy on which it was based and which had been used by authorities like J.S. Mill to rationalise despotic rule.<sup>16</sup> Prakash argues that the existence of forces of civilisation like policing, protective and restrictive legislation and Christian dogma alongside welfare through missionaries, medical professionals and police, which were administered authoritatively 'with a minimum of expense and maximum of ambition', 'undermined' the dichotomy of civilised/savage which was the basis of despotism. As a result, the 'founding assumptions' of imperial rule had to be rethought.<sup>17</sup> By this Prakash means not only that the 'civilizing mission' undid the dichotomy of civilised/savage but also that the authoritarianism which was inherent even in welfare practices forced a shift of rationalities of governance to 'science' as *the* liberal rationality of progress and reason, even though imperial settlements and colonies were already governed by 'science's authority' and 'were underfunded and overextended laboratories of modernity'.<sup>18</sup> More clearly, there was the need to 're-situate the operation of knowledge and power' by using the sign of 'science', which indicated reason and progress, in order to rationalise despotic rule.<sup>19</sup>

The shift in rationalities of rule outlined by Prakash accounted for the sudden change in the late 1930s to the use of scientific expertise, or at least the rhetoric of the use of scientific expertise, at the expense of experience and of mission organisation. As discussed in the following chapters, this shift meant that 'essentialist' ideas also became part of the governing discourse and, contradictorily, the policy of gradual economic and social assimilation, which was a liberal practice, also included the non-liberal plan of absorption of those who were not believed by the scientists to be 'true' Aborigines.

Essentialism also appeared to have been the basis for a difference between missionaries and 'scientific' experts over the extension of citizen rights, like the franchise. Authors have isolated the fact that it was the missionaries and mission organisers who promoted the franchise for Aborigines in South Australia.<sup>20</sup> This can be contrasted with Cleland's spurious comments about the franchise and Aboriginal 'mental capacity'. He stated that:

One could quite understand that it would be absurd to grant the votes to white natives. On the other hand some full-blood natives of the second or third or even later generation of civilised natives and [sic] as fully entitled to vote from mental capacity as many white people.<sup>21</sup>

Cleland's ideas were based on the essentialist view that hybridity affected 'mental capacity' because of the inferiority of 'feckless' white ancestry and, as a consequence, his logic aligned adult mixed race Aboriginal people with children who were thought too immature to have the vote.<sup>22</sup>

Although not all scientists had such extreme views, the important fact is that it was Cleland who was Deputy Chairman of the Protection Board and who chaired most meetings in lieu of McIntosh, the Minister. He also represented the Board for Anthropological Research and influenced scientists associated with it and with the Museum. Cleland frequently made direct representations to the Minister, bypassing the other Board members and the bureaucracy. This was his *modus operandi* from the beginning of his involvement in Aboriginal governance when he went directly to the Commissioner of Public Works to report on the 'mental capacity' of residents of Point Pearce in 1934 as outlined in the previous chapter.

In many respects, Cleland became the 'gatekeeper' of the essentialist view that advocated protection of 'pure', 'full-blood' Aborigines, and expeditious absorption of part-Aborigines so as to maintain the purity of the remaining 'true' Aborigines. The first step towards absorption, a form of eugenics, was remedial training, which would improve all but the truly 'feckless' tenth of the part-Aboriginal population. Hunt defines eugenics, as mentioned previously, as 'the secularisation of moral discourses' and, consequently, absorption was heavily dependent on acceptance of social norms.<sup>23</sup> Hence, scientific experts became concerned with norms of good behaviour of the 'bodies' of part-Aborigines, while mission organisers, and some philanthropists, as we shall see, enlisted remedial programmes to produce good citizens in support of their spiritual goal to preserve the 'souls' of Aboriginal people.

There were variations of the differing views, essentialist, segregationist, assimilationist and so on, and misunderstandings arose as a result or were cultivated for use as political stratagems. For instance, Sexton was critical of segregationist ideals that denied the same rights to Aborigines as those held by non-Aborigines. He appeared to believe that essentialists supported segregation of all Aboriginal people. For example, on Sexton's instigation, the Point McLeay Aboriginal activist, David Unaipon, wrote to the Federal Minister for the Interior to

Let my people come more fully into the national family. There have been enough scientific investigations already, and no new facts have been brought to light, and yet there is still a plea to segregate the natives, keeping them practically in bush museums for scientific purposes.<sup>24</sup>

Given the prominence of 'science', mission organisers were relegated a lesser role in Aboriginal governance because their ideas differed fundamentally from those of the scientific elites. This, however, does not explain in full the reasoning behind the earlier dismissal of mission organisation, as articulated at the Royal Commission of 1913, and this is discussed in the next section.

### **Voluntaryism and missions to the 'heathen'**

As stated, the 1837 Select Committee (British Settlements) on Aborigines Report attempted to formulate a systematic 'scientific' governance of indigenous peoples. In 1838, a citizens' Committee was established in South Australia to assist Wyatt, the Protector, partly in response to both the Report and the formation in London of a similar body, the Aborigines Protection Society. William Nation, the Secretary of the Committee, stated that it aimed to mediate between settlers and Aborigines and make recommendations to uphold the 'Interests of the Natives'.<sup>25</sup> The Committee which allowed for six settler and six official members was disbanded by November 1838. The platform of the British Society was an 'incorporation (amalgamation) policy', which advocated the assimilation of Aboriginal people rather than their removal to desolate sites like islands, which had been an aspect of earlier British colonial policy.<sup>26</sup>

The 'amalgamation' policy persisted during the years of the early Protectors but finally, while Moorhouse was Protector, a policy of removal was formulated with the Poonindie Training Institution on the remote West Coast. Anglican Archdeacon Mathew Hale, as a missionary for the Society for the Propagation of the Gospel in Foreign Parts, was

leased 12,000 acres of land and with 10,000 sheep and a government grant of £200 from the Land Fund established Poonindie in 1850. This policy, that segregated and protected the Aboriginal people of the Adelaide plains, was the result of their declining numbers in the Central Districts and of the wish to establish decentralised training institutions for youth. The eventual discontinuation of the Office of the Protector (Moorhouse left in 1856) can be attributed to the diminished population of Adelaide Aborigines as well as to the failure of the London Aborigines Protection Society to influence the Colonial Office.<sup>27</sup>

The Governor and Moorhouse agreed with Hale's plan for a Natives' Training Institute as the means of removing youth, who were former scholars of the Adelaide Aborigines School, from the influence of both 'wild' Aborigines and 'degraded' whites.<sup>28</sup> The Institute admitted not only children but also adult females and married couples from Adelaide. The initial number of residents was 60 'colonists' who were perceived to be establishing their own 'arcadia', 'based on Christian ideals', labour and education.<sup>29</sup> The government annuity went toward the provision of a qualified teacher and an overseer of outside works; Hale as Missionary Superintendent was supported by Church endowment. In 1852, the Government granted £1,000 on condition that, from the beginning of the following year, Hale accepted any Aborigine sent to him by the Protector. Hale was also required to be financially responsible for the Probationary Institute near Port Lincoln, which was originally established by Lutheran missionary Schürmann in 1850 with a £250 subsidy from the Land Fund. Hale was required to admit as many children as possible to the Probationary Institute and to be responsible for their material welfare.<sup>30</sup> From 1856, the Government reduced the grant to £500, insisting that Poonindie become self-supporting. The following year Hale was made Bishop of the new diocese of Perth, and his successor was Reverend Octavius Hammond who petitioned the Government for an increase to the annuity. The Commissioner of Crown Lands, F.S. Dutton, instituted an official enquiry into Poonindie in 1859, which recommended the self-sufficiency of the Institute. For the first time, it was articulated that the Trustees were only responsible for the missionary aspect of the Institute, a role for which they were wholly independent, while the Government would control the material welfare and education of the residents.<sup>31</sup> The enquiry indicated that government policy for subsidised missions, which maintained

accountability by submitting quarterly returns, was that subsidised missions were no longer responsible for programmes on secular matters.

The Trustees felt obliged to defend Poonindie when the Government pointed out that, over ten years, £7,225 of public money had been spent on the Institute with doubtful results. The Trustees believed that 'the public had used the Institution as a means of discharging their moral obligation towards the natives'. They stated that Poonindie had not been established as a profit-making enterprise and, moreover, it had saved public money by absorbing other Aboriginal establishments.<sup>32</sup> In 1860, the Select Committee on the Aborigines found Poonindie's financial standing unsatisfactory and attributed this to both incompetent management and the strain put on the Institute's resources by local Aborigines who were not residents. The perceived solution to the latter problem was to create another training school in an even more remote area for 'Christianising' and 'civilising'. In order to reduce its debt, some of the Institute's stock was sold off while leaving enough to provide for the residents that remained there.<sup>33</sup> As a result of government insistence on self-sufficiency, the Trustees drew up a set of regulations that included work and school hours, hygiene requirements, liquor prohibition, a bar on swearing and 'impertinence', as well as dismissal for persistent or immoral misconduct. All able-bodied residents were required to work on penalty of not receiving food.

Poonindie now had the organisational structure of a State-run institution rather than having the sole aim of Christianising, as articulated by Hale. Its role became assimilation of residents to European social behaviours.<sup>34</sup> The Government paid the wages of the Farm Overseer and the Trustees were responsible for the Superintendent's wage. Over the next decades, the Institute was financially prosperous, operating a ration depot as well as supporting a bush missionary service, in spite of government subsidies. Nonetheless in the 1880s, security of tenure became an issue when white farmers complained that, as the Institute had more land than it needed, part of the reserve should be made into workingmen's blocks.<sup>35</sup> Mission leases, as mentioned in Chapter 3, were for 21 years but the Government could resume a lease on six months notice if it was not satisfied that the lease was 'required for and applied to the use of the aboriginal inhabitants'.<sup>36</sup> The Trustees were given notice and the lease resumed in September 1894.



Walsh believes Poonindie's 'unnecessary dissolution' was a result of both 'political pressures' for blocks and 'the disbelief of the public and the government that missions could provide a solution to the complexities of native administration'.<sup>37</sup> The perception at the time was that while 'full-blood' Aborigines deserved the full protection of government, part-Aborigines did not require special treatment. Dr Cockburn, the Minister for Education (and the Aborigines Department) stated that the Poonindie residents could apply to the Land Board for blocks 'in the normal manner', indicating that part-Aborigines were on par with the white farmers.<sup>38</sup> Resumption of the lease was not necessary, or just, given the fact that the Institute was financially successful and was used for the benefit of its residents. On the other hand, its role as a Christian establishment was only partially fulfilled because there was no longer a resident religious instructor, and the Sunday service was conducted by Reverend Blackburn of Point Lincoln.

In the first half of the nineteenth century, 'heathens' amongst the 'feckless' British labouring poor and the indigenous inhabitants of the British Empire, were thought to be 'two fronts of the same war' by missionaries, particularly the more radically liberal evangelicals rather than the members of the Established Church of England.<sup>39</sup> Empire was seen 'as a divinely ordained means to sacred ends', and was 'represented in missionary propaganda...at the most local of levels', so that people of all classes, men and women, supported the 'same ideological agenda'.<sup>40</sup> These ideas are supported by the fact that, as Bishop Short wrote in 1872, the Poonindie Aborigines' annual subscriptions of £10 went 'to maintain one Melanesian scholar at the Isle of Mota in the school established under Reverend George Sarawia by the lamented Bishop Patteson. Towards the debt on St John's, Auburn, a sum of two pounds fifteen shillings was also contributed'.<sup>41</sup> Aboriginal people were not differentiated from other Christians in that their tithes supported the Empire in the Pacific and white parishioners in the mid-north of the State. In the eyes of the Church, people were the same because they were all God's flock.

By the second half of the century, however, imperialism relied on racial categorisations, which emphasised the inequality of humans in order to support conquest. Bishop Short acknowledged that these ideas were gaining acceptance when he stated that it

may suffice to lower the pride of the white-skinned race to know that the half-caste children between the high Caucasian Englishman and the (supposed) *degraded*

Australian type of humanity are a fine, powerful, healthy, good-looking race—both men and women...<sup>42</sup>

Although racial taxonomies were now a part of late nineteenth-century opinions about Aborigines, Short was true to his Christian belief in equality. Imperialist discourse was even more noticeable at the beginning of the twentieth century. Divisive commentaries in publications like the *Bulletin* and *Lone Hand*, with their hegemonic European cultural agendas, and also the journal of the Royal Anthropology Society of Australasia, *Science of Man*, with its emphasis on valourising European civilisation, served to undermine Aborigines.<sup>43</sup> Philanthropists and missionaries were often depicted unkindly as they were deemed unworldly and impractical. Missionaries were seen to be ‘effeminate’ because they were critical of the ‘martial and masculine imperial ideals’ embodied by explorers, soldiers, entrepreneurs and other adventurers, who ‘were threatened by the nature of the civilization that missionaries sought to bring about’.<sup>44</sup>

The establishment of Poonindie was an example of voluntarism as opposed to State control. In the nineteenth century, it was thought that government ‘should not do what could be done by private enterprise’.<sup>45</sup> Individuals were expected to be resourceful and efficient in their working habits, and self-help and community aid were the means by which individual and social needs were met. The ethos behind this was the independence of the individual and private associations from government, particularly with regards to religious instruction.

The Colony had been founded on the ‘principle of the entire separateness between State and Church’.<sup>46</sup> State involvement in religion, even government aid for churches to set up schools, was thought to favour the Church of England, the Established Church, at the expense of other religious denominations. Government assistance to churches was withdrawn in 1851 on the instigation of the Protestant Dissenting churches. However, by the end of the nineteenth century, many settlers believed all Aboriginal institutions should be the concern of the State given that dispossession resulted from ‘State’ actions. These views were quite different from those expressed earlier. For example, Harcus was approached by the Government to edit a text about the Province as an inducement to immigration in the 1870s. He was confidently able to express the notion of voluntarism:

The protection of the aborigines and the duty of supplying them with medical comforts in sickness, &c., is performed by a public officer. The welfare of these

people has also been attended to by several long-established institutions, mainly supported by voluntary contributions.<sup>47</sup>

By the time of its destruction, although managed by voluntary Trustees associated with the Church of England, Poonindie was perceived to be a secular institution rather than a mission for the 'natives'. Over time, the Institute had been subject to much criticism, but the single most powerful reason for its disbandment was that missions were no longer thought suitable for control of residents who were perceived to be part-Europeans. The status of the missions at Point McLeay and Point Pearce also supports this contention, particularly when contrasted with remote Killalpaninna mission and its 'full-blood' 'flock'.<sup>48</sup>

As discussed in Chapter 2, the Aborigines Friends Association, a non-denominational organisation, was established in 1858 following public concern at the demise of the Office of the Protector. The Association's principal aims in establishing the Point McLeay mission station, in the following year, were the instruction of Aborigines in industrial occupations to make them self sufficient; assistance for families 'in forming civilised homes'; instruction on 'the doctrines, precepts and duties of the Christian religion'; and the establishment of a boarding school for children.<sup>49</sup> Point McLeay was different in concept from Poonindie because it was not a colony for children and newly married couples. Rather, it was located in the homeland of its residents who were accommodated regardless of age or married status. In fact, one of the aims of the station was to maintain the children's 'parental tie', so that the religious instruction received by them would 'influence the parents who had never enjoyed the same advantages as their children'.<sup>50</sup>

Notwithstanding, Point McLeay, like Poonindie, was a 'compromise between Government subsidy and private subscriptions'.<sup>51</sup> The Government subsidised Point McLeay because there was a school and not because there were Church and missionary services.<sup>52</sup> George Taplin, the Superintendent, was required to submit returns supporting the government annuity and the rations he distributed on the Government's behalf. Even so, the Select Committee of 1860 criticised the station for 'partak[ing] more of the character of a private establishment for Christianizing the natives than a public institution for the support and protection of the aborigines', and condemned Taplin's Christian 'zeal' because it lacked a 'system'.<sup>53</sup> The Committee's criterion was

systematic 'scientific' governance of Aborigines as originally recommended by the 1837 Select Committee (British Settlements). Generally, members of the Select Committee of 1860 were unsympathetic to both Taplin and the Association, 'the pseudo-philanthropists', particularly as the Association's policy contravened the Committee's desire to separate children from their tribal elders so as to Christianise and then civilise.<sup>54</sup>

Bury argues that Point McLeay attracted criticism over the land that was 'appropriated for the aborigines' because most members of the Select Committee were pastoralists, and one of them, Baker, had holdings adjacent to the mission.<sup>55</sup> Baker had introduced the motion in the Legislative Council for the appointment of a select committee to investigate government funding of Aboriginal people, having previously been a witness before the 1851 British House of Commons Select Committee on Aborigines. Bury's argument does not entirely stand up to scrutiny as Committee members, Davenport and Angas, were well-known sympathisers of the Aborigines; Davenport as one of the Poonindie Trustees and Angas for his support of the Lutheran missionaries, Schürmann and Teichelmann.<sup>56</sup> Point McLeay had less than one third of Poonindie's landholdings and less than half of the holdings of Point Pearce (established in 1867/68) and this was its reason for dependency. As it could not provide enough employment for residents, more land was necessary. The most significant point of contention was that politicians wanted a systematic governance of Aborigines even though funds necessary for a regular system were limited because of the nature of 'small government'. As a result of relying on the voluntarism of religious and philanthropic organisations, government had to concede some control of Aboriginal policy. The ultimate issue was one of achieving a convenient settlement between State and Church that suited public finances.

Even though Point McLeay received an annual government subsidy of £1,000 from the 1870s, it was insolvency that eventually forced change. A deputation of the Association met with the Commissioner of Public Works in May 1912 to ask for assistance. As a result, the Government paid the debt of over £1,300, possibly due to the fact that the deputation included several members of parliament: William Angus MHA, John Lewis MLC and John Duncan MLC. Solvency was again a concern later that year and, in October, a deputation approached the Commissioner to appoint a board of control for all Aborigines, including control of all mission stations. At the time, apart from Point

McLeay and Point Pearce, there were two remote missions at Killalpaninna and Koonibba.<sup>57</sup> The deputation had a proviso that, even under government control, the Association was still to provide 'the purely Missionary aims' at Point McLeay.<sup>58</sup>

There are several factors to consider about the Association's actions. The Lutherans were administering Koonibba and Killalpaninna quite successfully, despite droughts and consequent hardships, through the 'generous contributions' of Church members. Point Pearce was the responsibility of the Board of Trustees of the Yorke's (Yorke) Peninsula Aboriginal Mission, a group of local businessmen, which held a 21 years lease that was farmed by both Aborigines and white farmers and whose success was a result of 'local pride'.<sup>59</sup> H. Lipson Hancock, a member of the Board of Trustees that became an incorporated body in 1882, described Point Pearce as 'a school and an educational institution which shall gradually get the natives to realise their responsibilities in keeping with the white population'.<sup>60</sup> His father, H.R. Hancock, the long-serving manager of the Moonta Mines, and a 'devout' Wesleyan Methodist who 'expected all of his workers to attend church', was one of the founders of the mission.<sup>61</sup> Given its own predicament with finances, the Friends Association manoeuvred for State control of missions that had been established by voluntary bodies, both religious and philanthropic, even though all except Point McLeay were practicable. The Association's rationale was that a common policy of systematic 'scientific' governance for Aboriginal people should be implemented so that there was no hindrance to their 'progress'.

### **The 'next step beyond'**<sup>62</sup>

As discussed in Chapter 1, a Royal Commission to enquire into Aboriginal affairs was held in 1913. Significantly, two of the five Commissioners, William Angus and John Lewis, had affiliation with the Aborigines Friends Association, which had called for government control of missions and for the establishment of the Royal Commission. Angus, the Chairman of the Commission, proposed that 'leading strings' were necessary because the existing missions, organised as they were by charities, were impeding Aborigines from the 'next step beyond'. Angus was influenced by J.S. Mill's dictum about good government. Good government meant that present governance, no matter how effective, must not hinder people in their future prospect of progress. The 'leading strings' recommended by the Commission were the members of a central board and local committees. The Chairman of the State Children's Council and the Director of

Agriculture were nominated as the government representatives on the central board, and the Chief Protector was to be its Secretary and Chief Executive Officer.

W.G. South, the Chief Protector, was the first witness called at the Royal Commission. He stated that although the mission stations at Point McLeay and Point Pearce had done 'very good work...I do not think they are the right thing for the management and control of the aborigines'.<sup>63</sup> On further enquiry, he stipulated that he was not referring to the 'missionary work' of the organisations but, rather, that they did

not train the natives sufficiently to thrift and industry...They bring the natives up too much on charity instead of on justice...I think it is high time that the Government took over the industrial work altogether. That opinion is shared by nearly all the Chief Protectors in Australia.<sup>64</sup>

South went on to add that he thought that 'divided control' of Aborigines, 'between a few private gentlemen and the Government', was 'unsatisfactory', particularly as the Government had 'very little' control in contrast to the 'bodies which have charge' of the mission stations. He risked getting off side of the Chairman when he argued that he did 'not think it is fair that those people [that is, the four trustees of Point Pearce mission] should control the destinies of any race of people'.<sup>65</sup> He made particular care not to give the Aborigines Friends Association as an example because of the Chairman's connection with the Association, but the inference was made.

South had support from Aboriginal people at both mission stations about the issue of control by societies, because the Aborigines believed themselves to be disadvantaged in respect of employment, use of land and housing. In April 1912, a deputation of Point Pearce Aborigines had waited on the Premier and sought government control of the mission, and discontented Aborigines at Point McLeay had approached South on two or three occasions to petition for government control. When questioned that his motives were for the 'future welfare' of the Aborigines, South stated that he had 'great sympathy with the natives, and I think that lack of system in bringing them up and educating them has been a bad thing. It is a big mistake to bring them up on charity'. He made comparisons with the Aboriginal stockmen of the 'interior', who are a 'different and better class of people altogether. They are no trouble at all. They develop into good workers. I have seen stations worked entirely by natives'.<sup>66</sup>

There were five witnesses from the Friends Association called at the Royal Commission. They included its President T.W. Fleming, Vice-President Reverend

Archdeacon Bussell, Honorary Secretaries W.E. Dalton, accountant, and J.H. Sexton, missionary secretary, and C.E. Taplin, member and a son of the missionary founder of Point McLeay, George Taplin. Dalton and Sexton were called within the first weeks of the hearings, whereas the others appeared after the Commissioners visited Point McLeay. Sexton stated that the 'reason for this Commission is that the native problem in South Australia has assumed a new phase'.<sup>67</sup> He also prepared a written document in support of his evidence, which called for Point McLeay to be divided into two departments: the industrial department to be 'taken over by the Government' and 'managed by an outside board or a board appointed by the Government with the Chief Protector of Aborigines as executive officer and secretary', and the missionary department to be run by the Association 'to go on teaching the natives so as to stimulate them to work'.<sup>68</sup> He stipulated that the board should comprise of 'five or seven persons interested in the natives'.<sup>69</sup> Sexton did not believe in total government control of the industrial department 'because officials, as a rule, have to act without a soul, and the native problem requires a good deal of sympathy'. He added that even sympathetic officials are 'obliged to follow red tape and other things', whereas a board 'will have a feeling of interest in the natives themselves, and the schemes which they put into working would be really in the natives' interests, and would develop their moral and intellectual needs'.<sup>70</sup> Sexton emphasised that the Association's missionary work had succeeded to date, but that the industrial work had failed due to lack of funds. As a result 'under present conditions', the Association was not able to 'grapple with the situation'.<sup>71</sup>

Taplin and Dalton supported Sexton's ideas, whereas Fleming's views about the composition of a board differed in that he wanted a board of sympathetic men with 'ability to control commercial results'; that is 'a board of business men'.<sup>72</sup> In this matter, he was probably thinking of the financial successes of Point Pearce. However, he did suggest that it was time 'for a broad and comprehensive policy in regard to the natives and the institutions which care for them'.<sup>73</sup> Fleming, a solicitor, stated that the Association, of all philanthropic institutions in the State, was 'at a greater disadvantage' because the public failed to give generously as it was believed that Aboriginal welfare was 'a matter to which the Government should attend'.<sup>74</sup> He went on to say that 'all sections of the church have come to recognise that they have not been so faithful to the native population in the past as they ought to have been'.<sup>75</sup> Even so, churches should

attend to the religious welfare of the Aboriginal people while the Government, as it had the resources in the area of 'employment and education', should 'have control of all the natives and...work the various missions by means of a board'.<sup>76</sup>

In contrast, Reverend Bussell's evidence revealed that the Association as an organisation was not as one. He was 'totally opposed to the policy of handing over these missions to the tender mercies of the Government', as 'a State-managed department' would be 'totally wanting' in 'a spiritual and religious atmosphere'.<sup>77</sup> Questioned as to what he believed the State's responsibility to the Aborigines was, he agreed that it had 'to make these natives into good citizens', but he was adamant that, as the stations had been founded as missions 'for the religious, spiritual, and moral welfare of the natives', that was the way they should remain.<sup>78</sup> Bussell, however, conceded that a new approach to 'the native problem' was required, and he would be 'content as one of a mission executive to work in conjunction with a Government board directing all aboriginal affairs in the State'.<sup>79</sup>

In 1918, on the establishment of the Advisory Council of Aborigines, William Angus was reported to regret that the recommendations of the Royal Commission had not been adopted. The Commissioners had recommended that members of a board of control should be 'drawn from the localities in which institutions are situated'; however the Government 'appointed an advisory committee, a body apparently composed largely of former members of the Aborigines Friends' Association'.<sup>80</sup> In response to Angus, Sexton stated that, even though 'the powers recommended by the Royal Commission had not been given to the council, its appointment would undoubtedly be of great advantage to the Minister controlling the department'.<sup>81</sup> Sexton was satisfied with the result commenting that: 'No better step could have been taken by the Government than to appoint such a board of sympathetic and practical men'.<sup>82</sup> He had good reason to be satisfied as he had petitioned the Government during the preceding four years not to adopt the Royal Commission recommendation to create a board representing local committees, because Association members wanted representation on a board of control, not men drawn from the Point McLeay district.

Sexton was also critical of the Royal Commission recommendation for government aid towards religious work, which assured facilities and a stipend for ministers, and visiting ministers, of up to £200 annually for each station. He stated that: 'We consider it would



be absolutely fatal to introduce the sectarian element into our relations with the natives. Our association which is non-sectarian has carried on the work with splendid results and is prepared to continue to do so'.<sup>83</sup> The visiting Anglican priest to Point Pearce, Reverend Bourne, rebuked Sexton for advocating that 'the State commit itself to "undenominationalism" as the State religion'.<sup>84</sup> Non-denominational organisations relied on voluntaryism and public contribution, not having the benefits of church tithes and, as the Association itself admitted, this was the reason for its own precarious financial standing over Point McLeay.

Previously, in Parliament in late 1917, after both Point Pearce and Point McLeay had been 'voluntarily' handed over to the Government, the Commissioner of Public Works thanked the Trustees of the Yorke's Peninsula Aboriginal Mission and the Association for their 'valuable services' to the Aborigines. He stated that the Government could not agree to 'the appointment of a board on the lines suggested' recently by the Association but, in recognition of 'the good work already done', he proposed the appointment of an advisory council.<sup>85</sup> The Association had to compromise ultimately because Commissioner John Bice thought a Board of Management 'should be approached gradually by testing the experience of an Advisory Council first in the matter'.<sup>86</sup> Nonetheless, as Burnard argues, by giving up Point McLeay, the Association was able to have wider 'scope' in Aboriginal affairs because it no longer had financial commitment for Aboriginal material welfare, only that necessary for Christianising.<sup>87</sup>

### **Rewards for past work**

The Friends Association agreed with government control of the stations, which meant that the organisation was able to continue to spread the Gospel without worrying about finances. Association members on the Advisory Council of Aborigines still concerned themselves with the secular activities of Point McLeay and, in addition, they extended their missionary concerns further afield. Before the establishment of the Advisory Council in 1918, the Association's main issue of contention with the Government was the proposed board of management. This issue would surface again in the mid 1930s when the Advisory Council was acknowledged to be ineffectual. In the intervening years, the matter of a Children's Home at Point McLeay was the Association's focus and this is discussed in Chapter 10. In this section the complex relationships between the Friends Association, the Advisory Council and the Government are examined, and

they indicate that government officials and non-government advocates more often than not disagreed about Aboriginal affairs.

Philanthropists in the nineteenth century recognised the need for social action and philanthropy became a 'serious, scientific avocation' based on political economy, science (that is systematic relief) and evangelical religion. With this inheritance, the Friends Association members on the Advisory Council were not merely donors of 'funds' but donors of 'time and personal attention'.<sup>88</sup> Whereas the philanthropic activists in organisations like the Women's Non-Party Association and the Aborigines Protection League were not evangelists like members of the Friends Association, as they sought rational answers to poverty and other social problems. Shifts in attitudes in some philanthropic circles to secular social action coincided with changes in government perception of missionary authority in Aboriginal affairs as inferior to the authority of anthropology, and to the use of 'science' over religion.

As discussed previously, the 1920s and 1930s were a period of heightened activism over Aboriginal welfare. Although the Royal Commission had proposed a change in methods of control, this had not eventuated and the existing structure of the Aborigines Department was retained, with the addition of the Advisory Council advising the Commissioner of Public Works. Sexton noted that 'in Government circles the work of the Council' was 'considered a failure' and that its 'best work' was accomplished in the early years when it received the support of Commissioner Bice (1918-1921), who had 'conceived the ideal of official and unofficial minds working together', 'for having created the Board [Advisory Council] he was in honour bound to support its recommendations'.<sup>89</sup> Sexton argued that subsequent ministers believed that the Chief Protector was capably administering the Department and saw 'no real necessity for' the Council's existence. Chief Protectors welcomed this turn of events, as they were 'all strongly opposed to the idea of an Advisory Council'.<sup>90</sup>

Even so, the Chief Protector was put on Council, from mid 1925 to the beginning of 1933, and Sexton argued that this was 'reconciliation' for refusing Councillors any financial compensation. However, the Chief Protector's membership had the effect of obviating the necessity for the Commissioner of Public Works to deal with Councillors' concerns. Consequently, Sexton deduced that the Chief Protectors 'skilfully played their cards in seeking to nullify the work of the Council and succeeded so well that one

Minister stated in Parliament that he had put the Board [the Advisory Council] largely out of action by cutting down the grant and refusing to allow the members to travel in the performance of their duties without his specific consent'.<sup>91</sup>

The Advisory Council had been effectively demoted in late 1930 when the Government decided that there were insufficient funds to pay the Secretary (Sexton since the inception of the Council), and the position became honorary. At the end of 1932, due to lack of government funds because of economic recession, the Council was refused its request for travelling and secretarial expenses. Travelling expenses had been guaranteed under the recommendations of the Royal Commission, otherwise membership did not attract emolument. As was expected, the Council stated that it could not function properly, as required under regulation, unless members were reimbursed for costs.

The foreseen ineffectualness of the Council was revealed in the second Butler Government, from 1933 until 1938, when Commissioner Hudd failed to forward material for Council advice. In early 1936, to counteract this deficiency, the Council suggested that the Chief Protector meet with it to ensure that the Commissioner received 'united reports and recommendations'.<sup>92</sup> Sexton's opinion of the Chief Protectors was clear when he stated:

But how well I recall how uncomfortable they were when sitting round the table and were being questioned by their fellow members about the doings of the Department, and with what dexterity they sought to avoid any committal on any subject, claiming that they wished to be kept free to act according to their own personal judgement when the meetings were over.<sup>93</sup>

As stated in Chapter 7, even though Cleland was Chairman (from 1933) it was Sexton, a 'zealous organiser', who was in control of the Advisory Council and, as indicated, he blamed both the ministry and the bureaucracy for its failures.<sup>94</sup> Cleland recognised the weaknesses of the system and pressured the Commissioner directly. From the beginning of his involvement in Aboriginal affairs, he lobbied both state and federal ministers, not using conventional channels. Cleland believed that his scientific credentials overrode any adherence to protocol. For example, in 1929, he corresponded with the Federal Minister for Home Affairs about medical services for Alice Springs and commented that:

...I thought you might like to have the views of someone with a medical training who is not involved in any newspaper controversy, has no particular axe to grind, and who with his scientific training is more likely to under-estimate than to exaggerate the aspects of the native question that have been touched upon.<sup>95</sup>

Attitudes of this kind that emphasised the importance of the 'disinterested' expert were also reflected in the report of the Conference of Commonwealth and State Aboriginal Authorities in 1937. The Conference resolved that 'future Conferences should consist of representatives of Protectors and Governmental Boards' because if 'the scope of representation' was extended, there would be 'all sorts of warring factions present...Some anthropologists may be in violent opposition to the missionaries, and it would be impossible to achieve any unanimity'.<sup>96</sup> In fact, the only matters held *in camera* at the Conference were the issues of government subsidies to compliant missions and the desirable oversight of mission activities by government. The Conference members, it is assumed, took the opportunity to voice opinions about the efficacy of particular missions in confidence.

There were rivalries not only between missionaries and anthropologists, but also between the different religious and philanthropic activists. Rivalries were noticeable early on when Reverend Hale effectively dismissed Schürmann's credentials with the comment that the Lutheran pastors had been 'sent out by *some* German missionary society to labour, in anyway they could, amongst the Australian aborigines'.<sup>97</sup> During the period under review, these rivalries were again revealed when Reverend J.C. Jennison, President of the Australian Aborigines Mission, recommended to the Government that a mission be established in the Musgrave Ranges. In 1925, and again in 1929, when he applied for land for a mission at Ernabella, he was rejected on the advice of the Advisory Council (namely the Friends Association).<sup>98</sup> The rejections occurred because the proposal was purportedly contrary to a policy of inviolable reserves. More specifically, it was 'refused on account of its close proximity to the great central aborigines' reserve'.<sup>99</sup> The fact was that the Association was antipathetic to Jennison's ideas because of his affiliations. Although he had conducted a mission in the Northern Territory on behalf of the Methodist Church, before that he was a member of Basedow's deputation to the Minister in 1919 for the establishment of the Reserve in the North West.<sup>100</sup> After his mission experience, Jennison was both an Aborigines Protection League member and the Anthropological Society of South Australia representative at the 1929 Conference in Melbourne to consider Bleakley's Report.

The strained relationship between Duguid, Presbyterian Church, and Sexton (the Association) has already been discussed. Duguid's antagonism towards Sexton even

outstripped Genders' criticism of Sexton. Both Genders and Duguid had been members of the Association (before their involvement in the Protection League) where Sexton dismissed their ideas outright. Sexton wrote an 'unofficial note' to the Secretary of the Home and Territories Department, in March 1925, and stated that the Model State was a 'fantastic scheme' and that when Genders, 'an unpractical dreamer', brought the scheme to the Association it was rejected and so he resigned.<sup>101</sup> In fact, the oppositions that the 1937 Conference identified were not as clear-cut as was suggested, as there were differences between and within the factions involved in Aboriginal welfare.<sup>102</sup>

As mentioned earlier, from 1918 and for the first decade of the Association-dominated Advisory Council, the focus was on education of children. During this period, several factors arose which upset the hegemony of the Association. There was the establishment of missions by the 'faith' mission organisation, the United Aborigines Mission, at Oodnadatta (1924), Swan Reach (1925) and Quorn (1927) and, in 1931, on Walter Hutley's death, Pastor Wiltshire of the Mission became a member of Council.<sup>103</sup> Then, there was the constitution of the Aborigines Protection League in 1925, which lobbied for independent Model States as well as for land on the West Coast for part-Aborigines. As a result of the League's petition, a Federal Royal Commission was proposed in 1927 but was shelved when the Federal Government commissioned Bleakley, Chief Protector of Queensland, for a report on the status of Aborigines. In opposition to the proposal for a Royal Commission, the Association lobbied for a Federal Advisory Council to be set up. When Basedow raised the question of the Federal Royal Commission in the Legislative Assembly, McIntosh responded that he had been given the same advice by the Chief Protector, the Council and the Association that the preference was to have a Federal Advisory Council of the Chief Protectors from each state. In his newspaper, *Daylight*, Genders reported that the advice was not at all surprising as it 'came from the same source, the Aborigines Friends' Association which Association has deliberately misrepresented the proposal of the promoters of the Aboriginal Model State and is a discredited institution'.<sup>104</sup> Genders criticised the Council over the 1923 *Aborigines Act* for the training of children, which was suspended, and the Association for its failure at Point McLeay when it was still a mission run by the Association.

In April 1929, the Melbourne Conference convened by the Minister for Home Affairs to discuss Bleakley's Report was attended by Sexton (the Association), Genders

(Aborigines Protection League), Cooke (Women's Non-Party Association), Jennison (Anthropological Society), A.E. Gerard (Australian Aborigines Mission), Reverend R.C. Nicholson (Methodist Mission) and Reverend Reidel from Finke River Mission. In his report on the Conference, Genders noted that not one of the 22 missionaries who attended supported land for Aboriginal people. They had 'old-established ideas and organisations' and 'avoided basic principles'. Genders argued that the 'missionary has a sacred vocation, but he cannot take the place of the Government or be sandwiched in between the Black man and the King's representative'.<sup>105</sup> By this statement, he identified the increasingly awkward status of religious bodies in relation to 'practical' governance and its systematic 'scientific' provision of material welfare in advance of, or despite, the deliverance of the Gospel.

Missionaries were often under a barrage of criticism. For example, the Federal Government had commissioned a fifteen-month medical survey in the Northern Territory by Dr W.D. Walker and his report, in 1928, was highly critical of missions. He perceived that missions disturbed the natural state of the 'full-bloods' and, moreover, that they fostered the growth of the 'half-caste' population. He recommended that 'full-bloods' should be preserved on inviolable reserves, 'uncontaminated by half-castes', and that their customs should not be interfered with by civilisation.<sup>106</sup> However, Bleakley's Report favoured the use of missions on large reserves for the pragmatic reasons of financial savings for governments, and the fact that staff would be motivated by moral views rather than money. Following the National Missionary Council conference in 1933, Sexton wrote that it was necessary for anthropologists and missionaries 'to co-operate'.<sup>107</sup> He referred to articles in the press that pursued the line that church and religion would be superseded by the academy and science, and that promoted anthropologists' criticisms of missionary work. Sexton believed that governments now favoured anthropologists because 'they claim they can do much better than the missionary'.<sup>108</sup>

Sexton's advocacy is a good example of the fractious nature of Aboriginal affairs and highlights the divisions between mission organisations and the secular state—between voluntarism and 'practical' governance. In 1931, Sexton was appointed Protector of Victoria District in recognition of his work.<sup>109</sup> Government may have been partially recompensing him for no longer receiving emolument as Secretary of the Advisory

Council, a financial loss compounded by his retirement from his paid position with the British and Foreign Bible Society. From this period, Sexton had a more influential position in the wider Aboriginal affairs and his written work that was 'prodigious, if patronising...did much to raise public and official awareness'.<sup>110</sup> He gained experience of the northern political situation on visits to Central Australia to arrange centres for distribution of Bibles for the Bible Society in 1925 and 1930.<sup>111</sup> As a result, he reported on the needs of Aborigines in 1932 following interviews with tribal elders there. In 1935, Sexton, Cleland (appointed Chairman) and Vincent White, Deputy Protector of the Northern Territory, were representatives of the Federal Board of Inquiry into Ill Treatment of Aborigines in Central Australia. In the meantime, Sexton was asked by the National Missionary Council to write a pamphlet on the *Laws Governing Aborigines*, 1933, comparing legislation Australia wide. The pamphlet influenced the Missionary Council's policy on Aboriginal welfare, which was extensively advertised and led nationally to 'the growing interest' in Aboriginal issues.<sup>112</sup>

Sexton became active on the Advisory Council when Garnett, former Chief Protector and superintendent at both stations, retired in early 1933. The Government had placed Garnett on Council in late 1930 to compensate for making the Secretary's position honorary. Sexton visited Ooldea with Aborigines Department officials and reported on conditions there, as well as making specific visits to both Point Pearce and Port Augusta. In late 1934, Sexton queried the Government's lack of use of the Council. Then, in mid 1935, he started his campaign for the Association's long-delayed 'suitable' board of management, a merger of the Advisory Council with the Chief Protector as Secretary and Executive Officer, which 'should include persons who have some knowledge of psychology of the Natives, who understand their mentality and who are prepared to deal with them as human beings capable of taking a part in the development of the country'.<sup>113</sup>

It is important to note that Sexton made no differentiation between the Friends Association and Advisory Council in his letters to Attorney General Jeffries, MHA, and Chief Secretary Ritchie, MLC, when lobbying the Association's policy concerning the board. Sometimes, Council memorandums merely had 'Council' transposed by 'Association'.<sup>114</sup> By his actions, Sexton ignored the interests of Council members who were nominees not of the Association but of the Women's Non-Party Association and

the United Aborigines Mission and Cleland himself, and who had different opinions on some issues.

When Sexton retired as Secretary of the Advisory Council in May 1937, he was made its Liaison Officer. He remained influential as a strategic member of the Council's Research Committee into the new *Act*; in particular the definition of 'Aborigine', which was taken from the Western Australian *Act* of 1936 that included all Aborigines but made 'provision...for the freedom of those capable of absorption into the white race'.<sup>115</sup> As a result of Association pressure on the Minister, the Research Committee, at its meeting in March 1938, stipulated definitions in relation to exemptions and revocations of exemptions from the *Act*, particularly with 'half-castes' in mind.<sup>116</sup> The all-encompassing definition of 'Aborigine' appeared to contradict Association policy in that Sexton felt strongly that 'half-castes' should not be included in existing protectionist legislation, the 1911 *Act*, but that there should be special legislation to help them in assimilation. Despite this, the new definition needed to be broad in order to serve the proposed *Act*, which was both protectionist (*full* Aborigines) and assimilationist (*part* Aborigines). In April 1938, he prepared a Report on Point Mcleay which advised that the Association should regain control of the station and that Association policy on the dormitory system and vocational education for Aboriginal youth and other items should be pursued.<sup>117</sup>

Earlier Sexton had advised Commissioner Hudd that the Association wanted to retain the existing Advisory Council members on the new Board because of their experience, and flattered him that his government was not responsible for the present failure in administration.<sup>118</sup> His reason for advocating the retention of Council members was to keep Duguid out, although he neither seemed to harbour resentment of his critics nor opposed other societies when they nominated Duguid following Bussell's death in 1936. However, at the time, behind the scenes he backed up Cleland's nomination of Theodore Day, ex Pastoral Board, for Bussell's vacancy.<sup>119</sup> By relinquishing the Secretaryship, Sexton appeared to fill this vacancy while acting Chief Protector Penhall was brought in as Secretary to Council.<sup>120</sup>

Cleland was clearly confused by Sexton's actions. He had written directly to the Commissioner of Public Works about appointing Sexton as secretary of the new Board



rather than a government officer, as members of Council felt that Aborigines would wish to be able to approach a person who

did not exercise direct control over them...For instance, at present natives frequently visit the Honorary Secretary of the Council, Mr Sexton, and pour out to him their complaints and so on, with the feeling that if Mr Sexton considers there is justification for such complaints he will place the matter before the proper authorities'.<sup>121</sup>

Sexton, aware of Cleland's wishes through the Commissioner, explained the reason for his retirement from government boards. He said that he had been considering it 'for some time' as 'I find it necessary to devote my time and remaining strength to the work of the Association'.<sup>122</sup> The fact that Duguid was a likely member of the new Board, and that Sexton entertained the idea of regaining Point McLeay for the Association and becoming its chief administrator, were other possible reasons for surrendering membership of the Aborigines Protection Board. However, the major reason was that governments believed that anthropologists, and not mission organisations, would provide 'solutions' to the Aboriginal 'problem'. In addition, as state governments wanted the Federal Government to take over Aboriginal affairs, a matter that had been on the agenda of Premiers' Conferences for some time, Sexton recognised that advocacy on a national level was the way of the future. As discussed in Chapter 2, Premier Playford favoured nationalisation, because of financial considerations, and Sexton was privy to his nephew's views as shown by their cooperation over the Rocket Range.

### **Nationalisation and the Board's views on missions**

The debate on nationalisation had been current since the 1907 conference of the Australasian Association for the Advancement of Science as discussed in Chapter 1. During the proceedings of the 1913 Royal Commission, the Chairman asked Reverend Bussell if he was 'familiar with the proposal to nationalise the whole of the aboriginal reserves', following Bussell's discussion of the fact that the Federal Government had granted the Roper River Mission, in the Northern Territory, the power to prohibit entry to 'all traders and others who were considered undesirable'.<sup>123</sup> Soon after, in 1920, the State Government established the North West Reserve and there was much discussion on the degree to which such reserves should be 'inviolable', a matter of particular concern for missionaries who perceived governments and scientific bodies as inimical to their requests to enter and establish missions. Sexton claimed that the Association,

because of its motion at the 1929 Conference in Melbourne for federal control of the reserves in Central Australia, so as to make one reserve of 60,000 square miles, should be given the credit for the 'three great central reserves' as well as 'other lands being allotted to northern Aborigines'.<sup>124</sup> By this somewhat misleading statement, he meant the Central Reserve, a jurisdiction of the Federal, Western Australian and South Australian governments, which was created due to the influences of many individuals and organisations.

As mentioned earlier, the Association, on relinquishing responsibilities at Point McLeay, including the deliverance of the Gospel, as this role went first to the Parkin Mission in 1923 and then to the Salvation Army in 1946, involved itself with Aboriginal people in other regions of Australia. It established a post in Alice Springs in 1922 and subsidised E.E. Kramer as itinerant missionary to the Aborigines of the Far North, to preach the Gospel and to distribute rations, implements and medicines. Kramer advised the Association on conditions for the Aborigines and, as a result, the Association at times obtained Federal Government relief. After a decade, Kramer retired because of ill health, and the Association's interests were transferred to the Finke River Mission.<sup>125</sup> Sexton stated that this, in effect, gave the Association 'an opportunity for a further advance in its programme of work for the betterment of the aborigines by freeing it from local ties and enabling it to give its full attention to the many pressing problems arising among the aborigines throughout the Commonwealth'.<sup>126</sup>

In 1942, Sexton as President of the Association asked the Aborigines Protection Board for copies of its minutes. The Board was 'willing to furnish information on matters pertaining' to Aborigines, which the Association 'may desire to consider', but not to provide the minutes.<sup>127</sup> At this time, the Association was not kept informed about State issues because Best, the mission representative on the Board, was chronically ill (he died in 1949). Although Sexton had chosen an advocacy role on behalf of the Association rather than membership of the Aborigines Protection Board, his lobbying relied on first hand information to be effective. For example, in 1942 he praised Duguid for his pamphlet on the future of the Aborigines and canvassed him for material for the Association's 'Quarterly Review'. In particular Sexton thought 'someone should answer' Croll's statement in *Wide Horizons*, that 'the price of Christ as of civilisation is

far too often death for the natives, for this view acts in some quarters as a deterrent against any support being given to Missionary effort'.<sup>128</sup>

Sexton had first published 'Quarterly Review' in late 1939 as a means to keep Association members and mission officials informed Australia wide. It was an ambitious publication with articles from well-known mission advocates and glossy photographs. Unfortunately for Sexton and his future plans, the Government demanded that the publication be reduced because of wartime paper shortages and it was soon abandoned. Notwithstanding, the penultimate issue in 1942 reported criticisms by Legislative Councillor Halleday in Parliament of the Protection Board. It is probable that Halleday was lobbied by Sexton to raise the issue of 'the Board adopting a policy of masterly inactivity', nonetheless it was inexpertly done and the timing meant that it fell on deaf ears, as government spending for anything other than the war effort was deferred.<sup>129</sup> Sexton's concern in these straightened times was the type of membership of the Board. 'For individual members have no proper support behind them to carry any new measures, whereas official representatives in consultation with their own bodies are naturally impelled to mark progress in their plans for benefiting the Aborigines'.<sup>130</sup>

As individuals, too, have alliances, Sexton's protestation related to the fact that only Best belonged to the mission network influenced by the Association (himself). He had a point, however, as missionaries had returned from abroad because of military activity in China, the Pacific and the Northern Territory, and even though funds were scarce, Christian manpower was not.

The mission revival of the 1920s had continued with further United Aborigines Mission establishments at Nepabunna (1930), Ooldea (1933) and Finnis Springs (1939). Missionaries associated with the Open Brethren Assembly had set up a mission at Port Augusta in the mid-1930s, and the Presbyterian Church, the Ernabella Mission in 1937. The United Aborigines Mission established Gerard Mission on the Murray River in 1946. The Government bought Yalata Station and the Lutherans organised a mission there for the Ooldea mission residents in 1952. Also, in the 1950s, United Aborigines Mission officers worked at Coober Pedy and Andamooka.<sup>131</sup>

It was clear that the Government was not adverse to missions. As stated previously, in 1941, the Aborigines Protection Board encouraged missions to undertake welfare work

in the city, on the stations and at reserves and in the following year, the Board agreed to control of stations by religious bodies in principle.<sup>132</sup> A major reason for the use of missions was, of course, financial. The 'Great Depression' of the 1920s and 1930s followed by the war effort meant that government spending was limited and, hence, the 'government's reliance on non-government agents to deal with Aboriginal affairs'.<sup>133</sup>

The Protection Board's initial policy on missions was that the 'religious' organisations' operation of stations was 'preferable to control exercised exclusively by the Government'.<sup>134</sup> By 1956, its policy was much more detailed as Point McLeay and Point Pearce were cast as homes for the aged and infirm and as farms 'for selected natives'.<sup>135</sup> This was in line with Association policy because Sexton's 1938 report, 'The preparation of native boys and girls for future citizenship', proposed that overcrowding at Point McLeay be rectified through vocational education schemes that ensured Aboriginal youth were employed in positions off the station.

The Board's policy document of 1956 also referred to government assistance and compliance standards. Grants would be made available to missions that were 'able to satisfactorily care' for residents but if, in the Board's opinion, missions did not provide adequately for the 'living conditions, physical welfare, health, and advancement of the aborigines', 'such Mission or institution [was] to be taken over by the Board and, if necessary, maintained and controlled by the Department'.<sup>136</sup> Now, the voluntarism of mission organisations was more rigorously evaluated and accountability for government funds given more scrutiny.

Even so, the views of Board members about mission organisation were ambiguous. On the one hand, Constance Cooke praised the self-sacrificing spirit of United Aborigines Mission officers at Nepabunna mission and Cleland, too, recognised missionaries' spirit of denial for comforts and pleasures.<sup>137</sup> Cleland also believed that the better superintendents of the government stations were those with 'decided religious tendencies ...[particularly] in connection with the half-castes'.<sup>138</sup> The underlying factor influencing Cleland's preference for missionary and not government control of Aboriginal people related to the nineteenth century ideal of self-help and voluntarism that was employed to counter expectations of a welfare state.

What must be avoided at all hazards is a feeling amongst the natives that it is up to the Government to look after them. This eventually leads to exploitation of the Government with deplorable results to the inhabitants. Every little bit of work has

to be paid for, nothing is done for the common good, the desire to render service dies out, a hopeless state of inactivity and indolence develops.<sup>139</sup>

These same notions had been articulated in his Presidential Address to the Australian and New Zealand Association for the Advancement of Science conference in 1949 when he stated that he was

convinced that sensibly run missionary establishments can best facilitate the transition from nomadism to a settled existence. Kindly and understanding Government supervision of these is essential, but an entirely Government establishment I consider undesirable as tending to lead to exploitation by its wards.<sup>140</sup>

On the other hand, Cleland thought that the administration by missionaries 'must not be narrow minded or unduly sectarian and a Government Department should certainly exercise a wise and beneficent supervision over it.'<sup>141</sup> Other contradictions in Cleland's ideas related to the maintenance of tribal culture. At times, he believed missions useful in this respect. Part and detribalised Aborigines should be encouraged to maintain corroborees and customs but, 'if these have been lost, some religious equivalent is essential to maintain interest in life. Christianity of the Salvation Army type, with a uniform, plenty of music and clapping of hands, commends itself in this connection'.<sup>142</sup> At other times, as discussed in Chapter 4, he contributed to the discourse of blaming missionaries for Aboriginal poor health. The 1958 Annual Report of the Central Board of Health stated that missionaries allowed Aborigines to maintain their own customs, that is hygiene practices, which were suited to a nomadic existence and not permanent congregational residence and as a result missions were unsanitary places.<sup>143</sup> Cleland's divergent analyses give some idea of the complexities behind the issue of mission organisation or government control.<sup>144</sup>

By the 1960s, confidence in mission organisation appeared to have diminished and the previous policy whereby the Government would lease land to missions was replaced by the notion of government provision of land and facilities, which missionaries or churches could use to evangelise resident Aboriginal people. The 1962 *Aboriginal Affairs Act*, which excluded clauses under Section 16 regarding leases to institutions for 21 years with a right of renewal if 'the lands therein described are required for and applied to the use and entirely for the benefit of aborigines', enacted this new attitude to missions by omission.

When he was no longer a member of government boards, Sexton continued to write at length on the Aboriginal 'problem', always in terms of a national issue.<sup>145</sup> He advocated citizenship as 'civic rights and privileges', including the franchise for 'natives who had become, by intelligence and character, fitted to enter into the fuller life of the nation'.<sup>146</sup> He believed that when Western Australia proclaimed the *Natives' Citizenship Rights Act* (1944), it was the first time that a government had attempted to confront this matter because the real purpose of the *Act* was 'to bring the most intelligent natives into citizenship', although only a few were 'qualified' as the Aborigines belong to 'the child races of mankind'.<sup>147</sup> Sexton's 'essentialism' was a form of paternalism and differed from anthropologists' efforts to maintain 'true' ethnicity and heredity of the Aboriginal people. Sexton perceived *all* Aborigines to be subjects in need of conversion and their 'souls' were more important than their bodies. Scientists, on the other hand, wanted to maintain the actual, essential tribal Aborigines, and were focussed on physical conservation of bodies, places and material evidence; that is, they were anti-interference.

Opinions were quite different where mixed race Aboriginal people were concerned and all parties, scientific experts, those with experience, and mission organisers were focussed on their 'improvement'. Systematic 'scientific' remedial programmes based on moral discourses were believed to be the means of improving part-Aborigines. Scientists saw this as necessarily a swift process so as to avoid a 'colour problem'; however mission organisers felt it was a deliberate and protracted process determined firstly on their partial conversion to Christian beliefs and values. Sexton believed the Western Australian citizenship *Act* would be a 'dead letter' unless vocational training was a major consideration, and that advancement required 'the influence of Christian Missions' to provide incentives. Consequently, the missions and government must have the 'closest co-operation' because while missionary work was 'endeavouring to prepare the natives...the students of anthropology [were] putting forth every effort to delay them'.<sup>148</sup> Again, Sexton doggedly misconstrued the subtleties of other activists' ideas, in this case, the anthropologists' analyses that differentiated 'full-blood', detribalised and mixed-race Aboriginal populations.

In 1947, Sexton wrote to the Minister about the proposed amendment of the *Aborigines Act* and 'the question of the future citizenship of the aborigines'.<sup>149</sup> He emphasised that

before the populations of the stations at Point McLeay and Point Pearce were reduced, that residents received industrial training otherwise this 'will end in bringing an unsolved native problem into the white community'. He also brought up the old issue of the exemption definition, stating that, 'as there are people about us who want the natives to become exempted unconditionally' by removing the terms intelligence and character from the exemption clause, regulations, 'as a guide to future members of the Board in giving exemption certificates', should emphasise 'the words intelligence, character, and training' as the 'three conditions of exemption'.<sup>150</sup> Sexton, undoubtedly, was referring to Duguid and the Aborigines Advancement League in this matter. Duguid had resigned from the Protection Board over the establishment of the Rocket Range at Woomera in April 1947.

On Duguid's resignation, Reverend Gordon Rowe, the Secretary of the Association (Sexton had been Secretary for 31 years), was appointed to the Board. Duguid while privately criticising Sexton as a 'time-server, [who] changes his opinion without turning a hair whenever it suits him', stated that Rowe was 'another retired minister, [who] said openly he was looking for an easy job with pay...although he knew absolutely nothing about aborigines'.<sup>151</sup> Duguid's descriptions are helpful in that this was the view of the Association's adversaries, the Aborigines Protection League and the Aborigines Advancement League, although, as described by long-term friend, Nancy Brumbie Barnes, Duguid was 'fiery, impulsive and committed'; he 'might protest that he had the matter in substance, while [his wife, Phyllis] held out for the most accurate recall possible'.<sup>152</sup> Probably coached by Sexton when joining the Board, Rowe wrote to the Federal Government about Section 41 of the Constitution, which guaranteed the vote in Federal elections for those who had the right to vote in state elections.<sup>153</sup>

After Sexton's death in 1954, Rowe's input into Aboriginal affairs increased; however his leadership in contrast with Sexton was negligible overall and his advocacy lacked the analysis that Sexton achieved. His early pamphlets were about Methodism and notable Aborigines. Then, in 1956, for the Australia Day address on Radio 5KA from the Central Mission, Rowe spoke on assimilation. The Board's policies by then were 'welfarist' and Rowe emphasised this and said that social assimilation was a 'long term policy'.<sup>154</sup> This was followed up by more of the same in 1957 and 1958, with addresses on Aboriginal Sunday, the Sunday after Australia Day set aside by churches to promote

Aboriginal welfare in their congregations.<sup>155</sup> Photographs of ‘success’ stories, which abetted mission promotion, were a feature of his publications.<sup>156</sup> Rowe was more forceful over Aboriginal children’s welfare. Even so, he was reluctant to criticise the United Aborigines Mission’s Colebrook Home for children when other Board members reported it as substandard (this is discussed in Chapter 10). In the last years of the Board, Rowe was frequently ill and C.J. Millar, acting Head of Department, attempted to secure his resignation so that the Board remained effective, but Rowe held on to his position.<sup>157</sup> In contrast to Rowe, the mission representative for the new board in 1962 was Congregational minister, Reverend G.W. Pope, who was a science graduate and secretary to the Upper Murray Association for Aboriginal Welfare.<sup>158</sup>

The connection between the Association and the Government over Point McLeay was still noticeable in the 1950s. For example, the unveiling of the Taplin memorial in 1950 was attended by McIntosh, Penhall and Bartlett for the Government, Cleland for the Protection Board and Rowe for the Association (see illustration figure 16). The Association published commemorative pamphlets for the centenary of the establishment of Point McLeay in 1959—Reverend Rowe’s piece on missionary service and Aborigines Department Head, Bartlett’s ‘brief history’.<sup>159</sup> Even at this late date, the Association maintained the appearance of binding ties between itself and government. However, in the 1960s, the Government would successively take over missions and, as Le Sueur stated in 1970, the older voluntary organisations, the Association, Aborigines Advancement League and United Aborigines Mission, would not ‘become a vehicle for Aboriginal thought and demands’.<sup>160</sup>

## Conclusion

In the 1960s, after a decade of government ‘welfarist’ policies, many missionaries felt they had been criticised unfairly given they were ‘the first people courageous enough to reach out to the Aboriginal people’.<sup>161</sup> Hansen, Executive Secretary of the Board of Aborigines’ Missions, Lutheran Church of Australia, disputed the paternalism charge so often ‘levelled’ at missions, condemned the ‘miserly, inadequate’ financial assistance given by government, and asked why ‘several missions, once the pride and joy of the Church’ were ‘now government reserves’.<sup>162</sup> He questioned the takeover of Koonibba in 1963, and quoted former Mission Superintendent, Reverend C.V. Eckermann, who said that the Aborigines now lacked morale because ‘[a]ll that they have to make the place



tick is discipline, and rules based on reason. Spiritual motivation is a tool just not in their kit'.<sup>163</sup>

The Australian Council of Churches had warned missionaries that some governments did not acknowledge Aboriginal rights. Hence, Hansen urged churches to get written guarantees that were binding before they handed over missions because they could not rely on 'gentlemen's agreements in...dealings with governments'.<sup>164</sup> He believed that government was unable to solve the problem of providing employment and that it should form a partnership with private enterprise—in other words, that 'people experienced in Aboriginal welfare' should 'counter the effects of bureaucratic controls', because private enterprise 'in welfare as in education can play a vital role and protect the community from the effects of a giant colossus imposing its will on the people regardless of consequences'.<sup>165</sup> Hansen alluded to Thomas Hobbes' *Leviathan*, and the argument for absolute obedience by free individuals to a sovereign power, namely the social contract, to ensure security at the expense of civil rights. He repudiated these ideas with the statement:

The church will continue to exercise its missionary function with due regard for the powers that be, but in the sure conviction that it must first fear God, then honour the Queen. The law may be a powerful force for human rights, but it cannot be truly effective without the staying power of the human spirit. And there is no more effective agency for motivating right and proper conduct than the Church.<sup>166</sup>

On the Aborigines Protection Board's demise, the Aborigines Department was geared for government takeover of missions but was not adverse to Church influence and welfare should Aboriginal people be in agreement. The last decades of the twentieth century revealed, however, that the mission presence that prevailed before 1962 had indeed diminished considerably, but this, it could be argued, had more to do with the trend towards temporal rather than spiritual interest in society as a whole, than with Aboriginal affairs.

- <sup>1</sup> W. H Marcus (1876) *South Australia: its history, resources, and productions*. London: Sampson, Low, Marston, Searle, & Rivington, p. 34.
- <sup>2</sup> I. Hunter, 'Uncivil society: liberal government and the deconfessionalisation of politics' in M. Dean and B. Hindess (eds.)(1998) *Op.cit*, p. 243. Hunter refers to M. Foucault 'Omnes et singulatim: towards a criticism of "Political Reason"' in S. McMurrin (ed.) *The Tanner Lectures on Human Values*, vol. II, Salt Lake City: University of Utah Press, pp. 225-254.
- <sup>3</sup> Dean (1999) *Op.cit*, p. 96. Dean states that 'the ideal of the welfare state' is a phase of modernity, pp. 150-151.
- <sup>4</sup> C. Gordon, 'Governmental rationality: an introduction' in G. Burchell, C. Gordon and P. Miller (eds.)(1991) *The Foucault Effect: Studies in Governmentality*. London: Harvester/Wheatsheaf, pp. 8-10 and Dean (1999) *Op.cit*, p. 84.
- <sup>5</sup> D.T. Andrew (1989) *Philanthropy and police: London charity in the eighteenth century*. New Jersey: Princeton University Press, p. 6.
- <sup>6</sup> *Ibid*, p. 7.
- <sup>7</sup> Dean (1999) *Op.cit*, p. 75.
- <sup>8</sup> Goldstein *Op.cit*, p. 176. Goldstein cites M. Foucault 'The subject and power', *Critical Inquiry*, 8 (1982), pp. 782-784.
- <sup>9</sup> H Marcus *Op.cit*, p. 34.
- <sup>10</sup> Markus (1982) *Op.cit*, p. 85. Disinterest in the mission organisers' discourses relates to the fact that government strategically ignored them from the 1930s and sought out 'anthropological solutions' to the Aboriginal 'problem'.
- <sup>11</sup> Cleland (1960) *Op.cit*, p. 28.
- <sup>12</sup> H.K. Fry, 'The problem of the Aborigines: Australian policy, in retrospect and prospect' in *The Australian Rhodes Review*, 2, 1936, pp. 40-41.
- <sup>13</sup> *Ibid*, p. 41.
- <sup>14</sup> N. Thomas (1994) *Colonialism's culture: anthropology, travel and government*. Melbourne University Press, p. 190.
- <sup>15</sup> J. Woolmington, 'The civilisation/christianisation debate and the Australian Aborigines' in *Aboriginal History*, 10:2, 1986, p. 90.
- <sup>16</sup> Prakash *Op.cit*, p. 47.
- <sup>17</sup> *Ibid*, p. 13.
- <sup>18</sup> *Ibid*.
- <sup>19</sup> *Ibid*.
- <sup>20</sup> P. Stretton and C. Finnimore, 'Black fellow citizens: Aborigines and the Commonwealth franchise' in *Australian Historical Studies*, 25: 101, 1993, pp. 522, 530-531 and 533. Also, T. Clarke and B. Galligan *Op.cit*, p. 541. South Australian Aborigines were eligible for the State and Federal franchise but were not encouraged to participate by electoral officials. The electoral rolls excluded most Aboriginal people because the rolls had a connection with Census canvasses in that electoral claims cards were distributed at the same time. As Federal legislation excluded Aborigines from the Census until the 1967 Referendum overturned this discriminatory practice (although some Census officials did count Aborigines in some areas), this confused officials in the field concerning Aborigines' eligibility to vote.
- <sup>21</sup> Cleland Papers UASC *Op.cit*, Report on 'The Aborigines and law' (n.d. but written in the period when Penhall was Head of Department, 1940-1954).
- <sup>22</sup> *Ibid*, Report dated 11 November 1937.
- <sup>23</sup> Hunt *Op.cit*, p. 181.
- <sup>24</sup> Attwood and Markus *Op.cit*, pp. 115-116. Unaipon's letter published in *Age* 18 January 1938. 'Day of Mourning. Aborigines not in sympathy' (on occasion of Aboriginal protests against the 150<sup>th</sup> anniversary of Australian settlement by the British).
- <sup>25</sup> C. Raynes (2002) *'A little flour and a few blankets': an administrative history of Aboriginal affairs in South Australia, 1834-2000*. Adelaide: Department for Administrative and Information Services (State Records), p. 8. William Nation to Fisher, Resident Commissioner, 11 June 1838, GRG 35/211/1. Nation was temporary Protector at Moorunde in the absence of E.J. Eyre, p. 71.
- <sup>26</sup> W.E. Unrau, 'An international perspective on American Indian Policy: the South Australian Protector and Aborigines Protection Society' in *Pacific Historical Review*, 45:4, 1976, pp. 523-524.
- <sup>27</sup> *Ibid*, p. 538.
- <sup>28</sup> Right Rev. Bishop Hale (n.d.) *The Aborigines of Australia, being an account of the institution for their education at Poonindie, in South Australia*. London: Society for Promoting Christian Knowledge, pp. 4-6. Hale wrote his account in 1889.

<sup>29</sup> Hale *Ibid*, Appendix C p. 91. A visitor to Poonindie in the 1870s described it as an 'arcadia'. His letter was published in *The Melbourne Missionary*. Walsh *Op.cit*, pp. 158-161.

<sup>30</sup> Walsh *Ibid*, p. 82. SAPP Report No. 193, 1856, p. 7.

<sup>31</sup> Walsh *Ibid*, pp. 97-98.

<sup>32</sup> *Ibid*, pp. 102-103.

<sup>33</sup> SAPP Report of the Select Committee of the Legislative Council on 'The Aborigines', No. 165, 1860, p. 6.

<sup>34</sup> Walsh *Op.cit*, p. 114.

<sup>35</sup> Brock and Kartinyeri identify that 'Poonindie's productivity was related to the farming methods used'. The methods and equipment suited the Institute's large holdings, which included 'marginal agricultural and pastoral land'. Once the land was divided into working men's blocks, it was found that many holdings were unable to support a family. P. Brock and D. Kartinyeri (1989) *Poonindie: the rise and destruction of an Aboriginal agricultural community*. Netley: Aboriginal Heritage Branch, Department of Environment and Planning and South Australian Government Printer, pp. 68-70. See Chapter 9 for discussion on late nineteenth century Fabian 'socialist' ideals about distribution of land that resulted in working men's blocks and utopian Village Settlements.

<sup>36</sup> *Crown Lands Consolidation Act, 1877*, Pt VI (90).

<sup>37</sup> Walsh *Op.cit*, p. 161.

<sup>38</sup> *Ibid*, p. 143. In about 1890/92, the Aborigines Department (SA and NT) became attached to the portfolio of the Minister for Education (and Agriculture) and the Northern Territory.

<sup>39</sup> S. Thorne (1999) *Congregational missions and the making of an imperial culture in nineteenth-century England*. Stanford, California: Stanford University Press, p. 17.

<sup>40</sup> *Ibid*, p. 157.

<sup>41</sup> Short (Appendix D) in Hale *Op.cit*, p. 97.

<sup>42</sup> *Ibid*, p. 100. Emphasis in the original.

<sup>43</sup> *Science of Man* was edited by Alan Carroll who was 'on the fringes of the scientific establishment', R. McGregor (1993) *Op.cit*, p. 52. The 1890s have been described as 'a moribund limbo in all cultural values...given over to the skull-duggery of politicians, to bucolics plucking the wool off sheep, to a press with an intellectual status little above that of the *Bogwallah Banner*, edited mainly by parsons, and to the domination of all moral, social, aesthetic, and intellectual values by a virulent mob of wowsers, extracted from English Nonconformists, Scotch Presbyterians and Irish Catholics — all this plus a lingering flavour of the convict system' in Norman Lindsay (1980) *Bohemians at the Bulletin*. 1<sup>st</sup> Pub. 1965, Sydney: Angus & Robertson, pp. 120-121. *Lone Hand* was first published in 1907 and *Bulletin* lampooned Aborigines' civility in the 1910s.

<sup>44</sup> Thorne *Op.cit*, p. 122.

<sup>45</sup> B. Hymans et al (1988) *Learning and other things: sources for a social history of education in South Australia*. Netley: SA Government Printer, p. 42. Cited from SAPD, Treasurer in debate on the 1861 Education Act Amendment Bill, cols. 133-136.

<sup>46</sup> H Marcus *Op.cit*, p. 135.

<sup>47</sup> *Ibid*, p. 338.

<sup>48</sup> See the following authors for histories about individual missions: P. Brock (1993) *Outback ghettos: a history of Aboriginal institutionalisation and survival*. Melbourne: Cambridge University Press (Poonindie, Koonibba and Nepabunna), Jenkin (1979) *Op.cit*. (Point McLeay), Stevens *Op.cit*. (Kopperamanna and Killalpaninna) and Cato (1993) *Op.cit*. (Manunka).

<sup>49</sup> SAPP Progress Report of Royal Commission on the Aborigines, No. 26, 1913, p. vi.

<sup>50</sup> W.R. Bury (1964) *The foundation of the Point McLeay Aboriginal Mission*. Thesis, University of Adelaide, p. 31. Citation from the 1860 Aborigines Friends Association Annual Report.

<sup>51</sup> *Ibid*, p. 26.

<sup>52</sup> *Ibid*, p. 23.

<sup>53</sup> SAPP Report of the Select Committee of the Legislative Council on 'The Aborigines', No. 165, 1860, p. 6.

<sup>54</sup> *Ibid*.

<sup>55</sup> Bury *Op.cit*, pp. 83-87. The members of the Select Committee were John Baker, pastoralist; George Angas, pastoralist, merchant and banker; Samuel Davenport, pastoralist, viticulturalist and horticulturalist; George Hall, merchant and pastoralist and G.M. Waterhouse, merchant.

<sup>56</sup> German born Lutheran missionaries C.W. Schürmann (1815-1893) and C. Teichelmann both arrived in South Australia in 1838. They taught in Aboriginal languages and translated religious texts into Aboriginal languages. Schürmann went to Victoria in 1853. R. Amery, 'Clamor Wilhelm Schürmann' in *The Wakefield Companion to South Australian History, Op. cit*, pp. 478-479.

<sup>57</sup> Killalpaninna (1866) and Koonibba (1901) were both administered by Evangelical Lutherans but from different synods. For the complex history of Lutheran synods in South Australia see Stevens *Op.cit.* Killalpaninna ceased as a mission in 1915 and was leased as a pastoral station. Kopperamanna (established by the Moravians of the Mission Society of the Brethren in Europe, Victorian based, in 1866) was taken over by the Killalpaninna Lutherans in 1868. Hermannsburg, established by Lutheran Pastor Kempe in 1886, was no longer a State responsibility since the NT was taken over by the Federal Government in 1910.

<sup>58</sup> Jenkin (1995) *Op.cit.*, p. 259. Citation from Aborigines Friends Association Minute Book V, 22 October 1912.

<sup>59</sup> S. Burnard (1961) *Government policy and Aboriginal mission stations, South Australia 1900-1920*. Thesis, University of Adelaide, p. 33.

<sup>60</sup> SAPP Minutes of Evidence of the Aborigines Royal Commission, No. 26, 1913, p. 60.

<sup>61</sup> Healey *Op.cit.*, Ros Paterson, "Captain" Henry Richard Hancock (1836-1919) Mine superintendent', p. 52. His son H. Lipson Hancock was also mine superintendent and wrote numerous pamphlets about Methodist Sunday School work.

<sup>62</sup> Mill *Op.cit.*, pp. 198-201.

<sup>63</sup> SAPP Minutes of Evidence *Op.cit.*, p. 3.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*, p. 4.

<sup>66</sup> *Ibid.*, p. 8.

<sup>67</sup> *Ibid.*, p. 23.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*, p. 25.

<sup>70</sup> *Ibid.*, p. 23.

<sup>71</sup> *Ibid.*, p. 25.

<sup>72</sup> *Ibid.*, p. 53.

<sup>73</sup> *Ibid.*, p. 52.

<sup>74</sup> *Ibid.*, p. 53. Fleming was the first President of the Adelaide Central Mission.

<sup>75</sup> *Ibid.*, p. 54.

<sup>76</sup> *Ibid.*, p. 52.

<sup>77</sup> *Ibid.*, p. 54.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*, p. 55.

<sup>80</sup> *Advertiser* 20 February 1918.

<sup>81</sup> *Advertiser* 22 February 1918.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Advertiser* 20 January 1914.

<sup>84</sup> Burnard *Op.cit.*, p. 208 citing Bourne (Maitland January 21<sup>st</sup>), *Advertiser* January 1914.

<sup>85</sup> SAPD 7 November 1917, p. 1063. Ultimately, the Government did not concern itself with the takeover of the remote missions even though the Royal Commission had investigated Koonibba and Killalpaninna. A Bill for the acquisition of Koonibba went to the House of Assembly in 1916 where it lapsed and then, in 1917, it was reintroduced but lapsed this time in the Legislative Council. The Lutherans had their own problems during this period because of anti-German sentiment due to the War. Also, both missions were adversely affected by their remote situations as well as by natural forces like drought.

<sup>86</sup> Mortlock SRG 139/1 Aborigines Friends Association 342/35 Statement (1 August 1935) by Archdeacon Bussell about the October 1917 meeting of the Government minister and Aborigines Friends Association members.

<sup>87</sup> Burnard *Op.cit.*, p. 191.

<sup>88</sup> Andrew *Op.cit.*, pp. 201-202.

<sup>89</sup> Mortlock SRG 139/1/400 Report by J.H. Sexton 'The origin of the Board', n.d. for official use and not publicity, pp.6-7 and p. 9.

<sup>90</sup> *Ibi*, pp. 6-7.

<sup>91</sup> *Ibid.*, pp. 7-8.

<sup>92</sup> SRSA GRG 52/12 Minutes of Advisory Council 1 April 1936.

<sup>93</sup> *Op.cit.*, Mortlock SRG 139/1/400, p. 8.

<sup>94</sup> Suzanne Edgar, 'John Henry Sexton (1863-1954) Baptist clergyman', *ADB* Vol. 11, p. 571.

<sup>95</sup> Cleland Collection, SAMA AA60, Cleland to C.L.A. Abbott, Minister for Home Affairs, Canberra 26 August 1929.

<sup>96</sup> Commonwealth of Australia (1937) 'Aboriginal welfare' Initial Conference *Op.cit.*, p. 29.

<sup>97</sup> Hale *Op.cit.*, p. 70. Emphasis is mine.

<sup>98</sup> SRSA GRG 52/12 Advisory Council Minutes 14 July 1925, 7 December 1925 and 4 March 1929.

<sup>99</sup> A.E. Gerard (n.d.) *History of the UAM*. Adelaide: Hunkin, Ellis and King, p. 13. (Written in 1945.)

<sup>100</sup> Jennison conducted a mission at Elcho Island in the NT between 1921 and 1923. The mission was forced to close when the Government commandeered the site for oil drilling. Jennison first recommended the establishment of a mission in the Musgrave Ranges in 1925.

<sup>101</sup> Mortlock SRG 139/1/65 1925 Colonel Genders Model Black State. Sexton advised the Secretary of the Home and Territories Department that Captain White and Dr Basedow appeared interested in Genders' scheme.

<sup>102</sup> See K. Blackburn (1999) 'White agitation for an Aboriginal state in Australia (1925-1929)' in *Australian Journal of Politics and History*, 45:2, 1999, pp. 157-180.

<sup>103</sup> Gerard *Op.cit.* The United Aborigines Mission (of Australia) established La Perouse Mission, Sydney in 1894. The Australian Aborigines Mission and the Gospel Mission united to become the United Aborigines Mission in South Australia. The organisations were interdenominational.

<sup>104</sup> *Daylight* 31 January 1928, p. 283. Genders stated that, as reported in the Federal Hansard, the Advisory Council actually supported a Federal Council of three representatives per state and a chairman. J.C. Genders (n.d.) *Australian Aborigines*, (written in 1929) *Op.cit.*

<sup>105</sup> J.C. Genders, Report to the Aborigines Protection League State Executive, 26 June 1929 *Op.cit.*

<sup>106</sup> McGregor (1997) *Op.cit.*, pp. 130-131.

<sup>107</sup> J.H. Sexton *A new policy reviewed*. Adelaide: AFA attached to J.H. Sexton (1934) *The Aborigines: a Commonwealth problem and responsibility*. Adelaide: Hunkin, Ellis and King.

<sup>108</sup> *Ibid.*

<sup>109</sup> The Victoria District in the South East was a region of the State with which Sexton was very familiar.

<sup>110</sup> Clarke and Galligan *Op.cit.*, p. 541. The authors describe both Sexton and A.P. Elkin in these words.

<sup>111</sup> At a meeting of the Commonwealth Council of the British and Foreign Bible Society (BFBS) in Melbourne in 1926, it was decided that, as a result of Sexton's report, scripture should be made accessible for both Aboriginal and white people in Central Australia. That is, the SA Auxiliary of the BFBS to arrange for a Bible Society depot at Alice Springs and 'from that centre to undertake colportage work throughout the Territory'. The Aborigines were supplied with gospels in Aranda language. *Advertiser* 5 April 1926.

<sup>112</sup> *Advertiser* 20 December 1946. Gordon Rowe's letter to the Editor about the Aborigines Friends Association's influential work.

<sup>113</sup> Mortlock SRG 139/1 Aborigines Friends Association 342/35, Aborigines Friends Association Secretary to Hudd 1 August 1935.

<sup>114</sup> Mortlock SRG 139/1 Aborigines Friends Association 356, Board in the Protection of Aborigines.

<sup>115</sup> SRSA GRG 52/13 Advisory Council Research Committee (November 1937–August 1938) Meeting of 25 November 1937.

<sup>116</sup> *Ibid* GRG 52/13 Advisory Council Research Committee meeting of 17 March 1938.

<sup>117</sup> J.H. Sexton (1935) *Legislation governing the Australian Aborigines*. Adelaide: Aborigines Friends Association 2<sup>nd</sup> Ed. Recommendation 3.

<sup>118</sup> Mortlock SRG 139/1/343 Appointment of Board of Government of Aborigines, letter 26 October 1936, Hon Secretary to Hudd, Commissioner of Public Works.

<sup>119</sup> Cleland Collection, SAMA AA60, Sexton to Cleland, letter dated 20 January 1937. Day was the ex-Surveyor General. There was a precedent for this nomination in that Edwin Mitchell Smith, Chairman of the Council from 1923 to 1929, was a former Surveyor General (he was also a Companion of the Imperial Service Order).

<sup>120</sup> In effect, McLean, Chief Protector, filled Bussell's vacancy from 5 July 1937 until he transferred to the Lands Department in August 1938 because of stress related ill health.

<sup>121</sup> Cleland Collection *Op.cit.* Cleland to Commissioner of Public Works, letter dated 13 July 1936.

<sup>122</sup> *Ibid*, Sexton to Cleland, letter of 22 March 1937. Sexton was a busy philanthropist as he was also President of the Adelaide City Mission (for the 25 years preceding his death in 1954) where he 'nurtured' the Mission's finances on a 'sound basis'. E. Ingham (ed.)(1967) *The history of the Adelaide City Mission: compiled and produced to celebrate its centenary 1867-1967*. Adelaide: Adelaide City Mission, p. 16.

<sup>123</sup> SAPP 1913 Royal Commission, *Op.cit.*, p. 55.

<sup>124</sup> J.H. Sexton (1944) *Australian Aborigines*. Adelaide: Hunkin, Ellis and King, p. 75, and *Advertiser* 15 April 1929. Gordon Rowe also promoted this claim in a letter to the Editor, *Advertiser* 20 December 1946.

<sup>125</sup> Hermannsburg was called Finke River Mission at times. Note: Ernest Kramer and his wife were independent missionaries. In 1928, Kramer and Dr J.H. Edgar, Fellow of the Royal Geographic Society and a member of the China Inland Mission, looked into conditions, on behalf of the Aborigines Friends Association, in the North West Reserve (*Daylight* 30 June 1928). Kramer had also assisted the Board for Anthropological Research during its 1931 Cockatoo Creek expedition. He was a contributor to the SA Museum of artefacts and information on Aborigines and natural history.

<sup>126</sup> Sexton (1944) *Op.cit.*, p. 11.

<sup>127</sup> SRSA GRG 52/16 Aborigines Protection Board Minutes, 17 June 1942.

<sup>128</sup> NLA Duguid Papers MS 5068, letter from Sexton to Duguid dated 25 February 1942. R.H. Croll (1937) *Wide Horizons: wanderings in Central Australia*. Sydney: Angus & Robertson and C. Duguid (1941) *The future of the Aborigines of Australia*, Adelaide. In response, Duguid provided the essay 'Ought we to take Christianity to the Aborigines?' for the Aborigines Friends Association's 'Quarterly Review' (June 1942).

<sup>129</sup> *The Aborigines Friends Association Quarterly Review*, September 1942, p. 17.

<sup>130</sup> *Ibid.* Edgar notes in *ADB*, Vol. 11, p. 571, that Sexton 'loved literature and read proofs for Hunkin, Ellis & King who printed much of his writing'. Sexton envisaged the *Quarterly Review* as the vehicle for the dispersion of missionary information nationally. I suggest that Sexton wanted to devote his time towards this goal and for that reason he did not seek Aborigines Protection Board membership.

<sup>131</sup> For information on individual missions, see C. Duguid (1963) *No dying race* and (1972) *Doctor and the Aborigines*. Adelaide: Rigby; Hilliard *Op.cit.*; M. Moisseff (1999) *An Aboriginal village in South Australia: a snapshot of Davenport*. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies; P. Fitzgerald (1971) *A study of Gerard Aboriginal Reserve community*. Thesis, University of Adelaide; and chapters in T. Swain and D. Bird Rose (eds.) (1988) *Aboriginal Australians and Christian Missions: ethnographic and historical studies*. Bedford Park, SA: Australian Association for the Study of Religions by M. Brady and K. Palmer 'Dependency and assertiveness: three waves of Christianity among Pitjantjatjara people at Ooldea and Yalata' and P. Brock 'The missionary factor in Adnyamathanha history'.

<sup>132</sup> SRSA GRG 52/16 Aborigines Protection Board Minutes, 10 December 1941 and 14 October 1942 Docket 43/1941, *Op.cit.*, Chapter 5, p. 217, and Minutes 28 January 1942 Docket 84/1941.

<sup>133</sup> J. Larbalestier "For the betterment of these people": the Bleakley Report and Aboriginal workers' in *Social Analysis*, 24, December 1988, p. 19. Larbalestier describes the Government's relationship with pastoralists as a *modus vivendi* that benefited both parties and, at times, the Aborigines. The relationship with missionaries was not based on economics and therefore does not fit this model.

<sup>134</sup> SRSA GRG 52/1/182/62 Statement of Policy 1940 item 9(a).

<sup>135</sup> *Ibid* GRG 52/1/182/62 Statement of Policy 18 May 1956.

<sup>136</sup> *Ibid.* Items 9(a) and 9(b).

<sup>137</sup> UASC Cleland Papers, Constance Cooke's report on her visit to Nepabunna, 3 June 1939, and Cleland's paper to Australian Board of Missions Summer School 5 January 1952, 'Our natives—who are our natives and where did they come from?'

<sup>138</sup> *Ibid.* Cleland to Elkin letter of 16 December 1938.

<sup>139</sup> *Ibid.* Cleland's paper to Australian Board of Missions Summer School 5 January 1952, p. 9.

<sup>140</sup> J.B. Cleland 'The Australian Aboriginal: the significance of his Past, the Present, His Future' in Australian and New Zealand Association for the Advancement of Science, Volume XXVII, Report of the 27<sup>th</sup> meeting in Hobart 1949, p. 76.

<sup>141</sup> UASC Cleland Papers, Cleland's paper to Australian Board of Missions Summer School 5 January 1952.

<sup>142</sup> *Ibid.* Cleland's paper to Royal Anthropology Institute, London, 11 November 1937, 'Some aspects of the problem of the Australian aboriginal and his descendants in South Australia'.

<sup>143</sup> SAPP No. 57 Central Board of Health Annual Report year ended 31 December 1958. Report by District Medical Officer for Northern and Western Districts. Cleland was a member of the Board from 1934 to 1968.

<sup>144</sup> Rowse (1998) *Op.cit.*, p. 211 and pp. 33-34. Rowse believes that Cleland's arguments did not allow for the fact that tribal Aborigines migrated from reserves looking for rations because of drought. His ideas 'straddled' two ways of interpreting policy for tribal people, leave them alone or encourage their assimilation once they were 'detrribalised'. The reason for his arguments was that he merged the distinctions of heredity, 'full-blood' or 'half-caste', with culture, 'tribalised' or 'detrribalised'.

<sup>145</sup> Clarke and Galligan *Op.cit.*, p. 541.

<sup>146</sup> J.H. Sexton (1946) *Bringing the aborigines into citizenship: how Western Australia is dealing with the problem*. Adelaide: Hunkin, Ellis and King.

<sup>147</sup> *Ibid.*

<sup>148</sup> *Ibid.*

<sup>149</sup> SRSA GRG 52/1/66/1947 Sexton to McIntosh, 20 August 1947. See Biskup *Op.cit* re WA Act, pp. 206-208.

<sup>150</sup> *Ibid.*

<sup>151</sup> Mortlock PRG 387 Duguid Papers. Duguid to Professor Oliphant 18 November 1946, a letter about the Aborigines Friends Association. Duguid was referring to the fact that Rowe received emolument as Secretary of the Aborigines Friends Association.

<sup>152</sup> N. Barnes (2000) *Munyi's daughter: a spirited Brumby*. Henley Beach, SA: Seaview Press, p. 68.

<sup>153</sup> Stretton and Finnimore *Op.cit*, p. 533.

<sup>154</sup> G. Rowe (1956) *How can the Aborigines be assimilated?* (1957) *What can we do toward the assimilation of the Aborigines*, (1958) *Advance towards assimilation*, (1951) *Methodism on the copper mines of Yorke Peninsula* and (1954) *Is citizenship for Aborigines becoming a reality*.

<sup>155</sup> Aboriginal Sunday was the idea of the National Missionary Council of Australia, which wanted the concept adopted by all churches—undenominationalism. It seems that the first Aboriginal Sunday was Sunday, 28 January 1940.

<sup>156</sup> G. Rowe (1954) *Australian Aborigines who have made good* and (1956) *Sketches of outstanding Aborigines*. Adelaide: AFA

<sup>157</sup> Early in 1962 Millar recommended Professor Abbie as a Board member because of Rowe's declining health and his residency at Aldersgate Central Mission Home for the Aged. Millar wrote to Rowe that the Government would not 'impose' on him but Rowe wanted reappointment as his health had improved. It is apparent that Millar saw the necessity for effective Board membership.

<sup>158</sup> Reverend Pope was secretary to the Upper Murray Association for Aboriginal Welfare Incorporated from 1959.

<sup>159</sup> G. Rowe (1959) *A century of service to the Aborigines at Point McLeay, SA*. Adelaide: Aborigines Friends Association and C.E. Bartlett (1959) *A brief history of the Point McLeay Reserve and District*. Adelaide: Aborigines Friends Association. Bartlett praised the Aborigines Friends Association as it 'has, I think, been of great benefit to the aborigines' but declared the Aborigines Advancement League as 'extremist and thoroughly incompetent to make any judgement of aborigines whatever'. He also thought the missions to be 'far from satisfactory but at least the teachers are trained at Koonibba and Ernabella. 'I do not think that there is any doubt that the United Aborigines Mission Inc. still foster the complete break down of tribal life'. SRSA GRG 52/1/73/1957 Bartlett to P.E. Felton, Aborigines Welfare Board, Victoria, 'in confidence', letter October 1958.

<sup>160</sup> E. LeSueur 'Aboriginal assimilation: an evaluation of some ambiguities in policy and services' in *The Australian Journal of Social Work*, 23, 2, June 1970, p. 10. LeSueur was the trained social worker for the Council of Aboriginal Women of South Australia Inc.

<sup>161</sup> E.E. Hansen 'The Christian Church and Aboriginal Welfare', conference at University of Adelaide June 1969, published as *The Aborigines of South Australia: their background and future prospects*. Adelaide: Department of Adult Education, University of Adelaide, p. 44.

<sup>162</sup> *Ibid*, pp. 44-46.

<sup>163</sup> *Ibid*, p. 47.

<sup>164</sup> *Ibid*, quoting Division of Missions of Australian Council of Churches, November 1967, p. 46.

<sup>165</sup> *Ibid*, pp. 52-53.

<sup>166</sup> *Ibid*, p. 53.

---

## *Agricultural expertise: regulating Village Settlements*

Monsieur Derozerays then rose and embarked upon another speech...It was less concerned to praise the acts of government, and gave greater consideration to questions of religion and of agriculture. It brought out the connexion between the two, and showed how, at all periods, they had worked together in the development of civilization.

*Flaubert (1857)*<sup>1</sup>

The previous chapter revealed that the difference in the mentalities and practices of rule of secular institutions, dominated by 'scientific' experts rather than those with just experience, and those of religious organisations was not 'as great as [their] portrayal of themselves has made them appear to be' because they both aimed for social order through the application of norms of good behaviour (page 307). The point of their departure in ideas about Aboriginal people was that, as a rule, religious organisers, although paternalistic, often referring to adult Aborigines as children, believed in their civil rights and their souls and sought to educate them so that they became model Christian citizens. Scientists, however, were essentialist in that they viewed part-Aborigines as not 'true' Aborigines and they wanted to preserve 'full-blood' Aborigines who they thought were not inherently able to live in European civilisation other than on its margins. They perceived mixed race Aborigines as remedial bodies, like the 'feckless', 'submerged tenth' of the white population, who, if they were to function at all, were in need of improvement through social engineering.<sup>2</sup> The notion of improvement was 'drawn from an evolutionist understanding of human populations'.<sup>3</sup> Nonetheless, at times, both groups for the sake of pragmatic and facilitative governance blurred the lines of the categories they created, in order that government regulations could replicate 'the patterns of values and expectations and hence the forms of conduct that are held to obtain in civil society'.<sup>4</sup>



Agriculturists who were graduates of Roseworthy Agricultural College, which was established to instigate scientific reforms to agricultural practice, were Aborigines Protection Board members.<sup>5</sup> On appointment, in 1940 and 1956 respectively, Len Cook and A.J.K. Walker were Senior Agronomists with the Department of Agriculture, in the Second Division of the Public Service; namely, they were from the top echelons of government agricultural specialists. Appointments of agricultural experts to the Board indicated that there was an aspect of compliance with the recommendation of the Royal Commission on Aborigines (1913) for the Director of Agriculture to be a member of the Commission's proposed board. Also, the New South Wales Government was thinking along the same lines, as its 1940 Aborigines Welfare Board required an agricultural expert as a member.

At one level, there were senior agriculturists formulating policy on Aboriginal governance and at another, there were many low-ranking experts on land usage inspecting Aboriginal reserves and institutions. From early white settlement, minor officials like Crown Land Rangers and Agriculture Department Inspectors of Stock developed land throughout the State by regulating water, noxious weeds, animal diseases, fencing, vermin and so on. As identified in Chapter 2, the disposal and settlement of land were the most important government issues.<sup>6</sup> It was, therefore, in context for senior agriculturists to be Board members. Land usage was a vital part of governance and there was little respect for those who failed to improve holdings according to the prevailing concepts of farm management and animal husbandry. As Williams describes, 'one of the clearest statements of the agrarian ideal' was made in 1877 during parliamentary debate on land settlement:

that the country would be...covered with smiling homesteads and prosperous farms...and that the land would be held by a numerous population enjoying that state of existence described in the Scriptures as neither poverty nor riches, the soil being held and tilled by a yeomanry, who would be a moral, religious, upright community spreading happiness around them.<sup>7</sup>

The discourse on the importance of farming to civilisation created a value system that equated farmers with good Christians and responsible citizens (see illustration figure 19 Poonindie Institute and the link between Church and agriculture). Few Aborigines were perceived to fit the stereotypes created by the agrarian ideal. Aboriginal people were not compensated for their property on colonisation and the pretext was that their land management was not utilitarian which, according to Locke, meant they lacked

sovereignty. Rather, the Colonial Office aimed to make Aborigines independent farmers of smallholdings, but only after an extended period of training as farm labourers. The Governor's instructions to the Protector in 1837 articulated this policy. As shown in the previous chapter, some Aboriginal people proved themselves as farmers when given the opportunity at Poonindie, as well as at the institutions of Point Pearce and Point McLeay.

Government demarcated the lines of authority on missions. For instance, the 1860 Select Committee Report stipulated that the Farm Overseer at Poonindie was to be paid by government which indicated that, although the arcadian village might appear to be the result of Christian church influence, the agrarian practice was secular, to be assured through government funds and policy. It is worthwhile considering the lines of demarcation throughout the chapter because 'science' or systematic scientific governance of self-regulating citizens was used to pursue the agrarian ideal, but contradictorily the ideal was only possible if Aboriginal people on Village Settlements were regulated according to norms of good behaviour, which were those behaviours assumed to be Christian-like.

Such regulation of norms of good behaviour emphasised civic improvement and has been called 'police' from the term 'to polish'.<sup>8</sup> As argued earlier, 'police' has aspects of pastoral power, in Foucault's words the 'shepherd-flock' model, rather than liberalism's mentalities and practices of rule.<sup>9</sup> More specifically, 'police' can be seen as referring to a 'problem space...formed by the desire to prevent urban disorder and incivility'.<sup>10</sup> This leads Valverde to argue that, as what is being investigated, 'is a field of governance, not a theory or a mentality', 'police projects can use both liberal and illiberal mechanisms'.<sup>11</sup> It is helpful to view the Aboriginal mission and government settlements, as well as the small reserves, as 'problem spaces' thought to be in need of improvement through a range of governing techniques. As we shall see, by regarding Aboriginal institutions as subject to both liberal and non-liberal governing mechanisms, the inconsistencies in the discourses of scientists and religious organisers can often be reconciled.

In this chapter, perceptions about norms of good behaviour at Aboriginal Village Settlements are examined first. This is offset next by looking at responses by government to Aboriginal people who were leaving settlements to establish themselves

in fringe camps, country towns and Adelaide itself. By contrast, as sketched in the third section of the chapter, governance of Aborigines on remote pastoral stations and inviolable reserves, land not suited for governmental policy of smallholdings, means considering the effects of pastoralism rather than agriculture on Aboriginal populations. Finally, the chapter ends with the demise of the use of agricultural expertise as demonstrated through an analysis of the depopulation of Village Settlements.

### **Village Settlements and Aboriginal yeoman farmers**

A discussion on Village Settlements explains that government interventions at institutions and reserves for Aboriginal people often related to the perception that Aborigines, particularly part-Aborigines, were a sub-population that was idle, lacking training, and of inferior intelligence. Other perceptions prevailed also, so that it was thought that the Aboriginal sub-population legitimately required government protection and perhaps compensation, like veterans of both World Wars, but it needed only token support, like the unemployed, so that law and order were maintained. It becomes apparent (as Flaubert's Monsieur Derozerays advised) that a discussion on agriculture also requires a discussion on Christian moral values.

Wakefield's plan of immigration related to land settlement, hence the nexus in government administration where the Commissioner of Crown Lands was the Minister for Immigration. The plan was arranged as a 'self-regulating mechanism' to solve overcrowding in Britain and to produce a colonial working class that, after several years of labouring in the Province, became the farming yeomanry holding 80-acre sections bought at a pound an acre.<sup>12</sup> It was believed that ideally, ignoring environmental suitability and sustainability, the flow of migrants would match the gradual extension of settlement to the far corners of the Colony as the infrastructure of government offices, roads, ports, and later railways, grew.

Before attaining this ideal, however, one of the key problems facing the Australian colonies was to promote agriculture above pastoralism so that land was used efficiently and democratically, with accessibility for many rather than for a minority.

But how to settle these people on small compact holdings...when land was so easy to acquire that it led to a scattering of population (as in the case of squatting) with its consequent high costs of administration and transport, and little social cohesion?<sup>13</sup>

In South Australia, agricultural promotion occurred concurrently. Land legislation was tied to finance from the public bank that assisted the strategy of what was called 'Closer Settlement', or 'settling land closely'.<sup>14</sup> At the same time, land taxation and rental from leases, rather than freehold, provided government with steady revenue that could be put into agricultural development. Later, there were other legislative solutions to counteract the effects of the 1890s economic depression that included the establishment of both Working-Men's Blocks and Village Settlements, so as 'to bring idle hands and idle lands together'.<sup>15</sup> There was concern that the unemployed might become 'a real threat to the maintenance of law and order'.<sup>16</sup> Thirteen Village Settlements were founded, mainly along the River Murray's upper reaches, which were based on a 'co-operative and communal' ethos in order to compensate for the impoverishing effects of the size restrictions of the smallholdings of the Settlements.<sup>17</sup> For many, the communal ethos and utopian ideals did not alleviate the demoralising effects of poverty, and most Settlements folded over the course of time. The remaining settlers established separate holdings or augmented the smallholdings so that they became independently feasible.

As Closer Settlement was tied to government finance, it was a fluctuating scheme in terms of success, affected by the economy, 'the cost of borrowing money and the rival claims of other public works'.<sup>18</sup> Following the Great War, as repatriation of returned soldiers was a concern of government, a Soldier Settlement Scheme based on legislation similar to that used for Closer Settlement was inaugurated. This demonstrated that the agrarian ideal continued unabated as farm blocks, and some financial aid, for soldiers were considered 'the highest and most desirable reward which society could think of for their sacrifices, despite the lessons of the past about the viability of small-scale farms and consequent 'rural poverty'.<sup>19</sup> As Williams argues, there was no suggestion of directing government funds for veterans towards establishing them in urban manufactories or shops because, although farming schemes did not meet the agrarian ideal, farming was considered 'an occupation requiring little training and only a modicum of intelligence'.<sup>20</sup> In addition, farming was thought to be a sobering and honest profession because of its connection to ideologies that linked agriculture and religion.

As with the unemployed and returned soldiers, Village Settlements were promoted for Aboriginal yeoman farmers. However, Village Settlements for Aborigines were *closed*

communities for their protection and welfare and as a means of control. There was always the inference that, over time, suitable Aborigines would become self-sufficient through agriculture and leave the segregated Village Settlements to establish their own farms in country districts. This aim was articulated at the Royal Commission of 1913 through the sectionalisation of Aboriginal people. It was believed that 'able-bodied', mixed-race Aborigines 'should not be dependent on the charity of the Government' and, 'although the stations may continue to be looked upon as the homes of these people for the present', they 'should be compelled to go into outside employment wherever possible'.<sup>21</sup> One of the Royal Commission recommendations was 'to separate as much as possible', 'full-bloods' and 'half-castes' as it was 'desirable' that the 'full-bloods' lived 'in a separate community'.<sup>22</sup> In 1913, the means of doing this was by arranging outside employment for part-Aborigines; however as this was usually harvesting and shearing, Aborigines were forced to return to the institution at the end of the season. Another suggestion was the alleviation of the population burden of Point McLeay, which was overcrowded in relation to its size, by shifting 'half-castes' to a sub-station, 'preferably in new undeveloped country near the Murray'.<sup>23</sup> Yet another recommendation was to provide 'the best trained men at each station' from 'only a few Aborigines or half-castes [who were] qualified', with small farms, not greater than 300 acres, of arable land near the stations so that the station management supervised them. The last recommendation indicated that the ideas of the Royal Commissioners, who sought answers by dividing Aboriginal people according to caste, were not consistent because they admitted that *full* Aborigines were amongst those qualified to be farmers.

An appraisal of the period before the constitution of the Aborigines Protection Board, establishes that recommendations of the Advisory Council of Aborigines were based on both idealised views about agricultural Village Settlements, with trainee male farmers and women involved in cottage industries, and pragmatic governance dictated by lack of government funds because of the economic recession of the 1920s and 1930s. The appraisal also reveals that for Aborigines the urban and rural, or industrial and agricultural, divide was also equivalent to the autonomy and protection divide. To promote its ideals, the Council discussed the possibility of declaring Adelaide a prohibited area for idle and unemployed Aboriginal people, as had been regulated in Perth, Western Australia. There had been a rural example of prohibition as Tailem Bend had been declared, at various times, a prohibited area.<sup>24</sup> In this period, the Aborigines

Department and the Advisory Council promoted Aboriginal residence in the country to prevent migration to the city. A policy was implemented to encourage married couples to move from the stations to country centres.<sup>25</sup> However, the *Kadina and Wallaroo Times* reported complaints about Aboriginal people living in and near country towns on Yorke Peninsula. In contrast to the discriminatory policy for Aborigines of the Taillem Bend region, the Advisory Council responded to these complaints by proposing assistance to families residing in the towns on Yorke Peninsula. Constance Cooke consulted both the Country Women's Association and the Salvation Army about support for the settlement of married couples in country centres and found that the latter group were able to help.<sup>26</sup>

There were many ideas for the employment of those remaining on the stations but often they stayed unfulfilled. Women members of the Council, Cooke and Ida McKay, together with Pastor Wiltshire of the United Aborigines Mission, supported the offer of Mary Bennett of Mount Margaret Mission in Western Australia, while on a visit to Aboriginal stations in South Australia, to teach spinning and weaving to women at Point Pearce. As the offer depended on government aid for equipment, it was rejected because of lack of finance. Even so, it would have been shelved due to Mrs Bennett's outspoken opinions on Aboriginal affairs, which were critical of governments.<sup>27</sup> Employment remained an issue with the women Councillors, now Cooke and Alice Johnston, and the Council proposed that they interview former police officer Kate Cocks about welfare and employment for Aboriginal women at Point Pearce. The Council approved a preliminary survey, to be conducted by Cocks, into 'the best methods' for absorption of 'the half-caste population' at the stations 'into the industrial life of the community'.<sup>28</sup> Sympathetic Council members thought that the crafts industry established by Aboriginal women at Lake Tyers Station in Victoria was a model for the two stations in South Australia.<sup>29</sup>

The effects of the Depression were felt at the stations when, in 1934, the Treasurer asked the Aborigines Department to reduce its Estimates by £2,000.<sup>30</sup> All the same, the Minister of Industry and Employment did not approve the participation of mixed-race Aborigines in the Farm Wage Subsidy Scheme of the Unemployment Relief Council. There was no reason given for denying Aborigines farm work under the Scheme, only the suggestion that the Aborigines Department start and finance its own scheme.<sup>31</sup> Even

though this avenue of support was curtailed, it remained an ideal for government officials. When the Aborigines Department decided to appoint a Welfare Officer 'to organise the industrial life of the young people', in late 1938, one of acting Chief Protector Penhall's recommendations to the Commissioner of Public Works was the creation of wage subsidy schemes for farmers and dairymen.<sup>32</sup> Ways to maintain Aboriginal people in agricultural employment were pursued but government finance and political will were lacking.

The emphasis of the agricultural ideal for Aborigines, either to establish themselves as small farmers or to work as farm labourers, persisted until the 1960s. In her study of official attitudes to Aboriginal people, Milich assesses that progressive legislation was delayed by the 'fact that agricultural interests have long dominated' the State.<sup>33</sup> The contradiction, which resulted when equating farming ability with light skin colour, was sorted out when the official discourse was 'standard of living' rather than 'caste'. For example, in 1950, the Government's immediate task was identified as the dispersal of Aboriginal people who were residing in large groups like those at Point Pearce and Point McLeay. This was in line with the assimilation policy. The resolutions in the Annual Report of the Aborigines Department for that year were to provide housing in country towns for young married couples on the stations. For those whose standard of living was considered low and, therefore, not suitable for country town residence, 'village type accommodation' was to be offered at, for example, Swan Reach Reserve, and the children of the villages were to attend local schools. The people who did not fit the first two categories were to remain on the stations and missions because they were 'people who must live under supervision'.<sup>34</sup> Children of the last category who lived on Lutheran and United Aborigines Mission missions at Koonibba, Oodnadatta and Gerard, were generally housed in dormitories, which were partly funded by government.

The dispersal or depopulation policy resulted in failure to improve the situation for Aborigines on government stations. Consequently, Aboriginal people resisted governmental practices that emphasised the control provisions of the 1939 *Aborigines Act* ahead of the protection and welfare requirements, which were needed for improvements in conditions. Aboriginal responses to lack of progress, because of

retrograde ideals and legislation, had been revealed earlier in activities like the establishment of the Australian Aboriginal Association at Point Pearce.

The stations at Point Pearce and Point McLeay were closely governed Village Settlements as demonstrated by records of official visitors to Point Pearce for a twelve month period.<sup>35</sup> Departmental representatives for the Auditor General, the Public Service Commissioner and the Harbours Board inspected the station. Official visitors included politicians Sir David Gordon, R.L. Butler, Baden Pattison and E.H. Giles whose connections with farming and civil affairs on Yorke Peninsula meant the visit was most likely an enquiry into the prospects of resource development of Point Pearce lands.<sup>36</sup> There was a visit from Miss Priest of the Women's Police Department, and one by staff from the Public Stores Department, and the Chief Protector inspected the station three times. The Local Board of Health made two examinations and the Central Board of Health one, while the Agricultural Instructor arrived twice, and representatives of the Agricultural Department inspected on four occasions. The Chief Protector informed the Auditor General that 'the farming operations [at Point Pearce and Point McLeay] are still carried on under the supervision and advice of officers of the Department of Agriculture', thereby confirming their repeated presence at the stations and the need for their expertise, and more importantly given the financial straightjacket on departments, where government money was being spent.<sup>37</sup>

Government controlled behaviour by a set of regulations enacted under the 1911 *Act*, gazetted in 1917 and 1919, and re-gazetted in July 1940 to support the 1939 *Act* (See Appendix 2). At one extreme, the regulations had the remedial philosophy based on force of government reformatories and industrial homes, like the Children's Welfare and Public Relief Department's Struan Farm, where 'feckless' youths were sent to serve specified terms. At the other extreme, there was regulation for dismissal from institutions should Aboriginal people not meet the conditions of training, like that applied by the Training Farm for Returned Soldiers where regulations were 'enforced, by moral suasion wherever possible, and by the exaction of penalties whenever necessary'.<sup>38</sup> Regulation 1 under the *Aborigines Act* enabled officials to dismiss Aborigines from reserves and institutions for misbehaviour that was 'inimical to the maintenance of discipline or good order'. There were serious penalties for remaining on the site after formal dismissal, including fines and imprisonment with hard labour.<sup>39</sup>



As shown in the previous chapter, dismissal of residents for 'bad behaviour' was a feature of the nineteenth century Poonindie Mission. This system was reinforced by the recommendation of the Aborigines Royal Commission (1913), which stated that 'more power for enforcing discipline be given to the local committees of management than the existing Associations [that is, Aborigines Friends Association and Yorke's Peninsula Mission Trustees] now have', and that a regulation be framed to provide for the maintenance of 'discipline and good order upon reserves'.<sup>40</sup>

In the mid 1930s, the validity of Regulation 1 was tested legally after H.J. Milera, a resident of Point Pearce, was served with a dismissal notice. In the Local Court, two lay justices of the peace held that 'the regulations are *ultra vires* and inconsistent with the Act and is offending under natural justice and are altogether too drastic'.<sup>41</sup> The Commissioner of Public Works asked the Crown Solicitor to check the validity of all regulations and, as a result, the Crown Solicitor queried breach of Regulation 1 by Milera in the Supreme Court.<sup>42</sup> Justice Richards of the Supreme Court upheld the validity of Regulation 1 as it fitted 'the general tenor of the Act' although the 'matter is, perhaps, not free from doubt' because the natural rights of Aborigines were 'stringently curtailed' by some sections of the *Act*, particularly those dealing with freedom of movement, of association, of property and of privacy. The point of contention was Section 17 of the *Act*, which did not allow for 'total exclusion from all institutions' but, in fact, allowed authorities to remove Aborigines to and keep them within the boundaries of institutions. However, the Judge conceded that sections of the *Act* gave 'restraining powers of the Chief Protector relative to the location' of Aborigines and as the Chief Protector must exercise power with 'good cause' so as to prevent 'any disturbing element', and since Milera did not have 'vested rights' at Point Pearce as he was a resident at the will of the Government and therefore was no more than a 'bare' licensee of the institution, that the appeal by the Government was allowed.<sup>43</sup> This was a test case for the Government, which now was able to refer to its success as proof of the validity of its regulations. Should the case have been lost it would have had implications for all South Australian special legislation for Aborigines and, undoubtedly, for other Australian states as well. However, as discussed in the next chapter, the Government was ever careful about regulations that treated Aboriginal people as special cases as it was aware of the non-liberal basis of such application.

Aborigines at the two government stations, in particular, believed themselves to be an 'oppressed minority'. Ronald and Catherine Berndt conducted anthropological fieldwork, funded by the Australian National Research Council, at Point McLeay in the early 1940s. They found the residents to be in 'a state of disillusionment and unrest, the natural result of years of mismanagement'.<sup>44</sup> One of the Berndts' suggestions for changing this situation was that an honorary body of 'a dozen reliable and sincere [Aboriginal] men' be 'available for consultation and discussion', representing their 'own people' and providing 'insight into the native viewpoint [which would] be of value for administrative purposes'.<sup>45</sup> This was not an entirely new idea as the suggestion that a Conciliation Court to hear grievances be established at Point McLeay had been raised by Advisory Councillors ten years earlier, and had been rejected by the Chief Protector.<sup>46</sup> Although different in terms of reference, the honorary body suggested by the Berndts and the Conciliation Court would have given Aboriginal people some representation.

Even though the authority of the Head of the Aborigines Department, formerly the Chief Protector before the 1939 *Act*, was now spread amongst the members of the Aborigines Protection Board, improvement in practice was not obvious to Aborigines. For example, with the introduction of Federal income taxes in 1942, Aboriginal people were liable to pay tax, but rights did not counterbalance these responsibilities of citizenship.<sup>47</sup> The Board was not insensitive to this issue and felt the unfairness of the situation whereby Aborigines, who were taxpayers, were not eligible for Commonwealth Government pensions. Consequently, in 1956, the Board requested the Minister to recommend to the State Government that it provide finance for pensions, the Board to determine eligibility, and reductions to pensions to be made if Aboriginal people already received assistance. The Board agreed that the scheme would be costly but the expense would be offset by savings in relief costs paid by the Board; that is free homes, medical attention, milk and so on.<sup>48</sup>

DeMaria believes that one reason for the delay in granting social security to Aborigines was that they were targeted for the agricultural economy. As the 'purpose' of social security has been 'synchronised to the purpose of industrialism', Aboriginal people have not been seen to be 'a part of the deserving poor'.<sup>49</sup> Rather, they have been perceived to belong to a 'pool of pastoral [and agricultural] labour, once their cultural

“impediment” was overcome’.<sup>50</sup> The ultimate result of these rationalities of governance was that exempt Aborigines, or those who were ‘forced to orient [themselves] in the “white” direction’, were eligible for Commonwealth benefits, and as DeMaria surmises, the ‘trade off for the Aboriginal culture was profound’.<sup>51</sup> These ideas are helpful for understanding the complexities involved. However, policy for Aborigines positioned country/agriculture/protection against city/industry/autonomy and it is more correct to say that access to social security was restricted depending on the individual’s level of participation in the economy. Also, the emphasis remains that Aboriginal people cannot be categorised like the mainstream population’s ‘deserving poor’, or even labour pool, because they were a sub-population that was subject to different governance, unless they were exempt.

Examples of Aboriginal people’s treatment as a sub-population were various. From July 1939, the Commonwealth Statistician required ‘half-castes’ to register under the *National Registrations Act*, 1939, although they were not eligible for Commonwealth benefits.<sup>52</sup> Since its formation after Federation, the Commonwealth Bureau of Census and Statistics sought general information about Aborigines even though Aboriginal numbers would not be counted in the reckoning of population for another fifty years.<sup>53</sup> For instance, Chief Protector South responded to the Bureau’s questions about past practices, expenditure, Christianising and stated that ‘full-blooded aborigines located in the settled districts are slowly dying out, but are being replaced by the children of married half-castes, some of these are nearly white’.<sup>54</sup> In contrast, when the Chief Protector enquired, in 1938, as to the inclusion of Aboriginal people in the Commonwealth National Insurance Scheme, the Public Service Commissioner stated that he saw ‘no advantage to Government as an employer to do this as Aborigines as a majority do not do a large amount of work’, and what they do is ‘intermittent in character. At the present time they are largely a charge upon the Government and during periods of unemployment would remain so’.<sup>55</sup> The inclusion of Aborigines for benefits applying to other citizens depended on government perception on both their standard of living and their value, and that seemed to vary according to the scheme being appraised. For example, during the Second World War with the shortage of white male labour in both agriculture and industry, the Board decided that all Aboriginal men on the government stations were available for essential work. At the same time, following a police report, the Board asked the National Employment Department to place all

unemployed Aboriginal girls 'in employment forthwith' because it was believed to be a way of controlling 'immorality' of girls in the city.<sup>56</sup>

Governance of *closed* Village Settlements, or protection and control, was dictated by a moral code and executed by either Section 17 of the *Act*, *removal to* Aboriginal institutions, or Regulation 1, *removal from* institutions. Failure of social norms received much attention. For instance, when the Commissioner of Police complained of Aborigines 'loitering and creating a nuisance in the city', the Commissioner of Public Works suggested that police on duty in the West End supply names of those Aborigines fitting this description. Once the police report was received, the Aborigines Department would induce Aboriginal people to return to the Stations or apply Section 17, but failing that: 'It may be necessary eventually to declare the metropolitan area a prohibited area', as per Section 33.<sup>57</sup> The Secretary of the Board explained that:

Reserves are provided for the natives for their protection, and white people are excluded from such Reserves, and that unless they were engaged in lawful occupations, or genuinely in search of work, or receiving medical attention, aborigines should not be permitted to live in Adelaide, but should be required to live on the Reserve or Mission to which they belong.<sup>58</sup>

Aboriginal women and girls, in particular, were under scrutiny for their personal protection, and moral codes of sexual behaviour were applied. For example, two girls were removed to stations under Section 17 and three others received letters of warning about 'associating with soldiers in the City'.<sup>59</sup> Through the application of Section 17, two girls were confined to Point McLeay because they were 'frequenting' the Springton Army Labour Camp and four girls were sent back to stations following complaints for 'unseemly conduct'.<sup>60</sup> Those who were removed remained at the stations until the Board considered they had 'improved' sufficiently to take up employment off the stations. Married women were removed to stations and confined in 'an endeavour to promote the welfare of the family', and the Board on one account decided it would not enforce removal of a woman and her children to Point Pearce 'so long as family live together harmoniously'.<sup>61</sup> Section 17 was used to enforce good conduct, that is discipline, of women seen to be neglecting children, 'indulging excessively in intoxicating liquor' and so on, and of girls for their 'protection'.<sup>62</sup> In other cases, one girl was confined because, although she was 'provided with several jobs at considerable departmental expense, [she had] refused to remain at work, and has been frequenting the City without visible means of support', and another because she was 'sleeping with a white man...and

[because of] her apparent unwillingness to work and obey Departmental directions'.<sup>63</sup> Aboriginal girls under 18 years, should they refuse to remain at the stations, were eventually committed to the care of the Children's Welfare Department. This issue is discussed in the next chapter.

Regulation 1 was used to demarcate disorder from order on the stations and missions, and it was usually men who were removed from Aboriginal institutions as a disciplinary measure. It was invoked against those who were 'habitually disorderly, lazy, disobedient, insolent, intemperate, or immoral', when their presence was deemed to be 'inimical to the maintenance of discipline or good order'.<sup>64</sup> In 1941, a man was expelled for 'immorality', another was threatened with expulsion as he had 'a very bad record, and his wife regularly frequents the betting shop', while an expulsion was revoked so that a man who was 'dark in colour, and of poor mentality, and consequently unlikely to be absorbed in the general community', was permitted to return to the station 'on probation during the pleasure of the Board'.<sup>65</sup> In mid 1945, an Aboriginal man was banned for 'maltreatment of his wife and family'; however, later that year

[a]s a peace gesture, following the cessation of hostilities, it was agreed that all Expulsion Orders under Regulation 1 in force when war ceased in the Pacific...be revoked, and that the persons affected be permitted to return to their home institution on probation.<sup>66</sup>

It is clear that application of Regulation 1 was arbitrary in that it relied on a moral code open to individual interpretation. Revocation and length of probation relied entirely on the Board's discretion, and rules about application were not put in writing.

The continued application of Regulation 1 indicated that 'disorder' did not decrease over time. In the two years from 1955, there were approximately 20 expulsions, and 20 revocations, and they included residents of Ernabella and Koonibba as well as those from the government stations. Many expulsions were alcohol related; however, five youths were expelled because of 'wilful damage to Government property', and revocations included a couple allowed to return 'as they had both been divorced and were now married'.<sup>67</sup> By this time, expulsions did not just apply to adult males of the settled areas. Order had become such a concern that when the Manager's position needed to be filled at Point McLeay, the Board suggested a senior police officer, for up to five years, as a suitable appointment.<sup>68</sup> The recommendation was not followed through as, in the meantime, the Department sought the approval of the Government for more staff.<sup>69</sup> The 'solution' was thought to lie with numbers of staff to inspect residents

of stations and reserves rather than a single resident controller. In 1958, Bartlett, Head of Department, advised that, whereas there were only five staff members in head office five years ago, now there were 18 and more officers in the field.<sup>70</sup> Other less penal approaches to handling 'misconduct' suggested by the Board in 1945, at an earlier perhaps more optimistic period, were additional missionary work on the stations, increased scrutiny of Aboriginal girls by the Welfare Officer and enlisting the support of the National Fitness Council to suggest '[p]rofitable occupation of leisure hours on Aboriginal Stations'.<sup>71</sup>

This discussion reveals that the pursuit of the rural ideal of Village Settlements and yeoman farmers for Aborigines was not realistic for several reasons: their discontent, centralisation whereby Aboriginal people were moving to Adelaide and country centres because of industrialisation (and the war effort), and the fact that Aborigines were, according to government policy, expected to remain residents of government stations and missions only until they were 'civilised', and then they were to be assimilated into the mainstream white population. When Regulation 1 was *used as a caution* it was a method of 'police', that is as a way to maintain norms of valued behaviour through the actions of non-scientific experts at the stations and missions (superintendents and managers), and can be considered, as Valverde suggests, neither intrinsically liberal nor intrinsically 'illiberal'.<sup>72</sup> However, when the experts on the Board *applied* Regulation 1, it was 'illiberal' as it curtailed rights to protection and welfare on reserves and institutions according to the *Aborigines Act*, even though aspects of the *Act* were in themselves not liberal in that they limited rights to accomplish goals of civil order and economic autonomy.

The contradictory nature of Aboriginal policy was revealed in the application of Regulation 1. Agricultural expertise was considered critical for the achievement of the rural ideal of Village Settlements and yeoman farmers for Aborigines. Assimilation policy aimed contrarily to depopulate segregated Aboriginal institutions when those Aborigines, who were perceived by the Board to be civilised, left and were absorbed by the mainstream. The *Bray v Milera* case highlighted the non-liberal basis of such policies because it revealed that government could only achieve model Village Settlements if it had a mechanism to expel dissidents who, however, were Aboriginal people in need of protection and welfare. Also, government could not proceed with

assimilation using this mechanism because 'good' Aborigines were entitled to remain on the Settlements although they were the category of Aborigines who were eligible for assimilation. The mechanism that was used for the assimilation of 'good' Aborigines were Exemption Certificates, which legally declared descendants of the original inhabitants of Australia to be non-Aborigines and, therefore, ineligible to remain on Aboriginal institutions. As shown in Chapter 7, the approval of exemptions was also based on a moral code open to different interpretations of order and conduct.

Before appraising responses to the agrarian ideal, it is worthwhile considering an aspect of government policy whereby Aboriginal people were deprived of their home reserves by being compulsorily resettled on other reserves. This occurred in other parts of Australia when white farmers desired reserve land or when local towns wished to control Aboriginal populations in their own vicinity. This was the fate of Poonindie Institute in the nineteenth century, although some blocks were leased to Aboriginal farmers, and Ooldea mission in the twentieth century when it was moved to Yalata but mainly for the pragmatic reason of water supply. Aboriginal people from the northwest of the State were also resettled at different camps during the rocket trials at Woomera and the atomic tests at Maralinga in the years from 1947.<sup>73</sup> The systematic resettlements in the developed regional areas of New South Wales, described by Read and Goodall, did not occur to the same degree in sparsely populated South Australia, and hence most Aboriginal settlements remained where they were originally established.<sup>74</sup>

### **Responses to the agrarian ideal**

By 1940, Aboriginal people were clearly adept at sending deputations to government ministers and petitioning for change. They had had some successes, notably the desired retraction of elements of the 1923 legislation on the Training of Children, which is discussed in the next chapter, and the creation of a board of management rather than control in the hands of one official, the Chief Protector.<sup>75</sup> As the previous board, the Advisory Council, discovered, while addressing grievances in the mid 1920s, some Aborigines at the government stations regarded them as their homes, even while they realised that they were required to leave at times for seasonal work, and others were glad to live elsewhere.<sup>76</sup>

In 1938, a petition from residents of Point Pearce revealed that Aboriginal people did not entirely subscribe to the agrarian ideal; in hindsight, they had a more realistic vision than their governors. The petition claimed Point Pearce as a home and there were alternate ideas to employment as farmers, particularly for younger generations. According to the petition, residents required blocks of 200 acres and a 'home' for those 'desiring to go on the land', increased wages for those farming Point Pearce land (white sharefarmers to relinquish station land) and assistance for fishers by means of a 'fully equipped fishing outfit'. The petitioners requested 'technical training and apprenticeship' for school-age children and that 'something be done for the lads between 14 and 16 years'.<sup>77</sup>

The initial policy of the Protection Board, in 1940, responded to demands like those expressed in the petition, but the sticking point was the fact that assimilation policy and exemptions meant that 'the native population [were] to become independent and useful members of the community' and, consequently, the government stations were in the future to be the homes of only the elderly, invalided and indigent.<sup>78</sup> The policy stipulated that youths were to be trained in both agriculture and trades, and 'the advice, assistance and co-operation of the Education Department and the Department of Agriculture will be necessary'. The issue of adolescent education, including training at Campbell House, the Departmental agricultural school near Point McLeay, is examined in the following chapter. There were two options for adults, either assistance with employment, for example 'a percentage of suitable native labour [male] should be absorbed in appropriate Government Departments such as Railways, Highways and Engineering Departments', or, for those men and women remaining on reserves, assistance to become producers of their own requirements through '[f]arming, dairying, gardening, poultry raising, fishing, and also spinning and weaving, mat and rug making, basket ware, clothing for home use, etc...'<sup>79</sup> To ensure self-sufficiency at Point McLeay settlement, it was necessary that water be diverted from Lake Alexandrina for crops and domestic purposes, requiring the involvement of the Irrigation Department. The final step for consolidation of the agrarian ideal was 'the acquisition of suitable blocks of land on the river or in coastal districts for homesteads and community establishments'.<sup>80</sup>

The policy was updated in 1956. This was necessary to support the Department's request of the Public Service Commissioner for more staff. The policy was similar in



that employment was considered essential for those capable of establishing themselves in the mainstream community. The agrarian ideal was endorsed for the remainder through the acquisition of suitable blocks and the development of Aboriginal reserves as 'poultry farms, market gardens, small unit farms and fishing reaches, to be ultimately conducted by selected aboriginal families after suitable training in their efficient management'. The significant difference between the views of government and of Aborigines was that government policy, as stated emphatically in the 1956 policy document, was the 'depopulation of Point Pearce and Point McLeay, leading to the eventual establishment of havens for the aged and infirm aborigines and farms of suitable areas for selected natives'.<sup>81</sup> That is, the development of all Aboriginal institutions and reserves was to be one of 'a share-farming basis with aborigines, leading to the ultimate establishment of unit farms operated by aborigines'.<sup>82</sup> Government policy was the end result of the agrarian ideal and of the theories generated by scientists like Cleland and Tindale, which viewed segregated 'coloured' populations as a 'problem'. Scientists, as discussed previously, considered only *full* Aborigines to be true Aborigines and wanted their protection and segregation, whereas *part* Aborigines as a group were considered to be a component of the 'feckless', 'tenth' of the mainstream population.

In 1958, Aboriginal residents of Point Pearce and Point McLeay were encouraged during specially convened meetings held at each station to participate in the forthcoming Australian and New Zealand Association for the Advancement of Science conference to be held in Adelaide, particularly since Hasluck, Federal Minister for Native Affairs, was opening the conference (see illustration figure 18). It was considered an opportune time for Aboriginal people to put forward their own case. The meetings revealed the particular emphasis of each of the experts on the Board. Bartlett for the Government sought pragmatic solutions relating to finances; Cleland focussed on the division created by scientific thought on 'colour'; Rowe, speaking for missionary organisations, stressed the perceived inferiority of Aboriginal spiritualism and the perceived superiority of a social order based on Christian morality; Walker promoted agricultural development of station land; and women members were seen as a presence offering sympathy and good female role models for Aborigines, who were at the point of losing homes and 'Home' (in the sense of place), and with that the breakdown of close relationships with kin.

At Point McLeay, Bartlett, Head of Department, encouraged residents to move from the station so that they could collect Commonwealth benefits, stating that 'sooner or later...Point McLeay would have to close down or be left open for just a few older people'. Cleland stated that the residents were 'part-white' and this should be emphasised. He also went on to say that '[n]ative blood was something to be proud of' because of 'complicated language and various customs'.<sup>83</sup> At Point Pearce, Bartlett and Cleland repeated much of the same. Rowe added that Departmental Welfare Officers were 'trying to correct foolish customs' and 'to patch up some of the silly squabbles of the people', and Walker talked on agriculture.<sup>84</sup> A resident asked if 'one of the ladies of the Board [would] be good enough to speak'. Constance Cooke responded with, 'at the present time there was much public sympathy for aborigines, and the Board would be able to get things for them that they could not get before'; hence, they should present their 'good ideas and suggestions' at the conference.<sup>85</sup>

Cooke had a long-standing, positive relationship with some of the families at Point Pearce, and her comment indicated that only with public pressure on governments would Aborigines get reforms.<sup>86</sup> The meeting revealed that Aboriginal people perceived administration as male dominated to their detriment. As Jessie Street noted in her Australia-wide report on Aborigines in 1957, nursing sisters were the only women in 'responsible positions' and they 'appeared to have the confidence and affection' of the Aboriginal people.<sup>87</sup> Cooke's contribution was diminished by male dominance of administration. She queried the exclusion of women Board members from various processes, including attendance at the annual Departmental Staff Conferences first held in 1955. This was a loss for Aborigines because she was the Board member most likely to have alternative views and this was clear as she abstained from voting on contentious issues, particularly on petty punitive measures and on processes to accelerate assimilationist schemes. At times, the credentials of the women members were attributed to the fact that they were wives of eminent men rather than to their considerable experience in Aboriginal and women's organisations, and the work that Cooke had initiated in the Women's Justices' Association.<sup>88</sup>

Public interest in the welfare of Aboriginal people was stirred by press reports about poor housing, which is discussed later. Restrictive legislation like Section 14 of the *Police Offences Act*, 'consorting' with Aborigines, which denied Aborigines freedom of

association, was also an issue of concern for many. Generally, it was activists in the Aborigines Advancement League, led by Dr Duguid, and Reverend W.L. Scarborough, president of the United Aborigines Mission, who brought these matters to the attention of the newspapers. Don Dunstan, from the Labor Opposition in Parliament, was also a League member and he stated with regard to Section 14 that 'we', namely the League and a group of Aboriginal men led by Charles Perkins, 'were successful in having the obnoxious provision repealed in 1958'.<sup>89</sup> Dunstan believed the Protection Board to be an inappropriate institution for government of Aboriginal people, as it allowed the Minister to hide behind the Board when criticised over policy. According to Dunstan, the Board should only be an advisory body.<sup>90</sup> Dunstan first became assertive about Aboriginal affairs in Parliament in the mid 1950s over the 'consorting' offence and conditions at the stations, which he described as 'a sort of workhouse' rather than 'a model aborigine community'.<sup>91</sup> In 1956, after witnessing the conditions for residents at Point Pearce first hand, he questioned the Government in Parliament about the policies of the Board. He stated that it was 'plain that conditions on reserves were going to be kept as unpleasant as possible in order to force Aborigines somehow or other into white townships'.<sup>92</sup>

Dunstan, as Minister for Aboriginal Affairs in the Walsh Labor Government, was able to make some compensation to Aborigines for loss of their homelands through the *Aboriginal Lands Trust Act*, 1966, which held land in trust for all Aboriginal people but mainly benefited those in the non-settled areas.<sup>93</sup> He recognised that Aborigines in the settled areas had 'shown a marked preference for an urban rather than a purely rural existence', and this put the policy to develop lands at Point Pearce and Point McLeay under scrutiny. He compared the sustainability of the lands at the stations, noting that Point McLeay had 'poorer land than that which has been made available in many areas for soldier settlement' and, consequently, only the 'most experienced farmer' would have any success. He described the agricultural resources at Point Pearce as developed, but as able only to support 'a very few people from Point Pearce village'.<sup>94</sup> Dunstan still partially subscribed to Village Settlements as a solution when he stated that Gerard Mission was an 'experiment' with irrigation that would 'allow us to provide a good basis for employment of Aborigine [sic] families, settled on the land, but in an area of closer settlement so that they have both the advantages of their own lands and of urban facilities close by...'.<sup>95</sup> However, he stated that 'the present and foreseeable reserves do

not provide great employment opportunities in agricultural or pastoral pursuits', and that it would be necessary, in order 'to provide a reasonably viable mixed economy...to develop craft industry and teams with special skills who can use the reserve as a base but go off to work'.<sup>96</sup>

Busbridge, acting Director of Aboriginal Affairs, supported his Minister's views with the statement that Point McLeay and Point Pearce would become 'open'; that is, they 'would be a completely open area as any other small village and the only staff remaining either on the reserve or in the vicinity would be a welfare officer'.<sup>97</sup> The concept of the open village was a considerable advance on the paternalistic permit system of the *Aboriginal Affairs Act*, 1962, which policed those allowed to remain on institutions and reserves. Busbridge noted that this would not apply to settlements that became open villages.

By the mid 1960s, the Government had the benefit of a growing scholarship on Aboriginal employment in the State. Following her sociological and geographical survey of the extent of assimilation of Aborigines, based on fieldwork between 1957 and 1959, Fay Gale provided analyses of residential patterns and employment. Students from the Department of Social Studies at Adelaide University, in particular Judy Inglis, also followed up her research.<sup>98</sup> Gale, who during her fieldwork sought counsel from the Head of the Aborigines Department, was to state later that the Department was 'paternalistic'. She criticised policy, resulting from the 1962 *Act*, for the use of the 'present reserves' as 'training centres', because they 'may be almost as ineffective as past attempts to establish apprenticeships and technical education on the reserves'. She reasoned that, although Point McLeay 'has been a farm-training centre for over a hundred years, ...it appears that no one from there has yet gone to take up farming in this State'.<sup>99</sup> This may have been a reference to youths trained at Campbell House, a programme that was singularly unsuccessful. However, the statement ignored the Departmental record of delivering assistance in the form of seed, fencing, and fodder and so on to Aborigines on their own leased acreages. According to the *Aborigines Act*, a portion of Departmental funds was available for 'the purchase of stock and implements' for Aboriginal people who had been allotted blocks under Section 18.<sup>100</sup> Gale recommended that reserves become self-governing communities that developed their own training schemes.

There is no doubt that Gale's studies accelerated change. Her statement on the failure of governmental agricultural training meant that the relevance of any future policy based on the agrarian ideal was called into question. This was a clear assessment of the situation as agricultural experts had not been Board members since Walker's resignation in 1959, when Whitburn from the Department of Education succeeded him.<sup>101</sup> If the agrarian ideal was defunct in Aboriginal affairs, a pastoral 'ideal' was created by the inclusion of a pastoral expert on the Aboriginal Affairs Board, and this is discussed presently.

At the 1961 conference of the Australian Institute of Aboriginal Studies, Gale stated that there was an 'urgent need for some psychological and sociological research into institutions', both government and mission, with regard to Aborigines.<sup>102</sup> This confirmed what was already becoming practice and that was the use of anthropology for *full* and sociology for *part* Aborigines. The practice was apparent later in the division of governance between natural sciences with government heritage portfolios and social sciences with welfare portfolios.<sup>103</sup> Rowley noted at a conference on Aboriginal employment in the mid 1960s, that anthropologists tended 'to explain Aboriginal conduct...in terms of Aboriginal tradition without giving weight to the other factors in the situation'.<sup>104</sup> This was an admittance of the essentialist rationality of scientists like Cleland, which had now receded after being influential, and that maintained the division of *full* and *part* populations. The 'new' experts for the *part* population, yet to be absorbed by the mainstream, were the social scientists and psychologists who were the experts for the 'problem' family or household or child.<sup>105</sup> Senior government officials were also the 'new' experts since the Head of Department had been lecturing in social organisation for the Board of Social Study and Training since the 1940s.<sup>106</sup> This discussion continues in the next chapter.

### **Pastoralism: the limits of government, science, religion and civility**

In South Australia, pastoral lands were theoretically divided from agricultural areas by a line drawn by Surveyor-General Goyder in 1865 to demarcate rainfall.<sup>107</sup> Scientific improvements to seed, soils, machinery and so on meant this 'line' was later extended further northwards; however, a large part of the State would only ever be suitable for grazing, and mining. In contrast with the agrarian ideal, the ideology of pastoralism was

invention and resoluteness, which required a rugged individualism rather than the communal ethos of agricultural settlements. The complex connection that was established between agriculture and the rationalities and practices of government, science and religion, which resulted in social order, did not apply to pastoralism.

Although governance was established through the Pastoral Board, in 1893, there was little connection made between it and Aboriginal people, a significant component of the pastoral industry's labour force. In 1899, a Select Committee on the Aborigines Bill considered the need for regulation of employers of Aboriginal labour, particularly by means of employment permits. Generally, pastoralists, missionaries and officials did not think the Bill to be workable. When the *Aborigines Act* was finally enacted in 1911, it did not provide effective measures of enforcement. Sections of the *Act* dealt with protection elements giving Protectors, and police officers, lawful access to Aboriginal employees for the purpose of inspection and inquiry of conditions of employment. It was an offence to entice or persuade Aborigines to leave their 'lawful employment' and it was a condition that deaths of employees must be brought to the notice of, and wages owed and personal possessions forwarded to, the Aborigines Department.<sup>108</sup> As mentioned previously, Section 34 provided quasi-protection for Aboriginal women 'kept' by white men as stockhands and clothed in men's attire. However, both the white man and the Aboriginal woman were guilty under this Section. All Sections were maintained in the 1939 *Act* but special legislation for women and the regulation that made it an offence to entice or persuade Aborigines from employment were not included in the *Act* of 1962. In the 1950s, more people felt that special legislation was discriminatory, particularly when criminal law was available for serious offences, and that, in line with the assumptions of assimilation policy, Aboriginal people needed to manage their own employment issues.

C.J. Millar as Director of Aboriginal Affairs stated that '[a]ll Government action is based on Acts of Parliament' and, given this, the absence of specific legislation for Aborigines in pastoral areas indicated that governments accepted that, rather than being governed, Aboriginal people were in private working relationships of a permanent or semi-permanent kind with pastoralists or their overseers.<sup>109</sup> There were also the occasional relations with police, missionaries and government officials as prisoners, witnesses, ration recipients, patients, parishioners (souls), and so on. By the 1930s, with

better transportation in the outback, trains and motor vehicles, there were relations with scientists and tourists and the 'civilising' effects of white women. The importance of governance of Aborigines in the pastoral regions received attention in this later stage. For example, Cleland, Chairman of the Advisory Council, recommended the appointment of Theodore Day as a Council member because he had knowledge of remote Aborigines and land questions.<sup>110</sup> As Chief Surveyor, Day had made extended reconnaissances of remote areas using 'camels and Aboriginal guides', and discovered 'much valuable land for pastoral development' where it was thought to be only spinifex and sand hills.<sup>111</sup> From 1930, he was chairman of the Pastoral Board and recommended that 'large areas of land [be] thrown open for application and leased'.<sup>112</sup> As Inspector of pastoral lands for soldier settlers, Day was influential in promoting the pastoral industry as a viable, long-term employment option.

However, although ideas circulated about remote areas as pastoral resources, the Aborigines Protection Board's policy statements did not venture along these lines. For Aboriginal people in remote areas, policy was minimal apart from medical surveys and ration provision, on a 'scale consistent with local needs of each group of aborigines'.<sup>113</sup> Ration provision was always to be a minor practice, except in times of drought or epidemic, because the initial policy in 1940, presented by Duguid and Cleland in particular, was protection and minimal interference. Duguid wanted the Musgrave Ranges Aborigines to 'remain self-supporting'. To increase this possibility, the North West Reserve was to be extended to incorporate 'the buffer Mission Station at Ernabella', and Cleland wanted all tribal Aborigines to be 'protected from being detribalised'.<sup>114</sup>

The means by which the Department 'governed' remote Aboriginal people was through inspection, by the Superintendent of Reserves in particular, and Board members at times, of those living on outback reserves; support to missions to provide rations, medicines, and schooling; and by agreements with pastoralists and police to supply relief and regular rations. A.H. Bray, former Superintendent at Point Pearce, was Superintendent of Reserves from 1940 to July 1955 when he resigned. C.J. Millar was his replacement; he was well qualified with experience in Nigeria and Papua and New Guinea as well as a term in the Colonial Office in London.

A patrol to Ooldea by the Superintendent of Reserves revealed many of the problems posed by remote areas in the 1940s. At Ooldea Reserve, the United Aborigines Mission missionary was criticised by Commonwealth Railway Officers because ‘natives mostly...from the north’ were damaging railway property. Penhall recommended that a property be acquired ‘100 miles or so north of the line’, particularly since ‘Professor Cleland would prefer that they be located on the northern fringe of the pastoral country, so that they could engage in hunting game at least for part of the time and would not trespass on other people’s country’.<sup>115</sup> Bray was sent to report on the property damage, and the feasibility of removing the mission to a site further north or of returning Aborigines to ‘their own country’. He also had to consider the future training and education of mixed-race children and issues pertaining to rations. He had to distinguish whether ‘present practice of issuing a daily ration prevents the natives from undertaking hunting expeditions’, and if ‘weekly issues are made whether natives would simply take the rations and travel along the railway line instead of hunting native game’.<sup>116</sup>

As explained in Chapter 3, from the mid 1800s, the Government gave Aborigines rights to reside, traverse, hunt game and use water on pastoral leases, and in the event of drought, rations were provided at depots at pastoral stations and missions, and by police.<sup>117</sup> Pastoralists profited by running ration depots. Provisions were available for the kin of their workers, as well as for old and invalided Aborigines and women with children who remained on pastoral leases because it was their homeland. Government benefits helped pastoralists retain employees and ‘relations between Aborigines and Europeans in the pastoral industry need to be understood in the context of a “modus vivendi” established between government and pastoralists’.<sup>118</sup> For example, in 1942, the manager at Coondambo Station assisted two Aboriginal mothers with Child Endowment claims. Penhall was pleased that the ‘goods purchased by endowment are good food lines. In the interests of the children this is very satisfactory’. The manager responded that ‘I feel that after the trouble I have been to regarding these claims we [sic] are entitled to them. It would certainly be very disappointing if somebody else is to have the advantage of this labour after the trouble I have been to to keep them’.<sup>119</sup> The results of rationing practices were that rations became a form of dole that encouraged dependency; that pastoralists used ration supply to retain workers by feeding their kin and, perhaps, to supplement workers’ low wages, paid in goods not cash; and detribalisation was prevented where depots were established away from towns.<sup>120</sup>



The Board was aware of the deficiencies in the *Act* to address pastoral employment, particularly after 'a case of extreme cruelty to an aborigine employed on a pastoral station in the Far North', in December 1940, and 'efforts were made to prevent the employer concerned engaging native labour'.<sup>121</sup> It was common knowledge that the Aboriginal man was tortured and killed at Mt Cavenagh Station by the pastoralist and his overseer, Kitto and DeConlay. They were found not guilty after witnesses disappeared. In July 1941, Kitto was prohibited from employing Aborigines. However, pressure was applied and good references presented for him, and on instruction from the Commissioner of Public Works in May 1942, the prohibition was lifted because the Crown Solicitor gave an opinion that the Board had 'no power to license employers of native labour, or to control wages and conditions of employment'.<sup>122</sup> As a result, a request for amendment of the *Act* was made by the Board to enable it to exercise control by the issue of licences to suitable persons desiring to employ Aborigines. It was decided, also, to request that 'an Inspector be appointed to reside at Marree or Oodnadatta, who would be responsible for the supervision of natives employed under licence, and would be required to assist the Board generally in the protection of all natives in the northern districts'.<sup>123</sup> As it was thought the Commonwealth would soon assume control, the amendment to the *Act* was not pursued.

In September 1945, after complaints were received about ill treatment of Aborigines by pastoralists in the North West, Cleland, Penhall and agricultural expert Cook 'travelled by train to the Finke siding in Central Australia, and then proceeded by a motor vehicle across country to Ernabella, calling at all pastoral stations on route'. They then went all the way to Oodnadatta, 'a distance of nearly 600 miles', interviewing employers, Aboriginal workmen and 'other aborigines travelling and hunting in these parts...particularly with regard to the wages and conditions of labour, and the relations between employer and employee'.<sup>124</sup> About 400 to 500 Aboriginal people were 'encountered' and were 'in excellent physical condition...no evidence of undernourishment'. In the same year, Constable Homes of Marree patrolled an area of 600 miles, from Marree to Birdsville, and found that 'the station owners...looked after the natives exceptionally well, and also that he did not see one undernourished native, nor any bearing signs of ill treatment' (see illustration figure 12 Homes on a camel).<sup>125</sup>

Nonetheless, the Board again sought amendment to the *Act*, but Cabinet 'decided that such action was not desirable or possible just then'.<sup>126</sup>

In 1946, the Department was confronted with claims of ill treatment of youths from Ooldea employed at Dalhousie and Mt Dare Stations. An agreement on wages had been made between the United Aborigines Mission and the proprietor of the Stations that meant, Penhall determined, the Board was not in a position to recover wages owed, as it did not have 'power under the Aborigines Act to control the employment of aborigines'.<sup>127</sup> It was long-standing mission practice to find work for Aborigines. For example, Reverend Rechner, for the Lutherans at Kopperamanna and Hermannsburg, stated that the 1899 Bill, that gave Protectors the prerogative over employment, would 'give the death blow to our mission' as it interfered with missionaries' role of sending Aborigines to work on pastoral stations.<sup>128</sup> Penhall advised the Minister that although

some employers...display very little consideration for the native workmen, either in the matter of food and clothing or in the payment of a satisfactory rate of wages...many employers treat their native workmen very well indeed, paying a scale of wages ranging from 10/- per week, plus keep, to £2/10/- per week, plus keep, according to the ability of the workman. In addition the better type of employer also assists in the maintenance of the dependants and friends of the workmen.<sup>129</sup>

The Protection Board again sought amendments to the *Act*, in 1947, when it was evident that the Commonwealth was not going to take control in the immediate future. These included the control of wages and working conditions, particularly 'the type of shelter', of Aborigines 'living in remote areas, and not provided for in any other Award', and the regulation for prohibition of undesirable employers.<sup>130</sup> It was felt that, although a licensing system had the advantage of determining suitable employers, it 'would present great difficulties, particularly in relation to casual and seasonal employment', and regulation for prohibition would be more workable.<sup>131</sup> This determination echoed the rationalities presented at the Select Committee on the 1899 Bill fifty years earlier. It failed to eventuate and was not included in the 1962 *Act*, although regulations to allow adequate inspection of pastoral stations were gazetted in the 1960s.<sup>132</sup>

Labor Government Minister Dunstan admitted, in 1966, that the people of the northern pastoral areas were 'underprivileged' and in need of 'training and education...as well as welfare services'. Consequently a training centre, school and welfare office were in the process of being established so that the Government could 'remove from all pastoralists,

as quickly as possible, any administration of welfare services'.<sup>133</sup> There had been a gradual disinvestment of Aboriginal administration from pastoralists; moreover, the relationships between pastoralists and Aborigines that had been permanent or semi-permanent were now often occasional. This had resulted from the establishment of United Aborigines Mission missions at Nepabunna, Finnis Springs, Coober Pedy and Andamooka; the continued improvement of Ernabella mission particularly as Reverend J.R.B. Love was appointed Protector for the North West from 1941; the transfer of Ooldea Aborigines to Yalata mission station; and the establishment of Davenport at Port Augusta. Also, there was the development of the North West Reserve as a small cattle industry starting with the Government's establishment of Musgrave Park Station in 1961. The creation of numerous Aboriginal institutions meant that Aborigines migrated to them from pastoral stations for rations and services.

There was not unanimity on the Protection Board over the issue of governance of inviolable reserves. Cleland was critical of the Government running cattle stations because 'natives exploit the community...would be better run by some large pastoral company who could when willing get tough with the natives. They would require good work and father the golden rule "No work, no tucker". [This is now] a serious problem' for the recently detribalised Aborigines in North and Central Australia.<sup>134</sup> Constance Cooke's response was that 'the North West Reserve should be used for the sole benefit of our native people'. She was 'opposed to the suggestion of our Deputy Chairman that the Board should allow a business firm to open up some of the pastoral country' there, and 'the Department is quite capable of managing a pastoral undertaking which could begin in a small way at first'. Otherwise, '[e]xperience has shown us that the welfare of the natives takes second place even on such a Reserve as Yalata even though a Mission is in charge'.<sup>135</sup> Cooke was clear that assimilation should not be accelerated. Her opinions had consistency, whereas Cleland's recommendations varied when it came to detribalised and part-Aborigines according to the utility of each policy.

In 1957, the Stockowners' Association invited Bartlett, Head of Department, to discuss assimilation. As a result, the Association sent a letter to the Premier stating that

the Government be urged to institute a general survey of the usefulness, or otherwise, of all native establishments, and that a Committee of men experienced in the habits and ways of natives, which should include the Protector of Aborigines, be appointed to undertake such survey and report to the Government.<sup>136</sup>

The Association believed the push for inviolable reserves impeded the economic assimilation of Aborigines as workers on pastoral stations. It used the rhetoric of the past about experience as the required qualification for understanding Aboriginal affairs when it stated that, if a committee was established, 'the Government could be completely confident of all available information from the members of the Stockowners' Association who had had, in many cases, a lifetime of experience with the aborigines'.<sup>137</sup>

Bartlett's thoughts about the Association were that McTaggart of Nonning Station, near Port Augusta, 'was a genuine type...but that probably all of the members were more concerned with providing themselves with aboriginal labour on their various Stations'.<sup>138</sup> The Stockowners' Association wanted all institutions closed down so that the Aborigines were 'dispersed...in order to hasten their assimilation', and it thought the issuing of relief and payment of Child Endowment made 'it possible for most of the aborigines at these Missions to live without following employment'. Bartlett advised the Association that assimilation must not be pushed and that, because Aboriginal people did not receive Commonwealth pensions or relief from the Public Relief Department, the Aborigines Department 'had little option but to provide relief'. He stated that Child Endowment was a Federal matter and 'this Board had little or no authority'.<sup>139</sup> Bartlett informed the Minister that Aborigines wanted casual work and 'it is known that natives, on being disciplined by a pastoralist, will immediately leave his employment and return to a mission'.<sup>140</sup>

Partly as a result of the Stockowners' Association's activism, McTaggart was appointed to the Aboriginal Affairs Board confirming that government used activists for their expertise or experience and also to silence critics, as discussed in Chapter 2. Removal of ration depots from pastoral stations to Aboriginal reserves and missions led to 'official' detribalisation. The initial findings of the De Rose Hill Station case, under the Federal *Native Title Act*, 1993, which deems that title is reliant on an unbroken relationship to place, determined that native title could not be proved as Aborigines had left pastoral stations situated in their homelands in the 1950s. There is an irony in the fact that, if Aboriginal people remained on pastoral stations, assimilated to the economy, instead of seeking welfare on inviolable reserves, they were considered to have maintained their cultural practices.<sup>141</sup>

### **Depopulating Village Settlements: moral codes and utility**

While *full* and detribalised Aborigines in remote areas moved from pastoral stations to Aboriginal reserves, from working relations and economic assimilation to direct governmental supervision, *part* Aborigines at Village Settlements were encouraged to move to country towns, from government by discipline to government through 'freedom', and assimilation or absorption. The concept of 'freedom' does not simply mean liberty but, as Rose explains, 'freedom' is self-regulation dictated by the 'injunctions of the experts'.<sup>142</sup> With 'freedom', the relations of authority are reversed so that 'what starts off as a norm to be implanted into citizens can be repossessed as a demand which citizens can make of authorities'.<sup>143</sup> The shift in policies about Aboriginal reserves for part-Aborigines reflects the transition in government rationalities. The transition was necessary because the notion of 'freedom' as self-regulation is able to encompass modes of governance that promote assimilation and also self-determination. This implies that self-determination is not a form of postcolonialism or of sovereignty but the 'freedom' of advanced liberalism. Again, this fits Foucault's idea that change occurs within the triangle of sovereignty-discipline-government.

The issues are complex. Board policy in 1940 gave the impression that Village Settlements were permanent establishments. In fact, the Government's Architect-in-Chief was required to report on refitting existing housing, planning the 'most suitable, home-like and pleasing' new dwellings and the landscaping of 'gardens, tree planting, etc...'<sup>144</sup> This policy was not renewed in 1956; rather there were provisions for housing but not for the maintenance of Village Settlements at Point Pearce and Point McLeay. This was despite the fact, as Cleland stated publicly in 1957, that the Crown Lands Department considered that 'every native has an inherent right to be on a native reserve, no matter how crowded a reserve may be'.<sup>145</sup> It is also despite the fact that Aboriginal Village Settlements and reserves eventually became 'open' communities under advanced liberalism and not the 'closed' communities subject to complete governmental authority that they were previously.

Policy required the South Australian Housing Trust to erect twelve homes annually 'in suitable country towns where there is available a continuity of employment, for

allocation to selected aboriginal families', and the Aborigines Department to ensure 'improved accommodation to replace unhygienic and insanitary tin shacks and primitive encampments on Aborigines Reserves for allocation to selected aboriginal families'.<sup>146</sup> Dunstan, indeed, had made the correct observation of Point Pearce and Point McLeay in 1956. They were not maintained and the degradation would force Aboriginal people to leave. This principle was reinforced by the Board's decision to 'tighten' ration distribution to keep expenses down, so that only sick, aged and infirm received relief, and able-bodied Aborigines were required to 'register with the manager for employment with the Commonwealth Employment Service' before receiving relief. The rationale was that, as the stations were overpopulated and full employment for all able-bodied men impossible, they needed assistance to get work off the stations. A decision was made that, if a resident refused 'reasonable employment' where available, 'he and his family should then not receive any further relief'.<sup>147</sup>

Following his fact-finding visit to the eastern states, Penhall stated that there must be 'immediate action' by the South Australian Housing Trust, or other institution, to provide homes for Aborigines in country towns.<sup>148</sup> In 1953, the Board made such an agreement with the Trust. The Housing Trust was established in 1936, to assist in the industrial development of the State by providing small houses for low-income families that would keep rents at affordable levels, and the State's cost of living low. Industry would benefit from having lower labour costs than other states.<sup>149</sup> The Board established a Housing Selection Committee (Cleland, Rowe, Bartlett, Millar and the Welfare Officer, Sister McKenzie), and the first three homes erected by the Trust, in 1954, were at Victor Harbor and Glossop in the Riverland. In mid 1955, 21 applications for houses had been received from Aboriginal people and five were approved, but only 'if...behaves himself' would he be selected for the next house.<sup>150</sup>

Eligibility for Trust houses was dictated by moral codes and there were restrictions on where houses were erected. There was also another factor and that was utility. The Board wanted an extensive housing programme but there were budget limitations. Constance Cooke decried the fact that legislation was focussed on protection, which she felt was 'still necessary', but Aboriginal 'material welfare to some extent' was neglected.<sup>151</sup> She stated that even though the Board has 'started a housing scheme in a small way...[she] should like a sum to be placed on the Estimates that would allow for

the building of at least twenty houses in the next financial year'.<sup>152</sup> In 1956, Cooke was critical of the lack of funds for welfare, a provision required of government under the *Act*.

As a Board we are not required to carry out our duty to the original inhabitants of this country in the cheapest way possible, as is so often suggested by our Deputy Chairman. Neither have we been charged with the assimilation of the aborigines into our white community within an unreasonable time.<sup>153</sup>

In contrast, Cleland believed the ideal was utility or profitability and that part-Aborigines should be in a position to pay income tax, not to receive government support.

Already unnecessary expenses are incurred without advantage to the natives in case questions are asked in Parliament. It should be remembered that the more the natives per head in a community the less successful has their supervision been...If their contribution equals their costs, we are not quite successful. A cost of £10 a head is better than £20 but it means we are failing to assimilate them properly. And even to £100 a head, unless due to gross extravagance and faulty administration or to dazzle the community, really means dismal failure, except in the early transmission period from nomadism. Some expenses, such as houses and so on, are assets.<sup>154</sup>

The Deputy Chairman's utilitarian thought was influenced by elitist, biological ideas about the offspring of Aboriginal women and 'white men of a good type, some even related to persons of distinction' as opposed to 'a moron or waster', the section of the white population 'that keep us down in social advance, a section that biologically speaking should not be tolerated'.<sup>155</sup> Given Cleland's authority as Deputy Chairman and prominence in civil society (and his gender), this revealed that the end result required by the Board, the absorption of *part* Aborigines by the mainstream, was based on utility. However, the first step, which was the protection of 'nomads', *full* Aborigines not having the characteristics 'to maintain them in modern European society', needed full support monetarily from the Government.<sup>156</sup>

Early in 1956, R.J. Corbett a former government employee at Point McLeay, made complaints about 'shocking living and sanitation conditions' there, and these were printed in the *News*. The Minister expressed every confidence in the Board in his reply in the *Advertiser*. To follow up, Bartlett encouraged *News* journalists to accompany him to Point McLeay and an extensive article with photographs revealed the poor conditions but stated Board policy, which in effect confirmed paradoxically that as conditions were bad, Aborigines should leave the stations.<sup>157</sup> Bartlett used the local newspapers to the Government's best advantage, particularly as news reporting about Aborigines since the

Board's inception was negligible. However, the Board was less happy with the *Truth's* report on Aboriginal welfare and regarded it as 'sensationalism'.<sup>158</sup> Shortly after, a photograph of an Aboriginal family who were renting a Trust house at Victor Harbor appeared in the *News* supported by a glowing article which stated that the Board's policy 'to place selected aboriginal families' in Trust houses was 'proving successful', and that Bartlett had inspected homes in the Riverland, at Waikerie, Cobdogla, Barmera, Glossop and Swan Reach, where the families were 'very happy'. They were 'kindly' treated by white neighbours but should not be 'fussed over' nor 'ignored' but 'treated like ordinary neighbours'.<sup>159</sup>

There were diverse reactions from white residents of country towns. Twenty-nine residents protested about Aboriginal housing in Cobdogla but the Monash Progress Association asked the District Council to erect two homes for Aborigines at Monash, and residents of Bordertown built a four-room house for an Aboriginal family 'by subscription and voluntary labour'.<sup>160</sup> Two Trust homes were built at Hawker in 1961. There was an objection by one resident, the District Council's overseer, because if Aborigines were neighbours it would reduce his house value; however, he had a 'high regard' for the Aboriginal families being housed and 'did not object to them living next to him'. He pursued the issue wanting monetary compensation and, at one point, the Board considered buying his house to put an end to the matter.<sup>161</sup> This attitude was one of 'they should be housed but not in our town'.<sup>162</sup> The Superintendent of Reserves visited the South East seeking suitable allotments, and for 'the most part he had been sympathetically received by town officials who are agreeable to aborigines being housed in their districts'.<sup>163</sup>

In 1959, Bartlett informed Fay Gale that 28 Trust rental homes had been built and they were in country towns, with the exception of Wellington Reserve.<sup>164</sup> An Aboriginal man asked for assistance to erect a home on his city block. The Board suggested since this was contrary to its policy that it could buy the block and get the Trust to erect a home there. Then the home would oddly enough be leased to the applicant on a rental basis.<sup>165</sup> In support of its policy of housing in country centres, on Cleland's suggestion, the Board sent the Country Women's Association a list of families in Trust homes. This was meant to encourage its members to visit Aboriginal families, particularly wives, to involve them in community activities.<sup>166</sup>



In the mid 1950s, the Board agreed that the only way to make progress with the 'Aboriginal problem' was new housing. Until Aboriginal children were living in decent homes and not shacks and camps, they would not be accepted. Once some families were well housed, it would be 'a definite incentive for other natives and their children to aspire for something better in the way of living conditions'.<sup>167</sup> Before finance for housing was raised, the Board decided that Todson huts, an in-between dwelling, neither shack nor house, could be used on some reserves.<sup>168</sup>

The District Council of Meningie was concerned with the number of homes to be built for Point McLeay Aborigines and whether they would be in Meningie or at the reserve on the '1 Mile side' of the town.<sup>169</sup> Bartlett's obtuse reply was that eventually about six homes 'would satisfy the position at Meningie', and that Board policy was to 'eventually build as many houses as will be required to properly accommodate any native in your district who have developed to a standard where they can reside in a home in a reasonable manner'.<sup>170</sup> The District Council wanted most housing segregated at the reserve. The Board erected houses in the town or, more specifically, it was "pepperpotting", or the siting of Aboriginal houses in an otherwise European street' because, even though it was forced absorption, 'anything less than that was discrimination'.<sup>171</sup> A more extreme measure of forced absorption was the housing of a family as the only family of Aboriginal descent in a country town. Aboriginal women more than their husbands and children, who had work and school acquaintances, endured isolation when this occurred.<sup>172</sup>

### Conclusion

Tensions in Aboriginal communities over the end to institutionalism were evident when the Minister decided to make Point McLeay an open village in 1966. The reserve council asked that this be deferred for a few weeks 'until they feel they are ready'.<sup>173</sup> For the bureaucrats who were implementing the self-regulation and 'freedom' of advanced liberalism, the wish by Aboriginal people to stall de-institutionalisation 'came as some surprise, because often the inference is the sooner Department control goes and the people have complete freedom of movement on their reserves, the better it will be'.<sup>174</sup> Gladys Elphick of the Council of Aboriginal Women and member of the

Aboriginal Affairs Board, gave her opinion of the depopulation policy when she explained that:

When a family leaves a reserve...we leave the only security we have known...Speaking from experience, and it is thirty years since I left a reserve, I can say that the first eleven of them were spent in acute anxiety which did not end until I got four walls around me that I could call my own...Looking back, the years I spent on the reserve were the happiest of my life.<sup>175</sup>

Village Settlements like Point Pearce and Point McLeay had an extended history as protected reserves and, as Rowley points out, for this reason 'one would expect a high degree of institutionalised attitudes to authority among the large proportion of persons...who retain the tradition that one or other of these places is "home"'.<sup>176</sup>

The governing methods of self-regulation and the 'freedom' of advanced liberalism were proposed for the residents of Aboriginal Village Settlements, previously closed institutions, in an 'integration' era which followed 'protection and assimilation'. For the membership of the Protection Board this signalled the end of agricultural expertise and the importance of expertise in education and vocational training for employment in mainstream work places. At the same time, the expertise of the pastoral industry was significant for those Aborigines in remote regions who had moved from private pastoral stations to government-supervised Aboriginal reserves. On these Aboriginal reserves, there was the promise of self-regulation and 'freedom' with the proposed establishment of an Aboriginal cattle industry.

- <sup>1</sup> G. Flaubert *Op.cit.*, p. 140. At the Agricultural Show for Seine-Inférieure.
- <sup>2</sup> Cleland Papers *Op.cit.*, Report dated 11 November 1937.
- <sup>3</sup> M. Dean 'Liberal government and authoritarianism' in *Economy and Society*, 31:1, February 2002, p. 46.
- <sup>4</sup> Dean *Ibid*, pp. 43-44. Dean notes that it was Foucault who referred to the manipulative, facilitative and *laissez-faire* role of government in relation to civil society.
- <sup>5</sup> Roseworthy Agricultural College was established in 1882 as a result of a Royal Commission on Agriculture. The need arose for agricultural science to rectify deficiencies in crops and soils and, as Meinig states, the 'scientist entered the local scene...[when] the fresh land was now gone and the farmer was faced with the necessity of settling in and improving that which he had'. D.W. Meinig (1976) *On the margins of the good earth: the South Australian wheat frontier, 1869-1884*. Adelaide: Rigby (1<sup>st</sup> Published 1962), p. 123.
- <sup>6</sup> M. Williams 'More and smaller is better: Australian rural settlement 1788-1914' in J.M. Powell and M. Williams (eds.)(1975) *Australian Space Australian Time: geographical perspectives*. Melbourne: Oxford University press, p. 61.
- <sup>7</sup> *Ibid*, p. 75, citing SAPD 1877, p. 95.
- <sup>8</sup> Andrew *Op.cit.*, p. 6. The etymology of 'police' is 'to polish', thus emphasising the 'improvement' aspect of the term.
- <sup>9</sup> Hunter (1998) *Op.cit.*, p. 243.
- <sup>10</sup> M. Valverde 'Police science, British style: pub licensing and knowledges of urban disorder' in *Economy and Society*, 32:2, May 2003 (a), p. 234.
- <sup>11</sup> *Ibid*.
- <sup>12</sup> M. Williams *Op.cit.*, p. 71.
- <sup>13</sup> *Ibid*.
- <sup>14</sup> B. Gammage 'Closer Settlement', *The Wakefield Companion to South Australian History, Op.cit.* Gammage states that closer settlement is a policy to 'realise the land's full potential', p. 111.
- <sup>15</sup> Williams *Op.cit.*, aphorism cited by Williams, p. 86. Working-men's blocks and Village Settlements were promoted by the Fabian socialist ideas and utopian ideals of the late nineteenth century.
- <sup>16</sup> J.B. Hirst (1963) *G.W. Cotton and the Workingmen's Blocks*. Thesis, University of Adelaide, p. 50.
- <sup>17</sup> M. Williams *Op.cit.*, p. 86. Working-Men's Blocks had restrictions similar to Village Settlements because they were only 20 acres in size and, therefore, they were a supplement to normal income or to unemployment.
- <sup>18</sup> *Ibid*, p. 92.
- <sup>19</sup> *Ibid*, p. 94.
- <sup>20</sup> *Ibid*, citing the *Rural Reconstruction Commission, 1944 2<sup>nd</sup> Report, 'Settlement and Employment of Returned Men on the Land'*, Canberra. The South Australian Government provided training in farming for veterans at Mount Remarkable Training Farm, situated in the northern agricultural area. *South Australia. Department of Agriculture. Mount Remarkable Training Farm*. 1918? Government Printer.
- <sup>21</sup> SAPP No. 26 Aborigines Royal Commission 1913, p. ix.
- <sup>22</sup> *Ibid*.
- <sup>23</sup> *Ibid*.
- <sup>24</sup> SRSA GRG 52/12 Advisory Council minutes, meeting 9 May 1927. Taillem Bend was first declared a prohibited area in 1923 and again in 1926.
- <sup>25</sup> *Ibid*, meeting 5 July 1937.
- <sup>26</sup> *Ibid*, meeting 3 August 1937.
- <sup>27</sup> *Ibid*, meeting 4 July 1932. GRG 52/15 McLean rejected the proposal because of finance, and Sexton and Cleland thought Mrs Bennett should be checked out with A.O. Neville, Chief Protector in Perth. Letters of 5 and 6 July 1932.
- <sup>28</sup> *Ibid*, meetings of 2 November 1937 and 2 August 1938 and GRG 52/13 Research Committee meeting 16 August 1938.
- <sup>29</sup> *Ibid*, meetings 4 May and 8 June 1939. This referred to home crafts carried out by women at Lake Tyers government station.
- <sup>30</sup> SRSA GRG 52/1/28/1934 Estimates for 1934 were £26,688.
- <sup>31</sup> *Ibid*, GRG 52/1/4/1935 and 52/1/47/1938, Unemployment Relief Council letter of 20 October 1938. Full-Aborigines were not suggested as participants by the Aborigines Department.
- <sup>32</sup> *Ibid*, GRG 52/1/47/1938 Report of 10 September 1938.
- <sup>33</sup> Milich *Op.cit.*, p. 4.

<sup>34</sup> SAPP No. 20 Aborigines Department Annual Report year ended 30 June 1950, p. 5. Penhall, Head of Department, updated policy as a result of a fact-finding visit (with his spouse, former Sister Penhall at the government stations) to NSW and Queensland in April 1949.

<sup>35</sup> The period chosen is the twelve months up to June 1933. However, any twelve-month period, either before the institution of the Aborigines Protection Board or after, would reveal similar results.

<sup>36</sup> Gordon (1865-1946) was formerly in Parliament and 'travelled his State extensively and became a popular advocate for the improvement of the farming and pastoral industries — production, transportation and sales' (*ADB* 9). Butler, Premier and Treasurer 1927-1930 and 1933-1938; Pattinson, MHA Yorke Peninsula 1930-1938; and Giles, MHA Yorke Peninsula 1926-1933 (Coxon et al *Op.cit.*).

<sup>37</sup> SRSA GRG 52/1/21/1933 and 52/1/49/1934, letter of 27 August 1934.

<sup>38</sup> *South Australia. Department of Agriculture. Mount Remarkable Training Farm, Op.cit. Regulations.*

<sup>39</sup> *Aborigines Act*, 1911, regulations gazetted 10 May 1917 and 21 August 1919.

<sup>40</sup> SAPP No. 26 Aborigines Royal Commission, pp. ix-x.

<sup>41</sup> *The State Reports*, Adelaide: Law Book Company of Australasia. SA Supreme Court, *Bray v. Milera* 195 of 1935, pp. 210-216. Note: Mr Bray was the superintendent of Point Pearce.

<sup>42</sup> SRSA GRG 52/1/10/1935.

<sup>43</sup> *The State Reports, Op. cit.*, the case was remitted for a further hearing, as the respondent was not called to answer the case against him. A further hearing apparently did not happen.

<sup>44</sup> R. and C. Berndt 'Some problems of the mixed-blood Aborigines in the southern part of South Australia' in *Social Horizon*, July 1945, p. 40. The Berndts were refused entry to stations and reserves in 1943, even with Professor Elkin's recommendation, because they were perceived to be a 'disturbing influence on the tranquillity of the natives' (SRSA GRG 52/16 Aborigines Protection Board minutes 3 November 1943). This situation arose as a result of Harry Green's criticism of the Berndts. Green was United Aborigines Mission missionary at Ooldea. Also, the Aborigines Protection Board may not have welcomed intrusions of this kind so early into its operation.

<sup>45</sup> *Ibid*, p. 44.

<sup>46</sup> SRSA GRG 52/12 minutes 4 September 1935.

<sup>47</sup> From 1942, the Federal Government monopolised income tax revenues. Before then, the State Taxation Department did not impose income tax on Aborigines because few Aborigines earned sufficient to pay tax. However, during the War with 'a shortage of white labour', Aborigines began to have 'substantial earnings'. Consequently, it appears that State taxation was imposed in 1941 and Federal taxation applied from 1942. *Ibid* GRG 52/1/15/1941 letter from Taxation Department of 3 August 1942.

<sup>48</sup> *Ibid*, GRG 52/16 minutes 5 December 1956.

<sup>49</sup> DeMaria *Op.cit.*, p. 26 and p. 34.

<sup>50</sup> *Ibid*, p. 34.

<sup>51</sup> *Ibid*, p. 38.

<sup>52</sup> SRSA GRG 52/36 Vol. 2 Miscellaneous Correspondence to Chief Protector, letter from Commonwealth Statistician about completion of 2<sup>nd</sup> Schedule to *Act*, dated 12 July 1939.

<sup>53</sup> As a result of the Federal Referendum of 1967, Section 127 of the Commonwealth Constitution was repealed thereby allowing Aborigines to be included in the published Census count for the first time in 1971. Previously, Census officials obtained Aboriginal details that remained unpublished. *Informing a nation: the evolution of the Australian Bureau of Statistics 1905-2005*. Canberra: Commonwealth of Australia, 2005.

<sup>54</sup> SRSA GRG 52/1/74/1921.

<sup>55</sup> *Ibid*, GRG 52/1/50/1938, letter of 31 March 1939.

<sup>56</sup> *Ibid*, GRG 52/1/18/1942 and 52/16 minutes 13 January 1942.

<sup>57</sup> *Ibid*, GRG 52/1/10/1941 Letter 20 May 1941.

<sup>58</sup> *Ibid*, GRG 52/16 minutes 14 May 1941. (Section 19 of the *Aborigines Act* provided for exemptions from the provisions of Section 17, removal to reserves.)

<sup>59</sup> *Ibid*, GRG 52/1/11/1942 and 52/16 minutes 6 May 1942.

<sup>60</sup> *Ibid*, GRG 52/1/2/1943 and 3/1943.

<sup>61</sup> *Ibid*, GRG 52/16 minutes 2 February 1944 and 23 March 1944.

<sup>62</sup> *Ibid*, minutes 28 June 1944.

<sup>63</sup> *Ibid*, minutes 8 and 22 November 1944.

<sup>64</sup> Regulations 1a and 1b under *Aborigines Act*, 1911; regazetted 25 July 1940.

<sup>65</sup> SRSA GRG 52/16 minutes 17 September 1941 and 1 December 1941.

<sup>66</sup> *Ibid*, minutes 30 May 1945 and 10 October 1945.

<sup>67</sup> *Ibid*, minutes 7 December 1955 and 8 February 1956.

<sup>68</sup> *Ibid*, minutes 7 March 1956.

<sup>69</sup> The Public Service Commissioner stated that before more staff could be approved a new policy statement was required to outline the increase in duties of the Department, SRSA GRG 52/1/11/1956.

<sup>70</sup> *Ibid*, GRG 52/1/73/1957 Bartlett to P.E. Felton (Superintendent, Aborigines Welfare Board, Victoria), letter of October 1958. Bartlett told Felton that there had been 'a phenomenal increase' in finance.

<sup>71</sup> *Ibid*, GRG 52/16 minutes 18 July 1945.

<sup>72</sup> Valverde (2003)(a) *Op.cit*, p. 251.

<sup>73</sup> M. Brady 'The politics of space and mobility: controlling the Ooldea/Yalata Aborigines, 1952-1982' in *Aboriginal History*, 23, 1999, pp. 1-14.

<sup>74</sup> Read *Op.cit*. H. Goodall (1996) *Invasion to Embassy: land in Aboriginal politics in New South Wales, 1770-1972*. St Leonards, NSW: Allen & Unwin. For similar discussion about reserves in Victoria see D. Barwick 'Equity for Aborigines? The Framlingham case' in P.N. Troy (ed.)(1981) *A just society? Essays on equity in Australia*. Sydney: George Allen & Unwin, pp. 173-218.

<sup>75</sup> For discussion on activism in the first decades of the twentieth century, see Foster (2000)(a) *Op.cit*. Attwood and Markus *Op.cit*, provide documentary evidence of activism; petitions, letters to authorities, press articles and so on.

<sup>76</sup> Foster (2000)(a) *Ibid*, p. 24.

<sup>77</sup> Attwood and Markus *Op.cit*, pp. 116-117, 'Requests submitted by Aborigines, Point Pearce, to the Advisory Council on Aborigines, South Australia, 26 August 1938'.

<sup>78</sup> SRSA GRG 52/1/137/1940 Statement of policy.

<sup>79</sup> *Ibid*.

<sup>80</sup> *Ibid*.

<sup>81</sup> *Ibid*.

<sup>82</sup> *Ibid*.

<sup>83</sup> SRSA GRG 52/1/123/1958 meeting held at Point McLeay on 30 July 1958 attended by Bartlett, Cleland, Cooke and Johnston.

<sup>84</sup> *Ibid*, meeting at Point Pearce held on 13 August 1958 attended by Bartlett, Cleland, Rowe, Walker, Cooke and Johnston.

<sup>85</sup> *Ibid*. Two Aborigines were representatives at the Australian and New Zealand Association for the Advancement of Science conference: Bob Wanganeen of Point Pearce and Percy Rigney from Point McLeay. Rigney spoke on the need for equal citizenship, *News* 22 August 1958.

<sup>86</sup> See Paisley (2005) *Op.cit*, for an account of Cooke's friendships with Point Pearce residents, pp. 184-185.

<sup>87</sup> J.M.G. Street *Report on Aborigines in Australia*. May/June 1957. Street deduced that the women who could make a 'contribution', particularly for Aboriginal women and girls, would not remain in Aboriginal affairs if their 'only prospect is to remain a subordinate member of the staff'. Even though Cooke and Johnston were original members of the Aborigines Protection Board, when Cleland was absent, they were not considered for the position of acting Deputy Chairman. For example, Rowe and later Whitburn filled this temporary role.

<sup>88</sup> Dr William Ternent Cooke and Professor Thomas Harvey Johnston were well known in scientific circles.

<sup>89</sup> Dunstan (1981) *Op.cit*, p. 70. The Aborigines Protection Board, as discussed in Chapter 6, disagreed with the proposal to repeal the 'consorting' section of the *Police Offences Act*, (*Advertiser* 27 August 1958).

<sup>90</sup> SAPD 30 August 1962 re Aborigines Affairs Bill, p. 814.

<sup>91</sup> SAPD 1 November 1955, p. 1317.

<sup>92</sup> Dunstan (1981) *Op. cit*, p. 70. Following a request from Point Pearce residents, Dunstan (Norwood) and Loveday (Whyalla) visited the station in 1956. SAPD 9 October 1956, pp. 920-922.

<sup>93</sup> D.A. Dunstan 'Aboriginal Land Title and employment in South Australia' in I.G. Sharp and C.M. Tatz (eds.)(1966) *Aborigines in the economy: employment, wages and training*. Melbourne: Jacaranda Press, pp. 314-326. (Based on papers presented at conference at Monash University May 1966.)

<sup>94</sup> *Ibid*, p. 320.

<sup>95</sup> *Ibid*, p. 321.

<sup>96</sup> *Ibid*, p. 323.

<sup>97</sup> D.L. Busbridge 'Aboriginal employment problems in South Australia' in Sharp and Tatz *Op.cit*, p. 108.

<sup>98</sup> F. Gale (1959) 'The role of employment in the assimilation of part Aborigines' in *Proceedings of RGSSA*, 60, pp. 49-58; (1960) *A study of assimilation: Part-Aborigines in South Australia*. Thesis, University of Adelaide; (1963) 'Some studies of Aborigines with extensive European associations: Aborigines in South Australia' in W.E.H. Stanner and H. Sheils (eds.) *Australian Aboriginal Studies: a symposium of papers presented at the 1961 Research Conference*. Australian Institute of Aboriginal

Studies. Melbourne: Oxford University Press, pp. 414-422; (1964) 'Administration as guided assimilation (South Australia)' in M. Reay (ed.) *Aborigines now: new perspective in the study of Aboriginal communities*. Sydney: Angus & Robertson, pp. 101-114; (1967) 'Patterns of post-European Aboriginal migration in South Australia' in *Proceedings of RGSSA*, 67, pp. 21-37; J. Inglis 'Aborigines in Adelaide' in *Journal of the Polynesian Society*, 70:2, 1961, pp. 200-218; 'Aborigines in Adelaide' in Stanner and Sheils *Op.cit.*, pp. 423-428; 'Dispersal of Aboriginal families in South Australia (1860-1960)' in Reay *Op.cit.*, pp. 115-132. Inglis received a grant from the Board for Anthropological Research in 1958 towards her research into part-Aboriginal families living near Adelaide, SRSA GRG 52/1/172/1958.

<sup>99</sup> Gale (1964) *Op.cit.*, p. 113.

<sup>100</sup> *Aborigines Act*, 1911 Section 7(2) and *Aborigines Act*, 1939 Section 7(b). This agreement could be in the form of a loan between the Department and Aborigines or without payment (gratis).

<sup>101</sup> SRSA GRG 52/1/100/1949 Walker declined reappointment due to inability to devote time to the Aborigines Protection Board. He offered his assistance, however, with agricultural matters in the future. Letter of 3 December 1959.

<sup>102</sup> Gale (1963) *Op.cit.*, p. 419.

<sup>103</sup> The division was based on legislation enacted in the 1960s: the *Aboriginal Affairs Act*, 1962 focussed on health, education, employment and housing; the *Preservation of Aboriginal and Historic Relics Act*, 1965, (proclaimed 1967) meant the Academy, the Museum and other cultural institutions were involved through preservation of history, language, music and art; the *Aboriginal Lands Trust Act*, 1966 resulted in an amendment to the *Aboriginal Affairs Act* in 1967 for the establishment of Aboriginal Reserve Councils. There was also the *Prohibition of Discrimination Act*, 1966 that protected citizens' rights and ensured equality of treatment. See L. Smith and G. Campbell 'Governing material culture' in Dean and Hindess *Op.cit.*, for discussion on how the natural/physical sciences, like the human/social sciences, are involved in 'regulating the "conduct of conduct"' and, therefore, are not apolitical as is often proclaimed by academics in the natural/physical sciences, pp. 186-187.

<sup>104</sup> C.D. Rowley 'Some questions of causation in relation to Aboriginal affairs' in Sharp and Tatz *Op.cit.*, p. 358. Rowley put this failure of anthropology down to the fact that 'for so long only the anthropologists were interested in this problem'.

<sup>105</sup> Rose (1999) *Op.cit.*, pp. 132-133.

<sup>106</sup> Mrs A.G. Wheaton was the Director of the Board of Social Study and Training (1936-1957) and Lecturer in Charge of the Department of Social Sciences/Studies at the University of Adelaide (1942-1964), which awarded Social Science diplomas and degrees, the educational expertise for social workers.

<sup>107</sup> Meinig *Op.cit.*, pp. 45-46.

<sup>108</sup> The *Aborigines Act*, 1911 Sections 27-29 'Employment of Aborigines'.

<sup>109</sup> C.J. Millar 'Aboriginal affairs in South Australia' conference at University of Adelaide June 1969, published as *The Aborigines of South Australia: their background and future prospects*, *Op.cit.*, p. 13.

<sup>110</sup> SRSA GRG 52/12 meeting of 2 December 1936.

<sup>111</sup> *ADB* Vol.8 Theodore Ernest Day 1866-1943, as chief surveyor of NT he made surveys in 1915 and 1916, Surveyor General 1921-1930 and Chairman of Pastoral Board 1930-1935.

<sup>112</sup> *Ibid.*

<sup>113</sup> SRSA GRG 52/1/137/1940.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*, GRG 52/1/113/1940 minute of 17 October 1941, Penhall to Commissioner of Public Works.

<sup>116</sup> *Ibid.*

<sup>117</sup> SAGG 30 January 1851, Commissioner of Crown Lands to Colonial Secretary.

<sup>118</sup> Larbalestier *Op.cit.*, p. 20.

<sup>119</sup> SRSA GRG 52/1/52/1941 Correspondence October 1942.

<sup>120</sup> See Rowse (1998)(a) *Op.cit.* and R. Foster 'Rations, coexistence, and the colonisation of Aboriginal labour in the South Australian pastoral industry, 1860-1911' in *Aboriginal History*, 24, 2000(b), pp. 1-26.

<sup>121</sup> SRSA GRG 52/1/88/1941. Penhall's report to the Minister of Works dated 7 February 1946.

<sup>122</sup> *Ibid.*, Crown Solicitor's opinion of 1942.

<sup>123</sup> *Ibid.*, request for amendment, May 1942.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.* Penhall informed the Minister that Constable Homes was the son of Inspector Homes and much interested in Aboriginal welfare, so as to infer that the report was professional. Homes' attire and skills reflect an era well before 1945, thereby indicating that the pastoral areas were a world apart.

<sup>126</sup> *Ibid.*, amendment sought toward the end of the Parliamentary session in 1945.

<sup>127</sup> *Ibid.*

<sup>128</sup> SAPP No. 77 Select Committee of the Legislative Council on the Aborigines Bill, 1899, p. 9.

- <sup>129</sup> SRSA GRG 52/1/88/1941 minute to Minister 7 February 1946. The Basic Wage for men in SA in 1946 was 98/6 (20 shillings per pound), that is nearly £5 per week. SAPP Statistical Register 1945-1946 Part 1.
- <sup>130</sup> *Ibid*, GRG 52/1/66/1947 Penhall's report of 19 August 1947.
- <sup>131</sup> *Ibid*.
- <sup>132</sup> Regulations under *Aboriginal Affairs Act*, October 1965.
- <sup>133</sup> Dunstan (1966) *Op.cit*, p. 342.
- <sup>134</sup> UASC Cleland Papers *Op.cit*, Cleland's speech 'The place of Aborigines in Australia's society' to the Church of England Men's Guild, Glen Osmond, 25 September 1957.
- <sup>135</sup> SRSA GRG 52/1/74/1955 memorandum 12 January 1956.
- <sup>136</sup> *Ibid*, GRG 52/1/203/1957 letter of 31 October 1957.
- <sup>137</sup> *Ibid*, deputation to the Minister, 17 April 1958.
- <sup>138</sup> *Ibid*, minute of 25 September 1957.
- <sup>139</sup> *Ibid*, letter of 25 September 1957.
- <sup>140</sup> *Ibid*, minute of 26 March 1958.
- <sup>141</sup> T. Gara 'Pastoral Industry', conference at Hawke Centre, University of South Australia, Adelaide, April 2003. The De Rose Hill Station case was the first native title claim in SA under the *Native Title Act*, 1993. The initial findings of 2002 demonstrate the incompatibility of European and Aboriginal law about land. In June 2005, the Federal Court revoked the earlier decision stating that the judge had interpreted the requirements of the *Act* too literally. The Federal Court gave access to the pastoral lease, but not the pastoralist's improvements to the lease (house, outbuildings and so on) to the Aboriginal traditional owners (these are native title or traditional rights not commercial rights or possession). The pastoralist has now appealed this decision.
- <sup>142</sup> Rose (1993) *Op.cit*, p. 298.
- <sup>143</sup> *Ibid*, p. 296.
- <sup>144</sup> SRSA GRG 52/1/137/40 Statement of policy (1940).
- <sup>145</sup> UASC Cleland Papers *Op.cit*, speech to Church of England Men's Guild, 25 September 1957.
- <sup>146</sup> SRSA GRG 52/1/137/40 Statement of policy (1956).
- <sup>147</sup> *Ibid*, GRG 52/16 minutes 17 April 1957. Constance Cooke abstained from voting on this recommendation.
- <sup>148</sup> *Ibid*, GRG 52/1/28/1949. Penhall's policy recommendations, approved in 1950.
- <sup>149</sup> S. Marsden (1986) *Business, charity and sentiment: the South Australian Housing Trust 1936-1986*. Netley: Wakefield Press, p. 25.
- <sup>150</sup> SRSA GRG 52/16 minutes of meeting 2 February 1955.
- <sup>151</sup> *Ibid*, GRG 52/1/9/1954 letter to Secretary, Aborigines Protection Board, 10 June 1954.
- <sup>152</sup> *Ibid*.
- <sup>153</sup> *Ibid*, GRG 52/1/74/1955 memorandum of 12 January 1956. Cooke referred to Section 7 of the Aborigines Act, 1939.
- <sup>154</sup> UASC Cleland Papers *Op.cit*. speech to Church of England Men's Guild, 25 September 1957.
- <sup>155</sup> Cleland (1949) *Op.cit*, p. 68 and 77.
- <sup>156</sup> *Ibid*, p. 68.
- <sup>157</sup> *News* 8 February 1956 and SRSA GRG 52/16 minutes 8 February 1956 concerning reports in the newspapers about Point McLeay.
- <sup>158</sup> SRSA GRG 52/16 minutes 22 February 1956.
- <sup>159</sup> *News* 12 March 1956.
- <sup>160</sup> SRSA GRG 52/16 minutes of meetings 1 June, 21 September and 12 October 1955.
- <sup>161</sup> *Ibid*, GRG 52/1/182/1960.
- <sup>162</sup> Marsden *Op.cit*. Marsden cites *Advertiser* 5 September 1958, p. 220.
- <sup>163</sup> SRSA GRG 52/16 minutes 26 October 1955.
- <sup>164</sup> *Ibid*, GRG 52/1/147/1959.
- <sup>165</sup> *Ibid*, GRG 52/16 minutes 2 May 1956.
- <sup>166</sup> *Ibid*, GRG 52/1/183/1957.
- <sup>167</sup> *Ibid*, GRG 52/16 minutes 18 May 1955.
- <sup>168</sup> *Ibid*, minutes 1 June 1955.
- <sup>169</sup> *Ibid*, GRG 52/1/148/1957 letter 12 August 1957.
- <sup>170</sup> *Ibid*, letter to District Council, 16 September 1957.
- <sup>171</sup> Read *Op.cit*, p. 24.
- <sup>172</sup> *Pers.comm.* late 1999, from an Aboriginal woman who grew up during this period in the lone family in a town not near any other towns with Aboriginal residents.

---

<sup>173</sup> Busbridge *Op.cit*, p. 108.

<sup>174</sup> *Ibid.*

<sup>175</sup> G. Elphick 'The Council of Aboriginal Women', *The Aborigines of South Australia: their background and future prospects*. Department of Adult Education, University of Adelaide, 1969, p. 94. She was a member of the Aboriginal Affairs Board from 1967 to 1970.

<sup>176</sup> Rowley (1971) Volume 2, p. 19.



---

### *Educational expertise: the training of children*

There were a few timid young children, who, miserable as they had been, and many as were the tears they had shed in the wretched school, still knew no other home, and had formed for it a sort of attachment, which made them weep when the bolder spirits fled, and cling to it as a refuge...

They were taken back, and some other stragglers were recovered, but by degrees they were claimed, or lost again; and, in course of time, Dotheboys Hall and its last breaking-up began to be forgotten by the neighbours, or to be only spoken of as among the things that had been.

*Charles Dickens 1839<sup>1</sup>*

Two important factors about experts arose in the previous chapter. First, when educational expertise replaced agricultural expertise the type of training espoused for Aboriginal children shifted, which indicated that there was a new problematisation of how their governance would occur. Vocational training through agriculture was no longer thought to be a 'solution' as the State's economy was now not dominated by agriculture, and part-Aborigines were pushed towards assimilation. To meet these changes the Aboriginal population at stations and missions needed to be reduced through incorporation into rural centres. For Aboriginal children, this implied a need for a generalised, mainstream education. Second, the experts on the Aborigines Protection Board were revealed to have 'double vision'. There were Cleland's utilitarian ideas for detribalised Aborigines, which pointed to 'the public interest' or the potential of individuals to pursue their own interests, and Cooke's vision of 'the common good' or what was best for Aboriginal people, given the 'social problem' of protection and assimilation and other 'broad-based, deep-seated social problems'.<sup>2</sup> The tension between these viewpoints affected ideas about Aborigines' place in society, as individuals or as a collective, the extent to which they should be bound by the 'social contract', and whether government or mission organisations/philanthropists should be responsible for their welfare.

As this chapter is devoted to the expertise of educators in the training of children, it may be thought that little can be said since Jack Whitburn (BA, Dip.Ed.), the Education Department's Superintendent of Rural Schools, was appointed in 1960 on the resignation of Walker, the agriculturalist, only two years before the Board's demise. Here Hunter's comment is useful. The school system is a combination of pastoral pedagogy and government administration so that it is 'the organisational *modus vivendi* for several conducts of ethical and civic life'.<sup>3</sup> Moreover, the state school system was the means of 'social governance of colonial societies' and 'social training' through 'the bureaucratic adaptation of Christian pastoral pedagogy'.<sup>4</sup> This implied that the experts concerned with the training of Aboriginal children were not only educators like Whitburn, but also religious organisers and public officials, thereby including Board members like Reverend Rowe and the government members Bartlett and Millar and, before them, Penhall. It also meant that various experts from other government sectors, for example staff of the Education Department's Medical Section, were involved in inspecting pupils and conditions at missions and government stations. As Hunter observes, educational innovations took effect more from surveys and statistics of government bureaucrats than from debates on abstract educational principles.<sup>5</sup>

As argued, Aboriginal governance occurred through non-liberal practices and this is clearly evident in the governance of Aboriginal children. Generally, there was increasing State control or 'parenthood' and even more so for Aborigines. Nonetheless, there were liberal responses to non-liberal governance, like the policy of dormitories at government Aboriginal stations. Education for Aboriginal children was seen to be the 'civilizing' influence and apprenticeships then later vocational training were perceived to be the main method of assimilation into the mainstream population.<sup>6</sup> However, apprenticeship legislation was tied to destitute legislation and had the effect of making training institutions and Welfare Board institutions the same places. In addition, educational experts deemed schools at Aboriginal institutions 'Special Schools' which further placed Aboriginal children in categories associated with Welfare Board institutions. The importance of 'psy' and other sciences to Education and Welfare Departments had influence in that the Aborigines Department set out to produce its own 'psy' experts and the discourses of the 'psy' sciences normalised individual conduct of Aboriginal children, and as a result had important implications. As we shall see in this chapter, the use of executive 'scientific' experts of the Aborigines Protection Board that

resulted in non-liberal practices, raised questions about government accountability to Parliament, which was responsible to citizens for their political and civil freedoms.

### The status of Aborigines

The subject status of Aborigines was determined by categories. The necessity of examining categories arises because of the problematising of Aboriginal subject status so that Aboriginal children's skin colour or 'caste' was a critical factor. Only *full* Aborigines were considered 'real' Aborigines and, consequently, *part* Aborigines were thought to be either transitional Aborigines or 'whites', if they were not under the control of the Aborigines Department. An example of particularised interpretation of Aboriginal children's subject status is demonstrated by C.E. Bartlett's address to the Anthropological Society in 1962. Bartlett, the Head of the Aborigines Department and Protector of Aborigines, was also a member of the Board for Anthropological Research. He instructed the Anthropological Society on the 'impact' of law on Aborigines and stated that the very first legislation, in 1844, 'strange to say,...did not deal with aborigines, but with half-caste children'.<sup>7</sup> This was a confusing statement to make as although the *Ordinance* was specifically for the provision of the 'Protection, Maintenance and Up-bringing of Orphans and other Destitute Children of the Aborigines', it also applied to other Aboriginal children 'whose parents or near kindred' agreed to their indenture as apprentices 'in any suitable trade, business, or employment' until they reached 21 years of age.<sup>8</sup> Amongst the first children included under the *Ordinance* were, in fact, the 'full-blood' children of an Aboriginal elder named 'King John'.<sup>9</sup> Bartlett's address was a specific interpretation of the *Ordinance* as it demarcated Aborigines into *full* and *part* Aborigines. It was presented as 'truth' but it misrepresented the original intention of the *Ordinance* and that was the protection and assimilation of *all* Aboriginal children. Bartlett's address indicates that the interpretation of State legislation about Aboriginal children maintained the division that had been constructed between *full* and *part* Aboriginal children.

Adult Aborigines were differentiated by age, sex, employability, skin colour or 'caste', tribal status, and residency in city or country and, from 1940, whether or not they were exempt from the *Aborigines Act* because of character, intelligence and development. Their children were differentiated by the same criteria and were exempted according to the exempt status of a parent, usually their male parent. All children, white and

Aboriginal, were categorised according to 'legitimacy of birth' and whether 'orphan' or 'neglected' or 'destitute'. They were identified in government reports and other discourses by behaviour commonly described as 'uncontrolled' or 'uncontrollable' and by their actions, criminal offences, and the term 'juvenile offender'. The principal question about all children always concerned their protectors, namely, who maintained them. Aboriginal children were singular in that, whatever the case, particular government officials were their protectors. For mainstream white children, the protection of government officials occurred when they no longer had parental or adequate parental guardianship and were then classed as State children.

The origins of terminology for children were location specific. For example, 'neglected' and 'destitute' were terms associated with the Children's Welfare and Public Relief Board and industrial schools for wards of the State, 'uncontrollable' and 'incorrigible' were the terminology of the courts and reformatories for convicted wards of the State, and categories according to 'caste' were the work of the Aborigines Department. Aboriginal children under the protection of the Aborigines Department were not categorised as 'neglected' or 'uncontrollable' and so on. These categories applied when they were wards of the State under the protection of the Children's Welfare Board but at that point, they were no longer classed as 'Aborigines' foremost. This was confirmed by the 'Report on Delinquent and Other Children in the Care of the State' of 1939 (the Adey Report) where there was no mention made of Aboriginal children because children under the protection of the Welfare Board were not identified by their Aboriginality. The Police Department differentiated between children under the Welfare Department and under the Aborigines Department. In its annual reports, juvenile offenders were identified by sex—generally, boys committed 'offences' and girls were 'uncontrollable'. The majority were categorised as 'neglected and destitute' and a smaller number were 'uncontrolled'. They were 'placed under Government control' and, sometimes, 'otherwise dealt with' or 'complaint dismissed' or 'withdrawn'. A few juvenile offenders were classed as 'Aborigines Act', meaning covered by the *Act*, and usually 'otherwise dealt with'.<sup>10</sup> In other government departments the separation between white or mainstream children and Aboriginal children was maintained because the Chief Protectors, and later the Board, were the guardians of Aboriginal children in place of their natural parents. Aboriginal children's inclusion in the mainstream as State children or when exempted from the *Aborigines Act* signalled that their Aboriginal

status was indefinite, depending on the period of time they remained wards of the State and the conditions of their exemptions—limited or unconditional.

The Adey Report Committee members recommended that the power of the Children's Welfare and Public Relief Department be shared equally by itself (Chief Secretary's jurisdiction), the Courts (the Attorney General's Department) and the Education Department, and that children and young persons (juveniles between 18 and 21 years) needed to be classified into two categories—children either breaking the law or children in need of care and protection. The attempt to direct more supervision of children under State control towards the Education Department was a result of the new scientific expertise in educating children. For example, Dr Constance Davey was appointed psychologist to the Education Department in 1924 to teach and examine 'subnormal and retarded children' in what she described as the Department's 'policy of extending educational facilities beyond the framework of the law'.<sup>11</sup> Davey's attitude to the authority of knowledge was revealed in her statement in the 1950s that the decisions made by Juvenile Courts over child welfare 'are today helped by the expert knowledge of psychologists, psychiatrists, physicians and social workers'.<sup>12</sup> Reverend Sexton nominated Davey for Aborigines Protection Board membership in 1936 because of her scientific expertise.

The 1939 Committee (Adey Report) comprised William Adey, Director of Education, as Chairman; Constance Davey; H.K. Fry, scientist and vice-president of the Council for Mental Hygiene; the barrister H.G. Alderman; and community worker Charlotte Leal. They influenced public attitudes towards young offenders so that re-education rather than punishment became central and they recommended that psychological work should be 'extended' to the Children's Welfare Department because presently there was 'no machinery to deal with a child's anti-social tendencies before he commits some breach of the law'.<sup>13</sup> The inquiry sought evidence from various organisations, which included the Children's Welfare and Public Relief Board, the Executive Committee of the Council for Mental Hygiene, Legacy Club, Women's Non-Party Association and the Youth Delinquency Section of the Legion of Christian Youth. The report provided an insight into what bureaucracies thought important in order to deal with 'a child with an abnormal adjustment to society', and the 'regimes of discipline' lay with 'fostering trustworthiness, self-responsibility, and self-respect', not with discipline 'impressed by

force'.<sup>14</sup> The use of scientific experts also indicated that new categories had been created and that other government departments, the Education Department in particular, were to increasingly delineate subject status through 'scientific' categorisation.

The discussion above confirms that, while Aboriginal children were wards of the State, they were not classed as 'Aborigines' and that Aboriginal subject status was produced as effects of governing institutions. To complicate the issue, however, 'half-caste' children were not thought to be true Aborigines because of colour and 'blood' and, later, their lifestyle. All children were under some form of State control, and more obviously State children had the State as 'over-parent'.<sup>15</sup> Hobhouse believes that the concept of the 'State as Over-parent' is 'truly Liberal' in that liberty 'involves control and restraint'. The concept is 'the basis of the rights of the child, of his protection against parental neglect, of the equality of opportunity which he may claim as a future citizen, of his training to fill his place as a grown-up person in the social system'.<sup>16</sup> Hobhouse's analysis is universalising and overlooks sub-populations. For example, in the case of Aboriginal children, their status was determined also by 'caste'—colour and 'blood'—and as a result, *full* and *part* Aboriginal children had a non-liberal rather than liberal State as 'over-parent'. Rationalities like 'over-parent' fit Foucault's analysis that 'issues that had once been left to families to address now began to impinge on the multiple questions relating to the nature, practices and justifications imputed to governmentality'.<sup>17</sup> Such rationalities overlook the 'illiberal' effects of the disciplinary and normalising roles of the liberal state.

### **State parenthood or the State as 'over-parent'<sup>18</sup>**

The steps that were taken through legislation, bureaucracy, and normalisation through medical inspections, which confirmed an 'illiberal' State as 'over-parent' of Aboriginal children, are tracked in this section. As stated, 'over-parent' was a term used by Hobhouse to indicate the State's role in 'domestic liberty'.<sup>19</sup> The critical aspect affecting Aboriginal children's relations to the State was their 'caste'—*full* or *part* Aborigines. Other factors, including dependency and 'neglect', they shared with mainstream children.

By the turn of the twentieth century, the State had deliberately assumed many of the responsibilities of parents through legislation, like the *Education* (1875), *State*

*Children's* (1895) and *Child Protection* (1899) *Acts* and nationalist discourse, particularly as a result of the Federation of the Australian States, reflected this emphasis. For example, at the Interstate Congress on Dependent Children, that is 'illegitimate, delinquent, half-caste, or mentally defective' children, in 1909, it was stated that: 'Every child is a national responsibility, as well as a national asset, and he or she should be modelled into an element of national strength'.<sup>20</sup> This discourse was not restricted to Australia as, in Britain, Dr Alden wrote in the opening sentence of her social service handbook that: 'The nation that first recognises the importance of scientifically rearing and training the children of the commonwealth will be the nation that will survive'.<sup>21</sup> The new controlling philosophy appeared to contravene the liberal principles of paternal power as theorised by Locke, that all parents retain paternal power, a father having as much authority and responsibility over his child as the sovereign has over his (Chapter 1, p. 47). Child welfare authorities like Alden believed that non-government philanthropic and interest groups similar to the National Society for Prevention of Cruelty to Children (London: 1889), that was also established in several Australian states, tempered State control because they held parents responsible for 'ill-treatment' and 'neglect'. As a result, the philanthropic and interest groups had 'done much to create what before only existed in theory', that is they reinforced Lockean paternal responsibility.<sup>22</sup> For Aboriginal parents, the concerns about State authority were not alleviated by the actions of lobbies upholding liberal rationalities because Aboriginal children, *full* and *part*, were eventually controlled under the *Aborigines Acts* by a non-liberal State.

The earliest legislation affecting Aborigines, Governor Grey's *Ordinance* of 1844, to provide apprenticeships to children, had made the Protector 'by virtue of his office' their legal guardian until they reached 21 years. The *Ordinance* specified guardianship for 'every half-caste and other unprotected Aboriginal child', including those children whose parents were 'dead or unknown', or whose parents were willing to abide by this agreement, so long as such agreement was made before a magistrate.<sup>23</sup> Previously, in 1842, the *Destitute Act* legislated for the apprenticeship of destitute settler children between the ages of 13 and 18. With the threat of immigration of hundreds of Irish orphans, *Ordinance* No. 8 of 1848 provided for apprenticeships for emigrant orphan children and poor children maintained by the State and made the Children Apprenticeship Board guardians of such children until they attained 19 years. It did not

repeal the *Ordinance* of 1844, thereby creating a division between the two groups of children—Aboriginal and settler, a situation that would prevail until special legislation for Aborigines ceased with the *Racial Discrimination Act* of 1966. Apprenticeship legislation upheld Locke's premise that the first duty of a parent was a child's education. The importance of exhorting parents to educate their children was historical. English customs made children, from an early age, 'separate economic individuals' from their parents through 'the three institutions of servanthood, apprenticeship and wage labour'.<sup>24</sup> Such practice came about because 'public peace and the control of violence were in the hands of chosen officials, rather than the family's'.<sup>25</sup> As *loco parentis* for orphan and unprotected children, the State was carrying out its deemed role for both mainstream and Aboriginal children and the early Ordinances reveal that, at this stage, it was a liberal State that was 'over-parent'.

With the 1911 *Aborigines Act*, *Ordinance* No. 12 of 1844 was repealed and the Chief Protector was made the legal guardian of all Aboriginal children until they reached 21 years regardless of parents and other kin, except if a child was a State child according to the *State Children's Act* (1895). Strictly speaking, the only children of Aboriginal descent not included in the legislation were those who were three generations removed from a 'full-blood' ancestor.<sup>26</sup> The *Aborigines Act* was the particular work of former Chief Protector Hamilton and Chief Protector South, whose main concern was the legal ability to remove 'neglected' children to the care of the State. In the category of 'neglected' they included 'half-caste' children, with parent(s) who were unwilling to agree to such guardianship. They perceived 'half-caste' children because of their 'inferior status' as neither Aborigine nor European, to be neglected in comparison to the white child and believed them to be destined for vagrancy, the gaol and prostitution. These ideas were consistent with the aims of the State Children's Council as demonstrated at the 1909 Congress on Dependent Children.

At the 1909 Congress on Dependent Children, in the initial stages only 'half-castes' were included in the categories of dependent children because they were classed as the illegitimate children of Aboriginal mothers and white men who failed to provide maintenance. But despite that, the recommendations of the Congress included that: 'immediate steps should be taken in the Commonwealth to educate and protect all half-caste and aboriginal children by taking charge of such as in the case of other neglected



children' thereby including *all* Aboriginal children as dependent children under the State as 'over-parent'.<sup>27</sup> However, there was an addendum to this motion by the philanthropist C.H. Goode. The addendum, in effect, diluted the motion that had specifically targeted government control as it stated that 'the best way to carry out the above will be by encouraging approved missionaries to the extent of subsidizing their material wants. In the case of any children placed with them'.<sup>28</sup> In response, James Gray, secretary of the State Children's Department, then identified that 'useful' legislation for Aborigines both adult and children was required in the State and that a commission should be appointed to collect evidence to that effect. His ideas were paternalistic as he believed that all Aborigines must be 'dealt with as children,..., not only to protect them from vicious whites, but from themselves'.<sup>29</sup>

With the introduction of the protection legislation of 1911, advocated by Gray and others, there was now a non-liberal State that was 'over-parent'. There were successive events that had led to and enforced a non-liberal State as 'over-parent' which need to be outlined. As the schooling of Aboriginal children was the means to their 'civilisation', this resulted in the unusual situation whereby the early Protectors became leaders in public education. Bromley was the first schoolteacher of the new Colony, Wyatt was chairman of the first Board of Education and first Inspector of Schools for Public Education (1851-1874) and Moorhouse was a member of the Board of Education and his advice on education led to the establishment of the Poonindie Institute. The 1860 Select Committee on Aboriginal welfare and administration recommended the decentralisation of Aboriginal schools and mission organisers, who focussed on religious conversion through education and medical support, took this up.

The education of Aborigines was an issue that drew the attention of colonists as well as prominent people in Britain. Florence Nightingale became involved after discussing the decline of indigenous peoples of the Empire with Colonial Secretary George Grey in 1859. She convinced him to survey the effects of European schools and hospitals on the health of non-Europeans in the colonies. Amongst the replies were statistics from three Western Australian schools and from Poonindie regarding the medical records of Aboriginal residents. Nightingale drew up a 35-page report with tables about education and health from these statistics, together with tables collated from existing Colonial Office reports on mortality of indigenous peoples in the colonies. In 1863 and 1864, she

delivered conference papers at the National Association for Promotion of Social Sciences based on her report. The thesis of the papers was that Aborigines required outdoor training or, at least, well ventilated spaces because confinement in European-style buildings was injurious to health. This observation was substantiated by South Australian Governor MacDonnell's view that 'even partial confinement in European school conditions had an adverse effect on the health of Aboriginal children'.<sup>30</sup>

From 1903, the Education Department provided for the schools at Points McLeay and Pearce. This meant that Aboriginal children were included in the medicalisation regime of the Department. Apart from this measure, public health officials and teachers Statewide informed each other of any outbreaks of childhood and infectious diseases that were noticed in the interests of containment. Ideas about state versus parental responsibility continued to be debated. Alden noted that the recommendations of the 1907 British *Education (Administrative Provisions) Act* where medical inspection was required to be compulsory, were delayed not only because of increased costs to ratepayers but also because the effects on parental responsibility would be deleterious. She believed that, at this stage, the state resisted aspects of its role of 'over-parent', although medical inspection 'would have enabled the authorities to classify these children in a more scientific way, adapting schoolwork to the mental powers of the child'.<sup>31</sup> The rationalities expressed in the provisions of the British *Act* followed through in South Australia. As noted in Chapter 1 (p. 67), Dr Ramsay Smith of the Central Board of Health inspected Point McLeay in 1908, following 30 deaths from influenza there and because of the overall high child mortality for the last three years. As a result of his recommendations, the Education Department reduced school hours to minimise confinement, lowered educational standards and destroyed teaching aids such as slates that spread contagion. This meant that curriculum standards for all Aboriginal school children were downgraded despite protest from some teachers. For example, Lavinia Francis, teacher at the Point Pearce Provisional School, wrote to the Director of Education to say that the 'old order' had been satisfactory and that, as a result of the downgrade, Aboriginal parents 'regard the new regulations as a reflection on the abilities of their children'.<sup>32</sup>

In Britain in 1908, a Royal Commission was established to determine the link between 'feeble-mindedness' and crime and, as a consequence, the *Mental Defectives Act* was

passed in 1913. In South Australia, the *Mental Defectives Act* of 1913 dealt with administrative issues and deceased estates. More important, however, was the 1912 national survey of schoolchildren planned by a committee of the Australasian Medical Congress, which enquired into mental deficiency.<sup>33</sup> As a result, reports were received from 800 public and some private schools, state institutions and a proportion of medical practitioners. This coincided with the establishment by Dr Gertrude Halley of the Medical Branch of the Education Department.<sup>34</sup> The feeling that medical inspection through the school system undermined parental responsibility was no longer a concern. Indeed, Halley, a noted eye and ear specialist, believed that parents needed educating in order to improve their children's health. Together with Lydia Longmore, Inspector of Infant Schools, Halley pioneered intelligence testing and 'the separate and skilled teaching of mentally retarded children'.<sup>35</sup>

Two reports revealed the difference in approach between scientists in this period. S.D. Porteous, as examined in Chapter 7 (p. 282), visited Point McLeay between 1916 and 1917 to conduct intelligence testing of school children. His results indicated the younger children were normal and the older children below average and this, he believed, proved that the intellectual development of Aboriginal children was a relatively short period. Halley visited the Far North in the summer of 1920 as part of the medical inspection for the Education Department. She listed three categories of children: those 'born South'; 'Children in Far North', that is those born there, meaning Aboriginal children; and 'Afghans and Aliens'. Halley found that the eyesight of non-European children was in a 'serious condition' and 'defective', because of trachoma in the main, not helped by the flies, which were 'a terrible menace to health'.<sup>36</sup> She also reported that, after administering the 'Porteous Mental Tests' and 'Binet-Simon Tests' at Marree and Oodnadatta, the 'mental age of the white children was well up to the standard for their physical age. It is interesting to record the fact that the Afghan children, on the average, are mentally two years below the normal'.<sup>37</sup> The mental condition of Aboriginal children, which Halley would have observed, was not made available to the public through the Parliamentary Papers. Nonetheless, the Aborigines Friends Association was of the opinion that the intelligence tests administered by Porteous and Halley proved that Aboriginal children were one and a half to two years below the average white child's intelligence.<sup>38</sup> In response, the Advisory Council gained approval in 1918, after a deputation visited the Director of Education, to have Mr W.T. Lawrie, the Head

Teacher at Point McLeay, retained at an 'improved status' and his school and other schools for Aborigines 'classed as special schools'.<sup>39</sup>

In 1920, the issue of the training of 'feeble-minded' children arose in Parliament. E.C. Vardon, member for Sturt, presented a motion in the Assembly to provide adequately for the 'detection, care, educational training, and control of mental defectives', which was eventually carried.<sup>40</sup> When Vardon asserted that mental deficiency led to crime and was hereditary, he was not contradicted. W.A. Hamilton, member for East Torrens, stated that segregation of mental defectives would be costly. In answer to Attorney General Denny's question, 'Do you not think eugenics is the real remedy?' he responded that he would not rule it out, but any action should be of a 'gradual character', in case medical advances later cured mental deficiency.<sup>41</sup> The Treasurer, Labor Premier John Gunn, queried whether mental defectives should be under the control of the Education or the Hospitals Department and noted that Dr Halley was already carrying out such work, 'as far as she is able'.<sup>42</sup> He also noted that Professor R.J. Berry of Melbourne University wanted to establish a child clinic institute for research and was seeking support from State governments. Vardon appeared to be content that the debate did not get taken further and added that it would be a 'great advantage' to have a resident medical researcher at the State's Minda Home at Brighton.<sup>43</sup> Although such debate did not lead to specific legislation, it provided support for the appointment of Dr Davey as psychologist in the Education Department in 1924.

While Davey was psychologist in the Education Department, her duties 'included the examining of backward, defective and problem children' and 'the organising of special classes and schools for subnormal and backward children'.<sup>44</sup> In 1928, the Commonwealth Government commissioned Dr Ernest Jones, Inspector General of the Insane for Victoria, to survey Australia-wide to determine the number of 'mental defectives'. The South Australian Minister of Education agreed to survey through public schools and also sent forms to private schools. The Minister's report for that year gave the results from the survey and recommended that a Special Training School was essential to deal with the number of 'subnormal' children, almost three percent of the school population. The category 'subnormal', as outlined by Davey, included those children 'ineducable in the scholastic sense', those who needed a 'Special Training School for feeble-minded', and those who required either a Special School because of

physical or mental incapacities or an Opportunity Class because of factors resulting from poverty in their homes. Point Pearce was not included in these statistics but school children there were thought to need at least a Special Training School. There was no further comment made, only that because there were twice as many subnormal children in the country as in the city, a hostel to accommodate them would need to be attached to the school.<sup>45</sup> The discrepancy between the abilities of city and country children indicated that Intelligence Tests favoured urbanised children with access to better equipped schools and other facilities like libraries and museums.

As discussed in Chapter 7, in 1934, J.B. Cleland first queried the Commissioner of Public Works about the mental capacity of children at Point Pearce and there was debate in Parliament about the possible use of eugenics in general. It was apparent that the release of Davey's statistics about Point Pearce fuelled Cleland's interest. In 1935, Davey reported that she had examined children at Points McLeay and Pearce during the past year as part of her country round. She stated that the children were 'slightly below the average intelligence of the white child' using Professor Burt's revision of the Binet Tests.<sup>46</sup> Davey recommended that school attendance should not begin before seven or eight years and that the special curriculum for Aboriginal students needed further revision so as 'to meet their special needs and the social problems that have arisen and must arise from their neglect'.<sup>47</sup> She appeared to be tentative about putting emphasis on the intellect of Aboriginal children because she stated that even though the 'white population' had 'much higher grades of intelligence', it also had 'much lower grades' as well.<sup>48</sup> The revised curriculum for Aborigines focussed on manual training for 12 to 16 year olds to cater for 'the after career of these children' and Davey thought it imperative that Regulation 10 of the *Aborigines Act* 'be strictly enforced', so as to 'keep all unemployed aborigines or half-castes at school till 16 years of age'.<sup>49</sup>

The focus on 14 to 16 year olds had been made as far back as 1905, when the Minister of Education, Justice Homburg, suggested legislation or 'other means' to change conditions for youth living at the stations, 'in comparatively enforced idleness', particularly as it was not their 'fault' and they were 'extremely intelligent, their conduct was exemplary, and the progress they made quite exceptional. At Point Pearce [Pearce] they secured an average of 92 per cent in the school, which is as high as that obtained in other State schools'.<sup>50</sup> Regulation 10 stated that children on reaching 14 years obtain

employment. If unemployed for more than seven days, and under 16 years of age, children should attend school until work was obtained. Failure to comply without 'reasonable excuse' or 'consent of the Superintendent' resulted in being guilty of an offence and liable to a fine of five shillings.<sup>51</sup> The intent of Regulation 10 was, finally, brought to realisation when legislated as Section 40 of the 1939 *Act*. Section 40 referred to children resident at 'any aboriginal institution' and made the parent liable to a 'penalty not exceeding five shillings'.<sup>52</sup> Regulation 10 was originally used to reinforce the 1923 *Aborigines (Training of Children) Act*, which was partially ignored by officials and considered a failure in general, after coming under disrepute when misapplied.

Cleland was eager to make Davey's report on Aboriginal children's intelligence public, particularly to scientists. As chairman of the Board for Anthropological Research, he made enquiries about her survey. In September 1934, she replied that she had spent ten days at each station and examined 168 children for 'general intelligence and educational ability' and that the results were pending.<sup>53</sup> Cleland urged her to publish the result in *Oceania*, the anthropological journal, or the *Medical Journal of Australia* and implied that the Board for Anthropological Research would cover incidental expenditure.<sup>54</sup> The fact that his suggestion was not entertained indicates that Davey considered her work adequately publicised through the Education Department, or, that she did not welcome Cleland's proposal because she was aware of both his penchant to take command and his incipient negative eugenics, which did not sanction improvement through environmental adjustments because it promoted the relation of ability to heredity. As discussed in Chapter 7, Cleland perceived *part* Aborigines to be the offspring of whites who were the 'submerged tenth' of the population that could not be improved.

Reverend Sexton also had a role in this affair. He visited Point Pearce at this time, while on his tour of Port Augusta and Ooldea, and reported to the Advisory Council on the training of adolescents, particularly girls in domestic service, and the extension of 'the school going age' to 16 years.<sup>55</sup> At its July meeting in 1935, the Council noted that it wished to procure Dr Davey's report on Aboriginal children's education but it seems a copy was not received and members had to wait for publication of the Minister of Education's edited report.<sup>56</sup> As a long-time member of the Women's Non-Party Association, Davey possibly conferred with Cooke and Johnston, the Association's representatives on the Council, but there is no record. Davey was president of the

Association from 1943 to 1947, following her retirement from the Education Department.<sup>57</sup> Whatever the case, Davey appeared to have been reluctant to become involved in the debates of scientific experts, other than those in her own field, and in the politics of Aboriginal affairs.

Sexton did not make a distinction between his role on the Advisory Council and that with the Aborigines Friends Association. Following his visit to Point Pearce for the Council, he wrote as Association secretary to the Commissioner of Public Works about raising the school age at Point Pearce to 16 years.<sup>58</sup> As a result, the Chief Protector responded that the Commissioner would encourage enforcement of Regulation 10 at Point Pearce to the extent of both posting official notices that children must attend school if not working and requiring the superintendent to issue exemptions to youth to show to school teachers if they had employment or other 'reasonable excuse'.<sup>59</sup> As indicated in the previous chapter, there was a conflict about the enforceability of Regulation 10 (and other regulations) until the *Bray v Milera* case in mid 1935, when all regulations under the *Aborigines Act* were validated with the acknowledgement that Regulation 1 was held to be defensible (see page 354). As discussed in Chapter 2, pages 106 to 107, Regulation 10 contravened the school leaving age that applied to all other children.

As indicated above, there was a belief that State control for Aboriginal children (and other children), was required for their well-being in education, health and employment terms. While aspects of control for mainstream children were justified as necessary for building the nation, the control of Aboriginal children was emphasised for their protection. The discourse of State control was partly ameliorated by those who aspired to liberal principles that espoused parental rights and responsibilities. However, the factor of parental rights was increasingly dismissed when it came to Aboriginal children.

### **Dormitories: the liberal response to an 'illiberal' State as 'over-parent'**

Amongst the changes thought necessary at Point McLeay in 1938, and reported in the *Advertiser*, was the need to re-establish the dormitory system in order to train children, and to provide vocational education for those with 'necessary qualifications' so that they could earn a living when they left the station.<sup>60</sup> Sexton had supplied this

information and was once again pushing the dormitory/Children's Home policy of the Aborigines Friends Association. As stated in the Chapter 1 (see page 38), Moorhouse first carried out this policy at the Native Location to assist assimilation. Later, he changed the dormitory policy and moved the children to the former barracks away from their parents and thus curtailed their natural rights to a degree—the educational benefits of white civilisation were only available if there was separation. With the introduction of the 1911 *Aborigines Act*, the natural rights of Aboriginal parents were denied, although access to children was still viewed by some to be a natural right. For example, John Lewis stated in Parliament in 1911 that there was the need for consideration of the feelings of mothers of Aboriginal children made State children.<sup>61</sup> Following government control at Point McLeay and Point Pearce, the issue of a Children's Home at Point McLeay was the liberal answer to the illiberality of possible removal to State institutions and this is the focus of this section. The dormitory policy debate persisted right up to the establishment of the Aborigines Protection Board's fostering scheme in 1954 and had the effect in this period of postponing for many Aboriginal children the authoritarian practices of child removal which were legislated under the 1911 and 1923 *Acts*. In order to analyse the series of events that led to the final quashing of the liberal response of using dormitories instead of permitting an 'illiberal' State to act as 'over-parent', it is necessary to investigate the past.

In line with *Ordinance* No. 12 of 1844, Chief Protector Hamilton advocated a system to deal with *part* Aboriginal children so that they were boarded out and apprenticed 'to some suitable employment'.<sup>62</sup> He thought that the missions should be given the legal status of reformatories and industrial institutions so that their managers had the legal authority 'to deal with a class of troublesome and refractory natives'.<sup>63</sup> South's first report as Chief Protector recommended that 'young children', in particular *part* Aboriginal children, be put in industrial institutions until they reached 18 to 20 years, and that '[d]uring this period they should not be allowed to mix with the other aborigines'.<sup>64</sup>

Over the next few years, the Chief Protector carried out what he termed 'rescue work', and *part* Aboriginal children 'from the blacks' camps', as well as 'neglected' children in the settled areas, were placed with State Children's Council institutions.<sup>65</sup> Between 1910 and 1915, 59 Aboriginal children were under the care of the State Children's



Department.<sup>66</sup> As noted previously, many magistrates and police officers, who considered the children's place was with their parents and kin, did not welcome South's policy. The 1911 *Aborigines Act*, drafted by Hamilton and South, with input from C.E. Taplin for the Aborigines Friends Association, applied to Aboriginal and part-Aboriginal children under 16 years whose parent had at least one parent who was a 'full-blooded' Aborigine.<sup>67</sup> In addition, the Aborigines Department, in the interests of all part-Aboriginal children under 18 years maintained by the Government, was given legal authority to enforce maintenance payments by the children's alleged fathers. Regulations were permitted to provide for the education of Aboriginal children either at Aboriginal institutions or industrial schools and for their employment as apprentices or in-service placements.

The Royal Commission of 1913 reinforced South's division between *part* Aboriginal children of the Far North, living in camps, and those resident at Aboriginal institutions; *full* Aboriginal children were not included unless 'destitute' or 'orphan'. It recommended that the Aborigines Department be the responsibility of the Chief Secretary, the same ministerial head as the State Children's Council. 'Destitute' and 'orphan' Aboriginal children were to be treated like other Children's Council children and were to be placed with State foster-mothers. Controversially, it advocated that 'neglected' Aboriginal children at ten years of age, younger children also if the parents agreed, be placed by the proposed Aborigines Board and that the Board arrange times for parental access. With regard to children living at Aboriginal institutions such as Point McLeay and Point Pearce, the Commissioners recommended that boys be trained there in trades and farm work, while girls received domestic training so as to suit them for 'outside situations', and that the training be compulsory.<sup>68</sup>

The discussions about the categories for Aboriginal children are difficult to follow. As stated, in general, only 'destitute', and 'incapacitated', *full* Aborigines were removed from families; however, removal for *part* Aborigines was a complex issue. Chief Protector South tried to overcome some of the technical problems of legal removal by drafting the 1923 *Act* where better provision of care, control and training required Aboriginal children to be declared State children under the control of the State Children's Council. The *Act* included all children of Aboriginal descent, males under 18 years and females less than 21 years, but divided them into the categories of 'legitimate'

and 'illegitimate'. This turned out to be the undoing of the *Act*, even though South thought he had solved the problem in 'capturing' Aboriginal populations both in camps and at Aboriginal institutions. Removal for training in a State Children's Council institution applied to 'legitimate' children, either those who were 14 years or older or those with their school Qualifying Certificate, and 'illegitimate' children of any age who were 'neglected or otherwise proper persons to be dealt with under this Act'.<sup>69</sup> The State Children's Council Secretary assured South that the 'law at present can deal with any "neglected" child no matter what the color or age of the child may be' and that the State Children's Department was 'quite prepared to take charge of the illegitimate children under 7 years, as these can be dealt with under the present Act'.<sup>70</sup> The Chief Protector and Advisory Council thought that the State Children's Council should not be allowed to control children who were 'full' Aborigines unless neglected, and infants less than nine months as they 'ought not arbitrarily be removed from their mothers' as this was a risk to health.<sup>71</sup>

South's strategy of dividing children who were residents of government stations according to 'legitimacy' needs to be examined more fully by considering the implications with regard to liberal or non-liberal State 'parenthood'. Reekie argues that, where illegitimacy or non-marital birth is treated as a 'material given', it is used to create 'the social problem of unwed motherhood' and 'to measure immorality'.<sup>72</sup> In this example, South was measuring financial costs to government and attempting to contain and control specific populations while pointing to the 'social problem' of 'idle' and 'dependent' *part* Aborigines. The immorality that particularly concerned South was sloth, a vice that had long been recognised as not easily redressed by Acts of Parliament. This was the opinion of Daniel Defoe as far back as the turn of the eighteenth century, when he argued that there were genuine and invalid reasons for poverty. 'Casualty' was a condition that meant the Parish should take responsibility, whereas 'crime', through luxury, sloth (idle, drunk) and pride ought not to receive support.<sup>73</sup> However, by framing the problem in terms of 'legitimacy' of birth this meant that the issue was infused with the stigma of unwed motherhood and with the financial problem of irresponsible fathers, and thus gained public support for South's interference.

Debates about 'illegitimacy' ranged from children were best cared for by mothers to adoption was desirable and the debates were affected by legal, medical and socially normal discourses. South Australian Member for the House of Representatives, P. McGlynn, stated at the Congress on Dependent Children in 1909 that the law has always regarded 'illegitimate' children as 'the children of no one' and the 'treatment of illegitimate children, and the mothers of them for many generations has been unique in its perversity'.<sup>74</sup> Unfortunately, in his view, this more often than not had meant that 'in early life these illegitimate children are deprived of the home influence', that is they are 'excluded...from the society of childhood'.<sup>75</sup> Medical discourses upheld the fact that such children were a problem because of their large numbers, nearly ten per cent in New South Wales in the late 1890s.<sup>76</sup> It was not until the twentieth century that medical experts recognised that the placement of children in foundling hospitals or infants' asylums, rather than boarded out with their mothers or wet nurses, meant certain death, despite enforcement of 'strict antiseptic principles'.<sup>77</sup> As a result, boarding out became the preferred means of caring for 'illegitimate' babies.

A non-liberal State 'parenthood' over 'illegitimate' children was apparent and parents' natural rights, particularly the rights of Aboriginal mothers, were diminished. In the early years of the twentieth century, as a result of 'infant life protection campaigns', 'the role of the single mother in preserving the life of her much needed child' was valued but 'the principles of scientific mothering', like artificial feeding, 'which were so heavily promoted in the inter war years, effectively broke this bond'.<sup>78</sup> Artificial feeding and other 'scientific' practices led to support for legal adoption 'as a way of placing ex-nuptial children in childless homes'.<sup>79</sup> When legal adoption was introduced in the State in 1925, this overturned 'the rights of the parent', even neglectful parents, which deemed 'the custody of his child were paramount'.<sup>80</sup> When it came to 'illegitimate' children, Locke's notion of paternal power was diluted and this had effects for *part* Aboriginal children whose skin colour or 'caste' often signified 'illegitimacy'.

Under the *State Children's Act* of 1909, the Government controlled homes of 'illegitimate' children by requiring inspection by State Children's Council staff until children reached seven years of age. Benevolent institutions were exempted from inspection due to pressure from the Archbishop of Adelaide, who threatened the dismissal of the babies and their mothers from Catholic establishments. Exemptions

also applied to homes that had been shown to be satisfactory and to homes where children were adopted.<sup>81</sup> Regulation 19 of the *Maintenance Act*, 1926, stated that inspectors must ensure 'the homes are satisfactory as regards cleanliness, accommodation, and moral surroundings', that public school teachers must report on 'every State child's attendance, progress, appearance, and such other like matters' and that 'clergymen of the denomination to which the child belongs, shall be allowed to visit any State child'.<sup>82</sup> State children were required to be visited by Welfare Department inspectors a minimum of three times a year. This meant that other government officials like teachers and police, particularly in country regions, were relied on to report any incidents of maltreatment between visits. However, as Barbalet states, while the local police officer 'might be quite sanguine about the conditions under which some of these children lived, the inspectors could not be'.<sup>83</sup>

It is probable that some 'illegitimate' children were treated in a similar manner to State children that were boarded out, even after they reached seven years. That is, they continued to be under State control. This depended on the inspectors' methods which before the 1926 *Act* were based on morality and mission zeal, but after 1926 were more likely to be preventive, emphasising the importance of allowing parent(s) some leeway to getting homes in order.<sup>84</sup> Nonetheless, as Barbalet indicates, there were always prejudices amongst Children's Welfare and Public Relief Department staff towards so-called 'bad' women, 'heredity' in the lower classes and the 'culture' of generational poverty.<sup>85</sup> Although Barbalet's arguments are directed at government control of the white population, they can be extended to cover *part* Aboriginal people whose heredity and moral values were perceived to be inferior and who were economically and socially disadvantaged and were likely to remain so.

The test case for the influence of State 'parenthood' given factors of 'illegitimacy', *part* Aboriginal status and Aboriginal motherhood occurred in 1924, following the 1923 *Aborigines (Training of Children) Act*. An 'illegitimate' Aboriginal child was removed from its young mother, a Point McLeay resident, by a State Children's Council inspector who reported the child as 'neglected' and ill. Miss Stirling, President of the Children's Council, authorised removal as a State ward and the child was taken to Mareeba Babies' Hospital. Subsequently, after much publicity in the newspapers over the 'State's shameful steal', the child was released on probation to its mother who was

temporarily residing with C.E. Taplin, Advisory Council member.<sup>86</sup> There were several points that arose as a result of this incident. Taplin argued that the issue was not that the mother was not fit or that she was not married, but that it was 'the abominable way in which the natives at Point McLeay are housed'.<sup>87</sup> Taplin added that the incident reflected badly on the Government because it had 'abolished the children's Boarding Establishment, which had been in existence from the inception of the mission'.<sup>88</sup> He also argued that the children should not be 'neglected' because the station was under government control; therefore, sections of the 1923 *Act* that dealt with 'neglected' children should not affect Point McLeay parents. Contrarily, he stated that: 'If an aboriginal mother is discovered away in the back blocks, where she cannot in reason be expected to give her child proper care, it *may* be a good thing to transport the child to Adelaide, where it can be better attended to'.<sup>89</sup>

The 1924 incident arose from a complicated mix of concerns of advocates and government officials who were affected by liberal ideas of parents' natural rights and by arguments about the extent of non-liberal State 'parenthood' because of social norms for the welfare of Aboriginal children. Since 1918, Councillor Taplin and Councillor Walter Hutley, former schoolteacher at Point McLeay, in particular, had pressured the Government to build a dormitory or Children's Home at Point McLeay, so that the children 'might receive better supervision and care at the Station'.<sup>90</sup> They were critical of the lack of action in this respect and, as indicated, of the state of housing in general. Garnett, the Chief Protector, had little to counter Taplin's attack and pushed responsibility the way of the State Children's Council. He told Reverend Sexton of the Aborigines Friends Association that the State Children's Council regulation that a State child must not be returned to Aboriginal stations and camps, was a matter that would be dealt with under the proposed *Aborigines Act*.<sup>91</sup>

Government official Garnett, who succeeded South as Chief Protector on South's death in mid 1923, was ambiguous about removal. When he was superintendent at Point Pearce, he agreed with South that Aboriginal children should be removed from the government stations, 'placing them in a Children's Home in the hills'.<sup>92</sup> Later, he thought this plan would cause Aboriginal parents to become indifferent to progress because their children were removed (see page 91). He also advocated that, if children were removed to gain 'sufficient education', three or four should be sent to the same

school so that 'they could come together for conversation and amusement and prevent loneliness and dissatisfaction'.<sup>93</sup>

On the formation of the Advisory Council of Aborigines, advocates of the Aborigines Friends Association sought Aboriginal opinion at Point McLeay on removal for training and found parents adverse to such proposals.<sup>94</sup> The Association then recommended to the Government that dormitories be established forthwith because of 'the inadequate accommodation provided for the children in the homes of the natives' at the stations, 'as well as the growing necessity for giving the boys and girls a better environment for their moral well being'.<sup>95</sup> It also recommended that the dormitory at Point McLeay house current State children 'so that they may be trained there' and that 'the compulsory school going age' be raised to 16 years.<sup>96</sup> The Government was reticent about the proposal because of the cost and finally, in 1922, the £8,000 set aside for the dormitory were struck off the Estimates.<sup>97</sup>

The Advisory Council, which at this time was dominated by the Aborigines Friends Association, thought the Chief Protector unsympathetic to the Aborigines' concerns, and the Chief Protector was critical of the Council's impracticality thus indicating the contrary forces at play. Consequently, the Advisory Council wrote directly to the State Children's Council about its proposals. This action was assisted by the fact that Hutley was President of the Children's Council. He persuaded both the Commissioner of Public Works and the Director of Education to visit Point McLeay in 1920 to view the situation first hand. The State Children's Council found that its legislation only covered 'the cases of neglected and other children who must appear before a magistrate' so as to be committed to the charge of the Children's Council. Hutley thought the answer lay in an amendment to the Children's Council's legislation so that the Chief Protector could commit 'boys and girls...and others without having to appear before a court'.<sup>98</sup> However, on legal advice, the Children's Council was told 'the suggested transfer [was regarded] as an unwise procedure' and, consequently, amendment was necessary to the *Aborigines Act* 'in order to deal with the boys and girls when they had finished their schooling and were ready for service outside the Station'.<sup>99</sup> The ineffectualness of government to grapple with complex State guardianship issues was apparent when Hutley and other members of the State Children's Council resigned over the Children's Council's failure to fulfil its duties.<sup>100</sup>

By 1922, the focus of advocates and government officers was on Aboriginal children who had completed the Qualifying Certificate and were about to leave school. Hutley put forward a motion at the mid September meeting that the Children's Home was essential and, as well,

as soon as the boys and girls arrive at the age of 14 they be transferred elsewhere for a period of two years for special training in technical work, farm work, and domestic economy, with a view to their being placed out in positions of service, under proper supervision.<sup>101</sup>

However, the Advisory Council's liberal views about 'legitimate' children at government stations was now overshadowed by its recommendation to place under State Children's Council care the 'illegitimate' children of Aboriginal women and white men 'at the end of nine months from their birth...The fathers of any such children should be traced and be made to support them'. The Advisory Council advised that dormitories at the stations would minimise 'the trouble connected with illegitimacy' because of their focus on 'moral well being'.<sup>102</sup> After the passing of the *Aborigines (Training of Children) Act*, 1923, Garnett, now Chief Protector, asked the Council to meet him 'with the idea of arriving at some common understanding...regarding the immediate application' of the *Act*.<sup>103</sup> The Advisory Council reiterated the necessity of the Children's Home at Point McLeay, that children between 14 and 16 years be kept at school 'until a situation is found for them' by the State Children's Council, and that children over 16 be brought under the *Act* if unemployed.<sup>104</sup>

As a consequence of the State Children's Council's inappropriate removal of an 'illegitimate' child, both a resident of Point McLeay and under the control of the Aborigines Department, in 1924, the application of the 1923 *Act* to transfer control of children to the State Children's Council/Children's Welfare Board was minimised. Regulation 10 of 1926, which forced children to stay at school until 16 years unless employed, was implemented to compensate for the Aborigines Department's inability to send children at the government stations to State Children's Council institutions for training. The Advisory Council was now not as sympathetic in its dealings with youth and, in late 1926, recommended that the 1923 *Act* 'should be gradually put into operation in order to provide for their [youth] further development and make them more useful members of the community'.<sup>105</sup>

Hutley, for one, remained optimistic about Aboriginal children's prospects. He visited Bordertown in March 1926 to ascertain 'the future outlook for the children' after his son, the Head Teacher at the Higher Primary School, recommended a girl who stood out as 'promising'.<sup>106</sup> Hutley got Advisory Council support to approach the Director of Education to see if 'half-caste girls' could be trained as teachers and also to find out the numbers of 'half-caste children...in attendance at the State Schools'.<sup>107</sup> The Director of Education was non-committal about Hutley's aims. Nonetheless, Hutley persisted and, in 1928, again raised the possibility of 'scholarships for native children'. In the following year, he was a member, together with Constance Cooke and Sexton, of the Council's sub-committee formulating policy applicable State-wide where once more he promoted 'the establishment of dormitories'.<sup>108</sup>

As indicated in previous chapters, in the early 1930s the effectiveness of the Advisory Council, and the Aborigines Friends Association, was limited because of both the economic depression and the long-standing difficult relationship between the Chief Protector and the Council. The Council's advocacy over the issue of dormitories abated with the deaths of Taplin and Hutley in 1927 and 1931 respectively. After that, the debates that prevailed were those over the need for a board of control. However, the debates about dormitories had staved off non-liberal practices resulting from the 1911 and 1923 legislation, which allowed for uncontested removal of Aboriginal children to State institutions and disallowed alternative schemes.

### **Training in State probationary schools**

As described in Chapter 1, the term 'apprentice' referred to State children and later to children employed in industry. That is, the basis of the apprenticeship system resided in the destitute legislation and institutions of the State Children's Council/Children's Welfare Board. The committal of Aboriginal children to the Welfare Board for training and placement was an intrinsic part of the old connection between formal apprenticeships and destitute regulations. If the 'great fault' of the system of State industrial schools was that 'insufficient distinction' was made between 'the child who is found destitute, being an orphan, and the child who has committed some crime or whose parents have criminal propensities', then the 'great fault' of the 'State parenthood' of Aboriginal children was that they were categorised as 'neglected' from the mere fact that they were Aboriginal and tagged for apprenticeship under destitute



legislation.<sup>109</sup> As a consequence, they were destined for industrial schools or were boarded out to homes subsidised by the Welfare Board, unless they were mission or government station children where they were not considered 'neglected' and 'destitute' and destined for 'apprenticeship', if unemployed, until they attained their Qualifying Certificates or reached 14 years of age. Aboriginal children, therefore, had a double disadvantage when part of the industrial school system: although they were not 'neglected' in the main, they were sent to industrial and probationary schools and, as a result, were inmates not only with 'destitute' white children but also with 'delinquent' white children.

As examined in the previous section, Aborigines Friends Association members protected children at Point McLeay from removal through the dormitories plan which, although it did not eventuate, caused sufficient debate that removal without parental consent, through the 1923 *Act*, was largely not implemented. However, by the late 1930s, Sexton was the sole active advocate of the plan and, alternative proposals were now recommended. As discussed, Davey wanted a curriculum for the children based on manual training, presumably like that taught at rural area schools, following the Qualifying Certificate and until an imposed school leaving age at 16. She thought the 1923 legislation's 'proposals were cruel and arbitrary' as governments only have the rights of removing 'a child from its parents' if it were 'neglected or destitute'.<sup>110</sup> However, as the psychology branch of the Education Department had recommended alteration to curriculum for Aboriginal children and had classed schools at government stations as Special Schools, this had stigmatised the children as 'subnormal' and equated Aboriginal schools with industrial schools for 'destitute', 'neglected' and 'uncontrolled' State children. Such policies had the effect of justifying the 1923 legislation.

State authorities had long debated the types of institutions required to house 'destitute', 'neglected' and, later, 'uncontrolled' children. Finally, the large institution won out over agricultural colonies and cottage homes with the establishment of the Magill Orphanage in 1867. At the same time, separate reformatories were established for convicted boys and girls. However, in the late nineteenth century, the distinction between industrial schools and reformatories was not maintained. The education of children in these establishments was not under the control of the Education Department and more

consideration was given to physically separating children according to religious denomination, rather than according to destitution and criminality. The creation of the State Children's Council meant changes were in the offing. By the turn of the century, preventive legislation, like *Children's Protection Acts*, was in place and the need for institutions that were intermediary, catering for 'truants' and 'delinquents', was identified. Ritter argues that the turn of the century interest in 'delinquency' was formed by the 'complex interaction of the conflicting assumptions underlying attempted solutions'.<sup>111</sup> These assumptions ranged from 'dangerous agents require control' to '[v]ulnerable objects require protection'. The 'problems' were represented to be uncontrollable lower classes and parental irresponsibility.<sup>112</sup> The 'solutions' were removal and reform of children. At the same time, however, it was maintained that parents had some responsibility to cover the costs of this 'care', because '[p]roviding state care at no cost to parents was unthinkable'.<sup>113</sup>

The Salvation Army offered to run schools for 'delinquents'. 'Eden Park' for boys, at Mount Barker, and a home for girls at Woodville were opened in 1900, to which the Government paid a weekly subsidy per inmate. It was to the probationary schools, managed by the Salvation Army, but under the control of the Children's Welfare Board, that Aboriginal children first went for industrial training.

After a deputation of interest groups, including the Aborigines Protection League and the Women's Non-Party Association, had approached the Minister in mid 1933 on various issues, including vocational training for youth and subsidising industrial missions, steps were taken by the Aborigines Department so that the Advisory Council's proposal for training Aboriginal girls from Point Pearce was set in place. Sexton advised that training would occur at the Salvation Army Probationary Home, 'The Haven', at Fullarton because the girls would benefit from the education system there. The matron at the Home, coincidentally, was a former matron at Point McLeay. Although the Fullarton Home was a probationary home for 'destitute' and 'delinquent' children, it had a State schoolteacher and the Department and the Council felt that the Aboriginal girls would gain from this. Also, they would associate with ('destitute' and 'delinquent') white children, 'receive a practical training for domestic service, and would be under discipline which is essential when native girls come to the City'.<sup>114</sup> The Council passed the recommendation unanimously and added that the 'curriculum for

these girls include some tuition at the School of Mines or at one of the State School Domestic centres'.<sup>115</sup> The School of Mines had a Domestic Science Department, which conducted cooking classes, while in the late 1930s the Education Department was instructing about 7,400 girls annually in cooking.<sup>116</sup>

As a result, the Chief Protector proposed starting this scheme with 'three of the most suitable girls' who would complete two years of primary school and a final year where they spent 'the whole of their time...devoted to domestic training'.<sup>117</sup> When the three trainees gained positions as domestic servants, three more twelve-year-old girls from Point Pearce would replace them at the Probationary Home. The aim was an annual intake of three girls. The Chief Protector ignored the proposal by the Advisory Council for extra tuition outside the Probationary Home. It is apparent that a rudimentary 'domestic studies' provided by the Salvation Army was the preferred option of the Government but some of the Advisory Councillors recognised merits in the newly instituted 'scientific' domestic education courses as discussed below.

In July 1938, the Women's Non-Party Association commended the Department's training scheme for girls and expressed 'the hope that something might also be done for half-caste boys'.<sup>118</sup> The Chief Protector and Secretary were asked by the Council to enquire into 'the possibilities' of such training at the Salvation Army Probationary Home, 'The Eden', at Mount Barker or at Kuitpo Colony, an agricultural settlement established during the Depression for unemployed men, and into making arrangement for employment of 'youths and boys in the suburban areas'.<sup>119</sup> Reverend Forsyth at the Colony agreed to admit two Aboriginal boys for training at no charge and the Council noted that his 'kind offer' was accepted.<sup>120</sup>

While the training at Fullarton was domestic, at Mount Barker it was farming and dairying. The curriculum at State schools at this time included 'studies and activities calculated to develop civic and moral virtues'; physiology as 'some cautious steps on sex education'; 'visits of the clergy to schools for religious lessons on a denominational basis'; technical studies which included handicrafts, domestic work and economy; limited commercial training because domestic studies was the priority for girls; and agricultural education 'to remind school children' of the State's 'essentially rural economy'.<sup>121</sup> There were vocational, moral and scientific arguments supporting female domestic education, but Matthew's assessment of girls, pre 1940 in South Australia,

was that they were educated for femininity, their education 'analogous to women's status'.<sup>122</sup> Aboriginal girls were targets for domestic studies as vocational training so as to prepare them to become servants to pastoral stations, farms and middle-class households. Advisory Council members believed that Aboriginal girls benefited morally from the emphasis on cleanliness, thrift and industry of 'scientific' domestic education for their employment and, later, for their own homes but none envisaged them to require 'scientific management' skills, involving chemistry and physiology, and principles of hygiene and nutrition, perceived to be requisites of non-Aboriginal femininity and domesticity.

As the issue of Aboriginal children's unemployment on leaving school continued to affect conditions at the government stations, in 1938 Penhall as acting Chief Protector reported to the Commissioner of Public Works that the government stations' curriculum should be raised to Qualifying Certificate level and that attendance should be enforced. Also, he recommended that a welfare officer should be appointed 'to organise the industrial life of the young people', the Fullarton Home scheme should be extended, and boys in the city should work in secondary industries, the Department to arrange lodgings for them.<sup>123</sup> The welfare officer would interview employers to arrange positions for two to three boys, 'straight from school', in 'certain Government Departments or in places like Simpsons, Holdens and Richards in the city and on farms and dairies throughout the country'.<sup>124</sup> The welfare officer would also '[e]xercise a benevolent supervision over boys thus employed paying special attention to the proper use of their leisure'.<sup>125</sup> Finally, the Aborigines Department was taking some of the responsibility for idle Aboriginal children that was usually left to Children's Welfare Board inspectors, or the police.

It was increasingly acknowledged that some Aboriginal boys might not wish to work in agricultural jobs. McIntosh, the Commissioner of Public Works, arranged for surveys to be conducted at the government stations to find out what jobs children wished to pursue on leaving school and the result was that children wanted jobs like their parents in rural districts.<sup>126</sup> It was probable that the results of the Commissioner's 'plebiscite' leaned towards an emphasis on the rural economy as he was leader of the Country Party and had agricultural interests of his own in the southeast of the State.<sup>127</sup> McIntosh told Rowe, secretary of Aborigines Friends Association, that girls 'expressed a strong

preference for early marriage and the right to live on the Station', while boys wanted 'intermittent' work as rabbit trappers and shearers, for which they have received training as 'at each shearing "learners" are included in the machine shearing teams'.<sup>128</sup>

With consideration given to the thoughts of Penhall and McIntosh, the policy of the Aborigines Protection Board in 1940 provided for vocational training 'along the lines of station and farm work, and in handicrafts, such as plumbing, sheet metal work, carpentry and joinery, black-smithing, boot making and repairs'.<sup>129</sup> The Board did not refer to Children's Welfare Board institutions but merely stated that, in order for school-leaving children to 'obtain their livelihood in the community', 'the advice, assistance and co-operation of the Education Department and the Department of Agriculture will be necessary'.<sup>130</sup>

As discussed in Chapter 7, with the 'problem' at the government stations understood as socially enforced segregation of mixed races, or closed communities, Tindale, ethnologist at the Museum, argued for further 'solutions' based on the division of Aboriginal people into *full* and *part*. *Part* Aborigines were to be assimilated and there must be 'real training of the rising generation to take their place in the general community'; by this statement, he meant a general State school education.<sup>131</sup> He believed that literacy standards at Aboriginal Special Schools were well below 'the achievements of white schools', although the 'high quality of the instruction' given at Point McLeay and the level of agricultural training based on share-farming that was conducted by Superintendent Bray for youths at Point Pearce were superior to national Aboriginal education.<sup>132</sup> Tindale advised Cleland that the Point McLeay school, and the agricultural training at Point Pearce, were 'the two best things we have seen in Australia'; however, 'the school at Point Pearce is not quite so successful and the housing and farm practice at Point McLeay is lamentably bad to counterbalance this'.<sup>133</sup> He thought that Opportunity Classes and Special Schools of the Education Department, which Dr Davey recommended for missions and government stations, should only be used where the 'early upbringing' of children was 'deficient'.<sup>134</sup> Tindale noted that the period between receiving the Qualifying Certificate and school leaving age was critical.<sup>135</sup> At Point McLeay, where the children received a superior type of instruction to Point Pearce, recognised as a result of the efforts of Head Teacher, W.T. Lawrie, Tindale observed that children were dissatisfied with occupational prospects; that is,

they were 'too highly and well-trained for the only types of life at present possible to them in their closed and impoverished community'.<sup>136</sup> At Point Pearce, in contrast, their schooling had some degree of suitability as it prepared children for local occupations in 'share-farming, petty contract work and other agricultural employment'.<sup>137</sup>

Following consultation with Aboriginal people at the government stations, Tindale articulated issues of concern that were experienced by children who had been sent to probationary schools for industrial training. Aboriginal parents complained emphatically that their children were affected by separation from their families, schooling with white children who were either 'neglected' or 'uncontrolled' and at times convicted 'delinquents', loneliness experienced while holding in-service positions as domestics and station hands on remote pastoral stations, the unsuitability of universal training in such occupations when some might aspire to be skilled workers like nurses, mechanics and carpenters, and feelings of inferiority when amongst white children because their training was started at a later age as a result of government policy. Tindale thought that some 'solutions' were possible if a general high school education was available so as to broaden occupational opportunities, and if government was sensitive to the fact that any modification of children's environments needed to be handled judiciously.<sup>138</sup> Tindale cautioned against the compulsory separation of children from their parents even while there must be '[s]ympathetic yet firm treatment' to convince parents that separation to receive an education led to 'the advancement of their children'.<sup>139</sup>

At the same time that Tindale and Birdsell conducted their anthropological expedition in 1938-1939, the Aborigines Protection League publicly debated similar issues. H.K. Fry, scientist and City Health Officer, as a spokesperson for the League, advocated that training institutions for Aboriginal children should expand their curriculum so that they had 'more than mere training in trades'.<sup>140</sup> Fry believed that the children 'as they grew up should have some say in the running of their own lives so that when they went out into the world they would have a real knowledge of the ordinary affairs of life'.<sup>141</sup> The League's platform was the 'principle of self-government' for all Aborigines.<sup>142</sup> One of the resolutions of the meeting was that 'institutions' for the children of the 'half-castes' be 'modelled on the lines of other modern children's homes where the children live under a system of self-government'.<sup>143</sup> The League's stance is not clear as it advocated

a teleological view of progression towards Aboriginal self-government at the same time as it endorsed the self-government of the 'model state'. The ambiguity of offering Aborigines a choice of progress either within the political society of the white majority or within their own independent political society was not resolved. It appears, however, that the League policy did not include the notion of probationary and industrial schools for 'neglected' and 'destitute' children and 'uncontrolled delinquents', which provided apprenticeships in semi-skilled service placements and remedial training for 'incurable' types.

The central problem for the fulfilment of the desires of government officials and private advocates for training of children and youths was that the Aborigines Protection Board did not have its own institutions or even the political influence to find the funds for such institutions. This was the Protection Board's weak point as the Children's Welfare Board would not take Aboriginal children who were under the guardianship of the Protection Board into its institutions; it would take only those who were assimilated into the white mainstream and who were judged to be 'neglected'. More importantly, these same officials and advocates failed to acknowledge sufficiently that Aboriginal children generally were *not* 'neglected' by kin and that any 'neglect' lay in the fact that Aborigines as a population were disadvantaged economically and socially. Consequently, the 'solution' did not lie with training them in institutions that were State probationary and industrial schools built for 'destitute' and 'delinquent' children.

### **Authoritarian liberalism sanctioned through 'the expert knowledge of psychologists, psychiatrists, physicians and social workers'<sup>144</sup>**

The Aborigines Protection Board was not able to use the institutions of the Children's Welfare Board because, in effect, to remove children to these establishments without consent required the ruling of the courts, which following the letter of the law could only remove 'neglected' and 'destitute' children of Aborigines who were part of the white mainstream. All other Aboriginal children were under the guardianship of the Protection Board, which was responsible for their welfare. After 1946, once it was apparent that the Federal Government would not assume responsibility for Aboriginal people, the Board felt there was an immediate need to change legislation and to establish Aborigines Department institutions for vocational training. In the meantime, the Board's role was particularly difficult, as it had to convince politicians that non-

liberal means would produce liberal ends and that considerable expenditure for new institutions was necessary.

When the Board became aware that the State Government would continue to administer Aboriginal affairs, a hard-line policy on children was advanced. On the Board's inception there had been a much more sympathetic approach. For example, as Head of Department, Penhall explained to the Minister the Board's legal guardianship of children less than 21 years of age and stated that the Board 'seeks to maintain family life as far as possible'.<sup>145</sup> The removal of children from their parents' custody was an 'extreme action' which was 'taken only after the most careful enquiries provide substantial evidence of the inability of parents to control and care for their children'.<sup>146</sup>

In this period, Board members investigated the ways in which other states dealt with Aboriginal children in particular. In September 1948, Cleland visited Western Australia to observe institutions controlled by the Native Affairs Department, which were organised according to a premise that Aborigines 'cannot be expected to become good citizens if their upbringing is bad (eg. camp natives, vicious or immoral parents)'.<sup>147</sup> As a result of his visit, Cleland put forward a proposal for children and one for adults. Children of 'camp natives, vicious and immoral parents' were required to be 'removed' from them and 'placed' either 'with good foster-parents, if such can be found, preferably in country towns where the children can go to the ordinary school', or in a

Home to be established in a suitable farming or pastoral locality, preferably run by a philanthropic body, the boys and girls not segregated. Ordinary school curriculum, followed by some vocational training provided at the institution (milking, shearing, odd jobs—carpentry, fencing etc.). Attention paid in school to drawing, music, dramatic performance, games.<sup>148</sup>

Cleland's recommendation for detribalised '[t]roublesome and idle' adult Aboriginal people living along the east-west railway was the establishment of a pastoral property to which they would be 'confined' and 'employed in some way (even though the work may not be of much use), but only to receive pocket money, food and lodging. If they want to get more, then they should leave and work on stations, etc.'<sup>149</sup> As a consequence of this suggestion, Yalata Station was purchased by the Aborigines Department in 1951.

In 1949, Cleland's presidential address at the Australian and New Zealand Association for the Advancement of Science conference was about Aborigines and he explained the



rationales for his proposals with regard to Aboriginal children. He thought that children of school-leaving age and older should be trained in 'handiworks of value to them as citizens', 'encouraged to marry' whereby they would be found 'suitable work...in surrounding agricultural or pastoral holdings', thereby quitting the government stations, which had become 'closed communities'.<sup>150</sup> He believed they should not be assisted to become city residents. With regard to young children of 'half-caste or detribalised full-blood parents', Cleland stated that, in their 'interests', it would 'probably be necessary'

that they should not be brought up in squalid and unsavoury surroundings but be given the opportunity to become reliable and useful citizens...[When] after due enquiry it is found that [their parents] are not looking after them properly then such children should be placed in surroundings where adequate care can be taken of them.<sup>151</sup>

His suggestions were: first, ideally, fostering in 'European households' so that they were 'brought up as white children are, going to the ordinary schools', and second, as suitable foster parents would be hard to find, some 'infants and small children would have to be taken care of in institutions where as much affection as possible must be bestowed upon them'.<sup>152</sup> Cleland thought institutions run by religious denominations were best as they were 'run from altruistic motives', and so long as the staff were 'broadminded and sensible and have adequate knowledge of child psychology', and there was 'reasonable supervision' by the Aborigines Department of such places, this would be a suitable plan.<sup>153</sup> He believed both foster homes and institutions should not be in the city because 'their [Aborigines] future life is to be spent' in country regions.<sup>154</sup>

At the same time, Penhall visited the Eastern States to inspect 'modern methods' of Aboriginal children's training, which led to a restatement of the Board policy, particularly over housing.<sup>155</sup> Penhall retained his sympathetic policy on children, which had been articulated on the Board's establishment. He told the Board that assimilation into country towns to prevent closed communities at the government stations, as discussed in Chapter 9, was the best policy. With regard to children, he stated that the Board 'should endeavour to keep the family unit intact', and where this was impossible, 'make provision for the care and training of its charges'.<sup>156</sup> Training needed to be provided by establishing departmental homes and by financial assistance to missions. Although the use of missions was not 'favoured in the Eastern States', Penhall explained that he was 'yet to be convinced that departmental institutions [were] satisfactory'.<sup>157</sup> In support of his contention, the Children's Welfare Department had found that mission rather than secular establishments 'do the work more effectively',

because of missionary 'urge', provided there was a 'liberal weekly allowance for each inmate'.<sup>158</sup> Penhall stated that, although training was 'costly, whether departmentally or otherwise,...there does not appear to be any other method of converting a liability into a national asset. Moreover, these children are human beings with a claim on the community'.<sup>159</sup>

At the same time, Penhall investigated the legality of removal of children 'from the control of incapable and neglectful parents' with the Crown Solicitor and found that the Board had 'no authority...except by concerted action with the Children's Welfare Board, as provided in Section 38'.<sup>160</sup> This meant that a magistrate had to agree that parents neglected their children in order for removal to Welfare Department institutions and, as argued previously, this precluded children under Protection Board control at government institutions and reserves. The Crown Solicitor thought that the Board could retain children at Aboriginal institutions without parental consent under Section 17—power of removal to Aboriginal reserves and institutions, thereby legally supporting forced training in children's homes at missions or government stations.

Cleland described Penhall as 'very sympathetic', a 'good worker' with 'decided religious tendencies', and thought him not to be a 'strong man', although he had instituted some good policies for finding young people jobs in the general community and for settling young couples in country towns.<sup>161</sup> It is probable that Penhall thought Cleland's fostering scheme and institutionalisation for young children too harsh. However, the schemes favoured by Cleland became operational in 1954, the year of Penhall's official retirement. In the same year, Sexton died, bringing to a close a long period of advocacy by the Aborigines Friends Association based on early policies, like children's dormitories that were put in place at Point McLeay. This period was pivotal for educational practices as well because Wilfred Lawrie died in 1951 shortly after retiring as Head Teacher at Point McLeay (see illustration figure 20 Penhall attends Lawrie's burial).

There were differences of opinion on the Board over the suitability of the types of establishments for Aboriginal children. Arguments in favour of transferral to Children's Welfare Board institutions and white foster homes included the fact that assimilation would occur more quickly as Aboriginal children would mix with white children. Negative arguments were that parents could remove children at any time from mission

homes without the Board's permission, whereas this was not possible if they were under Welfare Board care. Bartlett, Head of Department from 1954, thought that mission homes were 'not always as satisfactory as is desired'.<sup>162</sup> Cleland believed 'the cost of establishing and running State homes for aboriginal children only would be considerable'.<sup>163</sup> The arguments for establishments operated by the Protection Board included the fact that Aboriginal children in State institutions were outnumbered by white children, allowing for the possibility of the minority group being harassed by the white majority. Some members, like Rowe, Cooke and Johnston, believed that cost should not be an issue for the Board. There were differing opinions about the rate of assimilation of Aborigines. As noted previously, Constance Cooke believed that the Board had not been issued with an ultimatum to hasten assimilation and Sexton thought gradual assimilation was necessary so that, before the populations at the government stations were reduced, Aborigines were 'trained in various avocations' because 'without some preparation', 'an unsolved native problem' would be brought 'into the white community'.<sup>164</sup>

During its early years, the Board's attitude regarding training was flexible. For example, one of the trainees in domestic service at the Salvation Army Home did not return after a day spent with her family because her parents wanted her home. Then, the Board decided 'that it would be unwise to compel the return of the child to Fullarton, and that it would be preferable to train the children of parents who are willing to co-operate with the Board'.<sup>165</sup> The training and fostering schemes post 1954 were less considerate of Aboriginal parents' and children's needs and desires. For example, the United Aborigines Mission's Tanderra home for young women working or attending school in the city had restrictive rules about contact with families, 'in the best interests of the girls'.<sup>166</sup> The girls were only allowed a short vacation at Christmas, visitors one Saturday afternoon monthly, and one day's outing per month with parents or relatives.

In its 1954 annual report, the Aborigines Protection Board announced the inception of the fostering scheme with the following statement:

During the year finance was provided by the South Australian Government to enable the Board to commence a policy of contributing towards the maintenance of...children [cared for by religious organizations]. Where any aboriginal child is fully maintained at any mission, institution, home, or by any person the Board has authorized the payment of £1 5s per week towards the maintenance of the child...There are many part-aboriginal children who have little opportunity in their present environment, and it is hoped that some private home might accept

one of these children now that a reasonable contribution can be made towards the child's support.<sup>167</sup>

In September 1954, the Board was maintaining 162 Aboriginal children in this manner. Three years later, Parliament was told that 205 children were being maintained in nineteen institutions subsidised by the Government. In addition, 25 children were living with foster parents and three were adopted in the previous week.<sup>168</sup> Of the institutions, Umeewarra, the Plymouth Brethren home at Port Augusta, housed 50 children; the United Aborigines Mission (UAM) Colebrook Home in the Adelaide hills had 26 children; the Evangelical Lutheran home at Koonibba was the residence for about sixteen children; and the UAM home at Oodnadatta held a similar number. About fifteen boys were being trained at the Salvation Army Home at Mount Barker and ten girls were at Tanderra, the house in the inner suburbs run by the Federal UAM for those attending high school or in employment. In addition, there were about five children in the UAM dormitory at Gerard Mission. The remaining children were in other institutions or living in private homes for which the foster parents were paid maintenance, an amount that was equivalent to the rate paid by the Children's Welfare Board for children who were boarded out. Institutions that cared for sick and incapacitated children included Northcote home for babies that were not thriving, Estcourt House for tubercular patients and the various hospitals. Youths and girls who were attending secondary schools or in low paid employment were subsidised by the Protection Board and either resided at hostels like Tanderra, the Aborigines Advancement League home at Millswood and the Young Women's Christian Association institution at Woodville, or were boarders at Concordia Lutheran College. The Lutherans had a long record of providing boys and girls with secondary education at Concordia and with religious training at Singleton College in Victoria. The Government put the Koonibba Lutherans' abilities to use when it transferred 300 Aborigines from Ooldea to the newly acquired Yalata Station in 1953. The Government funded the administration of Yalata by the Lutherans as a reserve and as a training institution in skills for the pastoral industry.

The 1955 Welfare Board annual report commented that, as a result of the Crown Solicitor's advice, the Protection Board had been 'asked to consider the establishment of suitable homes to accommodate aboriginal children, rather than to commit such children to the care of the [Welfare] department'.<sup>169</sup> This meant that, theoretically at

least, those Aborigines in Welfare Department institutions were offenders and, in the case of boys, sent to Magill reformatory or the Edwardstown industrial school, while Vaughan House held 'uncontrollable' girls. The Protection Board now set about to create systems like those of the Welfare Board. Although it did not have the legal means to commit Aboriginal children to Welfare Department institutions, unless a court deemed them 'neglected' or 'destitute', it proposed to remedy this by committing them to Aboriginal institutions or homes subsidised by the Protection Board. However, the Protection Board still required consent of parents unless it was in a position to use Section 17(1) of the *Aborigines Act*, which gave the Board power to remove Aborigines to reserves or Aboriginal institutions. It was apparent that consent was difficult to acquire as the Board stated that even though 38 youths and girls were 'receiving secondary education at the full cost of the Board...Unfortunately, in many cases the parents do not consent, or if they do consent, withdraw the child before education is completed'.<sup>170</sup>

The Protection Board imitated the Welfare Board and justified intervention and non-liberal means by employing 'the expert knowledge of psychologists, psychiatrists, physicians and social workers'.<sup>171</sup> It was the Education Department that had led the way with the use of psychologists and psychiatrists and, as stated previously, had its own physician who administered the School Medical Services. In the 1950s, the psychology branch of the Education Department had the services of a part-time consultant psychiatrist and neurologist. The branch conducted clinical work, Opportunity Classes, services for the hard of hearing, occupational and guidance centres for careers. The Education Department, which by the early 1950s was a full-time portfolio for a government minister, had 'developed a body of normative "scientific" knowledge of how education should be conducted...[through] claims to universal legitimacy...backed by the authority of God and, increasingly, of science...[that is] the sciences of child psychology and pedagogy'.<sup>172</sup> The Welfare Department followed the Education Department's lead in 1943 with the appointment of a psychologist who examined State children regularly 'along mental, vocational, and psychological lines'.<sup>173</sup> The duties of the psychologist included visits to State institutions, to the Children's Court, and to children both on probation and in foster homes. Intelligence testing was an integral component of the psychologist's work. The Welfare Department used the services of the psychiatrist at Parkside Hospital as well as physicians. Social workers at the

University's Department of Social Studies trained in Welfare Department institutions and, eventually, became permanent employees.

The Aborigines Department set out to produce experts of its own with the appointment of trained social workers, Dr Dudley Packer as Consultant Medical Officer at the Royal Adelaide Hospital in 1958, and Professor M.A. Jeeves of the University as Consultant Psychologist in late 1960.<sup>174</sup> Bartlett advised the Welfare Officers, eleven of them by the end of 1959, to use Professor Jeeves' services for all Aboriginal children placed in institutions or fostered out and for those placed by the Department in accommodation so as to undertake secondary education. In addition, he was to be approached with regard to children 'experiencing difficulties in maintaining the standard of study necessitated by secondary education, or any child who is causing trouble or concern to foster parents'.<sup>175</sup> Jeeves was to provide vocational guidance to all secondary school students and to examine the boys at Campbell House. His appointment was terminated in July 1962 because of 'the few occasions' when his services were used.<sup>176</sup> In June 1962, Dr K. Le Page and his team from the Child Guidance Clinic, a relatively new organisation, visited Point Pearce 'to investigate the social problems with aborigines'.<sup>177</sup>

The two-way street of government and scientific expertise (see Chapter 7, page 294) was reinforced with Dr Packer's appointment. All Aboriginal children admitted to private homes or institutions, like boarding houses and hostels, were required to be medically examined by Dr Packer at the Royal Adelaide Hospital. In addition, in 1958, Dr Packer and a medical team from the Department of Anatomy, University of Adelaide, visited Yalata Reserve to survey the health of residents and conditions there. Packer reported on the unfamiliarity of dormitory living for young children coming from a camp life. He recommended that they should have the support of older siblings and at the weekend be permitted to return to home camps, 'with a long break from school and dormitory life during the hottest months'.<sup>178</sup> Dr Packer had earlier connections with the Aborigines Department. As Secretary to the Anthropology Section of the Australian and New Zealand Association for the Advancement of Science and a member of the Board for Anthropological Research, he was familiar with Departmental policies. Due to his encouragement, Aboriginal spokespersons were asked to address the Association conference in Adelaide in 1958.<sup>179</sup> Bartlett, Head of Department, advised Welfare Officers of Dr Packer's appointment and stated: 'I am most anxious that every

precaution be taken to protect the Board, particularly where children and young people are concerned'.<sup>180</sup> Dr Packer's expertise was a form of insurance for Departmental Welfare Officers given the Board's guardianship responsibility for all Aboriginal children. The expertise of Welfare Officers was equitable to similar positions in the Children's Welfare and Public Relief Department, in particular Probation Officers and this is evident in the parity of salaries (see illustration figure 21). This parity confirms the link between Aboriginal children's education and welfare and the probationary school system for 'destitute' and 'delinquent' white children.

Although not all Aboriginal children were affected personally by the experts from the 'psy' and physical sciences, the discourse established by these sciences had the effect of attributing the reasons for the children's economic and social disadvantages to supposed individual and racial psychological and physical differences. As Miller notes the children's 'individual shortcomings' were demonstrated by 'science' to their belonging to an 'inferior species', to having a 'genetically determined low I.Q.' and to their parents as having a 'pernicious influence' and to providing an inadequate 'home environment'.<sup>181</sup> This problematisation permitted institutionalisation or State parenthood, which also required removal from parents and kin.

### **Fostering: 'little opportunity in their present environment'**<sup>182</sup>

For Aboriginal children in the settled regions, the Aborigines Protection Board justified fostering in urban institutions and private homes, even without parental consent, because it was perceived that, according to white norms, *part* Aboriginal children would not be able to progress unless they were placed in a white environment. On the other hand, the Board favoured closed missions like those at Koonibba and Ernabella for *full* Aboriginal children who would receive elementary training suited to their continued existence in remote regions as, at best, pastoral workers. To this end, the Board relied on missionary ethical standards together with inspection by Board members, welfare officers and other government officials. For instance, Whitburn was the Superintendent of Rural Schools for the Education Department and added Board duties to his inspection of schools at the missions.<sup>183</sup> However, any cases of concern might go unnoticed by the Board for some time due to the remoteness of the missions; the Government depended on the maintenance of appropriate standards by the mission organisations.

In contrast with its policy for *full* Aboriginal children, the Protection Board devised a fostering plan with various methods of dealing with *part* Aboriginal children: fostering in private, white homes (and, sometimes, with perceived suitable Aboriginal relatives); the establishment of Aborigines Department institutions; and their residence in other institutions, Welfare Department foster homes and institutions, and approved boarding houses and private homes for Aboriginal children furthering their education or in employment in the city.<sup>184</sup> Fostering in private homes was at times the only option. Otherwise, it meant the return to parental homes deemed to be 'unsatisfactory', because the institutions at Colebrook and Umeewarra were overcrowded by the end of 1954. The Welfare Board was not about to help out, as it thought 'neglected' children under the Protection Board's guardianship meant that Board should 'take steps to correct the position'.<sup>185</sup> The Protection Board was incapable of addressing major faults of the fostering plan: Aboriginal parent(s)' rejection of the State as 'over-parent', unsatisfactory conditions of some Aborigines Department institutions and mission homes, and the difficulties of institutional arrangements including suitability of staff, foster parents and boarding house owners. The critical factors for the Board were that the legislative means and government finance to carry out the plan were missing.

Fostering in private homes was a much used scheme of the State Children's Council and later the Children's Welfare Board. Its origins were the Boarding Out Society, which sought an alternative system to industrial schools for State children. In its annual reports, the Aborigines Protection Board advertised the fact that individuals and institutions received a weekly government contribution in addition to Child Endowment payments for fostering or boarding Aboriginal children. For example, it stated in 1955 that it was 'anxious to contact' people who were 'interested in caring for native children' and that it was 'most appreciative of those who are already assisting in this endeavour to give the children an opportunity not always available under "camp" conditions'.<sup>186</sup>

In this same period, Cleland recommended for 'most' of the children at Point McLeay and Point Pearce that it would 'probably be of advantage' if they 'could be separated from their families and brought up under good conditions'.<sup>187</sup> There was a catch to his proposal, however, as 'unless neglect proved to the satisfaction of a magistrate existed, it would not be possible to take these children away from their parents unless by the



consent of those parents'.<sup>188</sup> Cleland then considered the possibility of the Aborigines Department establishing its own homes, one for boys, one for girls and a special home for any 'difficult' children. He believed this policy would have the advantage of direct and adequate control and sufficient funds would be available but the disadvantages were the lack of the moral ethos of religious establishments and of the pastoral care of missionaries. Overall, he thought foster parenting was the best method but always a problem because of the scarcity of fit foster parents, hence the use of suitable Aboriginal relatives as foster parents at times.

In its annual report for 1956, the Protection Board extolled the fact that eight young Aboriginal people attending secondary schools were receiving support from the Board in the form of accommodation, clothing, schoolbooks and pocket money.<sup>189</sup> All the same, it was aware that it was falling behind because of lack of funds, staff and institutions to provide for 'neglected' children and so it was 'impossible for these children to be properly cared for'.<sup>190</sup> Consequently, the Board recommended that the children should be placed in Welfare Board institutions, or the Aborigines Department should establish children's homes under the Protection Board's control.<sup>191</sup> The former point was contrary to Welfare Board opinion based on the Crown Solicitor's advice that it should not be responsible for Aboriginal children; rather the Protection Board should maintain its own institutions.<sup>192</sup> The Protection Board continued to advertise in the local newspapers for foster parents 'agreeable' to foster Aboriginal children. (See illustration figure 22 Departmental advertising.) Although exact figures are difficult to determine, there had been a marked increase in the numbers of children fostered in private residences since the beginning of the fostering scheme in 1954, so that more than one hundred Aboriginal children were subject to this form of governance by mid 1958.<sup>193</sup>

Legal adoptions of both *full* and *part* Aboriginal children under Regulation 25 of Welfare Department legislation were another feature of the period. The Welfare Board's annual report for 1958 stated that six adoptions were 'notable'.<sup>194</sup> Over the next twelve years, 200 Aboriginal children were legally adopted; the majority were adopted at birth. The law required a baby to be older than five days before adoption and the mother (and father if married) had one-month to consider her decision; after that it was permanent.<sup>195</sup> It appears that at first Aboriginal children were 'at little risk from legal adoption' because 'supply exceeded demand' due to rising ex-nuptial birth rates. However, this

was to change and Aboriginal women were later 'subject to the same pressure as was exerted on other young single mothers to sign consents'.<sup>196</sup> Post War, the adoption process developed smoothly by normalising the procedure and the fact of adoption. The operation was effective because costs of 'substitute care' were decreased by 'early' adoption by '“real” (married) parents' and because single pregnancy was stigmatised thus forcing the mother 'to collude in her own punishment by maintaining her silence'.<sup>197</sup>

It was also notable that, although the Welfare Board was adamant about Protection Board responsibility for 'neglected' Aboriginal children, it now openly identified the admission of children 'under the Aborigines Act', who had committed offences or were 'uncontrollable', to its own institutions—Magill boys home and Vaughan House for girls.<sup>198</sup> All delinquency cases went before the courts. Should Aboriginal children be deemed to be 'neglected' this would mean charging the Protection Board, as members were legal guardians. This situation prevailed until the 1962 *Aboriginal Affairs Act* when the new board, the Aboriginal Affairs Board, advised that it 'co-operated' with the Children's Welfare Department and 'all cases of neglected, uncontrolled or destitute children' of Aboriginal descent were 'now dealt with in the same manner as [all] other children in the State through the normal processes of the Maintenance Act'.<sup>199</sup> In effect, non-liberal practices of removal were not altered for the children themselves but the bureaucratic dilemma that had prevailed for the Protection Board and Aborigines Department was sorted legally.<sup>200</sup>

During the period before the 1962 *Act*, the Protection Board was extremely cautious about publicly broadcasting the details of its fostering plan. Bartlett noted that the Chairman of the Welfare Board asked that he prepare a report 'setting out the difficulties' of the Aborigines Protection Board 'in caring for neglected children under existing legislation and had promised to submit this report to the Welfare Department for consideration'.<sup>201</sup> This resulted in more concerted action by both Boards and a restatement of Protection Board policy in general. The Protection Board identified four aspects about the control of 'neglected' and 'destitute' Aboriginal children. First, it recognised its own responsibility to improve the situation. However, if this was 'not successful' then Welfare Board control was to be sought for *full* Aborigines under Section 38(1) of the *Aborigines Act* (power to place Aboriginal children under control

of Children's Welfare and Public Relief Board) and for *part* Aborigines under the *Maintenance Act* as 'neglected'. The last aspect was that Aboriginal and white children were to be evenly distributed in homes under Welfare Board care.<sup>202</sup>

However, the Welfare Board advised that it did not recognise Section 38(1) as acceptable (on the Crown Solicitor's advice—a magistrate's determination of neglect was still indispensable). It appears that the Welfare Board was trying to force the Protection Board's hand to enact new legislation and to gain governmental funds to create its own institutions. In turn, the Protection Board was trying to force Ministerial action over the line between Welfare Board and Protection Board responsibility.<sup>203</sup> Constance Cooke made known her opinion. She agreed with the Welfare Board that the Protection Board should take responsibility forthwith.<sup>204</sup>

Millar, Chief Welfare Officer of the Aborigines Department, worked on changes to the anomalies in the 1939 legislation but the proposed 1958 *Aborigines Act Amendment Act* failed to get up before the 1962 *Act*. In late 1958, Bartlett sent the Minister a copy of the Draft Bill to amend the *Act* of 1939 stating: 'You are aware that there is no legal provision for the Board to remove an aboriginal child from its parents whether neglected or not'.<sup>205</sup> The Bill provided for removal of 'neglected', 'destitute' and 'uncontrolled' children by charging before a court and committing to an institution under the *Maintenance Act*. Then, it provided for the transfer of children to a Protection Board home and later to foster parents or private homes. The Minister's response to the Draft Bill was that the Board could not have separate legislation or institutions as this was *against* 'assimilation', so he would try and get the co-operation of the Welfare Board over removals.<sup>206</sup> Millar believed that assimilation needed to be achieved quickly for the *part* Aboriginal population as this would alleviate the problem of legality because the Welfare Board would intervene over the 'neglected' children of assimilated parents.<sup>207</sup>

Bartlett, acutely aware of the lack of legislation for removal, advised Aborigines Department staff to be reticent with Aborigines about the location of their children where the courts had not pronounced them 'neglected' because the Protection Board, although the legal guardian of all Aboriginal children, was acting without legislative powers.<sup>208</sup> His information to the Federal Government over fostering further enlarged on this deception. He told the Director of Native Affairs in mid 1959 that:

Where a child is to be fostered we obtain from one of the parents, if not both, a signed simple statement, usually signed before a Justice of the Peace, requesting the Board to undertake, the care, custody and maintenance of the child until it attains the age of 18 years. You will undoubtedly realise that legally this agreement is not binding on the parents but it does serve its purpose... We do not enter into any agreement with the foster parent as you realise we have no legal authority to do so.<sup>209</sup>

Even though it seems that the Protection Board's practices were not questioned publicly by those aware of them, Margaret Norton, acting head of the Department of Social Studies at the University, supported the conduct of a Social Science Survey by Margaret Rendle Sulllivan, Senior Almoner at the Adelaide Children's Hospital, to attest to the 'attitudes' of Aboriginal mothers and foster mothers about the 'placing' of children in foster homes. Bartlett responded that the fostering scheme was too new to suggest that the findings would be useful.<sup>210</sup> Norton was instrumental in the early 1960s in establishing a training course for carers of children who were separated from their parents and living in institutions and homes. The course was 'arranged by' the Social Studies and Adult Education Departments of the University 'in co-operation with' the South Australian Council of Social Services'.<sup>211</sup>

At this time, the Board redefined its policy on vocational training, which had been established in 1940, to include 'motor mechanics or similar trades, domestic training, nursing, shorthand/typing, physical culture, masseurs, etc'.<sup>212</sup> The additional types of training recognised Aboriginal urbanisation and that young Aborigines sent for schooling in Adelaide had later entered the fields of nursing and industrial trades, and that some were recognised athletes. The Board could not ignore the Federal Government's promotion of Northern Territory youths sent to Adelaide for schooling who succeeded in trades and the Aborigines Advancement League's support for young women who followed nursing careers.<sup>213</sup> However, even though alternatives to agricultural training were proven, Board members still thought it was the most suitable training for boys and maintained it in the 1956 policy statement.

As part of the new policy to create Aborigines Department institutions and to carry out the children's training policy, Campbell House near Point McLeay was opened in 1957 as a 'training institution for aboriginal youths who will be trained in agricultural and pastoral pursuits'. It was 'to fit them for employment in country areas or for further agricultural training in such institutions as Roseworthy Agricultural College'.<sup>214</sup> The Government had bought Campbell House in 1954 for £23,860 and spent a further

£34,000 to prepare it for the first official fourteen trainees in 1959, although boys had already been sent there from the overcrowded Colebrook Home from 1957. The initial cost of Campbell House was equivalent to the entire expenditure on provisions for the State's Aboriginal population in 1951. This was even more remarkable because it was closed down after about four years.

There were procedures for admission to Campbell House. Most trainees were to be boys between ten and sixteen years but special permission could be made for older boys. All boys prior to admission were to be medically examined by Dr Packer. Full-time farm training wages were to be paid after leaving the institution but, in the meantime, the boys would receive weekly pocket money. In keeping with similar institutional rules, parents 'or next of kin may visit children by arrangement with the Superintendent at monthly intervals if they so desire'.<sup>215</sup> Campbell House was modelled on the Welfare Board's Struan Farm, which was established in 1947 in the southeast of the State for youth in that Board's custody and care. The Welfare Board stated that the Farm was 'a rural colony for the better class of delinquent boy and youth', and the staff ratio there was one member for every two boys.<sup>216</sup> Bartlett described it as a remand home for youths 'of rather a poor type', implying that Campbell House was different in that respect and he emphasised the need to have adequate staff employed so that the children were 'properly supervised'.<sup>217</sup> The Protection Board was never able to match the Welfare Board in staff numbers, annual funding and its perceived successful outcomes. The promise of further training at Roseworthy Agricultural College failed as well, with only one Aboriginal youth ever attending that institution.

Youth from remote regions who were suited for the pastoral industry were the 'successes' at Campbell House. However, the concerns relating to the institution stemmed from the fact that, although it was established as a training institution, it largely became a remand home for Aboriginal youths from mission stations and the settled areas who were either on probation or in custody and care arrangements. Using Section 17(1) of the *Aborigines Act* (power to remove Aborigines to reserves), the Department confined youths to Campbell House 'until such time as they have completed their education and training in farming', because they were believed to be in need of discipline and supervision to curb them of 'unruly habits'.<sup>218</sup> After training, they proved quite unsuited to pastoral work in isolated and unfamiliar districts far from their

homes. This was a matter of concern because pastoral stations had not been inspected 'as intended' by either the Welfare Board or the Protection Board for suitability of accommodation for youth. Also, the lack of regular visits by departmental officers was another issue. If made public, these omissions of accepted governmental practice 'could be detrimental to Board'.<sup>219</sup> Consequently, the Protection Board made arrangements to find these Aboriginal youths alternative occupations in the settled regions after their families requested they return home. In a final attempt in 1962 to achieve some satisfactory outcomes at Campbell House, the Board approved the payment of wages to trainees. It was thought that paying a wage might encourage industry, particularly as the school reports for trainees revealed 'progress in most cases'.<sup>220</sup>

Aboriginal parents who wanted post-primary schooling for their children faced a difficult decision as the schooling meant separation and strict rules of contact during training. There was confusion amongst parents as children were removed because of both genuine 'neglect', as economic and social conditions for many Aborigines were substandard on the government stations and at many fringe camps, and the category 'neglect' that applied to *part* Aboriginal children who were perceived to be children dependent on the State. Overall, there was considerable apprehension that the State was reinforcing its role of 'over-parent' in excess of legislation and past practices.<sup>221</sup>

The Government's role, as has been argued, was in many cases neglectful because as the legal guardian for all Aboriginal children it had failed in their welfare due to years of poor funding and staffing. As discussed shortly, the faults of the governing framework were apparent in two particular cases when public concern was raised and the Protection Board's response was different in both—Colebrook Home in the Adelaide hills run by the United Aborigines Mission and the private boarding house, 'Kurbingai', at the beach suburb of Semaphore. In addition, the police were increasingly frustrated at the lack of guardianship, particularly in the case of youths at the government stations, by either the Aborigines Department or the Children's Welfare Department. By the mid 1950s, the situation had clearly reached an impasse when the Protection Board was told by officers of the Police Department, after a recent case of misconduct, that the Department did not 'intend to take any legal action against the offenders' as in the opinion of the officers 'no good purpose' was 'served in prosecuting

these children' because neither the Children's Welfare nor the Aborigines Protection Board were 'taking any action'.<sup>222</sup>

In contrast, on a radio broadcast for the Australia Day Address from the Adelaide Central Mission, Reverend Rowe vouched for the Aborigines Protection Board's policies by confidently asserting that Children's Homes had 'accomplished' 'some of the best work for assimilation', 'and many of the finest young native people in the community were brought up in them. It may be a good thing to greatly increase the number of such homes'.<sup>223</sup> Such laudatory remarks overlooked the fact that some of the homes were in desperate need of modernisation both in terms of material conditions and with regard to methods.

Colebrook Home, which was one of the homes referred to by Rowe, was under scrutiny.<sup>224</sup> The Protection Board visited the Home in 1954 when poor conditions were made public; Premier Playford was asked for a comment.<sup>225</sup> Board members were divided over the issue. Cooke and Johnston, the women members, were particularly critical of the physical conditions—poor bedding, clothing and food—and sought furniture that was surplus from the Aboriginal Women's Home, which was to be demolished and rebuilt because it 'would be open to severe censure if the public were aware' of its substandard condition.<sup>226</sup> The issue of staff suitability and methods of child care also arose, as it appeared that the United Aborigines Mission sent missionaries who had been under duress in the field to recuperate as managers at Colebrook. Reverend Rowe, however, expressed religious solidarity and downplayed obvious shortcomings. Bartlett was very critical of the Mission's administration of Colebrook saying that 'in its present condition [it] would be entirely unsatisfactory as a Government Institution'. He also stated that he 'did not know of any aboriginal children's home...which could be considered as satisfactory, perhaps with the exception of Tanderra'; and the women members, Cooke and Johnston, made it known that they had 'consistently urged', over the years, for improvements to both Colebrook and the Sussex Street Women's Home.<sup>227</sup> In response, the Mission asked for government remuneration of its workers. The Board denied the request because of the poor state of United Aborigines Mission institutions and the feeling that eventually the Government would have to take them over.<sup>228</sup> It was at this time that some Colebrook boys were sent to Campbell House because of the crisis at the Home.

There had been a substantial increase in the number of Aborigines Department Welfare Officers who frequently inspected conditions at Children's Homes, foster homes and boarding houses. In 1962, 'Kurbingai' boys hostel was under observation when well-known Aboriginal woman Olga Fudge queried conditions and behaviour of the Superintendent on behalf of her nephews who were resident there while they went to local schools; and local police reported lack of supervision at the hostel.<sup>229</sup> Welfare Officers ascertained that there was insufficient supervision at the boarding house and, more importantly, that the Superintendent was too familiar with the boys.<sup>230</sup> After investigation of 'alleged anomalies', the Protection Board 'instructed' that the Superintendent 'be advised of this decision but that no specific reason should be given for this action', that is, the removal of the boys.<sup>231</sup> In May 1962, all the boys were removed to alternative lodgings and to Campbell House.

The two cases of Colebrook and 'Kurbingai' raised important concerns. The Aborigines Department seemed to give religious organisations an inordinate amount of time to rectify accommodation and staffing, and this no doubt was because these organisations were perceived by government to have had reasonable outcomes over a long period and, also, because State and Church had long-standing arrangements over care of children. When there was poor administration by religious organisations it was considered to be a private failure. However, there were limitations on what could be tolerated and after adverse comments in the newspapers, the United Aborigines Mission was told that if it did not improve Colebrook the Government 'would have no alternative other than to make a public explanation of the position through the Press'; that is, the United Aborigines Mission Council was entirely responsible for conditions there.<sup>232</sup> The other case related to secular institutions. Where there was a situation for public concern over harsh disciplinary regimes, possible sexual misconduct or serious physical deprivation of sufficient and good food, adequate clothing and shelter, the Government acted promptly, particularly where maltreatment could be dealt with by criminal law and government could be seen as complicit.

It is evident from the discussion that the Aborigines Protection Board put assimilation above the needs and feelings of Aboriginal parents despite United Nations publications on the importance of mothering to a child's welfare and despite local criticism.<sup>233</sup> For instance, W.L. Scarborough, president of the United Aborigines Mission, was a frequent



critic of Protection Board policies over children, revealing the contradictions of the politics of the time, as Colebrook Home was a United Aborigines Mission institution.<sup>234</sup> Reverend J.C. Scarborough, Methodist minister, was also critical of the removal of children from their mothers, assimilation, alcohol supply and dispossession of land. He cited examples of child removal in his 1958 book *Uncle Tom's Wurley*, which was told from an 'Aboriginal' point of view. One of the book's characters stated 'in a stern, almost fierce voice, "Assimilation and strong drink have opened the gates of hell upon us"...It was the same cruel discourtesy and want of thought shown by most white people generally in every direction'.<sup>235</sup>

### Conclusion

The evolution of practices to govern children had their roots in apprenticeship legislation that categorised children and then authorised 'neglected' children to reside in State institutions, which were industrial homes for convicted children as well. These same industrial homes were organised as Special Schools by the Education Department and, when this Department also nominated Aboriginal schools as Special Schools, the link was made also with industrial schools under Welfare Department control. Such 'scientific' categorisation by Education Department experts had the effect of supporting the determinism of racial categories promoted by Cleland as Deputy Chairman of the Protection Board, which divided *part* and *full* Aboriginal children and allowed non-liberal (and illegal) practices of removal to foster homes, boarding houses, Aborigines Department institutions and missions.

During its term, the Aborigines Protection Board sought to convince parliamentarians that non-liberal, even authoritarian, practices would produce the 'right' results and could therefore be condoned temporarily, as they were the product of 'scientific' expertise. Parliamentarians were not entirely convinced and enacted legislation for removal that was in line with removal of mainstream children and took away executive powers of the 'scientific' experts by giving the new Aboriginal Affairs Board advisory powers only. However, this was legislative deception as some of the 'scientific' experts were firmly anchored to government, while others were 'at a distance', and the categories created by science and 'psy' knowledges were normalised.

<sup>1</sup> Charles Dickens (1995) *The Life and Adventures of Nicholas Nickleby*. Hertfordshire: Wordsworth Classics, 1<sup>st</sup> published in one volume in 1839, pp. 728-729.

<sup>2</sup> F.G. Reamer (1993) *The philosophical foundations of social work*. New York: Columbia University Press, pp. 34-37.

<sup>3</sup> I. Hunter (1994) *Rethinking the school: subjectivity, bureaucracy, criticism*. NSW: Allen & Unwin, p. 177.

<sup>4</sup> *Ibid*, p. 173.

<sup>5</sup> *Ibid*, pp. 28-31.

<sup>6</sup> Rowley (1974) *Op.cit*, p. 81. Rowley believes this method has always proved to be a 'fallacy'. Some reasons why this method is a fallacy '[include] the assumption that the institution is effective in socialising the child, and that the child so trained goes into a society where he [sic] is accepted as an equal'.

<sup>7</sup> Bartlett (1962) *Op.cit*, p. 473.

<sup>8</sup> Davey *Op.cit*, p. 106 concerning Ordinance No. 12 of 1844.

<sup>9</sup> *Ibid*. 'King John' died in 1845.

<sup>10</sup> SAPP No. 53 Report of the Commissioner of Police.

<sup>11</sup> Davey *Op.cit*, p. 87. SAPP No. 44 1940 Report of the Director of Education, p. 12, it was stated that 'The Committee [Adey] contends that the education of all children under State control should be under the authority of the Education Department, and not be left, as at present, to welfare and religious institutions'. State children would attend Special Training Schools established for normal and subnormal children; they would be residential schools styled on the cottage system.

<sup>12</sup> Davey *Ibid*, p. 52.

<sup>13</sup> Davey *Ibid*, pp. 35-36. In 1943, a psychologist was appointed to the Children's Welfare and Public Relief Department.

<sup>14</sup> SAPP No. 75 Report: Delinquent and Other Children in the Care of the State, September 1939 (Adey Report), p. 1 and pp. 7-8.

<sup>15</sup> L.T. Hobhouse (1994) *Liberalism and other writings*. Edited by J. Meadowcroft. Cambridge University Press, pp. 18-19.

<sup>16</sup> *Ibid*, p. 19.

<sup>17</sup> Jose (1998) *Op.cit*, p. 37.

<sup>18</sup> Hobhouse *Op.cit*, pp. 18-19.

<sup>19</sup> *Ibid*, p. 18.

<sup>20</sup> *Dependent Children — Interstate Congress of Workers*, Adelaide: W.K. Thomas & Co, May 1909, pp. 6-7.

<sup>21</sup> M. Alden (1908) *Child life and labour*. London: Headley Brothers, p. 1.

<sup>22</sup> *Ibid*, pp. 10-11. Alden concurred that the State was not 'over parent' (H.G. Wells' term) as a consequence.

<sup>23</sup> Ordinance No. 12 1844, 'An Ordinance to provide for the Protection, Maintenance and Up-bringing of Orphans and other Destitute Children of the Aborigines'.

<sup>24</sup> A. Macfarlane (1986) *Marriage and love in England: modes of reproduction 1300-1840*. Oxford: Basil Blackwell, pp. 334-335. This system originated with Anglo-Saxon law well before the thirteenth century.

<sup>25</sup> *Ibid*.

<sup>26</sup> Adults and children of Aboriginal descent living in Aboriginal camps and residing with Aborigines were classified as Aborigines and not 'half-castes'. The *Acts* of 1911 and 1923 differed from the 1939 *Act* in that they allowed for 'half-castes' not to be classified as Aborigines and subject to the legislation.

<sup>27</sup> Congress *Op.cit*, p. 194.

<sup>28</sup> *Ibid*, pp. 194-195. The SA delegates involved in this debate were State Children's Council members, Thomas Rhodes (Chairman), Miss Harriet Stirling, Miss Catherine Spence, Mr C.H. Goode JP, Mr E.W. Hawker LLB, and James Gray.

<sup>29</sup> *Ibid*, p. 188. Gray quoted the words of Mrs Browne (deceased), former member of the State Children's Council.

<sup>30</sup> K. Seaman 'Florence Nightingale and the Australian Aborigines' in *Journal of the Historical Society of South Australia*, 20, 1992, p. 91. MacDonnell had reached this conclusion from observation of Aborigines in gaols. As a consequence, Aboriginal prisoners were listed for early release to prevent 'the likelihood of death', p. 91.

<sup>31</sup> Alden *Op.cit*, p. 80.

<sup>32</sup> Hymans et al *Op.cit*, p. 187.

<sup>33</sup> Pavla Miller (1986) *Long division: State schooling in South Australian society*. Netley: Wakefield Press, p. 166. Not all states participated as the project was rejected by education departments in WA and QLD and 'virtually ignored' by private schools and the medical fraternity.

<sup>34</sup> Following Halley's retirement in 1931, Dr William Christie was Principal Medical Officer until 1954. After some four decades, the School Medical Service was moved to the Department of Health and secured there with Dr Marjorie Casley Smith's appointment in 1956, as Principal Medical Officer for Schools.

<sup>35</sup> E. Kwan 'Gertrude Halley' in H. Radi (1988)(ed.) *200 Australian women: a redress anthology*. Broadway, NSW: Women's Redress Press, p. 83.

<sup>36</sup> SAPP No. 44 Report of the Minister of Education year ended 30 June 1920. Dr G. Halley 'Extracts from the report of the medical inspection', p. 40.

<sup>37</sup> *Ibid.*

<sup>38</sup> Mortlock SRG 139 Aborigines Friends Association 1/11.

<sup>39</sup> SRSA GRG 52/12 Advisory Council minutes, meetings of 30 September and 4 November 1918. Wilfred Theodore Lawrie was Head Teacher at Point McLeay from 1914 to 1951.

<sup>40</sup> SAPD 20 October 1920, p. 1160.

<sup>41</sup> *Ibid.*, p. 1814.

<sup>42</sup> *Ibid.*, p. 1815.

<sup>43</sup> *Ibid.*, Minda Home at the seaside suburb of Brighton was an institution for physically and mentally 'handicapped' children and young adults.

<sup>44</sup> Davey *Op. cit.*, p. 80.

<sup>45</sup> SAPP No. 44 1929, Minister of Education's report year ended June 1928, p. 32.

<sup>46</sup> SAPP No. 44 1935, Minister of Education's report year ended June 1934, p. 32.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> SAPP No. 29 Annual Report of Protector of Aborigines year ended 30 June 1905. The Minister of Education at this time was also the minister for the Aborigines Department.

<sup>51</sup> Regulation 10 gazetted 22 April 1926; regazetted 25 July 1940.

<sup>52</sup> *Aborigines Act*, 1934-1939, S. 40a (1) and (2).

<sup>53</sup> Cleland Collection SAMA, letter from Davey to Cleland 12 September 1934.

<sup>54</sup> *Ibid.*, Cleland to Davey 25 September 1934.

<sup>55</sup> SRSA GRG 52/12 Advisory Council minutes, 5 September 1934 and 6 February 1935.

<sup>56</sup> *Ibid.*, 3 July 1935.

<sup>57</sup> The Women's Non-Party Association prepared the bill for the *Guardianship of Infants Act* 1940, 'which adopted the principle of equal parental guardianship', and reforms in the Children's Court. S. Edgar 'Constance Davey' in Radi *Op.cit.*, p. 132.

<sup>58</sup> It was not until April 1947 that Parliament approved the school leaving age for (all) children to be 15. However, it was not enforced until the late 1950s/early 1960s because there was a shortage of teachers and of building materials for new schoolrooms.

<sup>59</sup> Mortlock SRG 139 Aborigines Friends Association, memo from Chief Protector to Honorary Secretary, Aborigines Friends Association, 24 January 1935.

<sup>60</sup> *Advertiser* 4 June 1938, 'Changes sought at Point McLeay: many'.

<sup>61</sup> SAPD 26 September 1911, p. 267.

<sup>62</sup> SAPP No. 29 Annual Report of Protector of Aborigines year ended 30 June 1905.

<sup>63</sup> *Ibid.*

<sup>64</sup> SAPP No. 30 Chief Protector's Report year ended 30 June 1908.

<sup>65</sup> SAPP No. 29 Chief Protector's Report year ended 30 June 1910.

<sup>66</sup> Mortlock SRG 139 Aborigines Friends Association 1/11.

<sup>67</sup> The purpose of Section 10(1) of the *Act*, making the Chief Protector legal guardian, 'was to strengthen cases going before the Courts for committal of neglected or destitute children under the State Children's Act, 1895'. Hall's research has shown that 'it was not used by itself to authorise the removal of children from their parents'. A. Hall (1997) *A brief history of the laws, policies and practices in South Australia which led to the removal of many Aboriginal children*. Adelaide: Department of Human Services, p. 8.

<sup>68</sup> SAPP No. 26 1913 Progress Report of the Aborigines Royal Commission, pp. ix-x.

<sup>69</sup> The *Aborigines (Training of Children) Act*, 1923, No. 1565, S.8 (I) and (II).

<sup>70</sup> SRSA GRG 52/1/88/1922 letters of 6 February and 20 August 1923.

<sup>71</sup> *Ibid.*, letter of 20 August 1923.

<sup>72</sup> Reekie *Op.cit.*, p. 7.

<sup>73</sup> D. Defoe (177?) *Giving alms, no charity*. Yorkshire: SR Publishers, p. 25. A reprint of Defoe's critical essay on 'A Bill for the better relief, employment and settlement of the Poor, etc' of 1704.

<sup>74</sup> Congress Report *Op.cit.*, pp. 210 and 211.

<sup>75</sup> *Ibid.*, p. 214.

<sup>76</sup> W.F. Litchfield 'The infants under "The New South Wales Children's Protection Act", with some remarks on infants' asylums' in *The Australasian Medical Gazette*, 20 January, 1899, p. 23. In 1920, there were 52.4 ex-nuptial births in Australia per 1000 live births; in 1940, there were 34.6. See Table 1, R. Howe and S. Swain 'Saving the child and punishing the mother: single mothers and the State 1912-1942' in *Journal of Australian Studies*, 37, November 1993, p. 33.

<sup>77</sup> Litchfield *Ibid.*

<sup>78</sup> Howe and Swain (1993) *Op.cit.*, p. 37.

<sup>79</sup> *Ibid.*, p. 38. Unlike Britain (1919), Australia did not have a National Council for the Unmarried Mother and her Child, which supported the rights of single mothers and their ex-nuptial children, p. 35.

<sup>80</sup> Davey, *Op.cit.*, p. 100. The emphasis remained on the father as the 'legal' parent, hence Davey's use of 'his'.

<sup>81</sup> *Ibid.*, p. 95.

<sup>82</sup> SAGG 7 April 1927, p. 793, and p. 800.

<sup>83</sup> M. Barbalet (1983) *Far from a low gutter girl: the forgotten world of state wards: South Australia 1887-1940*. Melbourne: Oxford University Press, p. 219.

<sup>84</sup> *Ibid.*, p. 215.

<sup>85</sup> *Ibid.*, pp. 218-219.

<sup>86</sup> Jenkin (1989) *Op.cit.*, pp. 70-72. *Adelaide Sun* 12 April 1924, "I want my baby!". Aboriginal mother's plaintive cry. State's shameful steal: One law for the white people: another for the aboriginals'.

<sup>87</sup> Mortlock SRG 139 Aborigines Friends Association 1/40, letter from Taplin to Garnett, Chief Protector, 21 February 1924.

<sup>88</sup> *Ibid.* As one of founding missionary George Taplin's children, Charles Taplin had personal experience of practices at Point McLeay.

<sup>89</sup> *Ibid.* Emphasis in the original.

<sup>90</sup> SRSA GRG 52/12 Advisory Council minutes, meeting of 3 December 1918. Charles Eaton Taplin (1857-1927) architect, JP, and Secretary of the Council of Churches. Walter Hutley (1858-1931) London Missionary Society missionary in Africa, teacher at Point McLeay 1885-1888, insurance superintendent, church worker, and secretary of Liberal Union of SA to 1913.

<sup>91</sup> Mortlock SRG 139 Aborigines Friends Association 1/40 Garnett to Sexton, 2 May 1924.

<sup>92</sup> SRSA GRG 52/12 Advisory Council minutes, meeting of 3 February 1919.

<sup>93</sup> *Ibid.*, GRG 52/1/73A/1922 Garnett's first report to the Commissioner of Public Works, 12 October 1922.

<sup>94</sup> For considerable debate on these issues resulting from the 1923 legislation and its misapplication, see Milich (1967); Jenkin (1989), Attwood and Markus (1999); Foster (2000)(a); *Op.cit.*

<sup>95</sup> SRSA GRG 52/12 Advisory Council minutes, meeting of 10 March 1919.

<sup>96</sup> *Ibid.*

<sup>97</sup> When G.F. Jenkins, Commissioner of Public Works, was asked why the funds were not included in the Estimates for 1923, he suggested the matter be postponed until after the upcoming elections.

<sup>98</sup> SRSA GRG 52/12 Advisory Council minutes, meetings of 5 July and 2 August 1920.

<sup>99</sup> *Ibid.*, meeting of 6 September 1920.

<sup>100</sup> Barbalet *Op.cit.*, p. 222. The main complaint by the dissidents was that Council was 'dominated by "ladies" ill-equipped either to set policy or to act as justices or counsellors to children'. Hutley 'advocated the setting up of a state-wide system of honorary probationers' in the children's interests. He argued that this was necessary because any problems experienced by State children boarded out were unlikely to be heard as there were insufficient numbers of probationers and the children's letters of complaint rarely reached those competent to deal with them. Hutley was a member of the State Children's Council from 1913 to 1922 and President from mid 1917. He was also President of the Aborigines Friends Association from February 1921.

<sup>101</sup> SRSA GRG 52/12 Advisory Council minutes, meeting of 12 September 1922.

<sup>102</sup> *Ibid.*, meeting of 12 January 1923. See the minutes of the Advisory Council meeting of 10 March 1919 where it was stated that Aboriginal parents opposed removal and endorsed children's homes at the stations.

<sup>103</sup> *Ibid.*, meeting of 3 March 1924. The Bill had been first introduced in 1921 but failed when it lapsed in the Assembly.

<sup>104</sup> SRSA GRG 52/12 Advisory Council minutes, meeting 3 March 1924.

- <sup>105</sup> *Ibid*, meeting 1 November 1926.
- <sup>106</sup> Walter Fritz Stephen Hutley was Head Teacher, from 1922, of the Higher Primary School, which offered 2-3 years of schooling post Qualifying Certificate at High School standard.
- <sup>107</sup> SRSA GRG 52/12 Advisory Council minutes, meeting 29 March 1926.
- <sup>108</sup> *Ibid*, meetings 6 February 1928 and 4 November 1929.
- <sup>109</sup> Alden *Op.cit*, pp. 141-142.
- <sup>110</sup> Davey *Op.cit*, p. 112.
- <sup>111</sup> L. Ritter 'Inventing juvenile delinquency and determining its cure (or, how many discourses can you disguise as one construct)' in M. Enders and B. Dupont *Op.cit*, p. 128.
- <sup>112</sup> *Ibid*, pp. 110-112.
- <sup>113</sup> *Ibid*, p. 117.
- <sup>114</sup> SRSA GRG 52/12 Advisory Council minutes, meeting of 12 December 1934.
- <sup>115</sup> *Ibid*.
- <sup>116</sup> Hymans et al *Op.cit*, p. 239.
- <sup>117</sup> SRSA GRG 52/12 Advisory Council minutes, meeting 3 July 1935.
- <sup>118</sup> *Ibid*, meeting 5 July 1938.
- <sup>119</sup> *Ibid*, meeting 1 November 1938.
- <sup>120</sup> *Ibid*, meeting 2 August 1938.
- <sup>121</sup> Hymans et al *Op.cit*, pp. 232-241.
- <sup>122</sup> J. Matthews 'Education for femininity: domestic arts education in South Australia' in *Labour History*, 45, 1983, p. 52.
- <sup>123</sup> SRSA GRG 52/1/47/1938 report of 10 September 1938.
- <sup>124</sup> *Ibid*.
- <sup>125</sup> *Ibid*.
- <sup>126</sup> *Ibid*, GRG 52/60 reports 1938 and 1940 on employment preferences.
- <sup>127</sup> *Ibid*, GRG 52/1/80/1947 McIntosh to G. Rowe, secretary Aborigines Friends Association, letter of 21 April 1948.
- <sup>128</sup> *Ibid*.
- <sup>129</sup> *Ibid*, GRG 52/1/137/1940 a 'Statement of Policy'.
- <sup>130</sup> *Ibid*.
- <sup>131</sup> Tindale (1940-1941) *Op.cit*, p. 68. Tindale conducted the survey with J.B. Birdsell (and their respective wives).
- <sup>132</sup> *Ibid*, pp. 131-132 and p. 150.
- <sup>133</sup> Cleland Papers University of Adelaide (UASC) *Op.cit*, letter of 1 April 1939.
- <sup>134</sup> Tindale (1940-1941) *Op.cit*, p. 147.
- <sup>135</sup> The Qualifying Certificate was first introduced in 1915 and was awarded under the Public Examination system. The Progress Certificate, which replaced the Qualifying Certificate in 1944, was an internal examination and the Head Teacher with the endorsement of the District Inspector assessed the student's suitability for post-primary schooling. As argued by Hyams et al, the Progress Certificate 'offered some relief but not complete freedom' from the notion of 'efficient' schooling or 'the tightly-regulated advance of pupils by attainment', *Op.cit*, p. 221.
- <sup>136</sup> Tindale (1940-1941) *Op.cit*, p. 150.
- <sup>137</sup> *Ibid*, p. 151.
- <sup>138</sup> *Ibid*, pp. 153-154.
- <sup>139</sup> *Ibid*, p. 154.
- <sup>140</sup> *Advertiser* 16 June 1939. Comments about the public meeting where Duguid, Constance Cooke, Roy Edwards and Dr Fry were speakers.
- <sup>141</sup> *Ibid*.
- <sup>142</sup> *Ibid*.
- <sup>143</sup> *Ibid*.
- <sup>144</sup> Davey *Op.cit*, p. 52.
- <sup>145</sup> SRSA GRG 52/1/88/1941 Penhall to Commissioner of Public Works, 19 July 1943.
- <sup>146</sup> *Ibid*.
- <sup>147</sup> Cleland Papers UASC *Op.cit*, Report by J.B. Cleland September 1948.
- <sup>148</sup> *Ibid*.
- <sup>149</sup> *Ibid*.
- <sup>150</sup> Cleland (1949) *Op.cit*, p. 77.
- <sup>151</sup> *Ibid*.
- <sup>152</sup> *Ibid*.

- <sup>153</sup> *Ibid.*
- <sup>154</sup> *Ibid.*
- <sup>155</sup> SRSA GRG 52/1/28/1949 Penhall to Secretary, Aborigines Board, Victoria, letter 24 February 1949.
- <sup>156</sup> *Ibid.*, Report to Aborigines Protection Board, 1 July 1949.
- <sup>157</sup> *Ibid.*
- <sup>158</sup> *Ibid.*
- <sup>159</sup> *Ibid.*
- <sup>160</sup> *Ibid.*, GRG 52/1/80/1949, letters of 27 May, 25 July and 3 August 1949.
- <sup>161</sup> Cleland Papers UASC *Op.cit.*, Cleland to Professor Elkin, member of NSW Aborigines Welfare Board, letter 16 December 1938.
- <sup>162</sup> SRSA GRG 52/1/74/1955 Bartlett to Chairman, Children's Welfare and Public Relief Board, letter of 3 February 1956.
- <sup>163</sup> *Ibid.*, Report by Cleland, Deputy Chairman, 11 January 1955.
- <sup>164</sup> *Ibid.*, Report by Cooke, 12 January 1956, and GRG 52/1/66/1947 Sexton, President Aborigines Friends Association, to McIntosh, letter 20 August 1947.
- <sup>165</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, meeting of 1 October 1941.
- <sup>166</sup> *Ibid.*, GRG 52/1/22/1955. New and tougher rules were imposed from January 1958 in order to make sure that girls 'remain in their care until discharged'.
- <sup>167</sup> SAPP No. 20 Aborigines Protection Board Report year ended 30 June 1954, p. 4.
- <sup>168</sup> SAPD 5 February 1957, p. 1572. The first legal adoptions of Aboriginal children occurred in 1957.
- <sup>169</sup> SAPP No. 23 Children's Welfare and Public Relief Board Report year ended 30 June 1955.
- <sup>170</sup> SAPP No. 20 Aborigines Protection Board Report year ended 30 June 1959.
- <sup>171</sup> Davey *Op.cit.*, p. 52.
- <sup>172</sup> M. Vick "'Their paramount duty": parents and schooling in the mid nineteenth century' in M.R. Theobald and R.J.W. Selleck (eds.) (1990) *Family, school and State in Australian history*. Sydney: Allen & Unwin, pp. 190-191. At the end of 1953, Baden Pattison succeeded Rudall as Minister of Education and for ten years his problem was supply because of the huge rise in enrolments post war. Previously, education portfolios were combined with Agriculture, Industry or Attorney General's portfolios.
- <sup>173</sup> SAPP No. 23 Children's Welfare and Public Relief Board Report year ended 30 June 1944, p. 2.
- <sup>174</sup> Before this, at times, the services of the Education Department's psychologist were used by the Aborigines Department for cases involving Aboriginal children. For example, the Aborigines Department used the services of Miss Smith in June 1944 for a girl charged with stealing; SRSA GRG 52/16 Aborigines Protection Board minutes 14 June 1944.
- <sup>175</sup> SRSA GRG 52/1/214/1957 Bartlett to the Chief Welfare Officer 12 October 1960.
- <sup>176</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, meeting of 25 July 1962. Constance Cooke refrained from voting on Jeeves' appointment at the Board's meeting of 5 October 1960, which indicated she was not in favour of either Jeeves himself or the services he was to provide (or possibly, it could have been an issue of conflict of interest if Cooke was a friend of Jeeves). Reverend Rowe moved the motion for appointment and Mrs Johnston seconded it.
- <sup>177</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, meeting of 15 May 1962. The Clinic had been opened in 1961.
- <sup>178</sup> *Ibid.*, GRG 52/1/64/1958 Report of 2 July 1958. Dr Packer was Consultant Medical Officer to the Aborigines Department from May 1958 until January 1973.
- <sup>179</sup> McIntosh, the Minister, had resigned in May 1958 and C.D. Rowe temporarily filled his position. In June 1958, G.G. Pearson was appointed Minister and Pearson's views appeared to be less conservative about the future prospects of Aborigines than his predecessors. Hence, he would have supported Aboriginal participation at the Australian and New Zealand Association for the Advancement of Science conference in August.
- <sup>180</sup> SRSA GRG 52/1/83/1958 Bartlett's memorandum to Welfare Officers, 24 July 1958.
- <sup>181</sup> Pavla Miller *Op.cit.*, p. 322.
- <sup>182</sup> SAPP No. 20 Aborigines Protection Board Report year ended 30 June 1954, p. 4.
- <sup>183</sup> SRSA GRG 52/16 Aborigines Protection Board minutes, meeting of 28 March 1962.
- <sup>184</sup> *Ibid.*, meeting of 20 June 1962. It was decided that Aboriginal relatives receive the same financial compensation for fostering as other foster parents. Minutes, 16 November 1960, the Board decided on the amount of assistance to approved boarding houses.
- <sup>185</sup> *Ibid.*, meeting of 15 December 1954. The Aborigines Protection Board returned a child after a stay at Northfield Infectious Diseases Hospital for treatment of severe skin infections, to her mother at Point McLeay because there was nowhere else to send her.
- <sup>186</sup> SAPP No. 20 Aborigines Protection Board Report year ended 30 June 1955, p. 5.

- <sup>187</sup> SRSA GRG 52/1/9/1954 and 74/1955 Report on 'The future of Aboriginal children'
- <sup>188</sup> *Ibid.*
- <sup>189</sup> SAPP No. 20 Aborigines Protection Board Report year ended 30 June 1956, p. 5.
- <sup>190</sup> *Ibid.*, p. 8.
- <sup>191</sup> *Ibid.*
- <sup>192</sup> SAPP No. 23 Children's Welfare and Public Relief Board Annual Report year ended 30 June 1955, p. 3.
- <sup>193</sup> SAPP No. 20 Aborigines Protection Board Annual Report year ended 30 June 1958.
- <sup>194</sup> SAPP No. 23 Children's Welfare and Public Relief Board Annual Report year ended 30 June 1958, p. 12.
- <sup>195</sup> I.M. Schulz 'Adopted and fostered Aboriginal children in South Australia' in *The Aborigines of South Australia: their background and future prospects*, Department of Adult Education, University of Adelaide, 1969, p. 103 and p. 105.
- <sup>196</sup> Howe and Swain (1993) *Op.cit.*, p. 45.
- <sup>197</sup> Swain and Howe (1995) *Op.cit.*, p. 11.
- <sup>198</sup> SAPP No. 23 Children's Welfare and Public Relief Board Annual Report year ended 30 June 1958, p. 20.
- <sup>199</sup> SAPP No. 20 Aboriginal Affairs Board Annual Report year ended 30 June 1963, p. 6.
- <sup>200</sup> Hall *Op.cit.*, p. 16. Hall states that the 1962 Act 'virtually ended the practice of removing Aboriginal children without legal action under the Maintenance Act or Social Welfare Act'.
- <sup>201</sup> SRSA GRG 52/16 Aborigines Protection Board minutes, meeting 25 January 1956.
- <sup>202</sup> *Ibid.*, GRG 52/1/19/1956.
- <sup>203</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, meeting 17 October 1956.
- <sup>204</sup> *Ibid.*, GRG 52/1/19/1956 Cooke to Bartlett, letter of 18 May 1956.
- <sup>205</sup> *Ibid.*, GRG 52/1/58/1957 letter of 20 October 1958 to Minister of Works.
- <sup>206</sup> *Ibid.*, letters of 4 and 20 November 1958.
- <sup>207</sup> *Ibid.*, GRG 52/1/182/1962. Recommendation by Millar as Superintendent of Reserves for immediate appointment of two male Welfare (or Patrol) Officers, letter dated 11 May 1956.
- <sup>208</sup> *Ibid.*, GRG 52/1/74/1957 Bartlett to Aborigines Advancement League, 18 September 1959, discouraging publicity of children placed with foster parents.
- <sup>209</sup> *Ibid.*, GRG 52/1/218/1957 letter of 19 May 1959.
- <sup>210</sup> *Ibid.*, GRG 52/1/73/1958 Bartlett to Registrar, University of Adelaide, 17 November 1958.
- <sup>211</sup> M. Norton 'News from the Field' in *The Australian Journal of Social Work*, 14, 1, June 1961. Norton was the SA president of the Australian Association of Social Workers.
- <sup>212</sup> SRSA GRG 52/1/137/1940 1956 Policy of Aborigines Protection Board. Domestic training supported by the Aborigines Department at Fullarton Home continued into the 1960s. The type of training changed very gradually to include a more mainstream education. For example, at the end of 1955, the Aborigines Department allowance per child paid to the Salvation Army increased: 'In view of this training and that the girls receive a reasonable education'. GRG 52/1/74/1958 Bartlett's memorandum, 7 December 1955.
- <sup>213</sup> N. Bartlett 'Gateway to a future' in *South-West Pacific*, 29, 1952, pp. 26-29. See also, autobiographies of John Moriarty and Charles Perkins as trainees from NT and of Nancy Barnes and Yami Lester as residents at Colebrook Home. (Appendix 3).
- <sup>214</sup> SRSA GRG 52/1/137/1940 1956 Policy of Aborigines Protection Board.
- <sup>215</sup> *Ibid.*, GRG 52/1/212/1958.
- <sup>216</sup> SAPP No. 23 Children's Welfare and Public Relief Board Annual Report year ended 30 June 1946.
- <sup>217</sup> SRSA GRG 52/16 Aborigines Protection Board minutes, meeting of 21 November 1956. Bartlett visited both Struan Farm and Campbell House.
- <sup>218</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, meeting of 17 August 1960.
- <sup>219</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, Secretary's report, meeting of 2 May 1956.
- <sup>220</sup> *Ibid.*, GRG 52/16 Aborigines Protection Board minutes, meetings of 14 March and 19 December 1962. The Board 'expressed approval at the apparent progress' and approved wages for boys in training. The wages were almost evenly divided between in-hand pocket money and 'Trust Account' held by the Aborigines Department until completion of training.
- <sup>221</sup> C. Kollé 'The abduction of Aboriginal children in South Australia' in *Cabbages and Kings*, 20, 1992, pp. 12-24. Also, see Appendix 3 for Aboriginal people's stories.
- <sup>222</sup> SRSA GRG 52/16 Aborigines Protection Board minutes, meeting of 11 January 1956, Secretary's report.
- <sup>223</sup> G. Rowe 'How can the Aborigines be assimilated? Adelaide Central Mission 29 January 1956, broadcast Station 5KA.

<sup>224</sup> SRSA GRG 52/16 Aborigines Protection Board minutes, meeting 16 February 1955. The Board met with Pastor L.J. Samuels of the United Aborigines Mission who disagreed with the description of 'unsatisfactory condition' at Colebrook Home.

<sup>225</sup> *Ibid*, GRG 52/1/132/1957 Ill-treatment of children including denial of more food.

<sup>226</sup> *Ibid*, GRG 52/16 Aborigines Protection Board minutes, meeting of 22 August 1956, Secretary's report. The new home was opened late 1961 (it originally was a gift from the Adelaide City Mission to the Government in 1941).

<sup>227</sup> *Ibid*, GRG 52/16 Aborigines Protection Board minutes, meeting of 5 September 1956 and Docket 126/1956. Tanderra was run successfully by former Colebrook Home missionaries, Misses Rutter and Hyde. Rutter and Hyde had been with Colebrook from its origins at Oodnadatta to Quorn and then to Eden in the Adelaide hills.

<sup>228</sup> *Ibid*; GRG 52/16 Aborigines Protection Board minutes, meeting of 21 November 1956.

<sup>229</sup> *Ibid*, GRG 52/16 Aborigines Protection Board minutes, meeting 14 April 1956. Olga Fudge applied to the Aborigines Department 'to act as a caretaker in a hostel for native children undergoing secondary education'. The Board responded with 'no action at present'. She first queried conditions at 'Kurbingai' in September 1961.

<sup>230</sup> The Welfare Officers recommended that there be a resident Matron and a resident Housekeeper as the Superintendent was the sole authority there, except for a cook who came in during the day, for between 15 and 20 boys. The Superintendent took the residents on annual excursions (up to two weeks in length) during the summer holidays from 1958 to 1962 and the excursions were subsidised by the Aborigines Protection Board. The Superintendent was accused of drinking 'on Saturday nights' and asking the boys to sleep in his bed with him—the boys did not have pyjamas and were 'dirty'. The Aborigines Protection Board acted quickly but it did allow the annual excursion in 1962 to go ahead.

<sup>231</sup> SRSA GRG 52/16 Aborigines Protection Board minutes, meeting of 15 May 1962. The Superintendent was told formally of the decision by C.J. Millar (Chief Welfare Officer) acting Head of Department; Bartlett was often away sick at this time and would retire on invalidity in June 1962.

<sup>232</sup> *Ibid*, GRG 52/16 Aborigines Protection Board minutes, meeting of 19 December 1956.

<sup>233</sup> J. Bowlby (1952) *Maternal care and mental health*. Geneva: World Health Organisation. Bowlby was consultant to the World Health Organisation for the United Nation's programme on the welfare of children orphaned or separated from their families. He first began the consultancy in 1948 following a UN enquiry.

<sup>234</sup> Scarborough was president in 1955. United Aborigines Mission matters were disorganised during this period, as there was a disagreement between the Federal and State branches of the United Aborigines Mission. Reverend Rowe believed this was the reason for the adverse conditions at Colebrook Home and hence criticism of the organisation should be curbed.

<sup>235</sup> J.C. Scarborough (1966) *Uncle Tom's Wurley*. North Unley: Sharples Printers (in press in 1958), p. 49. Scarborough was active in writing to the press since at least 1936 when he advocated the appointment of an executive board (SRSA GRG 52/1/66/1934 Chief Protector to Commissioner of Public Works letter of 3 February 1936 about Scarborough's statement of 31 January 1936).



## *Conclusion*

*'assimilation' could not exhaust the possibilities  
of the liberal rationality of government  
Rowse 1996<sup>1</sup>*

Aboriginal governance occurred within the triangular relations of sovereignty-government-discipline as depicted by Foucault. As we have seen, the assimilation policy of the Aborigines Protection Board, a less often described policy than the more familiar Federal government assimilation policy, was one shift within these triangular relations. Although all assimilation policies were based on an 'individuating' liberalism, which was thought to equip Aborigines with the same rights and responsibilities as other citizens, this came at an enormous price for Aboriginal people because of authoritarian schemes like child removal.<sup>2</sup> Any variant of liberalism, for example 'self-determination', or as Rowse describes it 'collectivist' liberalism, inevitably also occurs within Foucault's triangular relations and aspects of pastoral and disciplinary practices persist.<sup>3</sup> This implies that liberal governance of Aborigines is never a linear progression and that shifts and new 'orders', like Ivison's postcolonial liberal order, would occur within the triangular relations.<sup>4</sup> Ivison believes that a 'postcolonial liberal order does not yet exist' but that it is possible, provided there is 'public dialogue and deliberation' between Aboriginal and non-Aboriginal people.<sup>5</sup> Should a postcolonial liberalism eventuate, it would retain aspects of pastoral and disciplinary practices that establish norms and affect institutions, although not all practices are deleterious as they assist genuine liberal governance. Ivison's ideal postcolonial liberalism hinges not on 'finding the right set of principles to orient social and political practice' but on 'the manner in which already existing liberal institutions and norms remain open to the variety of ways indigenous peoples have attempted to sustain, adapt, and change their ways of life from the ground up over centuries'.<sup>6</sup>

The thesis has examined the complexities of governance in the 'assimilation' and earlier eras in South Australia through the different expertise of the individual Protection Board members and through the 'hybrid' knowledges of the police in the field. As a result, it has discovered that there was a shift in liberal governance whereby 'scientific'

experts were perceived as necessary for the governance of Aboriginal people. At the same time, government used the rhetoric of the need for 'scientific' experts to problematise Aboriginal politics so that it was amenable to government and to condone non-liberal practices required to 'discipline' the Aboriginal population. In the process, a biopolitics of the Aborigines was created which established norms of governance that supported sectionalisation into different Aboriginal statuses—*full* and *part* Aborigines, sometimes, detribalised fringe-dwellers, and eventually assimilated Aborigines. The thesis demonstrates that governance through status required a method to exempt Aborigines from special legislation so that they were Aborigines no longer and this method needed to be supported by the additional technique of governing through location or space.

As government did not have its own 'scientific' expertise, it compromised democratic principles of Parliamentary accountability by forming a board of mostly non-government experts with executive power, rather than a board of advisers as was past practice. 'Scientific' experts were appointed from the areas of medicine, protection of women, anthropology, mission organisation, agriculture and education. Concern by government over lack of accountability produced significant changes in modes of governance. In order to achieve the ideal governance of advisory bodies, while still governing through expertise, a 'two-way street' of expertise was established—government drew 'scientific' expertise into its structure through networks with University organisations, and bureaucrats infiltrated the locus of science, the University.

New techniques of governance did not entirely displace previous practice, however, because, while 'scientific' experts promoted assimilation, and later 'self-government', older disciplinary and pastoral techniques persisted, thereby confirming Foucault's non-linear, triangular relations of governance. Older techniques were formed often from 'hybrid' knowledges that were a combination of personal experience of the job and bits of 'scientific' knowledge.<sup>7</sup> For example, as discussed in Chapter 6, police and magistrates interpreted infringements under the *Licensing Act* with regards to purveyors of alcohol and to Aboriginal people in the possession of alcohol, using personal experience and systematic 'scientific' expertise.

Chapters 3 and 4 examined how control of land and disease was achieved in special legislation for Aboriginal populations through specific definitions of 'Aboriginality'

(status) and through the power to remove Aborigines to government reserves (location). Other means for the control of disease revolved around periodic surveys, and inspection and supervision by those in the field. The thesis also demonstrated, in Chapter 5, that special legislation for matters normally controlled by criminal law was eventually not given prominence because it determined adults (Aboriginal women) to be children and, therefore, limited their liberty. Governance was also achieved through the normalising discourses of 'scientific' experts in the natural, medical and social science fields (Chapters 7, 9 and 10). These discourses normalised categories, which deemed Aborigines less fit to exert their liberty than the mainstream population. Normalising categories also influenced the non-'scientific' experts in mission organisations and the officials in the field like police and Pastoral Board inspectors. As a consequence, bits of science were added to the knowledges formed by secular and religious practitioners in the field (Chapters 6 and 8). These practitioners included officials that relied on precedent to implement policies and practices. For example, as argued in Chapter 6, police were given discretionary power in their practices, and this was implicit in Police Department instructions, so that even where convictions were unlikely, police bothered Aboriginal people at fringe-dwelling camps over alcohol consumption. This discretionary power was often arbitrary but also it was built on previous experiences and systematic 'scientific' ideas about the norms of social behaviour.

The examination of the Protection Board and governance of Aborigines demonstrates that, while scientists like anthropologists and sociologists, and other experts had inculcated themselves into government, bureaucrats who were members of the Board for Anthropological Research and teachers of Public Administration in the Department of Social Studies had become creators of knowledge about Aborigines. In the past, such knowledge usually came from the 'highest' sources—universities and museums. The merger between government and university was made public at the inaugural annual conference of the Institute of Public Administration in 1931. The conference was opened by Premier Hill, and Professor J. McKellar Stewart delivered the address entitled 'The University and the Public Service'. The links that developed between the 'free' intellectuals of the University and the pragmatists of the Government, accountable to Parliament, were thus established. The changing perceptions of public administration and intellectuals were revealed in contemporary illustrations. Illustration figure 1, 'The "Service" Physiologised', indicates that 'the University' was represented

by the 'Brain' (Education) and by 'venous blood' (Museum). The latter representation can be seen as a negative interpretation of 'the University' as a repository of formerly useful ideas. This is in contrast to figure 2, the service in the State's centenary year, 1936, and the twentieth-century description of public administration as modern. The end result of the merger was 'a two-way street' of knowledge and power.

The thesis identifies the democratic downside of this arrangement as there was the need for government to be representative, that is, accountable to Parliament, and experts to be autonomous. Instead, the production of 'truth' and implementation of power were conflated. This implied importantly that clear and impartial ideas were not always possible. Policies, although invented and re-invented, were often the product of the same mindset because political advocates were now either anchored to government or 'at a distance' in the University and Museum. Bureaucrats and politicians who should have been asking serious financial questions about Aboriginal employment, health, housing and education now deferred to the rationalities of social science, in particular. They mentally re-created categories like 'the unfit' and 'the alcoholic' in policymaking and social planning that were categories developed in previous times that stretched back to Bentham and, before that, Defoe. Hence, there were consequences arising from the ultimate 'welfarisation' of Aboriginal people post the Board era. For example, Dunstan's 'welfare' community settlements, as described in Chapter 9, which were considered enlightened at the time, have been shown to result in long-term unemployment because of the exodus from pastoral stations. In addition, this exodus affected Aborigines' rights to land as demonstrated by land rights claims in the 1990s, which failed in legal terms at the time because of the loss of continuous occupation of homelands.

The idea that parliamentary accountability requires the use of advisory boards rather than executive boards is not clear-cut. Even within executive boards, there were differences of opinion as to the limits of individual members' executive powers. The Government appeared to be wary of the executive power of the Board, but there was a noticeable confusion over the extent of unelected executive power because some members of the Board did not feel that they were in control. Dr Charles Duguid's views on the limits of members' powers reveals this confusion. In a letter to the Secretary of The Anti-Slavery and Aborigines Protection Society in London, he said that the Board

was 'making itself felt and some of us on that Board are pressing for greater powers'.<sup>8</sup> Duguid explained that, even though the State Government was achieving more than the Federal Government, he felt that he should get more involved in matters so as to give Aborigines 'a righteous deal' but the Board needed to have 'power to act not merely to suggest'.<sup>9</sup> Duguid's frustration was that his agenda was different from the Government's and from some members of the Board. His opinion that the Board did not have full executive powers can be contrasted with Cleland's view that the Board had 'control absolute' and that members never disagreed 'by majority' with the Chairman/Minister, that is, with the Government.<sup>10</sup> Cleland believed that the Board's main role was to make sure allocated funds were spent wisely. It seems that some Board members perceived themselves to be effective because they were the gatekeepers of certain techniques and practices. It is apparent that the production of truth and power of 'scientific' experts like Cleland and 'psy' experts in the bureaucracy fused with that of government. Also, at times, the expertise of those who were frustrated by government—Duguid, Sexton, Rowe, Cooke and Johnston—colluded with government. Overall, the Government was always willing to *use* available expertise, whether it was anchored to government like the expertise of the agricultural officers in the Department of Agriculture and 'at a distance' like the 'scientific' expertise of Cleland, or even if it was in opposition to government like the expertise of Duguid, which could be described as based upon both experience and science.

As 'scientific' experts were required for the Board, an executive power, in 1939, rather than those with experience or 'hybrid' knowledges, this meant that Aboriginal people were not appointed. In 1962, the first Aboriginal appointments occurred with the swing back to an advisory body and the anchorage of 'scientific' experts in government through public administrators' new roles as University lecturers and their membership of University and Museum boards, and government and University networks 'at a distance'. This implied importantly that Aborigines were only considered suitable to enter government as advisers—they were not thought suitable for executive status because they did not have 'scientific' expertise. There are resonances here with recent Aboriginal politics with the decision by the Federal Government to replace the Federal executive board, Aborigines and Torres Strait Islander Commission (ATSIC), with 'a hand-picked advisory council, and to mainstream Aboriginal services', which negate Aboriginal representation and Aboriginal organisations.<sup>11</sup>

As elaborated in Chapter 2, the Board was formed after much debate on the merits of an executive board rather than a board with only advisory powers. The thesis establishes that its executive status was a critical factor throughout the Board's existence, so much so that the succeeding board was only advisory. Parliament was suspicious about controlling boards with non-elected 'scientific' experts as members because such boards called into question the notion of representative government. The tensions between a desire for representative government and reliance on the advice of 'scientific' experts produced significant changes in the mode of governance. As stated, government drew 'scientific' experts into its structure by establishing networks with University organisations and by the infiltration of bureaucrats into the locus of science, the University. In addition, the Opposition in the Parliament was wary about executive boards because of the accountability of the Ministry when it used the executive board as an excuse for the outcomes of government policy and processes. As mentioned in Chapter 9, in 1962 Dunstan, member of the Opposition Labor Party and an Aborigines Advancement League member, stated that the Minister hid behind the Aborigines Protection Board when criticised over policy and Dunstan argued for advisory and not executive status for the proposed Aboriginal Affairs Board.<sup>12</sup>

The sticking point for government about the accountability of unelected executive members always surfaced over the issue of funding. Only representatives of the polity were thought to be sufficiently accountable to Parliament. This seemed to ignore the fact that one of the duties of the Board was to distribute the departmental funds provided annually by Parliament. Utilitarian members like Cleland were seen as useful in this respect, but members like Constance Cooke who sought more government spending on Aborigines were not. Governments could parry the issue of lack of funding, as it could be blamed both on the failure of the Federal Government to take financial responsibility for Aboriginal people (*Commonwealth Powers Act*, 1943) and on post-war reconstruction and consequent priorities for the use of State government funds.

However, there was a much more critical issue and that was government accountability over non-liberal practices like child removal. The scientific determinism and consequent sponsorship of authoritarian practices with regard to *part* Aborigines, particularly over children, by respected members, like the Deputy Chairman Professor Cleland, made government ministers and officials apprehensive. They were more appreciative of

Professor Abbie's open-minded approach to heredity that did not attribute mental and physical capacity to Europeans only. Consequently, Abbie was appointed Chairman of the advisory board from 1963. Cleland was re-elected as Deputy Chairman; however, as an octogenarian, his retirement was imminent. Child removal, when defended as the 'solution' to the 'inferiority' of *part* Aborigines, was not the type of publicity that the Government welcomed, particularly because it sat in tension with the 'assimilationist' stance of the Federal Government.

The liberalism of Hasluck, the Federal Minister for Territories, was based on equal distribution of economic and social benefits for the benefit of all citizens as individuals. In this schema, a positive attitude where all individuals had the ability to progress was projected and deterministic attitudes about the 'inferiority' of individuals were undesirable. Hasluck's liberalism, Rowse believes, had its limitations as it was an 'individualistic doctrine of nationhood' and had a 'rather narrowly juridical character', not open to post 1970 ideas about Aborigines' 'sociological realities'.<sup>13</sup> Despite the tensions of the different liberalisms, the State Government solved contradictions between its desire for expertise and government accountability through governing tactics that partially concealed non-liberal practices. It was in accord over authoritarian practices like child removal because it was seen to be a temporary measure in that assimilation meant the mixed race was absorbed into the mainstream population. This implied that the Government gave importance to end results rather than the means, often non-liberal, to achieve these ends.

When describing government and analysing governmental practices, Colebatch distinguishes between 'vertical' approaches based on authorised decision-making by the modern State and 'horizontal' approaches or structural interactions—governmentality.<sup>14</sup> Although Colebatch believes that both methods have something to offer political analysis, Jose warns that 'As long as political theorists continued to cast their analyses in terms of sovereignty, law and prohibition, they missed the fundamental sign of modernity' and the focus on managing populations.<sup>15</sup> A 'horizontal' approach, as recommended by Foucault, has been used in this thesis to analyse the executive Protection Board through the examination of multiple actors and institutions involved in governance of the Aboriginal population. The results of 'horizontal' approaches are seen to be problematic by classical liberal theorists because they merge the 'public' and

'private'; namely, private elites with "vested interests" in official circles' are found to 'capture' the machinery of state.<sup>16</sup> For example, Schain concludes that political elites affect some areas of government policy because they control 'the political agenda by constructing the institutions' in which political debates occur.<sup>17</sup> This thesis, too, reveals the 'growth' of government beyond strictly state institutions. All the same, the thesis finds the capture of the machinery of state by private elites is a partial explanation for the governance of Aboriginal people, as what happens is more complex.

During debates on the 1939 legislation, the Parliament was concerned with keeping power with government. The Aborigines Friends Association, too, originally proposed an advisory board rather than an executive board. Finally, an executive board was approved in the Parliament but the distinguishing feature was the fact that the Minister was Chairman of the Aborigines Protection Board. It is apparent that the Government wanted an executive board as the means of bringing scientific experts into government and, conversely, getting government officials into scientific organisations. The elites did not 'capture' the machinery of State nor construct the institutions where the critical debates took place; rather, *chosen* elites were 'captured' by the machinery of State, some wittingly in return for funding support for their own private organisations, and some because they believed only executive boards were able to make change.

From this analysis, the distinction between 'public' and 'private' made by classical liberal theorists does not always hold as it is apparent that the 'public', at times, subsumes the 'private'. It is also apparent that there is not always a clear distinction between liberalism and authoritarian liberalism. Although 'administered democracies operate in a favourable social context', Gottfried questions 'whether this order is truly liberal'.<sup>18</sup> When it is apparent that public administration interferes in the 'private'—'an inviolable sphere of social freedom'—one must acknowledge that the modern state may not be 'liberal democratic'.<sup>19</sup> The counter argument to this is that interference may be acceptable and non-liberal practices condoned if there is a genuine commitment to democratic representation. One may then accept the administration and socialisation by public administrators and what they 'define as social freedom [as] whatever they wish to privilege at a given time', all the while understanding that one's acceptance hinges on the transitory and reformative nature of such interference and non-liberalism.<sup>20</sup>



Given a government, in this case the South Australian Government of the mid twentieth century, willing to sacrifice temporary accountability for the inclusion in government of scientific experts in social planning, and for the eventual 'nationalisation' of state-level Aboriginal governance, what does this mean for Ivison's claims for a post-colonial liberalism? It would seem from the analysis of the Aborigines Protection Board that there are three areas that require attention. The conflation of scientific experts and government indicates that, with regard to the power of public administrators, there is a need to question the role of social planners and experts in government, anchored to government and 'at a distance'. This would need to be an ongoing and in-depth appraisal of the extent of this type of governmentality. 'Nationalisation' has made governance at the Federal level overly important and 'normalised'. There is every reason to consider the better effectiveness of recognising and using existing regimes at both State-level and regional-level governance as the management of accountability and the actions of non-representative advocates would be easier to monitor and to reconcile. As advisory boards—non-elected members without executive power—have been shown not to compromise democracy, there is a need to consider how executive Aboriginal representation can be achieved. This means either quota for Indigenous members of parliament, which may not be believed as entirely 'democratic', or other forms of representation for executive positions in government. Overall, it means a reconsideration of what sort of liberal democracy is necessary: do we recognise there is a possibility for a post-colonial liberalism or do we admit that it must be a post-liberalism of some sort?<sup>21</sup> The difference between the two would be a matter of belief—the former adheres to the idea that there is the possibility to achieve 'liberal democratic' government and the latter that we have a 'regime' that 'may in fact contain less and less of either characteristic'.<sup>22</sup>

---

<sup>1</sup> [Http://www.gu.edu.au/centre/cmp/Rowse.html](http://www.gu.edu.au/centre/cmp/Rowse.html) (accessed 19 March 2002). Rowse states that although “assimilation” conceived itself as emancipatory, its effect on its supposed “beneficiaries” was often so prescriptive of the social forms of “liberty” and “security” that “assimilation” amounted to the persistence of (and variations on) “disciplinary” and “pastoral” rationalities’, p. 4.

<sup>2</sup> *Ibid*, p. 6.

<sup>3</sup> *Ibid*.

<sup>4</sup> D. Ivison (1997) *Postcolonial liberalism*. Melbourne: Cambridge University Press.

<sup>5</sup> *Ibid*, p. 163.

<sup>6</sup> *Ibid*, p. 12.

<sup>7</sup> Valverde (2003)(b) *Op.cit*, p. 22.

<sup>8</sup> NLA MS 5068 Duguid Papers, letter of 29 December 1945.

<sup>9</sup> *Ibid*.

<sup>10</sup> Cleland Collection SAMA AA60 *Op.cit*, Cleland’s report of the history of the State, 21 January 1963.

<sup>11</sup> Reverend Ken Sumner in an open letter to Uniting Church members quoted in ‘Supporting Indigenous communities’ in *Uniting Care Wesley News*, Winter 2004. Sumner is SA Chairperson of Uniting Aboriginal and Islander Christian Congress, pp. 1-2. See V. Watson ‘Axing ATSIC: Australian Liberalism and the “Government of Unfreedom”’ in *Policy and Society*, 23:4, 2004, pp. 57-81, for a Foucaultian governmentality analysis of current Federal Government policies on Aboriginal affairs.

<sup>12</sup> SAPD 30 August 1962, debates on the Aboriginal Affairs Bill, p. 814.

<sup>13</sup> T. Rowse ‘The modesty of the State: Hasluck and the anthropological critics of assimilation’ in T. Stannage, K. Saunders & R. Nile (eds.)(1998) *Paul Hasluck in Australian History: civic personality and public life*. St Lucia: University of Queensland Press, p. 119 and p. 131. Hasluck was Minister for Territories in the Menzies Federal Government from 1951 to 1963.

<sup>14</sup> H.K. Colebatch ‘Government and governmentality: using multiple approaches to the analysis of government’ in *Australian Journal of Political Science*, 37:3, November 2002, p. 430.

<sup>15</sup> Jose (1998) *Op.cit*, p. 33.

<sup>16</sup> Colebatch *Op.cit*, p. 430.

<sup>17</sup> Schain *Op.cit*, p. 162. See footnote 3 in Chapter 2.

<sup>18</sup> Gottfried *Ibid*, p. xiii.

<sup>19</sup> *Ibid*, p. xiv.

<sup>20</sup> *Ibid*.

<sup>21</sup> Ivison *Op.cit*. and Gottfried *Ibid*.

<sup>22</sup> Gottfried *Ibid*, p. xiv.

## ***APPENDIX 1***

### **ABORIGINES PROTECTION BOARD 1939-1962**

First meeting February 1940 - last meeting February 1963

#### **Chairman and Minister for Aborigines**

Malcolm McIntosh (1888-1960) 1939 to May 1958 (MHA Albert)

C.D. Rowe (b. 1911) May 1958 to June 1958 (MLC Midland)

G.G. Pearson (b. 1907) June 1958 to February 1963 (MHA Flinders)

#### **Deputy Chairman**

Dr J.B. Cleland (b. 1878) 1939 to February 1963

#### **Secretary and Head of Department (from 1949 also member of Board)**

W.R. Penhall (b. 1888) 1939 to 1954 (official retirement)

C.E. Bartlett (b. 1904) 1954 to mid 1962 (invalidity)

C.J. Millar (b. 1915) mid 1962 to February 1963 (Acting)

#### **Members**

Constance Mary Cooke (b. 1882) 1939 to February 1963

Alice Maude Johnston (b. 1882) 1939 to February 1963

Rev. Canon S.T.C. Best (1864-1949) 1939 to 1948

Dr Charles Duguid (b. 1884) 1939 to April 1947

Len J. Cook (b. 1890) 1939 to 1956 (official retirement)

Rev. G.O.B. Rowe (b. 1887) April 1947 to February 1963

A.J.K. Walker (b. 1916) 1956 to 1960

J. Whitburn (b. 1904) 1960 to February 1963

### **ABORIGINAL AFFAIRS BOARD 1963-1970**

Minister for Aboriginal Affairs: G.G. Pearson (February 1963), D. Dunstan (March 1965), R. Millhouse (April 1968)

Director of Department of Aboriginal Affairs: C.J. Millar

#### **Chairman**

Professor A.A. Abbie 1963 to 1970

#### **Deputy Chairman**

Professor J.B. Cleland 1963 until retirement in 1965

#### **Members**

J. Whitburn 1963, J.D. Gunton 1964 to 1968, A.J. Whitelaw 1968 to 1970

Rev. G.W. Pope 1963 to 1970

I.R. McTaggart 1963 to 1965, Nancy Brumbie 1965 to 1967, B. Clark 1967 to 1970

R.J. Barnes 1963 to 1970

Florence Mary Hunt-Cooke 1963 to 1970

Gladys Elphick 1967 to 1970

## ADVISORY COUNCIL OF ABORIGINES 1918-1939

Commissioner of Public Works: J.B. Bice (February 1918), W. Hague (1921), J. McInnes (1924), M. McIntosh (1927), J. McInnes (1930), H.S. Hudd (1933), M. McIntosh (1939)

Chief Protector: W.G. South (to 1923), F. Garnett (1923–1930), M.T. McLean (1930–1938), W.R. Penhall (1938-1939)

Chief Protector on Council: 1925-1932 and 1937-1939 (Deputy Chairman)

### Chairman

T.W. Fleming 1918 to 1919, J. Lewis MLC 1920 to 1923, E.M. Smith 1923 to 1929, W.H. Harvey MLC 1929 to 1933, J. B. Cleland 1933 to 1939

### Members

J. Lewis MLC 1918 to 1923, W.H. Harvey MLC 1923 to 1933, J.B. Cleland 1933 to 1939

T.W. Fleming 1918 to 1919, E.M. Smith 1920 to 1929, C.M. Cooke 1929 to 1939

P. Wood 1918 to 1921, H.B. Crosby MP 1922 to 1930, F. Garnett 1930 to 1933, T.E. Yelland 1933 to 1939

C.E. Taplin 1918 to 1927, I. McKay 1927 to 1933, A.M. Johnston 1933 to 1939

W. Hutley 1918 to 1931, Pastor J. Wiltshire 1931 to 1933/34, N. Anquitel 1935 to 1939

Rev. Archdeacon Bussell 1918 to 1936, Rev. J.H. Sexton 1937 to 1939

### Secretary

Rev. J.H. Sexton 1918 to 1937 (Honorary Secretary from 1930), W.R. Penhall 1937 to 1939

### Nominees of

Aborigines Friends Association:

T.W. Fleming, J. Lewis, P. Wood, C.E. Taplin, W. Hutley, Rev. Bussell, J.H. Sexton, E.M. Smith, T.E. Yelland

Women's Non-Party Association (League of Women Voters from 1924):  
Ida McKay, Constance Ternent Cooke, Alice Harvey Johnston

United Aborigines Mission:

Pastor J. Wiltshire, N. Anquitel

Board for Anthropological Research at University of Adelaide:  
Dr J.B. Cleland

## APPENDIX 2

## SOUTH AUSTRALIA.

## REGULATIONS UNDER THE ABORIGINES ACT, 1911.

REGULATIONS UNDER THE ABORIGINES ACT, 1911.  
At the Executive Council Office, at Adelaide, this tenth day  
of May, 1917.

Present—

His Excellency the Governor.

The Hon. the Treasurer and Minister of Education.

The Hon. the Chief Secretary.

The Hon. the Attorney-General.

The Hon. the Commissioner of Crown Lands and Immigration and Minister of Agriculture.

The Hon. the Commissioner of Public Works.

The Hon. the Minister of Industry, Minister of Mines, and Minister of Marine.

HIS Excellency the Governor in Council, by virtue of the provisions of the Aborigines Act, 1911, hereby makes the following regulations under the said Act:—

1. The Chief Protector of Aborigines, in case he is of opinion—

- (a) that an aboriginal or half-caste residing or being within an aboriginal institution is habitually disorderly, lazy, disobedient, insolent, intemperate, or immoral; or
- (b) that the presence of an aboriginal or half-caste within an aboriginal institution is inimical to the maintenance of discipline or good order in an aboriginal institution; or
- (c) that an aboriginal or half-caste residing or being within an aboriginal institution for full-blooded aboriginals only is not a full-blooded aboriginal; or
- (d) that any aboriginal or half-caste man has not paid to the Superintendent of an aboriginal institution any sum or sums of money for which he has become liable to such Superintendent under article 8 of these regulations; or
- (e) that any aboriginal or half-caste residing or being within an aboriginal institution has been guilty of two or more offences against article 9 of these regulations,

may cause to be delivered to such aboriginal or half-caste a notice in writing signed by him forbidding such aboriginal or half-caste to be within any aboriginal institution in the State, or within the aboriginal institution or institutions specified in such notice. If after the delivery to such aboriginal or half-caste of such notice, he is present within any aboriginal institution contrary to the terms of such notice, he shall be guilty of an offence and shall be liable to a penalty, for each day when he is so present, not exceeding twenty-five pounds, or to imprisonment, with or without hard labor, for any term not exceeding three months.

2. The Superintendent of any aboriginal institution shall, subject to any directions of the Minister, or the Chief Protector of Aborigines, or the Protector of Aborigines for the district within which such institution is situate, have the full control and management of such institution (including the allotment of cottages and other places of residence therein); and every aboriginal or half-caste residing or being within such institution shall obey all the lawful orders of such Superintendent. Any aboriginal or half-caste who refuses or fails to obey any such

order shall be guilty of an offence, and shall be liable to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labor, for any term not exceeding two months.

3. The Superintendent of any aboriginal institution may supply, free of charge, to any aboriginal or half-caste, who in the opinion of such Superintendent, is, by reason of old age, ill-health, or infirmity, incapable of earning his own living, such of the necessaries of life and such medical attention and requisites as he considers necessary and proper.

4. The Superintendent of every aboriginal institution shall provide employment within such institution for as many aboriginals or half-castes as he conveniently can do, giving preference, wherever possible, in allotting such employment to aboriginals or half-castes who are married, and whose wives or husbands, as the case may be, are residing within such institution. The Superintendent shall fix the rates of wage or other remuneration to be paid for such employment, and shall pay the same weekly, subject to such deductions as may be made by him under article 6 of these regulations.

5. All aboriginals or half-castes employed within any aboriginal institution shall rise not later than 6.45 a.m. on each day from the first day of October to the thirty-first day of March (both days inclusive), and not later than 7.15 a.m. on each day from the first day of April to the thirtieth day of September (both days inclusive). The working hours for aboriginals and half-castes within any aboriginal institution during the period beginning on the first day of October and ending on the thirty-first day of March shall be from 8 a.m. to 6 p.m., and during the period beginning on the first day of April and ending on the thirtieth day of September shall be from 8 a.m. to 5 p.m. Throughout the year there shall be an interval of one hour in the middle of the day for dinner, and on Saturdays there shall be a half-holiday, work being discontinued at 1 p.m.: Provided that the hours for work prescribed in this article may in case of emergency be extended in the discretion of the Superintendent of such institution.

6. Any aboriginal, half-caste, or other person who breaks, injures, or otherwise damages any property of any kind in, about, or upon any aboriginal institution, whether wilfully or negligently, shall be liable to the Superintendent thereof for the amount of the damage done, and the same may be recovered by such Superintendent in any Court of competent jurisdiction; and if the person causing such damage is an employee working in or about such institution, the amount of such damage shall be deducted by such Superintendent from any wages then due or thereafter becoming due to such person.

7. The Superintendent of any aboriginal institution, or the Chief Protector of Aborigines, may destroy, or cause to be destroyed, all dogs found in, about, or upon such institution without being liable to pay any compensation therefor.

8. In case any aboriginal or half-caste man is the father of any child, or the husband of any woman, residing within an aboriginal institution, and is employed elsewhere than within such institution, the Superintendent of such institution may, by notice in writing, require such aboriginal or half-caste man to pay to him for the support of such child or woman a weekly

sum not exceeding two-thirds of the amount which, in the opinion of such Superintendent, such aboriginal or half-caste man would be earning if working within the institution where such child or woman is residing; and such amount shall be a debt due by such aboriginal or half-caste man to, and be recoverable by action at the suit of, such Superintendent.

9. In case any aboriginal or half-caste, being or residing within any aboriginal institution—

- (a) becomes intoxicated, whether within or about such institution or elsewhere;
- (b) is guilty of any immoral or disgraceful conduct, whether within or about such institution or elsewhere;
- (c) uses profane, blasphemous, obscene, abusive, or insulting language, whether within or about such institution or elsewhere;
- (d) is insubordinate in any manner whatever;
- (e) brings into such institution, or has in his possession while within such institution, any firearm or other weapon, or any intoxicating liquor, without the written permission of the Superintendent thereof first had and obtained;
- (f) brings within such institution any horse, cow, dog, or other animal without the written permission of the Superintendent thereof first had and obtained;
- (g) wilfully breaks, injures, or damages any property within or about such institution;

(h) being an able-bodied single person over the age of 14 years does not, wherever required by the Superintendent of such institution, obtain, or make a *bona-fide* attempt to obtain, employment elsewhere than at such institution;

(i) is dirty or untidy in his dress or person;

(j) fails to keep any cottage or other building of which he is the occupant clean and in good order, to the satisfaction of the Superintendent of such institution;

(k) fails to remove and place all rags, bones, ashes, or other refuse wherever required so to do by the Superintendent of such institution;

(l) being employed within or about such institution, and occupying a cottage or other building therein, absents himself from work, or obtains or attempts to obtain work elsewhere than within such institution, without the written permission of the Superintendent thereof first had and obtained;

he shall be guilty of an offence, and shall be liable for the first offence to a penalty not exceeding five pounds, and for the second or any subsequent offence to a penalty not exceeding ten pounds.

And the Honorable the Commissioner of Public Works is to give the necessary directions herein accordingly.

A.D., 9/1917.

H. BLINMAN, Clerk of the Council.

## SOUTH AUSTRALIA.

## REGULATIONS UNDER THE ABORIGINES ACT, 1911.

## REGULATIONS UNDER THE ABORIGINES ACT, 1911.

*At the Executive Council Office, at Adelaide, this 21st day of August, 1919.*

Present—

His Excellency the Governor.

The Hon. the Chief Secretary, Minister of Marine, and Minister of Irrigation.

The Hon. the Attorney-General and Minister of Industry.

The Hon. the Commissioner of Crown Lands and Immigration and Minister of Repatriation.

The Hon. the Minister of Education, Minister of Mines, and Minister of Agriculture.

HIS Excellency the Governor in Council, by virtue of the provisions of the Aborigines Act, 1911—

1. Hereby makes the following additional regulation under the said Act:—

In the regulations made under the Aborigines Act, 1911, on the 10th day of May, 1917, and published in the *South Australian Government Gazette* on the 10th day of May, 1917, as varied by this Order in Council, the expression "aboriginal institution" and the word "institution," wherever they respectively occur, shall be construed as including a reserve for aboriginals.

2. Hereby varies the regulations made and published as aforesaid as follows:—

- i. By inserting the word "threatening" after the word "abusive" in subdivision (c) of regulation No. 9.
- ii. By adding the following subdivisions after subdivision (l) of the said regulation No. 9:—
  - (m) upon entering or leaving any such institution or travelling within any such institution, fails to close the gate at any gateway used by him or through which he passes, not being a gate which the superintendent of such institution has declared to be open for the time being;
  - (n) loiters within the yard or other enclosure of any hall or other building or place within any such institution whilst any religious service or any entertainment or other meeting is being held in such hall, building, or place;
  - (o) enters or remains in any house or other building, not being his home, or the yard or other enclosure thereof, against the expressed wish of the occupier of such house or building;
  - (p) during any working hours plays any game or loiters;
  - (q) plays any game in any street or road within any such institution without the permission of the superintendent of such institution first had and obtained.

And the Honorable the Commissioner of Public Works is to give the necessary directions herein accordingly.

A.D., 55/1919.

H. BLINMAN, Clerk of the Council.

R. E. E. ROGERS, Government Printer, North Terrace, Adelaide.

50—20.10.19.

### APPENDIX 3

#### *Histories—Aboriginal people of South and Central Australia*

Barnes, Nancy. (2000) *Munyi's Daughter: a spirited brumby*. Henley Beach: Seaview Press.

Blencowe, Ian. (1998) *Many Children of Colebrook Home*. Adelaide: SA Museum.

Burgoyne, Iris. (2000) *The Mirning: we are the whales*. Broome: Magabala Books.

Davis, Christine, Clifford Coulthard & Desmond Coulthard. (1986) *The Flinders Ranges: an Aboriginal view*. Aboriginal Heritage Branch, SA Department of Environment and Planning.

Dodd, Reg & J. Gibson. (1989) 'Learning times: an experience of Arabana life and mission Education' in *Aboriginal History*, 13:2, pp. 81-93.

Forte, M. (1995) *Flight of an eagle: the dreaming of Ruby Hammond*. Kent Town: Wakefield Press.

Grzybowicz, Neva (1989) 'Reflections on growing up as an Aborigine in Adelaide' in *Journal of the Anthropological Society of South Australia*, 27:6, pp. 1-19.

Kartinyeri, Doreen. (1996) *Ngarrindjeri Anzacs*. Adelaide: SA Museum and Raukkan Council.

Kartinyeri, Doris. (2000) *Kick the tin*. North Melbourne: Spinifex Press.

Lennon, Jessie. (2000) *I'm the one that know this country! The story of Jessie Lennon and Coober Pedy*. Canberra: Aboriginal Studies Press (compiled by Michele Madigan).

Lester, Yami. (1993) *The autobiography of Yami Lester*. Alice Springs: Institute for Aboriginal Development Publications.

McKenzie, Ruth & J. Gibson. (1989) *Molly Lennon's story: 'That's how it was'* as told to Jen Gibson. Aboriginal Heritage Branch, SA Department of Environment and Planning.

Moriarty, John. (2000) *Saltwater Fella*. Ringwood, Victoria: Viking.

O'Brien, Lewis. (1990) 'My education' in *Journal of the Anthropological Society of South Australia*, 28:1&2, pp. 106-126.

Perkins, Charles. (1975) *A bastard like me*. Sydney: Ure Smith.

*Point Pearce: past and present* (1987), researched by Narrunga Community College, compiled by Eileen Wanganeen. Aborigines Studies & Teacher Education Centre, SACAE: Underdale.

Pring, Adele (ed.) (1990) *Women of the Centre*. Apollo Bay: Pascoe Publishing.



## ***BIBLIOGRAPHY***

### **Government Sources**

New South Wales *Aborigines Protection Act*, 1909 No. 25

Queensland *The Aborigines Protection and Restriction of the Sale of Opium Act*,  
1897 No. 17 and 1901 No.1 (*Amendment Act*)

South Australian Government Gazettes

South Australian Government Records Group (GRG)

GRG 23 Commissioner of Public Works

GRG 24 Colonial Secretary's Office

GRG 52 Aborigines Department

South Australian Statutes

1839 *The Licensed Victuallers Act*, No.1

1844 *Ordinance*, No. 12

1857 *The Waste Lands Act*, No. 5

1863 *Police Act*, No. 10

1869-70 *The Licensed Victuallers Amendment Act*, No. 16

1877 *The Crown Lands Consolidation Act*

1880 *The Licensed Victuallers Act*, No. 191

1881 *The Destitute Persons Act*, No. 210.

1911 *The Aborigines Act*, No. 1048

1915 *The Licensing Act Amendment Act*, No. 1236

1923 *Aborigines (Training of Children) Act*, No. 1565

1934 *Aborigines Act 1934-1939 (Consolidation Act)*, No. 2154

1939 *Aborigines Act Amendment Act*, No. 14

1962 *Aboriginal Affairs Act*, No. 45

South Australian Parliamentary Debates

South Australian Parliamentary Papers

SAPP No. 20 and No. 29 Commissioner of Public Works and Aborigines

Department Annual Reports (1905-1965)

SAPP No. 23 Children's Welfare and Public Relief Department Annual Reports  
(1951-1965)

SAPP No. 44 Education Department Annual Reports (1920-1940)

SAPP No. 53 Annual Reports of Commissioner of Police (1951-1965)

SAPP No. 57 Central Board of Health Annual Reports (1933-1968)

South Australian Parliamentary Reports

1860 Select Committee Report No. 165

1866 Aborigines Department Return, 21 December 1866, No. 198

1899 Select Committee of the Legislative Council on the Aborigines Bill

1913 Progress Report of the Royal Commission on the Aborigines, No. 26

1916 Final Report of the Royal Commission on the Aborigines, No. 21

## Victorian Parliamentary Statutes

1869 No. 349 *An Act to provide for the Protection and Management of the Aboriginal Natives of Victoria*

1890 No. 1059 *Aborigines Act*

1957 No. 6086 *Aborigines Act*

## Victorian Parliamentary Debates

Western Australian *Aborigines Act*, 1905 No. 14

## Newspapers and Journals

*Aborigines Friends Association Quarterly Review*

*Adelaide Observer*

*Advertiser (SA)*

*Daylight*

*News (SA)*

*Non-Party News*

*Public Service Review*

*Quadrant*

*Register (SA)*

*SA Gazette*

*Sunday Mail (SA)*

*The Presbyterian Banner*

*Uniting Care Wesley News*

*Walkabout*

## Unpublished Sources

Aborigines Friends' Association Papers, Mortlock Library, SRG 139.

Basedow Papers, Mortlock Library, PRG 324.

Cleland Collection, South Australian Museum Archives, AA60.

Cleland Papers, University of Adelaide Special Collections, 572.C61.SR2.

Duguid Papers, Mortlock Library, PRG 387.

Duguid Papers, National Library of Australia, MS 5068.

League of Women Voters: Women's Non-Party Association Papers, Mortlock Library, SRG 116.

J.M.G. Street. *Report on Aborigines in Australia*. May/June 1957.

## Theses, Reports, Conference Papers and Web Sites

- Burnard, S. (1961) *Government policy and Aboriginal mission stations, South Australia 1900-1920*. Thesis, University of Adelaide.
- Bury, W.R. (1964) *The foundation of the Point McLeay Aboriginal Mission*. Thesis, University of Adelaide.
- Clark, A. (1992) *'For their own good': the Aborigines Act, 1911*. Thesis, University of Adelaide.
- Cleland, J.B. 'Introduction to a discussion on racial problems between Europeans and Australian Aborigines'. Address of Anthropological Society of South Australia's sectional meeting of the Conference on 'The planning of science' (SA Division of Australian Association of Scientific Workers) at University of Adelaide, 15 May, 1944, pp. 1-4.
- Dunn, E.M. (1967) *The history of Kingston SE and the surrounding district*. MA Thesis History, University of Adelaide.
- Fitzgerald, P. (1971) *A Study of the Gerard Aboriginal Reserve Community*. Thesis, University of Adelaide.
- Gale, F. (1960) *A study of assimilation: part-Aborigines in South Australia*. Thesis, University of Adelaide.
- Gara, T. 'Pastoral Industry' paper presented at conference at Hawke Centre, University of South Australia, Adelaide, April 2003.
- Genders, J.C. (1929) *Australian Aborigines: a statement by the Aborigines Protection League*.
- Genders, J.C. *Report to State Executive Aborigines Protection League on Conference held in Melbourne 12 April 1929, 26 June 1929*.
- Genders, J.C. *The Australian Aborigines*, 4 January 1937.
- Gibbs, R.M. (1959) *Humanitarian Theories and the Aboriginal Inhabitants of South Australia to 1860*. Thesis, University of Adelaide.
- Hawker, G.N. (1967) *The Development of the South Australian Civil Service 1836-1916*. Ph.D. Thesis, Australian National University.
- Hirst, J.B. (1963) *G.W. Cotton and the Workingmen's Blocks*. Thesis, University of Adelaide.
- Keain, A.P. (1957) *The Legislative Council of South Australia 1857-1957*. Thesis, University of Adelaide.
- Lake, M. 'Colonising Colonists: feminists negotiating gender, race and nation in

Australia', paper presented at XIX International Congress of the Historical Sciences, Oslo, 2000, pp. 1-9.

Macilwain, M.M. (1997) *Environs of the Murray Mouth – a Cradle of Political Thought: ambiguities and indigenous/settler relations*. Thesis, University of Adelaide.

Macilwain, M.M. 'The policing of South Australian Aboriginal families: some aspects of the political, social and economic bases of governmental control', paper presented at Cultural Studies Association of Australia Conference, Adelaide, December, 1998.

Milich, C. (1967) *Official attitudes to the South Australian Aborigines in the 1930s*. Thesis, University of Adelaide.

Pope, A.R. (1998) *Aborigines and the criminal law in South Australia: the first twenty years*. PhD Thesis, Faculty of Arts, Deakin University.

Rafferty, J. 'Indigenous Australians, Religion and Health', paper presented at the Annual Conference of the Society for the Social History of Medicine, Southampton, England, 2000.

Roder, A.F. (1987) *Aboriginal Children under the Law: a history of the specific legislative provisions relating to Aboriginal children in South Australia, 1836-1972*. Thesis, University of Adelaide.

Rowse, T. 'Neo-liberal/"advanced liberal" tendencies in contemporary Aboriginal affairs', paper presented at 'Culture and Citizenship' conference, Australian Key Centre for Cultural and Media Policy, Griffith University, Brisbane, September/October 1996.

Walsh, P.B. (1966) *The Problem of Native Policy in South Australia in the Nineteenth Century (with particular reference to the Church of England Poonindie Mission 1850-1896)*. Thesis, University of Adelaide.

<http://www.bartleby.com/34/2/9.html> accessed 20 October 2003.

<http://www.gu.edu.au/centre/cmp/Rowse.html> accessed 19 March 2002

## Published Sources

Abbie, A.A. 'Correspondence' in *The Medical Journal of Australia*, January 23, 1960.

Alden, M. (1908) *Child life and labour*. London: Headley Brothers.

Allen, M., M. Hutchison and A. MacKinnon (eds.)(1989) *Fresh evidence, new witnesses: finding women's history*. Netley: South Australian Government Printer.

Anderson, W. (2002) *The cultivation of whiteness: science, health and racial destiny in*

*Australia*. Carlton South: Melbourne University Press.

Andrew, D.T. (1989) *Philanthropy and police: London charity in the eighteenth century*. New Jersey: Princeton University Press.

Annas, J. 'Mill and the subjection of women', *Philosophy* (1977) in R.J. Arneson (ed.) (1992) *Liberalism Volume II*. England: Edward Elgar, pp. 161-176.

Arneson, R.J. (ed.) (1992) *Liberalism Volume II*. England: Edward Elgar.

Arnold, D. (1993) *Colonizing the Body: State medicine and epidemic disease in nineteenth-century India*. Berkeley: University of California Press.

Attwood, B. and A. Markus (1999) *The struggle for Aboriginal rights: a documentary history*. New South Wales: Allen & Unwin.

Austin, T. 'First false start in Capricornia: Herbert Basedow, Northern Territory Chief Protector of Aborigines' in *Journal of the Historical Society of South Australia*, 17, 1989, pp. 112-123.

Austin, T. (1992) *Simply the Survival of the Fittest: Aboriginal administration in South Australia's Northern Territory 1863-1910*. Darwin: Historical Society of the Northern Territory.

Austin, T. (1993) *I can Picture the Old Home so Clearly: the Commonwealth and 'half-caste' youth in the Northern Territory 1911-1939*. Canberra: Aboriginal Studies Press.

*Australian Dictionary of Biography*. Melbourne University Press.

Bacchi, C.L. 'The nature-nurture debate in Australia, 1900-1914' in *Historical Studies*, 19:75, 1980, pp. 199-212.

Bacchi, C. 'The "Woman Question" in South Australia' in E. Richards (ed.) (1986) *The Flinders History of South Australia*. Netley, SA: Wakefield Press, pp. 403-427.

Bacchi, C.L. (1999) *Women, Policy and Politics: the construction of policy problems*. London: Sage.

*Bailliere's South Australian Gazetteer*, R.P. Whitworth (ed.) (1866), Adelaide: Bailliere Publisher.

Barbalet, M. (1983) *Far from a low gutter girl: the forgotten world of state wards: South Australia 1887-1940*. Melbourne: Oxford University Press.

Barnes, N. (2000) *Munyi's daughter: a spirited Brumby*. Henley Beach, SA: Seaview Press.

Bartlett, C.E. (1959) *A brief history of the Point McLeay Reserve and District*. Adelaide: Aborigines' Friends' Association.

- Bartlett, C.E. 'Legislation in South Australia and its Impact on the Aborigines' in *Mankind*, 5:11, 1962, pp. 471-476.
- Bartlett, F. 'Clean, white girls: assimilation and women's work' in *Hecate*, XXV, 1, 1999, pp. 10-38.
- Bartlett, N. 'Gateway to a future' in *South-West Pacific*, 29, 1952, pp. 26-29.
- Barwick, D. 'Equity for Aborigines? The Framlingham Case' in P.N. Troy (ed.)(1981) *A just society? Essays on equity in Australia*. Sydney: George Allen & Unwin, pp. 173-218.
- Bates, D. (1938) *The passing of the aborigines: a lifetime spent among the natives of Australia*. London: John Murray.
- Bell, D. (1998) *Ngarrindjeri Warruwarrin: a world that is, was, and will be*. North Melbourne: Spinifex.
- Berndt, R. and C. 'A preliminary report of field work in the Ooldea region, Western South Australia' in *Oceania*, Vol. XIII, 1, September 1942, pp. 51-70.
- Berndt, R. and C. 'Some problems of the mixed-blood Aborigines in the southern part of South Australia' in *Social Horizon*, July 1945, pp. 40-45.
- Biographical Register of the South Australian Parliament 1857-1957*. H. Coxon, J. Playford and R. Reid (eds.)(1985) Netley, SA: Wakefield Press.
- Birdsell, J.B. (1975) *Human evolution: an introduction to the new physical anthropology*. Chicago: Rand McNally College, 2<sup>nd</sup> Edition.
- Biskup, P. (1973) *Not slaves, not citizens: the Aboriginal problem in Western Australia 1898-1954*. St Lucia: University of Queensland Press.
- Blackburn, J. (1994) *Daisy Bates in the desert*. New York: Pantheon.
- Blackburn, K. 'White agitation for an Aboriginal state in Australia' in *Australian Journal of Politics and History*, 45:2, 1999, pp. 157-180.
- Bleakley, J.W. (1929) *The Aborigines and Half-castes of Central Australia and North Australia*. Parliament of the Commonwealth of Australia.
- Bowlby, J. (1952) *Maternal care and mental health*. Geneva: World Health Organisation.
- Brady, M. 'The politics of space and mobility: controlling the Ooldea/Yalata Aborigines, 1952-1982' in *Aboriginal History*, 23, 1999, pp. 1-14.
- Brady, M. and K. Palmer 'Dependency and assertiveness: three waves of Christianity among Pitjantjatjara people at Ooldea and Yalata' in T. Swain and D. Bird Rose

- (eds.)(1988) *Aboriginal Australians and Christian missions: ethnographic and historical studies*. Bedford Park, SA: Australian Association for the Study of Religions, pp. 236-249.
- Brock, P. 'The missionary factor in Adnyamathanha history' in T. Swain and D. Bird Rose (eds.)(1988) *Aboriginal Australians and Christian missions: ethnographic and historical studies*. Bedford Park, SA: Australian Association for the Study of Religions, pp. 277-291.
- Brock, P. (1993) *Outback ghettos: a history of Aboriginal institutionalisation and survival*. Melbourne: Cambridge University Press.
- Brock, P. and D. Kartinyeri (1989) *Poonindie: the rise and destruction of an Aboriginal agricultural community*. Netley, SA: Aboriginal Heritage Branch, Department of Environment and Planning and South Australian Government Printer.
- Bromley, W. (1820) *An appeal to the virtue and good sense of the inhabitants of Great Britain, Etc., on behalf of the Indians of North America*. Halifax.
- Burchill, E. (1960) *Innamincka*. Adelaide: Rigby.
- Burgess, H.T. (1907) *The cyclopedia of South Australia*. (1978 Facsimile Ed.), Hampstead Gardens: Austaprint.
- Busbridge, D.L. 'Aboriginal employment problems in South Australia' in I.G. Sharp and C.M. Tatz (eds.)(1966) *Aborigines in the economy: employment, wages and training*. Melbourne: Jacaranda Press, pp. 96-108.
- Casanova, J. (1992) *Fading Footprints: pioneers, runs and settlement of the Lower Eyre Peninsula*. Pt Lincoln: J. Casanova.
- Castles, A.C. and M.C. Harris. (1987) *Lawmakers and wayward whigs: government and law in South Australia 1836-1986*. Adelaide: Wakefield Press.
- Cato, N. (1993) *Mister Maloga*. St.Lucia: University of Queensland Press. 1<sup>st</sup> Edition 1976.
- Chewings, C. (1936) *Back in the Stone Age*. Sydney: Angus & Robertson.
- Chivers, R.R. (1971) *The Hoare Family*. Adelaide.
- Christie, M.F. (1979) *Aborigines in Colonial Victoria 1835-86*. Sydney: Sydney University Press.
- Clarke, T. and B. Galligan "'Aboriginal native" and the institutional construction of the Australian citizen 1901-48' in *Australian Historical Studies*, 26:105, 1995, pp. 523-543.
- Cleland, J.B. and N.B. Tindale 'The Natives of South Australia' in *The Centenary History of South Australia*. 1936. Adelaide: Royal Geographic Society of

- Australasia. Supp. To Vol. 36, Proceedings of Royal Geographic Society of Australasia (SA Branch), pp. 16-29.
- Cleland, J.B. 'The Australian Aboriginal: the significance of his Past, the Present, his Future' in *Australia and New Zealand Association for the Advancement of Science*, Vol. XXVII Report of the 27<sup>th</sup> meeting at Hobart 1949, pp. 66-77.
- Cleland, J.B. 'The future of the Australian Aboriginal' in *The Medical Journal of Australia*, January 2, 1960, pp. 28-29.
- Cleland, W.L. (1897) *A comparative study of the chronic insane, the habitual offender, and the endemic unemployed, with a view to treatment*. Adelaide: Webb & Son.
- Clyne, R. (1987) *Colonial Blue: a history of the South Australian Police Force 1836-1916*. Kent Town, SA: Wakefield Press.
- Cockburn, S. (assisted by J. Playford) (1991) *Playford: benevolent despot*. Adelaide: Axiom.
- Cole, A., V. Haskins and F. Paisley (eds.) (2005) *Uncommon Ground: white women in Aboriginal history*. Canberra: Aboriginal Studies Press.
- Colebatch, H.K. 'Government and governmentality: using multiple approaches to the analysis of government' in *Australian Journal of Political Science*, 37.3, November 2002, pp. 417-435.
- Commonwealth of Australia, 'Aboriginal Welfare', Initial Conference of Commonwealth and State Aboriginal Authorities. Held at Canberra, April 1937, Canberra: Commonwealth of Australia.
- Corfield, P.J. (1995) *Power and the Professions in Britain 1700-1850*. London and New York: Routledge.
- Coxon, H., J. Playford and R. Reid (eds.) (1985) *Biographical Register of the South Australian Parliament 1857-1957*. Netley: Wakefield Press.
- Crocker, W. (1947) *On Governing Colonies: being an outline of the real issues and a comparison of the British, French and Belgian approach to them*. London: George Allen & Unwin.
- Croll, R.H. (1937) *Wide Horizons: wanderings in Central Australia*. Sydney: Angus & Robertson.
- Davey, C.M. (1956) *Children and their Law-Makers*. Adelaide: Griffin Press.
- Dean, M. 'A genealogy of the government of poverty' in *Economy and Society*, 21:3, 1992, pp. 215-251.
- Dean, M. (1999) *Governmentality: power and rule in modern society*. London: Sage.



- Dean, M. 'Liberal government and authoritarianism' in *Economy and Society*, 31:1, February 2002, pp. 37-61.
- Dean, M. and B. Hindess 'Introduction' in M. Dean and B. Hindess. (eds.)(1998) *Governing Australia: studies in contemporary rationalities of government*. Melbourne: Cambridge University Press, pp. 1-19.
- Defoe, D. (197?) *Giving alms, no charity*. Yorkshire: S.R. Publishers. Reprint of essay of 1704.
- DeMaria, W. '“White welfare; black entitlement”. The Social Security access controversy, 1939-1959' in *Aboriginal History*, 10:1, 1986, pp. 25-39.
- Dependent children – Interstate Congress of Workers, Adelaide*. Adelaide: W.K. Thomas & Co, May 1909.
- Deverall, M. 'Records of the administration of Aborigines in Victoria, c 1860-1968' in *Aboriginal History*, 2:2, 1978, pp. 108-113.
- Dickens, Charles (1995) *The life and adventures of Nicholas Nickleby*. Hertfordshire: Wordsworth Classics. 1<sup>st</sup> published 1839.
- Dickey, B. (1986) *Rations, Residence, Resources: a history of social welfare in South Australia since 1836*. Netley: Wakefield Press.
- Donovan, P. (1995) *'In the interest of the country': a history of the Pastoral Board of South Australia 1893-1993*. Adelaide: Pastoral Management Branch of the South Australian Department of Environment and Natural Resources.
- Duguid, C. (1963) *No Dying Race*. Adelaide: Rigby.
- Duguid, C (1972) *Doctor and the Aborigines*. Adelaide: Rigby.
- Dunstan, D.A. 'Aboriginal Land Title and employment in South Australia' in I.G. Sharp and C.M. Tatz (eds.)(1966) *Aborigines in the economy: employment, wages and training*. Melbourne: Jacaranda Press, pp. 314-326.
- Dunstan, D. (1981) *Felicia: the political memoirs of Don Dunstan*. South Melbourne: Macmillan.
- Dutton, F. (1846) *South Australia and its Mines, with an Historical Sketch of the Colony, under its several Administrations, to the period of Captain Grey's Departure*. London: T. & W. Boone.
- Eddy, J. 'The technique of government: governing mid-Victorian Australia' in R. MacLeod (ed.)(1988) *Government and Expertise: specialists, administrators and professionals 1860-1919*. Melbourne: Cambridge University Press, pp. 166-181.
- Edgar, S. 'Constance Davey' in H. Radi (1988)(ed.) *200 Australian women: a redress anthology*. Broadway, NSW: Women's Redress Press, pp. 131-132.

- Eliot, George (1967) *Adam Bede*. London: The Zodiac Press (1<sup>st</sup> Published 1859).
- Elphick, G. 'The Council of Aboriginal Women' in *The Aborigines of South Australia: their background and future prospects*. 1969 Adelaide: Department of Adult Education, University of Adelaide, pp. 93-95.
- Faull, J. (1981) *Alexandrina' shore: a history of the Milang District*. Milang & District Historical Society.
- Fels, M.H. (1988) *Good men and true: the Aboriginal police of the Port Phillip District 1837-1853*. Melbourne University Press.
- Finlayson, H.H. (1936) *The Red Centre: man and beast in the heart of Australia*. Sydney: Angus & Robertson, 2<sup>nd</sup> Edition.
- Finn, P. (1987) *Law and Government in Colonial Australia*. Melbourne: Oxford University Press.
- Finnane, M. 'The politics of police powers: the making of police offences acts' in M. Finnane (ed.)(1987) *Policing in Australia Historical Perspectives*. Kensington, New South Wales University Press, pp. 88-113.
- Fitzpatrick, M. 'Preventing the unfit from breeding: the Mental Deficiency Bill in Western Australia, 1929' in P. Hetherington (ed.)(1988) *Childhood and society in Western Australia*. Nedlands: University of Western Australia Press, pp. 144-160.
- Flaubert, G. (1981) *Madame Bovary: life in a country town*. Oxford University Press. Trans. G. Hopkins. (1<sup>st</sup> Published 1857).
- Forbes, I.L.D. (1996) *From Colonial Surgeon to Health Commission: the government provision of health services in South Australia 1836-1995*. Adelaide: Openbook.
- Forte, M. (1995) *Flight of an eagle: the dreaming of Ruby Hammond*. Adelaide: Wakefield Press.
- Foster, R. 'Feasts of the Full-Moon: the distribution of rations to Aborigines in South Australia 1836-1861' in *Aboriginal History*, 13:1, 1989, pp. 63-78.
- Foster, R. (ed.) 'Two early reports on the Aborigines of South Australia' in *Journal of the Anthropological Society of South Australia*, 28:1, 1990, pp. 38-63.
- Foster, R. '“endless trouble and agitation”: Aboriginal activism in the protectionist era' in *Journal of the Historical Society of South Australia*, 28, 2000(a), pp. 15-27.
- Foster, R. 'Rations, coexistence, and the colonisation of Aboriginal labour in the South Australian pastoral industry, 1860-1911' in *Aboriginal History*, 24, 2000(b), pp. 1-26.
- Foucault, M. (1990) *The will to knowledge: the history of sexuality*. Vol. 1. Ringwood,

Victoria: Penguin.

- Foucault, M. 'Governmentality' in G. Burchell, C. Gordon and P. Miller (eds.)(1991) *The Foucault Effect: studies in governmentality*, Hemel Hempstead: Harvester Wheatsheaf, pp. 87-104.
- Foucault, M. 'Nietzsche, genealogy, history' in D.F. Bouchard (ed.)(1993) *Language, counter-memory, practice: selected essays and interviews by Michel Foucault*. New York: Cornell University Press, pp. 139-164.
- Frost, A. 'New South Wales as *terra nullius*: the British denial of Aboriginal land rights' in S. Janson and S. Macintyre (eds.)(1990) *Through White Eyes*. Sydney: Allen & Unwin, pp. 65-76.
- Fry, H.K. and R.H. Pulleine 'The mentality of the Australian Aborigine' in *Australian Journal Experimental Biology and Medical Science*, Vol. VIII, 1931, pp. 153-167.
- Fry, H.K. 'The problem of the Aborigines: Australian policy, in retrospect and prospect' in *The Australian Rhodes Review*, 2, 1936, pp. 33-42.
- Gale, F. 'The role of employment in the assimilation of part Aborigines' in *Proceedings of the Royal Geographic Society of South Australia*, 60, 1959, pp. 49-58.
- Gale, F. 'Some studies of Aborigines with extensive European associations: Aborigines in South Australia' in W.E.H. Stanner and H. Sheils (eds.)(1963) *Australian Aboriginal Studies: a symposium of papers presented at the 1961 Research Conference*. Melbourne: Oxford University Press, pp. 414-422.
- Gale, F. (1964) *A Study of Assimilation: part-Aborigines in South Australia*. Adelaide: Libraries Board of South Australia.
- Gale, F. 'Administration as guided assimilation (South Australia)' in M. Reay (ed.)(1964) *Aborigines now: new perspective in the study of Aboriginal communities*. Sydney: Angus & Robertson, pp. 101-114.
- Gale, F. 'Patterns of post-European Aboriginal migration in South Australia' in *Proceedings of Royal Geographic Society of South Australia*, 67, 1967, pp. 21-37.
- Gammage, B. (2001) 'Closer Settlement' in *The Wakefield Companion to South Australian History*. Kent Town, SA: Wakefield Press, pp. 111-112.
- Garton, S. 'Sound minds and healthy bodies: re-considering eugenics in Australia, 1914-1940' in *Australian Historical Studies*, 26, 1994, pp. 163-179.
- Genders, J.C. (1937) *The Australian Aborigines*. Adelaide: Aborigines Protection League.
- Gerard, A.E. (n.d.) *History of the UAM*. Adelaide: Hunkin, Ellis and King.
- Gibbs, R.M. 'Relations between the Aboriginal inhabitants and the first South

- Australian colonists' in *Proceedings of the Royal Geographic Society of A'asia (SA Branch)*, V61, 1960, pp. 61-78.
- Gillen, R.S. (ed.)(1995) *F.J. Gillen's first diary 1875: Adelaide to Alice Springs, March to June*. Kent Town, SA: Wakefield Press.
- Goldstein, J. 'Foucault among the sociologists: the "disciplines" and the history of the professions' in *History and Theory*, 23:1, 1984, pp. 170-192.
- Goodall, H. (1996) *Invasion to Embassy: land in Aboriginal politics in New South Wales, 1770-1972*. St. Leonards, NSW: Allen & Unwin.
- Gordon, C. 'Governmental rationality: an introduction' in G. Burchell, C. Gordon and P. Miller (eds.)(1991) *The Foucault Effect: studies in governmentality*. London: Harvester/Wheatsheaf, pp. 1-52.
- Gottfried, P.E. (1999) *After liberalism: mass democracy in the managerial state*. New Jersey: Princeton University Press.
- Gray, G. 'Aborigines, Elkin and the guided projectiles project' in *Aboriginal History*, 15:2, 1991, pp. 153-162.
- Hale, Right Rev. Bishop (n.d.) *The Aborigines of Australia, being an account of the institution for their education at Poonindie, in South Australia*. London: Society for Promoting Christian Knowledge. (Written by Hale in 1889)
- Hall, A. (1997) *A brief history of the laws, policies and practices in South Australia which led to the removal of many Aboriginal children*. Adelaide: Department of Human Services, South Australia.
- Hall, T.S. (ed.)(1914) *Report of the Fourteenth Meeting of the Australasian Association for the Advancement of Science*. Held at Melbourne 1913. Proceedings of Section F Ethnology and Anthropology, Welfare of Aborigines Committee, Melbourne: AAAS, pp. 450-452.
- Hanna, C. (with D. Abbey, G. Clifford, A. Roper)(2001) *Corartwalla: a history of Penola, the land and its people*. South Australia: Magill Publications.
- Hansen, E.E. 'The Christian Church and Aboriginal welfare' in *The Aborigines of South Australia: their background and future prospects*. 1969. Adelaide: Department of Adult Education, University of Adelaide, pp. 43-54.
- Harcus, W. (1876) *South Australia: its history, resources and productions*. London: Sampson Low, Marston, Searle and Rivington.
- Hardy, A. 'Public health and the expert: the London Medical Officers of Health, 1856-1900' in R. MacLeod (ed.) (1988) *Government and Expertise: specialists, administrators and professionals, 1860-1919*. Melbourne: Cambridge University Press, pp. 128-142.

- Haskins, V. '“Lovable Natives” and “Tribal sisters”: feminism, maternalism, and the campaign for Aboriginal citizenship in New South Wales in the late 1930s', *Hecate*, XXIV, ii, 1998, pp. 8-21.
- Hassell, K. (1966) *The Relations between the Settlers and Aborigines in South Australia, 1836-1860*. Adelaide: Libraries Board of South Australia (Unpublished thesis, University of Adelaide, 1921).
- Healey, J. (ed.) (2001) *SA's Greats: the men and women of the North Terrace plaques*. Kent Town, SA: Historical Society of South Australia.
- Higgs, E. 'The struggle for the occupational census, 1841-1911' in R. MacLeod (ed.) (1988) *Government and Expertise: specialists, administrators and professionals, 1860-1919*. Melbourne: Cambridge University Press, pp. 73-86.
- Hill, E. (1973) *Kabbarli: a personal memoir of Daisy Bates*. Sydney: Angus & Robertson.
- Hilliard, W.M. (1968) *The People in Between: the Pitjantjatjara people of Ernabella*. London: Hodder & Stoughton.
- Hindess, B. (1996) *Discourses of Power: from Hobbes to Foucault*. Oxford: Blackwell.
- Hindess, B. 'Deficit by design' in *Australian Journal of Public Administration*, 61:1, March 2002, pp. 30-38.
- Hirst, J.B. (1973) *Adelaide and the Country, 1870-1917: their social and political relationship*. Melbourne University Press.
- Hobbes, T. (1651) *Leviathan*, C.B. Macpherson (ed.) (1985) Victoria: Penguin.
- Hobhouse, L.T. (1994) *Liberalism and other writings*. Edited by J. Meadowcroft. Cambridge University Press
- Holland, A. 'Wives and mothers like ourselves? Exploring white women's intervention in the politics of race, 1920s-1940s' in *Australian Historical Studies*, 32:117, October 2001, pp. 292-310.
- Holland, A. 'Mary Bennett and the feminists: a response' in *Australian Historical Studies*, 33:120, October 2002, pp. 398-400.
- Hone, F.S. 'Medicine' in C. Fenner et al. (1936) *The Centenary History of South Australia*. Adelaide: Royal Geographic Society of Australasia (SA Branch), pp. 344-350.
- Hopkins, C. (1995?) *South Australian Police 1838-1992: a history of the development and operations of the force from its establishment*. Adelaide: Media Response.
- Horne, G. and G. Aiston. (1924) *Savage Life in Central Australia*. London: Macmillan.

- Howe, R. and S. Swain 'Fertile grounds for divorce: sexuality and reproductive imperatives' in K. Saunders and R. Evans (eds.)(1992) *Gender relations in Australia: domination and negotiation*. Sydney: Harcourt, Brace, Jovanovich, pp. 158-174.
- Howe, R. and S. Swain 'Saving the child and punishing the mother: single mothers and the State 1912-1942' in *Journal of Australian Studies*, 37, November 1993, pp. 31-46.
- Hunt, A. (1999) *Governing morals: a social history of moral regulations*. United Kingdom: Cambridge University Press.
- Hunter, I. (1994) *Rethinking the school: subjectivity, bureaucracy, criticism*. NSW: Allen & Unwin.
- Hunter, I. 'Uncivil society: liberal government and the deconfessionalisation of politics' in M. Dean and B. Hindess (eds.)(1998) *Governing Australia: studies in contemporary rationalities of government*. Melbourne: Cambridge University Press, pp. 242-264.
- Hymans, B. et al (1988) *Learning and other things: sources for a social history of education in South Australia*. Netley, SA: SA Government Printer.
- Informing a nation: evolution of the Australian Bureau of Statistics 1905-2005*. (2005) Canberra: Commonwealth of Australia.
- Ingham, E. (ed.)(1967) *The history of the Adelaide City Mission: compiled and produced to celebrate its centenary 1867-1967*. Adelaide ACM.
- Inglis, J. 'Aborigines in Adelaide' in *Journal of the Polynesian Society*, 70:2, 1961, pp. 200-218.
- Inglis, J. 'Aborigines in Adelaide' in W.E.H. Stanner and H. Sheils (eds.)(1963) *Australian Aboriginal Studies: a symposium of papers presented at the 1961 Research Conference*. Melbourne: Oxford University Press, pp. 423-428.
- Inglis, J. 'Dispersal of Aboriginal families in South Australia (1860-1960)' in M. Reay (ed.)(1964) *Aborigines now: new perspective in the study of Aboriginal communities*. Sydney: Angus & Robertson, pp. 115-132.
- Inglis, K.S. (1961) *The Stuart Case*. Melbourne University Press.
- Iverson, D. (1997) *Postcolonial liberalism*. Melbourne: Cambridge University Press.
- Jenkin, G. (ed.)(1989) *Between the wars: documents relating to Aboriginal affairs 1919-1939*. Magill Campus, University of South Australia.
- Jenkin, G. (1995) *Conquest of the Ngarrindjeri*. (1<sup>st</sup> pub. 1979) Point McLeay: Raukkan.

- Jennings, R. (1992) *Barnacles and parasites: independent members of the South Australian Parliament 1927-1970*. Plympton: Nesfield Press.
- Jones, P. 'Collections and Curators: South Australian Museum anthropology from the 1860s to the 1920s' in *Journal of the Historical Society of South Australia*, 16, 1988, pp. 87-103.
- Jose, J. 'Legislating for social purity, 1883-1885: the Reverend Joseph Coles Kirby and the Social Purity Society' in *Journal of the Historical Society of South Australia*, 18, 1990, pp. 119-134.
- Jose, J. (1998) *Biopolitics of the subject: an introduction to the ideas of Michel Foucault*. Darwin: Northern Territory University Press.
- Kamira, J. 'Indigenous participation in policing' in M. Enders and B. Dupont (eds.)(2001) *Policing the lucky country*. Sydney: Hawkins Press, pp. 70-82.
- Kaukas, T. 'Policing South Australia' in *History SA*, No.150, 2000, p. 1.
- Kidd, R. (1997) *The Way we Civilise: Aboriginal Affairs – the untold story*. St Lucia: University of Queensland Press.
- Kolle, C. 'The abduction of Aboriginal children in South Australia' in *Cabbages and Kings*, 20, 1992, pp. 12-24.
- Kwan, E. 'Gertrude Halley' in H. Radi (1988)(ed.) *200 Australian women: a redress anthology*. Broadway, NSW: Women's Redress Press, pp. 82-84.
- Lake, M. 'Women and "whiteness"' in *Australian Historical Studies*, 32:117, October 2001, pp. 338-342.
- Larbalestier, J. "'For the betterment of these people": The Bleakley Report and Aboriginal workers' in *Social Analysis* 24, December 1988, pp. 19-33.
- Lavelle, A. 'The mining industry's campaign against native title: some explanations' in *Australian Journal of Political Science*, 36:1, 2001, pp. 101-122.
- Layton, S.M. 'The Protectorship of John Walker' in *Journal of the Anthropological Society of South Australia*. 30:2, December 1993, pp. 67-88.
- Lechte, J. 'Ethnocentrism, Racism, Genocide...' in M. de Lepervanche and G. Bottomley (eds.)(1988) *The Cultural Construction of Race*. Sydney: University of Sydney, pp. 32-45.
- Le Sueur, E. 'Aboriginal assimilation: an evaluation of some ambiguities in policy and services' in *The Australian Journal of Social Work*, 23:2, June 1970, pp. 6-11.
- Lindsay, N. (1980) *Bohemians at the Bulletin*. Sydney: Angus & Robertson (1<sup>st</sup> Published 1965).

- Linn, R. (1993) *Frail Flesh and Blood; the health of South Australians since earliest times*. Woodville: The Queen Elizabeth Hospital Research Foundation Inc.
- Litchfield, W.F. 'The infants under "The New South Wales Children's Protection Act", with some remarks on infants' asylums' in *The Australasian Medical Gazette*, 20 January 1899, pp. 23-26.
- Locke, J. (1689) *A letter concerning toleration*. (1988) London: Collier Macmillan.
- Locke, J. (1690) *Two Treatises of Government*. P. Laslett (ed.)(1988) Victoria: Cambridge University Press.
- Lucas, R. and D. Fergie 'A nobbler at Blazes Well: the policing of alcohol in the Marree-Birdsville Track District' in *Journal of the Historical Society of South Australia*, 24, 1996, pp. 28-45.
- Macfarlane, A. (1986) *Marriage and love in England: modes of reproduction 1300-1840*. Oxford: Basil Blackwell.
- Mackay, D. 'The influence of government policy on police numbers and length of service in South Australia in the 1840s' in *Journal of the Historical Society of South Australia*, 25, 1997, pp. 107-118.
- MacLeod, R. (ed.)(1988) *Government and Expertise: specialists, administrators and Professionals, 1860-1919*. Melbourne: Cambridge University Press.
- Markus, A. 'After the outward appearance: scientists, administrators and politicians' in B. Gammage and A. Markus (eds.)(1982) *all that dirt: Aborigines 1938*. Canberra: ANU Press History Project, pp. 83-106.
- Markus, A. 'Australian governments and the concept of race: an historical perspective' in M. de Lepervanche and G. Bottomley (eds.)(1988) *The cultural construction of race*. Sydney: University of Sydney, pp. 46-59.
- Markus, A. (1990) *Governing Savages*. Sydney: Allen & Unwin.
- Markus, A. 'Legislating White Australia, 1900-1970' in D. Kirkby (ed.) (1995) *Sex, power and justice: historical perspectives of law in Australia*. Melbourne: Oxford University Press, pp. 237-251.
- Marsden, S. (1986) *Business, charity and sentiment: the South Australian Housing Trust 1936-1986*. Netley: Wakefield Press.
- Matthews, J. 'Education for femininity: domestic arts education in South Australia' in *Labour History*, 45, 1983, pp. 30-53.
- Mattingley, C. and K. Hampton (eds.)(1988) *Survival in Our Own Land*. Adelaide: Wakefield Press.
- McCorquodale, J. 'The legal classification of race in Australia' in *Aboriginal History*,



- 10:1, 1986, pp. 7-24.
- McGregor, R. 'Representations of the "Half-caste" in the Australian scientific literature of the 1930s' in *Journal of Australian Studies*, 36, 1993, pp. 51-64.
- McGregor, R. 'The Aboriginal Reserves debate of the inter-war years' in *Journal of the Royal Historical Society of Queensland*, 15:11, 1995, pp. 545-552.
- McGregor, R. (1997) *Imagined Destinies: Aboriginal Australians and the doomed race theory, 1880-1939*. Melbourne University Press.
- McGuire, M.E. 'The legend of the good fella missus' in *Aboriginal History*, 14.2, 1990, pp. 123-151.
- McHoul, A. and W. Grace. (1993) *A Foucault Primer: discourse, power and the subject*. Melbourne University Press.
- McLean, J. 'Police experiences with the natives. Recollections of old colonists' in *Proceedings of Royal Geographic Society of Australasia (SA Branch)*, 6, 1903, pp. 66-92.
- Meinig, D.W. (1976) *On the margins of the good earth: the South Australian wheat frontier, 1869-1884*. Adelaide: Rigby (1<sup>st</sup> Published 1962).
- Mill, J.S. (1948) *Utilitarianism, liberty and representative government*. London: Dent. (1<sup>st</sup> Published 1910).
- Mill, J.S. 'The criterion of a good form of government' Everyman's Library Edition (1974), *Considerations on representative government* in R.J. Arneson (ed.)(1992) *Liberalism Volume II*. England: Edward Elgar, pp. 98-115.
- Millar, C.J. 'Aboriginal affairs in South Australia' in *The Aborigines of South Australia: their background and future prospects*. 1969. Department of Adult Education: University of Adelaide, pp. 13-18.
- Miller, Pavla (1986) *Long division: State schooling in South Australian society*. Netley: Wakefield Press.
- Miller, P. and N. Rose 'Governing economic life' in M. Gane and T. Johnson (eds.)(1993) *Foucault's new domains*. London & New York: Routledge, pp. 75-105.
- Mingay, G.E. (1979) *Rural Life in Victorian England*. London: Futura.
- Mitchell, S. 'The Common Cause Movement' in *Journal of the Historical Society of South Australia*, 16, 1988, pp. 38-45.
- Moisseeff, M. (1999) *An Aboriginal village in South Australia: a snapshot of Davenport*. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies.

- Mulvaney, D. J. 'The Australian Aborigines 1606-1929' in S. Janson and S. Macintyre (eds.)(1990) *Through White Eyes*. Sydney: Allen & Unwin, pp. 1-44.
- Nettelbeck, A. (2001) 'Maria Massacre' and 'Rufus River Massacre' in *The Wakefield Companion to South Australian History*. Kent Town, SA: Wakefield Press, pp. 332 and 469.
- Norton, M. 'News from the field' in *The Australian Journal of Social Work*, 14, 1 June 1961.
- O'Brien, L. 'My education' in *Journal of the Anthropological Society of South Australia*, 28:2, 1990, pp. 105-125.
- O'Malley, P. 'Risk, power and crime prevention' in *Economy and Society*, 21:3, 1992, pp. 252-275.
- Osborne, T. 'On liberalism, neo-liberalism and the "liberal profession" of medicine' in *Economy and Society*, 22:3, 1993, pp. 345-356.
- Osborne, T. 'Of health and statecraft' in A. Petersen and R. Bunton (eds.)(1997) *Foucault, health and medicine*. London: Routledge, pp. 173-188.
- Paisley, F. 'White women in the field: feminism, cultural relativism and Aboriginal rights, 1920-1937' in *Journal of Australian Studies*, 52, 1997, pp. 113-125.
- Paisley, F. (2000) *Loving Protection: Australian feminism and Aboriginal women's rights 1919-1939*. Melbourne University Press.
- Paisley, F. ' "For a brighter day": Constance Ternent Cooke' in A. Cole, V. Haskins and F. Paisley (eds.)(2005) *Uncommon ground: white women in Aboriginal history*. Canberra: Aboriginal Studies Press, pp. 172-196.
- Palmer, K. 'Dealing with the legacy of the past: Aborigines and atomic testing in South Australia' in *Aboriginal History*, 14:2, 1990, pp. 197-207.
- Parekh, B. 'The cultural particularity of liberal democracy' in *Political Studies*, XL, 1992, pp. 160-175.
- Parekh, B. 'Liberalism and colonialism: a critique of Locke and Mill' in J. Nederveen Pieterse and B. Parekh (eds.)(1995) *The Decolonisation of Imagination: culture, knowledge and power*. London: Zed Books, pp. 81-98.
- Parry, S. 'Identifying the process: the removal of "half-caste" children from Aboriginal mothers' in *Aboriginal History*, 19:2, 1995, pp. 141-153.
- Pascoe, J.J. (ed.)(1901) *History of Adelaide and Vicinity*. Adelaide: Hussey & Gillingham (Reproduced 1972, Parafield Gardens: Alan Osterstock).
- Paul, M. and R. Foster 'Married to the land: land grants to Aboriginal women in South Australia, 1848-1911' in *Australian Historical Studies*, 34:121, April 2003, pp.

48-68.

- Pellew, J. 'Law and order: expertise and the Victorian Home Office' in R. MacLeod (ed.)(1988) *Government and expertise: specialists, administrators and professionals, 1860-1919*. Melbourne: Cambridge University Press, pp. 59-72.
- Prakash, G. (1999) *Another reason: science and the imagination of modern India*. New Jersey: Princeton University Press.
- Prest, W. (ed.)(1987) *The Professions in Early Modern England*. London: Croom Helm.
- Prichard, K.S. (1991) *Brumby Innes and Bid Me to Love*. Sydney: Currency.
- Radi, H. (ed.)(1988) *200 Australian women: a redress anthology*. Broadway, NSW: Women's Redress Press.
- Raftery, J. '“Mainly a question of motherhood”: professional advice-giving and infant welfare' in *Journal of Australian Studies*, 45, 1995, pp. 66-78.
- Raftery, J. 'Saving South Australia's babies: the Mothers' and Babies' Health Association' in B. O'Neil, J. Raftery and K. Round (eds.)(1996) *Playford's South Australia: essays on the history of South Australia, 1933-1968*. Adelaide: Association of Professional Historians Inc., pp. 275-294.
- Raftery, J. 'Keeping healthy in nineteenth century Australia' in *Health and History*, 1:4, 1999, pp. 274-297.
- Raftery, J. (2001) 'Health' in *The Wakefield Companion to South Australian History*. Kent Town, SA: Wakefield Press, pp. 244-247.
- Raftery, J. (2006) *Not part of the public: non-indigenous policies and practices and the health of indigenous South Australians 1836-1973*. Kent Town: Wakefield Press.
- Raynes, C. (2002) *'A little flour and a few blankets': an administrative history of Aboriginal affairs in South Australia, 1834-2000*. Adelaide: Department for Administrative and Information Services (State Records).
- Read, P. 'A double headed coin: protection and assimilation in Yass 1900-1960' in B. Gammage and A. Markus (eds.)(1982) *all that dirt: Aborigines 1938*. Canberra: ANU Press History Project, pp. 9-28.
- Reamer, F.G. (1993) *The philosophical foundations of social work*. New York: Columbia University Press.
- Reekie, G. (1998) *Measuring Immorality: social inquiry and the problem of illegitimacy*. Melbourne: Cambridge University Press.
- Reiger, K. (1985) *The disenchantment of the home: modernising the Australian family 1880-1940*. Melbourne: Oxford University Press.

- Report of the Fourteenth Meeting of the Australasian Association for the Advancement of Science*. T.S. Hall (ed.)(1914) Held at Melbourne 1913. Proceedings of Section F Ethnology and Anthropology. Melbourne: AAAS, pp. 366-453.
- Reynolds, H. (1998) *This Whispering in our Hearts*. St Leonards: Allen & Unwin.
- Ritter, L. 'Inventing juvenile delinquency and determining its cure (or, how many discourses can you disguise as one construct)' in M. Enders and B. Dupont (eds.)(2001) *Policing the lucky country*. Sydney: Hawkins Press, pp. 108-130.
- Roe, M. 'A Model Aboriginal State' in *Aboriginal History*, 10:1, 1986, pp. 40-44.
- Rose, N. (1985) *The psychological complex: psychology, politics and society in England, 1869-1939*. London: Routledge & Kegan Paul.
- Rose, N. 'Government, authority and expertise in advanced liberalism', in *Economy and Society*, 22:3, 1993, pp. 283-299.
- Rose, N. (1999) *Powers of freedom: reframing political thought*. United Kingdom: Cambridge University Press.
- Rose, N. and P. Miller 'Political power beyond the state: problematics of government' in *British Journal of Sociology*, 43:2, 1992, pp. 173-205.
- Rosser, B. (1990) *Up rode the troopers: the black police in Queensland*. St Lucia: University of Queensland Press.
- Rousseau, J-J. (1755) *A Discourse on Inequality*. M. Cranston (trans.)(1984) Victoria: Penguin.
- Rowe, G. (n.d.) *Australian Aborigines who have made good*. Adelaide: Aborigines' Friends' Association.
- Rowe, G. (1951) *Methodism on the copper mines of Yorke Peninsula, SA*. Adelaide: The Society.
- Rowe, G. (1954) *Is citizenship for Aborigines becoming a reality*. Adelaide: Aborigines' Friends' Association.
- Rowe, G. (1956) *Sketches of outstanding Aborigines*. Adelaide: Aborigines' Friends' Association.
- Rowe, G. (1956) *How can the Aborigines be assimilated?* Adelaide: Hunkin, Ellis and King.
- Rowe, G. (1957) *What can we do toward the assimilation of the Aborigines*. Adelaide: Hunkin, Ellis and King.
- Rowe, G. (1958) *Advance towards assimilation*. Adelaide: Aborigines' Friends' Association.

- Rowe, G. (1959) *A century of service to the Aborigines at Point McLeay, SA*. Adelaide: Aborigines' Friends' Association.
- Rowley, C.D. 'Some questions of causation in relation to Aboriginal affairs' in I.G. Sharp and C.M. Tatz (eds.)(1966) *Aborigines in the economy: employment, wages and training*. Melbourne: Jacaranda Press, pp. 345-359.
- Rowley, C.D. (1971) *Outcasts in white Australia: Aboriginal policy and practice*. Canberra: Australian National University Press (Volume 2).
- Rowley, C.D. (1971) *The remote Aborigines: Aboriginal policy and practice*. Canberra: Australian National University Press (Volume 3).
- Rowley, C.D. (1974) *The Destruction of Aboriginal Society*. Victoria: Penguin (1<sup>st</sup> pub. 1970) (Volume 1).
- Rowse, T. 'Strehlow's Strap: functionalism and historicism in a colonial ethnography' in *Journal of Australian Studies*, 35, 1992, pp. 88-103.
- Rowse, T. 'Aborigines: Citizens and colonial subjects' in J. Brett, J. Gillespie and M. Goot (1994) *Developments in Australian politics*. South Melbourne: Macmillan, pp. 182-201.
- Rowse, T. (1998)(a) *White Flour, white power: from rations to citizenship in Central Australia*. Melbourne: Cambridge University Press.
- Rowse, T. 'The modesty of the State: Hasluck and the anthropological critics of assimilation' in T. Stannage, K. Saunders and R. Nile (eds.)(1998)(b) *Paul Hasluck in Australian History: civic personality and public life*. St Lucia: University of Queensland Press, pp. 119-132.
- Salter, E. (1971) *Daisy Bates: "The great white queen of the never never"*. Sydney: Angus & Robertson.
- Scarborough, J.C. (1966) *Uncle Tom's wurley*. North Unley: Sharples Printers.
- Schain, M.A. 'The racialization of immigration policy, biopolitics and policy-making' in A. Heller and S. Puntcher Riekmann (eds.)(1996) *Biopolitics: the politics of the body, race and nature*. Aldershot: Avebury, pp. 157-177.
- Schmaal, J. (1999) *Tales of the troopers: stories from the wild colonial days*. J. Sykes and B. Potts (eds.) Kent Town, SA: Wakefield Press.
- Schulz, I.M. 'Adopted and fostered Aboriginal children in South Australia' in *The Aborigines of South Australia: their background and future prospects*. 1969. Adelaide: Department of Adult Education, University of Adelaide, pp. 103-114.
- Seaman, K. 'The Press and the Aborigines: South Australia's first thirty years' in *Journal of the Historical Society of South Australia*, 18, 1990, pp. 28-36.

- Seaman, K. 'Florence Nightingale and the Australian Aborigines' in *Journal of the Historical Society of South Australia*, 20, 1992, pp. 90-96.
- Sexton, J.H. (1934) *The Aborigines: a Commonwealth problem and responsibility*. Adelaide: Aborigines' Friends' Association.
- Sexton, J.H. (1935) *Legislation governing the Australian Aborigines*. Adelaide: Aborigines' Friends' Association 2<sup>nd</sup> Edition.
- Sexton, J.H. (1935) *Australia's attitude toward the aborigine*. Adelaide: Aborigines' Friends' Association.
- Sexton, J.H. (1940) *Aborigines Problems*. Adelaide: Aborigines' Friends' Association.
- Sexton, J.H. (1944) *Australian Aborigines*. Adelaide: Hunkin, Ellis and King.
- Sexton, J.H. (1946) *Aboriginal Intelligence: has the full-blooded Aboriginal sufficient intelligence to understand the responsibilities of citizenship*. Adelaide: Aborigines' Friends' Association.
- Sexton, J.H. (1946) *Bringing the aborigines into citizenship: how Western Australia is dealing with the problem*. Adelaide: Hunkin, Ellis and King.
- Shapley, G.W. (1964) *Miss Kate Cocks, her life and work*. South Australian Methodist History Society.
- Sharp, I.G. and C.M. Tatz (eds.)(1966) *Aborigines in the economy: employment, wages and training*. Melbourne: Jacaranda Press.
- Skinner, L.E. (1975) *Police of the pastoral frontier: native police 1849-59*. St Lucia: University of Queensland Press.
- Smith, Christina (Mrs James) (1880) *The Boandik Tribe of South Australian Aborigines*. Adelaide: Government Printer.
- Smith, L. and G. Campbell 'Governing material culture' in M. Dean and B. Hindess (eds.)(1998) *Governing Australia: studies in contemporary rationalities of government*. Melbourne: Cambridge University Press, pp. 173-193.
- Smith, W. Ramsay 'Australian conditions and problems from the standpoint of present anthropological knowledge' in T.S. Hall (ed.)(1914) *Report of the Fourteenth Meeting of the Australasian Association for the Advancement of Science*. Held at Melbourne 1913. Melbourne: AAAS, pp. 366-387.
- South Australian Department of Agriculture. Mount Remarkable Training Farm, (1918?)* Adelaide: Government Printer.
- South Australian Police – Instructions to Special Constables, (1939)* Adelaide: Government Printer.

- Southcott, J. 'Sir John Cleland, CBE (1878-1971) Pathologist and naturalist' in J. Healey (ed.) (2001) *SA's Greats: the men and women of the North Terrace plaques*. Kent Town: Historical Society of South Australia, p. 21.
- Spence, C.H. 'Heredity and environment' in H. Thomson (ed.) (1987) *Catherine Helen Spence*. St Lucia: University of Queensland Press, pp. 510-524.
- Stanner, W.E.H. 'The Aborigines' in J.C.G. Kevin (1939) *Some Australians take stock*. London: Longmans, pp. 3-35.
- Stanner, W.E. H. and D. Barwick 'Not by eastern windows only: anthropological advice to Australian governments in 1938' in *Aboriginal History*, 3:1, 1979, pp. 37-61.
- Stapleton, A. (1992) *Willshire of Alice Springs*. Western Australia: Hesperian Press.
- Steiner, M. 'Matthew Moorhouse: a controversial colonist' in *Journal of the Historical Society of South Australia*, 31, 2003, pp. 55-68.
- Stenson, K. 'Community policing as a governmental technology' in *Economy and Society*, 22:3, 1993, pp. 373-389.
- Stenson, K. 'Beyond histories of the present' in *Economy and Society*, 27:4, November 1998, pp. 333-352.
- Stevens, C. (1994) *White man's dreaming: Killalpaninna Mission 1866-1915*. Melbourne: Oxford University Press.
- Stoler, A.L. (1995) *Race and the education of desire: Foucault's History of Sexuality and the colonial order of things*. Durham & London: Duke University Press.
- Stretton, H. 'An intellectual public servant: William Wainwright, 1880-1948' in *Meanjin*, 50:4, 1991, pp. 565-578.
- Stretton, P. 'Aborigines, orphan immigrants, and the destitute: the changing uses of a North Terrace site' in *History SA*, May 1999, pp. 8-9.
- Stretton, P. and C. Finimore 'Black fellow citizens: Aborigines and the Commonwealth franchise' in *Australian Historical Studies*, 25, 101, 1993, pp. 521-535.
- Swain, S. and R. Howe (1995) *Single mothers and their children: disposal, punishment and survival in Australia*, Melbourne: Cambridge University Press.
- Swain, T. and D. Bird Rose (eds.) (1988) *Aboriginal Australians and Christian Missions: ethnographic and historical studies*. Bedford Park, SA: Australian Association for the Study of Religions.
- The Aborigines of South Australia: their background and future prospects*. Conference at the University of Adelaide, June 1969. Published by Department of Adult

- Education, the University of Adelaide, 1969.
- The Australian Concise Oxford Dictionary of Current English*. G.V. Turner (ed.) (1987) Melbourne: Oxford University Press.
- The State Reports*, Adelaide: Law Book Company of Australasia.
- The Wakefield Companion to South Australian History*. W. Prest, K. Round and C. Fort (eds.)(2001), Kent Town, Adelaide: Wakefield Press.
- Thomas, D.P. (2004) *Reading doctors' writing: race, politics and power in Indigenous health research, 1870-1969*, Canberra: Aboriginal Studies Press.
- Thomas, N. (1994) *Colonialism's culture: anthropology, travel and government*. Melbourne University Press.
- Thorne, S. (1999) *Congregational missions and the making of an imperial culture in nineteenth century England*. Stanford, California: Stanford University Press.
- Tindale, N.B. 'Survey of the half-caste problem in South Australia' in *Proceedings of the Royal Geographic Society of Australasia*, 42, 1940-1941, pp. 66-161.
- Tindale, N.B. 'Anthropology' in C.R. Twidale, M.J. Tyler and M. Davies (eds.)(1986) *Ideas and endeavours — the natural sciences in South Australia*. Royal Society of South Australia (Inc.), pp. 235-249.
- Tolmer, A. (1882) *Reminiscences of an adventurous and checkered career at home and at the antipodes, vol. 1 & 2*. London: Sampson Low, Marston, Searle & Rivington.
- Tonkin, M. (ed.)(1985) *Some adventures of Alexander Tolmer: in colonial South Australia 1840-1856*. South Australia: K.B. Printing Services.
- Tonkinson, M. 'Sisterhood or Aboriginal servitude? Black women and white women on the Australian frontier' in *Aboriginal History*, 12:1, 1988, pp. 27-39.
- Toyne, P. and D. Vachon. (1987) *Growing up the Country: the Pitjantjatjara struggle for their land*. Victoria: McPhee Gribble/Penguin.
- Unrau, W.E. 'An international perspective on American Indian policy: the South Australian Protector and Aborigines Protection Society' in *Pacific Historical Review*, 45:4, 1976, pp. 519-538.
- Unrau, W.E. (1996) *White man's wicked water: the alcohol trade and prohibition in Indian country, 1802-1892*. Lawrence: University Press of Kansas.
- Valverde, M. '“Despotism” and ethical liberal governance' in *Economy and Society*, 25:3, August 1996, pp. 357-372.
- Valverde, M. (1998) *Diseases of the will: Alcohol and the dilemmas of freedom*. Cambridge University Press.



- Valverde, M. 'Police science, British style: pub licensing and knowledges of urban disorder' in *Economy and Society*, 32:2, May 2003 (a), pp. 234-252.
- Valverde, M. (2003)(b) *Law's dream of a common knowledge*. Princeton & Oxford: Princeton University Press.
- Van Krieken, R. (1992) *Children and the State: social control and the formation of Australian child welfare*. Sydney: Allen & Unwin.
- Vaughan, M. (1991) *Curing their Ills: colonial power and African illness*. Cambridge: Polity Press.
- Vick, M. "'Their paramount duty": parents and schooling in the mid nineteenth century' M.R. Theobald and R.J.W. Selleck (eds.)(1990) *Family, school and State in Australian history*. Sydney: Allen & Unwin, pp. 177-195.
- Watson, V. 'Axing ATSIC: Australian Liberalism and the "Government of Unfreedom"' in *Policy and Society*, 23:4, 2004, pp. 57-81.
- Watts, R. 'Beyond nature and nurture: eugenics in twentieth century Australian history' in *Australian Journal of Politics and History*, 40, 1994, pp. 318-334.
- Who's who in Australia*. (1955). Melbourne: Herald & Weekly Times.
- Williams, M. 'The establishment of the South Australian Native Police 1834-1860' in *Journal of the Anthropological Society of South Australia*, 32:1, 1999, pp. 68-82.
- Williams, M. 'More and smaller is better: Australian rural settlement 1788-1914' in J.M. Powell and M. Williams (eds.)(1975) *Australian space Australian time: geographical perspectives*. Melbourne: Oxford University Press, pp. 61-103.
- Williams, R.A., Jr. (1992) *The American Indian in Western Legal Thought: the discourses of conquest*. New York and Oxford: Oxford University Press.
- Wilson, B. 'Stupor in paradise: drunkenness, disorder and drug offences in the Northern Territory 1870-1926' in M. Enders and B. Dupont (eds.)(2001) *Policing the lucky country*. Sydney: Hawkins Press, pp. 147-157.
- Woods, J.D. (1879) 'Introduction' in *The native tribes of South Australia*. (Facsimile 1997) Adelaide: E.S. Wigg.
- Woolmington, J. 'The Civilisation/Christianisation debate and the Australian Aborigines' in *Aboriginal History*, 10:2, 1986, pp. 90-98.
- Zogbaum, H. 'Herbert Basedow and the removal of Aboriginal children of mixed descent from their families' in *Australian Historical Studies*, 34:121, April 2003, pp. 122-138.