

CAMBRIDGE

# ANALYSING AUSTRALIAN HISTORY

## Power and Resistance

1788–1998



Ashley Keith Pratt, Bill Lewis, James Jacobs  
and Angie Pollock

Series editors: Richard Broome and Ashley Keith Pratt



**CAMBRIDGE**  
UNIVERSITY PRESS

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**Ashley Keith Pratt, Bill Lewis, James Jacobs  
and Angie Pollock**

**Series editors: Richard Broome and Ashley Keith Pratt**

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terms 'Indigenous Australians' and 'Aboriginal and Torres Strait Islander peoples' may be used interchangeably in this publication.*

*Cambridge University Press acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge  
the traditional custodians of the lands on which our company is located and where we conduct our business. We pay our respects to  
ancestors and Elders, past and present. Cambridge University Press is committed to honouring Australian Aboriginal and Torres Strait  
Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.*

## About the cover



The cover is a detail from  
*Tunnerminnerwait and Maulboyheenner*  
by Marlene Gilson, 2015. This artwork  
depicts the first public hanging in the  
Port Phillip District, which occurred in  
1842 as a sentence for two Tasmanian  
Aboriginal men who were convicted  
of killing two whalers. Artist Marlene  
Gilson is a Wadawurrung elder from  
Warrnambool, Victoria and has painted  
many scenes from her ancestral land,  
including Ballarat and Werribee. These  
works retell events from colonial history  
and explore them from an Indigenous  
perspective.

# About the Indigenous Reading Project



All students, regardless of their background, need literacy skills to learn and grow as individuals. The Indigenous Reading Project aims to improve the reading ability of Indigenous students through working with school communities and families across Australia. For various reasons, the reading achievement gap between Indigenous and non-Indigenous students is still significant in Australia today. We want to change this. If you'd like to learn more about our work, please visit us at <https://irp.org.au>.

For the life of the *Analysing Australian History* series, the authors of the books will be donating their royalties to this very worthy cause, and Cambridge University Press will be matching this donation.

The Indigenous Reading Project acknowledges this generous support.

## Foreword

History books, like all books, are creations that have their own history. This series began in Melbourne in September 2020 during the COVID-19 lockdown. It came out of a desire by some teachers, academics and publishers at Cambridge University Press to create a series of textbooks for the new VCE Australian History Study Design – due to start in 2022 and, until September 2020, having no prospect of textbooks. A rescue operation began to create four books to inform the four study investigations of the Study Design. Tight deadlines were needed to have the books designed, printed and distributed to be in students' hands for the start of 2022. All the books have been written with a heavily source-based approach so students can learn the craft of historical investigation and historical thinking.

Books owe many debts, and these are no different. Many historians gave permission for their words to be used as sources in the series. Newspaper organisations, publishers and libraries also gave permission to use words and images in these textbooks. All are acknowledged in the appropriate places. The fifteen authors who worked on the series must be thanked for their creativity, hard and indeed excellent work in creating these magnificent textbooks. Two-thirds of the authors are practising teachers, as their biographies will show. No authors have received remuneration for this project, which they have done willingly to assist the understanding of our history in this country. Indeed, the authors' royalties are being donated to the Indigenous Reading Project, to be matched by Cambridge University Press. Indigenous Literary Day is 1 September.

Special thank you to the following expert reviewers of the individual volumes, for their excellent and honest feedback.

*From Custodianship to the Anthropocene*: Ms Alison Quin & Professor Katie Holmes.

*Creating a Nation*: Dr Andrew Lemon & Dr Gwenda Tavan.

*Power and Resistance*: Professor Sean Scalmer & Professor Lynette Russell.

*War and Upheaval*: Hon. Assoc. Professor Judith Smart, Dr Bart Ziino, Mr Aleryk Fricker, Professor Noah Riseman & Ms Briony Parker.

Publishers Nick Alexander and Cameron Pikó must be thanked for all their enthusiasm and guidance for this project. The management at Cambridge University Press in both Australia and England must be thanked most profusely for supporting this project with no great immediate prospect of a financial return.

Richard Broome and Ashley Keith Pratt, May 2021

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## Series introduction

### AUSTRALIA'S REVOLUTIONARY HISTORY

When societies transplant themselves to new lands these fragments of the home societies are inevitably reshaped. The Romans in Britain or in Constantinople became different from those back at home in Rome. Likewise, from the fifteenth century onwards, after Europe began the process of colonisation during the Age of Exploration, the people and their ways of life in the colonies also changed from those at home. European peoples in these new lands were transformed by different environments and by clashing with original owners.

Australia's history is monumental because of how these transformations played out. It is also full of tragedy and drama, because these European immigrant peoples invaded new places, sometimes with existing societies, except for the Pacific, far older than European agrarian society. In the case of Australia, the Indigenous population has been here since at least 60 000 BCE and scientific knowledge keeps pushing the date back. Many Indigenous people consider that they have always been here.

European colonists misread or misrepresented the facts before them and argued First Nations peoples were not owners, were without religion or culture, were impoverished because of their lack of physical possessions; and did not even deserve to own their land. The newcomers did not realise for generations that they were meeting a culture ten times older than their own agrarian societies, and one shaped by deeply spiritual ideas about custodianship of land.

The past is not one story, but many stories, interwoven and entangled. Misunderstandings, the injustices, the violence, the removals and dispossessions that took place for First Nations peoples, created massive traumas, wrongs and human suffering that Australia is still addressing to this day. However, this European offshoot in other ways developed a magnificence of its own, which will be explored as well in this series.

Our history is not dead and gone but alive with the past and it is this history that we must understand if we are truly to know ourselves. It is a history that must be studied by someone because of its importance in the human story – and if not by we Australians, who else then on this Earth?

This series, *Analysing Australian History*, investigates through documents the key themes in our past.

*From Custodianship to the Anthropocene: 60 000 BCE to 2010* explores the ways humans have shaped, and been influenced by, the Australian landscape over tens of thousands of years. It investigates how peoples with very different ideas of the world clashed over the use of land and resources, which are the basis of all wealth and the source of our survival into the future. It also investigates how differences over the use of the environment have become a key theme of Australian society into the modern era.

*Creating a Nation: 1834–2008* examines the ways in which immigrants and their Australian-born children transformed themselves into a nation. They debated how a nation was to be forged and who was to be included in that nation. These questions still play out today in a deep and often tense manner.

*Power and Resistance: 1788–1998* investigates how power was wielded in the emerging Australian society. It explores how ideas of freedom and democracy played out (and continue to play out) in Australia, and the implications for an imperfect society as groups struggled against those in power for justice and to be recognised as equal parts of the nation.

*War and Upheaval: 1909–1992* investigates why and how Australia has been drawn into global conflicts throughout the twentieth century, as alliances shifted and new perceived threats to regional security emerged. It also explores how being drawn into these global conflicts has often led to turmoil and division within Australian society.

The four investigations in this series each have two halves: Foundations and Transformations. This recognises that Australia was settled by First Nations peoples in ancient times, then much later by colonists from Europe and in recent times immigrants from other continents. These foundations were transformed by interactions between people and land, and by the struggle by and between groups, to realise their ideas and ambitions.

Australian history is clearly revolutionary in several ways. The land was transformed by the presence of humans, both First Nations peoples and then Europeans and other newcomers after 1788. The British government usurped Aboriginal sovereignty and power after 1788, the consequences of which are still being resolved. Colonists forged a democracy, which was advanced in world terms. It was an imperfect democracy, created by ideas of the day, but one forced to be more inclusive by the actions of women, newcomers from different backgrounds to the first colonists, by First Nations peoples, and by other groups seeking inclusion.

These are some of the great dramas of our history. They are astonishing stories of struggle, trauma and transformation that should not be missed or forgotten!

Richard Broome and Ashley Keith Pratt  
Series Editors

## **A NOTE ON AUTHORS**

The authors, a quarter of them retired academics and three-quarter of them practising teachers, are all non-Indigenous Australians, mostly of Anglo-Celtic descent. In these histories of Australia, the authors must write about all Australians, of all descents. They have tried to do this fairly and using historical methodology, which enjoins historians to try to understand, not judge, those in the past. The effort to understand others, to stand in their shoes so to speak, is done by seeking their voices in historical documents, if they can be found. The volumes are documentary based, so where possible the voices of First Nations peoples, immigrants and Australians of diverse backgrounds have been presented to readers. The authors have tried to be aware of their own ideas and values, and where possible to allow students to find their own meanings in the documents through questions and leaning activities. Each volume has been reviewed by First Nations educators.

The Victorian Year 12 Study Design 2022–2026, to which these volumes are closely matched, was devised by an expert educational team and checked by many people, including the Victorian Aboriginal Education Association Inc and teacher forums.

## A note on terminology

How people are defined or define themselves changes over time and within different contexts. We need to understand which terms to use and when. The four texts in the series *Analysing Australian History* will use ‘Aboriginal and Torres Strait Islander peoples’ (as in the Victorian Curriculum Assessment Authority History Study Design 2022–2026), where appropriate. However, in the nineteenth century few Torres Strait Islander people lived in mainland Australia, and less so in southern and western parts of the continent. They are more present in the second half of each book. Other words for Indigenous peoples will also be used in the books.

**Local words:** The original owners will be referred to where possible by their own local language group names that stem from traditional times, such as Eora, Wiradjuri and Woiwurrung. This is the preferred position, but of course the spelling of these names varies. Also, local names will be used that have been acquired, employed and accepted by Indigenous people since colonial contact, often from names of places where they have lived – for instance, Coranderrk, La Perouse or Palm Island people.

**Regional words:** When the need arises to describe those in wider regions, Aboriginal names that are widely, but not universally, accepted by original owners since contact may sometimes be used. These include names such as Koori, Murri, Yolngu, Nyoongar and Nyungah for those of the south-east, north-east, north, west and southern parts of the continent respectively. Those in Tasmania now refer to themselves as Palawa.

**National words:** When all original owners are referred to, which is necessary in a continent-wide study, we must use European-derived words. No Indigenous word existed in pre-European contact times for all traditional owners across the country, as groups had no need for one.

Therefore, these books will use interchangeably: Aboriginal peoples, Aboriginal and Torres Strait Islander peoples, First Nations peoples, Indigenous peoples, original owners, traditional owners, Aboriginal Australians and Indigenous Australians, where the context is appropriate, to describe all those whom Canadians succinctly refer to as ‘First Nation’ or Aboriginal peoples. Aboriginal people also sometimes refer to themselves as blacks, blackfellas or people of colour. However, some of these terms may be considered offensive by First Nations peoples if used by non-Indigenous people.

### A NOTE ON THE WORDS ‘ABORIGINAL/ABORIGINE’

A frequently used term in these texts is Aboriginal people(s). The word ‘aborigine/aboriginal’ comes from the Latin phrase *ab origine* (meaning ‘from the beginning’). It emerged in seventeenth-century English to mean ‘the original inhabitants of a land’. As an English word of that era, it also became a colonial word to mean Indigenous people, as opposed to colonists.

The words ‘aboriginal’, ‘aborigine’ and their plurals did not become common until the 1840s and existed along with ‘blacks’ and ‘natives’ (see below). The word ‘aboriginal’ and its other forms did not overtake ‘native’ in common usage until the late nineteenth century.

For much of its usage life, the word ‘aboriginal’ was used without a capital ‘A’, which gave it a derogatory edge. However, it has been capitalised conventionally since

the 1960s, revealing a new respect. It is now embraced by most Indigenous people, especially its derivative form ‘Aboriginality’, which relates to the politics of identity. ‘Aboriginal people(s)’, which is used most often in these texts, is now the preferred term over ‘Aborigines’ or ‘Aboriginals’ and is used interchangeably with ‘First Nations’ or ‘Indigenous Australians’.

The word ‘indigenous’ means ‘originating from’ so anyone born in Australia is indigenous to the country. The capital ‘I’ is used to refer to First Nations Australians.

## **‘NATIVE’ AND OTHER UNACCEPTABLE WORDS**

The word ‘aboriginal’ was not at first used in Australia. The English discoverer of the east Australian coast, James Cook, who claimed the continent for Britain in 1770, called the original owners ‘natives’ and occasionally ‘Indians’. On 4 May 1816, a government proclamation used all three terms ‘natives’, ‘black natives’ and ‘Ab-origines’ in the one document, probably the first use of this last term. ‘Native’ came from the Latin word *nativus*, meaning an original inhabitant of a place. Early colonists mostly used ‘natives’, although ‘the blacks’ also came into use on the frontier, as the language of race intruded.

The word ‘native’ became derogatory but remained in common usage until the middle of the twentieth century, even in legislation. Like other unacceptable words, such as ‘half-caste’, it is deemed offensive today. The word ‘native’ will only appear where necessary in this book to show the language used and attitudes held by settlers, and only in historical sources quoted in the book. We need to see ‘native’ and other such words and ideas as settler terms of abuse, used to denigrate and silently argue in favour of settlers’ claims to Australia.

There are other derogatory words that have been used against other minority groups in Australia, especially towards immigrants, which are also avoided in these books, except if necessary in a historical source to show attitudes. They are also terms of abuse used to assert dominance. The changing use of words reveals the journey all Australians are on to a more tolerant and accepting future.

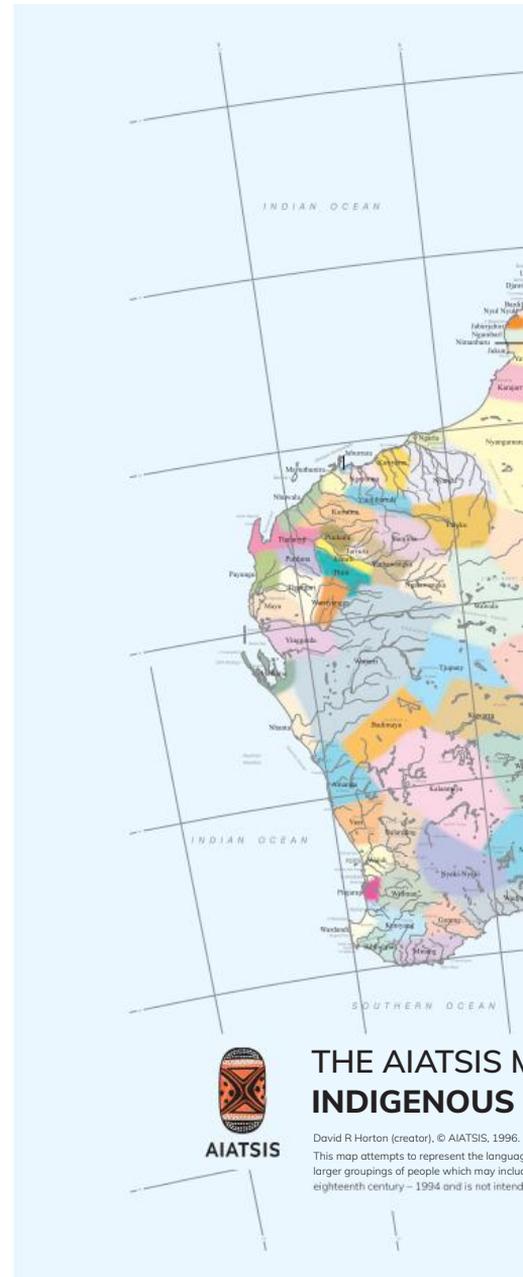
## **WORD USE FOR NON-INDIGENOUS PEOPLES**

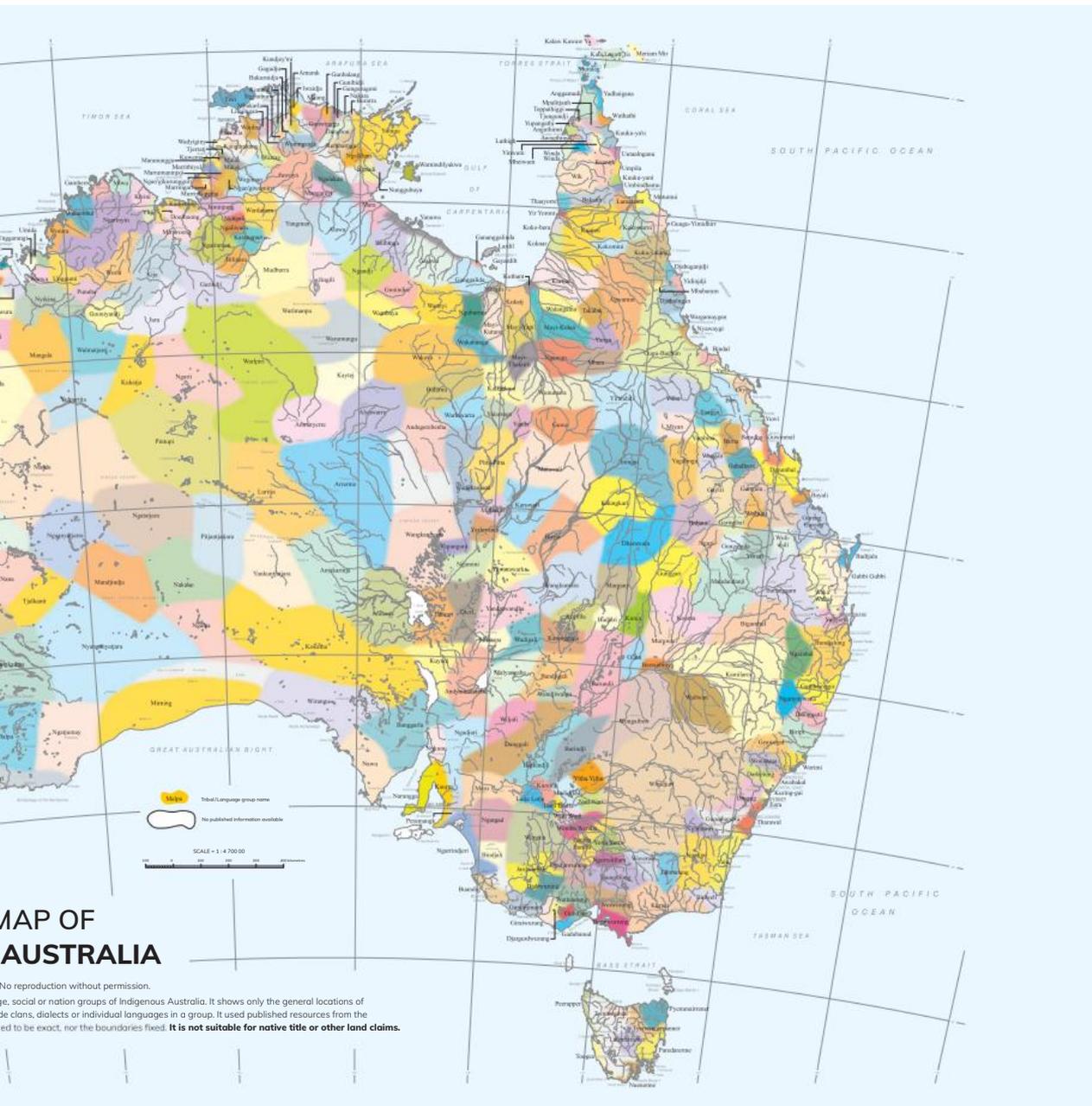
Those who came to this continent (called Australia from about 1813) to colonise will be called colonists or settlers, immigrants, whites, non-Indigenous people, Europeans, Asians, Africans, South Americans, or the name specific to the country from which they came, for instance British, Italians, Chinese, Sudanese and so forth, as the context demands.

# The AIATSIS map of Indigenous Australia

Beneath your feet are layers of history. We all stand on the traditional lands of First Nations peoples, which were never ceded. This map shows the groups of custodians for all local regions across Australia.

→ **Source** David R Horton (creator), © AIATSIS, 1996. No reproduction without permission. To purchase a print version visit: <https://shop.aiatsis.gov.au/>.





This map attempts to represent the language, social or nation groups of Aboriginal Australia. It shows only the general locations of larger groupings of people which may include clans, dialects or individual languages in a group. It used published resources from the eighteenth century-1994 and is not intended to be exact, nor the boundaries fixed. It is not suitable for native title or other land claims. David R Horton (creator), © AIATSIS, 1996. No reproduction without permission. To purchase a print version visit: <https://shop.aiatsis.gov.au/>

## About the authors

**RICHARD BROOME** (*series co-editor*) AM, FAHA, FRHSV is an Emeritus Professor in History at La Trobe University and president of the Royal Historical Society of Victoria. He has authored fifteen books, including the award-winning *Aboriginal Victorians: A history since 1800* (2005), and the bestselling *Aboriginal Australians: A history since 1788* (5th ed., 2019). Richard, patron of the History Teachers' Association of Victoria (2013–2022), has lectured to Year 10+ teachers and students since 1974, also writing the VCE text *Colonial Experience*, published in four editions (1998–2016). He served on the Victorian Curriculum and Assessment Authority's revision of the Study Design in 2013, which became the 2016–2020 Study Design.

I thank my co-editor, Ashley Pratt, fellow authors, and the team at Cambridge, especially Nick Alexander and Cameron Pikó, whose enthusiasm helped to drive this series. I also thank my wife Margaret Donnan, whose forbearance underpinned my commitment to this project.

**ASHLEY KEITH PRATT** (*author and series co-editor*) is a passionate history educator with extensive experience teaching history in addition to senior curriculum leadership roles. Ashley has completed postgraduate research in history education at the University of Melbourne and has contributed to curriculum design in Victoria through VCAA review panels for VCE History. Ashley is vice-president of the History Teachers' Association of Victoria (HTAV), a contributor to the HTAV journal *Agora*, a VCAA assessor for VCE History exams and a previous author for Cambridge University Press for Years 7 to 10 humanities projects.

Firstly, I would like to thank my co-editor Richard Broome for his enthusiasm, generosity, and passion for this project. I would also like to thank the entire team at Cambridge University Press, especially Nick Alexander and Cameron Pikó, without them this project would never have happened. Finally to my family, their support makes these small contributions I can make possible.

**JAMES JACOBS** (*author*) has taught Australian History for the past 12 years at a Catholic school in Melbourne's east. He has been a VCE assessor regularly during this time and was a member of the panel that proposed the most recent changes to the Australian History study design. James has a Masters of Education specialising in History Education from the University of Melbourne, and has returned there to deliver specialist lectures on VCE Australian history to students of the History Method course.

I too would like to thank the entire team at Cambridge University Press who have supported me through the writing process, along with all of the other talented historians who have reviewed or informed my contributions to this text.

**BILL LEWIS** (*author*) is a senior history and geography teacher in Melbourne. He has presented extensively to teachers and students for Australian History and in 2018 was presented with the award for excellent and sustained contribution to the teaching and learning of history by the History Teachers' Association of Victoria.

I would like to acknowledge the love and support of my family and their patience while I dedicated time to this project. I would also like to thank my wonderful co-author, Angie Pollock, as well as the amazing team at Cambridge University Press for making this project happen.

**ANGIE POLLOCK** (*author*) has taught history for 30 years in Victoria and New South Wales. Angie has presented at many seminars for both students and fellow teachers and has assessed Australian History exams. She has also been a member of curriculum advisory panels. Angie is currently the English Coordinator at a secondary school in Victoria.

I would like to thank Bill Lewis so much for his vision in shaping our chapters and for the guidance he provided throughout the process. I would also like to acknowledge the contributors who edited and shaped this text. I thank Cambridge University Press for their support in promoting this important subject and for providing the avenue to publish these supportive texts. Finally, I thank Andrew, Ben, Lachie and Millie for their support and encouragement.

## How to use this textbook

### TEXTBOOK STRUCTURE

Each book in the series is closely aligned to the VCAA's VCE History: Australian History study design for implementation from 2022. The books are divided into two Area of Study sections: Foundations and Transformations. Chapters are presented in a chronological narrative format. Each chapter covers the key knowledge from the curriculum, including the key events, ideas, perspectives and experiences specified in the study design. The final chapter of each Area of Study specifically covers the changes and continuities of the time period in question.

### AREA OF STUDY AND CHAPTER OPENERS

Each Area of Study begins with an opener that contains an introduction and a timeline of key events. Chapters open with an introduction and timeline specific to the chapter.

### NARRATIVE AND HISTORICAL SOURCES

Each chapter builds up a historical narrative for students. A wide array of primary and secondary sources is included throughout each book.

## GLOSSARY TERMS AND ENDNOTES

Glossary terms are bolded in the text, and defined for you on the page in the print book. Endnotes are also included at the end of the book to give you additional information.

## ACTIVITIES

Source analysis questions are provided for both textual and visual sources. Focus questions are included in the page margins to test student comprehension of the narrative by unpacking the content.

All activities within the book are available for download as Word documents.

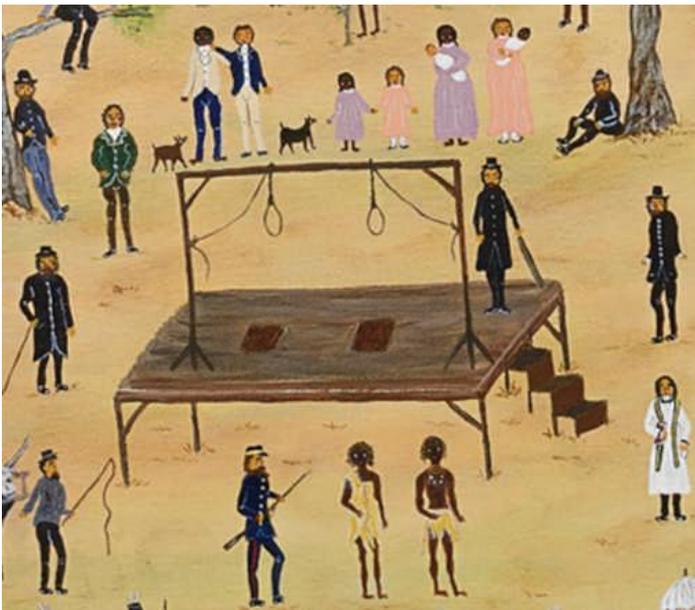
## CHAPTER SUMMARIES AND END-OF-CHAPTER ACTIVITIES

At the end of each chapter you will find a dot-point chapter summary that outlines the main ideas covered in the chapter and focuses on the various continuities and changes over the time period in question – a key theme of the study design. In addition, a range of activities that can be used for revision or assessment is included. A range of additional VCAA-style questions cover the curriculum’s ‘Key skills’ list, which helps you to develop particular historical skills and your understanding of historical concepts.

All **End-of-chapter activity questions** within the book are available for download as Word documents.

## DIGITAL VERSION

There is a PDF version of the textbook available. Additional content such as downloadable worksheets, a curriculum grid and weblinks are also available for this title and are downloadable from Cambridge GO.



↑ Detail from *Tunnerminnerwait and Maulboyheenner* by Marlene Gilson, 2015

# Introduction

## WHY SHOULD WE STUDY POWER AND RESISTANCE?

These two themes are vital to helping us to understand how our society has distributed justice and equality and, over time, become a world-leading modern democracy.

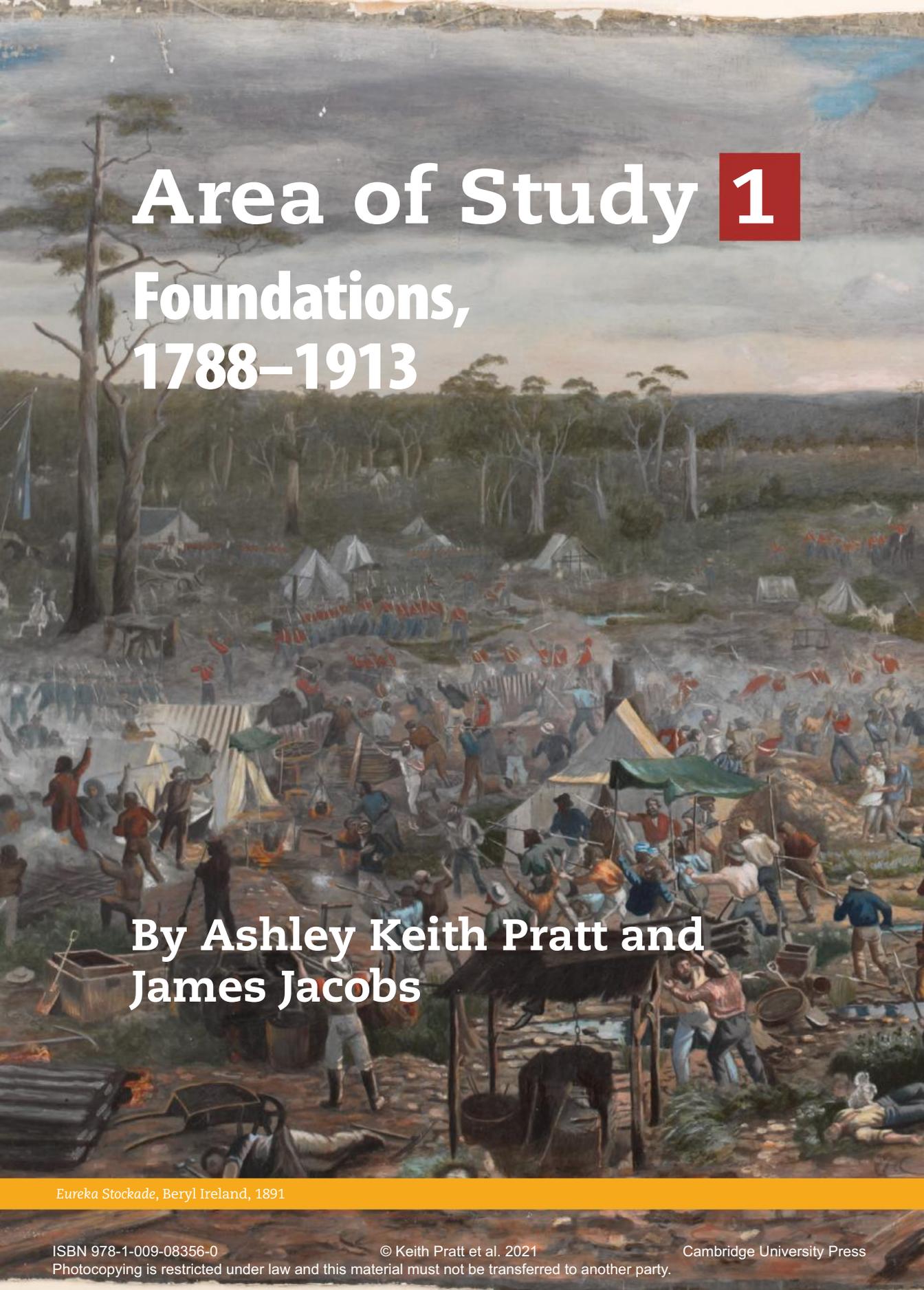
Australia began as a convict society in New South Wales in 1788 ruled by autocratic governors. Even later colonies, such as Victoria and South Australia formed in 1835–36 and founded by free colonists, were administered by governors. First Nations peoples were controlled as well and resisted. The rule of governors was also challenged from the 1820s by large landowners who wanted to control land policy and move to self-government. This was aided by a decision of the British government in 1852 to allow the Australian colonies to be self-governing.

A democracy of white men soon emerged, but it took fifty years for white women to gain the vote, and First Nations peoples a century to gain this right. This volume analyses how the shift to democracy happened. By Federation, Australia became a democracy for most Australians, but it took until the 1960s for Indigenous Australians to share in Australian democracy.

Workers in Australia fought to better their conditions through unions from the 1840s, led by skilled male workers, but broadened by the 1880s into unions representing male and female unskilled and semi-skilled workers. The Federation of the Australian colonies in 1901 led to legislation which captured these cries for greater freedom and rights by women and workers. By 1913 Australia produced social and economic legislation that was in advance of the rest of the world. Australia was recognised worldwide as a ‘social laboratory’ of welfare legislation.

However, Australia’s reputation by 1913 was founded on social and economic legislation that favoured male workers. Women continued to be treated unequally, as were First Nations peoples, and those who now identify as LGBTIQ+ people. Part two of this volume analyses how these groups resisted white male heterosexual power after 1945, gaining equality by 1998.

Australian history is a story of the push for freedom, and how power was broadened to be controlled by the people, meaning all Australians. This was achieved, sometimes by violent clashes especially in the early years of the colonies, and more recently by non-violent protest. This is the triumph of Australian democracy.



# Area of Study **1**

## Foundations, 1788–1913

**By Ashley Keith Pratt and  
James Jacobs**

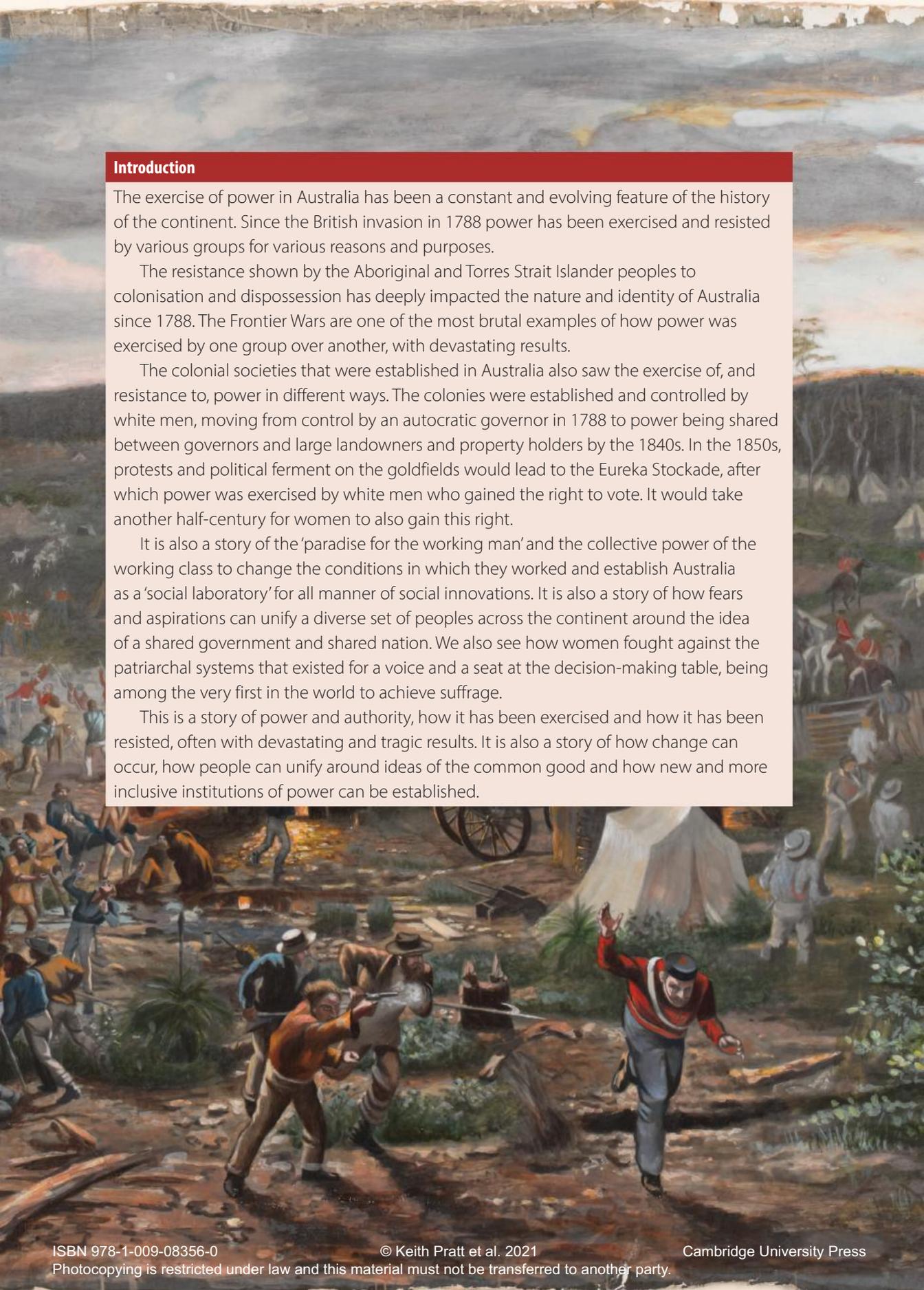
*Eureka Stockade, Beryl Ireland, 1891*

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Cambridge University Press

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## Introduction

The exercise of power in Australia has been a constant and evolving feature of the history of the continent. Since the British invasion in 1788 power has been exercised and resisted by various groups for various reasons and purposes.

The resistance shown by the Aboriginal and Torres Strait Islander peoples to colonisation and dispossession has deeply impacted the nature and identity of Australia since 1788. The Frontier Wars are one of the most brutal examples of how power was exercised by one group over another, with devastating results.

The colonial societies that were established in Australia also saw the exercise of, and resistance to, power in different ways. The colonies were established and controlled by white men, moving from control by an autocratic governor in 1788 to power being shared between governors and large landowners and property holders by the 1840s. In the 1850s, protests and political ferment on the goldfields would lead to the Eureka Stockade, after which power was exercised by white men who gained the right to vote. It would take another half-century for women to also gain this right.

It is also a story of the 'paradise for the working man' and the collective power of the working class to change the conditions in which they worked and establish Australia as a 'social laboratory' for all manner of social innovations. It is also a story of how fears and aspirations can unify a diverse set of peoples across the continent around the idea of a shared government and shared nation. We also see how women fought against the patriarchal systems that existed for a voice and a seat at the decision-making table, being among the very first in the world to achieve suffrage.

This is a story of power and authority, how it has been exercised and how it has been resisted, often with devastating and tragic results. It is also a story of how change can occur, how people can unify around ideas of the common good and how new and more inclusive institutions of power can be established.

# Timeline

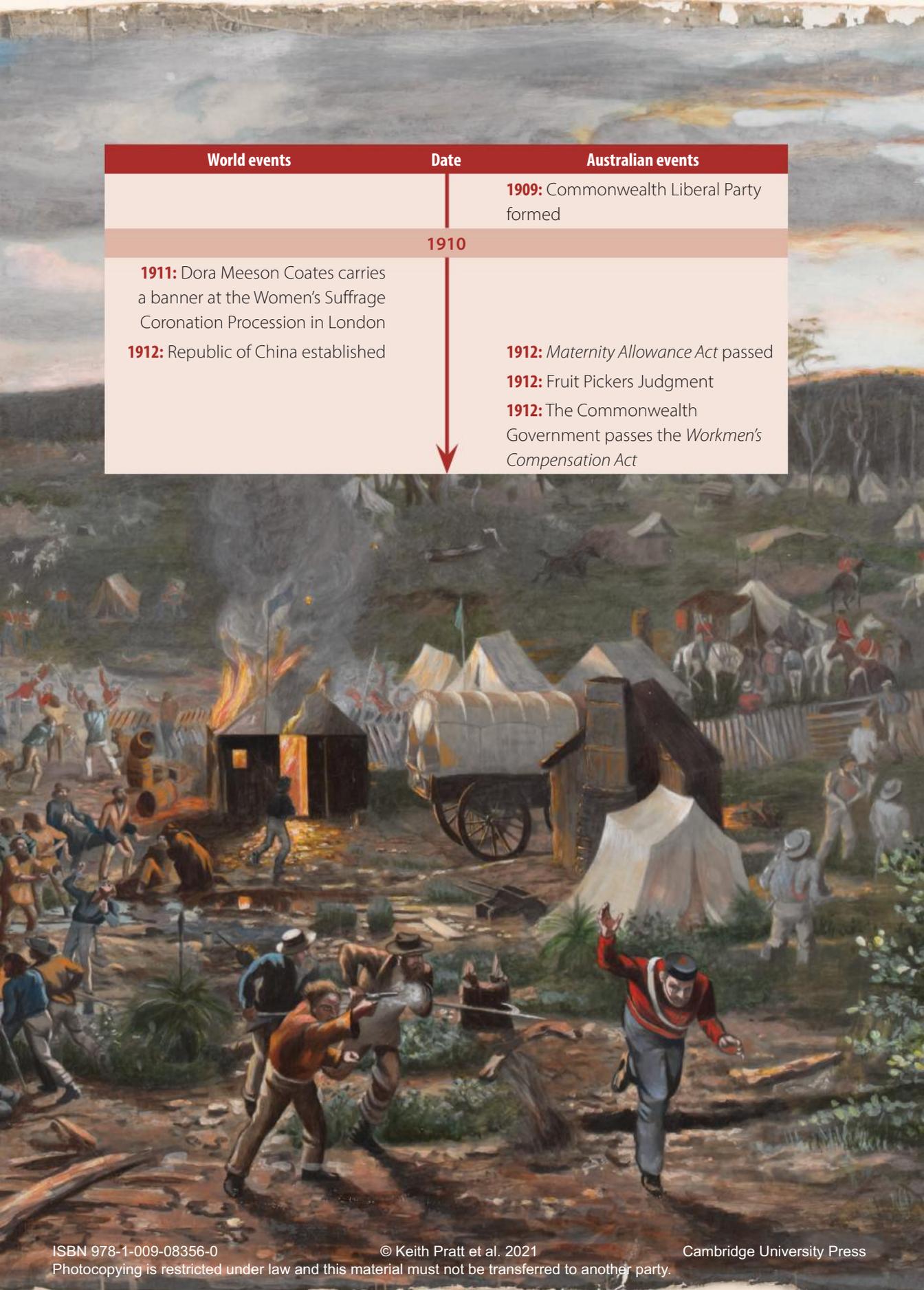
| World events   | Date | Australian events  |
|--|------|--|
|  | 1770 |  |
| <b>1776:</b> American Declaration of Independence  |      | <b>1770:</b> James Cook arrives in Botany Bay aboard the HMS <i>Endeavour</i>                            |
| <b>1789:</b> French Revolution begins  |      | <b>1788:</b> The British begin the invasion and colonisation of Australia                                |
|  | 1800 |  |
|  |      | <b>1804:</b> A second British settlement is established in Sullivan's Cove (now Hobart)                  |
|  |      | <b>1808:</b> The Rum Rebellion   |
|  |      | <b>1816:</b> Appin Massacre in New South Wales   |
|  |      | <b>1824–31:</b> The Black War of Tasmania  |
|  | 1830 |  |
| <b>1833:</b> Slavery is abolished across the British Empire                                |      | <b>1835:</b> The settlement of Port Phillip (now Melbourne) is established                               |
| <b>1837:</b> Queen Victoria ascends throne of England                                      |      | <b>1835:</b> Australian Patriotic Association established  |
|  |      | <b>1838:</b> Myall Creek Massacre  |
|  |      | <b>1842:</b> Kilroy poisonings   |
|  |      | <b>1843:</b> Australia's first parliamentary elections, held for the New South Wales Legislative Council |
| <b>1848:</b> <i>The Communist Manifesto</i> by Karl Marx and Friedrich Engels is published |      | <b>1847:</b> Whiteside poisonings  |
|  |      | <b>1850:</b> <i>The Australian Colonies Government Act 1850</i>  |



| World events  | Date        | Australian events   |
|---|-------------|---|
|   |             | <p><b>1851:</b> Victoria formally separates from New South Wales</p> <p><b>1854:</b> The Eureka Stockade</p> <p><b>1856:</b> 8-hour day won in Melbourne</p> <p><b>1857:</b> Hornet Bank Massacre</p> <p><b>1857:</b> Victorian men achieve the right to vote</p>   |
|   | <b>1860</b> |   |
| <b>1861–65:</b> US Civil War  |             |   |
|   | <b>1880</b> |   |
| <p><b>1880–81:</b> First Boer War</p> <p><b>1883:</b> Annexation of New Guinea by Germany</p> |             | <p><b>1882:</b> Formation of Tailoresses Union</p> <p><b>1883:</b> Formation of Ladies' Social Purity Society in Adelaide</p> <p><b>1884:</b> Founding of the Victorian Women's Suffrage Society</p> <p><b>1886:</b> William Guthrie Spence helps form the Australian Shearers Union</p> <p><b>1888:</b> Feminist journal <i>Dawn</i> launches</p> <p><b>1889:</b> Parkes's Tenterfield Address</p> |
|   | <b>1890</b> |   |
| <b>1891:</b> Construction of Trans-Siberian railroad begins                                   |             | <p><b>1890:</b> Maritime strike</p> <p><b>1891:</b> Queensland shearers' strike</p> <p><b>1891:</b> First Federal Constitutional Convention in Sydney</p> <p><b>1891:</b> Labor Electoral League forms in NSW</p> <p><b>1891:</b> Women's Christian Temperance Union formed</p> <p><b>1891:</b> Monster Petition</p>  |



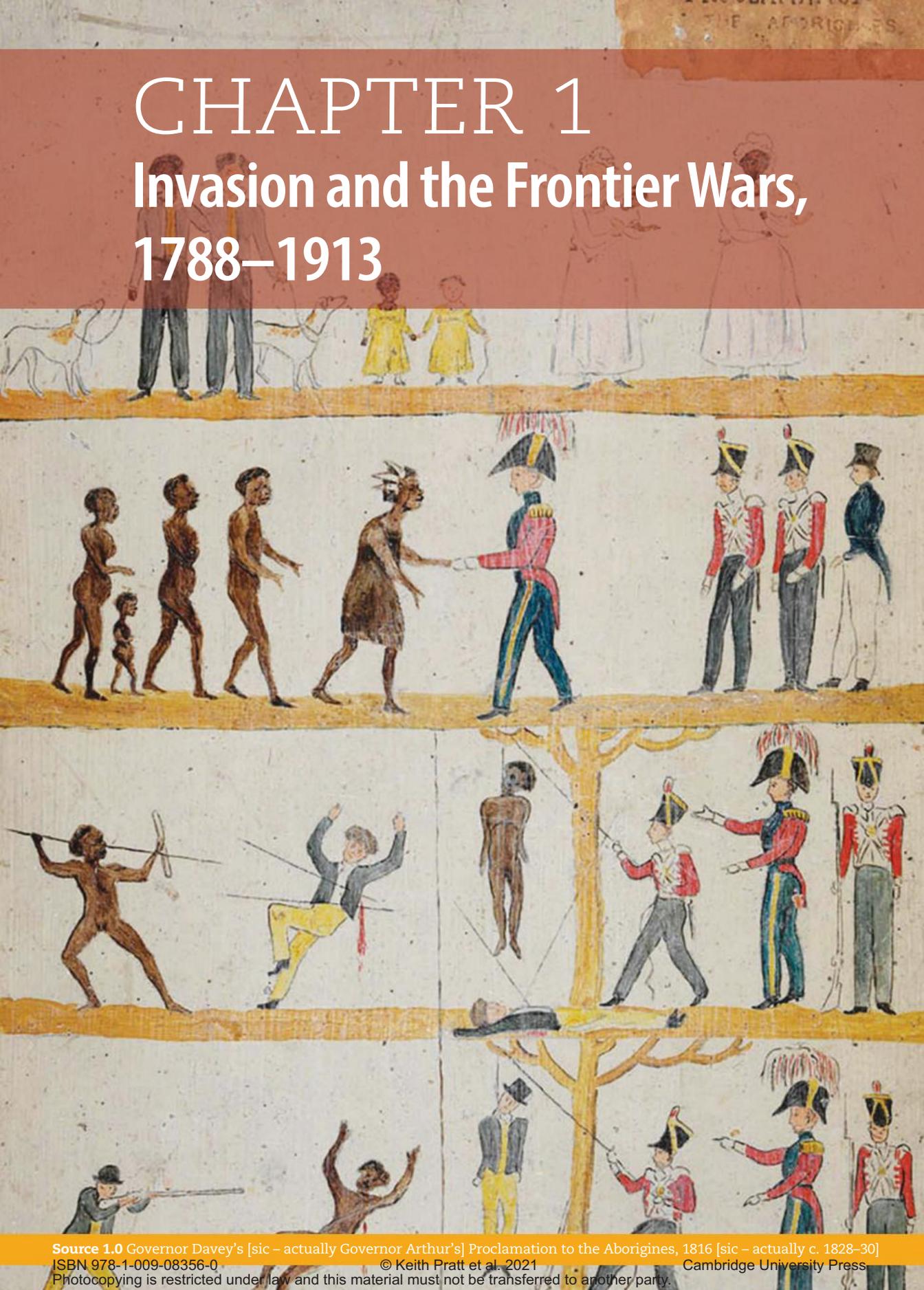
| World events   | Date | Australian events   |
|--|------|---|
| <b>1893:</b> Panic of 1893 sets off economic depression in America |      | <b>1893:</b> Corowa Conference  |
| <b>1893:</b> Women gain right to vote in New Zealand               |      | <b>1894:</b> South Australian women achieve political equality                                  |
|  |      | <b>1897–98:</b> Three National Australasian Conventions held, in Adelaide, Sydney and Melbourne |
|  |      | <b>1899:</b> The Constitution Bill accepted in all colonies except WA                           |
| <b>1899–1902:</b> Second Boer War                                  |      | <b>1899:</b> The Labor Party forms government briefly in Queensland                             |
| <b>1900</b>  |      |   |
|  |      | <b>1900:</b> WA agrees to join Federation   |
|  |      | <b>1900:</b> Vida Goldstein launches <i>The Australian Woman's Sphere</i>                       |
|  |      | <b>1901:</b> Federation of Australia  |
|  |      | <b>1902:</b> <i>Customs Tariff Act</i> passed   |
|  |      | <b>1902:</b> <i>Commonwealth Franchise Act</i> passed   |
|  |      | <b>1903:</b> Vida Goldstein runs for Senate but is unsuccessful                                 |
|  |      | <b>1904:</b> First national Labor government formed   |
|  |      | <b>1904:</b> Commonwealth Court of Conciliation and Arbitration established                     |
| <b>1905:</b> First Russian Revolution                              |      | <b>1907:</b> Harvester Judgment   |
| <b>1906:</b> Finland grants women political equality               |      | <b>1908:</b> Victoria enfranchises women, the last Australian state to do so                    |



| World events   | Date | Australian events  |
|--|------|--|
|  |      | <b>1909:</b> Commonwealth Liberal Party formed   |
| <b>1910</b>  |      |  |
| <b>1911:</b> Dora Meeson Coates carries a banner at the Women's Suffrage Coronation Procession in London |      |  |
| <b>1912:</b> Republic of China established   |      | <b>1912:</b> <i>Maternity Allowance Act</i> passed<br><b>1912:</b> Fruit Pickers Judgment<br><b>1912:</b> The Commonwealth Government passes the <i>Workmen's Compensation Act</i> |

# CHAPTER 1

## Invasion and the Frontier Wars, 1788–1913



## Chapter timeline

| World events   | Date | Australian events   |
|--|------|---|
|  | 1770 |   |
|  |      | <b>1770:</b> James Cook arrives in Botany Bay aboard the HMS <i>Endeavour</i> |
| <b>1776:</b> American Declaration of Independence  |      | <b>1788:</b> The British begin the invasion and colonisation of Australia     |
| <b>1789:</b> French Revolution begins  |      |   |
|  | 1800 |   |
|  |      | <b>1816:</b> Appin Massacre in New South Wales                                |
|  |      | <b>1824–31:</b> The Black War of Tasmania                                     |
|  | 1830 |   |
| <b>1833:</b> Slavery is abolished across the British Empire                                |      |   |
| <b>1837:</b> Queen Victoria ascends throne of England                                      |      | <b>1838:</b> Myall Creek Massacre   |
|  |      | <b>1842:</b> Kilroy poisonings  |
|  |      | <b>1847:</b> Whiteside poisonings   |
| <b>1848:</b> <i>The Communist Manifesto</i> by Karl Marx and Friedrich Engels is published |      | <b>1857:</b> Hornet Bank Massacre   |
|  | 1860 |   |
| <b>1861–65:</b> US Civil War   |      |   |
|  | 1900 |   |
|  |      | <b>1901:</b> Federation of the Australian colonies                            |

## 1.1 Introduction

### INQUIRY QUESTION

What were the Frontier Wars?

**penal** of or relating to punishment given by law

**colony** country or area controlled politically by a more powerful country that is often far away

**custodianship** in First Nations understandings, Country is a living entity that people must protect and ensure that all living things on it thrive by managing resource use, ecosystems and human actions. Management includes ceremonial, spiritual and cultural obligations, and ensuring future generations have the skills and knowledge to care for Country

**frontier** an area that, from the settler's perspective, exists between land that is known and land that is not known

Source 1.0 is a poster produced in Van Diemen's Land (Tasmania) around the time of the Black War of 1824–31. It shows the government's view that it treated both black and white people equally, but events of the Black War do not support the message.

The British invasion of Australia began on 26 January 1788 with the arrival of the First Fleet in Port Jackson, establishing the first British **penal** colony on the Australian continent. The **colony** was established on the lands of the Eora people who had lived on, and been **custodians** of, their land for 60 000 years.

Aboriginal and Torres Strait Islander groups across the continent would come into conflict with the invading British settlers in often tragic ways. Much of this conflict would take place across what became known as the **frontier**. The frontier can be understood as the edges of the expanding colonial society where the power of the central colonial authorities to protect settlements was limited, often leading to a fear of the local First Nations communities by those Europeans living in these frontier settlements.

### FOCUS QUESTIONS 1.1

1. Who had lived on the land that the First Fleet established the initial British settlement on?
2. How long had these people lived there for?

Historians since the 1980s have researched the Frontier Wars and the experiences of First Nations peoples (also referred to as Aboriginal and Torres Strait Islander peoples). The historian Henry Reynolds argued that the Frontier Wars were written out of Australia's history in the early twentieth century.

### Source 1.1

**pioneer** a person who is the first to go to or settle in an area that is new to them, opening it up for other settlers

**settlement** establishing a place to live

**skirmishing** fighting between a small number of fighters

Clearly Australians had forgotten many things that had been well known to their **pioneering** grandparents. At almost any time in the 19th century it would have been thought strange to talk about mild Aborigines and peaceful **settlement**. The arena of conflict had moved as settlers pushed progressively into what they liked to term new country. **Skirmishing** was endlessly repeated throughout the 19th century. But the reason it slipped from national awareness was that the Aborigines themselves were relegated to a very minor role in national history. They might engage the professional interest of anthropologists and inspire painters and poets, but there seemed to be no productive place for them in a national story of economic development and political progress, and everyone knew that, while war was important, Australians went away to the other side of the world to engage in it.

Henry Reynolds, *Forgotten War*, NewSouth, Sydney, 2013, p. 19.

## USING HISTORICAL SOURCES AS EVIDENCE 1.1

1. According to Reynolds (Source 1.1), what would have been the view of people in the nineteenth century about settlement?
2. In Reynolds's view, why did the Frontier Wars disappear from national memory?

Henry Reynolds claims that the Frontier Wars led to the direct deaths of over 30 000 Aboriginal and Torres Strait Islander people. More recent research conducted by Raymond Evans and Robert Ørsted-Jensen at the University of Queensland<sup>1</sup> estimated it may have been as high as 60 000 in Queensland alone. These figures are careful estimates by historians, as counts of casualties were rarely made on a lawless frontier and deaths are often hidden. The conflict has had a long lasting and profound impact on the lives and experiences of the First Australians up to the present day.

## FOCUS QUESTIONS 1.2

1. According to Henry Reynolds in Source 1.1, how many First Australians were directly killed in the Frontier Wars?
2. According to more recent research, how many are now believed to have been killed in the Frontier Wars in Queensland alone?

## 1.2 Significant events of the Frontier Wars

### INQUIRY QUESTION

What were the key events of the Frontier Wars?



← **Source 1.2** *Mounted Police and Blacks* shows the massacre of First Australians at Waterloo Creek by British troops, engraved by W. Walton after drawings by Col. Mundy.

The Frontier Wars contained numerous events, both large and small, spread out across the continent. It is impossible to cover every aspect of the Frontier Wars, but we can highlight some of the most important events in this conflict that are demonstrative of how First Nations peoples were treated by the invading British colonial settlers.

Historian Henry Reynolds describes the context of the Frontier Wars.

**Source 1.3**

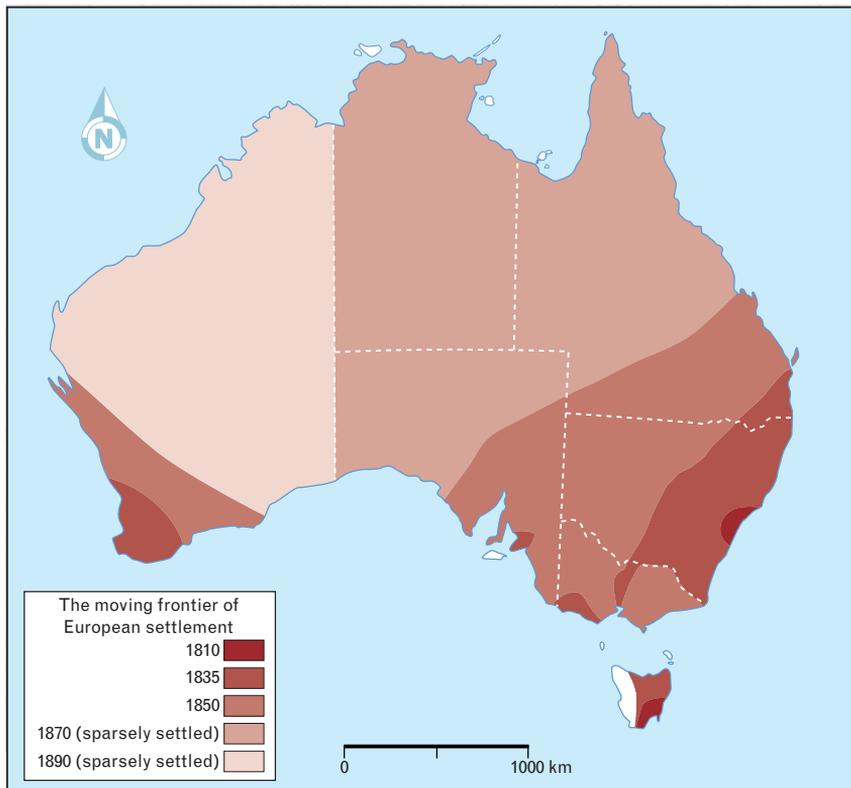
**terra nullius** literally 'nobody's land', a Western legal principle that land that belongs to no one can be claimed by another country

Frontier conflict was, then, one of the most persistent features of Australian life for 140 years. This was an inescapable consequence of many distinctive features of the settlement of the continent. The whole venture was premised on the belief that Australia was a **terra nullius** and that the Aborigines had no legitimate claim to the land. There was no perceived need for treaties or for negotiations to purchase the land piecemeal. The landmass was huge. Much of it was hostile to European endeavour. Although officially sanctioned, the settlement was often undertaken by small parties of private venturers. No government could ever have effectively policed the Australian frontier. Pioneers and Aborigines were left to fight on their own the questions of who was to control the land and whose laws were going to prevail.

Henry Reynolds, *Forgotten War*, NewSouth, Sydney, 2013, p. 50.

**USING HISTORICAL SOURCES AS EVIDENCE 1.2**

1. According to Henry Reynolds in Source 1.3, how long did the frontier conflicts affect Australian society?
2. Why, according to Reynolds, did the early settlers think there was no need for treaties or purchase of land?
3. According to Reynolds, why did the central government have such limited power at the frontier?



→ **Source 1.4**

The moving frontier of European settlement between 1810 and 1890, adapted from a map by Richard Broome and Christine Preston

The *Guardian* newspaper has compiled a special report on the Frontier Wars titled ‘The killing times’, researched and written by investigative journalist Lorena Allam, who is descended from the Gamilaraay and Yawalaraay nations of north-west NSW, which collated research done to identify and map instances of **massacres**. The following activity comes from their in-depth investigation and collaboration with the University of Newcastle’s Colonial Frontier Massacres project.

**massacre** the deliberate killing of a large number of defenceless or already defeated people

## RESEARCH TASK 1.1

Read the *Guardian* article ‘The killing times: The massacres of Aboriginal people Australia must confront’ and answer the following questions. The article can be found online at <https://cambridge.edu.au/redirect/9669>.

1. According to the article, how many instances of frontier massacres have been identified?
2. According to the article, when did government forces finally cease the explicit violence at the frontier?
3. According to the article, what average number of people were killed in each attack in Queensland from 1859 to 1915?
4. Visit the map developed by the University of Newcastle online. Using this map, research what massacre sites may exist in the region nearest to you. Explain one or two events in detail.

As colonial power spread so too did incidents of violence, as historian Richard Broome outlines.

As settlement spread from Sydney Cove, violence escalated. By the late 1790s the Hawkesbury River area, 60 kilometres north-west of Sydney, supported more than 400 European farmers who claimed exclusive rights to the rich river flats. The Dharug complained that farms were barriers to the river and their food supply. The dispute soon became deadly. When the Dharug crossed the farms or took corn in retaliation, settlers fired back on them. The Dharug hit back, forming raiding parties and setting fire to crops.

### Source 1.5

Richard Broome, *Aboriginal Australians: A history since 1778*, 5th ed, Allen & Unwin, Sydney, 2019, p. 25.

## Appin massacre in New South Wales

The Appin region, south-west of Sydney, was settled in the early nineteenth century. The local Dharawal people did not violently resist settlement but the Gandangara people of the nearby mountains actively defended their lands against colonial expansion.

Following a drought in 1816, the Gandangara people left the mountains in search of food and some Europeans were killed in conflicts. Governor Lachlan Macquarie, responding to requests by farmers, ordered three regiments to settle the issue. The following source outlines Governor Macquarie’s instructions to Captain Schaw of the 46th Regiment.

### Source 1.6

On any occasion of seeing or falling in with the Natives, either in bodies or singly, they are to be called on, by your friendly Native Guides, to surrender themselves to you as Prisoners of War. If they refuse to do so, make the least show of resistance, or attempt to run away from you, you will fire upon and compel them to surrender, breaking and destroying the spears, clubs, and waddies [hunting stick] of all those you take Prisoners. Such Natives as happen to be killed on such occasions, if grown up men, are to be hanged up on trees in conspicuous situations, to strike the Survivors with the greatest terror. On all occasions of your being obliged to have recourse to offensive and coercive measures, you will use every precaution to save the lives of the Native Women and Children, but taking as many of them as you can Prisoners.

Quoted in Michael K. Organ, *Secret Service: Governor Macquarie's Aboriginal War of 1816*, Proceedings of the National Conference of the Royal Australian Historical Society, Mittagong, 25–26 October.

Captain James Wallis, who was involved in the action, recorded in his diary:

### Source 1.7

A few of my men heard a child cry. I formed line ranks, entered and pushed on through a thick brush toward the precipitous banks of a deep rocky creek. The dogs gave the alarm and the natives fled over the cliffs. It was moonlight. I regret to say some [were] shot and others met their fate by rushing in despair over the precipice. Fourteen dead bodies were counted in different directions.

Captain James Wallis, diary entry for 17 April 1816.<sup>2</sup>

It is believed that both Dharawal and Gandangara were killed in the massacre, the first formally sanctioned government action against First Nations peoples. The official death toll stands at 14, but as usual it is extremely difficult to confirm the numbers of casualties. The skull of Cannabaygal, one of the men killed by the British, was sent to the University of Edinburgh for examination, revealing how many British saw First Australians as objects to study. The military action at Appin, together with the introduction of diseases that the local peoples had no natural resistances to, devastated the local peoples of the region.

### FOCUS QUESTIONS 1.3

1. Who were the First Australian groups that lived in the Appin region?
2. According to Source 1.6, what were the instructions Governor Macquarie gave to the regiments he dispatched to the region?
3. According to Source 1.7, what was the result of this engagement between the troops and these First Australians?

## The Black War of Tasmania



↑ **Source 1.8** *Group of Natives of Tasmania*, Robert Dowling, c. 1860

Perhaps the most significant event of the Frontier Wars was the ‘Black War’ that raged throughout Tasmania (then known as Van Diemen’s Land) between 1824 and 1831. Nowhere was resistance to European colonisation greater, and nowhere was the impact on the local Indigenous peoples, known as the Palawa people, more devastating. Within a decade the Palawa were devastated by the violence. Historian Nicholas Clements states the following.

Tasmania’s Black War (1824–31) was the most intense frontier conflict in Australia’s history. It was a clash between the most culturally and technologically dissimilar humans to have ever come into contact. At stake was nothing less than control of the country, and the survival of a people. Around 1000 lives were lost, but the loss of cultures and histories was far costlier.

**Source 1.9**

Nicholas Clements, ‘Tasmania’s Black War: a tragic case of lest we remember?’, *The Conversation*, 24 April 2014, <https://theconversation.com/tasmanias-black-war-a-tragic-case-of-lest-we-remember-25663>

The initial colonial settlements on the Derwent River (Hobart) and the Tamar River (Launceston) in 1804 were tiny and ill equipped. Settler–Palawa conflict was infrequent prior to the 1820s. By the mid-1820s, European sheep graziers pushed into the island’s interior and into traditional Palawa lands. Another contributing factor was that settler men outnumbered women by a factor of six to one and some men used violent means to secure sex with local Palawa women. This combination of facts saw a rapid increase in attacks by Palawa against settlers, with attacks across Tasmania rising from 20 in 1824 to over 259 by 1830.<sup>3</sup>

**displace** to push or put out people from their land

In response to the escalating attacks against settlers, the Lieutenant-Governor, George Arthur, ordered the formation of the Black Line. This involved a chain of several thousand men across the settlement districts. The line moved south over weeks in an attempt to forcibly **displace** the Palawa. Arthur stated:

**Source 1.10**

The Community being called upon to act en masse on the 7th October next, for the purpose of capturing those hostile tribes of the natives which are daily committing renewed atrocities upon the settlers ... Active operations will at first be chiefly directed against the tribes which occupy the country south of a line drawn from Waterloo Point east, to Lake Echo west ...

Lieutenant-Governor of Tasmania, George Arthur, September 1830, quoted in National Museum of Australia, *Defining Moments: The Black Line*, <https://www.nma.gov.au/defining-moments/resources/the-black-line>

Historian Nick Clements said the following about the Black Line.

**Source 1.11**

The whole war culminated with the Black Line in September and October 1830. It remains to this day, the largest domestic military offensive in Australia's history, and it was a complete fiasco. You had 2300 soldiers, settlers, and convicts in an enormous human wave that lasted three weeks. It cost the entire annual revenue of the colony, and it was a complete disaster.

Quoted in Madeline Hayman-Reber, *The Black War: Tasmania still torn by its history*, NITV, 20 April 2018.

The effort failed as Palawa people slipped through the Black Line due to their superior bushcraft. Governor Arthur then tried mediation, appointing George Augustus Robinson as Aboriginal Conciliator. Robinson eventually persuaded the remnant to come in and settle at Flinders Island, which proved an unintended disaster for the Palawa peoples.



→ **Source 1.12** *Residence of the Aborigines, Flinders Island*, John Skinner Prout, 1846

According to the historian Lyndall Ryan, the cost of the Black War from 1823 to 1834 was 878 Palawa and 201 settlers killed in the violence. This ratio of 4 to 1 black to white deaths was the lowest of all Australian frontier conflicts, revealing the tenacity of Palawa resistance.<sup>4</sup>

When interviewed in 2018, Andry Sculthorpe from the Tasmanian Aboriginal Centre described the Black War as **genocide**.

**genocide** actions taken with the aim of the deliberate destruction of whole groups of people, especially a whole nation, ethnic group or religious group

There was never a stage where there were meaningful consultations with the Aboriginal people living here in order to attempt to live together or share the place. It was pretty much an invasion and there was no room for anyone else except the British colonies.

Source 1.13

Quoted in Madeline Hayman-Reber, *The Black War: Tasmania still torn by its history*, NITV, 20 April 2018.

### USING HISTORICAL SOURCES AS EVIDENCE 1.3

1. According to Source 1.9, what was the impact of the Black War on the Palawa of Tasmania?
2. According to Source 1.11, what were the consequences of the Black Line for the Tasmanian colonial government?
3. According to Source 1.13, how was the invasion seen by the Indigenous Tasmanians?

### Violence in the Port Phillip District



↑ Source 1.14 *Batman Signing the Treaty with the Aborigines*, an imagined reconstruction by John Wesley Burt, 1875

**treaty** an agreement between two sovereign nations  
**capitalist** someone engaged in business activities with the primary purpose of making money  
**unceded** land that has not been officially given away  
**protectorate** a government body set up to protect and partially control a weaker group

## FOCUS QUESTION 1.4

How was Batman's 'treaty' understood by the Kulin people, according to Richard Broome?

During an initial visit to Port Phillip in May 1835, John Batman famously made a 'treaty' with the elders of the Kulin nation, understood by Batman and his fellow **capitalists** as a purchase of Aboriginal land, and by the Kulin elders as, in the words of the historian Richard Broome, 'a hospitality, and perhaps an agreement regarding the use of resources'.<sup>5</sup> The treaty was disallowed by the New South Wales government on the grounds that all **unceded** Australian land belonged to the Crown. The authorities in Sydney moved to protect the Port Phillip Aborigines by setting up a government mission in 1838 and then the Port Phillip Aboriginal **Protectorate** in 1839. The latter was in recognition of the disaster that had occurred in Tasmania between the invaders and the Palawa. Relations were harmonious in Melbourne, but on the expanding frontier of white occupation violent encounters were common.

There have been fierce debates between historians over the nature and extent of white violence against First Nations peoples. In the late twentieth century, the 'history wars' – as these history debates were labelled – erupted, attracting public attention. Conservative politicians rejected what they understood as the 'black-armband' (pessimistic) view of Australian history: that British invaders had forcibly taken Australia from its original owners.

The historian Keith Windschuttle claimed other historians had greatly exaggerated the number of Aboriginal deaths by violence.

### Source 1.15

How many Aborigines, then, died in frontier violence? ... To guess at or make up the figures is irresponsible. To do so is to fail the historian's duty to his profession, to his readers and to the people whose lives he is portraying.

... the mass killing of Aborigines was neither as widespread nor as common a feature of the expanding pastoral frontier in the nineteenth and early twentieth century as historians have claimed. Massacres were not a defining characteristic of the foundation of modern Australian society. Instead, massacre stories, then and now, were often invented ...

There is one good, general reason why we should expect the eventual compilation of regional studies to produce a very much smaller tally of violent Aboriginal deaths than the 20,000 now claimed. Ever since they were founded in 1788, the British colonies in Australia were civilised societies governed by both morality and laws that forbade the killing of the innocent. The notion that the frontier was a place where white men could kill blacks with impunity ignores the powerful cultural and legal prohibitions on such action.

Keith Windschuttle, 'The myths of frontier massacres in Australian history', *Quadrant*, vol. 44, no. 11, Nov 2000, p. 23; no. 12, Dec 2000, p. 19.

The historian Richard Broome disagreed, writing that Windschuttle's claim 'may have been true of the towns, but on the frontiers the law was usually too distant to be effective'. In support of this he cites 'decent men' – eyewitnesses on the frontier – as reporting constant violence against Aborigines.

One Henry Meyrick of Gippsland wrote that he became ‘so familiarised with scenes of horror – from having murder made a topic of everyday conversation’ and another, John Robertson of Casterton, believed ‘no law could have protected these people from such men as we had to do with at that time’.<sup>6</sup>

Broome writes that, after the invasion in 1835 of the Port Phillip District, ‘a contact population of about 10 000 fell to 1907 in the two decades to 1853 – a decline of 80% in just under 20 years’.

In trying to explain this drastic depopulation, Broome puts some of the blame on white violence, but he is careful to list other causes.

Why did it happen? ... It seems that between 1500 and 2000 Aborigines died violently at white and black hands; perhaps a further 1000 to 1500 died of natural causes over two decades; this leaves 4–5000 who fell to diseases and debility due to disruption of food supplies and the impact of cultural disruption ... The related tragedy was that low birth rates prevented population recovery ... High deaths and low births; it was a common story across Victorian Aboriginal communities in frontier times, as diseases and violence took life, and malnutrition, trauma, venereal disease, and to a lesser degree, infanticide, stalled Aboriginal population recovery.

An unintended and almost literal decimation of Aboriginal people occurred as two different people and their cultures clashed, and the more powerful invader, bearing unfamiliar diseases, **dispossessed** indigenous peoples of their land. Thus the misadventure of foreign microbes [diseases] and the impact of colonialism caused an unintended outcome not dissimilar to genocide.

Richard Broome, *Aboriginal Victorians: A history since 1800*, Allen & Unwin, Sydney, 2005, pp. 83, 90–3.

#### Source 1.16

**dispossession** the action of having property or land taken from you by another person or group

Another historian, Lyndall Ryan, refines Broome’s interpretation of the Indigenous population collapse:

Was the outcome completely unintended? Broome’s account of the dramatic population collapse has many important components, but it tends to overlook the possible impact of the phenomenon of settler massacre, that is the killing of an undefended group of Aborigines in one action. Unlike the sporadic killing of one or two Aborigines, a massacre makes an immediate impact on the long-term survival of the targeted Aboriginal group. Could settler massacres have been a critical factor in the Aboriginal population collapse?

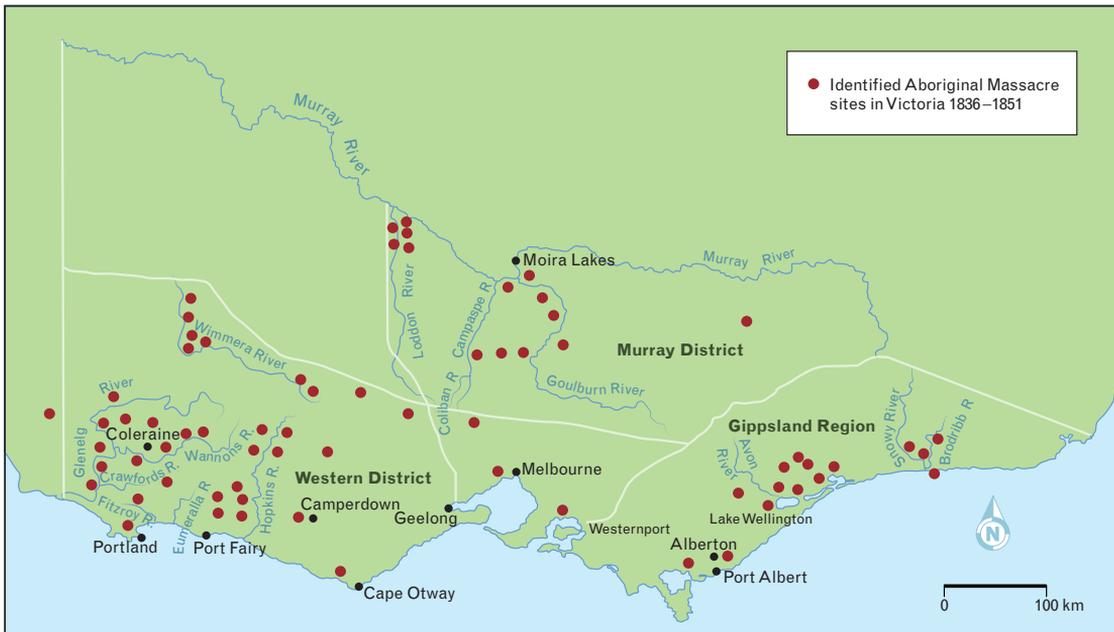
Lyndall Ryan, ‘Settler massacres on the Port Phillip Frontier, 1836–1851’, *Journal of Australian Studies*, vol. 34, no. 3, 2010, p. 257.

#### Source 1.17

↓ **Source 1.18** Analysis of known settler massacres in three pastoral regions of the Port Phillip District, 1836–1851, adapted from Lyndall Ryan, ‘Settler massacres on the Port Phillip Frontier, 1836–1851’, *Journal of Australian Studies*, vol. 34, no. 3, 2010, p. 264.

| No. of massacres | Est. no. of Aborigines killed | Location         |                 |                  | Reason for massacre    |                                  |                     |
|------------------|-------------------------------|------------------|-----------------|------------------|------------------------|----------------------------------|---------------------|
| 68               | 1169                          | Western District | Murray District | Gippsland Region | For attacking settlers | For attacking settlers’ property | Pre-emptive strikes |
|                  |                               | 40 (619)         | 12 (160)        | 16 (390)         | 24 (536)               | 24 (379)                         | 20 (254)            |

Key: Numbers in brackets indicate the estimated numbers of Aborigines killed, Port Phillip Frontier, 1836–1851



↑ **Source 1.19** Port Phillip District 1836–1851: Settler massacre sites. Adapted from Lyndall Ryan, ‘Settler massacres on the Port Phillip Frontier, 1836–1851’, *Journal of Australian Studies*, vol. 34, no. 3, 2010, p. 264.

Ryan concludes with the following:

**Source 1.20**

... this article has demonstrated that contrary to Broome’s concern, the word ‘massacre’ appears to have been under-used to describe incidents between Aborigines and settlers on the Port Phillip frontier ... Rather, the incidents described as battles were often settler massacres in which Aboriginal men, women and children were indiscriminately slaughtered after which the instigators and **perpetrators** went to extraordinary lengths to cover up their dreadful deeds. Furthermore the careful analysis of the available data suggests that massacre was a common tactic that was used by settlers and the agents of law and order to achieve the overall strategic

*Continued...*

**perpetrator** someone who commits a crime or a violent or harmful act

... Continued

objective of eliminating Aboriginal Victorians when they contested British settler occupation of their land.

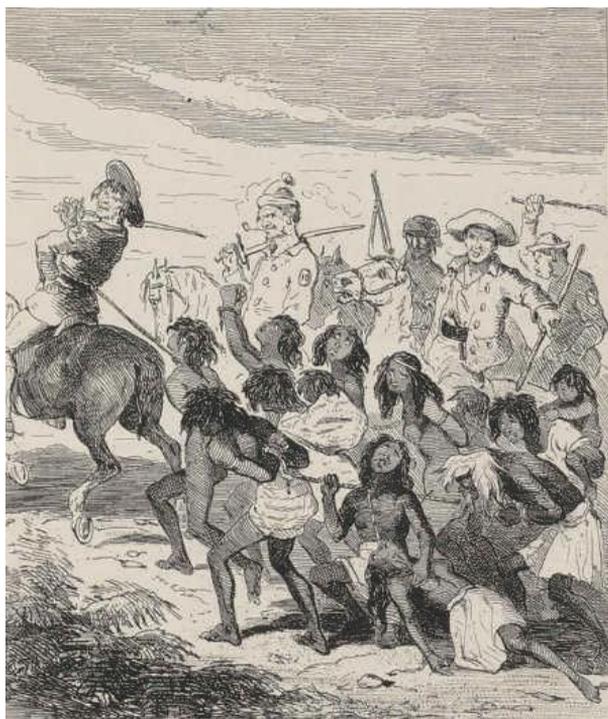
The sudden disappearance of entire Aboriginal groups as a result of settler massacres in the three pastoral regions of Port Phillip, suggests that the survivors, as in any community devastated by mass killings over a short period, were extremely vulnerable to disease, which in turn led to the dramatic population collapse. If this is the case, then settler massacres rather than disease by itself, emerges as a critical factor in accounting for the 80 per cent drop in the Aboriginal Victorian population in fifteen years.

Lyndall Ryan, 'Settler massacres on the Port Phillip Frontier, 1836–1851', *Journal of Australian Studies*, vol. 34, no. 3, 2010, pp. 257–8, 263–4, 270.

## FOCUS QUESTIONS 1.5

1. What is meant by the term 'history wars'?
2. Summarise the views of Windschuttle, Broome and Ryan about the massacre of First Australians at the time of the history wars.
3. In what ways do Broome and Ryan agree, and how do they disagree?

## Myall Creek massacre



← **Source 1.21** An English view of the Myall Creek massacre. Published in C. Pelham, *The Chronicles of Crime; or, the New Newgate Calendar*, vol. 1, 1841, London

The Myall Creek massacre is another significant example of violence against First Australian peoples during the Frontier Wars. By the end of the 1830s, the British colonial settlement in New South Wales was expanding rapidly, with many **squatters** establishing sheep and cattle stations outside the official boundary of the colony. **Convicts** were assigned as labour to these stations, usually with minimal supervision.

**squatter** a person who took land that did not officially belong to them in order to use it for raising sheep. After 1836, squatting was made legal by one-year leases from the government

**convict** someone who had been judged guilty of a crime in England and transported by the authorities to Australia as punishment

The Gamilaraay people have resided in the Liverpool Plains in northern New South Wales for up to 60 000 years. The squatters' sheep ate the grass and yams upon which the Gamilaraay relied. In retaliation the Gamilaraay hunted sheep for food, creating conflict with squatters. The abuse and rape of Gamilaraay women by some convict shepherds and drovers caused further Aboriginal retaliation.

In May 1838 about 45 Gamilaraay accepted an offer from Charles Kilmeister of Myall Creek station to relocate there to avoid settler violence. On 9 June 1838, ten Gamilaraay men left to work at an adjoining station of William Foster, leaving old men, women and children at Myall Creek. On 10 June a group of stockmen, seeking revenge for the hunting of sheep and cattle, arrived at the Myall Creek station, rounded up the Gamilaraay there, and massacred about 28 with swords and pistols. They burnt the bodies and returned days later to further cover up their crime.

What makes the Myall Creek massacre different from most other instances of Australian frontier violence was that William Foster reported it; a magistrate Edward Day investigated it; and the new Governor of NSW, Sir George Gipps, immediately ordered the arrest of the eleven men involved, ten of them convicts.

The ensuing two trials showed the determination of Gipps and his Attorney-General J. Plunkett to get a conviction of the men responsible. After the first trial ended with a 'not guilty' by the jury in just fifteen minutes, the government ordered a second trial on new charges. It was supported by a group of Sydney humanitarians who formed the Australian Aborigines Protection Society in October 1838. However, the other half of Sydney was in uproar, believing white men should not be tried for the murder of Indigenous Australians. The second trial ended with seven of the eleven perpetrators being found guilty and hanged for their crimes.



← **Source 1.22** Myall Creek Massacre, Vincent Serico, 2003

The *Sydney Herald* reported on the trial in the following terms:

We want neither the classic nor the romantic savage here. We have far too many of the murderous wretches about us already. The whole gang of black animals are not worth the money the colonists will have to pay for printing the silly court documents on which we have already wasted too much time.

Source 1.23

*Sydney Herald*, November 1838.

On the second day of the trial the Chief Justice of NSW, Sir James Dowling, stated to the jury:

It is clear that a most grievous offence has been committed; that the lives of nearly 30 of our fellow creatures have been sacrificed. In order to fulfil my duty, I must tell you that the life of a Black is as precious in the eyes of the law as that of the highest noble in the land ...

Source 1.24

Quoted in Mark Tedeschi, 'The Myall Creek Massacre: the trial and aftermath', *Traces: Uncovering the Past*, 19 August 2015.

Gamilaraay elder, Uncle Lyall Munro, reflected in 2013 on the significance of the Myall Creek massacre and how it was different to other examples of frontier violence from across Australia.

[The Myall Creek Massacre Supreme Court trials were] the first place white man's justice does some good. Right across Australia, there were massacres. What makes Myall Creek real is that people were hanged, see. That was the difference.

Source 1.25

Quoted in National Museum of Australia, *Defining Moments: Myall Creek massacre*, <https://www.nma.gov.au/defining-moments/resources/myall-creek-massacre>

## FOCUS QUESTIONS 1.6

1. How was the Myall Creek Massacre similar to other examples of frontier violence?
2. How was the Myall Creek Massacre different to other examples of frontier violence?
3. Was the settler population divided or united in their attitudes to the stockmen on trial?
4. Compare the images in Sources 1.21 and 1.22 and analyse the different attitudes to the killing.



↑ **Source 1.26** Marlene Gilson, *Tunnersminnerwait and Maulboyheenner*, 2015, synthetic polymer paint on linen, 142.5 x 198.5 cm.

Commissioned by the City of Melbourne, 2015

City of Melbourne Art and Heritage Collection

Courtesy Marlene Gilson and Martin Browne Contemporary, Sydney



## RESEARCH TASK 1.2

Source 1.26 depicts the hanging of Tunnerminnerwait and Maulboyheenner, the first public hanging in the Port Phillip District. Tunnerminnerwait and Maulboyheenner were Indigenous men from Tasmania, and were brought to the District of Port Phillip (now Melbourne) in 1839 by George Robinson, the Chief Protector of the Aboriginal Protectorate for the area. They were convicted of the murder of two whalers in 1841 and hanged in 1842.

Examine the source and research Tunnerminnerwait and Maulboyheenner, as well as the artist Marlene Gilson, before answering the following questions.

1. Identify the different groups in this source.
2. How are Tunnerminnerwait and Maulboyheenner depicted? How does this compare with other people in the painting?
3. Describe what perspective this source has on the 1842 hanging.
4. What is the significance of the wedge-tailed eagle in the sky and the crow on the tombstone?

## 1.3 Influential ideas of the Frontier Wars

### INQUIRY QUESTION

What key ideas underpinned the actions of individuals and groups in the Frontier Wars?

One of the most central ideas that drove the violence on the frontier was the concept of colonialism itself. The British authorities declared Australia to be *terra nullius*, literally that the land belonged to no one. This central idea, that the First Australians had no inherent right to the land they had lived on for tens of thousands of years, drove European actions and provided justification for the dispossession and violence against these First Nations groups. The First Australians were inherently regarded as ‘other’ and not part of European conceptualisations of ownership and property.

The colonial authorities made clear their willingness from the start of settlement to use force to establish control of the land and to allow pastoralists to transform the landscape and protect what they considered as their property.

Henry Reynolds comments on the founding years:

#### Source 1.27

The soldiers of the New South Wales Corps served a dual purpose: they were to both guard the convicts and meet any resistance to settlement from the resident Aborigines. While the instructions to Governor Phillip exhorted [encouraged] him to treat Aborigines with ‘amity and kindness’, there was no question of allowing Indigenous hostility to compromise the new colony. The British would use whatever force was necessary to impose their will, their control of required land and their legal code. The senior officers of the colony quickly realised that the local Aborigines presented no threat of massed frontal attack on the settlement and that a detachment of troops could be sent to secure the new settlement on Norfolk Island, leaving 500 in and around Sydney. But what could not be prevented were the constant attacks on small parties working or travelling on the outskirts of settlement. The local Aboriginal bands often could not be found or could not be caught by encountered soldiers with little knowledge of the country. The regular attacks led Governor Phillip to express his exasperation with what he called, ‘this state of petty warfare and endless uncertainty’.

Henry Reynolds, *Forgotten War*, NewSouth, Sydney, 2013, pp. 53–4.

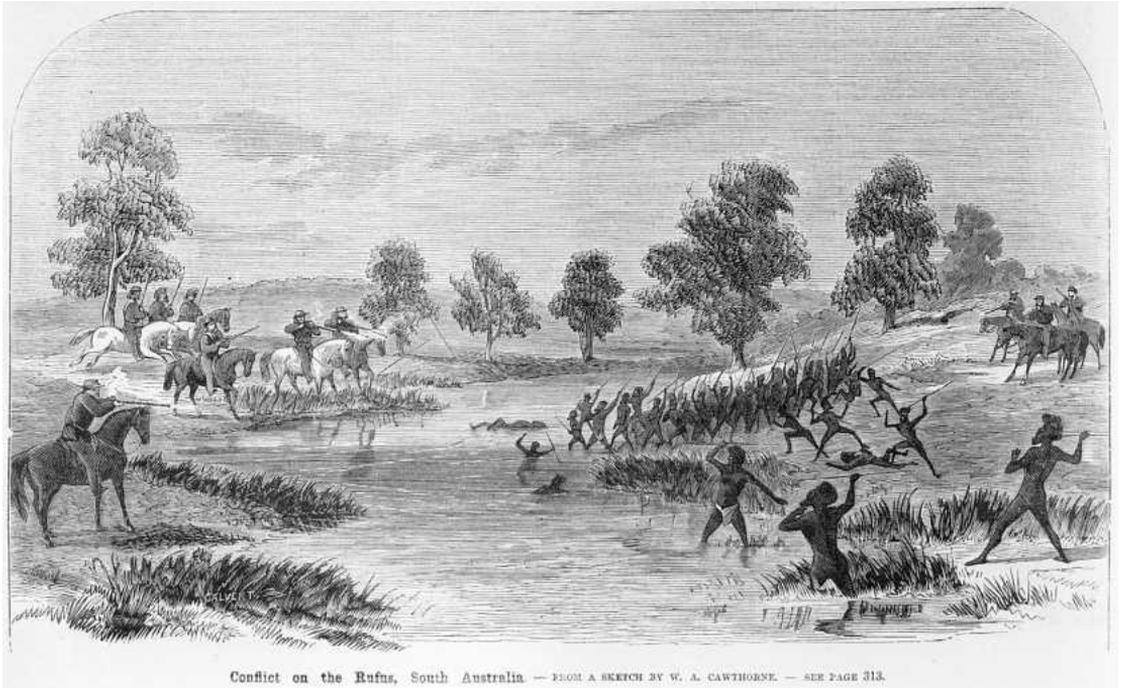
European concerns regarding property and goods often came into conflict with Indigenous ideas of reciprocity and the shared nature of resources that came from **Country**. While **pastoralists** concerned themselves with export markets, profits and capital, Aboriginal peoples saw resources that could be used to support and sustain them.

**Country** the term Aboriginal people use for the land which the local group owns through tradition (and/or legal native title today), for which they hold the stories and rights and responsibilities of custodianship. It is capitalised to distinguish it from country with a small ‘c’ as meaning a nation

**pastoralism** a branch of agriculture where livestock, typically sheep or cattle, are released onto land for grazing and bred and utilised for things like food, leather and wool

## FOCUS QUESTIONS 1.7

1. What were the two roles of the NSW Corps? How did Aboriginal peoples respond?
2. How did European ideas of property and ownership differ from those of the First Australians?



↑ **Source 1.28** Engraving by Samuel Calvert, c. 1866, depicting the Rufus River Massacre in Victoria, near the South Australian border adjoining the Murray River

Henry Reynolds states the following:

Hostile Aborigines threatened livelihoods as well as lives. For well over a hundred years they raided farms, pastoral stations, mining and timber cutting camps, pearling loggers and even houses in the pioneer townships. They were seeking both food to replace diminished traditional supplies and newly desirable European goods such as sugar, tea and tobacco. But the pattern of attacks indicated that in many cases the motivation was not just acquisition but destruction of the settlers' property. It was a form of economic warfare aimed at both individuals and whole frontier communities.

**Source 1.29**

Henry Reynolds, *Forgotten War*, NewSouth, Sydney, 2013, p. 105.

Colonists acknowledged the effectiveness of Aboriginal attacks on the settlers' economic interests, including this Queensland reaction:

**Source 1.30**

So injurious to the best interests of the colony do outrages by the blacks become, in deterring settlement and keeping out capital, that we look upon them as the worst evils of our position, and as the greatest barriers to the development of our resources. If there be in Queensland at the present moment one subject, which more than any other is of the highest importance ... that subject is the better protection of the frontier districts ...

Editorial, *North Australian*, 6 December 1861.

Indigenous traditional ideas of conflict were based on the notion of feud, not war, by which only those who had wronged you specifically were attacked, not the whole group. This approach to fighting led to a controlled conflict, which kept the numbers killed at a lower level than in an all-out war. The writer Bruce Pascoe explains:

**Source 1.31**

Aboriginal populations were relatively low ... probably 1.5 million for the whole country. [Traditional w]arfare developed in accordance with this limitation and the death of one warrior was treated symbolically as defeat or the point from which the conflict was resolved through diplomacy. Strategies of war which countenanced large numbers of war dead could not be sustained.

The English saw this as weakness or 'cowardice under fire', an irony in itself as Aborigines couldn't 'fire' back, and much of the contempt felt for the Indigenous population stems from the failure of the British to understand the nature of Aboriginal occupation and its emphasis on living within the available resources, a failure which echoes today in salination and dwindling ground and surface water.

Bruce Pascoe, *Convincing Ground: Learning to fall in love with your country*, Aboriginal Studies Press, Canberra, 2007, p. 156.

However, as the Frontier Wars progressed, First Nations peoples often developed a more generalised view of the fighting as a war against all invaders, not just those who had specifically done wrong.

## USING HISTORICAL SOURCES AS EVIDENCE 1.4

1. How does Pascoe (Source 1.31) describe the nature of war before European arrival?
2. How does Pascoe describe the British view of First Australian's attitudes to war?

## 1.4 Diverse and competing perspectives on the Frontier Wars

### INQUIRY QUESTION

How did different groups experience and respond to the events of the Frontier Wars?

Conflict between colonial and Indigenous peoples was driven by conflicting ideas about land ownership and resource use. It was increased by the fear of attacks from First Nations peoples in retaliation for the colonial frontier expansion.

Henry Reynolds sums up the nature of the Frontier Wars:

The evidence is bountiful and it is clear. Aboriginal resistance to the intrusion of settlers into their country was widespread and persistent. It was common to almost every part of Australia and continued for well over a century. It was one of the most enduring features of the nation's history. It was apparent whatever the economic activity undertaken by the settlers – pastoralist, agriculture, mining or pearl fishing. The resistance was put down everywhere sooner or later, often with great brutality and loss of life.

But it was powerful evidence that right across the continent the Aboriginal tribes did not acquiesce in the invasion of their ancient homelands. The warfare they engaged in created fear and anxiety among frontier settlers and resulted in significant loss of life and destruction of property. But nothing could compare with the devastation experienced by Aborigines everywhere.

Source 1.32

Henry Reynolds, *Forgotten War*, NewSouth, Sydney, 2013, pp. 111–12.



← Source 1.33 Captain Charles Sturt's party threatened by a group of Barkindji people at the junction of the Murray and Darling rivers in 1830; painted by J. Macfarlane c. 1890–98

Fear was a key factor on both sides of the conflict. A police sergeant in Tasmania in 1830 wrote:

**Source 1.34**

We are in the greatest state of distress and alarm on account of the natives, how dreadful in the extreme is our situation expecting every day my helpless family to be destroyed by them ... depend upon it few will escape their violence sooner or later if they are not immediately put a stop to.

G. Ashton, 19 October 1830, Tasmanian State Archives, CSO1/1/316.

A Queensland newspaper reported of settlers' experiences.

**Source 1.35**

Not one of them could stir from his hut unarmed; when one milked or went for a bucket of water; another fully armed stood over him; the horses in the paddocks were killed and the calves in the pens close to the huts where the man lived.

*Moreton Bay Free Press*, 24 August 1852.

And the editor of the *Cooktown Herald* wrote:

**Source 1.36**

In no drivelling tone that we say that our houses and our wives and children are at the mercy of these black rascals, who if they in broad daylight will drive in white men and then coolly massacre their horses and bullocks, only five miles from Cooktown we may reasonably expect that in the absence of the native police they will some fine night or day wither slaughter us when we are unprepared, or burn us out of their territory.

*Cooktown Herald*, 1 July 1874.



↑ **Source 1.37** *Night Attack by Blacks* by Livingston Hopkins, date unknown, shows settlers defending their hut against a raid by First Australians

The nature of the relationship in these initial encounters is summed up by a settler, possibly 23-year-old surveyor James Erskine Calder, upon his arrival in the colony of Van Diemen's Land. The following source is believed to be written by him in response to the reported deaths of white settlers in northern Tasmania by a local Indigenous group in 1831.

We are at war with them: they look upon us as enemies – as invaders – as their oppressors and persecutors – they resist our invasion. They have never been subdued, therefore they are not rebellious subjects, but an injured nation, defending in their own way, their rightful possessions, which have been torn from them by force.

...

What we call their crime is what in a white man we should call patriotism. Where is the man amongst ourselves who would not resist an invading enemy; who would not avenge the murder of his parents, the ill-usage of his wife and daughters, and the spoliation of all his earthly goods by a foreign enemy, if he had an opportunity? He who would not do so would be scouted, execrated [hated], nay executed as a coward and a traitor; while he who did would be immortalised as a patriot. Why then shall we deny these same feelings to the Blacks? How can we condemn as a crime in these **savages** what we would esteem as a virtue in ourselves? Why punish a black man with death for doing that which a white man would be executed for not doing?

*Launceston Advertiser*, 26 September 1831.

Source 1.38

**savage** a person whose way of life is considered to be at an early stage of development

### USING HISTORICAL SOURCES AS EVIDENCE 1.5

1. How does James Erskine Calder describe individuals who defend their home against outsiders in Source 1.38?
2. What is the central issue that Calder outlines?

Calder's view was not widely held by his European contemporaries in Australia. It is crucial to also consider the perspective of First Nations peoples and the agency they had in the interactions between Indigenous and settler groups.

Richard Broome also emphasises that local Aboriginal groups would not have seen the Frontier Wars as a generalised conflict of European invaders against First Australian inhabitants:

However, Aboriginal fighting skills were not matched by organisational capacity. Their traditional economy did not create surpluses to feed a warrior class, complete with military leaders and support systems. Also, their traditional emphasis on the local group as sovereign, and the lack of strong traditional inter-tribal military links, meant that settlers mostly fought individual tribes. Thus each battle was really the Milmenrura versus the British, or the Gunditjmara versus the British, and not Aboriginal peoples versus the British.

Source 1.39

Richard Broome, *Aboriginal Australians: A history since 1778*, 5th ed, Allen & Unwin, Sydney, 2019, p. 47.

Indigenous voices have not survived from all areas of conflict, but the following source gives us the perspective of Hector Chunda, a Gija artist and lawyer from the Kimberley region of Western Australia, who talks of events a century earlier. First Nation perspectives have often been ignored or actively suppressed in the historical narrative so highlighting their perspectives in this conflict is crucial in gaining a full understanding of how power was exercised and resisted during the British invasion.

**Source 1.40**

Some kartiya [white people] bin round em up the blackfellas, put em chains around their necks. They used to drive em like a mob of cattle. They took em to the right place, Jail Creek. Then they were carting wood back to the place where they were camping, then tie them up, like a dog.

All the kartiya get em guns, line em up every girl and boy and shoot em down. Whang, all the children on the rocks. [Smash their skulls on the rocks.] Chuck em kerosene, put em on the firewood chuck em them dead bodies in the firewood place, put em kerosene and chuck em matches.

Kartiya bin finish em up, killed the lot.

Quoted in H. Ross (ed.), *Impact Stories of the East Kimberley*, (trans E. Bray), East Kimberley Working Paper No. 28, Centre for Research in Economic Studies, ANU, Canberra, 1989.

## USING HISTORICAL SOURCES AS EVIDENCE 1.6

1. According to sources provided, how did fear of the First Australians influence European actions at this time?
2. Using Source 1.39, how did conflict between the First Australians and the Europeans differ from traditional European military conflict?
3. Who is Hector Chunda (Source 1.40) and whose perspective does he give us? Why is understanding this perspective important?
4. How does Hector Chunda describe the treatment of First Australians by white settlers? Provide some examples.

## Adaptations

While violence was frequent on the frontier it was not experienced everywhere and often lasted a few months or years depending on the terrain. Aboriginal people adapted to the presence of Europeans in a myriad of ways. They learned to speak English, to use guns, value European dogs, and gained a taste for tea and tobacco. They came to understand the ways of Europeans by sharp observation.



↑ **Source 1.41** *Going to Work* by S.T. Gill, c. 1850

Richard Broome commented:

Trade was initiated on both sides as metal and wood, flour and fish, sugar and game changed hands. Europeans, who were outnumbered, initially cooperated and humoured the views of their more numerous hosts. An accommodation emerged on both sides as Aborigines sought to incorporate the Europeans in a web of tradition and Europeans needed assistance in strange country. It was not unusual for Aboriginal men to help set up the station by ferrying sheep across creeks, cutting brush for the sheep folds and slabs and bark for huts. In return they were given flour and tobacco and a sheep was killed for food. As peaceful relations developed, intimacies grew between some groups of Aborigines and Europeans.

Good relations prevailed in the most unlikely places as fellow humans of vastly different cultural background sometimes found delight in each other's activities. David Fisher, who was a manager of a Geelong **run** in 1837, was shaving himself in the open air much to the amusement of an Aboriginal audience. One asked to be shaved as well.

Richard Broome, *Aboriginal Victorian: A history since 1800*, Allen & Unwin, Sydney, 2005, p. 57.

During the 1840s Aboriginal peoples in south-eastern Australia who were dispossessed of their lands were forced to become involved in the European economy, while maintaining connections to their traditional economy and caring for Country as best they could. At times they went roving on traditional business, a ceremony with clansmen or collecting bush foods. Once finished they would return to work in the pastoral economy.

George McCrae, who grew up on a Mornington Peninsula pastoral property, recalled:

We found the aborigines about us docile, tractable, and highly intelligent. Both the young men and women became efficient and willing station servants. The youths, always fearless riders and fond of horses, made good stock-keepers, and took great pride in their long, heavy whips and spurs. The young women washed and ironed well, sewing and mending also with great neatness. Men and women alike were perpetually honest. I have known them even after a day's fishing to cut the hooks off their lines and return them, under the impression that we had only lent them. Being sober, they were the more to be trusted, and we found the boys very useful, not only in the management of cattle, but also in riding with messages to a distance, and quite to be depended upon in services of that nature.

G.G. McCrae, 'Early settlement of the eastern shores of Port Phillip Bay with a note on the Aborigines of the coast', *Victorian Historical Magazine*, vol. 1, no. 1, 1911, pp. 24–5.

Source 1.42

**run** colonial term for sheep station; a large area of land where sheep were grazed

Source 1.43

George Robinson reported this of Aboriginal workers in 1845:

**Source 1.44**

The Aborigines are employed chiefly as shepherds, bullock drivers and hut keepers, messengers, domestics, sheep washers, whalers, collectors of skins, police, and guides; in this latter capacity, they are, from their knowledge of the locality, quickness of perception, endurance of fatigue, their facility in procuring water and sustenance, fond of infinite service to travellers generally, and have merited their approbation [praise]; females are occasionally employed, and as respectable settlers and their families are now removing to the bush, it is to be hoped this class of labour will be more encouraged. The natives receive in return for their labour, food, clothing, trifling articles of luxury, as tea, sugar, tobacco, and in some instances, money.

George Robinson's evidence to the 'Select Committee on the Condition of the Aborigines', 1845, p. 46.

### USING HISTORICAL SOURCES AS EVIDENCE 1.7

1. Analyse McCrae's (Source 1.43) and Robinson's (Source 1.44) views of Aboriginal workers.
2. Using Sources 1.41 to 1.44, discuss how Aboriginal people used work to adapt to the European presence.
3. From these same sources, what do you think many Aboriginal people thought of work?

## 1.5 Continuity and change since the Frontier Wars

### INQUIRY QUESTION

How did life change for settlers and Indigenous Australians as a result of the Frontier Wars?

The consequences of the Frontier Wars on First Australians are significant and ongoing. The British invasion changed the nature of life for First Australians in fundamental ways. Despite this, First Nations peoples have managed to maintain traditions in the face of violence and upheaval across the entire continent.

The overall impact of the Frontier Wars was known to have been devastating to the local First Nations peoples as shown at the beginning of this chapter and the following sources.

**Source 1.45**

It may be stated broadly that the advance of settlement has, upon the frontier at least, been marked by a line of blood. The actual conflict of the two races has varied in intensity and in duration ... But the tide of settlement has advanced along an ever-widening line, breaking the native tribes with its first waves and overwhelming their wrecks with its flood.

L. Fison & A.W. Howitt, *Kamilaroi and Kurai*, [1880], Anthropological Publications, Oosterhout, 1967, p. 182.

The sudden invasion of the white men and their horses and cattle was a traumatic experience for the resident bands. They lost the capacity to follow their traditional patterns of travel, land management, hunting and food gathering within weeks of the invasion, and were often forced to retreat into the most marginal country in their homelands where water was scarce and the food quests arduous.

Source 1.46

Henry Reynolds, *Forgotten War*, NewSouth, Sydney, 2013, p. 125.

While Henry Reynolds puts the number of First Australians killed at roughly 30 000, recent researchers have suggested the number may be more than double that.<sup>7</sup> Ultimately the lack of data and destruction of evidence from the time makes such numbers difficult to calculate and become carefully researched estimates. The ongoing impact of these violent conflicts has impacted the First Australian community in profound ways up to the present day and remains an indelible aspect of Australian history following the British Invasion of 1788.



↑ Source 1.47 A memorial to those First Australians who died in defence of Country, in the foyer of the National Gallery of Australia

## 1.6 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- The spread of colonial control was consistent and unrelenting.
- First Australian peoples retain a deep connection to land and country.

### Changes

- First Australian peoples lost control of traditional lands and country.
- Colonial land use was different to traditional land use.
- European conceptions of land ownership were fundamentally different from the relationship to land of the First Australians.

## 1.7 End-of-chapter activities

### Consolidating your understanding

#### Events

Answer the following questions to help consolidate your understanding of the events in this chapter.

1. How was the Black War of Tasmania similar to and different from other examples of frontier conflict?
2. Explain why the Myall Creek massacre is a unique event in the history of frontier conflict in Australian history.
3. Explain two historians' conflicting interpretations of the events of the Frontier Wars. Identify the evidence they use to support their interpretations.

#### Ideas

Complete the following table for your notes on the ideas in this chapter. An example has been completed for you.

| Ideas                | Summary   | Evidence                    |
|----------------------|---|-----------------------------|
| <i>Terra nullius</i> | The belief that the land of Australia belonged to no one and was free for the British to claim as theirs. | Henry Reynolds, Source 1.3. |
|                      |   |                             |
|                      |   |                             |

### Perspectives

Create a mind map that outlines the European beliefs about First Australians on the frontier. Refer to specific evidence in your mind map.

### **Analysing causes and consequences**

1. Using three or four points, explain the consequences of expanding colonial control on the First Australian communities around the continent.
2. Using three or four points, explain what caused conflict to occur between colonial and First Australian peoples.

### **Constructing an argument: essay writing**

'The Frontier Wars were the result of misunderstandings about land and ownership between British and First Australian peoples.' Discuss.

# CHAPTER 2

## Self-government, 1788–1860



Source 2.0 Melbourne from the South Bank of the Yarra, Henry Gritten, 1856

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## Chapter timeline

| World events   | Date | Australian events  |
|--|------|--|
|  | 1770 |  |
|  |      | <b>1770:</b> James Cook arrives in Botany Bay aboard the HMS <i>Endeavour</i>                                |
|  | 1780 |  |
|  |      | <b>1788:</b> The British begin the invasion and colonisation of Australia                                    |
| <b>1789:</b> French Revolution begins  |      |  |
|  | 1800 |  |
|  |      | <b>1804:</b> A second British settlement is established in Sullivan's Cove (now Hobart)                      |
|  |      | <b>1808:</b> The Rum Rebellion   |
|  | 1830 |  |
| <b>1833:</b> Slavery is abolished across the British Empire                                |      |  |
|  |      | <b>1835:</b> The settlement of Port Phillip (now Melbourne) is established                                   |
|  |      | <b>1835:</b> Australian Patriotic Association established  |
| <b>1837:</b> Queen Victoria ascends throne of England                                      |      |  |
|  | 1840 |  |
|  |      | <b>1843:</b> Australia's first parliamentary elections are held, for the New South Wales Legislative Council |
| <b>1848:</b> <i>The Communist Manifesto</i> by Karl Marx and Friedrich Engels is published |      |  |
|  | 1850 |  |
|  |      | <b>1850:</b> The <i>Australian Colonies Government Act 1850</i>  |
|  |      | <b>1851:</b> Victoria formally separates from New South Wales  |
|  |      | <b>1854:</b> The Eureka Stockade   |
|  |      | <b>1856:</b> 8-hour day won in Melbourne   |
|  |      | <b>1857:</b> Victorian men achieve the right to vote   |

## 2.1 Introduction

### INQUIRY QUESTION

How did the Australian colonies come to govern themselves?

The British government established colonies around the coast of Australia between 1788 and 1836. These colonies, some of which were convict colonies, nevertheless inherited much of their political culture from the United Kingdom. By the 1840s they became sites of experimentation with new and radical political and social ideas, often in advance of those circulating in the United Kingdom.

Historian Sean Scalmer outlined the changes which could be described as almost revolutionary.

#### Source 2.1

In the middle years of the nineteenth century the Australian colonies were **convulsed** by major political change. First, responsible government was established. Second, in the fresh colonial **constitutions** and in revisions to electoral law soon afterwards, the structure of political representation was democratised: the **suffrage** was broadened to include nearly all white adult males; property qualifications were removed for aspirant MPs; relatively equal **electorates** were designed; and the secret ballot was introduced. The new arrangements encompassed the major points of the constitutional program of English radicalism, and the speed and completeness of such political change variously shocked and thrilled.

Sean Scalmer, 'Containing contention: a reinterpretation of democratic change and electoral reform in the Australian colonies', *Australian Historical Studies*, vol. 42, no. 3, 2011, pp. 337–6.

**convulsed** to shake violently in an uncontrolled manner; figuratively, to be shocked and in disarray  
**constitution** a document that outlines how a government will operate, and what its powers and responsibilities are  
**suffrage** the right to vote in an election  
**electorate** the people in a particular area who are entitled to vote

People in this period of Australian history explored ideas about power, who held it, and how a democratic process could be achieved. They grappled with economic ideas and the relationship that the Australian colonies might have with the rest of the world.

## 2.2 Significant events establishing authority and government

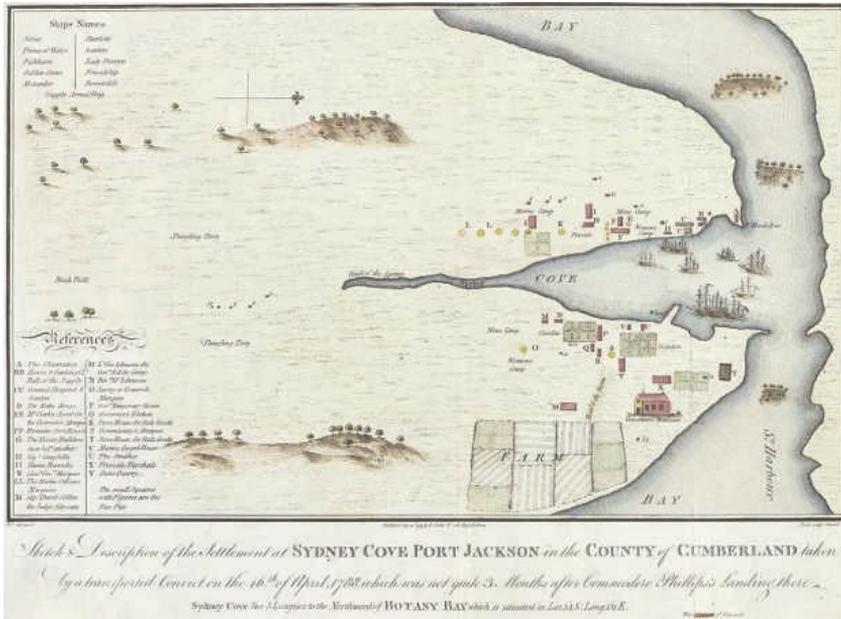
### INQUIRY QUESTION

How was colonial authority and government established and how did it evolve prior to Federation?

In the colonial era political authority and government went through a number of phases after the British established settlements across the continent.

#### Establishment of colonial authority

Colonial authority and government began with the establishment of the Sydney convict colony in 1788. Its nature as a convict colony and its great distance by ship from the United Kingdom meant the first governor was given extraordinary powers.



↑ **Source 2.2** A sketch and description of the settlement at Sydney Cove, Port Jackson, by Francis Fowkes, 1788

In 1934, the historian A.C.V. Melbourne outlined the supreme powers of the first governors of NSW, who had more power than the King of England, the King being controlled by two houses of parliament. He writes here of the first governor, Captain Arthur Phillip.

Phillip was directed to assume control over the whole of eastern Australia, ... [and] no one had sailed from England armed with such an extensive delegation of authority ... The governor's own Commission [statement of powers] gave him full authority over those of lower rank. He was empowered to appoint justices of the peace and all other officers, to proclaim and execute martial [military] law, to erect or to demolish fortifications. Grants of land were to be made at his discretion, fairs and markets organized, and orders published for the regulation of industry and trade. He was given authority to remit offences, fines, and forfeitures, excepting only where treason or wilful murder were concerned, but, even in these, on extraordinary occasions, he might grant reprieves. His Commission also made provision for a successor should he die or leave the colony ...

**Source 2.3**

To Phillip was entrusted the task of giving effect to government policy, and ... his authority in New South Wales was free from all restraint ... he had neither an Executive nor a Legislative Council to assist him. ... the Commission and Instructions were not varied for more than thirty years. Successive Governors – Hunter, King, Bligh, Macquarie, Brisbane – were clothed with the same powers: they bore the same responsibility.

A.C.V. Melbourne, *Early Constitutional Development in Australia*, 2nd ed., University of Queensland Press, St Lucia, 1963, pp. 6, 8, 9.

## Rum Rebellion

Despite the governor's autocratic powers, the military officers and growing wealth holders of New South Wales were at times able to exert pressure on the Governor, even to the point of defiance on some matters. One of the first acts of political **insurrection** against the Governor's authority by colonists was the so-called Rum Rebellion.

**insurrection** violent uprising against authority  
**coup d'état** a French term to describe the violent and sudden overthrow of a government by military forces

Because of a shortage of currency, the colonists in New South Wales had been using rum as an informal currency; the supply of rum was controlled by the New South Wales Corps. Governor William Bligh arrived in New South Wales in August 1806 and immediately attempted to restrict the rum trade, in addition to taking other actions to regulate life in the colony. This was deeply unpopular and provoked significant opposition, particularly from the officers of the New South Wales Corps. They eventually rebelled against Governor Bligh.

Legend states that their troops found Bligh hiding under a bed, although this was probably a story started by Bligh's enemies to discredit him. The Rum Rebellion is significant because of its uniqueness in Australian history, the only example of a military **coup d'état**.

The historian F.K. Crowley described the causes of the Rebellion this way.

### Source 2.4

A man of great bravery and stamina, and one who had extensive experience on the quarter-deck of many of His Majesty's ships of war, Bligh found himself opposed in the colony by powerful commercial and landowning interests. His administration and regulations chiefly benefited the small settlers and he was in no way sympathetic with the financial claims of local traders, or with the land hunger of the merchants, officers and landowners. A struggle of personalities ensued, chiefly between Bligh and John Macarthur, a former officer of the New South Wales Corps. As a result, the military, with the support and assistance of the most prominent settlers, removed Bligh from office on the 26th January 1808. It was Bligh's attempt to suppress the use of spirits as the only acceptable medium of exchange which eventually led to the *coup d'état*.

F.K. Crowley, 'The foundation years', in Gordon Greenwood (ed.), *Australia: A social and political history*, Angus & Robertson, Sydney, 1966, p. 8.

### FOCUS QUESTIONS 2.1

1. What is unique about the Rum Rebellion in Australian History?
2. What was the cause of the Rum Rebellion?

**Source 2.5** →  
The arrest of Governor Bligh, January 26 1808, unknown artist



## Moves towards self-government

New South Wales grew and changed over time. Free settlers were allowed to **emigrate** to the colony after 1813 and, as each year passed, more convicts finished serving their sentences and became free men. Others born in the colony were gaining influence. By 1823 about forty per cent of the NSW population of almost 24 000 were convicts still serving their sentences, but the other sixty per cent were those born in the colony, free immigrants or emancipists (convicts who had served their sentences). The population of Tasmania was just over 5000 British colonists, half of whom were still serving their sentences. Increasingly, free men began to resent the Governor's powers, especially in New South Wales during the rule of Governor Macquarie (1810–1821).

**emigrate** to leave one country to move to another

A.C.V. Melbourne explains how the first Legislative Council in New South Wales was achieved by an Act of Parliament of 1823, passed in England. The Legislative Council was the body that was in charge of creating laws for the colony; this eventually became the upper house of the New South Wales Parliament and is still called the Legislative Council today.

The act of 1823 made provision for the creation of a Legislative Council in the colony, which was to consist of not less than five and not more than seven members nominated by the Crown ... this Legislative Council was created as an afterthought; it was not created in response to any particular demand in New South Wales, it was created because the government of the United Kingdom thought a Legislative Council to be necessary; it was created merely because it seemed likely to afford the simplest and the surest means of legalizing the necessary legislative acts.

Source 2.6

A.C.V. Melbourne, *Early Constitutional Development in Australia*, 2nd ed., University of Queensland Press, St Lucia, 1963, p. 112.

However, once the Legislative Council was established, the colonists, the squatters and landowners pushed for more power, especially to gain control of land and colonial wealth. However, it took twenty years in many cases before these legislative bodies were partly elected, but then only by the large landowners.

The following source shows the slow advance of self-government in the various colonies, revealing when the various houses of parliament were established and when elections were held in each colony.

↓ **Source 2.7** The dates of establishment of houses of parliament in each of the six states and of the first elections held

| Colony | Legislative Council (Upper House) established | Legislative Assembly (Lower House) established | First elections held                     |
|--------|---|--|--|
| NSW    | 1823  | 1856   | 1843 (for two-thirds of the upper house) |
| TAS    | 1825  | 1856   | 1856                                     |
| WA     | 1832  | 1890   | 1870 (for two-thirds of the upper house) |
| SA     | 1836  | 1857   | 1857                                     |
| VIC    | 1851  | 1856   | 1856                                     |
| QLD    | 1860  | 1860   | 1860                                     |

While settlers pursued self-government from England, Port Phillip did the same from New South Wales. The Port Phillip District was formed in 1835 under the control of New South Wales, but within ten years, rule of Melbourne from Sydney was distasteful to most Melbournians. They were allowed to elect six members to the NSW Legislative Council, but no Melbourne man would nominate, as it meant he would have to live in Sydney for most of the year. Thus, they were represented by men from Sydney, which was intolerable to them. Sydney's origins were convicts, while they claimed that Port Phillip was formed by free men.

In 1848, their disdain for being governed from Sydney led to their refusal to elect five of their allotted six Legislative Council members. But to show their contempt for Sydney's rule they elected one man: the Secretary of State for the Colonies in far-off London, Earl Grey. They sent Earl Grey a petition stating that 'they had been made to feel that they were governed by aliens, strangers and competitors'; that New South Wales had taken money raised in Port Phillip from land sales and used it on NSW public works, not that of Port Phillip, adding:

**Source 2.8**

The spoilation of the district has certainly, at this time, amounted to no less a sum than £400 000, but which, if not abstracted, would have been converted, by industry, into the value of a million of money, and the number of inhabitants would, by immigration and births, had been increased by 20 000. It is very confidently submitted to your lordship, that the succession of injustice is thus heaped upon Port Phillip is quite unexampled in the history of British colonies.

Frank Crowley, *Colonial Australia, 1841–1874: A documentary history of Australia*, vol. 2, Nelson, Melbourne, 1980, pp. 142–3.

**FOCUS  
QUESTIONS 2.2**

1. Why did men from Melbourne refuse to take part in the election of Legislative Councillors?
2. How did Melbournian men protest against rule from Sydney?

This protest would eventually lead to the separation of Victoria from New South Wales as an independent colony.

**Self and responsible government achieved**

In the late eighteenth century the British Empire lost the American colonies in the American Revolution, partly due to delaying for too long a move to grant those colonies self-government. Following moves to grant self-government to Canada, the British government in 1852 invited the Australian colonies to make constitutions and take control of most of their own affairs, except for external relations and defence.



↑ **Source 2.9** The first ministry under responsible government, NSW, 1856

The historian John Hirst outlines this process:

In 1852 the British government indicated that the Legislative Councils could draw up constitutions under which the colonies would be self-governing. The constitutions were to be British, so there had to be two houses of parliament. To match the House of Commons there would be a Legislative Assembly; to match the House of Lords, a Legislative Council (the same name as the old partly elected house that was being replaced).

The government would no longer be the governor and his officials. There would be ministers and a premier, who would be members of parliament. Ministers would have to have the support of a majority in the Assembly. This was the system of responsible government – ministers would be responsible to parliament.

John Hirst, *Australia's Democracy: A short history*, Allen & Unwin, Sydney, 2002, p. 41.

Source 2.10

So self-government would be British in nature and indeed take the British form of responsible government. John Hirst explains what responsible government meant, and that it later was applied in the Australian Constitution in 1901 as well (see chapter 4) to become the dominant form of government in Australia:

Responsible government is the system of parliamentary government under which ministers hold office only so long as they command the majority in the lower house of the parliament. It was introduced in the mid-1850s to the Australian colonies (except WA which acquired it in 1890) and replaced the rule by governors and officials appointed by the Colonial Office [in Britain]. It was provided for in the federal constitution, but only awkwardly because a strong upper house like the Senate threatens the system by making the government depend on the support of two houses which may take different views. To ensure that the government could rely on its taxation and spending measures being passed without which it cannot operate, the Senate was prevented from amending these, though it could suggest alterations. However, the Senate was left with the power to reject these measures outright.

John Hirst, 'Responsible government', in Graeme Davison, John Hirst & Stuart Macintyre (eds), *The Oxford Companion to Australian History*, rev. ed., Oxford University Press, Melbourne, 2001, p. 561.

Source 2.11

## Moves to democracy

The new colonial constitutions at first were not democratic, for ‘democracy’ in the early 1850s was still a radical idea to many people. They became democratic (for men) for two reasons. John Hirst explains the first rather odd reason.

### Source 2.12

**franchise** to give a person or group of people the right to vote in elections

In 1850 the House of Lords was tricked into halving the qualifications for the **franchise** in Australia. It was told that under the existing rules rich ex-convicts [who owned property] got the vote and free working men recently arrived [and thus without property] did not. A respectable electorate required a low [property holding or rental payment] qualification. The low qualification then set was made worthless by the inflation caused by the gold rush which began in 1851. The tenant of any hovel in Sydney and Melbourne got the vote. The franchise had become so wide without any change in the law that Conservatives, who were in charge of drawing up the constitutions for self-government, added new qualifications based on salary rather than property and rent in order to give the vote to their household servants, clerks and managers. It was a desperate ploy: to stave off full democracy they were giving more people the vote. When manhood suffrage was introduced (with a residential qualification) [in 1852] it gave the vote to very few new people compared with the huge increases that had occurred under the process I have just outlined.

John Hirst, *Sense & Nonsense in Australian History*, Black Inc., Melbourne, 2005, pp. 293–4.

However, in 1852 a number of colonists aspired to democracy, beginning with a small group headed by Henry Parkes and others who formed the Constitutional Association in Sydney in 1848 to push for a wider franchise and land reform. In 1850 Rev. J.D. Lang and J.R. Wilshire formed the Australian League to agitate for universal suffrage and the creation of a ‘Great Australian Republic’. Parkes and the Chartist David Blair supported Lang in an election contest. But these radicals had to tread carefully to avoid being branded as ‘democrats’ or ‘Chartists’, and by implication un-British and disloyal to Britain. For Chartism see section 2.3.

The efforts of this small group of radicals were meagre. Certainly, Lang’s form of radicalism, republicanism, lost its point once self-government was granted by Britain in 1852. Henry Parkes’s own flirtation with republicanism quickly faded.<sup>1</sup>

However, democratic ideas were boosted by the disruptions of the gold rushes and found fertile ground in the grievances of gold miners.

## Political ferment on the goldfields

The historian Geoffrey Serle wrote of the ferment (unrest and agitation) on the goldfields during 1852 and 1853.

Enforcement of the **licence** system, however, produced most of the conflicts between **diggers** and the police under the commissioners' instructions. At first few of the diggers objected to being taxed, for it was obviously reasonable that they should pay for protection, roads and expenses of goldfields administration. The cry of 'no taxation without representation' was raised later, but in an age when most people were taxed without being represented in parliament, this was no unusual burden. The protest was rather against the form and amount of taxation, for the flat rate of 30s. a month was levied equally on the successful and unsuccessful ... Throughout 1852 and most of 1853 some two-thirds or three-quarters of the diggers paid their licences.

Geoffrey Serle, *The Golden Age: A history of the Colony of Victoria 1851–1861*, Melbourne University Press, Melbourne, 1963, p. 98.

### Source 2.13

**license** a permit to mine the land that miners were required to pay for and carry at all times  
**diggers** people working on the goldfields to find gold

In 1853 a mass movement formed on the Bendigo fields among the 20 000 diggers working there. Thousands resolved to refuse to pay the full licence, which their petition stated was 'unjust and unconstitutional in principle – that it is excessive ... [and] serious inroad is made on the liberty of the diggers'.<sup>2</sup> They resolved at a mass meeting to offer the authorities a third of the licence fee. If that offer was refused, they were prepared to be arrested. In August 1853, thousands agreed to wear red ribbons in their hats as a sign they had not paid their licence. Other goldfields supported this action but did not follow Bendigo's militant lead. The ferment was quietened by a reduction in the mining licence from £18 to £8 a year.

However, a series of incidents and scandals involving the goldfield's administration at Ballarat led to the formation of the Ballarat Reform League and more agitation in late 1854.

A diggers' mass meeting at Bakery Hill on 1 November resolved:

That it is the inalienable right of every citizen to have a voice in making the laws he is called upon to obey. That taxation without representation is tyranny ...

That it is not the wish of the league to effect an immediate separation of this colony from the parent country, if laws and equal rights are dealt out to the whole free community, but that if the Crown continued to act upon the ill advice of dishonest ministers, and insists upon indirectly dictating obnoxious laws for this colony under the assumed authority of Royal prerogative, that the Reform League will endeavour to supersede such Royal prerogative by asserting the people's prerogative, it being the most royal of all royal prerogatives, as the people are the only legitimate

*Continued...*

### Source 2.14

## FOCUS QUESTIONS 2.3

1. What was the cause of discontent among the diggers on the Victorian goldfields?
2. What are the key demands of the diggers and how did they make them known?
3. How did the diggers justify their demands?

...Continued

source of all political power. The changes contemplated by the Reform League are, 1. A full and fair representation. 2. Manhood suffrages. 3. No property qualification of members for the Legislative Council. 4. Payment of members. 5. Short duration of parliaments ... A complete change in the management of the goldfields, by disbanding the gold commission. The total abolition of the diggers' and storekeepers' licences-tax.

Frank Crowley (ed.), 'Bakery Hill Manifesto', *Colonial Australia 1841–1874: A documentary history of Australia*, vol. 2, Nelson, Melbourne, 1980, p. 287.

## Eureka Stockade



→ Source 2.15

Swearing Allegiance to the Southern Cross, by Charles A. Doudiet, 1 December 1854, watercolour

Perhaps the most famous incident of political upheaval in colonial Australia was the Eureka Stockade of 1854, which took place on the Victorian goldfields. Many historians have debated the ongoing significance of this event with some even describing it as the birth of democracy in Australia. The events of the Eureka Stockade involved the armed insurrection of miners against the colonial authorities in response to the intolerable restrictions that had been placed on them. They rebelled because of their desire to have their voice in the Victorian Parliament in Melbourne. The leader of the Eureka Stockade, Peter Lalor, led the miners in the now famous oath they took.

### Source 2.16

It is my duty now to swear you in, and to take with you the oath to be faithful to the Southern Cross. Now hear me with attention. The man who, after this solemn oath does not stand by our standard, is a coward at heart ... We swear by the Southern Cross to stand truly by each other, and fight to defend our rights and liberties.

Eureka leader Peter Lalor, December 1854, quoted in National Museum of Australia, *Defining Moments: Eureka Stockade*, <https://www.nma.gov.au/defining-moments/resources/eureka-stockade>

Historian Clare Wright describes the Eureka Stockade as an action taken by a group wishing for inclusion in the political process. She describes it as follows:

When a few hundred **polyglot** gold miners hastily constructed a rough **palisade** around fifteen tents on the Eureka **Lead**, they intended to provide a place of armed refuge for unlicensed diggers against the legally sanctioned licence hunts designed to oppress, entrap and emasculate them. They raised a flag that would fly beside the French, German, American, British, Canadian and other standards that were customarily flown at public meetings. They called it the Australian Flag. Standing below that flag's simple, **geopolitically** specific design, they swore an oath to stand by each other to defend their rights and liberties. Those rights, they considered, were nothing more or less than their entitlement as free-born Britons to be treated like men. Not animals, serfs or slaves: men.

The miners were not disloyal to their **sovereign**, but rather had lost any shred of respect for the minions who served her. They did not want to change the system of government; they wanted to be included in it. At no time did they riot against or launch an assault on authorities. They were not insurgents. They were not revolutionaries. For the most part, they were British subjects denied the basic civilities of British justice. They were ethnic insiders being treated like outsiders. They rebelled against an unpopular and viciously policed poll tax when all peaceful means of protest had been rebuffed. They fought back when attacked by the military in a pre-emptive strike that was intended to restore the authority of a government that taxed but would not listen, a goldfields regime that postulated [assumed] but would not protect, and an **imperialist** agenda that had promised so much but delivered precious little.

They sewed a flag and built a fence.

Clare Wright, *Forgotten Rebels of Eureka*, Text, Melbourne, 2014, p. 505–06.

### Source 2.17

**polyglot** made up of several languages or nationalities  
**palisade** a fence that is erected to protect people from attack  
**lead** in mining terms, a thin vein of metal within rock formations  
**geopolitical** politics, particularly international politics, that is influenced by geographical considerations  
**sovereign** a supreme ruler, usually a king or queen; in this case, Queen Victoria  
**imperialist** rule by a government, based on empire

## USING HISTORICAL SOURCES AS EVIDENCE 2.1

1. According to Wright (Source 2.17), what were the aims of the Eureka miners?
2. Why did the miners view their rebellion as justified?
3. According to Wright, what ideas influenced the actions of the miners?

The demands of the Eureka Stockade rebels grew out of those of the Chartist movement, and the Stockade and the Commission of Enquiry that followed it would help lead to the institution in Victoria of male suffrage in 1857 and female suffrage in 1908. The aftermath of the stockade would include:

- All the miners who were arrested were later found not guilty by Melbourne juries.
- The leader of the stockade, Peter Lalor, went on to become a member of the Victorian Parliament.
- The government abolished gold licence fees.

- In 1857, Victoria granted the vote in Legislative Assembly (lower house) elections to all male British subjects over 21 who registered. England only did so in 1918.
- The secret ballot (called the ‘Victorian ballot’) was introduced.
- Payment for members of Parliament (MPs) was soon introduced.
- MPs no longer had to own property to be eligible.

## FOCUS QUESTIONS 2.4

1. What was the cause of the Eureka Stockade?
2. What were the consequences of the Eureka Stockade?



### → Source 2.18

Mount Warrenheip and Eureka Stockade, by Marlene Gilson, 2013

## USING HISTORICAL SOURCES AS EVIDENCE 2.2

1. What part of the Eureka Stockade does Source 2.18 depict?
2. How is this artwork similar to Source 2.15?
3. How is this artwork different to Source 2.15?

The first colonial constitutions were reformed due to pressure from below to be fully democratic for all men by the late 1850s. For more information on the Eureka Stockade, find and watch the *Defining Moments: Eureka Stockade* video from the National Museum of Australia online at <https://cambridge.edu.au/redirect/9670>.

## 2.3 Influential ideas on self-government

### INQUIRY QUESTION

What ideas influenced government policies prior to Federation?

The Australian colonial period was a hotbed of political action, building on ideas that had begun in the United Kingdom and some other European countries. Debates about free trade, protectionism (both discussed in chapter 3), unionism and the political process all helped to shape the unique political culture that developed in the Australian colonies.

## Chartism

One of the most significant influences on political thought in Australia during the colonial period was the Chartist movement. Chartism was a political reform movement that began in the United Kingdom in the 1830s and campaigned for male suffrage. Historian Paul Pickering explains their key demand in the following source.

Published in 1838, the People's Charter codified into six principal demands the radical programme that had been developed over the years since the passage of the Great Reform Act in 1832. The first of the six points, the heart of the Chartist programme, was universal (manhood) suffrage: a vote for every man twenty-one years of age or over and not undergoing punishment for a crime. Despite an increase in the British electorate as a result of the Reform Act, the vote remained the privilege of a small minority: one in five adult males in England and Wales and one in eight in Scotland (the figure for Ireland was even lower). For example, in Manchester, the 'shock city of the industrial revolution,' the population in 1840 was just under 250 000; the electorate was about 13 000.

Source 2.19

Paul Pickering, 'A lesson lost? Chartism and Australian democracy', *Agora*, History Teachers Association of Victoria, vol. 46, no. 4, 2011, p. 4.

The aims of Chartism, known as the Six Points, were summed up in the Peoples Charter. They campaigned for the following:

- Universal suffrage for all men from the age of 21
- Equal-sized electoral districts
- Voting by secret ballot (meaning no-one could see who you voted for, as voting was no longer by raising one's hand at a meeting, but done by writing on paper and counted in secret)
- An end to the need for a property qualification to be eligible to stand for Parliament
- Pay for members of Parliament
- Annual election of Parliament.

Chartism led to many individuals being arrested and transported to the Australian colonies as convicts, bringing their Chartist ideas with them. Historian Tony Moore states the following:

Australia is often called a Chartist's democracy because by 1856 and the decade following, many of the key six points of the Chartists had been realised in Victoria and New South Wales.

Source 2.20

Tony Moore, quoted in ABC Radio National, *The Convicts who Shaped Australian Democracy as We Know It*, 29 September 2019.

William Cuffay, a leading Chartist, was transported to Australia after allegedly planning a protest against the British government. In Australia he became one of Australia's first **trade unionists**, using Chartist ideas to help start the trade union movement in Australia.

**trade unionism** a political movement which believes in workers banding together to improve their working conditions and political rights

The Chartist movement influenced the actions of the Eureka Stockade. When the British government urged the colonies to move to self-government and make constitutions, Chartism influenced the move to universal male suffrage in most colonies by the late 1850s.

### FOCUS QUESTIONS 2.5

1. What were the key ideas of Chartism?
2. How did the transportation of convicts help spread chartist ideas in the Australian colonies?



↑ **Source 2.21** *The Great Chartist meeting on Kennington Common, London, 1848*, William Edward Kilburn, daguerreotype

## Unionism

The Trade Union Movement is one of the most successful political movements in Australia and one of the most successful of such movements in the world. Inspired by Chartist ideas, the 1830s saw the organisation of labour societies among skilled workers to represent the interests of workers in the colonies. The gold rushes brought increased migration, with many new migrants having been activists in the British labour movements or Irish or other European independence struggles, all with aspirations for greater freedom and opportunities in the Australian colonies.

Historian John Anderson describes their motivations for migration:

### Source 2.22

Many gold rush migrants had hopes of striking it rich and securing an independent lifestyle. They dreamed of owning a home, perhaps some land; at the very least they expected high wages, permanent employment and vastly improved working conditions compared to those back home.

John Anderson, 'Working men and women and social reform 1860–1910', in Tim Gurry (ed.), *An Emerging Identity*, Heinemann Educational Australia, Richmond, 1981, p. 1.

The first unions were craft based, meaning that each trade of skilled workers formed a union to protect their interests. When some of these workers rushed to the goldfields, this initially weakened unions as miners were individualists and working for themselves. It was not until the mid-1850s that the skilled working-class men re-organised to seek better conditions. One of the first unions to re-form were the stonemasons. One of their goals was to reduce their working day from 10 to

8 hours due to the climate in Australia being hotter than that in England. James Galloway, secretary of the Stonemasons' Society in 1855, declared:

We have come 16 000 miles to better our condition, and not to act the mere part of machinery; and it is neither right nor just that we should ... be rewarded with excessive toil, a bare existence and a premature grave.

Source 2.23

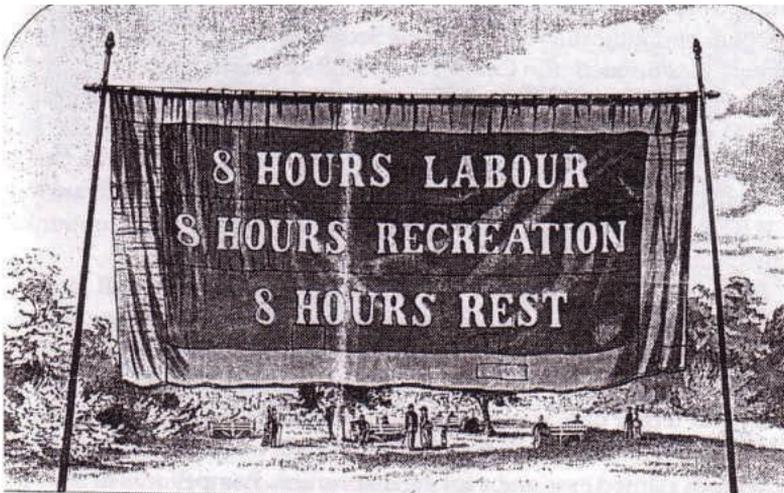
James Galloway, quoted in Geoffrey Serle, *The Golden Age: A history of the Colony of Victoria 1851–1861*, Melbourne University Press, Parkville, 1963, p. 213.

Historian Geoffrey Serle explains the reasons behind the desire for an eight-hour working day for stonemasons:

The 8 hours campaign was also seen as the first step in the regeneration of the working class: without reasonable leisure and spare energy after the day's work, there was little opportunity to pursue the ideal of self-improvement which characterised the respectable artisan of the period. The 'intellectual and moral' advantages of shorter hours were thus stressed as much as the physical. Another factor was relevant in the colonies: the heat of summer was a great burden to migrant building workers. Thus a typical resolution at an eight hours meeting was 'that the enervating [tiring] effects of this climate, the advanced state of civilisation, the progress of the arts and sciences, and the demand for intellectual gratification and improvement, call for an abridgement of the hours of labour'.

Source 2.24

Geoffrey Serle, *The Golden Age: A history of the Colony of Victoria 1851–1861*, Melbourne University Press, Parkville, 1963, p. 213.



↑ Source 2.25 A banner from the eight-hour movement, 1856

### USING HISTORICAL SOURCES AS EVIDENCE 2.3

Using Sources 2.23–2.25, explain why workers sought an eight-hour working day in the 1850s.

**egalitarianism** the argument that all people are equal and are entitled to equal rights

This idea for an eight-hour working day had been contemplated as early as 1817 by British socialist Robert Owen, but found significant traction in Australia due to the harsher climate which made labouring difficult, and a growing sense of **egalitarianism** and fairness that permeated from the goldfields and came to characterise much of Australian society. Historian Beverly Kingston describes it like this:

**Source 2.26**

Comparison with the more deferential and hierarchical society of England or Europe was implicit. Egalitarianism was Australia's defining characteristic, a sign of social and economic progress, an element of the growing national consciousness. In political and social rhetoric, egalitarianism became the basis of democracy and the classless society ... those who fell outside the economic structure or were excluded by sex or colour were irrelevant to the rhetoric of egalitarianism. Even so, colonial society was more open than the British society implicit in comparisons. Contemporaries frequently noted the absence of an upper class when trying to explain this openness.

Beverly Kingston, *The Oxford History of Australia: Glad, confident morning 1860–1900*, Oxford University Press, South Melbourne, 1988, p. 278.

Under the leadership of James Galloway and president of the Stonemasons' Society James Stephens, the stonemasons across sites in Melbourne negotiated to work no more than eight hours. Two employers resisted this demand and on the 21 April, stonemasons, led by those working at the new University of Melbourne, downed tools and marched through the city. While some workers accepted a 1s per day wage cut, most stonemasons earned an eight-hour working day without suffering any loss of wages, a key difference to workers in Sydney who had negotiated an eight-hour day in exchange for lower wages the previous year. Before long, other labouring industries such as quarrymen, saddlers and harness-makers had also won the eight-hour day, but this entitlement was certainly not widespread. These industries specifically may have been in a better position to meet this demand given their limited exposure to external competitors. Many industries, such as retail, had to wait much longer before their working day was shortened, and women, children, Aboriginal and Torres Strait Islander workers and Chinese workers generally worked many more hours for less pay.

Despite its limited application, the eight-hour day was widely celebrated. An initial celebration was held on 12 May 1856 with a march through the city followed by dinner, speeches, games and festivities. These celebrations were also used to generate additional support, in an attempt to make progress for worker rights in other industries. This tradition was continued each year for the next 95 years, known first as the 8 Hours Procession and later as Labour Day. Historian John Hirst suggests that:

**Source 2.27**

the parade was both a celebration of the eight hour principle – eight hours work, eight hours recreation, eight hours rest, and a demand that all workers should enjoy it ... crowds gathered in the streets to watch the parade. The whole community took pleasure in Australia providing a better life for workingmen.

John Hirst, *Australian History in 7 Questions*, Black Inc., Collingwood, 2014, p. 82.

## USING HISTORICAL SOURCES AS EVIDENCE 2.4

1. According to Source 2.26, what groups did the rhetoric of egalitarianism exclude?
2. How did other industries and workers react to the achievement of an eight-hour working day by the stonemasons?
3. According to Source 2.27, what was the initial reaction to the eight-hour working day?

### FOCUS QUESTIONS 2.6

1. Where did workers first achieve the eight-hour working day?
2. How was the achievement of the eight-hour day celebrated?

## 2.4 Diverse and competing perspectives on self-government

### INQUIRY QUESTION

Prior to Federation, what were the different perspectives on government and who could participate?

### Debates over democracy

As previously seen, events such as the Eureka Stockade and ideas like those advocated by the Chartists had a significant impact on debates around who could vote and who could stand for positions in Parliament. The following source demonstrates the perspective of people from the time and their belief that financial means should be no barrier to entry to Parliament.

A man came here to benefit himself and his family and the fact that a large family prevented a man from acquiring property is no reason why he should be disenfranchised.

Source 2.28

J.B. Hughes, Member of South Australian Legislative Council, 1855, quoted in National Museum of Australia, *Defining Moments: Secret ballot introduced*, <https://www.nma.gov.au/defining-moments/resources/secret-ballot-introduced>

One of the other significant outcomes was the secret ballot, a world-first election innovation that would also become known as the ‘Australian Ballot’.

For more information on the secret ballot, watch the *Defining Moments: Secret ballot* video from the National Museum of Australia online at <https://cambridge.edu.au/redirect/9671>.

### Land selection and the squattocracy

In Great Britain the land had been owned and managed by specific groups and families for centuries. When the British arrived in Australia, most did not recognise the connection that the First Nations peoples had with the land. Some settlers, called ‘**squatters**’, assumed control of tracts of land without approval of any external authority. These squatters often became extremely rich from the land they possessed illegally, although the government forced them to pay a one-pound annual licence from 1836

**squatter** a person who occupies land without permission

for the land they occupied. The term ‘squattocracy’ came to describe this group of wealthy pastoral landowners who had taken possession of the land without approval from anyone.

During the early 1840s, the squatters had bitter fights with Governor George Gipps in the Legislative Council and Assembly as they sought pastoral leases longer than one year. Under the *Waste Land Act 1846*, they gained leases for one, seven or 14 years, depending on their distance from Sydney, which enabled them to put down more permanent roots. Sales of meat to the diggers in the 1850s gave them the money to do so.



→ **Source 2.29** *Ways and Means for 1845 or Taking It Out of the Squatters*, a political cartoon by Edward Winstanley criticising Governor Gipps. Australian colonists are squashed by four Australian authorities who are following the orders of the governor (who stands with hat in hand).

The following two sources describes this evolution of the squatter into the rich landowner class.

**Source 2.30**

Before the 1850s, squatters tended to pride themselves on rough living conditions; as much of their capital as possible went into increasing the size of their flocks and herds. By the end of that decade, in what is sometimes called the second pastoral age, historians noted a marked shift in the management of pastoral stations and in squatters’ lifestyles. Massive investment in fencing, water bores, dams and other infrastructure, together with cheaper transport made possible by the construction of railways, reduced the labour intensity of pastoralism and sharply increased the amount of capital required to run profitable pastoral enterprises. Most squatters exchanged the discomforts of rough frontier life for spacious, well constructed and comfortably furnished houses, often surrounded by a worker’s village complete with workshops, stables, stores, a post office, school and a chapel. At the height of the long economic boom, the wealthiest among them built stately mansions complete with ballrooms, billiard rooms, salons and dining halls, staffed by liveried servants and surrounded by English-style parks.

Pavla Miller, *Patrimonial Capitalism and Empire*, Mounira Maya Charrad & Julia P. Adams (eds), Emerald, UK, 2015, p. 144.

No body of men ever created so much wealth in so short a time. The squatter founded Melbourne whose history from first to last is unprecedented and unequalled in the annals of colonization.

Source 2.31

E.M. Curr, 1856, quoted in P. Edmonds, & S. Furphy (eds), *Rethinking Colonial Histories: New and alternative approaches*, Dept. of History, University of Melbourne, Parkville, 2006.

This evolution generated resentment in many who believed that the squatters gained their wealth inappropriately.

The great sheep-owner may have half a million of acres for nothing – may accumulate a hundred thousand pounds by selling wool and wethers [male sheep] ... but ... the man who comes here to create a home by his industry, and to aid in developing the resources of the country – is to be ignominiously driven away from it.

Source 2.32

*The Argus*, 1 & 8 February 1853.

## FOCUS QUESTIONS 2.7

1. How did Chartist ideas influence debates about who could vote and stand for Parliament?
2. Why were the squatters able to generate such significant wealth so quickly?

## 2.5 Continuity and change to 1860

### INQUIRY QUESTION

How did ideas about government and authority change before Federation, and how did they stay the same?

This period is, politically, one of change and progress, although not for every group in Australian society. Women did not share in any of the democratic gains at all. First Nations peoples were excluded from the progressive debates about democratic inclusion and suffered the loss of land as squatters claimed land for pastoral use around the continent.

### From self-government and responsible government to democracy

#### Changes

The period saw huge changes as governors, who had autocratic powers for a generation, were made to share it, at first with appointed officials, and then elected representatives. The granting of self-government in 1852 led to the making of constitutions by colonial governments, which became more democratic due to the actions of both the House of Lords and colonial agitators like the gold miners. The franchise was slowly extended to all male British subjects and legislated in 1857 following the Eureka Stockade. The use of the secret ballot further cemented Australia's place as a progressive and innovative democratic country for men, although Aboriginal men who had the right to vote in Victoria and most other colonies had to register to exercise that vote, and most did not do so for various reasons – being on reserves, no knowing the law, not being encouraged to do so.

The growth of organised skilled labour also allowed Australia to achieve several advances, such as the eight-hour day.

### Continuities

However, there were also great continuities. Gains were made for men – not women – in this period, which reflected the position of women in Britain as well. Government was also to be based on British forms, not new ones. The Colonial Office of the British government, which granted self-government, made sure colonial constitutions had to contain two houses of parliament, like Britain. The Colonial Office also ensured that government was to be responsible government. That is, the convention was that chief ministers (later called premiers and prime ministers) only held power while their party held a majority of seats in the lower house.

These things were not in any way resisted by almost all colonial politicians. Many of them were born in Britain and believed in British forms of governance. Even those born in the Australian colonies had strong cultural ties to Britain and preferences for its systems of government. And almost to a man they were loyal to Queen Victoria and the institution of the British monarchy. Even the diggers at Bakery Hill had sworn allegiance to the Monarch. Only a few at Eureka had sworn allegiance to the Southern Cross. Peter Lalor, who had led the diggers' oath, soon became a member of the Legislative Assembly, a government minister and also speaker (head) of the Legislative Assembly. In all these parliamentary roles he had to swear an oath of loyalty to the Queen.

### Experiences of First Nations peoples

The experience of the First Nations peoples during this period is one of increasing isolation and dispossession. Excluded from the progressive debates around democracy, they also suffered the loss of land and country as the squattocracy claimed land at a rapid pace. In the following source Julian Go explains how their lives fundamentally changed.

#### Source 2.33

As they lay claims to pastoral runs during the nineteenth century, some squatters tried to drive all Aboriginal people off the land and took part in massacres of those who resisted; others provided a measure of safety and security to the tribes whose territory they now shared. ... Over the decades that followed, a patchwork of local usage developed, with some districts where Aboriginal people were confined to reserves and squatters would not countenance traditional land use, and other places where there was reasonably amicable accommodation, often spanning several generations on both sides. Some squatters chose to give Aboriginal workers and their families generous rations, a few shared what little they had with the resident tribe, others callously exploited able-bodied workers and left old people to starve. Some were notorious for the use of random and indiscriminate violence; others were respected for calm and knowledgeable relations with blacks. Some used fists and whips as part of a firm and predictable approach; others were gullible, inconsistent and incompetent. Some bosses sabotaged official attempts to remove part-Aboriginal children (some fathered by themselves) from the stations, helped good stockmen get off charges relating to tribal murders and attempted to obtain the release of those in jail.

Pavla Miller, *Patrimonial Capitalism and Empire*, Mounira Maya Charrad & Julia P. Adams (eds), Emerald, UK, 2015, p. 153.

## 2.6 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- Women and non-white men who failed to register for the vote did not hold political power in any meaningful manner.
- Power was held by landowners.

### Changes

- Political power of local colonial parliaments increased over time.
- Ideas of the Chartists were put into action in the colonial societies.

## 2.7 End-of-chapter activities

### Consolidating your understanding

#### Events

Answer the following questions to help consolidate your understanding of the events in this chapter.

1. Why did the colonial governor have nearly unlimited power?
2. Why was the Rum Rebellion unique in Australian history?
3. Who held power in the first colonial parliaments?
4. What was the Eureka Stockade protesting about?

#### Ideas

Complete the following table for your notes on the ideas in this chapter. An example has been completed for you.

| Ideas    | Summary   | Evidence    |
|----------|---|-------------|
| Chartism | Universal suffrage for all men from the age of 21 | Source 2.19 |
|          |   |             |
|          |   |             |

#### Perspectives

Create a mind map that outlines the actions and achievements of the squatters in colonial society.

### Analysing causes and consequences

1. Using three or four points, explain the causes of Victoria's separation from New South Wales.
2. Using three or four points, explain how the Eureka Stockade changed colonial society.

### Constructing an argument: essay writing

'The establishment of democratic institutions and practices in Australia was a mostly peaceful and uneventful affair.' Discuss.

# CHAPTER 3

## The rise of unionism, 1860–1901



Source 3.0 *Union camp, Barcaldine, 1891*, by Chapman, from collection of State Library of Queensland

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## Chapter timeline

| World events   | Date        | Australian events  |
|--|-------------|--|
|  | <b>1880</b> |  |
| <b>1880–1881:</b> First Boer War                                   |             | <b>1882:</b> Formation of Tailoresses Union – the first union composed only of women |
| <b>1883:</b> Annexation of New Guinea by Germany                   |             | <b>1886:</b> William Guthrie Spence helps form the Australian Shearers Union         |
|  | <b>1890</b> |  |
| <b>1891:</b> Construction of Trans-Siberian railroad begins        |             | <b>1890:</b> Maritime strike   |
| <b>1893:</b> Panic of 1893 sets off economic depression in America |             | <b>1891:</b> Queensland shearers' strike   |
|  |             | <b>1891:</b> Labor Electoral League forms in NSW                                     |
|  |             | <b>1899:</b> The Labor Party forms government briefly in Queensland                  |
|  | <b>1900</b> |  |
|  | ↓           | <b>1901:</b> Federation of Australia   |

### 3.1 Introduction

#### INQUIRY QUESTION

How did the union movement come into prominence prior to Federation?

Following the gold rushes, many travellers and overseas commentators praised Australia as a 'paradise for the working man'. There was some justification for this. Between 1860 and 1890, Australia had the highest per capita incomes in the world. As well as wealthy merchants and pastoralists and poor labourers, the colonial cities included a large intermediate class of well-to-do tradesmen, shopkeepers and white-collar workers. Yet not everyone shared that prosperity. Economic conditions in the colonies could fluctuate wildly. Many of the main industries, such as wool, wheat and minerals, had seasonal ups and downs. In the city many workers relied on fluctuating activity in building and real estate or public works such as railways and telegraphs.

This chapter will examine the experience of the working classes during the period leading up to Federation; the labour movement in Australia that advocated for better rights and standards of living for Australian workers; the development of new unionism; and growing conflict with employer groups and the forces of capital. One outcome of this conflict was a greater involvement of the labour movement in politics, and this in turn contributed to the Commonwealth Government experimenting with new types of legislation in pursuit of the vision of Australia as a paradise for working men.

## 3.2 Significant events and diverse perspectives of the emerging union movement

### INQUIRY QUESTIONS

What were the significant events leading to the rise of unions in Australia prior to Federation?  
What diverse and competing perspectives surrounded the union movement prior to Federation?

### Economic inequality in Australia before Federation

Between the gold rushes of the 1850s and the depression of the 1890s, the economies of the Australian colonies thrived. Employment was generally high, wages were maintained, and Australian workers mostly enjoyed good working conditions by the standards of the time. Historian John Hirst describes this:

#### Source 3.1

The pastoral industry continued to grow. It was being eased out in the wheat belt, but it was still the chief primary industry in the country overall. Its productivity improved still further by investment in fences, which removed the need for shepherds and in dams, which increased carrying capacity. From 1870 wool was again the chief export, followed by gold and the newcomer, wheat.

It was in this period that Australia's standard of living overtook that of Britain and became the highest in the world. The measure for standard of living is rather crude: gross domestic product per head. That does not indicate how income is distributed within a society, or how standards differ across society. Fortunately there are other measures that allow us to say confidently that Australian workers at that time had the highest living standards in the world, achieved in part, by political pressure brought by the workers themselves.

John Hirst, *Australian History in 7 Questions*, Black Inc., Collingwood, 2014, p. 81.

### USING HISTORICAL SOURCES AS EVIDENCE 3.1

1. Why does Hirst argue that the pastoral industry experienced growth during this period?
2. What does Hirst argue was the outcome of Australia's thriving economy?

Historian Thomas Keneally supports this finding, arguing that the average family in New South Wales had more spending power than those in England, and enjoyed a better diet that included regular meat and tea.<sup>1</sup> However, the benefits were shared unevenly, and a considerable number of workers were in seasonal industries such as rural work, shipping and some parts of manufacturing. So while wages might be higher than overseas, weeks went by with no or minimal work, lowering the average incomes of these workers. Pockets of poverty continued

to exist with some slums emerging around Melbourne and Sydney, for example in Collingwood and Richmond, where many people lived in cramped and unsanitary conditions. In Victoria especially, supported by **protectionist** policies that taxed imported goods to support the growth of local businesses, manufacturing grew significantly during the period. In 1860 approximately 34 per cent of the workforce was in manufacturing, and by the turn of the century this figure had increased to approximately 48 per cent.<sup>2</sup> It was in this industry where the poorest working conditions were experienced.

**protectionism** a series of policies that aimed to support the growth of local businesses, which can include taxing competing goods from overseas or providing support or funding to domestic businesses and industries

Many working conditions were still dangerous, with few safety measures taken. For example, there was a lack of safety guards at sawmills to prevent bandsaws flying off the wheel, meaning injuries and deaths at work were still relatively common. So too were illnesses specific to industries. According to Thomas Keneally, watchmakers suffered a disease of the bones because of the use of phosphorus in their trade, and painters using lead-based paints often caught painter’s colic, a form of crippling lead poisoning.<sup>3</sup>

Despite the first Factory Act in Australia being passed by the Victorian Parliament in 1873 – limiting the working hours of women to 48 hours a week – working women usually suffered even worse conditions. Their pay was far lower than that for men. For example, in the 1880s tailoresses were paid 2 shillings to make a coat while a man could expect 14 shillings for the same work. In factories men might earn 35 shillings a week, while women, who were not expected to be supporting any dependents, would only earn 10 shillings.<sup>4</sup>

Women were also exploited by the practice of ‘sweating’, which involved a person who was an agent acting between a clothing or textiles factory and a woman working at her home. This middleman would offer clothes to the factory at a discounted rate and, in turn, pay the woman worker only a

small proportion of that rate. Often the woman could not find any other employment or was required to stay at home, for example, to look after another person. She would need to work long and hard hours to earn a living and the agent was able to profit on her powerlessness in the situation.



← **Source 3.2** A sweaters’ workroom in Melbourne, 1 July 1890

In 1892, William Lane described the practice of sweating:

**Source 3.3**

At the open window of a small room, barely furnished with a broken iron bedstead, some case boards knocked together for a table and fixed against a wall, a couple of shaky chairs and a box, a sharp featured woman sat working a machine, as if for dear life. The heat of the room was made hotter by the little grate in which a fire had recently been burning and on which still stood the teapot. Some cups and a plate or two, with a cut loaf of bread and a jam tin of sugar, littered the table. The scanty bed was unmade. The woman wore a limp cotton dress of uncertain colour, rolled up at the sleeves and opened at the neck for greater coolness. She was thin and sharp; she was so busy you understood that she had no time to be clean and tidy.

John Anderson, 'Working men and women and social reform 1860–1910', in Tim Gurry (ed.), *An Emerging Identity*, Heinemann Educational Australia, Richmond, 1981, p. 11.

The practice of using child labour also existed during this period. Children were paid at very low rates, for example 7 shillings a week for boys who worked in textile and clothing factories, and only 4 shillings a week for girls.<sup>5</sup> Despite *The Age* and *The Argus* banning boy labour at night, other newspapers, particularly in regional towns, continued the practice and some 12-year-old boys worked from 3 p.m. until 3 a.m. Nine-year-old boys also worked long days in the tobacco industry, working from 8 a.m. to 6 p.m. producing cigars for Feldheim, Jacobs and Company in Melbourne.<sup>6</sup>

Aboriginal workers confined to missions and reserves under Aboriginal acts in the various Australian colonies provided labour to maintain the farms, gardens and machine shops on reserves without any pay at all. The minority working off reserves received some payment, but much of it was still controlled by authorities, even by 1900, as Richard Broome explains:

**Source 3.4**

Cash wages for Aboriginal workers varied in each state or territory. They were highest in Queensland, where Aboriginal administration was the most efficient. Wages were paid in Queensland from 1901 although employers often tried to evade payment. In 1911 they were set at a third of the white wage, and by 1918 at two-thirds the rate of white station hands ... Trust accounts were created in 1909, managed by Protectors (often police) to ensure that employers paid wages. In 1915 two-thirds of the wage was to be banked if clothing was provided, and one-third if not; those with families were to bank one-fifth. The administration of so many accounts was difficult, but poor administration gave way to misuse as workers' monies were directed into general Aboriginal welfare funds and some were misappropriated by police ... In the Territory, wages were not paid officially, but some stations chose to pay a small wage. Those on the Barclay Tablelands near the Queensland border were forced to make some payments by market forces. However, the wage was always in the form of a credit at the station store, where prices were high and managers operated the books.

Richard Broome, *Aboriginal Australians: A history since 1788*, Allen & Unwin, Sydney, 2019, p. 130.



↑ **Source 3.5** A Queensland sugar plantation, 1901

## FOCUS QUESTIONS 3.1

1. In what ways were living and working conditions for men challenging in the period before Federation?
2. Describe the economic inequality experienced by women during this period.
3. Provide two examples of child labour being used in the Australian economy before Federation.
4. In what ways were Aboriginal workers discriminated against during the period?

## The development of unions

During the 1880s unions grew in size and power throughout the world, including in the United States, Britain and Western Europe. They aspired to better working and living conditions for the working classes, and an end to exploitation by employers. In Australia, workers revelled in being part of a worldwide movement and the rate of union membership in the workforce was the highest in the world by the early 1890s, particularly among shearers, miners and transport workers.<sup>7</sup> Workers in Australia not only wanted to defend these working conditions, but also had a sense of what more could be achieved by an organised movement.

Ross McMullin argues that the growth of unions during this period was owed to a combination of both economic conditions and the hard work of union leaders such as William Guthrie Spence.<sup>8</sup> In 1909, Spence wrote a memoir called *Australia's Awakening: Thirty years in the life of an Australian agitator*, which carried this reflection on the growth of unionism:

Unionism came to the Australian bushman as a religion. It came, bringing salvation from years of tyranny. It had in it that feeling of mateship which he understood already, and which always characterised the action of one 'white man' to another. Unionism extended the idea, so a man's character was gauged by whether he stood true to Union rules or 'scabbed' it on his fellows. The man who never went back on his Union is honoured today as no other is honoured or respected. The man who fell once may be forgiven, but he is not fully trusted. The lowest term of reproach is to call a man a 'scab'.

### Source 3.6

W.G. Spence, *Australia's Awakening: Thirty years in the life of an Australian agitator*,  
Worker Trustees, Sydney, 1909, p. 48.

## USING HISTORICAL SOURCES AS EVIDENCE 3.2

1. Why does Spence argue that joining a union was so important to working men?
2. What does Spence suggest were the main characteristics of union members?

### Depression and industrial unrest

The new decade of the 1890s was marked by a growing economic crisis. The collapse of foreign investment in the Australian colonies, declining export earnings, an end to the building boom and bank crashes combined to cause an economic depression. Between 1891 and 1895 the economy shrank by 30 per cent. Unemployment hit 30 per cent of skilled labour by 1893 and may have been higher among unskilled labourers, but statistics were not kept for this demographic.<sup>9</sup> A flood in Brisbane in 1893 exacerbated the situation and following the depression, came what became known as the 'Federation Drought'. From 1895 to 1903, the eastern half of the continent experienced a run of dry years; as a result sheep and cattle numbers halved. As the economy plummeted, so too did government revenues and thus government spending on public works and services was slashed by 40 per cent.

Against this context of economic crisis, between 1890 and 1894 there were a number of widespread and significant strikes across the eastern colonies. Most notable were:

- 1890 maritime strike (which involved the most people)
- shearers' strikes of 1891 and 1894
- Broken Hill miners' strike of 1892.

In 1890, negotiations between marine officers and their employers over pay and conditions broke down and the Mercantile Marine Officers' Association directed its members to go on strike. They were shortly joined by associated industries such as seamen, wharf labourers and coalminers who refused to dig for non-union ships, echoing the successful strategy used by Queensland shearers across 1889–90. As coal supplies became limited, gas lighting of streets was affected. Melbourne was virtually plunged into darkness. At its peak, 50 000 workers were involved in the strike, and although a range of industrial issues had become involved, the key demand was over the employment of non-union labour.

However, employers refused to negotiate and recruited non-union labour, called 'scabs' by unionists, who were protected by the police force and armed troops such as the Victorian Mounted Rifles, who had been ordered to fire on the strikers if ordered to do so. A long period without work left many men and their families poor and hungry. A letter written to W.G. Spence (which was later included in his memoir, *Australia Awakening*) said:

#### Source 3.7

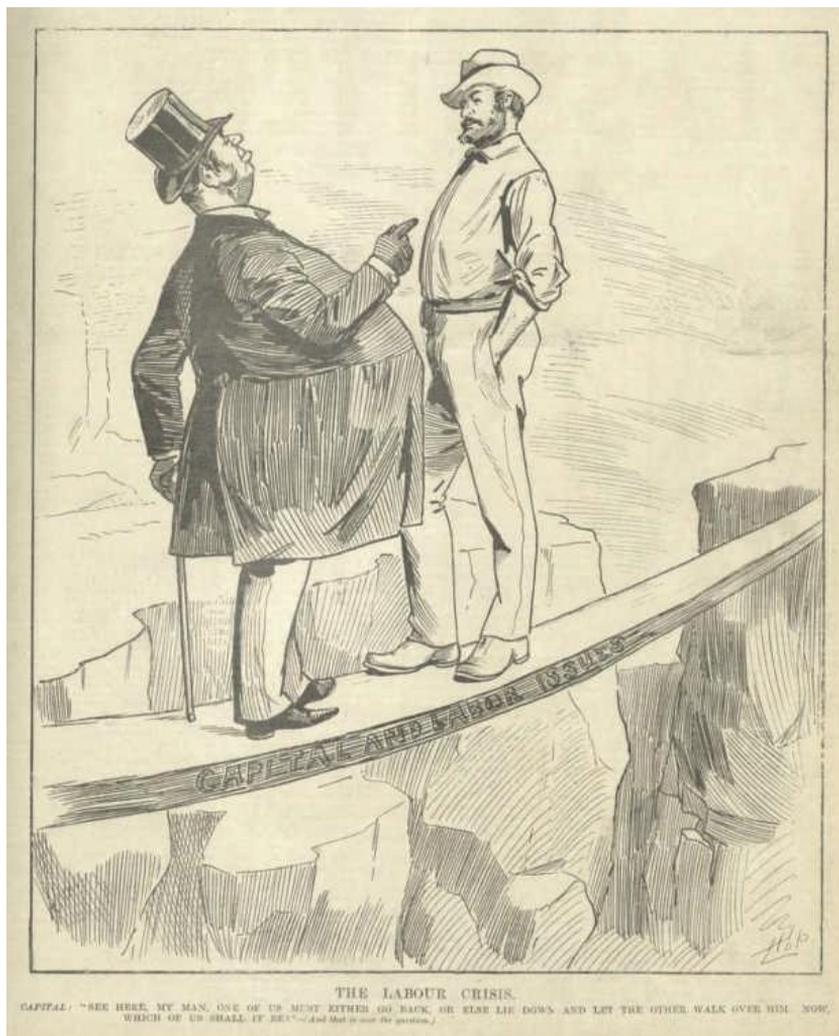
Mr. Spence,—We have had enough of this game. I and a few others have stuck to the cause, but you and the cause have not stuck to us. Our wives and children are starving, and we see misery everywhere. You and your mates have ruined us all for the b— [bloody] cause—what cause? Curse the delegates. We had a meeting and drew lots, and you are a marked man. So your b— life is not worth much. We have sworn to do it. You have ruined us. You are to be followed; prepare to meet your God. It is our rule to warn our victims. God help you. It is to be done.

Quoted in W.G. Spence, *Australia's Awakening: Thirty years in the Life of an Australian agitator*, Worker Trustees, Sydney, 1909, p. 75.

### USING HISTORICAL SOURCES AS EVIDENCE 3.3

Use Source 3.7 to explain why it was difficult for the unions to maintain the maritime strike of 1890.

Unions were furious that the government, which claimed to be neutral in this industrial dispute, appeared to favour employers by protecting non-union workers. After ten weeks, being unprepared for such a long strike, the unions were forced to surrender. Antagonisms deepened between the forces of capital and labour across the country.



← **Source 3.8** This cartoon by Livingston Hopkins is called 'The Labour Crisis', and appeared in *The Bulletin* on 16 August 1890, at the start of the maritime strike in Melbourne. The caption reads: 'Capital: "See here, my man, one of us must either go back or else lie down and let the other walk over him. Now which of us shall it be?" (And that is now the question.)'

### USING HISTORICAL SOURCES AS EVIDENCE 3.4

1. How does Livingston Hopkins represent capital and labour in Source 3.8?
2. Describe the historical context that contributed to the creation of Source 3.8.

In 1891 an even more violent confrontation took place between Queensland shearers and their employers, after employers repudiated (rejected) agreements made in the previous year: by cutting wages; introducing ‘coloured labour’ (the practice of employing Aboriginal or Torres Strait Islander workers who were commonly paid less by employers compared to non-Aboriginal labour); and ending the eight-hour day and closed shop arrangements. The shearers went on strike, forming armed camps to seek redress. Soldiers were sent to protect non-union labourers, who had been recruited to keep the sheep stations operating. Many sheds were raided by unionists and some were set alight in protest. In return, one pastoralist, Charles Fairburn, allegedly encouraged troops to fire at the strikers.<sup>10</sup> The strike lasted between January and June of 1891, when hungry and poor unionists could no longer hold out.

This was another victory for employers who had successfully resisted the demands of the unionists with the help of police, troops and the courts, and many spent time in jail as a result – thirteen of whom were sentenced to three years for conspiracy. At the same time, in Sydney, at the National Australasian Convention, politicians were deciding how Australia should federate and it was later that year, in September, that Victorian women tabled their ‘Monster Petition’ in support of female suffrage to Parliament. It was a critical year in the history of people’s rights in Australia.



→ **Source 3.9** Card celebrating shearers as Unionist Prisoners after the shearers’ strike in Barcardine, Queensland

Emerging 23-year-old writer, Henry Lawson, captured the anger and defiance of the labour movement in a poem that appeared in William Lane's journal, *The Worker*, in Brisbane on 16 May 1891. His poem paralleled the Eureka rebels who thought the 'old corruption' of the English class system had reappeared in Australia. Here are just a few verses of 'Freedom on the wallaby' – wallaby being walking the outback country. There were calls for Lawson's arrest for sedition (causing civil unrest) following the publication of the poem.

So we must fly a rebel flag,  
 As others did before us,  
 And we must sing a rebel song  
 And join in rebel cho'us.  
 We'll make the tyrants feel the sting  
 O' those that they would throttle;  
 They needn't say the fault is ours  
 If blood should stain the wattle!

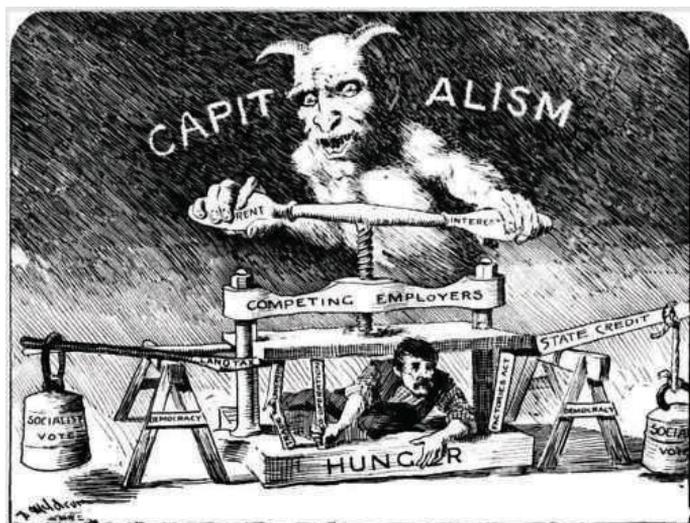
Source 3.10

Last two stanzas from *Freedom on the Wallaby* by Henry Lawson, *Worker*, 16 May 1891.

### USING HISTORICAL SOURCES AS EVIDENCE 3.5

What does Lawson's poem reveal about the attitudes of the labour movement following the failed shearers' strike of 1891?

Following the failure of two significant strikes in the early 1890s, well known socialist and advocate of the Australian labour movement, William Lane, published (under the name of John Miller) his ironically titled novel *The working man's paradise*, which detailed examples of poor living and working conditions experienced by the working classes in Australia. William Lane was also known for publishing the labour journal *The Worker*, and, disillusioned with the direction that Australia was going in, in 1893 he departed for Paraguay to launch a utopian colony called New Australia, where he stayed until 1899.



In 1892 mine owners similarly defeated a strike at Broken Hill. Queensland pastoralists also defeated a second shearers' strike in 1894. By the mid-1890s the industrial temperature was running high. Workers now saw themselves as vulnerable to employers, betrayed by governments and as victims of the fight.

← Source 3.11 Ambrose Dyson, 'Our industrial system', *Champion*, 14 September 1895

## USING HISTORICAL SOURCES AS EVIDENCE 3.6

1. How does Ambrose Dyson depict the forces of capital and labour in Source 3.11?
2. Use key features from the image to describe the message of his cartoon.
3. What had changed between the publishing of Livingston Hopkins's cartoon in 1890 (Source 3.8) and Ambrose Dyson's cartoon that influenced its design?

## The outcomes of the strikes

There were perhaps several key outcomes of the strikes of the 1890s. One impact was a drop in union membership, diminishing their bargaining power. Macintyre estimates that the rates of union membership fell from one in five wage earners in 1890 (perhaps the highest rate of union membership in the world at the time) to scarcely one in twenty by 1896.<sup>11</sup>

A second outcome was confirmation of the belief by many in the labour movement that political representation was needed in order to advance their rights. While the forces of law and order were prepared to side with the employers, few gains could be made or defended. Workers came to view that the future of their movement depended on gaining parliamentary influence. Herein lay the seeds of the parliamentary Labor Party. This attitude is reflected in the following poem produced in the aftermath of the 1891 shearers' strike:

### Source 3.12

Then keep your heads, I say, my boys; your comrades in the town  
Will help you yet to win a vote and put your tyrants down.  
Throw your old guns aside, my boys; the ballot is a thing  
They did not have to reckon with when George the Fourth\* was king.  
The ballot is the thing, my boys, the ballot is the thing  
Will show these men how long it is since George the Fourth was King.

\* George the Fourth is a reference to an obscure 1825 conspiracy law that was used to put the strike leaders in jail in Queensland.

*The Ballot is the Thing* by William Kidston, *The Bulletin*, 11 April 1891, p. 10.

**arbitration** the process of resolving a dispute through an independent third party (the arbitrator)  
**conciliation** the action or process of bringing together employers and workers who were in a dispute to help them settle their differences voluntarily

Furthermore, given that the unions had lost so badly in the confrontations of the first half of the 1890s, the labour movement developed a more favourable disposition towards state-led arbitration between employers and employees. The hope was that this **arbitration** might bring better results for the workers than direct action by striking, a hope shared by middle-class liberals who were fearful of class conflict. Compulsory **conciliation** and arbitration already existed in some colonies, but was to be introduced nationally in Australia with Labor's support following Federation.

## FOCUS QUESTIONS 3.2

1. List the grievances of the 1890 maritime strike and the 1891 shearers' strike.
2. Describe the outcome of each strike.

## The formation of labour parties

After the failure of the strikes, workers turned to their other ‘weapon’ – the vote. There existed enough confidence in the political process in the colonies for representatives of the labour movement to form their own political parties or leagues and campaign for election to Parliament.

Within a year of the maritime strike, the trade unions of NSW formed a Labor Electoral League that enjoyed immediate and stunning success, winning 35 of 141 seats in the lower house and holding the balance of power. The entry of the labour representatives into Parliament was paved by the decision to pay parliamentary members, first in Victoria in 1870 and by 1890 all colonies had introduced this democratic reform. Working class candidates were rare before this as they were unlikely to be able to sustain themselves as members of Parliament without regular paid work, and financial support by unions could be fickle.

The Labor Party was slower to take hold in Victoria, given the colony’s existing tendency towards protectionist policies, which favoured workers’ pay and conditions. However, it grew more quickly in New South Wales and Queensland. The Labor Party even formed government in Queensland briefly in 1899 – the first time a labour-based party had formed government anywhere in the world. However, that government only lasted a week while the conservative forces re-grouped and formed a new majority.

Throughout colonial parliaments before Federation, three parties battled for political majorities – the **Free Traders**, Protectionists and Labor. Together with progressive liberals, labour parties were able to contribute to democratic reforms such as the abolition of **plural voting** and property requirements as a pre-requisite to voting and entering Parliament, and reforms had been introduced to eliminate the practice of sweating and to regulate the factories. Not all unionists supported the Labor Party, however, with some believing that political candidates had forsaken the working class in their own individual pursuit of power.<sup>12</sup>

Once Australia federated, the various colonial labour factions organised as the Federal Parliamentary Labor Party and it was only with their support that Edmund Barton’s Protectionist Party was able to form government. Concerned with the improvement of workers’ wages and conditions, and restriction of cheap foreign labour, the Labor Party grew quickly in the new Commonwealth. J.C. Watson formed the first national Labor government in the world in 1904, and in 1910 Andrew Fisher led the first majority Labor government the world had seen.

### free trade

international buying and selling of goods, without limits on the amount of goods that one country can sell to another, and without special taxes on the goods bought from a foreign country

### plural voting

the system that allowed property owners across multiple electorates to vote in each of those electorates; thus the right to vote more than once increased the political power of property owners

### FOCUS QUESTIONS 3.3

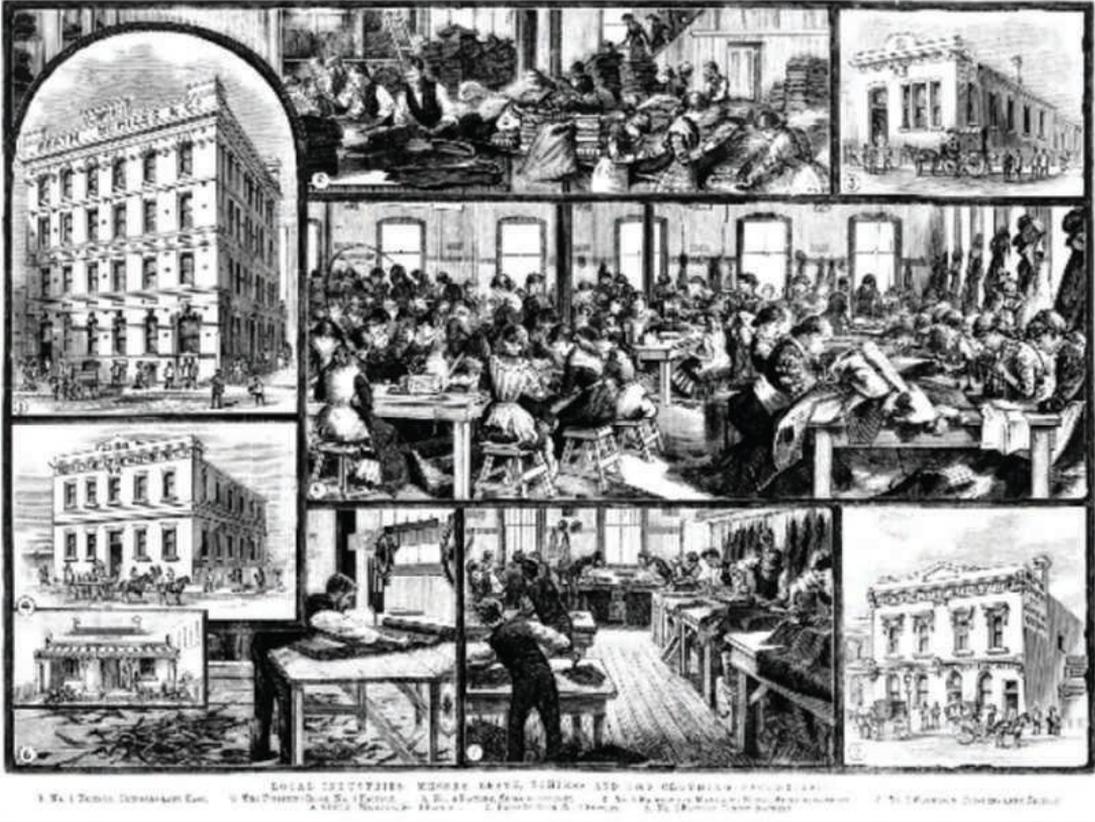
1. How successful was the Labor Party in the 1891 NSW election?
2. Why was the Labor Party slower to grow in Victoria in the 1890s?
3. In which colony did a Labor Party first form government?

### 3.3 Influential ideas on the emerging union movement

#### INQUIRY QUESTION

What ideas influenced the union movement prior to Federation?

#### Campaigning for economic rights for women



↑ Source 3.13 An engraving of Beath, Schiess and Company's clothing factories in Melbourne

#### USING HISTORICAL SOURCES AS EVIDENCE 3.7

1. Using Source 3.13, describe the working conditions in the factories of Beath, Schiess and Company.
2. Which kinds of working conditions does this image *not* depict?

The number of paid female workers doubled in the 1880s, but males continued to be considered the main breadwinner despite many families being dependent on the woman's financial contribution. Male-led trade unions largely neglected the plight of women workers, except in some instances where pushes for equal pay sought to preserve preference for male over female workers. Suffering lower wages and exploitative conditions, some women became active in the labour movement, advocating for better rights and working conditions for women workers.

### The tailoresses' strike

The dispute between Messrs. Warne and Reid and the committee of the Tailoresses' Union still continues, the former having refused to recognise the **log prices**. About 32 girls have ceased work, but the committee of the union have found no difficulty in at once finding work in other factories for them. The firm's manager has re-employed some of the dismissed girls at log prices, but only on condition that they sever their connection with the union. The committee also complain that three of the weekly hands have been dismissed without being paid for their work, and that several of the girls have been refused permission to finish the work on which they were engaged when they went on strike. Owing to this being the busy season of the year, none of the girls will suffer through being thrown out of work, as the committee find that plenty of work is obtainable in other factories at log prices.

Description of the causes and course of the 1882 Tailoresses' strike in Melbourne, which led to the creation of the Tailoresses Union, *The Age*, 6 September 1888, p. 9.

Following the tailoresses' strike of 1882, sparked by the manufacturing company Beith, Schiess and Company trying to reduce the wages of its workers, women's unions such as the Tailoresses Union (1882 – the first union composed only of women), Victorian Lady Teachers' Association (1885) and Victorian Women's Post and Telegraph Association (1900) were formed. In 1890, South Australian prominent suffragists Mary Lee and Augusta Zadow had helped form the Working Women's Trade Union, which aimed to improve working conditions for women and support those involved in the sweated trades. They also believed that unionisation of female workers would complement their pursuit of female suffrage to advance the rights of women. Augusta Zadow went on to become the first woman Inspector of Factories in South Australia.

Similarly, Vida Goldstein was involved in the fight against sweating, joining Australia's second Prime Minister, Alfred Deakin, as members of the National Anti-Sweating League following its formation in 1895, while others, such as Emma Miller in Queensland, advocated strongly for equal pay for women workers.

### Source 3.14

**log price** the set (or standard) price paid per item of clothing produced

### FOCUS QUESTIONS 3.4

1. Identify two key individuals who helped advance economic rights for women.
2. Describe two objectives that were specific to women's unions.

## New Unionism

A growing sense of solidarity pervaded the union movement in the 1880s. Whereas previously trade unions had been limited to specific crafts and localities, often with exclusive entry to skilled workers, in the 1880s unions grew in size and number and embraced all kinds of workers across colonial borders. Unions across different industries and colonial boundaries also supported one another in their struggles. Historian John Hirst provides the example of seamen in Port Adelaide who agreed to send money docked from their pay to striking bootmakers in Melbourne. **New Unionism** was thus defined by this collaboration across unions, across industries and across colonies.

Believing that a strong organisation was needed to protect unskilled workers, in 1886 William Spence helped form the Australian Shearers Union, which gained 9000 members in its first year. Their initial objectives were listed as:

**New Unionism** a movement in the 1880s to form unions beyond skilled workers, and included co-operation between unions to increase their collective bargaining power

### Source 3.15

- To protect the rights and privileges of shearers throughout Australia.
- To secure a fair rate of wages by the adoption of prices suitable to the circumstances of the several colonies and districts.
- The adoption of just and equitable agreements between employers and employees.
- To make such arrangements as will prevent undue loss of time in travelling to sheds, and to ensure the carrying out of agreements made by shearers with sheep-owners.
- To protect members against exorbitant prices for rations.

Quoted in Manning Clark, *Select Documents in Australian History 1851–1900*, Angus & Robertson, Sydney, 1955, p. 742.



← **Source 3.16** William Guthrie Spence, 1908

To further this aim, the union pursued the goal of a ‘closed shop’, which meant that only union labour would be hired by shearing sheds. By 1890 it had 20 000 members across Australia and had unionised 80 per cent of the Victorian and New South Wales sheds. The mining and maritime industries similarly organised broad intercolonial unions that kept membership fees low to encourage membership and increase their bargaining power.

In 1892, W.G. Spence declared in his lecture ‘The Ethics of New Unionism’:

There must be unity and co-operation if we are to rise and take upon ourselves the responsibility of proving that we, as an Australian people, can under the favourable conditions we have around us – setting before us the ideal of being the first people to accomplish what they are aiming at in all parts of the civilised world – to find the solution of what is called the labor problem ... We can never do it if we are apathetic or careless, nor unless we are an organised party, nor if we do not drop those petty differences existing between us. (Cheers.) There is thus, I think you will see, considerable difference between the new and the old unionism. It is a brighter, it is a broader, and it is an entirely new method for accomplishing these necessary reforms. It requires disinterestedness, unselfishness, and courage on the part of those who are entering into the work. They will have to put up with personal inconveniences, and stand by each other without losing faith in the result, only thinking of accomplishing their object. I am not afraid of the ultimate destiny of mankind. I believe that the movement will triumph in the long run – that we are making for a better state of things ... We have special advantages in this young country, and if we make use of them we can accomplish all we desire ... Let us have the unselfish spirit that the New Unionism teaches us – the willingness to subscribe to the will of the majority ... I expect to see economics advance, and I expect to see what will be really a revolution in our social system in Australia. Let us set up a system that the rest of the world will not be slow to follow ... (Loud cheers).

Source 3.17

William Guthrie Spence, The Ethics of New Unionism, lecture given at Leigh House, Sydney, 1892.

### USING HISTORICAL SOURCES AS EVIDENCE 3.8

1. What does Spence describe as the key characteristics of New Unionism?
2. What does Spence argue is needed for New Unionism to succeed?
3. What does Spence hope for as the outcomes of New Unionism?

### Class and class-consciousness

Some key underlying ideas behind New Unionism are those of **class** and **class-consciousness**. To the English historian E.P. Thompson, class was not a given structure, but a relationship between groups and one created by circumstances at a particular time in history, for instance, during the creation of New Unionism in the 1880s and the economic and industrial turmoil of the 1890s.

**class** the belief by workers that they owed loyalty to, and had common interests with, other workers, and not their employers

**class-consciousness** an awareness of one's class situation, understood as a prerequisite for effective political action

Thompson said:

**Source 3.18**

class happens when some men, as a result of common experiences (inherited or shared), feel and articulate the identity of their interests as between themselves, and as against other men whose interests are different from (and usually opposed to) theirs. The class experience is largely determined by the productive [work] relations into which men are born – or enter involuntarily. Class-consciousness is the way in which these experiences are handled in cultural terms: embodied in traditions, value-systems, ideas, and institutional forms.

E.P. Thompson, *The Making of the English Working Class*, Gollancz, London, 1963, pp. 8–9.

New Unionism was a mass movement that emphasised collaboration across industries, and across colonial borders. Analysing New Unionism and its outcome through the lenses of class and class-consciousness, the historian Robin Gollan had this to say:

**Source 3.19**

In larger perspective, however, the particular grievances of the industries are not sufficient to explain why so many of the unskilled and semi-skilled workers were organized into unions at this time. For as well as the miners and shearers, most of the transport workers were forming unions. The waterside workers of Sydney formed a union in 1882 and were followed by those of Melbourne in 1885. Coal lumpers and trolley and draymen formed unions during the eighties and in 1885 a maritime council linked the seamen with the unions of those engaged on the various classes of work on the docks. As for the shearers, the nature of their work was particularly conducive to the formation of unions. Their work was seasonal but they worked and lived together, under conditions not unlike those of factory workers in a large-scale industrial enterprise, with the difference there that they had a greater sense of independence arising from the knowledge that if they lost their job in one [sheep] station they could get one at the next. The success of their union undoubtedly affected others in the chain of production and transport from the station to the ship. Similarly, there was a good deal of contact between shearers and miners, many of the shearers engaging in mining in the off-season. The development of unionism in one sphere influenced others. If this interpretation of the period after the gold decade is correct, then the fundamental reason for the new unionism was the fact that the working class was becoming conscious of itself as a class.

Robin Gollan, *Radical and Working class Politics: A study of Eastern Australia 1850–1910*, Melbourne University Press, Melbourne, 1960, pp. 103–04.

## USING HISTORICAL SOURCES AS EVIDENCE 3.9

Why does Gollan argue ‘that the working class was becoming more conscious of itself as a class’? Use both Sources 3.18 and 3.19 to answer.



↑ **Source 3.20** Members of the Shearers Union at Brookong Station, c. 1890

Up north, the Queensland Shearers Union revealed the strength of collective action, enlisting the support of maritime unionists in Brisbane and London to boycott the movement of wool from Jondaryan Station, where union labour had been banned in 1890. As a result, within the same year the managers at the station reluctantly agreed to a ‘closed shop’. However, historian Melissa Bellanta has described this as a ‘**Pyrrhic victory**’ for the unions,<sup>13</sup> as it caused employers to begin organising themselves. Following the successful shearers’ strike in 1890, employer associations such as the Pastoralists Union and Chamber of Manufactures were formed. These groups resisted the idea of a ‘closed shop’ and wanted the power to negotiate contracts with individuals rather than unions, thus diminishing union strength.

The stage was set for a period of fierce industrial conflict in the 1890s as both sides now developed class thinking, and at first most workers, then – less quickly – employers, formed organisations to express that feeling. Workers sided with other workers and employers with other employers. The two groups, a working class and an emerging employer class, were commonly called in the press Labour and Capital. This new sense of class was solidified in the unrest of the 1890s.

**Pyrrhic victory** a victory that is not worth winning because so much has been lost

### FOCUS QUESTIONS 3.5

1. Describe how New Unionism differed from traditional unions.
2. Explain why New Unionism became more common during the 1880s.
3. How did employers respond to the rise of New Unionism?

## Liberalism and the social laboratory

During the period of economic depression, strikes and drought in the 1890s, Australians dreamed of a better future. It was becoming apparent that government intervention was needed to improve the working and living conditions of most workers. Many people came to expect that governments would act as both their protector (from military threats but also from cheap foreign labour) and their servant, and had faith that government policies could achieve economic stability and social fairness. Similarly, governments took the view that by supporting the lives of workers with housing, health care and entertainment, businesses were, in turn, more likely to ensure a stable, dependable workforce.

Over this period Australia was viewed internationally as a ‘social laboratory’, developing innovative policies and ideas to achieve a fairer and kinder society. Many Australians believed they were ending the rigid class structures and traditions that constrained people in the Old World. This idea fuelled a growing sense of national identity. However, it should be remembered that this vision was confined to white people and omitted people of colour – First Nations peoples and non-European immigrants.

These policies and practices of Australia’s ‘social laboratory’ were based on the idea of colonial liberalism that emerged in the Australian colonies during the nineteenth century, which argued for government-based interventions in the economy and society to improve outcomes in general. This was in some ways quite distinct from the more traditional political and moral philosophy originating in Europe during the Enlightenment in the seventeenth and eighteenth centuries, which focused on the importance of freedom of the individual, the necessity of free speech and the freedom of the market.



↑ **Source 3.21** A publicist’s depiction of the entitlements of citizenship from cradle to grave<sup>14</sup>

In practice, creating a more egalitarian society meant different things to different people, prescribing differing degrees of government action. Bruce Smith, a member of the Free Trade Party, presented his explanation of liberalism in *Liberty and Liberalism* (1887):

It is necessary to observe that ‘Liberalism does not seek to make all men equal,’ that is to say, that, while aiming at the bestowal of equal opportunities, it does not attempt to produce an uniformity of wealth, or an equality in social conditions; but aims merely at securing ‘equal opportunities,’ such as may result from the removal of ‘obstacles of human origin.’ Men will always be unequal in wealth, in social position, and even in the extent of happiness which falls to their lot, so long as they are born with different abilities, among different surroundings, and with different constitutions and susceptibilities. To attempt to equalise them with regard to the natural gifts which they possess would be to attempt an impossibility; to attempt to equalise their surroundings would be similarly impracticable; and, at the same time, it would be open to the objection that it was an attempt to make men equal in ‘social conditions.’ To attempt to equalise the constitution or susceptibilities of men would be ridiculous. So that one is brought back to the conclusion that all ‘Liberalism’ can do is to secure to every man ‘equal opportunities’ for the exercise of whatever faculties he may possess: unrestricted by any actual obstacle or hindrance, which nature has not herself imposed.

Source 3.22

Bruce Smith, *Liberty and Liberalism*, Fergusson & Mitchell, Melbourne, 1887, p. 130.

Bruce Smith’s definition was a rare and somewhat conservative view of colonial liberalism. The Chief Secretary Graham Berry argued a more radical line at the meeting of the National Reform and Protection League on 19 February 1877. He supported the protection of local industry and argued that opportunities were not equal, because the power of the people was ‘opposed by a small, wealthy, interested minority, who never slept ... the wealthy classes were supreme and omnipotent, and it was only at the ballot-box the people had a power they could enforce’.<sup>15</sup>

### USING HISTORICAL SOURCES AS EVIDENCE 3.10

1. How does Smith define liberalism?
2. What does Smith argue should be the role of government?
3. Why does Berry argue that opportunities were not shared equally?
4. How does Berry suggest a fairer society could be achieved?

A system of welfare capitalism developed after Federation, which we will investigate in chapter 5.

Further details on the developments of this system of social welfare, as well as changes within the union movement after Federation, will be discussed in the next chapter.

### FOCUS QUESTION 3.6

What were some of the changing expectations placed on governments around the period of Federation?

## 3.4 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- Wage growth was slow and many working conditions remained dangerous.
- Strikes continued throughout the period.
- Gender inequalities persisted throughout the period.

### Changes

- Following the strikes of the 1890s, governments sought to ease the tension between capital and labour by experimenting with new ideas and legislation.
- Following a drop in the 1890s, union membership rose again after Federation to perhaps the highest rates in the world.
- The political wing of the labour movement experienced unprecedented victories and formed the world's first majority labour government in 1910.

## 3.5 End-of-chapter activities

### Consolidating your understanding

#### Events

Describe the key events that shaped the labour movement before Federation.

#### Ideas

1. What were the aspirations of the labour movement?
2. Why did governments adopt a policy of liberalism that involved more action and greater intervention in the economy?
3. Explain why Australia considered itself to be a 'social laboratory'.

#### Perspectives

1. What were the concerns of the unions and the employer associations during the strikes of the 1890s?
2. Identify two key individuals described in this chapter and outline how they contributed to the labour movement.

### Analysing causes and consequences

1. Explain why the failure of the strikes in the 1890s led many members of the labour movement to change their approach to focus on winning seats in Parliament.
2. What led to the growth of the Labor Party in many of the Australian colonies before Federation?

### Extension reading

Mark Peel & Christine Twomey, *A History of Australia*, Palgrave Macmillan, New York, 2011 – chapters 8 and 9

Stuart Macintyre, *A Concise History of Australia*, 2nd ed., Cambridge University Press, Cambridge, 1999 – chapter 6 'National reconstruction 1889–1913'

Stuart Macintyre, *The Oxford History of Australia. Vol. 4: 1901–1942*, Oxford University Press, Melbourne, 1986 – chapter 5 'Making a commonwealth'

# CHAPTER 4

## A nation federates and legislates, 1889–1913



Source 4.0 The official program from Federation celebrations in Sydney, 1901

## Chapter timeline

| World events  | Date | Australian events  |
|---|------|--|
|   | 1880 |  |
|   |      | 1889: Parkes's Tenterfield Address   |
|   | 1890 |  |
| 1891: Construction of Trans-Siberian railroad begins        |      | 1891: First Federal Constitutional Convention in Sydney                                |
| 1893: Panic of 1893 sets off economic depression in America |      | 1893: Corowa Conference  |
|   |      | 1897–98: Three National Australasian Conventions held, in Adelaide, Sydney & Melbourne |
| 1899–1902: Second Boer War                                  |      | 1899: The Constitution Bill accepted in all colonies except WA                         |
|   | 1900 |  |
|   |      | 1900: WA agrees to join Federation   |
|   |      | 1901: Federation of Australia  |
|   |      | 1902: <i>Customs Tariff Act</i> enacted  |
|   |      | 1904: First national Labor government formed   |
|   |      | 1904: Commonwealth Court of Conciliation and Arbitration established                   |
| 1905: First Russian Revolution                              |      | 1907: Harvester Judgment   |
|   |      | 1909: Commonwealth Liberal Party formed  |
|   | 1910 |  |
| 1912: Republic of China established                         |      | 1912: Fruit Pickers Judgment   |
|   |      | 1912: The Commonwealth Government passes the <i>Workmen's Compensation Act</i>         |

## 4.1 Introduction

### INQUIRY QUESTION

Why did Australia federate?

This federation was not created by military might or the need to unite against an external threat. The Australian people had freely voted to make themselves into a united Commonwealth because they saw the benefits that union would bring. What prospects lay before a nation with this pedigree!

Source 4.1

John Hirst, *Australian History in 7 Questions*, Black Inc., Collingwood, 2014, p. 107.

On 1 January 1901, Sydney played host to the celebrations of the inauguration of the Commonwealth of Australia. In July of the previous year, Queen Victoria had given her assent to the Constitution Bill that would bring that Constitution into existence, under which Australia's federation – six colonies uniting into one new political entity called the Commonwealth of Australia – would occur.

This was the culmination of perhaps 50 years of individuals and groups arguing for the union of the six Australian colonies. The Constitution itself was the product of a decade of argument, mostly by politicians, and ultimately voted upon and accepted by the Australian population. It created a federal government that would take responsibility for matters that affected all Australians across its six states, such as defence, immigration laws, currency, the post and taxation of goods produced overseas. The Constitution created the structure of the Australian federal government and specified which powers would be held by the federal government, as opposed to state governments. While the Constitution included some progressive democratic features, its writers had intended that Aboriginal peoples would be prevented from political participation in the newly formed Commonwealth of Australia.

## 4.2 Significant events and perspectives around Federation

### INQUIRY QUESTIONS

What aspirations were held for the new nation?

How democratic was the process of Federation?

### Popular debates for Federation

The movement towards Australia's federation had a long history. As early as 1850, Henry Parkes, along with John Dunmore Lang and James Wilshire, formed an organisation called the Australian League, which pursued universal male suffrage and also aimed to convert the Australian colonies into a federated republic that would make Great Britain proud. However, it was a sense of military vulnerability that contributed to Parkes's calls to bring the six Australian colonies together into one united country, a vulnerability emerging again in the 1880s as European powers extended their authority in the region. In 1883, Queensland had sought to pre-empt German annexation of New Guinea to their immediate north, only for Queensland to have their claim repudiated by

Great Britain and the colony to be claimed by Germany. Furthermore, Britain had removed the last of their garrisons in 1870, adding to Australia's sense of insecurity as an outpost of British civilisation virtually alone in the Asia-Pacific region.

In 1889, British Major-General James Edwards determined in his report that the Australian colonies were incapable of defending themselves in the event of a military attack, and that uniting the existing defence forces under a single command, and creating a uniform network of railways with the same track gauges, were essential.

This report was referenced by Henry Parkes in his famous speech, known as the Tenterfield Oration, that is considered by many to be the spark for the final moves towards Federation. Here is an extract of Parkes's speech at Tenterfield in northern New South Wales on 24 October 1889.



↑ **Source 4.2** Sir Henry Parkes, photographed by Henry King, c. 1890

### Source 4.3

General Edwards had also advised that the forces of the various colonies should be federated for operation in unison in the event of war so as to act as one great federal army. If an attack were made upon any of the colonies, it might be necessary for us to bring all our power to bear on one spot of the coast.

The great question which they had to consider was, whether the time had not now arisen for the creation on this Australian continent of an Australian Government ... to preserve the security and integrity of these colonies that the whole of their forces should be amalgamated [combined] into one great federal army ... They had now, from South Australia to Queensland, a stretch of about 2,000 miles of railway, and if the four colonies could only combine to adopt a uniform gauge, it would be an immense advantage to the movement of troops.

Surely, what the Americans have done by war, the Australians could bring about in peace. It is essential to preserve the security of these colonies that there should be one great federal army ... We must appoint a convention of leading men from all the colonies who would ... devise the constitution (for) a federal government with a federal parliament ...

*The Sydney Morning Herald, 25 October 1889.*

## USING HISTORICAL SOURCES AS EVIDENCE 4.1

Outline the arguments made by Henry Parkes for why the six Australian colonies should federate.

However, the push towards Federation was driven by much more than utilitarian fears about Australia's capacity to defend itself. A key factor was a growing sense of shared national identity, that Australians across the six colonies had more in common than they did differences. Henry Parkes demonstrated this in 1889, in another speech urging Federation:

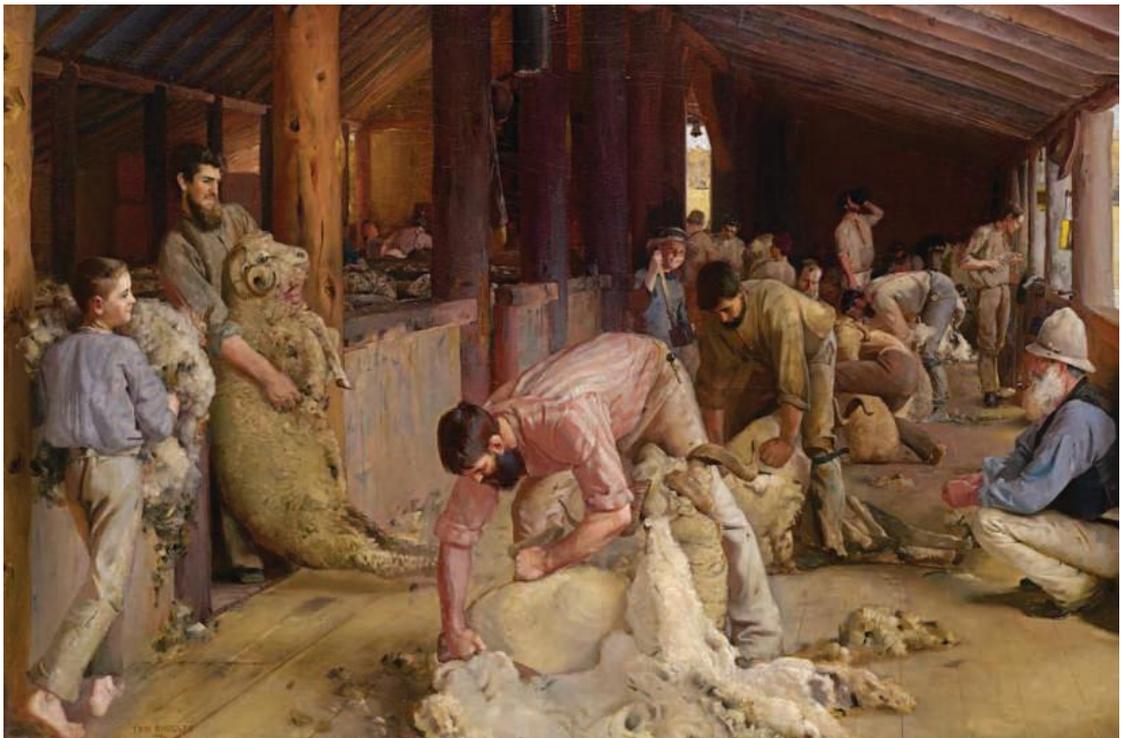
Instead of a confusion of names and geographical divisions, which so perplexes many people at a distance, we shall be Australians, and people with 7000 miles of coast, more than 2 000 000 square miles of land, with 4 000 000 of population, and shall present ourselves to the world as 'Australia'.

We shall at once rise to a higher level; we shall occupy a larger place in the contemplation of mankind, the sympathies of every part of the world will go out to us, and figuratively, they will hold out the right hand of fellowship. We can not doubt that the chord awakened by such a movement will be responded to in the noble old country where our forefathers' graves are still. All England has awakened with sympathy to this movement through its press.

We shall have a higher statue before the world. We shall have a grander name.

Source 4.4

Quoted in John Hirst, *Sense & Nonsense in Australian History*, Black Inc., Melbourne, 2005, p. 208.



↑ Source 4.5 *Shearing the Rams*, Tom Roberts, 1890

This sense of shared identity was expressed by art of the Heidelberg School, which painted Australian landscapes and places with a new and loving appreciation, as in Tom Roberts's *Shearing the Rams*, Source 4.5. John Hirst wrote a book about the federal movement that he called *Sentimental Nation* to emphasise the emotional attachment to the idea of a federated nation. In another book he wrote of poetry written at the time:

**Source 4.6**

Because federation was a sacred cause, poetry was considered the most appropriate medium to express its rationale and purposes. It was poetry's role to deal with what was noble, profound, and elevating. There are innumerable federation poems by hundreds of different hands. The nation was born in a festival of poetry. Historians have noticed the poems, but haven't quite known what to do with them. ...

According to the poets, the prospects for the new nation were unrivalled. Australia had no ancient feuds, no privileged caste, no bar to anyone making money from its abundant resources; a land of freedom and opportunity. Always imagined as female, Australia was young, pure, virginal. The themes are present in 'Advance Australia Fair', though again rather minimally. Australians are young and free; The land is rich in opportunities – golden soil – which are open to those ready to work: wealth for toil.

There was a constant insistence that no blood had been spilt in this land. This is a puzzle to us who are now so conscious of the violence done to the Aborigines. In part the claim could be made because the slaughter was simply being forgotten, though the forgetfulness was more complete in the early twentieth century than in the nineteenth. It was possible to know well enough what had happened on the frontier and still see Australia as pure. [Henry Parkes, who wrote and published poems, penned one about Australia not being stained by blood, and another in the same volume describing the killing of an Aboriginal boy by settlers] ... The two thoughts remained unconnected. It was easy not to make the connexion when Aborigines were not seen as part of the future nation since they were dying out and in any case [believed to be] unworthy of its citizenship. Furthermore, when they spoke of no blood spilt, the poets had in mind the European experience of warfare ravaging the land and being constantly renewed.

John Hirst, *Sense & Nonsense in Australian History*, Black Inc., Melbourne, 2005, pp. 198, 201–02.

## USING HISTORICAL SOURCES AS EVIDENCE 4.2

1. Why does Hirst think poetry is important to understanding Federation?
2. What blind spots did this poetry have about First Nations people and the nation?

Besides emotional concerns, achieving Federation also offered hard-headed commercial benefits, particularly through the removal of **customs duties** between colonies and creating a uniform **tariff**. The importance of this objective can be found in Section 92 of Australia's Constitution, where trade among states in the new Federation is required to be 'absolutely' free, the only time the word 'absolutely' appears in the entire document. More analysis of the debate over protection versus free trade will appear later in this chapter.

Although immigration controls had existed – and had contributed to a country that was already substantially white both racially and symbolically – there were also hopes that Federation would allow for the creation of uniform immigration restrictions. For some, particularly in the southern states, the extensive use of Pacific Islands labourers in the northern states, especially Queensland, was a source of concern. The power to create uniformity of immigration was afforded the Federal Government in Section 51 of the Constitution, and this power was subsequently used to implement and maintain the 'White Australia' policies of the Commonwealth.

The persistent fears of foreign immigration – particularly from Asian nations – are reflected in the following from the Victorian Board of Directors of the Australian Natives' Association (a society for native-born men, rather than First Nations peoples) in 1892:

1. In the opinion of this board, the introduction into any part of this Continent of an inferior and servile race, who cannot be permitted to participate in the government of the country, is inconsistent with Australia's existence as a free community, and fraught with danger to the best interests of its people.
2. In the opinion of this Board, the recent proposals for the introduction of coloured labour, in the alleged interests of a portion of the Continent, point distinctly to the urgent necessity of a Federal Government, which would then have power to deal effectively with such questions for the benefit of Australia.

Quoted in Robert Lewis, *Nation, Race and Citizen 1888–1914*, Eagle Resources, Malvern, 2005, p. 70.

Historian John Hirst argues that the colonists also saw in Federation an opportunity for Australia's 'enhanced status' as a nation, which would mean that its inhabitants would not be considered inferior colonials.<sup>1</sup> The historian Mark Peel adds that 'others held federation up as a fitting culmination to the progress since the gaining of self-government in the 1850s'.<sup>2</sup>

**customs duty** a direct tax imposed on a consumer of goods that may have been produced overseas or interstate  
**tariff** a tax on goods and services produced overseas, varying depending on country of origin or the good itself

Source 4.7

This argument is echoed by the words of Alfred Deakin, in a speech he made in Bendigo in 1898:

**Source 4.8**

A Federal Constitution is the last and final product of political intellect and constructive ingenuity; it represents the highest development of the possibilities of self-government among people scattered over a large area ... Do not every year and every month exact from us a toll of severance? Do we not find ourselves hampered in commerce, restricted in influence, weakened in prestige, because we are jarring atoms instead of a united organism?

Quoted in Thomas Keneally, *Australians. Vol. 2: Eureka to the diggers*, Allen & Unwin, Crows Nest, 2010, p. 210.

**FOCUS  
QUESTIONS 4.1**

1. Why did Australia feel vulnerable to foreign military threats?
2. What were some of the main characteristics of the shared sense of national identity?
3. What are some of the reasons why the six Australian colonies federated into one nation?

Furthermore, the move towards Federation was supported by many feminists in Australia, who saw in the new nation an opportunity not only to extend voting rights that had been won in two of the colonies, but for a new beginning that offered hope for better working and living standards more generally.

**Competing perspectives on federation**

Although there were many reasons for the six colonies to federate, there were many different ideas about what that might look like in reality. There were questions about what role the Empire would play in the new nation or whether Australia might separate from Britain completely and become a republic. Henry Lawson's first published poem appeared in *The Bulletin* in 1887. Here are its first two verses:

**Source 4.9**

Sons of the South, awake! arise!  
Sons of the South, and do.  
Banish from under your bonny skies  
Those old-world errors and wrongs and lies.  
Making a hell in a Paradise  
That belongs to your sons and you.  
Sons of the South, make choice between  
(Sons of the South, choose true),  
The Land of Morn and the Land of E'en,  
The Old Dead Tree and the Young Tree Green,  
The Land that belongs to the lord and the Queen,  
And the Land that belongs to you.

*A Song of the Republic* by Henry Lawson, *The Bulletin*, 1 October 1887, p. 5.

### USING HISTORICAL SOURCES AS EVIDENCE 4.3

Describe the attitude expressed by Henry Lawson towards the role that the Empire should play in a new Australian federation.

→ **Source 4.10** Henry Lawson, c. 1904

By contrast, others advocated for maintaining and even strengthening ties with the Empire. The Imperial Federation League (IFL), which had been founded in London in 1884, argued that the ex-colonies should be secured to Great Britain through the creation of a supra-national Imperial Parliament in London. In 1885, Samuel Wilson, a former pastoralist and politician in Australia, wrote from London:



The time is now most opportune to consider the question of the consolidation of the Empire. The colonies are still passionately loyal, and are desirous of a closer and more permanent union with the mother-country ... Before the loyalty of our colonies grows cold in a new generation, having necessarily fewer sympathies in common with England, and before the advent to power of the least educated of the people, it is wise fully to consider the splendid opportunity that now offers itself, and to lay wide and deep the foundations of the extended Empire of the future ...

The only practical scheme seems to be that of an Imperial Parliament of two Houses to deal with Imperial affairs, and also National or Colonial Parliaments to deal with the necessary legislation for each nation or colony.

As we shall soon have in British Dominions fifty millions of the English race, the electoral unit would then be half a million of people; and in the rapidly growing colonies each fraction of half a million might also have one member.

**Source 4.11**

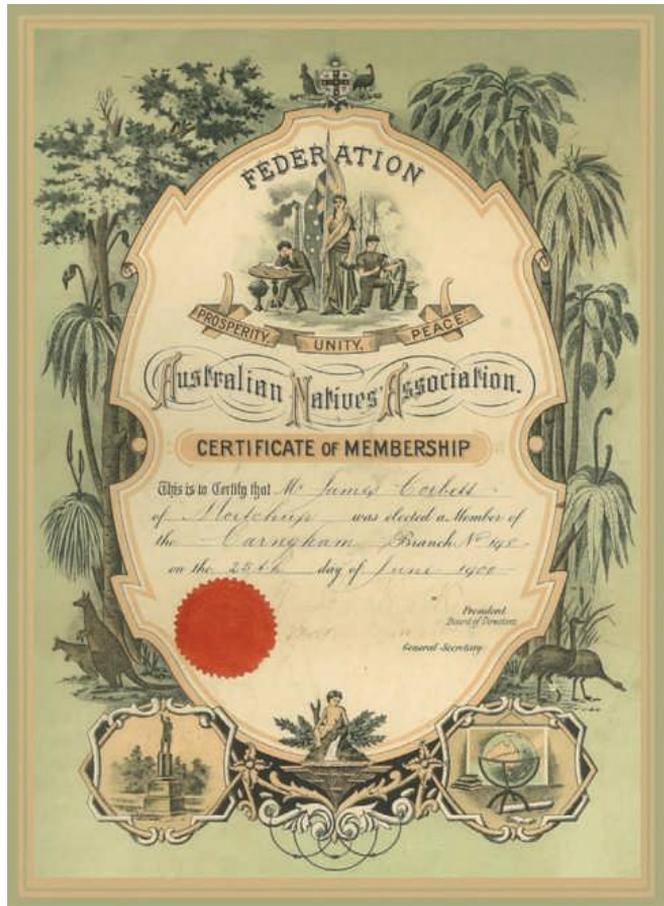
Quoted in Raymond Evans, Clive Moore, Kay Saunders & Bryan Jamison, *1901 – Our Future's Past: Documenting Australia's federation*, Pan Macmillan Australia, Sydney, 1997, p. 251.

### USING HISTORICAL SOURCES AS EVIDENCE 4.4

1. Describe why Samuel Wilson argued that 'the time is now most opportune' to form an Imperial federation.
2. How does Samuel Wilson describe the functioning of such an Imperial federation?

Evans, Moore, Saunders and Jamison argue that this movement 'lacked momentum', superseded by the desire to create an Australian, rather than Imperial, federation.<sup>3</sup>

Perhaps the most popular vision for Australian federation was espoused by the Australian Natives' Association, which aspired to an independent nation that celebrated and took pride in its own identity and achievements, but that also maintained links and loyalty to the Empire.



↑ **Source 4.12** Membership Certificate of the Australian Natives' Association, 1900

#### USING HISTORICAL SOURCES AS EVIDENCE 4.5

1. List the images and symbols that you can see in Source 4.12.
2. Using these images and symbols, explain what values were held by the Australian Natives' Association in 1900.

Interestingly, future Prime Minister Alfred Deakin was a member of both the Australian Natives' Association and the Imperial Federation League, becoming President of the Victorian branch of the Imperial Federation League in 1905. Many members of the IFL saw Australian federation as a first step towards an Imperial federation.

## The Constitutional Conferences and the act of Federation



↑ **Source 4.13** Delegates at the National Australasian Convention, Sydney, 1891

Henry Parkes declared in his Tenterfield oration that ‘surely what the Americans had done by war, the Australians could bring about in peace’. His speech helped to trigger the federation movement in Australia. In 1891 representatives from colonial parliaments met for a Federal Convention in Sydney, where they drafted a constitution. This momentum stalled as the depression and inter-colonial strikes of the early 1890s diverted attention. Also inter-colonial rivalries, such as the debate over free trade and protection, persisted. Colonial parliaments failed to confirm the draft of a constitution.

However, the movement was revived by the Australian Natives’ Association. Another conference was held in 1893, symbolically at Corowa, on the banks of the Murray River – the border of the economic protectionist policies of Victoria and free trade policies of New South Wales. Dr John Quick, a lawyer from Bendigo, made the following suggestions to generate a more democratic process that might be met more favourably by the people of Australia:

1. That each colony should elect, on its Parliamentary franchise, ten representatives to a Federal Congress.
2. That the Congress should frame a federal Constitution.
3. That, on a day to be arranged between the Governments, the Federal Constitution should be referred to the electors of each colony for acceptance or rejection.
4. That if the Constitution were accepted by majorities in two or more colonies, it should be forwarded to the Imperial Government to be passed into law.

**Source 4.14**

Adapted from J. Quick and R.R. Garran, *The Annotated Constitution of the Australian Commonwealth*, Angus and Robertson, Sydney, 1901.

Having won the support of George Reid, the premier of New South Wales (who may have hoped to be the first prime minister), the idea was accepted by the colonial premiers at a conference in Hobart in 1895.

In 1897 the first of three National Australasian Conventions (held in Adelaide, Sydney and Melbourne across 1897 and 1898) was held and the process of drafting the constitution recommenced. Four of the colonies each sent 10 elected representatives, but the Western Australian parliament decided to appoint its own 10 representatives, and Queensland was unrepresented, having been unable to agree on the method of choosing delegates. By 1897, New Zealand, which had participated in the 1891 convention, had withdrawn from the process of federating with the six Australian colonies. Most elected delegates were established politicians. Catherine Helen Spence, a leading feminist, stood unsuccessfully as a South Australian delegate, meaning no women participated in drafting the constitution.

**referendum** (in the Australian context) a general vote on matters affecting the Constitution  
**Privy Council** the highest court of appeal for the British Empire during the nineteenth and early twentieth centuries  
**Bill** a proposed law that has not yet been passed by Parliament and ratified by the Governor-General on behalf of the Monarch of England

A draft constitution was agreed to at the 1898 Convention in Melbourne and later that year people in Victoria, Tasmania and South Australia voted 'yes' for federation. Following the amendments in 1898, a second round of **referendums** on a new constitution were held in 1899, succeeding in all colonies except Western Australia. However, perhaps influenced by a petition from 30 000 gold miners to Queen Victoria, Western Australia later also agreed to join the new federation, in 1900.

Interestingly, the constitution that was produced at these conventions and was ultimately accepted by the people of Australia was very similar to what had been proposed in 1891, with only a few key differences relating to the direct election of the Senate by the people and the right of appeal to the **Privy Council** in England for cases involving the Empire. With a further amendment extending the right of appeal to the Privy

Council with the consent of the Australian High Court, the Constitutional **Bill** was passed by the British Parliament and received Queen Victoria's assent on 9 July 1900, creating the Commonwealth of Australia, as the new nation was to be called. Reflecting the democratic nature of the process that led to its creation, the Australian Constitution further enshrined democratic principles by including a provision that allowed for constitutional change through future referendums. The inauguration date was set for 1 January 1901. On this date Australians would welcome a new year, a new century and a new nation.



← **Source 4.15** In 1900, Herbert Cotton inked this drawing of New South Wales politician Sir Henry Parkes pulling back a curtain to reveal a federated Australia. It includes a quote from Parkes from 1889, and appeared in Sydney's *Daily Telegraph* newspaper.

The process of federation was peaceful and democratic by world standards. The Australian people had elected representatives to design a constitution under which the six colonies would federate, and the people then voted upon, and eventually approved, this Constitution and thus federation. Historian John Hirst has described the process of federation as a ‘democratic crusade’,<sup>4</sup> and Stuart Macintyre adds that these votes ‘installed the people as the makers of the Commonwealth and popular sovereignty its underlying principle’.<sup>5</sup> However, the delegates were men and the voters who elected them were men, except in South Australia and Western Australia where woman already had the vote. Few people of colour were electors, and none were elected to be constitution-makers. The Constitution was made by white men and mostly voted in by white men.

## FOCUS QUESTIONS 4.2

1. What was the significance of the 1893 Corowa Conference?
2. What do the referendums held in 1898 and 1899 suggest about how popular the proposed Constitution was?

### 4.3 Influential ideas on Federation

#### INQUIRY QUESTIONS

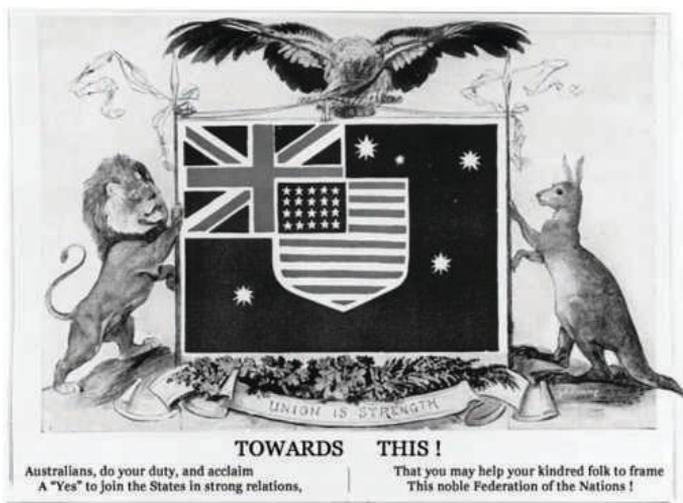
How independent was Australia from the mother country following Federation?

What role did the debate over free trade and protectionism play in the formation of political parties?

#### Ideas on governance

The Australian Constitution combined elements of the Westminster system of **parliamentary democracy** with the American model of **federalism**, along with some features that were uniquely Australian.

This combination of ideas is represented in the following image that advocated for a ‘yes’ vote to the Constitutional Bill when it was put to the Australian people:



#### parliamentary democracy

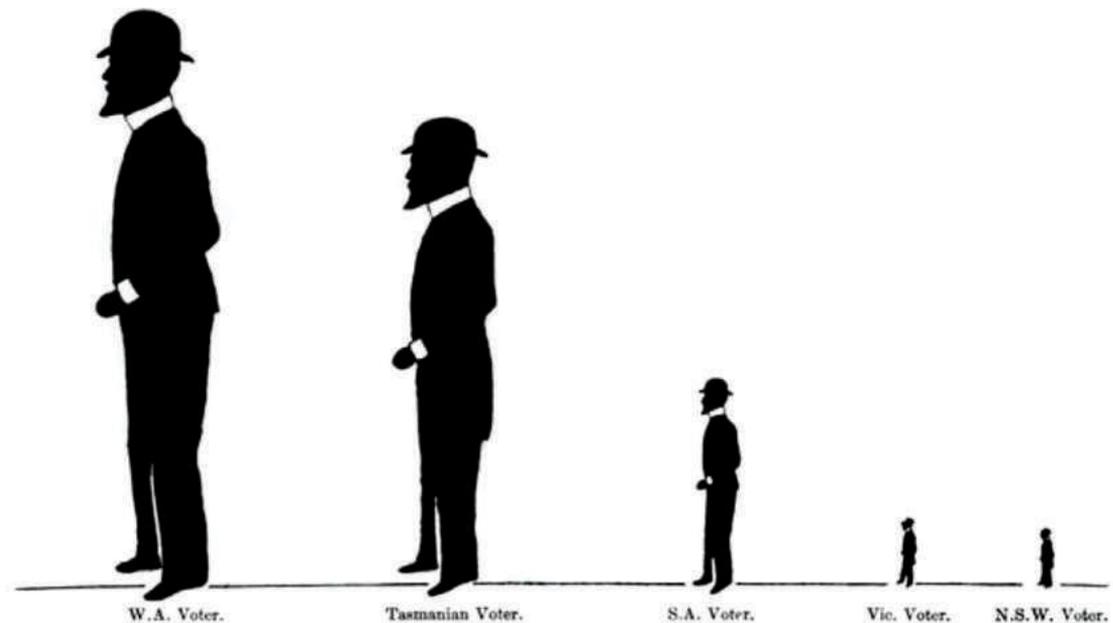
a political system in which elected representatives form a parliament that has power to make and pass laws, among other functions, and the political party with a majority of representatives in this parliament forms government

**federalism** a mixture of different levels of government combining ‘federal’, or central, government with state or regional governments

← **Source 4.16** This image represents how the Australian Constitution aspired to combine elements of the American and British style of democracy with some uniquely Australian features. It appeared in *Punch* on 2 June 1898.

Parliament was to consist of two houses. The House of Representatives (the lower house) would be based on proportional representation and members would be directly elected by members of the public. Given so many Australians lived in New South Wales and Victoria, it was feared that representatives of these two states would assume too much power in the lower house, and thus, in order to preserve the state's rights and encourage a 'yes' vote for the Constitution throughout the colonies, the Senate (the upper house) would have an equal number of senators from each state. For this reason, the proposal was considered undemocratic by some, and was one reason why the emerging Labor Party was wary of federation. Nevertheless, senators would be elected directly by the public, rather than state parliaments, as was suggested in the 1891 draft.

So in the Constitution as approved, the House of Representatives followed the British principles of parliamentary democracy, while the Senate ensured equality for the new states, despite their differential size, as in American federalism. The House of Representatives did have the greater power in making legislation, but every bill had to be also approved by the Senate, except for financial bills concerning budgets. Other democratic measures were built into the Parliament, such as the payment of members of Parliament (without which only the wealthiest members of society would be able to participate) and the exclusion of plural voting (which would have allowed wealthy property owners to vote in more than one electorate if they owned property across electorates).



↑ **Source 4.17** This image from a 1901 poster represents one of the criticisms of the proposed structure for a federation – that of equal representation by the states in the Senate (each state was to have six senators, regardless of the size of its population).<sup>6</sup> It was captioned 'Relative voting power of the individual in the Senate under federation'. As Western Australia had a much smaller population, but equal representation in the Senate, it was said that voting power was much greater in Western Australia than in Victoria or New South Wales.

Any changes to the Constitution were to be decided by the people via a referendum, requiring a double majority (a majority of the population and a majority of states). However, despite seeming very democratic in nature, this requirement has actually made it very difficult to change

the constitution – since 1901 there have been 19 referendums, suggesting 44 changes to the Constitution, but only 8 changes have been accepted.

New ideas of government were also included in the Constitution, reflecting a growing belief that a caring government should intervene directly in the economy to achieve a greater degree of social fairness. The new Commonwealth Government had powers to make laws regarding industrial arbitration (a form of settling disputes within the workplace), and old-age and invalid pensions. It also protected the right to vote that women in South Australian and Western Australia had won prior to Federation and reflected an understanding that all women would be enfranchised shortly after Federation for uniformity of voting rights. This was a particularly progressive and democratic step for the period and will be discussed further in chapter 5. However, neither the new Constitution nor the new Federation offered any rights or advantages for First Nations peoples.

However, despite being an advanced democracy for the time, Australia remained a part of the Empire, and therefore Great Britain retained ultimate authority over the country. The British monarch remained as head of state and could disallow laws after they had been passed by Australian parliaments. The monarch would also choose their representatives as Governor-General and state governors. In 1901, Australian laws could still be overruled by British parliaments, Australia could not declare war on its own behalf, and the Privy Council in England could overrule judicial decisions made in Australia.

### FOCUS QUESTIONS 4.3

1. In what ways was the Australian Constitution democratic?
2. What were some limitations to the Australian style of democracy?
3. What powers did Great Britain retain over Australia in the Constitution?

## Economic debates regarding free trade and protectionism

The economic issue of whether to protect local industry by applying customs duties on imported goods or to assist the exports of rural industries by free trade was perhaps the most divisive political issue in Australia in the late nineteenth century.

Historians Stuart Macintyre and Sean Scalmer outline both sides of the debate.

The protection of local industry was a ... divisive issue. Protective policies levied duties or tariffs on imported goods. They attracted local producers struggling to compete with overseas manufacturers; the workless, hopeful that a thriving colonial industry might offer further employment; and ministries in seeking some financial device to extract necessary revenue. Free trade, on the other hand, was enshrined in liberal political economy and by this time was the official policy in Britain, which bought most of Australia's exports and sold most of its imports. Export producers, seeking to keep their costs down, opposed tariffs, as did commercial enterprises reliant upon international trade and the workers who were employed in these sectors. Few consumers welcomed a tariff that increased their cost of living.

Victoria, with its greater reliance on manufacturing, smaller hinterland (upon which the primary industries wool and wheat depended) and more limited revenue from land sales, took the lead in protection of local industries

*Continued...*

### Source 4.18

...Continued

... In South Australia the success of wheat farmers encouraged support for free trade ... Land was the principal source of revenue in those colonies that were plentifully endowed with it, notably New South Wales, Queensland and South Australia. Customs duties were more important in Tasmania, Victoria and Western Australia (which had the land but not the buyers).

Stuart Macintyre & Sean Scalmer, 'Colonial states and civil society, 1860–1890', in Alison Bashford & Stuart Macintyre (eds), *The Cambridge History of Australia. Vol. 1: Indigenous and colonial Australia*, Cambridge University Press, Port Melbourne, 2013, p. 201.

## USING HISTORICAL SOURCES AS EVIDENCE 4.6

Using the Source 4.18, identify the arguments for protectionism and for free trade policies.

At the Constitutional Convention in 1891, it was agreed that trade between the colonies would be 'absolutely free', and this expression remained in the final draft of the Constitution. The question of overseas protection and whether to apply a tariff was to be put aside until after Federation, although the Commonwealth Government was afforded the power to raise tariff revenue in Section 86 of the Constitution. Given the colonies had depended so heavily on customs revenue, an agreement was reached – known as the Braddon Agreement for its author Edward Braddon from Tasmania – that 75 per cent of customs revenue would be returned to the states.

### The formation of political parties

The historian Manning Clark argues that 'the dividing line between groups in politics was not between radical and conservative, or even liberal and conservative, until 1880 at the earliest. In fact, between 1860 and 1880 the dividing line was on the tariff – between the supporters of free trade and the supporters of protection'.<sup>7</sup> Clarke believed that this debate contributed to previously fluid political factions in colonial parliament hardening into two distinct formations of Protectionists or Free Traders. However, other historians have argued that there were strongly defined political parties in Victoria in the mid to late 1870s.<sup>8</sup> During the 1890s a third political force – the Labor Party – emerged to challenge the two established parties.

→ **Source 4.19** Australia's first ministry. Seated in the middle, front row, is Governor-General Lord Hopetoun and to the left is the first Prime Minister, Edmund Barton, who was leader of the Protectionist Party and the caretaker government, which was installed at the inauguration of the Commonwealth. Barton won the first election, which was held in March 1901.



These three major parties dominated the national Parliament following Federation and were forced to work in coalitions with each other as initially none commanded a majority of their own. Alfred Deakin described the situation as being like having three cricket teams playing one match, or ‘three elevens’ in the field, as it became known. It was Edmund Barton’s Protectionist Party, with the support of Labor, that formed the first elected government and proceeded to pass the *Customs Tariff Act 1902* that introduced uniform rates of customs duties in all states.

In 1904, Labor formed government and Chris Watson became the world’s first Labor Prime Minister, although Deakin resumed the prime ministership in 1905. However, in response to the growing popularity of the Labor Party, the Free Traders and Protectionists agreed to put aside their long history of opposition and combined into an early iteration of the Liberal Party. Despite this, the 1910 election returned a majority for Labor in both houses of Parliament, the first time that the world had seen a Labor party form a majority government. Thus, within the first decade, Australian politics had settled into a two-party system.

#### FOCUS QUESTIONS 4.4

1. What were the main points of difference between the political parties during the early years of the Commonwealth?
2. Why did Australia develop a two-party system prior to World War One?

## 4.4 Continuity and change after Federation

### INQUIRY QUESTIONS

How did European ideas lead to First Nations peoples being excluded from the Constitution?

What legislative and judicial changes took place after Federation?

### The place of Aboriginal and Torres Strait Islander peoples in the Constitution

Aboriginal and Torres Strait Islander peoples were mentioned twice in the original Constitution. Section 127 stated that Aboriginal and Torres Strait Islander people were not to be counted in the census of Australian people, which was used to determine electorates of roughly equal size. They were counted separately. Section 51 stated that the Commonwealth Government would not take any responsibility for policies to do with Aboriginal and Torres Strait Islander peoples; this was seen to be a responsibility of the state governments. First Nations peoples were thus seen not only as non-citizens, but virtually non-people, completely excluded from the new federated nation and prevented from accessing future benefits including pensions and allowances.

Historian Helen Irving argues that Aboriginal Australians were viewed by most ‘as little more than outsiders, irrelevant to the national-building project of the federationists’.<sup>9</sup> Commonly held beliefs in **Social Darwinism** allowed many Australians to believe that, having come into contact with a perceived superior civilisation, the Aboriginal peoples were doomed to die out and their duty was, at best, to ‘smooth the pillow of a dying race’.

**Social Darwinism** a maladaptation of Charles Darwin’s theory of evolution. The theory of Social Darwinism suggests that individuals and groups are subject to the same laws of natural selection that apply to animals and plants. The extension of this theory in Australia suggested that as one ‘race’ (a group of people distinguished by things like ethnic origin or skin colour) that was perceived to be more advanced came into contact with another, the race that was perceived to be less advanced would eventually die out.

The ideas behind the exclusion of First Nations peoples are evident in the following sources. A Brisbane newspaper asked in 1890:

**Source 4.20**

What can be done for the Australian black? Is he capable of Christianisation? Is he capable even of civilisation? And is he so capable of either as to justify increased effort and expenditure ...

That the Aborigines of Australia are destined to die out as those of Tasmania have already done [this is incorrect as revealed by the existence of Palawa people of Tasmania today, but was widely believed at the time], and those of New Zealand, notwithstanding many elements of superiority, are fast doing, is admitted on all hands. The efforts therefore to which we are called on their behalf are not stimulated by the prospect of abiding or growing result, as in the case of a potential nationality; and it is the more requisite that good cause for action should be shown. Certain subordinates causes for action can be easily understood. It may be said, for instance, that the white man, in dispossessing the black of his hunting ground, had deprived him of his means of living, and that simple justice demands that compensation should be made at least to the extent of providing for the bodily necessities of the original holders of the soil ...

It is when we are asked to do more than this ... that our difficulties begin. If we are asked to civilise the black, and still more if we are asked to Christianise him ... [W]hat is wanted is some fair rebutment of the evidence that he is incapable of them [civilisation & Christianity] ... We want to have it proved to us that Christian missions to the blacks have succeeded and can succeed ... It is notorious that the salvability of the Australian black is doubted or denied.

Editorial, *Evening Observer*, Brisbane, 24 July 1890.

The historian Richard Broome has commented on such views that were part of some people's view of what the new nation was to be:

**Source 4.21**

**Providence** the idea that God intervenes in and influences people's lives

Like the law of **Providence**, the law of Social Darwinism absolved settlers for the disappearance of Aboriginal people – it was the working of this law, not white colonialism, that was at fault. Indeed, history was rewritten during the Australian nationalist dreaming period from the 1880s, to claim settlers treated Aboriginal people kindly and did everything to ensure their survival ...

By 1900 most settler Australians held derogatory views towards Aboriginal Australians, which were a mixture of ignorance, indifference, fanciful racial theories, a belief in white superiority, and the need to rationalise the continued dispossession of Aboriginal land. In this vein, settler Australians shaped their Constitution, which failed to count Aboriginal people with other Australians, and passed immigration laws that excluded people of colour and expelled Pacific Islanders from Queensland in 1906. The settlers' national dreaming was of a white Australia.

Richard Broome, *Aboriginal Australians: A history since 1800*, Allen & Unwin, Sydney, 2019, pp. 106–08.

Although the 1901 census indicated that only 67 000 Aboriginal people remained in Australia, several states had failed to count their Aboriginal populations and often excluded a proportion of the Aboriginal population that were of mixed descent and had integrated into larger white society. Nonetheless, this is less than 10 per cent of the number in 1788 when perhaps one million Aboriginal people lived on the continent. The significant drop in Aboriginal populations in the nineteenth century troubled some but, in misinterpreting Darwin's ideas that only the fittest survive, Australians could combine science with their own self-interest and justify the destruction of First Nations societies. Those who had survived the European intrusion upon their lands had often been forcibly removed to mission and reserves, deprived of their spiritual connection to Country and kinship network systems.

Since Federation, the First Nations population has slowly grown. The 2016 Australian Census indicated that 798 365 Aboriginal and Torres Strait Islander people lived in Australia, representing 3.3 per cent of Australia's total population.



↑ **Source 4.22** Aboriginal residents and three missionary teachers at Killalpaninna (later Bethesda) Mission, South Australia, 1897

The state governments continued colonial paternalistic responsibility for the welfare of Aboriginal people. They passed new discriminatory laws or carried over existing laws that created protection boards. These boards, which both controlled and protected, dictated where Aboriginal people could live, the conditions of their employment, whether and who they could marry and

who had custody of their children. The most oppressive regimes existed where the majority of First Nations peoples still lived – Western Australia, Queensland and Northern Territory (which was transferred from the responsibility of the South Australian to the Commonwealth government in 1911). Such restrictive laws and regulations imposed upon Aboriginal people closely followed the models of Victoria's 1886 Act and the Queensland government's *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*. The removal of mixed descent (so-called 'half caste') children increased during the early years of the new Federation, particularly in New South Wales after 1909, upending and damaging the lives of First Nations people in the newly-federated nation.

### FOCUS QUESTIONS 4.5

1. Describe some of the attitudes held towards Aboriginal and Torres Strait Islander people during the latter years of the nineteenth century.
2. In what ways were Aboriginal and Torres Strait Islander people excluded by the Constitution?
3. What discrimination did they continue to face as a result of this exclusion?

### Legislative and judicial decisions after Federation

Inspired by ideas of liberalism, social welfare and a vision of a better society, the Commonwealth Government passed several laws aimed at improving working and living standards. Edmund Barton's Protectionist Party proceeded to pass the *Customs Tariff Act 1902* with the support of the Labor Party. The law was intended to support both workers and producers. Tariffs would increase the cost of imported goods here in Australia and encourage Australian consumers to purchase locally produced goods, protecting both local employers and their workers. According to Stuart Macintyre, the tariff encouraged local production, particularly clothing, textile and metalworking industries, and employment in these industries rose from 200 000 people in 1901 to 330 000 by 1914, which represented around 20 per cent of the workforce at the time.<sup>10</sup>

The Commonwealth Government also sought to protect the jobs of white Australian workers by passing laws aimed at restricting, excluding, deporting or disincentivising foreign labour. The *Immigration Restriction Act 1901* aimed to limit the arrival of immigrants from specific areas who were perceived to pose a threat to white Australian jobs by working for lower wages. Similarly, the *Pacific Islands Labourers Act 1901* aimed to deport South Sea Island labourers, known at the time as 'Kanakas', despite many of them having been previously kidnapped from their homelands in order to work in Australia, largely in the sugar cane fields of Queensland. While both laws were motivated in part by economic interests, they were also shaped by a strong race consciousness that permeated Australian society during the period.

A much more radical innovation was the *Conciliation and Arbitration Act 1904*, which established the Conciliation and Arbitration Court, aimed at restoring industrial peace after the 1890s between employers and workers. Both would gain: workers by better wages and working conditions and employers by avoiding lengthy and costly strikes. According to Stuart Macintyre, Protectionist Prime Minister Alfred Deakin likened the Arbitration Court to an engineer carrying around an oil can to cool any overheated bearings in the industrial mechanism.<sup>11</sup>

When introducing the bill in 1903, Deakin explained:

Such legislation multiplies the opportunities of the masses for obtaining those reasonable concessions which hitherto too often required to be wrung from reluctant hands under the pressure of storm, and stress and devastation. On the other hand, it enables employers to settle many minor difficulties which might become magnified into great causes of disturbance and dispute, and to dispose piecemeal of causes of irritation which, if allowed to accumulate, would break out into social festers, requiring more radical, if not surgical treatment.

Source 4.23

Quoted in Robert Lewis, 'Federation and the early Commonwealth', in Tim Gurry (ed.), *An Emerging Identity*, Heinemann Educational Australia, Richmond, 1981, p. 128.

Eventually, after much debate, it was decided that the court had the capacity to hear cases that involved inter-colonial disputes.

Most unions supported the creation of the court, even though judgments could be imposed upon them, as many had been disenchanted by the experience of the 1890s and were optimistic that they could regain lost ground through participating in this process. Cases being heard in the court required union representation, so it also encouraged union membership, which increased fivefold between 1901 and 1914, and by 1914 one third of wage earners were represented by unions – rates of membership that were unmatched in other countries.

Hardliners on both sides opposed the court. Some unions thought it involved collaboration with the ruling classes, while some employer groups considered it to be **state socialism**. Liberals and moderates, such as the designers of the system including politicians Alfred Deakin, Charles Kingston, Henry Higgins and Isaac Isaacs, hoped for a more orderly and prosperous society that mitigated class conflicts, seeing the court as the pathway towards industrial and social harmony.

Historian Bob Lewis concludes:

It was one of the most innovative and effective pieces of legislation of the period. It helped change the social structure of the nation by the encouragement it gave to workers to join a trade union so as to be able to bring a matter before the Court: between 1901 and 1914 trade union membership increased five times over. Economically the Act had an effect on wages and conditions by setting precedents in cases which were usually followed by the States.

**state socialism** refers to an economic or political system based on government ownership and/or control of important means of production (in this case, labour) or businesses

Source 4.24

Robert Lewis, 'Federation and the early Commonwealth', in Tim Gurry (ed.), *An Emerging Identity*, Heinemann Educational Australia, Richmond, 1981, p. 130.



↑ **Source 4.25** Trade union certificate for the Amalgamated Society of Carpenters and Joiners, issued 1911

However, the limits of how successful the court could be in mediating disputes was revealed during a 1909 strike at Broken Hill. In that instance, the mining company BHP ignored what they considered to be an unfavourable court decision and, aided by sympathetic non-Labor governments, quashed the strike regardless.

Further legislative experimentation occurred between 1905 and 1907 when the government sought to bind the policy of protection (higher tariffs that would incentivise the purchase of locally produced goods) to better wages. The idea was that both imported and locally produced goods would be taxed, but that local producers could waive their tax (called an excise tax) if they could demonstrate that they paid their workers a fair and reasonable wage. Previously the policy of protection of local industries made higher wages possible, but this new approach sought to make higher wages an explicit condition of the policy. The government called this ‘New Protection’.

This idea was tested when the Commonwealth Government introduced two new laws in 1906:

- *Customs Tariff (Agricultural Machinery) Act 1906* placed a £12 tax on imported stripper harvesters
- *Excise Tariff (Agricultural Machinery) Act 1906* placed a £6 tax on locally produced stripper harvesters – which would be dropped if the local manufacturer was paying his workers a ‘fair and reasonable’ wage.

Meanwhile, in Braybrook, Victoria, a local producer of harvesters and other agricultural machinery, Hugh McKay, had built factories alongside a virtually new suburb in which to house his worker. Across 162 hectares, he developed housing, gardens and public facilities for the labour force of Sunshine Harvester Company and the area was soon renamed Sunshine. McKay applied for exemption from the 1906 excise tariff on agricultural machinery, and what followed led to the ground-breaking Harvester Judgment in the Commonwealth Court of Conciliation and Arbitration.

## FOCUS QUESTIONS 4.6

1. Describe some of the impacts that the Conciliation and Arbitration Court had between 1904 and 1914.
2. What does Deakin (Source 4.23) describe as the objective of introducing a Conciliation and Arbitration Court?
3. How was ‘New Protection’ different to traditional economic protection?

## The Harvester Judgment

Henry Higgins, a High Court Justice, was also the President of the Conciliation and Arbitration Court. He chose McKay's application as his company was such a large producer and significant employer of workers. This case would help determine what constituted a 'fair and reasonable wage' during the period. Higgins's approach was radical for the period, as he interviewed workers and their wives to determine how much families needed in order to live in 'frugal comfort'. This included the capacity for a family of five, for whom the male was considered the breadwinner, to afford clothes, boots, furniture, insurance, union membership, sickness, books, newspapers, alcohol and tobacco.

Higgins made a wage determination for what effectively became a minimum – or basic – wage, based on need, rather than on employers' ability to pay, and this was a revolutionary concept for the period. It became known as a 'living wage'. The figure was 7 shillings per day for a six-day week, equalling 42 shillings for a week of work. McKay, however, was paying his workers 36 shillings per week and so was not given an exemption from the excise tax on agricultural machinery. In response, McKay, with the support of the employers' group, the Chamber of Manufactures, challenged the constitutionality of the law in the High Court. McKay's legal team successfully argued that the Federal Government did not have the power to determine wages in this way. Nevertheless, Higgins used this judgment as a precedent to be followed for future similar cases. This figure represented a 27 per cent increase to the wages commonly paid to unskilled workers during the period.



↑ **Source 4.26** H.V. McKay Sunshine Harvester Works, Sunshine, Victoria, c. 1906–1907

The question of women's wages was addressed by Justice Higgins in the 1912 Fruit Pickers Case. Here Higgins determined that if women were working in jobs performing the same work with the same outcome as male workers then they should be given an equal wage. However, this was an unusual occurrence at the time, and may have been motivated by a desire to encourage the hiring of male labour. By contrast, in the industries that were worked mostly by women, it was assumed that they would not have a family to provide for, and the basic wage for women was set at 54 per cent of the male wage.

Historian Stuart Macintyre has tendered this explanation for the inequality:

**Source 4.27**

Higgins was reluctant to recognise the importance of women's labour: 'fortunately for society, the greater number of breadwinners are men. The women are not all dragged from the homes to work while the men loaf at home' [Higgins stated]. He assumed that working women were either single or else part of a larger family unit and making only a supplementary contribution to the family income, and in his determinations he erected a barrier between men's work and women's work. Female workers were awarded a wage to keep a single person; male workers were awarded a wage sufficient to provide for a man, wife and three children, and only in certain marginal occupations where women worked alongside men (fruit-picking, for examples) were they awarded the same wage – and then only to prevent the men from being replaced ... Here concern for the family enshrined inequality of women ... The effect of these endeavours was to fix the inferiority of their occupational status.

Stuart Macintyre, *The Oxford History of Australia. Vol. 4, 1901–1942*, Oxford University Press, Melbourne, 1986, p. 110.

To help understand Higgins's decision, Labor historian Frank Bongiorno has argued:

**Source 4.28**

As a consequence, Higgins' reputation, once so high among labour historians who saw the [Harvester] decision as a blow for social justice, now languishes under the impact of attacks from feminist labour historians. Yet the assumptions about the sexual division of labour on which he had based his decision had very widespread support in the early years of the century, not only from men but also from women who believed that they stood to benefit from improvements in the wages paid to men. Most Labor women accepted that a woman's place was not in the industry but in the home, and that paid labour for women was at best a necessary evil.

Frank Bongiorno, *The People's Party: Victorian Labor and the radical tradition 1875–1914*, Melbourne University Press, Carlton, 1996, p. 119.

**FOCUS QUESTION 4.7**

What was the significance of the Harvester Judgment for Australian workers?



→ **Source 4.29**  
Portrait of Henry Bournes Higgins, High Court Judge (1906–1929)

The desire to create a new economic order based on fairness underpinned the *Invalid and Old Age Pension Act 1908*. An invalid pension for those unable to work based on impairment or blindness expressed an idea for social justice, while the old-age pension acknowledged an individual's contribution to the nation through a life of work and payment of taxes.

When introducing the bill, Attorney-General William Groom said:

The measure gives legislative force to a principle which has long been in the platforms of the various political parties of the Commonwealth. The Government has consistently advocated the payment of Commonwealth old-age pensions, and has always determined to provide for it at the earliest opportunity. In every enlightened community the establishment of old-age pensions is regarded as an ideal whose attainment should be earnest sought, it being felt to be a reproach to civilisation that many persons whose lives have been spent in working for the advancement of the State should in their old age, through no fault of their own, be compelled to end their days in charitable institutions.

Source 4.30

Quoted in Robert Lewis, 'Federation and the early Commonwealth', in Tim Gurry (ed.), *An Emerging Identity*, Heinemann Educational Australia, Richmond, 1981, p. 133.

### USING HISTORICAL SOURCES AS EVIDENCE 4.7

What reasons does Groom provide for introducing an invalid and an old-age pension?

And in 1912, the Commonwealth Government passed the Workmen's Compensation Act that provided compensation for industrial accidents and disease for Commonwealth employees. Although the federal government did not have the constitutional power to provide such coverage to workers employed by state governments, it set a precedent that state governments followed. Feminist campaigning led to the principle of fairness being extended to women as mothers, through the passing of the *Maternity Allowance Act 1912*, which paid an allowance directly to the mother on the birth of her child, regardless of her marital status.

### Continuity and change for workers after Federation

The passing of several innovative laws and significant decisions had many positive impacts for Australian workers. Many workers enjoyed an eight-hour day (across a six-day working week) allowing time for sport, leisure and religion. Union membership had risen following Federation and by 1913, Frank Bongiorno suggests, there were half a million unionists in Australia, perhaps a third of all workers and probably the highest in the world at that time.<sup>12</sup> In 1910 the Labor Party formed the first majority national labour government in the world and by 1914 the Labor Party held office in every state, demonstrating the political success of the labour movement. Progressive industrial and welfare legislation had been introduced by both liberal- and labour-based governments, seeking to restore industrial peace and improve standards of living. The Harvester Judgment had enshrined the principle of a living wage for male breadwinners and this helped boost wages for unskilled workers especially. And by 1913 families were often smaller and many members of the working class were able to afford their own homes.

Stuart Macintyre sums up the achievements of this period.

**Source 4.31**

Such were the components of a system that was meant to insulate the domestic economy from external shocks in order to protect the national standard of living. Contemporaries took great pride in its generous and innovative character. Social investigators came from Britain, France, Germany and the US to examine the workings of this ‘social laboratory’ that had apparently solved the problems of insecurity and unrest.

Stuart Macintyre, *A Concise History of Australia*, 2nd ed., Cambridge University Press, Cambridge, 1999, p. 152.

However, historian Bob Lewis’s research suggests that real wages only rose 4 per cent between 1907 and 1914, an increase that he describes as ‘moderate’. Workplaces remained dangerous: injuries such as loss of fingers, eyes and limbs continued, and many lives were lost at work. Frank Bongiorno indicates that, in mining alone, 112 men were killed in 1913.<sup>13</sup> Despite the introduction of the Commonwealth Conciliation and Arbitration Court, long and bitter strikes continued. Following the collapse of the twenty-week strike at Broken Hill in 1908, socialist Tom Mann concluded that his ‘experience of the admittedly most perfect Court in existence, with a [federal] Labor Government in power, dampened any enthusiasm I might have felt for such an institution’.<sup>14</sup> And the five-week Brisbane General Strike was met forcefully by police, including against a procession of women who defended themselves as best they could with hat pins and batons.<sup>15</sup> Finally, gender economic inequality was enshrined by the Harvester and Fruit Pickers judgments of 1907 and 1912, respectively.

## 4.5 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- States continued to exercise a large amount of influence over the everyday lives of their populations.
- Debates over the policies of free trade and protectionism shaped the early political parties and their policies.
- First Nations peoples were formally excluded by the Constitution and thus rendered virtually non-persons in the new Commonwealth.

### Changes

- Although the push towards Federation lost momentum in the early 1890s, the suggestion to democratise the process renewed enthusiasm.
- Six colonies deliberately entered into a union to form a new federated nation named the Commonwealth of Australia in 1901.
- Many workers, particularly unskilled workers, benefited from the introduction of a minimum wage.

## 4.6 End-of-chapter activities

### Consolidating your understanding

#### Events

What role did the constitutional conventions play in shaping Australia's Federation?

#### Ideas

Why was the debate over free trade and protectionism so important to Australians around the period of Federation?

#### Perspectives

1. What competing visions did different individuals and groups hold for the structure of the new Federation?
2. Identify two key individuals described in this chapter and outline how they contributed to the movement towards Federation.

### Analysing causes and consequences

1. What were the most important reasons behind Australia's push to federate?
2. How democratic was the federation process?

### Constructing an argument: continuity and change

1. How democratic was Australia's Constitution?
2. To what extent did Australia become independent from Great Britain on 1 January 1901?
3. In what ways was the Harvester Judgment limited?
4. To what extent did workers' rights and living standards improve following Federation?

### Extension reading

Raymond Evans, Clive Moore, Kay Saunders & Bryan Jamison, *1901 – Our Future's Past: Documenting Australia's federation*, Pan Macmillan Australia, Sydney, 1997.

John Hirst, *Australian History in 7 Questions*, Black Inc., Collingwood, 2014 – chapter 4 'Why did the Australian colonies federate?'

Stuart Macintyre, *The Oxford History of Australia. Vol. 4, 1901–1942*, Oxford University Press, Melbourne, 1986 – chapter 5 'Making a commonwealth'.

Helen Irving, Making the Federal Commonwealth, in Alison Bashford & Stuart Macintyre (eds), *The Cambridge History of Australia. Vol. 1: Indigenous and colonial Australia*, Cambridge University Press, Port Melbourne, 2013.

# CHAPTER 5

## The fight for female suffrage, 1883–1913



**Source 5.0** A postcard used to advertise Vida Goldstein's 1910 Senate campaign, after she previously ran unsuccessfully in 1903

### VIDA GOLDSTEIN

Every woman of every political party should endeavour to secure the return of the Woman Candidate, as **All the Men** in Parliament cannot represent **One Woman** as adequately as **One Woman** can represent **All Women.**

## Chapter timeline

| World events   | Date | Australian events  |
|--|------|--|
|  | 1880 |  |
|  |      | <p><b>1883:</b> Formation of Ladies' Social Purity Society in Adelaide</p> <p><b>1884:</b> Founding of the Victorian Women's Suffrage Society</p> <p><b>1888:</b> Feminist journal <i>Dawn</i> launches</p>          |
|  | 1890 |  |
|  |      | <p><b>1891:</b> Women's Christian Temperance Union formed</p> <p><b>1891:</b> Monster Petition</p>   |
| <b>1893:</b> Women gain right to vote in New Zealand   |      | <p><b>1894:</b> South Australian women achieve political equality</p>  |
|  | 1900 |  |
|  |      | <p><b>1900:</b> Vida Goldstein launches <i>The Australian Woman's Sphere</i></p> <p><b>1902:</b> <i>Commonwealth Franchise Act</i> passed</p> <p><b>1903:</b> Vida Goldstein runs for Senate but is unsuccessful</p> |
| <b>1906:</b> Finland grants women political equality   |      | <p><b>1908:</b> Victoria enfranchises women, the last Australian state to do so</p>  |
|  | 1910 |  |
| <b>1911:</b> Dora Meeson Coates carries a banner at the Women's Suffrage Coronation Procession in London |      | <p><b>1912:</b> <i>Maternity Allowance Act</i> passed</p>  |

## 5.1 Introduction

### INQUIRY QUESTION

How far did the rights of women progress during the period 1883 to 1913?

#### Source 5.1

The *Commonwealth Franchise Act* that enfranchised white adult women was undoubtedly an important milestone. Australian women – that it was only white women went largely unnoted – stood acknowledged as full citizens, inheritors at least of the ideas of liberty, equality and justice that had powerfully influenced men’s pursuits of civil rights since the American and French revolutions. A significant moment in its own right, it was also the culmination of a series of legislative steps and social changes that offered women a more equitable place within family law, advanced educational opportunities and increased employment choices in the marketplace. The federal vote came to these Australian women decades ahead of most women in other western democracies. Only in the sister colony of New Zealand, and in four western American states had women obtained the vote by 1902.

Patricia Grimshaw, ‘The Constitution, Federation and political rights: Aborigines and white women in the New Commonwealth’, *Ethos*, vol. 8, 2000, p. 5.

In December 1894, the South Australian parliament passed the *Constitutional Amendment (Adult Suffrage) Act* which granted women in that colony, including Aboriginal women, not only the right to vote but the right to stand for Parliament, making South Australia the first electorate in the world to achieve political equality for both men and women. At the time, South Australian Premier Charles Kingston described it as ‘the greatest constitutional reform ever effected in the colony’. In doing so, South Australia also set Australia’s Federation on a path towards women’s suffrage, as it became unlikely that the colony would join any federated nation that would not uphold its achievement of universal suffrage.

The question of women’s suffrage in the new federation was fiercely debated at the Constitutional Convention at Adelaide in 1897, where a group of popularly elected delegates sought to draft the Constitution under which the six Australian colonies would federate. While many at the Convention supported the idea of female suffrage, some also feared that adopting this proposal would push the matter too hard and risk losing male votes for the draft Constitution (and thus the whole federation project) in other colonies. However, the South Australian Premier, Charles Kingston, and treasurer, Frederick Holder, led the arguments in support of women being enfranchised, arguing:

I submit that women are equally with ourselves bound by the laws; they are, with ourselves, taxpayers; by the consumption of dutiable articles we obtain taxes from women as well as from men. At the present time a woman who may be the support of her family, and whose husband contributes nothing to that support, but is simply a burden and hindrance to the woman, has no vote, while her worthless husband, may be, has one. Such a thing is not right. In this colony we have had experience of woman suffrage. At the last general elections in this colony, the women possessed votes to nearly an equal number with the men for the election of members for the House of Assembly. I was at several polling-booths on the polling day, and I noticed, as did many others who are here to-day, the quiet determined way in which the women were going to the poll. There was nothing of trifling about them; they had come seized of the responsibility resting upon them, and determined to give effect to their views with the utmost calmness and decision.

Source 5.2

Transcript of the 1897 Australasian Federation Conference, Adelaide, Thursday 15 April, first session.

Kingston threatened that the South Australian people would not vote to join a federation that took away the right of its women to vote. He warned: 'what will the result be [of the Constitutional Referendum] if it be possible, whilst the States Parliament wishes to continue its system, for the Federal Parliament to take it away?'<sup>1</sup>

Faced with resistance by other delegates, Holder proposed a compromise, which historian John Hirst has described as a 'cunning ploy', that determined that no person, including women, who has a right to vote in state elections would be deprived of that right in federal elections. Thus Section 41 of the Constitution was drafted, reading:

#### **Section 41: Right of electors of States**

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

Source 5.3

Section 41 of the Constitution of Australia, Commonwealth of Australia.

Accepting this proposition would mean that, according to future Prime Minister Edmund Barton, 'if the Federal Parliament chooses to legislate in respect of a uniform suffrage in the Commonwealth it cannot do so unless it makes it include female suffrage. It ties the hands of the Federal Parliament entirely'.<sup>2</sup> Nevertheless, the proposal

was accepted and appeared in the Constitution Bill. Enfranchised women in South Australia and Western Australia (who had been enfranchised in 1899, with the exclusion of Aboriginal women) voted in the first federal election in 1901 and the extension of the franchise to all white women around Australia occurred with the passing of the *Commonwealth Franchise Act 1902*.

### FOCUS QUESTION 5.1

Why was the enfranchisement of South Australian women in 1894 so important to the extension of the vote to all white women around Australia in 1902?

But what led up to the passing of the Constitutional Amendment in South Australia in 1894, and the momentous decisions made at the 1897 Constitution Conference, that left the newly federated nation of Australia with little choice but to enfranchise women more broadly in 1902?

South Australia led the way in progressive politics in the nineteenth century, and this chapter will focus largely on the campaigns for female suffrage in South Australia and Victoria, notwithstanding the significant women and their achievements in other colonies before Federation.

## 5.2 Influential ideas on the fight for female suffrage

### INQUIRY QUESTION

Why was the campaign for women's rights so successful in Australia?

### Gender inequality in nineteenth century Australia

In the nineteenth century, Australian society was characterised by inequities along race, class and gender lines.

Discriminatory laws against women varied across the different colonies, and many were wound back over the course of the century. Here are some examples of the legal discrimination experienced by women in the nineteenth century:

1. During the gold rush years, many women were abandoned by their husbands who were struck by gold fever. Victoria was considered the wife-desertion capital of the world. However, even deserted women remained by law as chattels (personal property) of their husband, and divorce was difficult even if the husband had left or was clearly at fault.
2. Nineteenth-century women did not have custody of their own children.
3. Property remained in the name of their husbands (or fathers if they were unmarried).
4. Women could not get their own bank loan without the approval of a husband or father.
5. Birth control was illegal, and married women did not have the right to refuse sexual relations with their husband.
6. In many colonies the age of consent for females was only 12 or 13 years old, meaning men could claim lawful sexual relations with young girls.
7. Economically, employers did not have to pay women the same wages that they paid men, even though many women were the sole or significant contributor to their family's finances.
8. Opportunities for women's education grew over the course of the century but remained limited.
9. Women did not vote and had no direct say in the laws and governments that dictated their lives.

## Seeking the franchise

Women in Australia could not directly address the inequalities they experienced without the power of the vote. The right to vote became a means to the end of improving the lives of women and reforming society into a fairer, more inclusive and friendlier nation.

Rose Scott was a leading suffragist in New South Wales. She helped establish the Womanhood Suffrage League in 1891 and in 1902 became the first president of the Women's Political Educational League. In an 1892 speech she argued for the female franchise:

[C]ould a Government confer any greater honour on itself, any greater benefit to its children, than on bestowing on women equal rights with men? Can it be good for the boy of 21 to feel that he has a voice in the Government of the country and his mother has none? ... His father teaches him to be manly ... to battle, to fight and to carve for himself a place in the world ... His mother would teach him to cultivate his affections, to be unselfish, generous and moral. Is not hers the higher teaching? ... Yet her influence in a practical way is solely confined to home, and too soon a boy is taught by his country's laws & the ways of other men to despise and look down upon the woman's teaching and influence in all business matters, and to think that his heart is meant only for the domestic circle, and that there it must be left, while he goes out to his business, or his Politics with a hard head and a stone for a heart ... In fact, gentlemen, to raise women is to raise yourselves ... If women are anxious to see a higher Christian life in our Government let them not despise the legal means of increasing their influence ... if she wants to put better wages into the hands of the toiling mothers of families, let her ask for the vote. If it is refused her now on the ground that she is a woman ... let her ask for it because she is a citizen of a great nation whose power is as wide as the whole earth & whose duties & responsibilities are commensurate with that power & because she is bound to help not only the material prosperity but the moral growth of her fellow citizens ...

Fellow Women ... it is our duty to obtain the vote in order to help all women – yes and men also – who earn their living who suffer thro' unjust laws or who dwell in misery and degradation ... It is against every Principle of Democratic Government that men should legislate entirely for women or that any class should legislate entirely for another class ...

Quoted in James Walter & Margaret MacLeod, *The Citizens' Bargain: A documentary history of Australian views since 1890*, UNSW Press, Sydney, 2002, pp. 81–4.



↑ **Source 5.4** Rose Scott, photograph August Ludwig, 1883

**Source 5.5**

## USING HISTORICAL ARGUMENTS AS EVIDENCE 5.1

1. Outline the arguments made by Rose Scott for the enfranchisement of women.
2. Using Source 5.5, explain why winning the vote was considered a priority by feminists in the nineteenth century.

Female suffrage had already been achieved in four US states – starting with Wyoming (1869), Colorado (1893), Utah (1895) and Idaho (1896). Women had also won full voting rights in New Zealand, the first country to do so. There had been a long campaign for female suffrage in England also, and politician John Stuart Mill had even introduced a bill for women’s suffrage into the House of Commons as early as 1867 and published a famous essay called ‘The subjection of women’ in 1869. This essay argued for equality between the sexes and drew on some of the material produced by his wife Harriet Taylor Mill in her own essay, ‘The enfranchisement of women’, published in 1851. Mill himself argued ‘that the principle which regulates the existing social relations between the two sexes – the legal subordination of one sex to the other – is wrong in itself, and now one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other’.<sup>3</sup>

### FOCUS QUESTIONS 5.2

1. What discrimination did women face in nineteenth century Australia?
2. Why was winning the vote so important for women to address the inequality being experienced?

## Australia as a social laboratory

Historians have emphasised different factors when explaining why Australian women led the world in their campaigns for the vote, better rights and improved standards of living. The hard work of Australian suffragists combined with a proudly democratic and egalitarian tradition in colonies such as South Australia and Victoria were certainly important (while not forgetting the gender and severe racial inequalities that existed).

Many Australians saw that they had an opportunity to shape their own nation and build their future, and one of the areas in which Australians could distinguish themselves from the Mother Country was by advancing the rights of women. Stuart Macintyre has said that even the naming of the new country reflects these ideals: the ‘Commonwealth of Australia “common weal” [meant] aiming for the common good or common wellbeing of the people. The business of government was to pursue the general welfare of all citizens.’<sup>4</sup> Similarly, historian Helen Irving suggests that ‘the promise of a new century and a “new age”, the ideals of self-improvement, spiritualism and free thinking contributed to a deeply aspirational and optimistic movement. A self-conscious sense of destiny pervades the writings of the federationists.’<sup>5</sup>



↑ **Source 5.6** Men and women stand alongside each other in this trade union banner for the New South Wales branch of the Federated Miscellaneous Workers' Union of Australia, painted by Edgar Whitbread, 1910

Some historians focus on the idea that Australia took pride in the concept of being a social laboratory, as originally discussed in chapter 3. Patricia Grimshaw suggests that ‘for male intellectuals of progressive liberal or radical politics, it became an accepted notion that the hallmark by which to judge the place of a given society on their imaginary scale of civilisation was male treatment of women within it’,<sup>6</sup> and thus advancing the rights of women became a popular cause.

Historians Mark Peel and Christina Twomey argue along similar lines.

If Australia was truly to represent the highest development of civilisation, and the Anglo-Saxon race, its women would need to be elevated onto a more equal footing with men, and protected from any evils and injustices that dimmed their moral, civic and social influence. Direct participation in politics was one means to that end: SA women won the vote in 1894, WA in 1899. “New world” women saw themselves as the best directors of social progress, which meant protecting and empowering women while also encouraging change among men. It was a proposition that Australian feminists used to good effect, and in the new century, as in the 1890s, they would use it to argue for much more than the vote. The evidence suggests that a fair proportion of Australian men agreed – at least in some ways – with the proposition that a progressive civilisation was in part measured by the freedoms and status accorded its women.

**Source 5.7**

Mark Peel & Christina Twomey, *A History of Australia*, 2nd ed., Palgrave Macmillan, New York, 2018, pp. 117–8.

In a more practical analysis, Manning Clark considers why political majorities in parliaments were willing to approve such reforms. He suggests that it was not an inherent interest in the rights of man, but rather that there was less for these groups to lose by combining democratic reforms (such as payment of members and abolishing plural voting) and extending the franchise. Clark argued:

**Source 5.8**

Three facts emerge from the debate on democracy. The first is that there is no group with legal or social privileges in Australia, and almost unanimous agreement that it was undesirable to create such a group. The second is that political equality was not a menace to economic privilege in Australia because of the high proportion with a stake in the country, and because of the belief that talent, thrift and industry could win handsome material rewards from the existing social order. The third is that wealth and education already had adequate power: they did not need the protection given by a system of additional votes for wealth and education. Thus political democracy is not introduced to batter down the walls of privilege.

Manning Clark, *Select Documents in Australian History 1851–1900*,  
Angus & Robertson, Sydney, 1955, p. 317.

## USING HISTORICAL SOURCES AS EVIDENCE 5.2

How have historians explained the success of the campaigns for female suffrage in Australia?

## 5.3 Significant events in the fight for female suffrage

### INQUIRY QUESTION

In what ways did men and women pursue greater political rights for women?

### Forming organisations and suffrage leagues

Without the vote, which men gained in the 1850s, women were not represented in Parliament. To effect change, they needed to influence male politicians to be sympathetic towards their cause. Australian women adopted many different strategies to advance their political, social, legal and economic rights. Historian Clare Wright has written about the often-neglected roles played by

**temperance** a social movement advocating abstinence from alcohol to achieve moral reform  
**suffrage leagues** groups demanding women's right to vote (suffrage)

women at the time of the Eureka Stockade, for example, as newspaper editors, by producing poetry, hosting meetings of the Ballarat Reform League or contributing to the sewing of the Southern Cross Flag.<sup>7</sup> However, the women's suffrage campaign gathered momentum in the 1880s. Women formed organisations such as the **Temperance Unions** or **Suffrage Leagues**, produced feminist journals and literature, and organised petitions and public campaigns boosted by many letters to local newspaper editors.

Historian John Hirst argues of the women's suffrage movement:

It is sometimes said that Australian women did not have to struggle as hard to get the vote as their sisters in Britain and America. Australian women got the vote in the new Commonwealth in 1902 and in all the states by 1909. It was nevertheless a struggle from the time of the formation of the first women's suffrage league in 1884: a long series of meetings, deputations and petitions. Australian women had to stick at it much longer than the men; Australian men got the vote quickly and with almost no struggle at all.

Source 5.9

John Hirst, *Australian History in 7 Questions*, Black Inc., Collingwood, 2014, p. 58.

The Women's Christian Temperance Union (WCTU) originated in the United States in the 1880s. It was brought to Australia by Mary Clement Leavitt who helped form the South Australian branch in 1886. It was energised by a visit in 1889 from Jessie Ackerman, one of the American leaders of the movement. Ackerman later formed the intercolonial WCTU across Australia in 1891. The WCTU sought to reform society by lobbying for legislation to minimise male excesses: such as temperance (abstinence from alcohol), and laws against gambling, prostitution, domestic violence and a law to raise the age of consent. The Union's Christian values, pursuit of healthier, happier homes, and encouragement of sobriety, attracted the hostility of the alcohol trade, but earned the sympathy of many male politicians. These aims led to the push towards female suffrage gaining ground. Some male politicians who shared such beliefs saw the franchise for women as a way of furthering these policies.



↑ Source 5.10 Group portrait of the Kalgoorlie, WA, branch of the WCTU, photograph by J.J. Dwyer, c. 1910

In South Australia, the Ladies' Social Purity Society formed in 1883, had successfully campaigned in 1885 to raise the age of consent from 12 to 16 years old. The Society also pushed for an end to girls as young as 10 being used as servants, factory workers and street sellers. Mary Lee and Mary Colton, who led those campaigns, were key to the campaign for female suffrage in that colony. Since migrating from Ireland to support her sick son (who died the following year), Mary Lee fought tenaciously to end child labour and young women's employment. Lee also became the secretary of the Working Women's Trade Union. The activism of these women provided experience for the formation of the Woman's Suffrage League of South Australia in 1888. Indeed, Mary Lee was an inaugural secretary and Mary Colton became the League's first female president in 1892.

Victoria founded the first suffrage society in 1884 – the Victorian Women's Suffrage Society – with leading feminist Henrietta Dugdale as its inaugural president. Dugdale was a long-term campaigner for women's rights to education and property ownership. She also campaigned for women to wear bloomers (wide-legged trousers) rather than traditional corsets and restrictive skirts.<sup>8</sup> However, Victoria did not grant female suffrage in state elections until 1908, having the embarrassing honour of forcing supporters to carry out the longest campaign in Australia for female suffrage. Eventually, activists in South Australia and Victoria achieved the same voting rights for women as were held by men, and ultimately equal justice regarding marriage, property, children and divorce.

## Petitions

Despite the work of these organisations, many men still believed that women did not actually want the responsibility of voting. In 1891, Victorian Premier James Munro promised to introduce a bill into the Victorian Legislative Assembly if he could be provided with evidence that this desire was in fact widespread among women. Drawing on the organisational skills of the Victorian WCTU and the Victorian Suffrage Society, 30 000 signatures were collected. This feat was achieved by Henrietta Dugdale, Annette Bear-Crawford, Vida Goldstein who became a leading campaigner for female suffrage, and other women, travelling door to door by foot and by train throughout Melbourne and regional Victoria. The signatures were pasted together on what became known as the 'Monster Petition' that stretched over 260 metres and was rolled onto a cardboard spindle. The petition required four attendants to carry it into the Victoria Parliament. It remains the largest petition ever



↑ **Source 5.11** The 1891 'Monster Petition'; the petition can be searched for names through the Victorian parliament's website

presented to that Parliament. Convinced, Munro introduced a bill to give women the vote, which passed the lower house, but it was rejected by the conservative Legislative Council (the upper house).

Although the 1891 'Monster Petition' was the largest, other petitions were also organised in South Australian and Queensland in 1894, collecting over 11 000 signatures each. These petitions proved an effective way to show how popular the idea of female suffrage was in the absence of the vote itself. The following is an excerpt from the 1891 petition.

*The Humble Petition* of the undersigned *Women of Victoria* respectfully sheweth [show]:

*That your petitioners believe:*

*That* Government of the People by the People, and for the People should mean all the People, and not one-half

*That* Taxation and Representation should go together without regard to the sex of the Taxed

*That* all Adult Persons should have a voice in Making the Laws which they are required to obey.

*That*, in short, Women should Vote on equal terms with men.

*Your petitioners therefore* humbly pray your Honourable House to press a Measure for conferring the Parliamentary Franchise upon Women, regarding this as a right which they most earnestly desire.

*And your Petitioners will ever Pray.*

Source 5.12

Excerpt from the 1891 'Monster Petition', Parliament of Victoria, Women's suffrage petition.

## Feminist writing

Women were also able to advance their cause by publishing journals and books. In New South Wales, Louisa Lawson launched the feminist journal, *Dawn*, in Sydney in 1888. It combined political ideas with practical tips for women and was widely read. The title was symbolic of the hopes that Australian women held for a fresh beginning and more equitable future, particularly around the period of Australia's federation. Despite protests and resistance, in particular from the New South Wales Typographical Association due to Lawson's use of female editors and printers, the journal remained in publication until 1905. Louisa Lawson's great granddaughter, the historian Olive Lawson, argued that *Dawn* 'played a significant role in promoting those legislative changes which most affected the lives of Australian women at the turn of the century – the laws on female suffrage, on marriage, and divorce, on property ownership, on women's conditions of work and unionism, on women's education and equal opportunity in the workforce'.<sup>9</sup> In 1900 Vida Goldstein launched another journal, *The Australian Woman's Sphere*.

Louisa Lawson explains *Dawn's* mission in the first issue.

**Source 5.13**

Here then is DAWN, the Australian Woman's journal and mouthpiece – a phonograph to wind out audibly the whispers, pleadings and demands of the sisterhood. Here we will give publicity to women's wrongs, will fight their battles, assist to repair what evils we can, and give advice to the best of our ability. Half of Australian women's lives are unhappy, but there are paths out of most labyrinths, and we will set up fingerposts. For those who are happy – God bless them! Have we not laid on the Storyteller, the Poet, the Humorist and the Fashionmonger? We wear no ready-made suit of opinions, nor stand we on any ready-made platform of women's rights which we have as yet seen erected. Dress we shall not neglect, for no slattern [an untidy and/or sexually promiscuous woman] ever yet won the respect of any man worth loving. If you want "rings on your fingers and bells on your toes" we will tell you where they can best be bought, as well as sundry other articles of women's garniture [decoration or adornment].

We shall welcome contributions and correspondence from women, for nothing concerning woman's life and interest lies outside our scope. It is not a new thing to say that there is no power in the world like that of women, for in their hands lie the plastic unformed characters of the coming generation to be moulded beyond alteration into what form they will. This most potent constituency we seek to represent, and for their suffrages we Sue [make appeals].

Louisa Lawson, *Dawn*, vol. 1, no. 1, 15 May 1888.

### USING HISTORICAL SOURCES AS EVIDENCE 5.3

1. Outline the reasons provided by Louisa Lawson in Source 5.13 for publishing the journal *Dawn*.
2. Describe the stance taken by Lawson towards female suffrage.

### USING HISTORICAL SOURCES AS EVIDENCE 5.4

1. Using Source 5.14 on page 121, explain how Vida Goldstein argues that women should be enfranchised.
2. What does the representation of First Nations and Chinese people in Source 5.14 suggest about Goldstein's views towards 'race' (people from other ethnic backgrounds)?

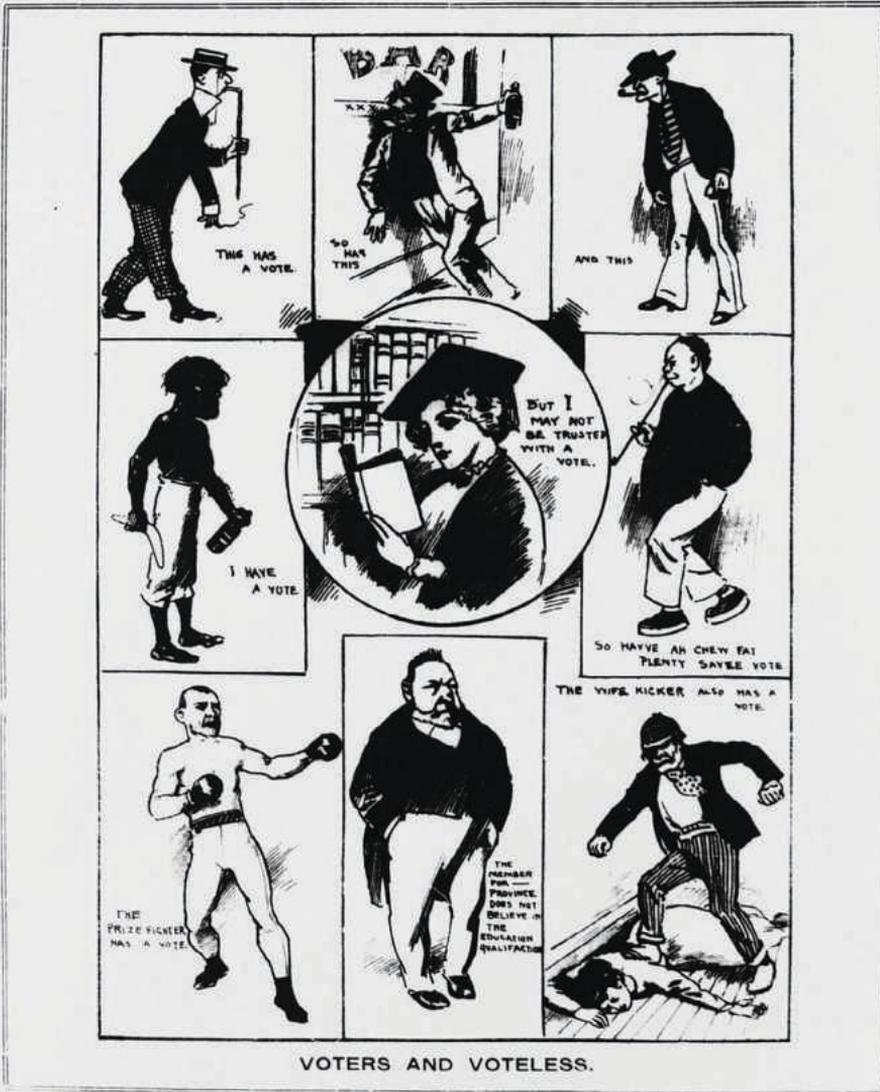
# The Australian Woman's Sphere

*I am a human being, and I believe nothing human is outside my sphere.—TERENCE.*

VOL. I., No. 2.

MELBOURNE, OCTOBER, 1900.

PRICE, ONE PENNY



↑ Source 5.14 The front cover of the October 1900 edition of *The Australian Woman's Sphere*, by Vida Goldstein

Women wrote novels outlining what a better future for women in Australia might look like. Henrietta Dugdale's booklet, *A Few Hours in a Far Off Age*,<sup>10</sup> is about history lessons looking back upon life in the 1880s, with students shocked by the primitive conditions that women endured. The future described by South Australian feminist Catherine Helen Spence in her book *A Week in the Future*<sup>11</sup> is characterised by equality, both in terms of employment and legal rights. And young novelist Stella Miles Franklin depicted a resilient and independent heroine in her novel, *My Brilliant Career*.<sup>12</sup> These stories all helped Australians imagine a better society, marked by equality between the sexes.

Many women wrote articles and letters to newspapers and journals, publicly airing their arguments. The following sources are two examples of writing that appeared in the *South Australian Register*.

The following source on woman's suffrage is by an anonymous letter writer, who used the *nom de plume* 'Zenobia, Queen of Palmyra' when writing her 27 letters to the editor between 1888 and 1891. Zenobia regularly advocated for the education of girls and rights for women more generally.

**Source 5.15**

I do want to break up the smug complacency of the men, and to let them understand that rule by men only is not such a remarkable success as they at times seem to imagine, and also to bring before them the profound, far-reaching, and injurious legal injustice with which they treat women, for I believe that if this matter of the legal status of women is once clearly understood by the mass of men that they will do justice to women. The appeal to the reason and conscience of the masses of men will not be in vain. The profound injustice to women, which under the present political system is the bottom of all the other legal injustice to women and of much of the social injustice is the absolute denial to women of the suffrage. Women have to be bound by the laws in person and pocket, and yet have no voice in the choice of the makers of the laws. Adulterers and drunkards are elected by men to sit in Parliament, and women in the most helpless manner are obliged to submit to laws made by such characters. Men can show no more title to the suffrage than the women can. Do men require votes to protect their interests? So do the women. Do men require votes to further their interests? So do the women. Have men reason and knowledge? So have the women. Does it elevate a man to be a free citizen with the franchise and make him of more consideration? So it will a woman ... The vote will raise the women in the consideration of men, for they will be realized to be a political force. It will also redeem the lives of women from much littleness, and cause them to take wider views of life, of its interests, duties, and responsibility ... I must still ask the men to do justice, and enfranchise all women over 25 who have similar qualifications to those demanded from men.

I am, Sir, &c.,  
ZENOBIA

Zenobia, Queen of Palmyra, *South Australian Register*, Letter to the Editor, 24 April 1888, p. 6.

Mary Lee wrote this when secretary of the South Australian Woman's Suffrage League.

Let husbands, brothers, fathers be kept in mind that it is the duty of every honest man to be just and see justice done; that it is the right of every free man to leave his daughters as free as his sons. It is argued that women are apathetic and indifferent to the franchise. It is a well-established fact that with individuals, as with nations, long subjection eats away the nobler instincts and aspirations and develops their worst appetites. What wonder then, that, there are to be found women in whom grinding poverty and habitual humiliation have effaced all which ennobles and beautifies womanhood?

Source 5.16

Mary Lee, *South Australian Register*, 21 March 1890, p. 7.

### USING HISTORICAL SOURCES AS EVIDENCE 5.5

1. Compare the similarities between the arguments for female suffrage made by Zenobia (Source 5.15) and Mary Lee (Source 5.16).
2. Explain the benefits of writing to and for newspapers such as the *South Australian Register* for the campaign for female suffrage.

### FOCUS QUESTIONS 5.3

1. What strategies were used by women to pursue the vote and greater political rights?
2. Which strategies do you think were most important?

## 5.4 Diverse and competing perspectives on female suffrage

### INQUIRY QUESTION

What were the arguments against female suffrage?

Queen Victoria was the monarch of the United Kingdom and Australia from 1837 until 1901. Vida Goldstein and other suffragists argued that it was illogical that a female could be accepted as fit to be queen but that women were not equipped to serve as members of Parliament. However, Queen Victoria herself was no supporter of the campaign, writing in a letter in 1870:

I am most anxious to enlist everyone who can speak or write to join in checking this mad, wicked folly of 'Women's Rights', with all its attendant horrors, on which her poor feeble sex is bent, forgetting every sense of womanly feeling and propriety. Lady Amberley ought to get a good whipping. Were woman to unsex themselves by claiming equality with men, they would become the most hateful, heathen and disgusting of beings and would surely perish without male protection.

Source 5.17

Queen Victoria, letter to Sir Theodore Martin, 1870.<sup>13</sup>

It would not have been with much pleasure that Queen Victoria signed into existence South Australia's 1894 Constitutional Amendment, which granted full political equality to women in that colony.



← Source 5.18 Queen Victoria, 1882

Arguments against female suffrage, which were often put forward by politicians and the press, were widespread and varied, including:

- Women would follow their husband's instructions, thus doubling the voting power for each married man. After observing the first federal elections in which enfranchised women voted, in 1905, E.C. Buley wrote that 'for the present the Australian woman is content to be guided in the main by the political opinions of her husband or brother'.<sup>14</sup>
- Women were not seen as emotionally or intellectually robust enough to manage the burden of voting or the heated nature of politics. Without political experience, women were thought to be easily manipulated by experienced politicians and their election campaigns.
- Having a vote would distract women from their domestic duties and diminish their ability to serve as mothers and wives.
- Conservative politicians were concerned that enfranchising women would strengthen urban areas as compared to rural areas, and that women would be more inclined to support labour parties.
- At the 1897–98 constitutional conventions, representatives of some colonies felt that they were being pressured to enfranchise the women of their own states. Others felt that women should leave the business of politics and federation to the men.

In response to a petition from the Women’s Suffrage League to the delegates at the 1897 Constitutional Convention at Adelaide, *The Bulletin* published this verse:

Pray, lovely Woman, cease to tease  
 The Candidates with tearful pleas  
 About your suffrage matter.  
 Give us a chance pray, if you please  
 To federate the colonies  
 Without your endless chatter

Source 5.19

Quoted in Thomas Keneally, *Australians. Vol. 2: Eureka to the diggers*, Allen & Unwin, Sydney, 2010, p. 171.

Cartoons often captured these perspectives, commonly depicting women who argued for the franchise as the ‘shrieking sisterhood’. In these representations, women would often moralise or hassle male politicians, or, alternatively, be portrayed as incapable of managing the responsibility of voting. These concerns were similarly prominent in Great Britain, as seen in the image in Source 5.20 that appeared in a British magazine.



↑ **Source 5.20** ‘The Angel in “The House”; Or, the result of female suffrage. (A troubled dream of the future)’, *Punch*, 14 June 1884, by Edward Linley Sambourne



↑ **Source 5.21** This cartoon appeared in *The Worker* on 17 November 1900, and depicts an older woman badgering the Queensland premier of the time, Robert Philp. The caption is: ‘Here, you man! Where’s that Vote you promised Me?’.

## USING HISTORICAL SOURCES AS EVIDENCE 5.6

Compare the attitudes towards female suffrage reflected in Sources 5.20 and 5.21.

Despite the size of the petitions tabled in colonial parliaments throughout Australia in support of female suffrage, *The Argus* still wrote in April 1902 that ‘no House of Parliament would have kept [women] out of the political arena if it had been evidence that they wanted to come in. The truth is that only a small minority have clamoured to be burdened with political responsibility.’<sup>15</sup> Although no petitions supporting the franchise for women were bigger than the 1891 ‘Monster Petition’, many petitions by women were tabled in Parliament arguing against their enfranchisement. There were fourteen such petitions in Victoria, all tabled on 11 September 1900, commencing with the words:

### Source 5.22

To the Honourable the President and Members of the Legislative Council of Victoria in Parliament Assembled. The petition of the undersigned women, resident in Victoria, humbly sheweth: – That there is a Bill before your Honourable House to confer the Parliamentary franchise on women. That your petitioners are convinced that this measure will not be for the good of the State for the following reasons: – It will be the cause of dissension in families. Many women have neither the time nor opportunity to inform themselves concerning great public questions without neglecting the training of their children and the comfort of their homes. Suffrage for women will force them from the peacefulness and quiet of their homes into the arena of politics, and impose a burden upon them in addition to their present duties. The present feeling in favour of the measure will pass away, but the effect of the measure will remain.

Public Record Office Anti-Suffrage Petition, 1900, <https://prov.vic.gov.au/about-us/our-blog/case-against-universal-suffrage>

Evidence of ongoing resistance to extending the franchise can be seen in the Victorian Parliament in 1908. When debating female suffrage in the state of Victoria, one of the members of the Legislative Assembly, David Gaunson (who also conducted the pre-trial defence of Ned Kelly in 1880), addressed the issue by telling women to ‘get out, cook a chop and learn to dress your baby if you have one’.<sup>16</sup>

Victoria had seen Australia’s first woman’s suffrage league in 1884; however, it was not until 24 years later, and after the introduction of 19 bills into Parliament, that the legislation was finally passed to enfranchise Victorian women in 1908. And even in 1908, the law was probably only passed due to the rise to prominence of a conservative women’s group, the Australian Women’s National League, which convinced conservative politicians that women would not be likely to support the Labor Party in large numbers.

## FOCUS QUESTIONS 5.4

1. What arguments were used to oppose female suffrage?
2. Which individuals and groups were most likely to oppose female suffrage?
3. Why did it take so much longer for female suffrage to be achieved, as compared to male suffrage, in Australia?

## 5.5 Continuity and change in the fight for female suffrage

### INQUIRY QUESTION

How did Australian women contribute to the international woman's suffrage movement?

### Achievements of the campaign for women's rights

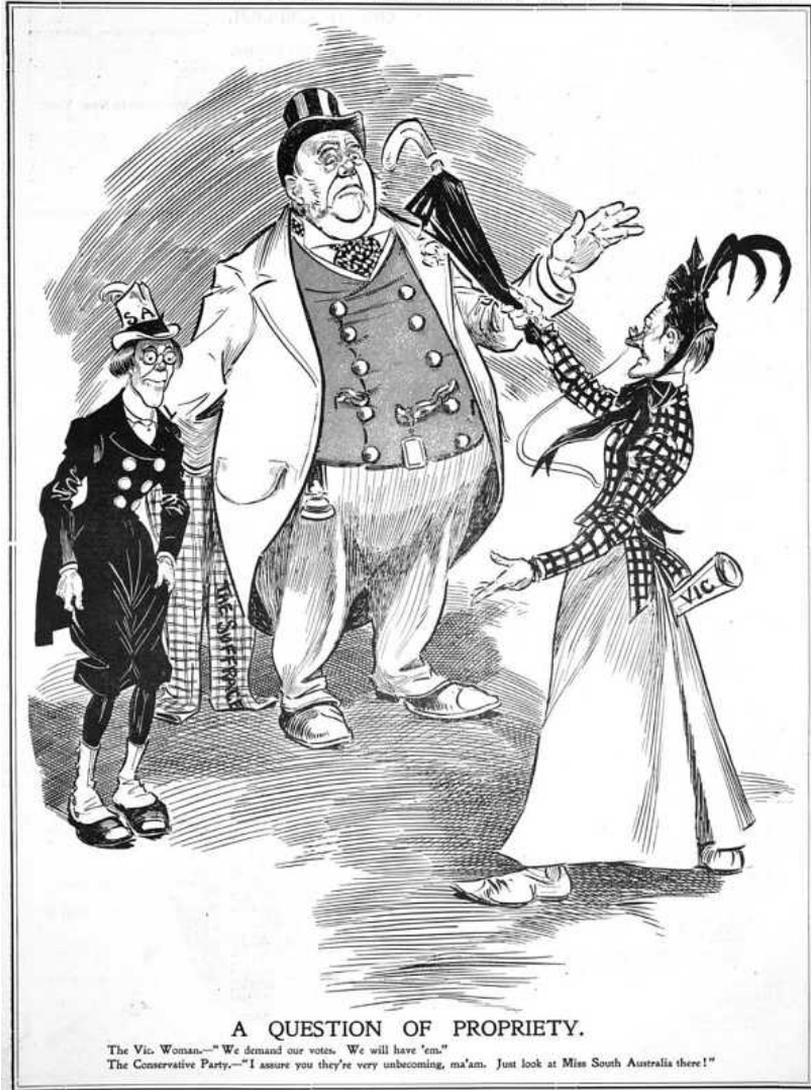
The Colony of South Australia led the way in advancing women's rights and many took pride in its democratic tradition. Although it might seem like a small step today, in 1858 a change was made to divorce laws permitting a divorce if a woman could prove her husband's adultery (having sex with someone else) plus either his cruelty or drunkenness. Further legislation in 1867 protected the property of divorced wives. And, as previously noted, the Ladies Social Purity Society was instrumental in raising the age of consent from 12 to 16. In addition, female ratepayers (landowners who paid tax) were allowed to vote in municipal elections from 1861 in South Australia.

Education for girls was strongly supported in South Australia. The first public secondary school for females in Australia was the Advanced School for Girls in Adelaide. When the University of Adelaide was founded in 1874, women were admitted to study and the South Australian Government insisted on passing legislation – against the wishes of the British Government – allowing women to take degrees. The presence of educated women in South Australia was one of the main arguments used to support giving them the vote.

However, despite these victories, full political equality was won in South Australia in 1894 in part due to a political miscalculation. Ebenezer Ward, an opponent of female suffrage, added an amendment to the female suffrage bill that allowed women to stand for election, thinking that this would make the bill so unpopular that it would not pass both houses of Parliament. Despite the amendment, the bill did pass and was brought into law, and thus full political equality was achieved by women in that colony.

In Victoria, the right to own property was given to married women in 1884, and in 1887 the University of Melbourne Medical School accepted its first female applicants, after the right to attend university was granted to women in 1880. In 1896, the colony opened its first women's hospital and named it after Queen Victoria to form part of the celebrations for the Queen's golden jubilee. However, there were many backwards steps during the campaign for female suffrage. In 1863, the Victorian Parliament accidentally granted women the right to vote in Legislative Assembly elections. The newly passed *Electoral Act* had the unintended consequence of allowing ratepaying women who were listed on municipal **rolls** to vote in local government elections. Those women could vote in the general election of 1864, but the Parliament reversed what it considered its error in 1865, ending female suffrage until it was finally granted in 1908.<sup>17</sup>

**roll** the official list of names and addresses of people who are entitled to vote



↑ **Source 5.23** ‘A Question of Propriety’. The Victorian woman: ‘We demand our votes. We will have ‘em.’ The Conservative Party: ‘I assure you they’re very unbecoming, ma’am. Just look at Miss South Australia there!’ *Critic*, 26 August 1899, p. 16.

Following Federation, the *Commonwealth Franchise Act 1902* was passed, allowing white women to vote in national elections. Having won the vote, Australian women experienced many improvements in standards of living. Infant and maternal mortality rates decreased and laws and regulations were introduced regarding working conditions for women. Significant legislation, such as the *Maternity Allowance Act 1912*, was passed by the Federal Government. This law was progressive in that the benefit of a £5 payment on the birth of a child was not subjected to any means test, and was offered to both married and unmarried women, which was quite a radical occurrence for the period. The payment was probably the equivalent to almost a month of wages for a typical female factory worker. However, the benefit was not offered to women of colour, reflecting

that only white women were being encouraged to procreate. As Peel and Twomey state, the Labor Prime Minister at the time, Andrew Fisher, ‘declared that mothers “were performing the highest duties of citizenship, and enduring dangers not second to those of war”’.<sup>18</sup>

This law aimed to end falling birth rates. However, many couples were by then using birth control to limit family size to three or four children. As the historian Frank Bongiorno notes that, as a consequence of falling birth rates, ‘by 1913 many homes allowed a reasonable degree of marital privacy and even the possibility of boys and girls occupying separate rooms’.<sup>19</sup> The historian Raelene Frances explains that the Federal Government was:

concerned about both the quality and quantity of the white race at a time when all political parties supported the ideal of ‘White Australia’: a harmonious, prosperous society, free of racial tensions in which ‘coloured’ aliens would be excluded and the Indigenous population would die out. Although motivated partly by racial concerns, the Fisher government was also concerned about the welfare of citizen-mothers. The inclusion of unmarried mothers was indicative of the more inclusive approach of modern feminists, who drew no distinction between the respectable and the so-called ‘fallen’ woman.

Source 5.24

Raelene Frances, ‘Women in White Australia’, in Stuart Macintyre, Peter Stanley & Tom Griffiths (eds), *Glorious Days: Australia 1913*, National Museum Australia Press, Canberra, 2013, p. 98.

## Racial exclusions

The *Commonwealth Franchise Act 1902* was very progressive for the period, making Australian women the first in the world to be able to both vote and stand for parliament. However, it was also an exclusive and discriminatory piece of legislation that reflected the commonly held ideal of a White Australia. While the Act enfranchised people over 21 years old, it also included the words:

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

Source 5.25

*Commonwealth Franchise Act 1902*, Commonwealth of Australia.

Aboriginal and Torres Strait Islander peoples and people of colour had already been rendered as virtually non-persons by the Constitution, and this Act confirmed the Federal Government’s neglect and discrimination towards them. The discriminatory section 51 of the Constitution denied Aboriginal and Torres Strait Islander people any of the benefits of laws passed by the Federal Government, including the maternity allowance of £5 on the birth of a child. In regard to the contradictory nature of such radical, yet exclusive, legislation, historian Christine Twomey has argued that ‘a capacity for progressive measures within a racially restrictive framework was a hallmark of the early Australian federal state’.<sup>20</sup> While white women in all states were finally enfranchised in 1908, once Victoria changed its law, it should not be forgotten that the fight for First Nations voting rights, both male and female, continued until the 1960s.

## Political participation

Raelene Frances commented of the women's franchise:

### Source 5.26

From the very first days of Federation, Australia's white women were accorded a stake in the nation's destiny. Unlike their sisters in almost every other country in the world, they could vote for their representatives in the new federal parliament. A significant number of Australian women took their responsibilities as voting citizens seriously. They saw the vote as an opportunity to shape the future of the new nation in a way that would improve the lot of women as well as benefit society as a whole.

Raelene Frances, 'Women in White Australia', in Stuart Macintyre, Peter Stanley & Tom Griffiths (eds), *Glorious Days: Australia 1913*, National Museum Australia Press, Canberra, 2013, p. 98.

Catherine Helen Spence became the first woman to stand for political representation in Australia, when she unsuccessfully nominated as one of South Australia's delegates to the 1897 Constitutional Convention. However, property-owning women in South Australia had been voting in municipal elections since 1861 and all women were entitled to participate in the South Australian colonial election in 1896, having won that right in 1894.

The following sources describe the involvement of women in the 1896 South Australian election:



↑ **Source 5.27** Election day in Adelaide, 25 April 1896 – the first Australian election and referendum in which women could vote

↓ **Source 5.28** Voting statistics from the 1896 South Australian election

| Women      |        |         | Men        |        |         |
|------------|--------|---------|------------|--------|---------|
| Enrolments | Voters | % voted | Enrolments | Voters | % voted |
| 59 166     | 39 312 | 66.4    | 77 752     | 51 572 | 66.3    |

*The Adelaide Observer* reported:

Women were everywhere, and their presence ... no doubt had a refining influence. Never have we had a more decorous gathering together of the multitude than that which distinguished the first exercise of the female franchise on Saturday April 25 1896; and rarely since the days of open voting has there been so much excitement, albeit under control.

**Source 5.29**

*The Adelaide Observer*, 2 May 1896, p. 41.

### USING HISTORICAL SOURCES AS EVIDENCE 5.7

1. What do the statistics in Source 5.28 reveal about the participation of women in the 1896 South Australian election?
2. To what extent do Sources 5.27 to 5.29 challenge the fears reflected in Sources 5.20 and 5.21 about female suffrage?

Following the passing of the *Commonwealth Franchise Act 1902*, Vida Goldstein became the first woman in the British Empire to nominate for a national Parliament. In 1903 Goldstein unsuccessfully ran for the Australian Senate but surprised many sceptics by winning over 50 000 votes. Despite ongoing resistance to her efforts, she went on to stand as an independent for Parliament five times, but never won, despite the number of female voters in Australia doubling between 1903 and 1910. Goldstein chose not to join a political party to maintain the integrity of her own platform. Had she joined a party she may well have been the first woman elected to an Australian parliament. Edith Cowan had that honour in Western Australia in 1921, being elected as a member of the Nationalist Party.

### FOCUS QUESTIONS 5.5

1. Describe some changes for women following Australia's federation.
2. In what ways did women still face resistance, opposition or inequality?

### A global inspiration

Many other countries were inspired by the success of the Australian suffragist movement, and many Australian women actively contributed to foreign movements. In 1902, the American President Theodore Roosevelt invited Vida Goldstein to the Oval Office while she was in the country to speak at the International Women Suffrage Conference. Goldstein also supported Emmeline Pankhurst's more radical and militant suffragette movement in Britain, and over 10 000 people came to hear Goldstein speak at the Royal Albert Hall in 1911.<sup>21</sup> Similarly, Australian-born Muriel Matters may

have been the first woman to speak in Westminster, after she chained herself to a viewing grille in 1908 and made a speech demanding votes for women. These are just two examples of the active involvement that Australian women made abroad. They were not content with having won the franchise in Australia, they sought the vote and greater rights and freedoms for white women all around the world.

## 5.6 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- It took many years of struggle and patience for women in all states of Australia to be enfranchised.
- No woman was elected to an Australian parliament until 1921.
- Women of colour continued to experience inequality and discrimination, and denial of the right to vote.
- Many men and some women resisted and opposed the campaign for female suffrage.

### Changes

- By 1908 white women around Australia had been enfranchised and were able to stand for election nationally.
- Important legislation such as the *Maternity Allowance Act 1912* was passed to support the living standards of white women.
- Australian women inspired and contributed to the global movement for female suffrage.

## 5.7 End-of-chapter activities

### Consolidating your understanding

#### Events

1. What were some of the most significant achievements of the campaigns for political rights for women?
2. Describe the inequality experienced by Australian women in the nineteenth century.

#### Ideas

1. List the ideas women used to justify having the vote.
2. List the ideas men (and some women) used to argue women should not have the vote.

### Perspectives

1. Identify two key individuals described in this chapter and outline their attitudes and contributions towards the campaign for female suffrage.
2. Explain why many politicians felt threatened by the idea of female suffrage.

### Analysing causes and consequences

1. What were the most successful strategies used by Australian women in pursuit of the franchise and greater political rights?
2. To what extent should the achievement of female suffrage be considered a gift, rather than the product of a struggle?

### Constructing an argument: continuity and change

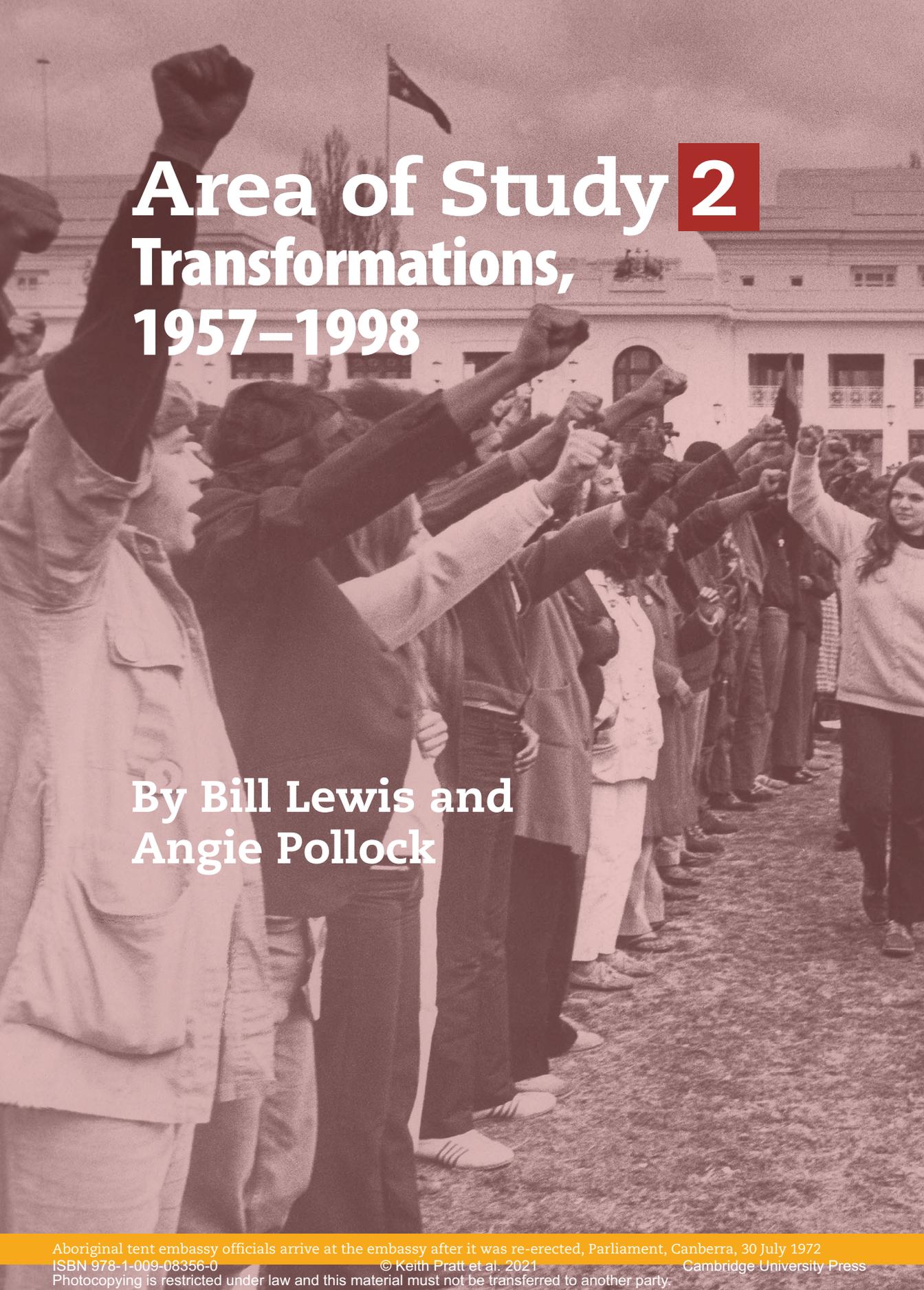
1. What were some of the benefits experienced by white Australian women after being enfranchised?
2. To what extent did women continue to face discrimination and inequality following Federation in Australia?

### Extension reading

Audrey Oldfield, *Woman Suffrage in Australia: A gift or a struggle?*, Cambridge University Press, Cambridge, 1992.

Clare Wright, *You Daughters of Freedom: The Australians who won the vote and inspired the world*, Text, Melbourne, 2018.

Jacqueline Kent, *Vida: A woman for our time*, Viking, New York, 2020.



# Area of Study **2** Transformations, 1957–1998

By Bill Lewis and  
Angie Pollock

Aboriginal tent embassy officials arrive at the embassy after it was re-erected, Parliament, Canberra, 30 July 1972

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## Introduction

The end of World War II in 1945 forced the world to confront the horrors of the Holocaust. The explicit claims of racial superiority in Nazi ideology and from Imperial Japan forced the Western powers to confront their own racial injustices. The newly formed United Nations, in a committee steered by Eleanor Roosevelt, the widow of the late US President, Franklin Delano Roosevelt, crafted a Universal Declaration of Human Rights (UDHR), endorsed in 1948 by 48 of the 58 member states at the time. The UDHR was a powerful statement, affirming the rights of individuals to live in freedom from fear of persecution on the basis of their race, colour, sex, language, religion and political beliefs and that 'everyone has the right to life, liberty, and the security of person.'<sup>1</sup> It signalled the United Nations' commitment to human rights and inspired those groups challenging power in order to gain the freedom, equality and dignity that the UDHR promised.

Australia, along with 47 other nations, ratified the UDHR, forcing its people to confront the racism of its restrictive immigration policy, the White Australia Policy, and its treatment of Aboriginal and Torres Strait Islander peoples. The fight by First Nations peoples was in response to both colonisation since 1788 and the rhetoric and tactics of the American civil rights movement against racial segregation in the American South and the discriminations that faced African Americans generally. The struggle of First Nations peoples was also inspired by the decolonisation movement, whereby former colonies of European powers, such as Great Britain and France, gained their independence.

Struggles for liberation after 1957 were not limited to race. Many women challenged traditional gender roles and expectations, seeking workplace equality and control over their sexual and reproductive rights. Battles for equal pay, an end to discrimination in employment, and maternity and childcare occurred. Challenges to traditional gender roles and sexuality included campaigns by gay and lesbian Australians to end the criminalisation of homosexuality and wider social prejudices. After 1957, the trade union movement often supported Indigenous rights and fights for equal pay, and better pay and conditions.

At times these changes were widely embraced, including the 1967 referendum on First Nations peoples in the Constitution. However, many challenges to power were resisted by political parties and groups in the broader culture. Changes to attitudes did not always accompany changes to laws. Sometimes there was bipartisan agreement, and other times bitter division over issues, such as Indigenous land rights, the roles and treatment of women in the workforce, and rights for what we would now call LGBTIQ+ Australians. By 1998 significant changes occurred, but resistance to power remained.

# Timeline

| World events  | Date | Australian events   |
|---|------|---|
| <b>1957:</b> Southern Christian Leadership Conference formed, with Martin Luther King Jr. as president  |      | <b>1957:</b> Formation of the Victorian Aborigines Advancement League in Melbourne<br><b>1958:</b> Formation of the Federal Council for Aboriginal Advancement (later FCAATSI) in Adelaide  |
| <b>1960</b>   |      |   |
| <b>1961:</b> Freedom Rides in the American South<br><b>1962:</b> Cuban Missile Crisis   |      | <b>1961:</b> Introduction of the birth control pill in Australia<br><b>1962:</b> Commonwealth Electoral Act amended   |
| <b>1963:</b> March on Washington for jobs and freedom<br><b>1963:</b> Anti-Vietnam War protests begin in London and Denmark, will continue globally until the war's end |      |   |
| <b>1965</b>   |      |   |
| <b>1967:</b> Huey P. Newton (Black Panther Party) arrested<br><b>1968:</b> Martin Luther King Jr. assassinated<br><b>1969:</b> Stonewall riots, New York                |      | <b>1965:</b> Freedom Ride in northern NSW, organised by Charles Perkins and SAFA<br><b>1965:</b> Merle Thornton and Rosalie Bogner chain themselves to a public bar at the Regatta Hotel in Brisbane<br><b>1966:</b> Lifting of the marriage bar in the Commonwealth Public Service<br><b>1967:</b> 1967 referendum passes with 90.77% support<br><b>1969:</b> Zelda d'Aprano chains herself to the doors of the Arbitration Commission building in Melbourne |

| World events  | Date | Australian events  |
|---|------|--|
| <b>1970</b>   |      |  |
| <b>1970:</b> No-fault divorce law passes in California  |      | <b>1970:</b> Penguin Australia publishes 75 000 copies of Phillip Roth's <i>Portnoy's Complaint</i>                  |
|   |      | <b>1970:</b> The Campaign Against Moral Persecution Inc. (CAMP) formed in Sydney                                     |
|   |      | <b>1971:</b> Justice Blackburn rules against Yolngu claims of native title to prevent mining on their land in the NT |
|   |      | <b>1971:</b> Dennis Altman's <i>Homosexuality: Oppression and liberation</i> published                               |
| <b>1972:</b> President Nixon meets with Mao Zedong in China   |      | <b>1972:</b> Aboriginal Tent Embassy established outside Parliament House in Canberra                                |
| <b>1975</b>   |      |  |
| <b>1975:</b> Vietnam War formally ends  |      | <b>1975:</b> Wave Hill handback  |
| <b>1975:</b> Homosexuality legalised in California  |      | <b>1975:</b> <i>Family Law Act 1975</i> passes, allowing no-fault divorce  |
|   |      | <b>1975:</b> <i>Racial Discrimination Act 1975</i> enacted   |
|   |      | <b>1975:</b> Decriminalisation of homosexuality begins in Australia, starting with SA                                |
|   |      | <b>1975:</b> Dismissal of the Whitlam government   |
| <b>1976:</b> 'Reclaim the Night' marches held in Europe, protesting against violence and sexual assault against women |      | <b>1976:</b> ACT decriminalises homosexuality  |
| <b>1976:</b> Waitangi Tribunal established in New Zealand, allowing Maori people to make claims against the Crown     |      | <b>1976:</b> <i>Aboriginal Land Rights Act (Northern Territory) 1976</i> enacted                                     |
|   |      | <b>1978:</b> First Gay and Lesbian Mardi Gras held in Sydney   |

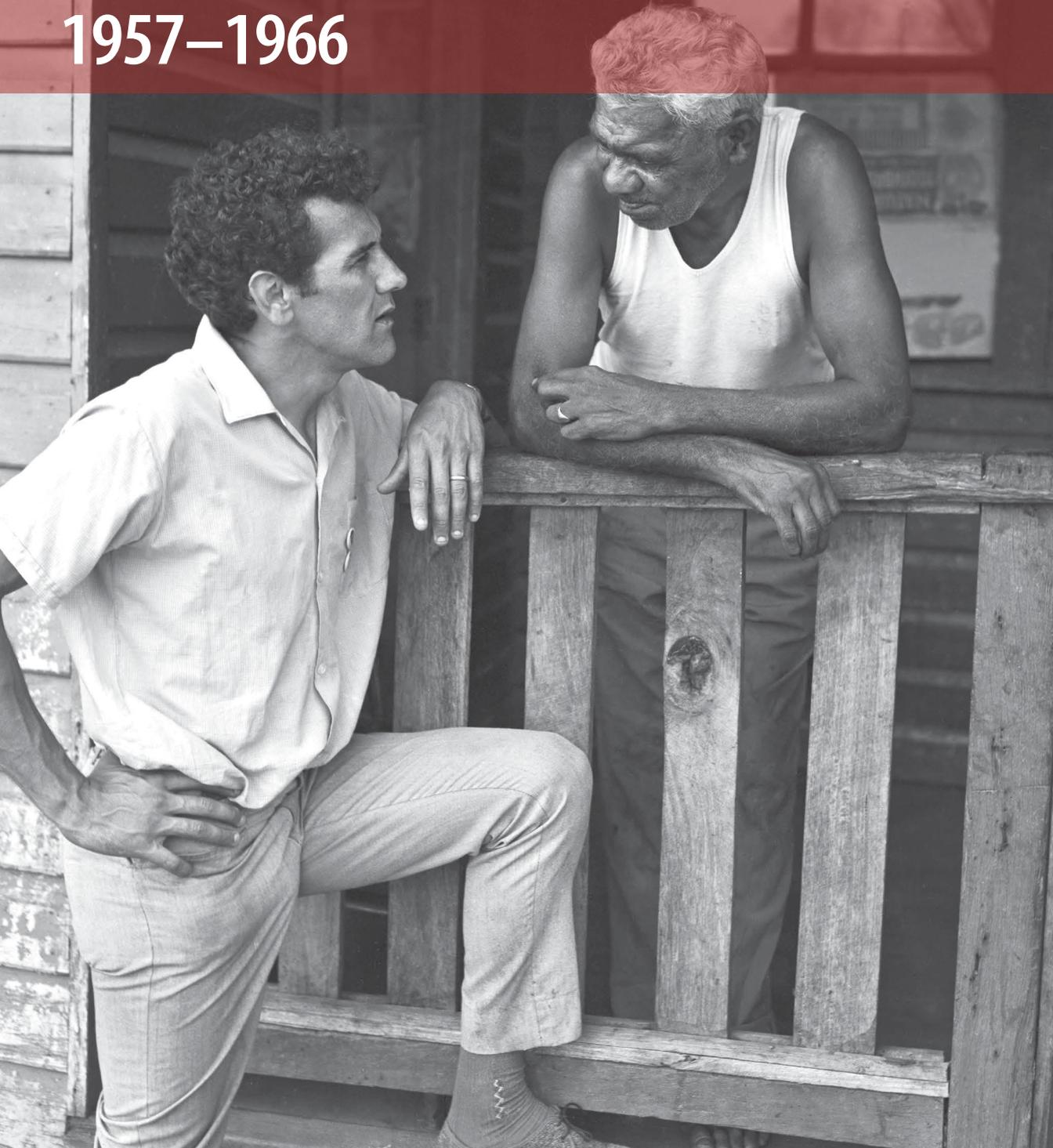
| World events  | Date | Australian events   |
|---|------|---|
| <b>1980</b>   |      |   |
| <p><b>1980:</b> <i>Maine Indian Claims Settlement Act</i> gives US\$81.5 million to US First Nations peoples in reparations for land taken</p> <p><b>1981:</b> First US diagnosis of HIV/AIDS</p> <p><b>1983:</b> The first bisexual political organisation, BiPOL, is established in the United States</p>   |      | <p><b>1980:</b> Victoria decriminalises homosexuality</p> <p><b>1982:</b> First Australian HIV/AIDS diagnosis</p> <p><b>1982:</b> Mabo case begins</p> <p><b>1983:</b> Bob Hawke becomes Prime Minister</p> <p><b>1983:</b> The Prices and Incomes Accord ('The Accord') is enacted</p> <p><b>1983:</b> NT decriminalises homosexuality</p> <p><b>1984:</b> NSW decriminalises homosexuality</p> <p><b>1984:</b> <i>Sex Discrimination Act 1984</i> enacted</p> |
| <b>1985</b>   |      |   |
| <p><b>1988:</b> The United Kingdom prohibits the 'promotion of homosexuality' by local authorities</p>  |      | <p><b>1986:</b> <i>Affirmative Action (Equal Opportunity for Women) Act 1986</i> enacted</p> <p><b>1988:</b> Bicentennial celebrations and protests</p>   |
| <b>1990</b>   |      |   |
| <p><b>1990:</b> Nelson Mandela freed in South Africa after spending 27 years in jail</p> <p><b>1991:</b> First Gulf War</p> <p><b>1991:</b> Freddie Mercury, lead singer of Queen, dies of AIDS</p> <p><b>1991:</b> Soviet Union dissolves, ending the Cold War</p> <p><b>1991:</b> Susan Faludi publishes <i>Backlash</i>; Anita Hill's testimony and Riot Grrrl punk movement spark Third Wave Feminism</p> |      | <p><b>1990:</b> Dr Carmen Lawrence becomes first woman in Australia to lead a state</p> <p><b>1990:</b> ATSIC founded</p> <p><b>1991:</b> Paul Keating becomes Prime Minister</p> <p><b>1991:</b> Final report of Royal Commission into Aboriginal Deaths in Custody</p>  |



| World events   | Date | Australian events  |
|--|------|--|
| <p><b>1992:</b> The acquittal of three police officers for the beating of Rodney King sparks riots in Los Angeles</p> <p><b>1994:</b> Nelson Mandela becomes President of South Africa</p> <p><b>1994:</b> US policy of 'don't ask, don't tell' allows lesbians and gays to serve in military as long as they don't disclose their sexuality</p>   |      | <p><b>1992:</b> Eddie Mabo dies; 4 months later the Mabo case ends, establishing native title</p> <p><b>1992:</b> Lyons Forum forms</p> <p><b>1992:</b> Australia overturns ban on gay and lesbian people serving in the military</p> <p><b>1993:</b> <i>Native Title Act 1993</i> enacted</p> <p><b>1993:</b> Nicky Winmar stands up to racism during AFL match</p> <p><b>1994:</b> Tasmanian resident Nicholas Toonen brings complaint to UN Human Rights Commission</p> <p><b>1994:</b> <i>Human Rights (Sexual Conduct) Act 1994</i> enacted</p> |
| <b>1995</b>  |      |  |
| <p><b>1995:</b> Million Man March in Washington DC, highlighting the continued struggle of African Americans for equality</p> <p><b>1995:</b> Srebrenica Massacre in Bosnia of over 7000 Bosniaks by Bosnian Serbs, part of the ethnic cleansing of the Yugoslav wars</p> <p><b>1995:</b> Acquittal of sports star and actor O.J. Simpson, a trial that divided America on racial lines</p> <p><b>1996:</b> Taliban comes to power in Afghanistan, banning education for girls and restricting women's rights</p> <p><b>1997:</b> Asian financial crisis</p> <p><b>1998:</b> Brutal murder of gay man Matthew Shepard in Wyoming leads to calls for hate crime laws in the United States</p> |      | <p><b>1996:</b> Howard government comes to power; Pauline Hanson wins seat of Oxley</p> <p><b>1996:</b> Wik Decision handed down</p> <p><b>1996:</b> Emily's List Australia launched</p> <p><b>1997:</b> Senator Bob Brown is Australia's first openly gay man to serve in Federal Parliament</p> <p><b>1997:</b> <i>Bringing Them Home</i> report released</p> <p><b>1998:</b> <i>Native Title Amendment 1998</i> enacted</p>   |

# CHAPTER 6

## 'From little things, big things grow', 1957–1966



Source 6.0 Charles Perkins speaking to an Aboriginal resident of Bowraville, NSW, during the 1965 Freedom Ride

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## Chapter timeline

| World events  | Date | Australian events  |
|---|------|--|
| <p><b>1957:</b> Southern Christian Leadership Conference formed, with Martin Luther King Jr. as president</p>   |      | <p><b>1957:</b> Formation of the Victorian Aborigines Advancement League in Melbourne</p> <p><b>1958:</b> Formation of the Federal Council for Aboriginal Advancement (later FCAATSI) in Adelaide</p>  |
| <b>1960</b>   |      |  |
| <p><b>1961:</b> Freedom Rides in the American South</p> <p><b>1962:</b> Cuban Missile Crisis</p> <p><b>1963:</b> March on Washington for jobs and freedom</p> <p><b>1963:</b> Anti-Vietnam War protests begin in London and Denmark, will continue globally until the war's end</p> |      | <p><b>1961:</b> Introduction of the birth control pill in Australia</p> <p><b>1962:</b> Commonwealth Electoral Act amended.</p>  |
| <b>1965</b>   |      |  |
|   |      | <p><b>1965:</b> Freedom Ride in northern NSW, organised by Charles Perkins and SAFA</p> <p><b>1965:</b> Merle Thornton and Rosalie Bogner chain themselves to a public bar at the Regatta Hotel in Brisbane</p> <p><b>1966:</b> Lifting of the marriage bar in the Commonwealth Public Service</p> |

## 6.1 Introduction

### INQUIRY QUESTION

How did Australian society begin to question ideas about rights after World War II?

[The 'Australian way of life'] provided a mental bulwark against communism, against change, against cultural diversity; it could call forth a common emotional response to the Cold War and to immigration, in defence of stability and homogeneity.

Source 6.1

Richard White, *Inventing Australia*, Allen & Unwin, Sydney, 1981, p. 161.

**Cold War** a period of geopolitical tension between the Soviet Union (USSR) and the United States (US) and their respective allies, the Eastern Bloc and the Western Bloc. It lasted from the end of World War II until the dissolution of the Soviet Union in 1991. The term 'cold' is used to describe this period because the USSR and US did not engage in any direct conflict during this time, but rather competed for global political influence by opposing each other through proxy wars

**Communism** a theory or system of social organisation in which all property is owned by the community and each person contributes and receives according to their ability and needs

**decolonisation** the act of making colonies politically independent

**civil rights** the rights of citizens to participate freely and equally in the political, social and economic life of their country

→ **Source 6.2** Prime Minister Robert Menzies in 1957, midway through his 17 years as Australia's longest continuous term prime minister

Australia entered a time of prosperity after World War II as the peacetime economy produced consumer not war goods, including the production of 'Australia's own', the Holden automobile. In 1945, Arthur Calwell became the first-ever minister of the Commonwealth Department of Immigration. He began to promote large-scale immigration, accepting many immigrants of non-British stock. While northern Europeans were preferred, it marked a departure from the traditional preference for British and Irish immigrants only.

Beneath the stereotypes of Holdens and backyard BBQs proliferating in the new suburbs of Australian cities, an anxiety developed as Australia faced an emerging **Cold War** between the United States and its Western allies on the one hand, and the Soviet Union and the new **Communist** bloc of Eastern Europe on the other. The rise to power of the Chinese Communist Party in China in October 1949, and the **decolonisation** movement against European empires in Asia and Africa, encouraged Australia to ally themselves more strongly with the United States, creating the three-way ANZUS alliance with New Zealand in 1951. Strong ties with the United Kingdom remained, with Australia offering Maralinga and other sites as testing grounds for the British atomic weapons.

The new Liberal Party under the leadership of Robert Menzies dominated politics, satisfying a desire for 'stability and homogeneity', as described by Richard White. And yet, beneath the surface, currents were stirring in resistance to traditional power structures. Community outrage at the conditions of Aboriginal people in the Warburton Ranges,



a consequence of nuclear testing, created new movements for **civil rights**, including the Victorian Aborigines Advancement League and the Federal Council for Aboriginal Advancement. Both pushed for a constitutional referendum to allow greater Commonwealth involvement in Aboriginal and Torres Strait Islander affairs.

For women, the return to the domestic sphere after World War II could not stifle a desire to take advantage of the new possibilities that their expanded roles in the war had opened. Historian Marilyn Lake observed:

There could be no return to the old order at the end of the war. Indeed, by the 1950s it was becoming clear that the tensions generated by the changing structure of family and by the concomitant wartime stimulation of desire had created havoc with traditional roles. A restlessness had been unleashed that could not be easily assuaged.

Marilyn Lake, 'Female desires: The meaning of World War Two', in Joy Damousi & Marilyn Lake (eds), *Gender and War*, Cambridge University Press, Cambridge, 1995, p. 75.

By 1957, it was clear that new movements challenged existing power structures – the personal and the political. The fight for civil rights by First Nations peoples soon became a fight for Indigenous rights, including **land rights**. Women challenged society's norms and men and women both began to question traditional sex and gender roles. Through the early 1960s these experiences of power and resistance in Australia took place within a shifting global landscape of struggles for civil rights, decolonisation and **women's liberation**, energising change within Australian society.

### Source 6.3

**land rights** the request to return Crown (government-owned) and reserve lands to First Nations peoples as compensation for colonisation and dispossession  
**women's liberation** a political movement that emerged in the late 1960s, pushing for the equality of women in all spaces

## 6.2 Significant events in the campaign for civil rights

### INQUIRY QUESTION

How did movements for civil rights unfold in the United States and Australia during this period?

### The civil rights movement in America

A legacy of American's founding as a nation in 1776 was the issue of slavery. The importation of African slaves was vital to the plantation economy of the southern states, but contravened the Declaration of Independence that 'all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness'.<sup>2</sup>

The destructive American Civil War (1861–1865) led to the emancipation of slaves by President Abraham Lincoln and a constitutional amendment giving former slaves citizen's rights, including the rights of African American males to vote. However, by 1877 whites in the southern states reinstated a system that became known as the **Jim Crow** laws, which denied many African Americans the rights promised to them. Both official systems of segregation and the unofficial terror of groups like the **Ku Klux Klan** ensured **white supremacy**.

**Jim Crow** a term given to the system of segregation and state laws that supported them in the southern American states after the Reconstruction period (1865–1877). It was named after a stereotyped racist caricature  
**Ku Klux Klan** a secret society that emerged in the American South in 1865, and revitalised in the 1920s, that discriminated against and terrorised African Americans and also Jewish people

### white supremacy

the belief that white people are a superior race, and are superior to other ethnic groups and people of colour.

Under the provisions of ‘separate but equal’ segregation policies, African Americans attended separate schools, and had to use inferior facilities for ‘coloured’ patrons in restaurants, on public transit and in other public places. After World War II, campaigns against the system of Jim Crow accelerated. Rosa Parks’s courageous refusal to give up her seat to a white passenger on a bus in Montgomery, Alabama, in December 1955 led to a boycott (refusal to use) of buses by African Americans. Pastor Martin Luther King Jr. rose to prominence during this bus boycott. Its success helped create the Southern Christian Leadership Conference (SCLC) in Atlanta in January 1957. Its delegates released a manifesto, to resist segregation and fight for civil rights. The manifesto pointed out ‘all of the nation’s institutions remain stunted and frustrated by the contradiction between what America practices and what America proclaims’.<sup>3</sup>

### direct action

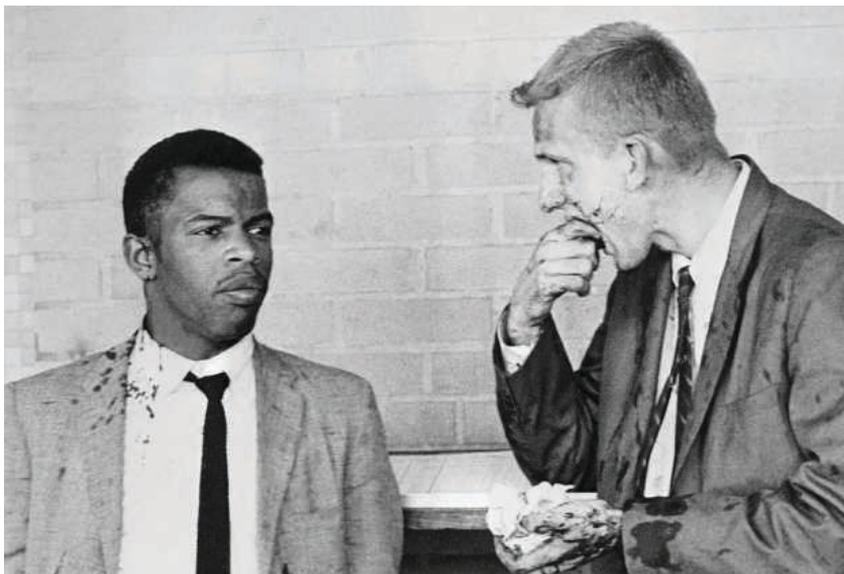
activities such as strikes, protest marches, sit-ins and blockades instigated to place pressure on governments, employers or other groups in power

**civil disobedience** the refusal of citizens to obey certain laws or pay taxes as a peaceful way to express disapproval

## Fighting segregation in the southern states

Most civil rights campaigns in the United States centred on dismantling the system of segregation in the southern states that deprived African Americans of their citizen’s rights to vote and to be able to use public services and amenities. Victories were won in the United States Supreme Court, including *Brown v. Board of Education* (1954) that found the ‘separate but equal’ justification for segregated schooling was unconstitutional. However, court wins had to be implemented. Campaigns such as the Little Rock Nine in Arkansas in 1957 against school segregation, and protests in Greensboro against segregated lunch counters in 1960, typified the tactics of **direct action** and **civil disobedience** used by civil rights campaigners.

## Freedom Rides, 1961



↑ **Source 6.4** Freedom Riders John Lewis and James Zwerg, after being beaten by a pro-segregation mob in Montgomery, Alabama, 20 May 1961

A key campaign was the Freedom Rides in 1961 conducted by white and black students from the Congress of Racial Equality (CORE). They aimed to desegregate the entire bus system, including whites-only waiting rooms, rest rooms and restaurants in bus terminals, which had been banned by the Supreme Court decision, *Boynton v. Virginia*, 1960 (US).

The Freedom Ride began in Washington, DC, on 4 May 1961. The protestors were due to arrive in New Orleans on 17 May but never made it. Their original bus was firebombed in Birmingham, Alabama, and at Montgomery a mob attacked the riders and their new bus, as police watched on. Finally the Freedom Riders were arrested and jailed in Mississippi. As more riders arrived in the state, they too were jailed. Soon more than 300 Freedom Riders were jailed in Mississippi, and the rides suspended.

The Freedom Rides had mixed success but received widespread coverage, not just in the United States but around the world, including in Australia. They also exposed tensions within the civil rights movement between Martin Luther King Jr. and more militant student activists that were emerging out of CORE and the Student Non-violent Coordinating Committee (SNCC).

Historian Raymond Arsenault reflected on the legacy of the Freedom Riders:

The rising movements for women's rights, military withdrawal from Southeast Asia, environmental reform, gay and lesbian rights, and the rights of the disabled all built upon the foundation of legitimacy and success established by Freedom Riders and other nonviolent activists in the early 1960s. By demonstrating the power of personal commitment and sacrifice in a new and dramatic way, the Freedom Riders countered traditional assumptions of institutional authority and top-down politics ...

Source 6.5

Raymond Arsenault, *Freedom Riders: 1961 and the struggle for racial justice*, Oxford University Press, New York, 2006, p. 512.

## The March on Washington, 1963

The year 1963 was the one-hundredth anniversary of Lincoln's Emancipation Proclamation that freed the slaves. Civil rights campaigners pressured the federal government under President John F. Kennedy to take stronger action on civil rights. In June, Kennedy unveiled plans for a federal civil rights act. To maintain the pressure and broaden the movement, a broad coalition of civil rights groups, churches and unions planned a march to the Lincoln Memorial in Washington, DC. They campaigned on a broad range of issues, including jobs, housing, desegregation and racial equality.



↑ **Source 6.6** Martin Luther King Jr. delivers his 'I have a dream' speech from the Lincoln Memorial, Washington DC, 28 August 1963.

The March on Washington for Jobs and Freedom on 28 August 1963 attracted over 200 000 people, filling Washington's Mall in front of the Lincoln Memorial. The speeches culminated with Martin Luther King Jr.'s famous 'I have a dream' speech. It resonated around the world.

Below is part of Martin Luther King Jr.'s famous speech. You can search online for the full transcript and broadcast.

**Source 6.7**

And as we walk, we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro [African American] is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their selfhood and robbed of their dignity by signs stating for whites only. We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

Martin Luther King, Jr. 'I have a dream', King Papers, The Martin Luther King, Jr. Research and Education Institute, Stanford University.

### USING HISTORICAL SOURCES AS EVIDENCE 6.1

1. Identify five specific changes that Martin Luther King Jr. demands in this speech.
2. Select three quotations (of no more than five words) that express the idea that African Americans will continue to fight for these rights.

### Impact of the US civil rights movement by 1966

By the mid-1960s, the civil rights movement had ended formal segregation and dismantled Jim Crow laws in the southern states. President Lyndon Johnson signed the Civil Rights Act 1964 and the Voting Rights Act 1965, legislating the rights of all Americans to equal treatment, regardless of race, religion or gender. However, African Americans were still blighted by discrimination and unequal economic standing. Violence and intimidation were rife, such as the bombing of a Birmingham church in September 1963 that killed four girls. Parts of northern and western American cities erupted in riots, including Watts in Los Angeles (1965) and Chicago (1966). By the late 1960s, Martin Luther King Jr.'s non-violent tactics were challenged by a younger, more militant generation, who advocated a more confrontational 'black power'.

#### FOCUS QUESTION 6.1

Discuss what you think would be the similarities between the plights of African Americans and Indigenous Australians in 1963.

## The civil rights movement in Australia

The American civil rights movement influenced the growing movement for civil rights for Aboriginal and Torres Strait Islander peoples in Australia, with the 1965 Freedom Ride in northern NSW, organised by Charles Perkins, the clearest direct example of this. It is important to note, however, that campaigns for rights for Aboriginal and Torres Strait Islander peoples had a history predating the influence of the American movement and were rooted in the resistance of Indigenous peoples to colonialism discussed in the first part of this book.

The emergence of the modern Aboriginal civil rights movement in the late 1950s built on the actions of activists before World War II, such as the Day of Mourning protest on Australia Day in 1938, led by leaders such as Bill Ferguson, Jack Patten and William Cooper. The participation of Indigenous Australians in the war, both in the military and on the home front, increased their claims to be heard. Also, the movement of some First Nations people off reserves and missions and into inner-city suburbs, such as Redfern in Sydney and Fitzroy in Melbourne, created new opportunities for the creation of networks and organisations that would continue the fight for rights after the war.

## Warburton Ranges and the Aborigines Advancement League

The Cold War tensions that emerged after World War II influenced the Australian government to allow British rocket and atomic weapons testing at various sites, including Woomera in South Australia. The condition of Aboriginal people displaced to the Warburton Ranges, in eastern Western Australia, was revealed in a short film made in 1957 by William Grayden, a Western Australian MP, and Melbourne Aboriginal pastor and activist, Doug Nicholls. The film was shown to large audiences and broadcast on Melbourne's Channel 9 television station, with the title *Manslaughter*. It caused much outrage, as historian Richard Broome stated.

The Warburton film had shocked audiences in this pre-television era ... These [images of deprived living conditions] alarmed suburban Australians with no experiences of Aboriginal conditions in desert country amidst ubiquitous flies, red dust, and with significant health issues, possibly malnutrition. In the light of government propaganda about assimilation – Aboriginal people sharing civil rights, education, and the 'Australian way of life' – the film suggested Warburton was a world away, to Australia's shame.

Source 6.8

Richard Broome, *Fighting Hard: The Victorian Aborigines Advancement League*, Aboriginal Studies Press, Canberra, 2015, p. 41.

The outrage and fundraising led directly to the formation of the Victorian Aborigines Advancement League (VAAL) in March of 1957. VAAL quickly became a prominent organisation in pushing the cause of Aboriginal civil rights, which would become centred on calls for the Commonwealth to become more involved in providing for the welfare and rights of Aboriginal and Torres Strait Islander people. Similar leagues would be formed in other states, coalitions of Aboriginal and non-Aboriginal Australians working together, but often with white Australians dominating in leadership roles in the early years.

Responses by the Commonwealth to the controversy deflected responsibility for Aboriginal affairs to the states. One letter from the Prime Minister's office to a constituent who had written in response to the showing of *Manslaughter* stated: 'It should be pointed out that the State Governments are responsible for the aborigines within their borders, and the Commonwealth Government has no authority to concern itself with aboriginal affairs except in the case of the Northern Territory.'<sup>4</sup> To get the Commonwealth involved would require a change to the Australian Constitution.

To that end representatives from the state leagues, including Doug Nicholls of VAAL, gathered in Adelaide in early February 1958 and formed the Federal Council for the Advancement of Aborigines (FCAA), which later led the push for a referendum to change the Constitution.

The FCAA launched two petition campaigns to pressure the government. The first one, in 1958, received 25 000 signatures. The second, in 1962, aimed at 250 000 signatures, and, while falling short, still gathered over 100 000 signatures. The FCAA changed its name in 1964 to incorporate Torres Strait Islander peoples, becoming the Federal Council for the Advancement of Aboriginal and Torres Strait Islanders – FCAATSI. It agitated for a referendum, which was agreed to by Menzies' successor in 1966, Prime Minister Harold Holt.

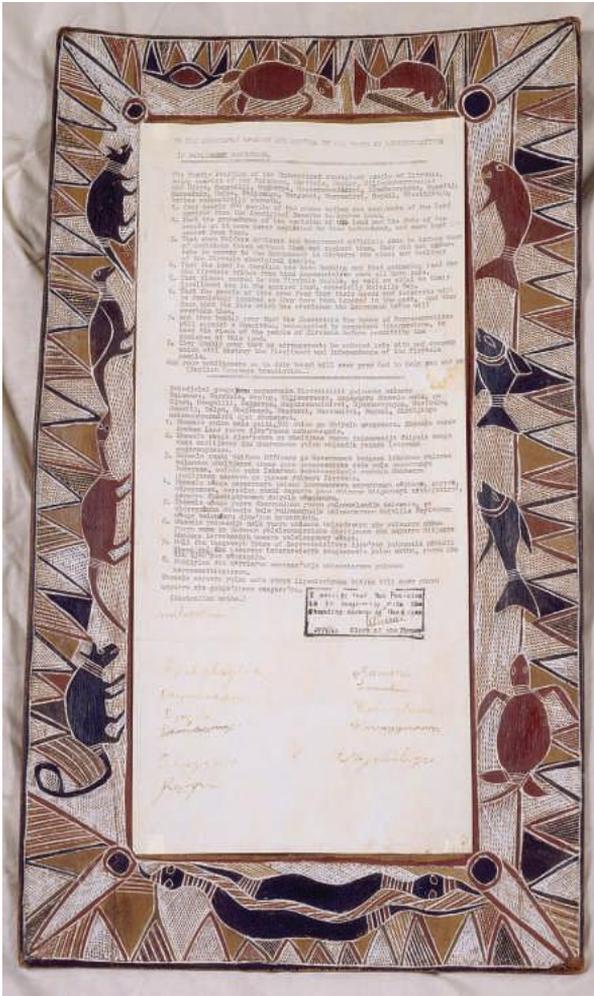


↑ **Source 6.9** Doug Nicholls (left) at a screening of the Warburton Ranges film in Sydney's La Perouse neighbourhood, 27 April 1957

## The Yirrkala Bark Petitions

In 1963, the first formal Aboriginal claim for land rights to Federal Parliament was made by the Yolngu people of Yirrkala, NT. They discovered that the Commonwealth government, without consultation, planned to lease a substantial portion of their reserve on the Gove Peninsula in Arnhem Land to a mining company. VAAL President and Labor MP Gordon Bryant, along with Kim Beazley Sr., presented a Yolngu petition to Parliament.

The petitions were written in the Yolngu language, on bark and surrounded by traditional designs. Besides being the first petitions written in an Indigenous language, they were a clear statement of Yolngu culture and a claim to their traditional lands. Their sixth point clearly spelled out their concerns: 'That the people of this area fear that their needs and interests will be completely ignored, as they have been ignored in the past ...'.<sup>5</sup> While the petitions did not succeed in its original intent to stop the mining, it was the first stage of a battle for their land that would be carried out over the next decade.



← Source 6.10 Yirrkala bark petition presented to Parliament in 1963

## The Gurindji walk-off at Wave Hill

Pastoral stations in the north of Australia were significant employers of Aboriginal people since the late 1890s, often paying them below award wages or not at all. Wages that were paid were often held in trust by state governments, leaving workers with just rations provided by the stations. In 1951 in the Northern Territory, the Commonwealth government allowed Aboriginal workers to be exempt from the Cattle Station Industry Award, thus denying them equal wages.<sup>6</sup> Agitation by the Equal Wages Committee of FCAATSI, and an application by the North Australian Workers' Union to the Commonwealth Conciliation and Arbitration Commission in 1965, led to an end of the exemption to pay Aboriginal workers equal wages. The pastoral industry appealed this decision, achieving a delay to the implementation of equal wages until 1968.

In anger at the delay and at their poor conditions, Vincent Lingiari led the Gurindji to walk off Wave Hill, a large pastoral station leased by the British Vestey corporation. The Wave Hill walk-off lasted until 1973, becoming an iconic moment in First Nations peoples' fight for equality and land rights.

The Wave Hill walk-off was initially about wages and conditions, but also expressed the Gurindji's profound attachment to Country and desire to live on Country. After a year they moved to Wattie Creek on the station – Daguragu in the Gurindji language – and continued their campaign, not just for better wages but for the land itself. Vincent Lingiari said: 'I bin thinkin' this bin Gurindji country. We bin here longa time before them Vestey mob.'<sup>7</sup> Unions, the author Frank Hardy, and others publicised their cause and raised funds to support them. The Gurindji received wide coverage in metropolitan newspapers and television stations. The Gurindji also petitioned the Governor-General, but the Liberal-Country Party Coalition government proved unresponsive.

**Source 6.11**

We beg of you to hear our voices asking that the land marked on the map be returned to the Gurindji people. It is about 500 square miles in area but this is only a very small fraction of the land leased by Vestey's in these parts. We are prepared to pay for our land the same annual rental that Vestey's now pay. If the question of compensation arises, we feel that we have already paid enough during fifty years or more, during which time, we and our fathers worked for no wages at all much of the time and for a mere pittance in recent years.

If you can grant this wish for which we humbly ask, we would show the rest of Australia and the whole world that we are capable of working and planning our own destiny as free citizens. Much has been said about our refusal to accept responsibility in the past, but who would show initiative working for starvation wages, under impossible conditions, without education for strangers in the land? But we are ready to show initiative now. We have already begun. We know how to work cattle better than any white man and we know and love this land of ours.

Gurindji people, Extract from the petition to Governor-General Casey, 1966.<sup>8</sup>

P.J. Nixon, the Minister for the Interior, responded to the petitioners in his fashion.

**Source 6.12**

The Government is in favour of Aboriginals gaining title to land but believes that this should be under the land tenure system which applies to the rest of the community and under conditions which will give them real prospects of improving their position in life.

Singling out the issue of land rights and pressing for areas of land to be granted to groups of Aboriginals in remote places would not [be equitable amongst all Aboriginal communities]. On the contrary we could end up with a series of depressed Aboriginal communities tied to a form of substandard living with a barrier between them and the rest of the Australian community. Separatism and segregation of Aboriginals would create here problems now being faced in other countries.

Hon. P.J. Nixon, Northern Territory Aboriginal Land Rights, 9 August 1968, p.1, [https://www.nma.gov.au/\\_\\_data/assets/pdf\\_file/0011/698366/aboriginal-land-rights-statement.pdf](https://www.nma.gov.au/__data/assets/pdf_file/0011/698366/aboriginal-land-rights-statement.pdf)



← **Source 6.13** Vincent Lingiari and Mick Rangiari at the sign they asked Frank Hardy to make, 1966

### USING HISTORICAL SOURCES AS EVIDENCE 6.2

1. Who are 'the Vestseys' discussed in Source 6.11?
2. What concerns are expressed in Source 6.11 about how the Indigenous station hands had been treated?
3. How does the idea of 'granting land' in Source 6.12 differ from the request in Source 6.11?
4. Why does the Hon. P.J. Nixon consider that granting land as 'land rights' is not in the best interests of the Australian community?

The subsequent events of the Gurindji walk-off are discussed in the following chapter.

### FOCUS QUESTION 6.2

How did Aboriginal and Torres Strait Islander peoples fight for civil rights in this period?

## 6.3 Influential ideas at the beginning of the 1960s

### INQUIRY QUESTION

How did ideas shape the progression of civil rights in Australia during this period?

### Australia in a postcolonial world

Australia, as a white settler–colonial society that still retained a strong attachment to the British Empire, faced a new global order after World War II. Former colonies of European empires in Asia gained independence: Indonesia in 1949 and Malaya in 1957, and Vietnam broke free of French control. These independence movements in Asia and others in Africa occasionally became intertwined with the politics of the Cold War and were often viewed by the Australian government through its fears of communism.

**self-determination** the ability or power to make decisions for yourself, especially the power of a nation to decide how it will be governed

The movements of decolonisation also provided a forum for the development of postcolonial ideas that questioned the supremacy of Western powers and the rights of subject peoples to **self-determination**. Authors such as Frantz Fanon from Martinique, Tunisian Albert Memmi, Trinidadian C.L.R. James and the Palestinian Edward Said critiqued the underlying ideologies and racial inequalities of colonialism. Many of these ideas resonated with First Nations peoples in settler societies such as Canada, the United States and Australia as they asserted claims not only for civil rights but for distinct Indigenous rights that recognised their claims as the original occupiers of their lands.

**Source 6.14**

For a colonized people, the most essential value, because it is the most meaningful, is first and foremost the land: the land, which must provide bread and, naturally, dignity. But this dignity has nothing to do with 'human' dignity. The colonized subject has never heard of such an ideal. All he has ever seen on his land is that he can be arrested, beaten, and starved with impunity; and no sermonizer on morals, no priest has ever stepped in to bear the blows in his place or share his bread. For the colonized, to be a moralist quite plainly means silencing the arrogance of the colonist, breaking his spiral of violence, in a word ejecting him outright from the picture.

Frantz Fanon, *The Wretched of the Earth*, Grove Press, New York, 1961, p. 9.

### USING HISTORICAL SOURCES AS EVIDENCE 6.3

1. What does Fanon in Source 6.14 claim is the most 'essential value' for the colonised people?
2. Why do you think Fanon believes that land is not connected to 'human dignity' for the colonised?
3. According to Fanon, what solutions are there to overcome the plight of colonised people?

### Equality and civil rights

Australia's self-image since Federation had often emphasised ideals of egalitarianism and a 'fair go' – ideals, however, that were restricted to white men. The Harvester Judgement of 1907 restricted the minimum wage to men and the long shadows of the Anzac digger and the bushman cast the Australian identity as masculine. It was observed that:

**Source 6.15**

As Australia was a man's country according to popular wisdom, so the 1950s seemed to be a man's decade. The long tradition of male solidarity in Australia was reinforced by men's experience as soldiers and prisoners-of-war and the postwar introduction of national service for eighteen-year-olds. Women's difference – their distinctive claims and interests as women – had been eclipsed by their positioning in the family.

Patricia Grimshaw, Marilyn Lake, Ann McGrath & Marian Quartly, *Creating a Nation*, Penguin, Ringwood, 1996, pp. 274–5.

The primacy of the white woman as wife and mother was revealed in regulations such as the marriage bar in the Commonwealth public service, which forced women to give up their employment upon marriage. This was not lifted until 1966. Although entitled both to vote and stand for election to Federal office since 1902, very few women were represented in the Australian Parliament. From 1951 until 1966, there were no women elected to the House of Representatives and only a small number to the Senate.

In theory, a white woman in Australia retained all the civil rights that white men held but, in practice, the end of the 1950s still saw many constraints on women that meant they were not equal to men. Areas of the public sphere closed to women included the public bar of pubs and hotels, which sparked one of the most iconic protests for women's equality – the 'barroom suffragettes', Merle Thornton and Rosalie Bogner who chained themselves to the public bar of Brisbane's Regatta Hotel in 1965. Marianne Dever commented of the response to their actions.

This level of highly personalized coverage generated hate mail directed at the two women. These letters, sent by both women and men, variously accused Thornton and Bogner of being alcoholics, morally degenerate, neglectful mothers, and domineering wives – in short, a threat to the sanctity of the form of virtuous womanhood that found its expression in domesticity and sobriety. Some of the letters were signed, while others were either sent anonymously or their authors hid behind colourful pseudonyms such as "Disgusted".

Source 6.16

Marianne Dever, 'Archiving feminism: papers, politics, posterity', *Archivaria*, vol. 77, May 2014, p. 28.



← Source 6.17 Rosalie Bogner and Merle Thornton chained themselves to the bar at the Regatta Hotel in 1965

Merle Thornton recalled:

**Source 6.18**

**second-wave feminism**

whereas the 'first wave' of feminism in the late nineteenth century focused on attaining suffrage, the second wave of feminism focused on a wider range of issues such as reproductive rights and equality in the workplace

After another half an hour or so we left for home, glassy-eyed with exhilaration, to see it replayed on the evening news. It's a wonder any of us got any sleep at all that night. This singular, bloody-minded act was proof positive that activism worked. It was audacious, of course, but our protest triggered a tsunami of responses that no one could have predicted, and that growing awareness would help bring about real change. We had wanted publicity for the issue, but the level of response was far beyond our expectations. There was Australia-wide press, but we were also reported in newspapers around the world, including the UK and Russia. The Regatta Bar demonstration was recognised as a leading activist moment in **second-wave feminism**. I couldn't have been happier or more energised by what might now be possible.

Merle Thornton, 'I'll have what he's having', *The Weekend Australian Magazine*, 18 April 2020.

**USING HISTORICAL SOURCES AS EVIDENCE 6.4**

1. Explain what Rosalie Bogner and Merle Thornton were protesting against.
2. Describe the atmosphere in the Regatta Hotel as seen in Source 6.17.
3. Using all three Sources 6.16 to 6.18, explain how Australians reacted to the protest.
4. Why do you believe people around the world would be interested in this protest?

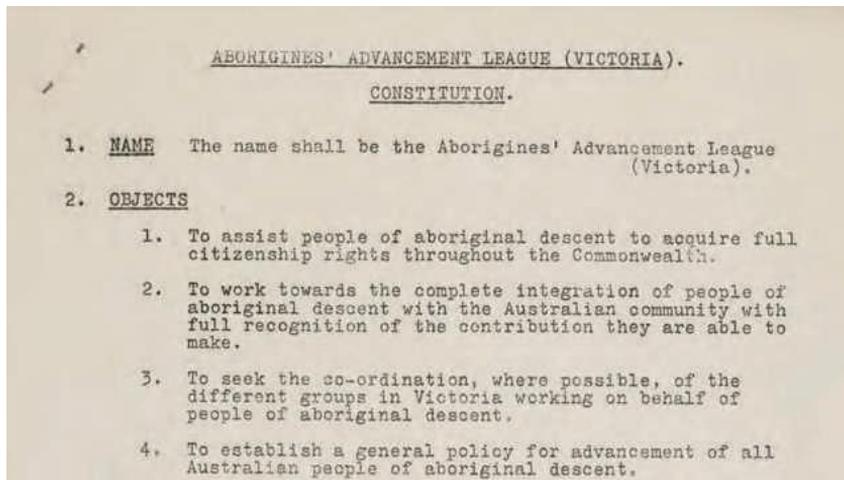
For Aboriginal and Torres Strait Islander men and women, the denial of civil rights and equal status was explicit and enforced by the paternalistic state protection and welfare boards that dictated many aspects of their lives. Section 51 (xxvi) of the Constitution delegated powers for making laws for Indigenous Australians to the states and early Commonwealth legislation, such as the *Franchise Act 1902*, explicitly excluded Aboriginal and Torres Strait Islander peoples from exercising any rights as citizens. Up until the 1967 referendum, the battle for the recognition of civil rights by activists and their non-Indigenous allies was a dominant concern for this movement.

**assimilation**

a government policy of absorbing Aboriginal people into white society through the process of removing children from their families, with the ultimate intent of the destruction of Aboriginal society

**integration** mixing with and joining a society or group, assuming their beliefs, practices and rituals without sacrificing the characteristics of your own culture

Historian John Chesterman discusses how the struggle for civil rights for Indigenous Australians has been downplayed. This was partly because the Menzies government's gradual reforms in areas such as social security, voting rights and pay were seen as part of the **assimilationist** program that was ascendant in the 1950s. Chesterman argues: '... civil rights activists achieved a great deal in forcing a reluctant state into a new relationship with Indigenous people'.<sup>9</sup> Indeed, VAAL not only pushed for citizens' rights but challenged assimilation, seeking **integration** instead, as its 1957 constitution outlined.



↑ **Source 6.19** Extract from the Victorian Aboriginal Advancement League constitution

## Feminism

The late 1950s saw the beginnings of ‘second wave’ feminism (the first wave being the battle for women’s suffrage around 1900). Amid Australia’s postwar economic and baby boom, inequality of women and the barriers to a fulfilling career outside the home caused middle-class women to question the constraints of society’s gender roles. The American journalist Betty Friedan captured this disquietude across the Western world in her 1963 book, *The Feminine Mystique*, which became a global bestseller:

It is no longer possible to ignore that voice, to dismiss the desperation of so many American women. This is not what being a woman means, no matter what the experts say. For human suffering there is a reason; perhaps the reason has not been found because the right questions have not been asked, or pressed far enough. I do not accept that there is no problem because American women have luxuries that women in other times and lands have never dreamed of; part of the strange newness of the problem is that it cannot be understood in terms of the age-old material problems of man: poverty, sickness, hunger, cold. The women who suffer this problem have a hunger that food cannot fill ...

**Source 6.20**

We can no longer ignore that voice within women that says: ‘I want something more than my husband and my children and my home’.

Betty Friedan, *The Feminine Mystique*, Dell, New York, 1963, pp. 26, 32.

Feminism challenged both institutional restrictions on the lives of Australian women, such as bans on employment after marriage, and social norms on sexuality and gender roles. Marilyn Lake noted an emergence of new understandings of femininity in the 1940s based around sexuality, sexual attractiveness and youthfulness, understandings that a 1950s culture would interweave with a ‘permissive consumerism’.<sup>10</sup> As the movement evolved, it questioned the sexualisation of women within consumer society.

Feminism brought into public debate issues that previously were seen to be part of the private realm of the home. The formation of the Nursing Mothers' Association in 1964 as a support group for breastfeeding mothers on one level may be seen as apolitical, but it challenged entrenched interests. The historians of the organisation, Jill Barnard and Karen Twigg, observed:

**Source 6.21**

a whole generation had grown up in a society where bottle-feeding was increasingly the norm and those who chose to breastfeed were a shrinking minority ... By the 1960s, therefore, deeply entrenched social and family values were tied up in the promotion of bottle-feeding, and the very existence of NMA (Nursing Mothers' Association) presented a threat to a range of interests, including many health practitioners ...

Many women felt that their membership of a nursing mothers' group gave them a heightened appreciation of the demanding work all women did in mothering and the need for greater social recognition of its value and worth.

Jill Barnard, Karen Twigg, & Australian Breastfeeding Association, *Nursing Mums: A history of the Australian Breastfeeding Association 1964–2014*, Australian Breastfeeding Association, Malvern, 2014, pp. xv, 87.

## Ideas about sexuality

**heterosexuality** sexual attraction to people of the opposite sex

**LGBTIQ+** an acronym that stands for:

lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and other. An evolving grouping of non-heterosexual orientations

**homosexuality** sexual attraction to people of the same sex, although sometimes used only to describe men attracted to men

Changes occurring in Australia with regards to sex and gender roles were not limited to feminism and began to influence thoughts about sexual identity on a broader scale, although these ideas were not widespread in the early 1960s. Indeed, while the current term for those who have identities different to **heterosexual** individuals is **LGBTIQ+**, and may continue to evolve over time, in the period we are discussing the words **homosexuals**, gays or lesbians were used.

Australian laws, similar to those in the United Kingdom, criminalised the act of non-heterosexual or same-sex relations. The 1957 Wolfenden Report in the United Kingdom recommended decriminalising homosexuality. While this report did not create change until a decade later, it opened a conversation about homosexual rights. The same discussion did not occur in Australia until the late 1960s. This was partly because during the Cold War in the 1950s, homosexuality was seen as both a perversion of 'godless' communist influence and a potential threat to national security.

Historian Graham Willett called the 1950s Australia's 'darkest decade' for homosexuals.

**Source 6.22**

Meanwhile, behind the wall of silence constructed to keep the public in ignorance of homosexuality, state institutions were busily at work suppressing its manifestations. In these circles, it was as an issue of national security that the discussion of homosexuality was most intense, fusing fears of moral disorder and communist threat. This was expressed most clearly in the files of the Australian Security Intelligence Organisation (ASIO).

*Continued...*

... *Continued*

In 1953, 1957, and again in 1964, ASIO had argued to the Federal Cabinet that homosexuals ought not to be employed in public service positions where they might have access to sensitive national security related material ...

The 1950s was perhaps the darkest decade of the twentieth century for Australian lesbians and homosexual men. Under relentless pressure from the police and other arms of the state, without influential friends, unwilling and unable to make themselves heard, they lived in considerable fear, carving out lives as best they could in whatever gaps and spaces they could locate or create.

Graham Willett, 'The darkest decade: homophobia in 1950s Australia', *Australian Historical Studies*, vol. 27, no. 109, 1997, pp. 128, 132.

The historians, Katie Holmes and Sarah Pinto agreed:

For gay and lesbian people, the 1950s were a 'dark decade' of increased persecution and sharpened surveillance as the medicalisation of ideas about homosexuality solidified. Men and women who displayed same-sex desires or engaged in same-sex practices – or those who came under suspicion for doing so – were talked about and victimised. The public activities of gay men were of particular concern to police, and there was a significant increase in arrests and convictions for unnatural offences. In Victoria a squad was formed to deal with the apparent menace: 'We know there are hundreds of perverts in Melbourne and we plan to get them all'. Women in same-sex spaces also aroused suspicion.

Source 6.23

Katie Holmes & Sarah Pinto, 'Gender and sexuality', in Alison Bashford & Stuart Macintyre (eds.), *The Cambridge History of Australia. Vol. 2: The Commonwealth of Australia*, Cambridge University Press, Port Melbourne, 2013, pp. 323–4.

### USING HISTORICAL SOURCES AS EVIDENCE 6.5

1. Why do you think ASIO attempted to stop employment of homosexuals in public service positions?
2. How does Willett in Source 6.22 account for the 'considerable fear' many LGBTIQ+ people experienced in the 1950s?

### FOCUS QUESTIONS 6.3

1. What struggles were faced by the LGBTIQ+ community in this period?
2. To what extent did their struggles differ from those experienced by other oppressed groups at the time?

## 6.4 Diverse and competing perspectives in the early 1960s

### INQUIRY QUESTION

How did the tactics of the Freedom Ride and the changing roles of women contribute to how rights and freedoms were debated in Australia?

### Fighting for civil rights: 1965 Freedom Ride



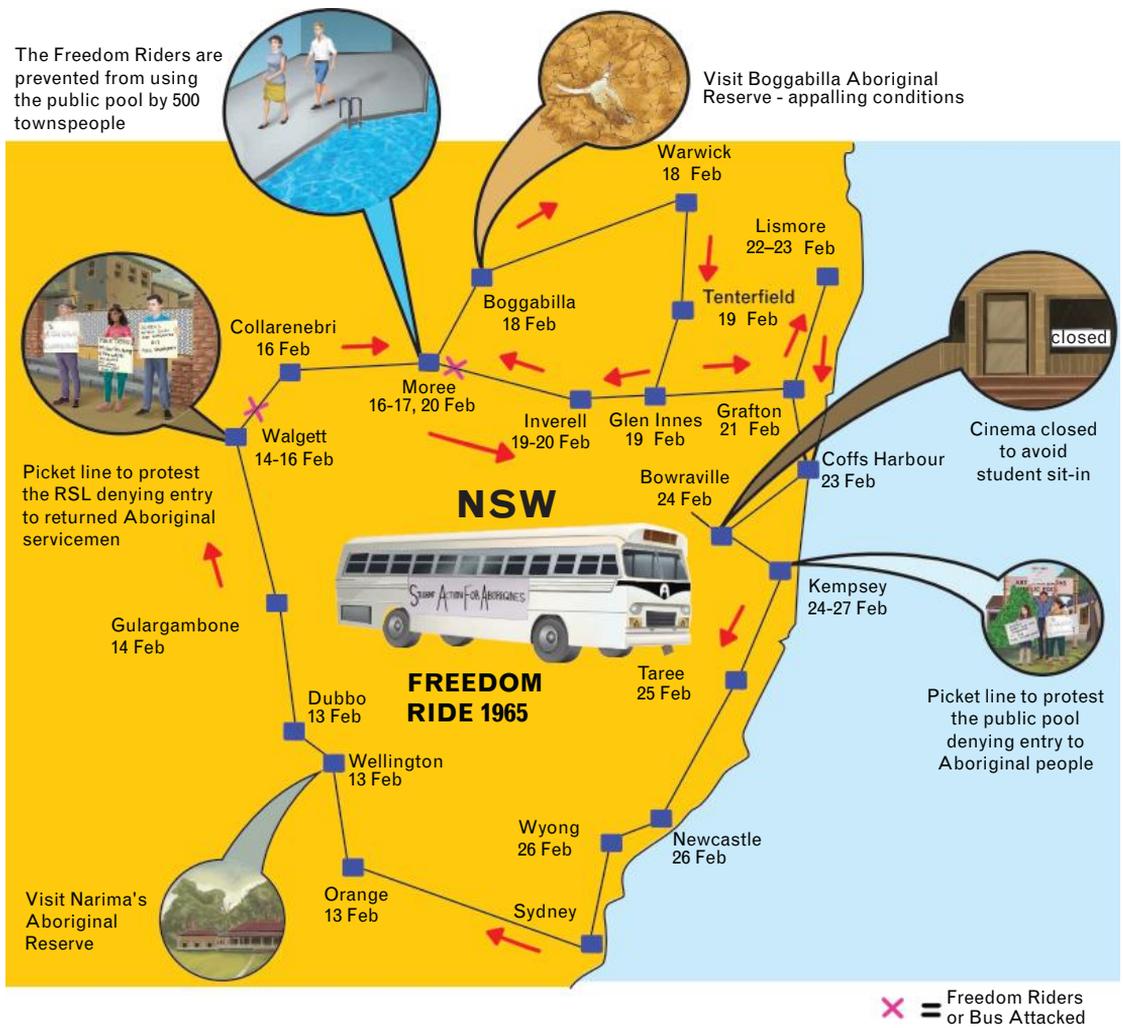
↑ **Source 6.24** The 1965 Freedom Ride: Student Action For Aborigines bus parked outside Hotel Boggabilla, February 1965

The 1965 Freedom Ride in Australia became one of the most enduring and prominent campaigns in the fight for Aboriginal and Torres Strait Islander civil rights prior to the 1967 referendum. It was inspired by the direct-action tactics of the American civil rights movement, and the 1961 Freedom Rides in particular. The subsequent bus trip through northern New South Wales was organised by Charles Perkins and the Student Action For Aborigines (SAFA) group at the University of Sydney.

Perkins, an Arrernte man born in Alice Springs and a professional soccer player in Australia and England, was the first Aboriginal male university graduate. He was elected president of SAFA. This group planned a fact-finding mission in northern New South Wales to gather information on the living conditions and treatment of the local Aboriginal peoples. Departing from Sydney on 12 February, the bus arrived in Walgett where the students protested outside

**colour bar** generally a social custom (rather than legislation) which prevented Aboriginal people from using town facilities

the local RSL for its refusal to include Aboriginal ex-servicemen. At Moree they challenged the **colour bar** at the local swimming pool. The students encountered resistance from locals, who tried to run their bus off the road outside Walgett. The Freedom Riders gained extensive media coverage. Images of Aboriginal poverty and racial segregation in the towns shocked urban Australians, far removed from these experiences that seemed reminiscent of the American South.



↑ **Source 6.25** The route of the 1965 Freedom Ride

The historian Heather Goodall described the events.

What began as a tentative exercise firmed into a dramatic series of confrontations with the whites of country towns, particularly in Walgett and Moree. Local Aborigines increasingly took part in the attempts to break the colour bar in hotels, shops and swimming pools, and protected the bus riders from an attempt on their lives as Walgett whites tried to drive their bus off the road. This journey was to have far-reaching impacts, not only by showing the metropolitan public vivid evidence of the crudity and brutality of rural white crowd behaviour, but also by focusing the attention of the students on Australian conditions ...

**Source 6.26**

*Continued...*

...Continued

The Welfare Board manager at Gingie Reserve paid great attention to these two delegations and the local political activity they supported. He reported to the Welfare Board that ‘communist influence’ was suspected, with both Aboriginal people and the white students being assumed to be ‘innocent accessories’ to ‘others with sinister motives’. Yet the manager’s report also reveals the very local terms in which the Walgett Murriss stated their demands: he described the public meeting during the second delegation visit, in which Walgett Aboriginal people made many heated references ‘to white men having taken their lands from the Aborigines’.

Heather Goodall, *Invasion to Embassy*, Allen & Unwin in association with Black Books, St Leonards, 1996, pp. 108, 109.

One of the students on the bus, Ann Curthoys, became a prominent Australian historian and chronicled her experiences in *Freedom Ride: A freedom rider remembers* (2002). In reflecting on the impacts of the Freedom Ride, she wrote:

**Source 6.27**

It was one of those transitional moments in Australian history when one era fades and another takes its place. More clearly than any other event, the Freedom Ride signified the shift from the Cold War to the ‘Sixties’ ... With their willingness to confront authorities in mayoral offices, election meetings, swimming pools and elsewhere, the SAFA students were a harbinger of the New Left and the student revolts of the second half of the 1960s ...

Ann Curthoys, *Freedom Ride: A freedom rider remembers*, Allen & Unwin, Sydney, 2002, p. 292.

Historian Jennifer Clark commented on the limitations of the Freedom Ride.

**Source 6.28**

But there was still something missing. Few race protests were unique. They were linked to events in South Africa or America, modelled on the Freedom Rides, consistent with the demands of whites and white institutions, conservative, derivative and universalist in their aims. Except for the submission of the Bark Petition, none represented the peculiar indigenous experience within the context of the intellectual parameters of the 60s. Even the Freedom Ride was an exercise organised largely by white students and heavily directed towards the gaining of race equity rather than singularity.

Jennifer Clark, *Aborigines & Activism: Race, Aborigines & the coming of the sixties to Australia*, UWA Press, Crawley, 2008, p. 233.

## USING HISTORICAL SOURCES AS EVIDENCE 6.6

1. Identify two consequences of the Freedom Ride according to Heather Goodall in Source 6.26.
2. What does Clark believe were the limitations of the Freedom Ride in Source 6.28?

The Freedom Ride pointed to new forms of resistance that skilfully used the media to draw attention to issues in Australian society. Along with actions such as the ‘Barroom Suffragettes’, these forms of protest helped generate debates within Australian society on calls for change.

### Changing roles of women

The postwar era had seen an expansion in higher education in Australia, and this included a surge in women attending university. Katie Holmes and Sarah Pinto observed that ‘the increasing education of women was to be a driver of social change in later decades’ and cited statistics noting the increasing portion of women in higher education – from less than 7000 in 1955 to over 22 000 by 1965. They also noted that, while overall participation rates of women in the workforce increased marginally, the increase in the portion of married women jumped from 8.6 per cent in 1947 to 18.4 per cent by 1961.<sup>11</sup>

The introduction of the oral contraceptive pill in 1961, initially restricted to married women and carrying a 27.5 per cent luxury tax, played a role in liberating sexual activity from the act of procreation. Frank Bongiorno observed that, from modest beginnings as a contributor to marital satisfaction and family planning by married couples, it would go on to have:

a massive impact on the lives of millions of Australians ... It largely fulfilled the promise that had been held up in decades of sex-advice literature but never truly realised: sex for pleasure and companionship without fear of pregnancy. And it would have indirect effects even on those, such as gays and lesbians, whose sexual practices ruled out any need for contraception at all.

Frank Bongiorno, *The Sex Lives of Australians*, Black Inc., Collingwood, 2015, p. 29.

The changes in women’s lives and aspirations during the 1960s contributed to changes in perspectives that informed the women’s liberation movement later in the decade, a movement that would challenge employment discrimination, unequal pay and conventional ideas on gender and sexuality.

## 6.5 Continuity and change from 1957 to 1966

### INQUIRY QUESTION

What was the situation for groups that were challenging social norms and advocating for rights by 1965?

### What was the status quo?

The question of continuity and change is never a straightforward one for historians to answer. The extent to which change occurred is often contentious. It is important to think about what the status quo (the existing state) was in Australian society by the mid-sixties, so that an evaluation can be made in the following chapters as to the extent that power and its resistance created change.

### FOCUS QUESTION 6.4

To what extent were the rights of Aboriginal and Torres Strait Islander peoples brought to the national consciousness in this period?

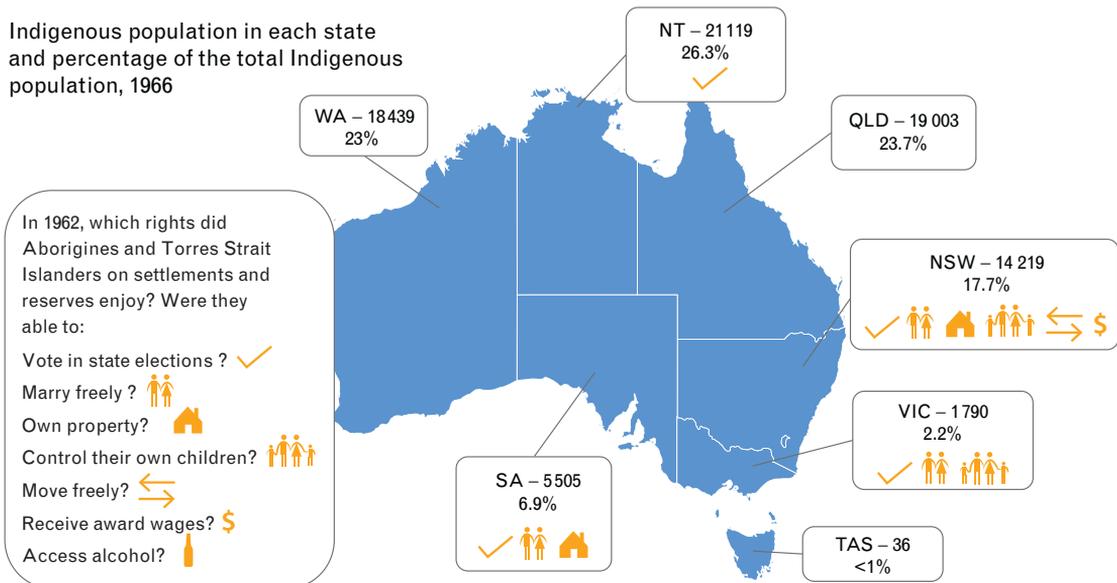
Source 6.29

## Who had power?

Robert Menzies retired from politics in 1966, after 17 years as prime minister, the longest term of any Australian leader. During that period, the Liberal–Country Party Coalition dominated Federal politics, aided by the 1955 split of the Australian Labor Party that had been caused by Cold War politics. The breakaway faction, the socially conservative and fiercely anti-communist Democratic Labor Party, directed its preferences to the Coalition instead of Labor. Fears of communism and its threat to the ‘Australian way of life’, a continued defence of the White Australia Policy and the pursuit of assimilation for both new migrants and Indigenous Australians formed the dominant consensus. Economically, in 1966, as decimalisation of the currency saw Australia move from pounds to dollars, the nation was still enjoying the postwar boom, with unemployment hovering around 2 per cent, and growth of 2.4 per cent in the GDP (Gross Domestic Product – the value of goods and services produced in a nation over a period of time, such as over the course of a year).

## What was the status of Indigenous Australians by 1966?

In 1966 the census calculated the population of Australia at 11.55 million. This did not include the 80 207 Aboriginal people also counted by the Australian Bureau of Statistics. They were not included in the population figure, due to Section 127 of the Constitution. By 1966 many civil rights, such as the right to vote in Federal elections, had been achieved, but Indigenous peoples still faced inconsistent and diverse controls at state level. In gathering signatures for the 1962 petition, the FCAA presented the inconsistent level of rights enjoyed by Aboriginal people under state control in reserves and settlements. Issues around equal wages for Aboriginal pastoral workers, rights to travel freely and the forced removal of children from Aboriginal parents were still prominent concerns for civil rights campaigners. To consolidate this understanding, examine the infographic in Source 6.30 and consider the distribution of Aboriginal Australians at the time and the diverse restrictions placed upon them.



↑ **Source 6.30** Snapshot of estimated Aboriginal and Torres Strait Islander population and rights prior to the 1967 referendum<sup>12</sup>

## USING HISTORICAL SOURCES AS EVIDENCE 6.7

1. Using Source 6.30, identify the state in which Aboriginal and Torres Strait Islander peoples on reserves and settlements enjoyed the most rights in 1962.
2. Identify the three states/territories with the highest Aboriginal and Torres Strait Islander populations in 1966.
3. What rights did the Aboriginal and Torres Strait Islander peoples in those states or territories enjoy?
4. Discuss with a classmate why Aboriginal and Torres Strait Islander peoples might have wanted the Federal Government to be able to exercise more power over their affairs. Use evidence from the map to support your response and be prepared to share with the class.

## What was the status of white women by 1966?

In 1950 the basic wage for women was raised to 75 per cent of the male wage, a rate that still left many women underpaid for work of equal value. Demands for equal pay and access to work opportunities were concerns for many working women by the late 1950s. The reality for many women, however, was marriage, children and a life centred – even if working outside the home – on the domestic sphere. As Grimshaw et al. observed: ‘The most popular women’s groups of these years were those that appealed to women’s familial identity.’<sup>13</sup> In 1961, the year the pill was introduced to Australia, the total fertility rate (the average number of children a woman has over her childbearing life) reached a postwar high of 3.55. By 1966 this had already declined to 2.88.

↓ **Source 6.31** Demographic status of women in Australia – 1954, 1966 and 2016

| Indicator                            | 1954                | 1966                | 2016                |
|--------------------------------------|---------------------|---------------------|---------------------|
| Labour force participation rate      | 23% <sup>14</sup>   | 34.3% <sup>15</sup> | 72.9% <sup>16</sup> |
| Average age of marriage              | 22.6 <sup>17</sup>  | 21.5 <sup>18</sup>  | 29.9 <sup>19</sup>  |
| Total fertility rate <sup>20</sup>   | 3.6                 | 3.5                 | 2.6                 |
| Average household size <sup>21</sup> | 3.19                | 2.89                | 1.79                |
| Percentage of university students    | 21.3% <sup>22</sup> | 27.4% <sup>23</sup> | 58% <sup>24</sup>   |

## Gender and sexuality

By the mid-1960s, what would become known as the ‘sexual revolution’ was at an embryonic stage in Australia. Heterosexual relationships and an aspiration towards marriage and a family were the norm for both men and women. Pregnancy outside of marriage was stigmatised and women who gave birth outside of marriage were often forced to give up their babies for adoption. Between 1951 and 1975 approximately 140 000 to 150 000 babies were put up for adoption, most born out of wedlock. In a 2012 submission to a Senate inquiry on forced adoptions, Mrs Elizabeth Edwards recounted that: ‘During the period of my maternity in 1963 I was indoctrinated with the advice that if I loved my baby I would give it to a married couple’.<sup>25</sup> The nuclear family of a mother and father raising their children was the norm, and little support was provided for single parents. Divorce was difficult to achieve and carried a social stigma of its own. The introduction of the pill and more public conversations about contraception would begin to change perceptions around sex, but the impact on social norms was not immediate.

## 6.6 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- Australia maintained its prosperity.
- Australia continued to be influenced by global events and movements.
- Crown land remained in the ownership of the Crown.
- Policies towards Aboriginal and Torres Strait Islander people continued to be assimilationist.
- No women were elected to the House of Representatives.
- Homosexuality was still a criminal offence in all states of Australia.

### Changes

- Concerns regarding the living conditions of Indigenous Australians in remote locations were understood by 'suburban Australians'.
- The Victorian Aborigines Advancement League was formed in Melbourne.
- The first formal claim for land rights was made.
- Traditional gender roles were being questioned by some.
- The oral contraceptive pill was introduced.
- The Nursing Mothers' Association was formed.
- The Australian Public Service officially removed the 'marriage bar' policy that had prevented the recruitment or continued employment of married women.

## 6.7 End-of-chapter activities

### Consolidating your understanding

#### Events

1. Why has the Universal Declaration of Human Rights been considered a 'powerful' statement?
2. Which US civil rights protests were influential to the liberation of minority races around the world?
3. Why were the events in the Warburton Ranges significant in bringing the plight of Indigenous people to the attention of the broader Australian population?
4. What were the aims of the Freedom Riders?
5. What strategies did the Australian Freedom Riders employ?

## Ideas

Complete the following table for your notes on the ideas in this chapter. An example has been completed for you.

| Ideas            | Summary   | Evidence  |
|------------------|---|---|
| Post-colonialism | After World War II former colonies moved towards independence. Indigenous people formed groups such as the FCAA to protest and advocate for change. | 'All he has ever seen on his land is that he can be arrested, beaten and starved with impunity.' Fanon 6.14<br>'we and our fathers worked for no wages at all much of the time and for a mere pittance in recent years.' Gurindji petition 6.11 |
| Civil rights     |   |   |
| Protest          |   |   |
| Feminism         |   |   |

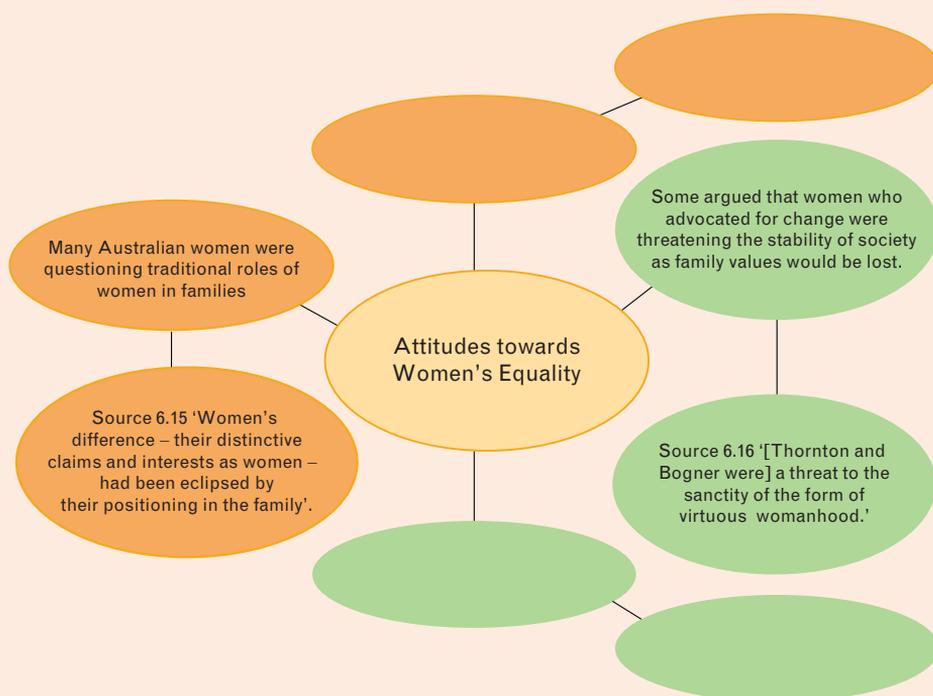
## Perspectives

Using the reading materials and sources in this chapter, create three mindmaps, showing those advocating for change and those supporting the status quo for:

1. Indigenous rights
2. Women's equality
3. LGBTIQ+ rights.

For each point, try to find a piece of evidence to support it. Use colour to highlight differing perspectives.

Example of a mindmap:



## Experiences

1. Why did the Gurindji people walk off Wave Hill Station?
2. Explain the importance of the Wave Hill walk-off in challenging concepts of land ownership.
3. How were women excluded from Australian political and working life in the 1950s and 1960s?
4. What issues did the feminist groups address during this period?
5. How were LGBTIQ+ groups treated in Australia in the 1950s and early 1960s?

## Asking historical questions

Using the sources in this chapter, or your own research, create your own source analysis activity:

1. It should have three sources (with at least one visual)
2. It should have three or four questions that require different skills, from comprehension to analysis.

Some suggested command terms to use:

- describe
- account for, explain
- compare, contrast
- analyse, evaluate, examine.

## Analysing causes and consequences

1. How did international events influence the call for change to Indigenous rights in Australia?
2. Explain how the concept of feminism contributed to the formation of women's advocacy groups.
3. Why did the Cold War impact views about homosexuality in this period?

## Constructing an argument: essay writing

To what extent were attitudes towards democracy and society challenged from 1957 to 1966 in Australia?

# CHAPTER 7

## 'Right wrongs, write yes', 1967–1975



**Source 7.0** Mervyn Bishop (Australia, b.1945)

Prime Minister Gough Whitlam pours soil into the hands of traditional land owner Vincent Lingiari, Northern Territory 1975, printed 1999

type R3 photograph, 30.5 × 30.5 cm

Art Gallery of New South Wales

Hallmark Cards Australian Photography Collection Fund 1991 © Mervyn Bishop/ Department of the Prime Minister and Cabinet

Photo: AGNSW

58.2000

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## Chapter timeline

| World events   | Dates | Australian events  |
|--|-------|--|
| <b>1967:</b> Huey P. Newton (Black Panther Party) arrested<br><b>1968:</b> Martin Luther King Jr. assassinated<br><b>1969:</b> Stonewall riots, New York |       | <b>1967:</b> 1967 referendum passes with 90.77% support<br><b>1969:</b> Zelda d'Aprano chains herself to the Commonwealth Building in Melbourne  |
| <b>1970</b>  |       |  |
| <b>1970:</b> No-fault divorce law passes in California<br><b>1972:</b> President Nixon meets with Mao Zedong in China                                    |       | <b>1970:</b> Penguin Australia publishes 75 000 copies of Phillip Roth's <i>Portnoy's Complaint</i><br><b>1970:</b> The Campaign Against Moral Persecution Inc. (CAMP) formed in Sydney<br><b>1971:</b> Justice Blackburn rules against Yolngu claims of native title to prevent mining on their land in the NT<br><b>1971:</b> Dennis Altman's <i>Homosexuality: Oppression and liberation</i> published<br><b>1972:</b> Aboriginal Tent Embassy established outside Parliament House in Canberra |
| <b>1975</b>  |       |  |
| <b>1975:</b> Vietnam War formally ends   | ↓     | <b>1975:</b> Wave Hill handback<br><b>1975:</b> <i>Family Law Act 1975</i> passes, allowing no-fault divorce   |

## 7.1 Introduction

### INQUIRY QUESTION

How far did the rights of oppressed groups progress during the period 1967 to 1975?

#### Source 7.1

Across the country the old concern to preserve the status quo, to conserve uniformity, to safeguard the Australian way of life and the family home from subversion was giving way to demands for change. Freedom took on a new meaning and acquired a new look: short skirts, long hair, unisex, kaftans and beads, demonstrations and marches.

Patricia Grimshaw, Marilyn Lake, Ann McGrath & Marian Quartly, *Creating a Nation*, Penguin, Ringwood, 1996, p. 300.

For many in Australia ‘the sixties’ – as a defined moment synonymous with youth counterculture, protest and radical ideas – began in 1966 with Menzies’ retirement. The Holt Liberal-Country Party government passed the *Migration Act 1966*, which began to dismantle the White Australia Policy that had defined immigration policy since Federation. It also passed legislation to enable the referendum that FCAATSI and other Aboriginal and Torres Strait Islander advocates had been lobbying for. At the same time, Holt deepened Australia’s commitment to assist the United States in Vietnam, promising to go ‘All the way with LBJ’ (US President Lyndon B. Johnson). Increased opposition to the war jostled with continued support for the American alliance and anti-communism. Holt defeated the ALP, which ran on an anti-war platform, in a landslide in 1966. Economically, the country prospered, through iron ore exports to Japan, adding to the continued strength of traditional primary products.

The 1967 referendum was both a watershed moment for Indigenous civil rights and a new phase in the struggle for Aboriginal and Torres Strait Islander peoples. The Federal Government’s unwillingness to use its new powers produced a new assertiveness among younger Indigenous leaders, who were willing to push more forcefully over Indigenous disadvantage and land rights.

Women also broadened their claims from traditional fights for equal rights and pay to critique the structures of **patriarchy**. The experiences of radical women in the anti-war and other protest movements, who had been marginalised by male protestors, shaped the women’s liberation movement.

**patriarchy** a form of social organisation that places men as dominant over women

Calls for the decriminalisation of homosexuality were soon joined by demands by gay and lesbian activists – not just for tolerance, but for acceptance. Some were unwilling to live silently in the shadows.

Tapping into these currents of change, the new leader of the ALP, Gough Whitlam, championed a broader and more inclusive definition of rights, promising to act on Indigenous concerns and women’s rights. The trade union movement swung its support behind the campaign for equal pay and supported the Gurindji campaign at Wave Hill. Labor won the 1972 Federal election on a platform of reform and renewal after 23 years of conservative Liberal-Country Party rule.



→ **Source 7.2** A smiling Harold Holt meets with US President Lyndon B. Johnson in the United States in 1967.

## 7.2 Significant events from 1967 to 1975

### INQUIRY QUESTION

How successful were the events of 1967 to 1975 in achieving equality for oppressed groups?

### The 1967 referendum and its aftermath

The 1967 referendum sought to remove two clauses from the Constitution. Section 127 of the Constitution, which excluded Indigenous Australians from being counted in the census, was to be removed outright. Section 51 (xxvi) was to be amended by removing the words ‘other than the aboriginal race in any State’. The latter change allowed the Commonwealth to legislate for Aboriginal and Torres Strait Islander peoples. In campaigning for the referendum, however, FCAATSI promoted the referendum as an opportunity for white Australia to vote for ‘Aboriginal rights’ and to ‘right wrongs’ (see Sources 7.3 and 7.6). As many historians have observed, this led some Australians to think the referendum was the moment when Indigenous people ‘got the vote’ or became citizens – although they already had these rights and the vote was not part of the referendum’s questions.<sup>1</sup>



↑ **Source 7.3** Aboriginal activist Bill Onus campaigning in the 1967 referendum

Both the Coalition government and the Labor opposition supported the referendum, but the government did not actively campaign for a 'yes' vote. This was left to FCAATSI, student and church groups. The following sources make arguments for the 'yes' vote.

The demand for the removal of these clauses from the Constitution is not just an academic one – it rests on two grounds. The first – that the implied discrimination is a reflection[,] in fact an insult to the aboriginal people; the second – that the specific exclusion of the Commonwealth from the right to make special laws about the aboriginal race means that the Commonwealth denies any responsibility (outside the Territories) and the state Governments therefore claim it. And in so claiming, they exercise rights and powers over the aboriginal people, which they would not dare to exercise over the last arrived migrant.

Source 7.4

Gordon Bryant, 'A referendum', *Smoke Signals*, vol. 2, no. 1, 1962, pp. 2–3.

The Indigenous activist Faith Bandler told a journalist:

I don't believe one kind of person is inferior to another. All that is needed is opportunity, and above all a sense of dignity ...

Source 7.5

And a Yes vote on May 27 can open new doors for all the Australians who happen to be black.

A Yes vote will mean that the Aboriginal people can come under Commonwealth law and derive all those benefits which only the Federal Government can give them.

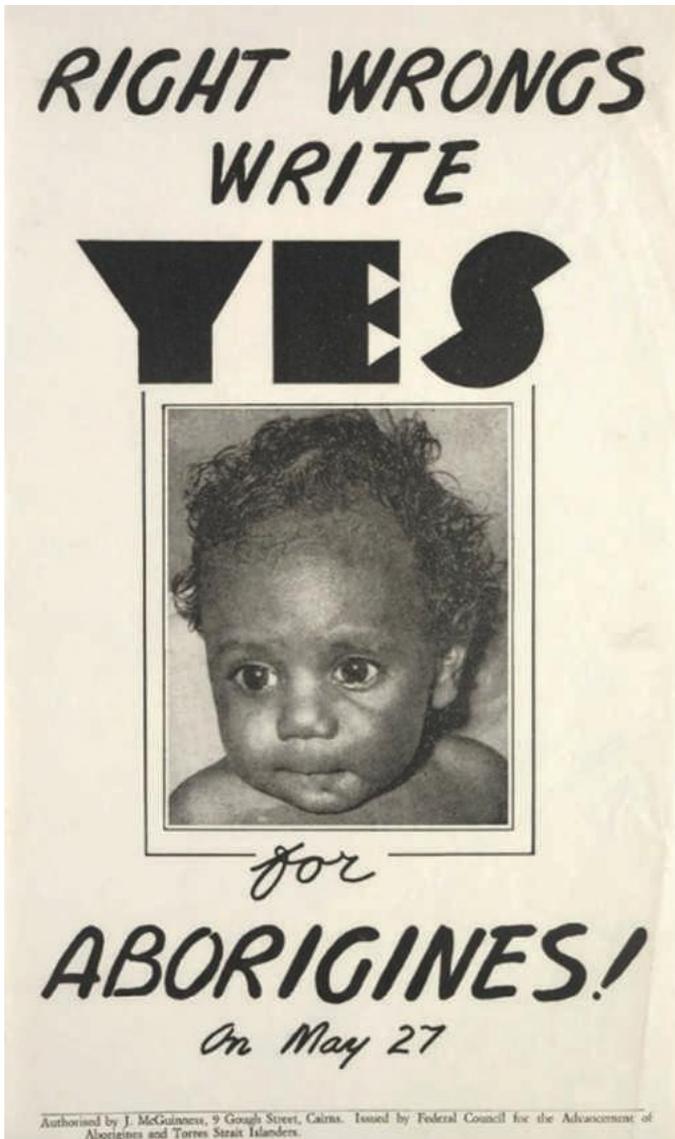
At the moment, for census purposes, they're not even counted as existing. A Yes vote will change that.

They need education, training. I should like to see federal money allocated by the Federal government ...

The eyes of the world are on Australia and her handling of black Australians. Not only Asia is watching but Africa and the whole Western world.

That one word, 'Yes' on May 27 will open the door for real reform. It will tell the world at large that there is only one Australian, and his colour doesn't matter at all.

Quoted in Kay Keavney, 'Let's tell the world ...', *Australian Women's Weekly*, 10 May 1967, p. 7.



← Source 7.6 'Right wrongs write YES for Aborigines! On May 27', campaign poster

### USING HISTORICAL SOURCES AS EVIDENCE 7.1

1. Referring to Sources 7.4 and 7.5, explain the reasons why each believes that change is necessary.
2. Identify two reasons given for the need for change in Source 7.5.
3. Analyse the extent to which the above sources were effective in bringing about change in the 27 May referendum.

The referendum held on 27 May 1967 achieved the highest ever support for any constitutional amendment in Australian history. The 'yes' vote won 90.77 per cent of voters, ranging from a high of 94 per cent in Victoria to a low of just under 81 per cent in Western Australia. But the Federal

Government's unwillingness to use its new powers led to disillusionment. The poet and activist Kath Walker (later known as Oodgeroo Noonuccal) wrote bitterly two years later:

the only major improvement has been the 93 per cent 'Yes' vote of the referendum ... but this improvement did not benefit the black Australians though it eased the guilty conscience of White Australians.

Source 7.7

Kath Walker, 'Black-white coalition can work', *Origin*, vol. 1, no. 4, 1969, p. 6.

In evaluating the legacy of the referendum and its meaning, Bain Attwood and Andrew Markus proposed:

Arguably, its symbolic recognition of citizenship rights for Aboriginal people created a context in which campaigners for Aboriginal rights, especially those who were Aboriginal, were more able to conceive or articulate a claim for a different kind of rights and even a different kind of relationship between Aboriginal people and the Australian nation than they had been for a very long time; and it gave momentum to a campaign for this.

Source 7.8

Bain Attwood & Andrew Markus, *1967 Referendum: Race, power and the Australian Constitution*, Aboriginal Studies Press, Canberra, 2007, p. 71.

The 1967 referendum's legacy is thus complex. It opened the door for greater Federal involvement in Indigenous affairs, particularly from 1972 onwards, but did not erase the significant disadvantage and continued racism faced by First Nations peoples.

### Campaigning for women's rights – protests on equal pay

The late 1960s saw women campaigning on several fronts to address inequalities they faced. One of the most prominent campaigns was around issues of equal pay. Australia's award system, from the Harvester Judgement of 1907 onwards, was predicated on the male as the family breadwinner. Women in professions such as teaching were often paid less than men in the same profession. Female-dominated professions were poorly paid compared to male-dominated professions. Access to childcare and maternity leave were other barriers facing women who wished to participate in the workforce.

In 1969 the Australian Council of Trade Unions (ACTU) mounted a test case for equal pay for meat workers at the Arbitration Commission. The Commission ruled in favour of equal pay for equal work – for women doing the exact same roles as men – but this ignored the fact that the ruling would apply to only one-fifth of the women in the workforce. Most women worked in highly gendered industries and would not benefit from the ruling. In protest, union activist Zelda D'Aprano chained herself to the doors of the Commonwealth building in Melbourne. This gained extensive publicity for the claims of women union activists for equal pay for work of equal value and the end to different award rates for men and women.

D'Aprano and other women involved with the protest later formed the Women's Action Committee to continue the fight. D'Aprano recalled of that case:

**Source 7.9**

Now this was a first for me. I had never, ever, been to a commission hearing of any sort; I'd never been in the building. And so it was quite an education. What happened was, of course, all the women were sitting there in the body of the commission and then there were all men at the top, all the commissioners were male. All the ones arguing for the increase were male, and all the ones arguing against were male. And Bob Hawke, as I say, presented the case. And I just couldn't believe this, and I thought, here are all the women, here we are, all sitting here as if we haven't got a brain in our bloody heads, as if we're incapable of speaking for ourselves on how much we think we're worth. And here are all these men arguing about how much we're worth and all men are going to make the decision. And I found the whole experience to be humiliating and very demeaning and I came away feeling terribly angry and frustrated about that whole set up. And the result of the case was very disappointing because, I think, there was about six per cent of women already got equal pay for equal work in the plan, and I think only another six per cent got it or so. So, all told, there was 12 per cent of the women in the industry that got equal pay.

National Film and Sound Archive of Australia, *Australian Biography: Zelda D'Aprano*, Interview, NFSA ID 402635, 1996.

→ **Source 7.10** Zelda D'Aprano chained to the doors of the Commonwealth building where the Arbitration Commission sat in Melbourne, over the injustice done to women in terms of equal pay, 1969



Eileen Capocchi spoke of another key women's issue – abortion:

We were also very active on the abortion issue and supported the right of women to choose whether to continue a pregnancy. That was a very hard, long, bitter campaign. At one time some of our women (and other women for the Union of Australian Women) stood up at a Right to Life meeting and stated they had had an abortion. If it had been pursued they could have gone to jail – there were some very brave women there. They were courageous. They just stood up and said 'I have had an abortion. Arrest me!'

Quoted in Geraldine Robertson (comp.), *Women Working Together Suffrage and Onwards*, Women's Web, n.d., <https://cambridge.edu.au/redirect/9672>

Source 7.11

## USING HISTORICAL SOURCES AS EVIDENCE 7.2

1. According to Source 7.9, why was D'Aprano motivated to further the cause for equal pay?
2. Referring to Sources 7.9 to 7.11, explain the methods used to advocate for change.

Access to abortion was a key issue for many women. State laws all criminalised abortion to varying extents. The Menhennitt ruling in Victoria in 1969 broadened the scope for lawful abortions on the grounds of an abortion being necessary for the physical or mental health of the mother. South Australia went further in 1969 with laws that liberalised abortion procedures within the first 24 weeks of pregnancy. Nonetheless, while abortions became easier to obtain, they were not fully decriminalised.

## Tent Embassy

The Yolngu's battle against bauxite mining at Gove Peninsula shifted from their bark petition to the Federal court in 1968 in *Milirrpum v Nabalco*, often known as the Gove Land Rights Case. In April 1971, Justice Richard Blackburn decided against the Yolngu's claims, ruling that:

the relationship between clan and land did not amount to proprietorship as that is understood in our law; and the clans had not sustained the burden of proof that they were linked with the same land in 1788 as now; that no doctrine of common law ever required or now requires a British government to recognise land rights under Aboriginal law which may have existed prior to the 1788 occupation; that Aboriginal land rights in Australia were never expressly recognised ...

Extract from Blackburn's ruling of 27 April 1971, quoted in National Museum of Australia, Background, *Aboriginal Embassy, 1972*, <https://www.nma.gov.au/explore/features/indigenous-rights/land-rights/embassy>

## FOCUS QUESTIONS 7.1

1. Account for the reasons why women were protesting for change at this time.
2. Examine how feminists' calls for change in this chapter differ from the previous chapter.

Source 7.12

The Yolngu appealed to Prime Minister William McMahon to stop the mine. A Ministerial Committee deliberated and its decision that there would be no Aboriginal title to land was announced on Australia Day, 1972. The rejection spurred four young Aboriginal activists from Redfern in Sydney to drive to Canberra and pitch a beach umbrella in front of Parliament House with the sign 'Aboriginal Embassy', a commentary on their status as aliens in their own land. Haebich and Kinnane observed that: 'Land rights may have been the rallying point and rejection of the Yolngu claim the catalyst but the central issue was Aboriginal and Torres Strait Islander self-determination.'<sup>2</sup> The Tent Embassy captured the imagination and the four were soon joined by others. By mid-February there were eleven tents on the lawn of Parliament House.

The Tent Embassy drew visitors such as Labor opposition leader Gough Whitlam and Dr H.C. Coombs, the chairman of the Council of Aboriginal Affairs, giving it credibility. In addition, hard-line government ministers such as Peter Howson and Ralph Hunt, who refused to meet protestors, increased public sympathy for the Embassy. Eventually, the government dismantled the tents in July, sparking confrontations that were captured in the media, further eroding support for the Coalition's management of the issue.

→ **Source 7.13** Michael Anderson, Billie Craigie and Bert Williams at the Tent Embassy in Canberra in 1972, image from *The Sydney Morning Herald*



The Aboriginal Embassy Cabinet Committee put out the following statement:

**Source 7.14**

We demand

- Full State rights to the Northern Territory under Aboriginal ownership and control with all titles to minerals, etc.
- Ownership of all other reserves and settlements throughout Australia with all titles to minerals and mining rights
- The preservation of all sacred lands not included in points 1 and 2
- Ownership of certain areas of certain cities with all titles to minerals and mining rights
- As compensation, an initial payment of 6 billion dollars for all other land throughout Australia plus a percentage of the gross national income per annum.

Quoted in Bain Attwood & Andrew Markus, *The Struggle for Aboriginal Rights: A documentary history*, Allen & Unwin, Sydney, 1999, pp. 257–8.



↑ **Source 7.15** Charles Perkins and family at the Tent Embassy, 1972

Historian Tobias Campbell stated that:

the satirical irony of a ‘tent’ Embassy was extremely effective in reaching out to, and generating support among, Aboriginal people. From its foundation, the symbolic power of the Embassy resonated with Aboriginal experiences of dispossession, displacement and, perhaps less appreciated but no less important, spoke to a feeling that their existence was in juxtaposition with the cultural norms and formal institutions of twentieth-century Australia.

**Source 7.16**

Tobias Campbell, “‘Ours will be a tent’: The meaning and symbolism of the early Aboriginal Tent Embassy”, *ANU Historical Journal*, vol. II, no. 1, 2019, p. 59.

## USING HISTORICAL SOURCES AS EVIDENCE 7.3

Using Sources 7.13 to 7.16, identify concerns expressed by protesters.

### FOCUS QUESTIONS 7.2

1. What event led to the establishment of the Tent Embassy?
2. Explain how the embassy marked methods of protest that were different from those advocating for Indigenous rights previously.
3. Account for these changes.

### 'It's time' – Whitlam's election

The inept response to the Tent Embassy was a sign of a government that – after 23 years in power – had run out of steam. The energetic Labor leader, Gough Whitlam, who assumed control of Labor from Arthur Calwell in 1967, had nearly won the 1969 election. In 1972 Whitlam campaigned on the slogan 'It's time', accompanied by a television advertising campaign and jingle. Whitlam's appeal reached beyond Labor's traditional working-class base, to the Australian middle class. Whitlam promised to end conscription, complete the withdrawal of Australian soldiers from Vietnam, expand government services in health and education, and act on women's and Aboriginal and Torres Strait Islander rights. The ALP won government on 2 December 1972.

The newly-formed Women's Electoral Lobby elevated women's issues during the campaign and the ALP benefited from being more receptive to their concerns. Historian Marilyn Lake noted:

#### Source 7.17

WEL's intervention in the political process was effective in reinstating women as an electoral force, a political bloc united in their demands, and the fact that WEL's campaign in 1972 coincided with the first defeat of the Liberal party in twenty-three years made it appear even more powerful. The pent-up desires of women and Labor to embark on a program of reform were mutually reinforcing, and once in Federal Government the Labor Party proceeded to enact measures to make the aspiring public woman's path easier.

Marilyn Lake, *Getting Equal: The history of Australian feminism*, Allen & Unwin, St Leonards, 1999, p. 239.

The Whitlam government ended conscription on its first day in office, stopped the luxury sales tax on the contraceptive pill, formally recognised Communist China, and re-opened the equal pay case. Whitlam appointed Elizabeth Evatt to the Conciliation and Arbitration Commission, the first woman appointed to the body responsible for determining award rates.

### The Whitlam government's moves on Indigenous rights

The government also moved quickly in Aboriginal and Torres Strait Islander affairs, appointing the first minister solely responsible for this portfolio, Gordon Bryant, former president of the Victorian Aboriginal Advancement League (VAAL), FCAATSI member,

and long-time advocate for First Nations rights in the Parliament. The National Aboriginal Consultative Committee was formed, the first advisory body of elected Aboriginal and Torres Strait Islander peoples. In February 1973 the Aboriginal Land Rights Commission was formed, under Justice Edward Woodward. Popularly known as the Woodward Royal Commission, it examined not if, but how, land rights in the Northern Territory were to be implemented. It shaped the Commonwealth's first land rights legislation, the *Aboriginal Land Rights (Northern Territory) Act 1976*.



↑ **Source 7.18** Gough Whitlam poses with pop singer Little Pattie in an 'It's time' t-shirt for the 1972 election

### 7.3 Influential ideas on liberation movements from 1967 to 1975

#### INQUIRY QUESTION

What ideas inspired the different liberation movements of 1967 to 1975?

#### Black Power and Aboriginal nationalism

The end of the sixties saw a new generation of Aboriginal activists emerge and the change from black-white coalitions, such as FCAATSI, to Indigenous-controlled organisations. Activists were inspired by the Black Power movement in the United States and individuals and organisations such as Huey Newton, Stokely Carmichael (later known as Kwame Ture) and the Black Panther Party. Other influences included decolonisation movements, **Pan-Africanism** and links with emerging militant activism in the North American First Nations movement, including organisations such as the American Indian Movement (AIM). The Tent Embassy was one of the most visible expressions of this new militancy – Stuart Macintyre referred to it as 'the most spectacular display of black power in Australia'.<sup>3</sup> The embassy brought emerging leaders such as Paul Coe, Bobbi Sykes and Gary Foley to prominence.

**Pan-Africanism** the belief that peoples of African descent should work together for common interests ('pan' meaning 'all')

Richard Broome recounts how Bruce McGuiness's invitation to Bermudan politician and Caribbean Black Power activist, Roosevelt Brown, to address the Victorian Aboriginal Advancement League in Melbourne in 1969 was a catalyst for Aboriginal activists taking over the League and embracing Black Power.<sup>4</sup> While at the Congress of African Peoples in Atlanta, United States, in September 1970, McGuiness worked with a New York lawyer to send two petitions to the United Nations: one on land rights, the other alleging genocide of Aboriginal people in Australia. On the following page is part of the land rights petition, which referred to the International Labor Conference, Convention 107, on the rights of ownership of Indigenous land by Indigenous people.

Source 7.19

From the time of the first settlement in 1788 to date, the Crown has never used even its claimed power to take our land, either by treaty or by purchase. The Crown has blatantly taken our land without treaty, without purchase, and without compensation of any kind.

We, the Aborigines of Australia whom the invaders have not yet succeeded in wiping off the face of the earth, are the owners of the land of Australia in equity, in the eyes of any system of civilised law and injustice and yet we have no share in the great mineral, agricultural and pastoral wealth of our country.

Quoted in G. Fay Gale & Alison Brookman (eds), *Race Relations in Australia: The Aborigines*, McGraw-Hill, Sydney, 1975, pp. 87–8.

**Aboriginal nationalism** a cultural and political movement, tied not so much to the idea of a sovereign state, as in some nationalisms, but to the liberation of a people from a colonial past

The petition of 1970 then demanded the return of all reserve lands, all unoccupied Crown land and compensation of \$A6 billion, anticipating the demands made by the Tent Embassy eighteen months later.

The struggle for land rights, a desire for self-determination and increased contact between Indigenous activists across Australia, fostered a sense of **Aboriginal nationalism**. Russell McGregor states: ‘Aboriginal nationalism was an anti-colonial nationalism, seeking a liberated future for the Aboriginal people along with an expansion of their rights and entitlements ...’<sup>5</sup>

The most visible symbol of this pan-Aboriginal identity was Harold Thomas’s Aboriginal flag, created in 1971. The flag flew at the Tent Embassy protests in 1972 and the media coverage of the event gained it wider exposure. Less public, but equally important, expressions of self-determination included the creation of an Aboriginal legal service and an Aboriginal medical service in the inner-Sydney suburb of Redfern, and later Melbourne and other places, which became loci for Aboriginal activism at this time.



↑ Source 7.20 The Aboriginal flag, designed by Harold Thomas in 1971



← Source 7.21 Protest at the Tent Embassy, Canberra, 30 July 1972

Activist and poet Bobbi Sykes spoke about the importance of the Tent Embassy.

The Embassy symbolised that blacks had been pushed as far back as blacks are going to be pushed. That from now on, they are going forward again. Despite people fighting and struggling right across the country, spasmodically, individually, in isolation, the first national announcement that the push back was going to stop was the Embassy. Despite FCAATSI and all that stuff. The Embassy was a black affair, it wasn't blacks being guided by whites. And I was determined to keep it so.

Source 7.22

Quoted in Kevin Gilbert, *Because a White Man'll Never Do It*, Harper Collins, Sydney, 2013 [1972], p. 31.

### USING HISTORICAL SOURCES AS EVIDENCE 7.4

1. Suggest reasons why the Aboriginal flag (Source 7.20) became an important symbol for Aboriginal Australians at this time.
2. Explain, using Sources 7.21 and 7.22, how the Tent Embassy could be interpreted as an expression of Aboriginal peoples' nationalism.
3. Evaluate, using the sources and your own knowledge, how Aboriginal nationalism challenged non-Indigenous Australians at this time.

### Women's liberation

The women's liberation movement emerged in the late 1960s stimulated by various overseas events including the protests staged at the 1968 Miss America pageant.<sup>6</sup> The movement was also stimulated by the frustrations of Australian women with the male **chauvinism** of the New Left and the anti-war movement, leading them to question the social structures of society that oppressed women. Women shared personal experiences in consciousness-raising sessions to explore the impact on women of domestic violence, unequal division of child raising and housework in traditional marriages, lack of access to childcare, and the **objectification** and sexualisation of women under the male gaze (the representation of women as an object only of male desire). In this sense, 'the personal is political', credited to Carol Hanisch, became a slogan of the movement. American writers such Gloria Steinem, Kate Millet and Shulamith Firestone were important influences. However, the Australian movement also produced key texts, such Germaine Greer's *The Female Eunuch* (1970) and Anne Summers's *Damned Whores and God's Police* (1975).

Germaine Greer had this to say in her ground-breaking book in 1970:

**chauvinism** the belief that women are naturally less important, intelligent or able than men  
**objectification** treating people like tools or toys, as if they had no feelings, opinions or rights of their own

Pretty women are never unaware that they are aging, even if the process has hardly begun: a decayed beauty is possibly more tormented than any other female stereotype, but even for women who never made any claims on male admiration there are abusive stereotypes which take over her claim

Source 7.23

*Continued...*

...Continued

to individuality. The studious, plain girl is characterized as a characterless, sexless swot: the housewife is depicted by a head full of curlers and nothing else, aproned, fussing, nagging, unreliable in the kitchen, with the budget, in her choice of clothes and with the family car. As she gets older the imagery becomes more repellent; she becomes obese, her breasts grow huge and sagging, the curlers are never out of her hair, her voice is louder and more insistent; finally she is transmuted into the most hated female image.

Germaine Greer, *The Female Eunuch*, MacGibbon & Kee, London, 1970, p. 303.

The first International Women's Day, officially recognised by the United Nations in 1975, saw a march and festival take place in Sydney, on Saturday 8 March 1975. The concert opened with the following famous words by Joyce Stevens:

Source 7.24

BECAUSE our work is never done and underpaid or unpaid or boring or repetitious and we're the first to get the sack and what we look like is more important than what we do and if we get raped it's our fault and if we get bashed we must have provoked it and if we raise our voices we're nagging bitches and if we enjoy sex we're nymphos and if we don't we're frigid and if we love women it's because we can't get a 'real' man and if we ask our doctors many questions we're neurotic and/or pushy and if we expect community care for children we're selfish and if we stand up for our rights we're aggressive and 'unfeminine' and if we don't we're typical weak females and if we want to get married we're out to trap a man and if we don't we're unnatural and BECAUSE we still can't get an adequate, safe contraceptive but men can walk on the moon and if we can't cope or don't want a pregnancy we're made to feel guilty about abortion and for lots and lots of other reasons we are here and we have marched thousands strong.

Quoted in Nola Cooper, 'The Sydney women's liberation movement, 1970–1975',  
Women's Health NSW

Anne Summers pointed out the benefits attained by men, regardless of their race or class:

Source 7.25

What I have tried to show is that women's experience of being Australian differs fundamentally from men's. While many men are hampered, restricted or exploited by their class or race, all derive some compensatory benefits from their sex. They have a freedom of movement that is denied to women ... The nexus of women's oppression is so encompassing that it invades or shadows every area of their lives, and if we are to consider seriously the possibility of liberation we have to take account of every area of that oppression.

Anne Summers, *Damned Whores and God's Police*, NewSouth, Sydney, 2016 [1975], p. 625.



← **Source 7.26** *Portrait of Anne Summers* 1974, Carol Jerrems, National Portrait Gallery. © Ken Jerrems and the Estate of Lance Jerrems

### USING HISTORICAL SOURCES AS EVIDENCE 7.5

1. According to Greer in Source 7.23, how are women perceived as they age?
2. Outline the gender expectations placed upon women, according to Source 7.24.
3. Explain what Summers means by 'women's oppression is so encompassing' in Source 7.25.
4. Evaluate in a short paragraph how the perspectives of women's liberation were a challenge to Australian society in the early 1970s. Use quotations from the sources in your response.

### Gay liberation

Adding to demands in Australia by Black Power and women's liberation were militant demands for rights and changes to traditional social norms about gender and sexuality. Again, overseas actions inspired local activists who also had local inspiration as well. The riots against police persecution that erupted at the Stonewall Inn, New York City, in 1969 were a key moment in the gay liberation movement, the term used initially to describe LGBTIQ+ movements. In Australia, the Campaign Against Moral Persecution (CAMP) formed in Sydney in 1970, followed by similar organisations, such as Society Five in Melbourne (January 1971), actively promoted homosexual and lesbian rights. Young Australian academic Dennis Altman, who studied in the United States, published *Homosexual: Oppression and liberation* (1971). It soon became influential both in Australia and globally. Altman stated:

Like other stigmatized groups, homosexuals do not enjoy equal protection of the law. Robbery and blackmail of homosexuals are common, partly because our legal status makes us uneasy about going to the police. Lack of equal protection is most threatening in regard to the violence from which homosexuals, particularly men who are at all effeminate, or women who appear too butch, suffer. Beating up queers, or as it is known in Australia, 'poofter bashing', is a common way for some men to assert their masculinity, and the police cannot be relied upon for assistance in such situations.

**Source 7.27**

Dennis Altman, *Homosexual: Oppression and liberation*, University of Queensland Press, St Lucia, 2012 [1971], p. 55.



↑ **Source 7.28** One of the earliest of Melbourne Gay Liberation Front's public demonstrations, held at City Square, Melbourne, on Friday 1 December 1972, at 7:30 p.m., photograph by Peter McEwan

This is part of the Gay Liberation Front Manifesto:

**Source 7.29**

To you, our gay sisters and brothers, we say that you are oppressed; we intend to show you examples of the hatred and fear with which straight society relegates us to the position and treatment of sub-humans, and to explain their basis. We will show you how we can use our righteous anger to uproot the present oppressive system with its decaying and constricting ideology, and how we, together with other oppressed groups, can start to form a new order, and a liberated life-style, from the alternatives which we offer.

Anon., Gay Liberation Front manifesto, c.1972, London, Culture Victoria, <https://cv.vic.gov.au/stories/a-diverse-state/out-of-the-closets-into-the-streets/the-big-discussions/>

However, the next source reveals that, despite their common oppression, there was a split within the gay and lesbian movement, not least among those who termed themselves 'radicalesbians':

We understand that our oppression stems from a sexist society. We recognise our oppression as women. We understand the specific threat that our living without men poses to the institutions of monogamy and the nuclear family, institutions which are the basis and the training schools of the patriarchy. This is why we organise as gay women apart from our gay brothers.

Source 7.30

Gay Women's Group and Radicalesbians, *The Radicalesbians Manifesto*, Culture Victoria, 1973, <https://cv.vic.gov.au/stories/a-diverse-state/out-of-the-closets-into-the-streets/gay-womens-group-and-radicalesbians/the-radicalesbian-manifesto/>

## USING HISTORICAL SOURCES AS EVIDENCE 7.6

1. Identify the various ways in which people were able to contribute to protests for equal rights for LGBTIQ+ people.
2. Comment on the tone used in each of Sources 7.27 to 7.30.
3. How did the concerns of the 'radicalesbians' differ to those of 'our gay brothers'?
4. Examine the extent to which state and Federal governments legislated to address these concerns.

## 7.4 Diverse and competing perspectives from 1967 to 1975

### INQUIRY QUESTION

What were the different perspectives on the achievements of 1967 to 1975?

### Land rights

Australia, unlike other settler-colonial societies such as Canada and New Zealand, never recognised **native title** by a treaty with Indigenous peoples. The struggle for civil rights dominated until the late 1960s but concerns over land rights were never absent. As well as the Yirrkala Bark Petition, 1963 also saw VAAL organise protests about the proposed closing of the Lake Tyers reserve in eastern Victoria. Doug Nicholls led protests over the state government's plans to close the reserve, relocate the Aboriginal residents into nearby towns, and sell the land. Protestors successfully delayed the proposal and in April 1970 the Victorian government went further and announced that 1600 hectares at Lake Tyers and 240 hectares at Framlingham would be 'held under perpetual licence' and administered by Aboriginal trusts. Both these places had been sites of reserves where First Nations peoples had been forced to live by the government during the late nineteenth and early twentieth centuries. While not a recognition of native title, this was one of the first successful campaigns by an Aboriginal group for control over land.

**native title** the recognition of First Nations peoples' traditional rights and interests to land and waters; in practical terms, due to the events of colonisation, only land that was not freehold (privately-owned) title could be claimed

The push for land rights and self-determination led to many different perspectives. Some opponents equated the Aboriginal Embassy with the Black Power movement, which some Aboriginal protesters identified with.

**Source 7.31**

The Federal Minister for Aborigines, Mr Howson, tonight attacked a protest on Aboriginal land rights being staged outside Parliament House by members of the Black Power movement.

He said, in a statement, that there was a disturbing undertone in the use by the protesters of a sign reading 'Aboriginal Embassy'.

'Howson Hits Black Power Sign', *The Sydney Morning Herald*, 29 January 1972.

*The Age* had this to say of the Embassy:

**Source 7.32**

The embassy had been there for six months as a symbol. It seems it was pulled down because it was an embarrassment to the Government. After 200 years, in which treatment of Aborigines has been mostly shameful, the Government and the Australian people have a lot to be embarrassed about. Surely the Government could have put up with its discomfort for a little longer and found a better solution which would have avoided confrontation and violence. The risk is that in demolishing one symbol, the Government might have established violence as a new symbol of black-white relationships.

'A symbol goes; a new symbol', *The Age*, 21 July 1972.

## USING HISTORICAL SOURCES AS EVIDENCE 7.7

1. What reason for concern is expressed about the Tent Embassy in Sources 7.31 and 7.32?
2. What support is expressed about the Tent Embassy in these two sources?
3. Explain why this protest movement was so divisive.

## Equality for women – the Women's Electoral Lobby

Issues around sexual freedom, equal pay and discrimination based on gender often went unacknowledged in Federal parliaments dominated by men. Only a handful of women sat in the Senate and, until the 1980s, parliaments were often returned at elections that did not contain a single woman in the House of Representatives. Neither the 1969 nor the 1972 Federal elections saw a woman elected to the lower house. The desire for action on women's issues created the Women's Electoral Lobby (WEL) in April 1972. It was founded in Melbourne by Beatrice Faust, who was inspired by an article by Gloria Steinem about women rating American political candidates. The idea quickly spread across Australia, the goal being to survey parliamentary candidates on women's issues.

WEL was born under unusually favourable circumstances, with 23 years of conservative federal government about to end and with a reform-minded government about to be elected. But WEL did not just inherit favourable political opportunities; it helped create them. The new federal Labor government might have been bent on reform, but the Australian Labor Party did not even have a women's policy in its platform when it was elected. In the 1972 campaign it was WEL that put women's issues near to the top of the electoral agenda for the first time and extracted commitments from all parties ...

Source 7.33

But WEL was not only shaping the political agenda, it was also transforming its members' lives. Discovering how little politicians knew about things that mattered was empowering as well as enraging. The increased confidence and skills that came from WEL membership flowed through into new careers and new directions for women.

M. Sawyer, *Making Women Count: A history of the Women's Electoral Lobby*, UNSW Press, Sydney, 2008, p. 4.



↑ Source 7.34 Women and their children march for International Women's Year in 1975

## USING HISTORICAL SOURCES AS EVIDENCE 7.8

1. According to Source 7.33, how influential was WEL?
2. Describe the demographics of the people depicted in Source 7.34.
3. Identify key similarities and differences between WEL and the women's liberation movement.

### The political gets personal – the Royal Commission on Human Relationships 1977

A royal commission is an inquiry with wide powers including taking sworn evidence and that takes place independent of the government. Royal commissions are typically on topics of national importance, and have been held in Australia since 1902. Historian Michelle Arrow describes the 1977 Royal Commission on Human Relationships:

#### Source 7.35

The Royal Commission amplified the voices of Australians whose intimate identities and interests had long been neglected within the existing left-right political paradigm: women, children, gays and lesbians. It was particularly interested in the harms these groups suffered, typically behind closed doors and often at the hands of family members.

...

The public discussion [after the 'leak' of the first part of the report in 1977] showed that Whitlam's new politics of gender and sexuality had found some social and cultural purchase, but they could still be easily characterised as highly partisan, permissive and beyond the bounds of conventional politics ... The reactions reveal the ways that Whitlam's new politics – and conservative reactions to them – had both reorganised and reinstated partisan divides on questions of gender and sexuality in 1970s Australia.

M. Arrow, *The Seventies: The personal, the political and the making of modern Australia*, NewSouth, Sydney, 2019, pp. 102, 127.

## USING HISTORICAL SOURCES AS EVIDENCE 7.9

1. Explain the phrase 'highly partisan, permissive and beyond the bounds of conventional politics'.
2. What do you believe marginalised groups would have hoped would be the outcome of the Royal Commission on Human Relationships?
3. Explain how many reacted to the report, as suggested in Source 7.35.

## 7.5 Continuity and change from 1967 to 1975

### INQUIRY QUESTION

To what extent did changes to oppressed groups occur over the period 1967 to 1975?

### Progress on land rights

In 1971 Judge Blackburn ruled against native title being part of Australian law, but governments were changing in their view of land rights. In Victoria, the state government passed the *Aboriginal Lands Act 1970* to facilitate the creation of Aboriginal trusts at Lake Tyers and Framlingham. The Whitlam government created the Aboriginal Land Rights Commission (Woodward Royal Commission) in 1973 to explore how land rights could be achieved for Aboriginal people in the Northern Territory.

The Commonwealth had direct control in the Northern Territory, enabling the Whitlam government to return a small portion of the land around Daguragu (Wattie Creek) to the Gurindji people on 16 August 1975. Prime Minister Whitlam famously poured some red soil through the hands of Vincent Lingiari to mark the occasion. However, the hand-back was a thirty-year pastoral lease as the *Aboriginal Land Rights (Northern Territory) Act 1976* had yet to be passed. And certainly native title was not recognised elsewhere in Australian law.



↑ **Source 7.36** On 16 August 1975, Prime Minister Gough Whitlam handed a leasehold title to land at Daguragu to Vincent Lingiari, representative of the Gurindji people.

*The Canberra Times* commented on the strides made in this period.

**Source 7.37**

We have come a long way from the now-reviled colonist philosophy that inspired the relations between European powers and their subject peoples in new lands: the British Crown and under it the Australian juridical system never recognised a valid Aboriginal legal title to any land in this country. A total return to 1788 is impossible, however, and some adaptations and compromises have been found necessary.

Editorial, *The Canberra Times*, 28 May 1976.

The *Aboriginal Land Rights (Northern Territory) Act 1976* was introduced to Parliament by the Whitlam government but passed almost unamended by the Fraser Liberal Coalition government a year later. It established an Aboriginal Land Commission to adjudicate on claims and, by 1981, one-third of the Northern Territory had been returned to Aboriginal hands. However, only Crown and reserve lands, not leased lands, could be claimed.<sup>7</sup> *The Tribune*, the Communist party newspaper, commented:

**Source 7.38**

Fully 52 percent of the Territory is occupied by Europeans under pastoral leases, and this most productive land in the NT is unavailable for claim by Aborigines. Thus half the Aboriginal people in the NT, whose traditional land lies within this pastoral area, are without land rights and have not benefitted at all from Land Rights legislation.

'The People the Land Right Acts Forgo', *The Tribune*, 6 February 1985.

## USING HISTORICAL SOURCES AS EVIDENCE 7.10

1. What were the 'adaptations and compromises' indicated in Source 7.37?
2. Using all of the sources and your own knowledge, list the achievements of the Whitlam government.
3. Explain the extent to which reforms made during this period met the needs of women, Indigenous people and those in the LGBTIQ+ community.

## Reforms on women's rights

The Whitlam government made important advances in women's rights in Australia. Elizabeth Reid became the first Advisor on Women's Affairs; the luxury tax on the contraceptive pill was ended within days of Whitlam's election; the extension of an equal minimum wage and the recognition of equal pay 'for work of equal value' helped bridge, though not eliminate, the gap in wages between men and women; paid maternity leave was introduced for Commonwealth employees; and grants to non-profit childcare centres and the supporting mother's benefit were introduced in 1973. The *Family Law Act 1975* also introduced the principle of no-fault divorce and established the Family Court, allowing women to leave marriages without having to prove fault on the part of their husbands. These reforms gave greater support for women in both the home and workplace.

Some reforms were made by women outside government. Anne Summers and other members of the Sydney Women’s Liberation movement founded Elsie, the country’s first refuge for women fleeing domestic violence, in 1974. They squatted in two vacant houses in Sydney’s inner-city and relied on donations to sustain the refuge, only securing government funding in 1975.



↑ **Source 7.39** Elsie Women’s Refuge, Glebe, 1974

### Changing cultural norms

The push to challenge Australian laws and attitudes towards homosexuals and lesbians emerged around 1970. In 1969, the Homosexual Law Reform Society was formed in Canberra to repeal laws in every state and territory that criminalised homosexual sex. While its membership was drawn mainly from the heterosexual legal community, it was one of the first organisations to advocate for the repeal of such laws. The campaign to reform Australia’s laws on homosexuality increased in 1972 after the police murder by drowning of Adelaide academic Dr George Duncan. This case raised awareness of the harassment of homosexuals by police, leading to South Australia becoming the first state to decriminalise homosexual acts in 1975.

The gay and women’s liberation movements signalled shifting social and cultural attitudes towards gender and sexuality. This cultural shift led to the collapse of the censorship system run by the Literary Censorship Board. The trigger was when Penguin Books published the sexually explicit novel *Portnoy’s Complaint* by American Philip Roth in 1970, in defiance of a government ban. The Whitlam government disbanded the censorship system in 1972. The birth control pill and youth culture also promoted social attitudes towards sex that were more permissive than previous generations. However, as historian Frank Bongiorno observed, an evaluation of the sexual revolution needs to be tempered with an acknowledgement that the changes occurring did not apply to all, and were shaped by class, gender and race. Nonetheless, it provided an ‘opportunity for unprecedented sexual and social freedom’.<sup>8</sup>

Historian John Rickard summarised some of the changing norms over this period:

The accommodations which had characterised Australian society seemed to be disintegrating, but new accommodations remained to be reached. Technology was making its own contribution to this transformation. The advent of oral contraception – in an age of pills this was The Pill above

**Source 7.40**

*Continued...*

... *Continued*

all others – underpinned the ‘new permissiveness’. As the young sought ‘alternatives’ the institution of the family came under critical examination. Age at marriage and of childbearing began to rise. The Family Law Act of 1975 simplified divorce, abolishing the notion of guilt; both divorce and de facto relationships became more common. Prosperity enabled the young to leave home and set up their own unconventional households; and as more and more people acquired their own cars, mobility increased other choices. The extent to which the media and entertainment industries catered for the new generation, identifying in it a profitable market, seemed a measure of its latent power.

John Rickard, *Australia: A cultural history*, 3rd ed. Monash University Publishing, Clayton Vic., 2017, p. 226.

### FOCUS QUESTIONS 7.3

1. Identify in Source 7.40 examples of changes in Australian society.
2. Using the sources and information in this chapter, explain the Whitlam government’s contribution to change for women and Aboriginal and Torres Strait Islander peoples between 1972 and 1975.

## 7.6 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- Australia’s relationship with the United States strengthened through involvement in the Cold War (in particular, the Vietnam War).
- Despite the ‘yes’ vote for the 1967 referendum, concerns about Indigenous civil rights were not addressed immediately.
- A new generation of Aboriginal activists emerged, which altered the protest movement’s strategies and perceptions.
- Many concerns regarding women’s rights, such as the full legalisation of abortion and equal pay for gendered industries, were not resolved.
- Women remained significantly underrepresented in state and Federal parliaments.

### Changes

- The new Whitlam government championed Aboriginal peoples’ concerns and women’s rights and passed legislation to address these.
- The overwhelming support for a ‘yes vote’ in the 1967 referendum led to a new phase in the struggle for recognition, support for equity and land rights for Aboriginal and Torres Strait Islander peoples.
- The women’s liberation movement emerged, addressing social structures of society that oppressed women.
- The gay liberation movement emerged to campaign for the end of oppression.

## 7.7 End-of-chapter activities

### Consolidating your understanding

#### Events

Answer the following questions to help consolidate your understanding of the events in this chapter.

1. Explain the significance of the support shown for the 1967 referendum.
2. Why was the Tent Embassy protest unique, compared to other events contributing to Indigenous rights that had come previously (e.g. the Freedom Ride and the 1967 referendum campaign)?
3. How did D'Aprano's experiences lead to the formation of the Women's Action Committee?
4. Discuss specific examples of advancements made to women's rights in the Whitlam era.
5. What methods did gay liberationists use to bring their oppression to the attention of the public?

#### Ideas

Complete the following table for your notes on the ideas in this chapter. An example has been partially completed for you.

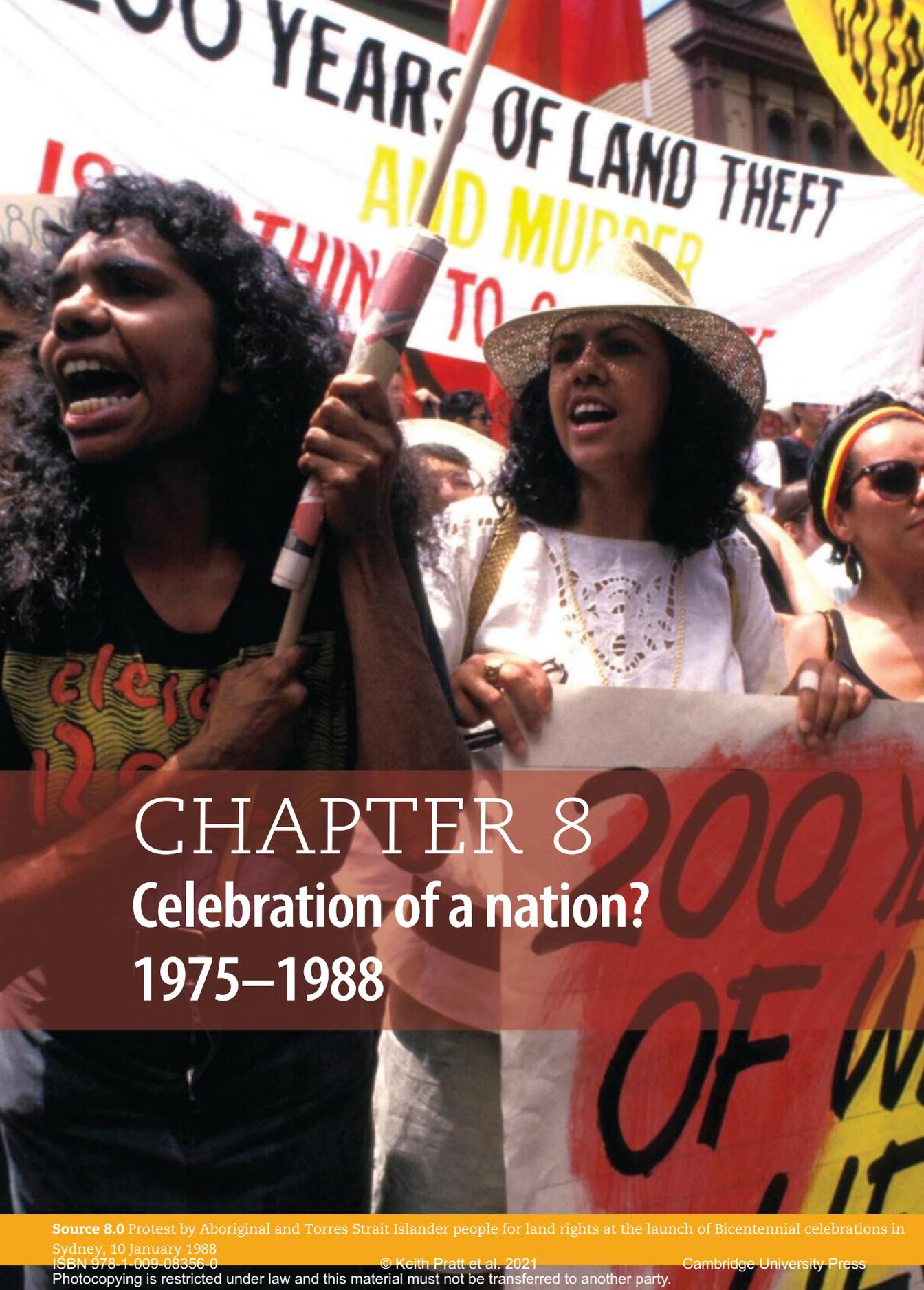
| Ideas                  | Summary   | Evidence  |
|------------------------|---|---|
| Activism               | In many areas, groups emerged to promote change and individuals spoke out, demanding equality.<br>Indigenous groups became more militant and Land Rights was at the forefront of protests | 'I don't believe one kind of person is inferior to another.' Bandler, 7.5<br>'It wasn't blacks being guided by whites.' Sykes, 7.22 |
| Women's liberation     |   |   |
| Patriarchy             |   |   |
| Gay liberation         |   |   |
| Inclusion              |   |   |
| Black Power            |   |   |
| Aboriginal nationalism |   |   |

#### Perspectives

Using the reading materials and sources in this chapter, create three mindmaps, showing those advocating for change and those supporting the status quo for:

1. Indigenous rights
2. Women's equality
3. LGBTIQ+ rights.

For each point, try to find a piece of evidence to support it. Use colour to highlight differing perspectives.



# CHAPTER 8

## Celebration of a nation? 1975–1988

## Chapter timeline

| World events  | Date | Australian events   |
|---|------|---|
| <b>1975</b>   |      |   |
| <p><b>1975:</b> Vietnam War formally ends</p> <p><b>1975:</b> Homosexuality legalised in California</p> <p><b>1976:</b> Reclaim the Night marches held in Europe, protesting against violence and sexual assault against women</p> <p><b>1976:</b> Waitangi Tribunal established in New Zealand, allowing Maori people to make claims against the Crown</p> |      | <p><b>1975:</b> <i>Racial Discrimination Act 1975</i> enacted</p> <p><b>1975:</b> Decriminalisation of homosexuality begins in Australia, starting with SA</p> <p><b>1975:</b> Dismissal of the Whitlam government</p> <p><b>1976:</b> ACT decriminalises homosexuality</p> <p><b>1976:</b> <i>Aboriginal Land Rights Act (Northern Territory) 1976</i> enacted</p> <p><b>1978:</b> First Gay and Lesbian Mardi Gras held in Sydney</p>                         |
| <b>1980</b>   |      |   |
| <p><b>1980:</b> <i>Maine Indian Claims Settlement Act</i> gives US\$81.5 million to US First Nations Peoples in reparations for land taken</p> <p><b>1981:</b> First US diagnosis of HIV/AIDS</p> <p><b>1983:</b> The first bisexual political organisation, BiPOL, is established in the United States</p>   |      | <p><b>1980:</b> Victoria decriminalises homosexuality</p> <p><b>1982:</b> First Australian HIV/AIDS diagnosis</p> <p><b>1982:</b> Mabo case begins</p> <p><b>1983:</b> Bob Hawke becomes Prime Minister</p> <p><b>1983:</b> The Prices and Incomes Accord ('The Accord') is enacted</p> <p><b>1983:</b> NT decriminalises homosexuality</p> <p><b>1984:</b> NSW decriminalises homosexuality</p> <p><b>1984:</b> <i>Sex Discrimination Act 1984</i> enacted</p> |
| <b>1985</b>   |      |   |
| <p><b>1988:</b> The United Kingdom prohibits the 'promotion of homosexuality' by local authorities</p>  |      | <p><b>1986:</b> <i>Affirmative Action (Equal Opportunity for Women) Act 1986</i> enacted</p> <p><b>1988:</b> Bicentennial celebrations and protests</p>   |

## 8.1 Introduction

### INQUIRY QUESTION

How did the dismissal of the Whitlam government and changes in political and economic conditions in Australia in the late 1970s influence the struggle for rights?

#### Source 8.1

Australia had changed irrevocably by the second half of the 1970s. It was a more diverse and sophisticated society. But it was also a less easygoing place. Gone was the exuberance of the late 1960s and early 1970s, replaced by a sober national mood ...

Paul Strangio, 'Instability, 1966–82', in Alison Bashford & Stuart Macintyre (eds), *Cambridge History of Australia. Vol. 2: The Commonwealth of Australia*, Cambridge University Press, Port Melbourne, 2015, p. 151.



↑ **Source 8.2** A passionate Gough Whitlam addresses reporters outside Parliament after his dismissal by Governor-General John Kerr, 11 November 1975

Gough Whitlam's Labor government ended in controversy with his dismissal by the Governor-General on 11 November 1975. The incoming Fraser government was conservative, but the new social movements continued to press for change. However, optimism was dented by high unemployment and inflation, changes in Australia's ethnic composition with the arrival of refugees from Vietnam, and the renewal of Cold War rivalries in the late 1970s.

In the 1980s, Eddie Mabo and fellow Islanders from Mer in the Torres Strait began court proceedings to gain native title over their traditional lands, a process that took years during the 1980s. Women continued to fight for equality and workplace rights, which bore fruit once Bob Hawke led federal

Labor to victory in 1983 and introduced new workplace legislation. The Hawke government also pursued a reconciliation of the labour movement and business through the Accord, to stabilise inflation and provide a social wage in return for less industrial action and more restrained pay increases. The gay liberation movement marched out of the closet and into the streets of Sydney, clashing with police at the first Mardi Gras in 1978. Attitudes were hard to shift but the HIV/AIDS pandemic that emerged in the 1980s forced the government and society to consider old prejudices while mobilising to defeat a public health crisis.

**bicentennial** two-hundredth anniversary

The year 1988 marked the **bicentennial** of British colonisation and, while most Australians celebrated this national moment, First Nations peoples protested, highlighting their continued marginalisation and the devastation that colonisation had brought to them.

## 8.2 Significant events of the late seventies and early eighties

### INQUIRY QUESTION

What kinds of political and social change occurred in the late seventies and early eighties?

### The Dismissal and Whitlam's legacy

Gough Whitlam's tenure as Prime Minister was frustrated by the lack of a majority in the Senate for the Australian Labor Party. An attempt to resolve this with a **double-dissolution** election in 1974 failed to gain the ALP a majority. The government grappled with the end of the long post-war boom and an economy facing the pressures of higher unemployment, stagnant growth and inflation.

In October 1975, the Liberal Opposition leader, Malcolm Fraser, blocked financial supply in the Senate, paralysing government and creating a constitutional crisis. In controversial circumstances, the Governor-General, Sir John Kerr, sacked Whitlam on 11 November 1975 and installed Fraser as a caretaker Prime Minister until an election could be called.

An infuriated Whitlam stood on the steps of Parliament House and famously said: 'Well may we say "God Save the Queen" because nothing will save the Governor-General.' Whitlam asked his supporters to 'maintain your rage and enthusiasm through the campaign for the election ...'.<sup>1</sup> In spite of the anger of many Labor supporters, the ensuing election resulted in a landslide win for Fraser and the Liberal-National Country Party coalition, giving them control of both Houses of Parliament. Whitlam contested the 1977 election, but again suffered a heavy defeat to Fraser.

Whitlam's legacy reverberated for decades: historian Stuart Macintyre noted that Whitlam was 'the last national leader to follow his convictions regardless of consequence, he rose and fell as the possibilities for a confident and expansive national government ended'.<sup>2</sup>

#### **double-dissolution**

a mechanism by which the Governor-General can 'dissolve' both the House of Representatives and the Senate when they are in deadlock, forcing an election of all members of both houses; normally only half of the Senate is up for re-election at each election



↑ **Source 8.3** Australian Prime Minister Malcolm Fraser in 1975

After Whitlam's death in 2014, the journalist Tony Stephens summed up the achievements of the Whitlam government:

**Source 8.4**

Believing education to be the key to equal opportunity, Whitlam abolished tertiary fees and greatly increased spending for schools, universities and colleges. Pensions were increased and indexed and Medibank established as Australia's first national health insurance system. Urban and regional development programs were boosted. No Australian government has been so determined to implement without delay such comprehensive reform.

Tony Stephens, 'Gough Whitlam dead: martyr for a moment, hero for a lifetime', *The Age*, 21 October 2014.

Academic Geoffrey Robinson was much more critical of what had been achieved:

**Source 8.5**

The experience of the Whitlam government failed to meet the expectations of its victory in 1972. Labor demonstrated the limits of social democratic reformism: voter aspirations for government services and higher wages collided with the fact of shrinking capitalist economy. It was unsurprising that voters rejected Labor in 1975.

Geoffrey Robinson, 'Political limits of today intensify rosy memory of Whitlamism', *The Conversation*, 22 October 2014, <https://theconversation.com/political-limits-of-today-intensify-rosy-memory-of-whitlamism-33225>

### USING HISTORICAL SOURCES AS EVIDENCE 8.1

1. Identify four accomplishments of the Whitlam government noted in Source 8.4.
2. Explain why, according to Source 8.5, the Whitlam government failed to meet its expectations.
3. Analyse, using the sources and your own knowledge, reasons why the Whitlam government may be considered a success and reasons why it may be considered a failure. Which position do you find most persuasive? Justify your response.

### *Racial Discrimination Act 1975*

One of the most enduring legacies of the Whitlam government was the passage of the *Racial Discrimination Act 1975*. The Act provided the basis for outlawing all forms of racial discrimination. While directed primarily at discrimination faced by Aboriginal and Torres Strait Islander peoples, such as the forms of segregation exposed by the 1965 Freedom Ride, it also encompassed the shift towards a multicultural Australia and the end of the White Australia Policy, another legacy of the Whitlam government. The Act used conciliation (mediation between disputing groups) as the basis for dealing with complaints and did not contain criminal sanctions. However, it did provide a framework for the justice system that would prove extremely influential during the fight for land rights, including during the long process of the Mabo decision. More broadly, the Act sought to change community attitudes about race and racism. As historian Richard Broome noted, 'Over the years, it has proved of great value, symbolically and in real terms.'<sup>3</sup> The *Racial Discrimination Act 1975* provided an avenue for individuals (but not groups) who experienced discrimination to seek

redress and also provided a template for future legislation addressing discrimination on the basis of gender and sexuality.

It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

Source 8.6

Section 9.1, *Racial Discrimination Act 1975*, Commonwealth of Australia.

Noel Pearson spoke on the significance of the Racial Discrimination Act in 2013:

At the level of legal policy at least, we were at last free from those discriminations that humiliated and degraded our people. Whilst discrimination would continue in practice and the last vestiges of the old institutional controls of Queensland's reserve administration lasted into the next decade (I was a young elected councillor when we severed the Lutheran Church's role in the secular administration of our community in 1989) the Whitlam legislation meant freedom. The companion to the Queensland discriminatory law's enactment, which would form the architecture of indigenous human rights akin to the Civil Rights Act 1965 in the United States, was the Racial Discrimination Act 1975, enacted that same month.

Source 8.7

Noel Pearson, Gough Whitlam Oration, Riverside Theatres, Parramatta, 13 November 2013.<sup>4</sup>

## USING HISTORICAL SOURCES AS EVIDENCE 8.2

1. Noel Pearson in Source 8.7 states that the 'legislation meant freedom'. How were those in Indigenous communities now 'free'?
2. Explain the extent to which this legislation brought equal rights to Indigenous people.

## Out of the closet into the streets – First Mardi Gras

The women's and gay liberation movements continued to campaign for rights in this period and challenge social attitudes in Australia. Elizabeth Reid, as Gough Whitlam's advisor on women's affairs, presided over events to celebrate the International Women's Year in 1975. One of the key moments was a 'Women in Politics' conference in Canberra. Whitlam's opening speech was interrupted by protests from Aboriginal women, accusing the women's movement of excluding the concerns of First Nations women. Reid resigned in late 1975.

The gay liberation movement aimed beyond the decriminalisation and tolerance of homosexuality, to a broader community acceptance. These two strands were dramatically entwined in 1978 at what became known as the first Mardi Gras in Sydney. The event, a day of protests capped off with a

night parade, was held in response to a call to action by the American-based Gay Freedom Day Committee. The chosen day, the anniversary of the 1969 Stonewall riots in New York, marked an international Gay Solidarity Day. Trouble erupted at 11 p.m. when the parade confronted a police barricade at Hyde Park. A heavy-handed police response saw 53 participants arrested. Some were beaten. Activist Rick Dowdle recalled that ‘we were like sheep herded into a pen. The police picked up people randomly and threw them head first into paddy wagons’.<sup>5</sup> The police tactics backfired, with sympathetic coverage in some media outlets and further protests galvanised. Eventually all charges were dropped and the protest helped prod changes to New South Wales laws concerning the *Summary Offences Act 1979* and the decriminalising of homosexual acts in NSW, in 1983. The parade became the basis for the ongoing Sydney Gay and Lesbian Mardi Gras celebrations to this day.

Michelle Arrow wrote on the importance of the first parade:

**Source 8.8**

The first Mardi Gras parade, in 1978, looked like it would be another of those ‘small battles’, but instead it marked a new era of protest, in which visibility, rather than respectability, was crucial. The Mardi Gras opened up a new, more confrontational phase in gay and lesbian politics.

Michelle Arrow, *The Seventies: The personal, the political and the making of modern Australia*, NewSouth, Sydney, NSW, 2019, p. 144.



→ **Source 8.9** The police moved in on the protest and arrested 53 people.



→ **Source 8.10** Protestors march in 1978, in what would evolve into the annual Gay and Lesbian Mardi Gras

Mark Gillespie, who attended the Mardi Gras, spoke about the reaction to police violence:

Reflecting on this now I would like to think that, despite the provocation on that night itself and the centuries of violence that had been perpetrated upon us, we as a collective knew instinctively that violence was one of our main grievances and we had a mission to resist it and fight against violence using other means.

Source 8.11

Mark Gillespie, 'Friday essay: On the Sydney Mardi Gras march of 1978', *The Conversation*, 2016, <https://theconversation.com/friday-essay-on-the-sydney-mardi-gras-march-of-1978-54337>

### FOCUS QUESTIONS 8.1

1. What were the protesters demanding at the 1978 Gay and Lesbian Mardi Gras?
2. Describe the changing mood and tone of that day.
3. Examine the most important key ideas and events that led to the Mardi Gras.

### The return of Labor, and the Accord

Compared to the frenetic pace of reforms of the Whitlam years, the ensuing eight years of the Fraser Liberal-National Country Party Coalition government's program was much more conservative. Some bipartisanship (joint agreement) on some issues continued. The Fraser government passed Whitlam's *Aboriginal Land Rights (Northern Territory)* bill in 1976, with amendments favouring the mining and pastoral industries. Fraser brought a Minister for Women's Affairs into the outer ministry, and supported multiculturalism, by founding the Special Broadcasting Service (SBS) to provide television and radio services in migrant languages in 1978.

The less favourable economic conditions that challenged the Whitlam government tested the Fraser government, with inflation remaining stubbornly around the 10 per cent mark by 1980. The combination of high inflation and slow economic growth experienced across developed economies globally was termed '**stagflation**'. Although Fraser won the elections of 1977 and 1980, he and his treasurer, John Howard, had few economic answers. In 1983, the popular Labor leader and former head of the Australian Council of Trade Unions (ACTU), Bob Hawke, won a convincing victory in the Federal election.

**stagflation** a contradictory economic situation where high inflation exists alongside stagnant growth, leading to high unemployment

Hawke and his new treasurer, Paul Keating, implemented significant reforms to the Australian economy including floating the Australian dollar and dismantling the protectionist policies that had guided Australian economic policy since Federation. The fact that a Labor government achieved such reforms and countered inflation depended on Hawke and Keating's Prices and Income Accord, developed with the trade union movement. Known more popularly as the Accord, it underwent several iterations through the Hawke–Keating years, trading off real wage increases for an increase in the social wage, underpinned by the introduction of Medicare and superannuation. The Accord was assisted by the influence of the ACTU secretary Bill Kelty – labelled by journalist George Megalogenis as the 'third most important member of the government [even though he] was not in parliament'.<sup>6</sup> The impact of the Accord was to provide a more settled industrial relations environment for the government to enact its reform agenda, with the number of working days lost to strike action falling dramatically over the first two years of the Hawke government.



↑ **Source 8.12** Labor leader, Bob Hawke, centre, Paul Keating, left, and Ralph Willis, right, during the 1983 election campaign

### 8.3 Influential ideas on social movements from 1975 to 1988

#### INQUIRY QUESTION

In what ways did groups seeking change succeed in influencing power structures in this period?

#### Aboriginal identity and sovereignty

The Whitlam era provided both tangible and symbolic outcomes for Aboriginal and Torres Strait Islander communities. The creation of a Minister for Aboriginal Affairs, recognition of land rights in the Northern Territory and the formation of an elected consultative body, the National Aboriginal Consultative Committee, were all outcomes of the Labor government between 1972 and 1975. However, as important as these gains were, fundamental issues of self-determination were unresolved, including land rights outside of the Northern Territory. State governments in Queensland and Western Australia took steps to limit any potential for land rights in their jurisdictions. The Fraser government did not push an active agenda, but did maintain a renamed National Aboriginal Conference (NAC) in an advisory capacity. It emphasised self-management over self-determination through projects such as the Community Development Employment Program (CDEP), introduced in 1977. Frustrations with the lack of movement on land rights and the state of Aboriginal affairs more broadly caused the NAC to call for a treaty in 1979, a process for which they adopted the Yolngu word ‘makarrata’, a process of reconciliation. While the calls were unsuccessful, Julie Fenley argues that ‘these calls for a treaty or makarrata enabled people to demand greater independence and power and deepened their understanding of Indigenous people’s relationship with the Australian state’.<sup>7</sup>

Demands for sovereignty and land rights occurred at the grass roots. Koiki ‘Eddie’ Mabo, a Torres Strait Islander working in Townsville as a gardener at James Cook University, began a campaign for land rights on his home island of Mer (or Murray Island), inspired in part by a conversation with historians Henry Reynolds and Noel Loos. Reynolds’ work and that of others during the 1980s created the new field of Aboriginal history, addressing what anthropologist William Stanner famously termed the ‘great Australian silence’ in his 1968 ABC Boyer Lecture.<sup>8</sup> The idea that, prior to 1788, Australia had been *terra nullius* now faced criticism from historians. Indigenous commentators such as poets Roberta Sykes and Oodgeroo Noonuccal, playwright Kevin Gilbert, and lawyers and intellectuals such as Pat O’Shane, Paul Coe, Patrick and Mick Dodson, and Gary Foley all argued for Indigenous sovereignty, land rights, and greater respect for First Nations cultures by mainstream Australia.



↑ **Source 8.13** Concern about the Hawke–Keating government’s inaction on land rights is expressed in this cartoon by George Haddon, published in Kaz Cooke (comp.), *Beyond a Joke: An Anti-Bicentenary Cartoon Book*, 1988, McPhee Gribble/Penguin, Fitzroy.

Gary Foley wrote the following on the Hawke government’s approach to land rights:

Paul Coe summed it up at the time when he said, ‘What happened to land rights was that the mining industry was too powerful, the pastoral industry was too powerful and the Commonwealth Government didn’t have the will to stand up to those vested interest groups. They decided that the interests of Aboriginal people could be sold down the drain’.

**Source 8.14**

Gary Foley, ‘How Bob Hawke killed land rights’, *Tracker Magazine*, January 2013.

Noel Loos wrote this on the meeting between himself, Reynolds and Mabo:

**Source 8.15**

One of the most important insights Mabo obtained, and one which was to have Australia-wide significance, came about by accident. He learnt that he did not have legal title to his land on Murray Island. At some time between 1972 and 1975 Koiki Mabo, Henry Reynolds and I had met in Reynolds' study to have lunch. Mabo told us of his land holdings on Murray Island, and Reynolds and I had the unpleasant responsibility of pointing out to him that the outer Torres Strait Islands were Crown Land; indeed, they were designated on a map I had of the area as 'Aboriginal Reserve'. We remember how shocked Koiki was and how determined that no one would take his land away from him.

Noel Loos & Edward Mabo, *Edward Koiki Mabo: His Life and Struggle for Land Rights*, University of Queensland Press, St Lucia, 2013, p. 12.

### USING HISTORICAL SOURCES AS EVIDENCE 8.3

1. What criticisms of the Hawke–Keating government are expressed in Sources 8.13 and 8.14?
2. How does Noel Loos in Source 8.15 account for Koiki Mabo's initial concern regarding land rights in Australia?

## Feminism and sexuality

The feminist movement of the 1960s matured over time and gained government support. In 1975, the ABC launched a radio programme called *The Coming Out Show*, made by women, for women.

**Source 8.16**

It ran for more than 20 years and brought what were once fringe feminist issues into the mainstream media, topics like abortion law reform, adoption, domestic violence, IVF, contraception, Aboriginal education and many other significant subjects.

ABC Radio National's description of *The Coming Out Show* for Cassie McCullagh's reunion show, 16 January 2018. ABC Radio National, 'The coming out show', *Big ideas*, 8 March 1917.

Historian Marilyn Lake identifies this reformist approach as 'state feminism'.

**Source 8.17**

It was in the 1970s and 1980s, however, that the institutionalisation of feminism reached its apotheosis [peak], with whole programs and complex administrative machinery established by governments – federal and State – to promote the status of women, equal opportunity, non-discrimination and finally affirmative action. In this period we see the emergence of what we might call 'state feminism'.

Marilyn Lake, *Getting Equal: The history of Australian feminism*, Allen & Unwin, St Leonards, 1999, p. 253.

However, the feminist movement was split by different goals and thinking, and ‘by the early 1980s women’s liberation had clearly fractured along ideological lines’.<sup>9</sup> Political scientist Verity Burgmann identified three main groupings: liberal feminism, radical feminism and socialist feminism. While there were overlaps in members and goals, broadly speaking liberal feminism strove for reform, working within the system, and was associated with groups such as the Women’s Electoral Lobby. Radical feminists held that the source of all oppression was the structures of patriarchal society. Socialist feminists held that the capitalist system was the root of female oppression.

The women’s liberation movement tended to include more of the radical and socialist feminists. The Woman Against Rape in War Collective sought to disrupt Anzac Day marches and ceremonies in 1981 by attempting to lay a wreath in commemoration of all women raped in wars. While this gained media attention, it did not necessarily represent the concerns of liberal feminists.



↑ **Source 8.18** The Women Against Rape in War Collective protests against Anzac Day, 25 April 1981.

A backlash against the women’s movement by conservative forces in reaction to feminism emerged. An Australian branch of the British Christian lobby group Festival of Light began in 1972, rallying against moves to liberalise abortion laws. In 1975 the Women’s Action Alliance was formed, and the group Women Who Want to Be Women was formed in 1979 by Babette Francis. The latter group became the Endeavour Forum, inspired by, and with links to, the Eagle Forum founded by American conservative anti-feminist campaigner, Phyllis Schlafly. Historian Michelle Arrow observed that ‘crucially [the anti-feminist women’s groups] used the policy machinery that had been established by feminist activists in order to try to dismantle it’.<sup>10</sup> These groups argued in favour of traditional roles for women within the family and against liberalised divorce laws, access to abortion and contraception, and affirmative action policies. They lobbied political parties in resistance to initiatives in these areas, both on the conservative side in the Coalition and among socially conservative Labor members.

Around 1980, important movements emerged aiming at greater acceptance for diverse sexualities. While conservative attitudes towards homosexuality were still pervasive, gay and lesbian activists achieved legal changes and created more visible communities in larger metropolitan centres such as Sydney and, to a lesser extent, Melbourne. Victoria passed a bill decriminalising homosexual acts in December 1980, following the lead set by South Australia and the ACT. The Northern Territory and New South Wales soon followed, with the NT decriminalising male acts of homosexuality in 1983 and NSW in 1984. At the opposite extreme, Queensland's amendments to the *Liquor Act 1985* sought to add the serving of alcohol to 'drug dealers, sexual perverts or deviants, child molesters' as grounds for forfeiting a liquor licence – widely seen as an attack on homosexuals.<sup>11</sup> Dennis Altman reflected that the late seventies became a period where homosexual themes and the visibility of diverse sexualities became more prominent in the films, novels and theatre of the period. Discrimination in the workplace became a key issue for campaigners and many had to lead a dual life, hiding their sexuality on the job. Altman noted that: 'One of the greatest barriers to full acceptance was that few people who were not themselves homosexual saw the issue as serious.'<sup>12</sup> Attitudes towards homosexuality assumed greater prominence as the HIV/AIDS pandemic hit Australia in the mid-1980s.

**FOCUS QUESTIONS 8.2**

1. What concerns did activists advocating for women's rights have during this period?
2. List the areas in which these concerns were addressed.
3. Examine how these rights were achieved.

**8.4 Diverse and competing perspectives on social movements from 1975 to 1988**

**INQUIRY QUESTION**  
In what ways did the Hawke Labor government change Australia during the 1980s?

**Debates surround the Whitlam dismissal**



↑ Source 8.19 Headline of *The Canberra Times*, following Gough Whitlam's dismissal by the Governor-General, Sir John Kerr, 12 November 1975

The dismissal of Gough Whitlam created a genuine constitutional crisis that has become a significant moment in Australian history. Opinions on the validity of Kerr's decision as Governor-General reflected opinions on the Whitlam government. Conservatives who saw Whitlam's government as chaotic, wasteful with public finances and too left-wing believed the dismissal was a justified exercise of the Governor-General's constitutional power to break on impasse on supply in the Senate. Those on the left believed it was coup, engineered by Malcolm Fraser and John Kerr, who undermined a democratically elected government. Stuart Macintyre argued that Australian democracy was strained by Kerr's failure to warn Whitlam, and that Fraser's legitimacy was undercut by the way he gained power. As to Whitlam: 'For some he was a hero cut down in his prime; for others he was a dangerous opponent.'<sup>13</sup>

*The Sydney Morning Herald*, on the day following the dismissal, ran a front-page editorial approving of the Governor-General's actions and the Opposition's right to block supply due to its 'declining confidence in the [Labor] Government's managerial competences [and] ... extravagant socialist aims'. Melbourne's *The Age*, while critical of the Whitlam government, offered a contrasting view in an editorial entitled 'Sir John was wrong', calling the dismissal: 'a triumph of narrow legalism over common sense and popular feeling'.

The following two sources consider the validity of the theory that the Queen interfered in the decision.

This was the essential position of the Queen and the Palace, repeated endlessly – the issue must be resolved in Australia ... The Queen, restricted by the Constitution, by geography and by outlook, was little short of a passive but interested observer. The Palace had no option but to rely upon Kerr, to trust Kerr, to declare its confidence in Kerr ...

Source 8.20

Paul Kelly & Troy Bramston, *The Truth of the Palace Letters*, Melbourne University Press, Melbourne, 2020, p. 28.

Far more serious are discussions about the possible use of the reserve powers, and it is in these letters that the political dimension of the palace letters is laid bare. A defining feature of a constitutional monarchy is that the monarch must remain 'strictly neutral' in relation to political matters. Yet time and again these letters show that the Queen engaged in intensely political discussions with the governor general, including the existence and possible use of the reserve powers against the government. Far from remaining above politics, it is difficult to imagine a greater level of political involvement than this.

Source 8.21

Jenny Hocking, 'Letters of an insecure and indiscreet John Kerr make a mockery of the claim that the Queen played "no part"', *The Guardian*, 17 July 2020.

## USING HISTORICAL SOURCES AS EVIDENCE 8.4

1. Explain Kelly's view of the role of the Queen in the dismissal in Source 8.20.
2. Why is the dismissal also referred to as the Constitutional crisis? Use both Sources 8.20 and 8.21 and your own knowledge in your response.

### Debates on land rights and treaty

The issue of land rights and treaty formed a central part of the struggles for Aboriginal and Torres Strait Islander peoples from the end of the Whitlam government through to the ascension of the Hawke government. Chesterman and Galligan observed that '[l]and rights, in both a symbolic and substantive sense, represent the most fundamental challenge that has ever faced Australia's legal system.'<sup>14</sup> Notwithstanding the progress of the *Aboriginal Land Rights Act (Northern Territory) 1976*, the reality for Aboriginal and Torres Strait Islander people outside of the Northern Territory was that there was still no standing in law for them to make claims for native title. Bob Hawke and

**freehold title** the most complete ownership of land possible

the Labor Party raised expectations after their election victory in 1983 to provide **freehold title** for Aboriginal land, controls over mining, and access to mining royalties. The pushback from mining and pastoral interests, led by Western Mining Corporation's Hugh Morgan, was ferocious, as was the pressure brought to bear by the ALP Premier of Western Australia, Brian

Burke. A television advertising campaign by the Western Australian Chamber of Mines in 1984 served as an effective scare campaign. The Hawke government retreated from its promises on land rights, offering a considerably more limited program, much to the anger of many Aboriginal and Torres Strait Islander people. The handback of Uluru to its traditional owners in 1985 did little to assuage the sense of betrayal felt by many advocates of land rights.

It was against this backdrop that the Bicentennial celebrations for 1988, celebrating the British colonisation of New South Wales, sparked debate and protest by challenging the government narrative of 'Celebration of a nation'. While the crowds celebrating dwarfed those protesting, there were still an estimated 40 000 who marched in recognition of land rights, treaty and the conditions under which First Nations peoples lived. As part of the Bicentennial celebrations, the Prime Minister Bob Hawke visited the Barunga festival in the Northern Territory where he was presented with a statement on bark, the Barunga Statement. This called for the recognition of land rights, self-determination and the enactment of customary law to guide Aboriginal affairs. Hawke responded enthusiastically, promising a treaty between Australia and Aboriginal and Torres Strait Islander peoples by 1990, a promise that went unfulfilled.

## USING HISTORICAL SOURCES AS EVIDENCE 8.5

1. Examine the images in Source 8.22. Describe the symbols and words used by the protestors and explain the message they were attempting to convey.
2. To what extent do you think protests such as this were effective for Aboriginal and Torres Strait Islander peoples in achieving change? In your response consider both the benefits and potential drawbacks of this form of action.



↑ Source 8.22 Symbols and photos from the Bicentennial protests in Sydney, 26 January 1988

### Debates on sex discrimination and equal opportunity

Susan Ryan, a senator for the ACT since 1975 and a member of the 1983 Hawke government, was the first woman Labor cabinet member. Ryan, who had been involved with WEL prior to her election, entered Cabinet in 1983 as the Minister for Education and Youth Affairs and the Minister assisting the Prime Minister for the Status of Women. Previously, men in the Fraser ministry had overseen the status of women. Hawke also restructured the Office of Women's Affairs and appointed Anne Summers as the head of the Office of the Status of Women. The *Sex Discrimination Act* passed in 1984 and became landmark legislation, aiming to 'eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status or pregnancy'.<sup>15</sup> It attracted opposition from socially conservative members of parliament and groups such as Women Who Want to be Women (WWW). Amendments to the bill allowed for exceptions, and restricted it to services offered to both men and women, protecting single-gender schools, religious bodies and clubs. The Act passed in May 1984 despite attempts by opponents to stall its passage. It has since been amended to include prohibitions on discrimination on the basis of sexual orientation and intersex status.

This Act was followed by the *Affirmative Action (Equal Opportunity for Women) Act 1986*, which required companies with more than 100 employees to develop action plans to bolster female employment and submit annual reports on their programs. However, as Marilyn Lake notes: 'Those who benefited from the new employment and political opportunities were those best positioned to take advantage of them. Meanwhile, the majority of women workers remained segregated in low paid, insecure jobs in factories, offices and homes'.<sup>16</sup>

While these Acts did not close the gap in women's pay, it reflected a greater acceptance of women working outside the home, accompanied by increases in spending on childcare by the Commonwealth. George Megalogenis observed this 'pink collar' revolution of the eighties resulted in two out of every three of the 900 000 new jobs created between 1983 and 1993 going to women, but that most of these positions were part-time, paid less than men's jobs and were in the service industries.<sup>17</sup>



↑ **Source 8.23** Senator Susan Ryan, left, pictured with Pamela O'Neil, the first Sex Discrimination Commissioner, and Attorney-General Gareth Evans, 27 June 1984

Anti-feminist lobby groups formed to campaign against the Sex Discrimination Bill, claiming, according to Thornton and Luker, to speak for the 'silent majority' of women who preferred to remain in the home.<sup>18</sup> According to LNP MP Michael Hodgman, the Sex Discrimination Bill would be 'an appalling piece of legislation', which was promoted by 'arrogant minority pressure groups' to be 'inflicted upon the people of Australia by the Hawke socialist Government'.

When announcing his intention to vote against the Bill, Hodgman said:

**Source 8.24**

Whilst conceding that there are parts of the Bill with which I have no quarrel whatsoever, I have to say that the legislation as a whole is tainted with the pseudo-intellectualism of selfish and unrepresentative feminism and doctrinaire marxist-socialist precepts of contrived equality – defying even the laws of nature.

Quoted in Margaret Thornton & Trish Luker, 'The *Sex Discrimination Act* and its Rocky Rite of Passage', in Margaret Thornton (ed.), *Sex Discrimination in Uncertain Times*, ANU Press, Canberra, 2010, p. 34.

Anne Summers had a much more positive view of the Act:

The *Sex Discrimination Act* changed Australia in a fundamental way. For the first time there was federal protection against discrimination on the grounds of sex (what is now more often referred to as gender), marital status and the condition of pregnancy in employment and in the provision of a range of goods and services.

This law was the first in the world to outlaw sexual harassment.

Anne Summers, 'Bob Hawke's Legacy for Women in Australia', *Issimo*, 17 May 2019, <https://www.issimo.com/a/50079/bob-hawke-s-legacy-for-women-in-australia>

Source 8.25

## USING HISTORICAL SOURCES AS EVIDENCE 8.6

1. What arguments did Michael Hodgman in Source 8.24 put forward to object to the Sex Discrimination Bill?
2. Explain the significance of the *Sex Discrimination Act 1984*, the *Affirmative Action (Equal Opportunity for Women in Employment) Act 1986* and the substantial increase in spending on childcare in ensuring that women had access to equal opportunity in employment. Use the sources and other evidence to support your response.

## The impact of the HIV/AIDS pandemic on LGBTIQ+ rights

Amid the battles being waged by LGBTIQ+ activists to decriminalise homosexual sex in the states, the appearance of a deadly new virus, and the responses to it, shaped public attitudes towards homosexuality. The blood-borne retrovirus, Human Immunodeficiency Virus (HIV) which causes Acquired Immunodeficiency Syndrome (AIDS) emerged in the early eighties. Although present in vulnerable groups such as haemophiliacs and intravenous drug users, it spread widely through the gay community in the United States and elsewhere, which led to it being labelled a homosexual disease.

The first Australian diagnosis occurred in 1982 and the initial reactions and alarmist media coverage sparked a homophobic backlash against the 'gay plague'. Individuals, such as the conservative NSW Christian politician the Reverend Fred Nile, spoke out against what they framed as 'deviant' behaviours and called for legal restrictions on the homosexual community. Academic and gay liberation activist, Dennis Altman, noted that this initial connection between AIDS and the gay community threatened many of the hard-won gains of the 1970s.

However, a mature and level-headed public health response, led by Bob Hawke's Health Minister, Neal Blewett, reversed the initial ignorance. Commonwealth, state and territory health departments and the homosexual community sought to destigmatise the disease, educate the public and engage in evidence-based public policy. The gay community was consulted, not without controversy from some in the medical profession, and programs such as needle exchanges, blood screening and the promotion of safe sex via the use of condoms helped change behaviours and bring the disease under control. Campaigns such as 1987's controversial 'Grim Reaper' television ads framed the issue as a threat to the broader community, not just homosexuals. Rather than setting back the movement, 'a new understanding of gay sexuality emerged ... [and] In the process, AIDS increased the visibility and cohesion of the gay community'.<sup>19</sup> The process of decriminalising homosexual acts, rather than stalling, continued in Queensland and Western Australia, with the

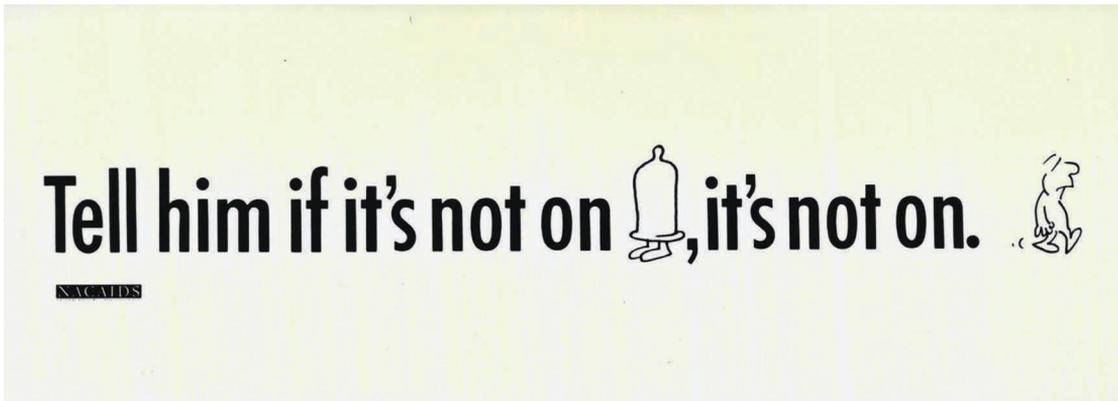
law changing in 1990. Amid the tragic loss of lives to HIV/AIDS, the successful approach of Australia to the virus, the incorporation of the gay community as part of the response, and changing social attitudes meant that – while prejudices and discrimination continued – in many ways the LGBTIQ+ cause emerged strengthened, not weakened.

David Menadue, HIV advocate and founding committee member of the National People Living with AIDS Coalition, said this of the early days of the HIV/AIDS crisis:

**Source 8.26**

Given events such as the Queensland babies' blood donation crisis, which were to engender significant hostility towards people with HIV, I was grateful that the gay community had established our own advocacy groups. These groups ... liaised with governments to fight attempts from some public health officials, media commentators, and the inevitable religious right spokespeople such as the Reverend Fred Nile, to regulate and contain people with HIV. The nastiness and homophobia that was directed at gay men was alarming, and could have been far worse, but for the intervention of one enlightened politician ... Neal Blewett.

Quoted in John Rule (ed.), *Through Our Eyes: Thirty years of people living with HIV responding to the HIV and AIDS epidemics in Australia*, National Association of People with HIV Australia, 2014, <https://napwha.org.au/wp-content/uploads/2014/07/through-our-eyes.pdf>



↑ **Source 8.27** An anti-AIDS poster from National Advisory Committee on AIDS, 1987

### USING HISTORICAL SOURCES AS EVIDENCE 8.7

1. Explain the importance of the gay community in addressing the HIV/AIDS crises, according to Source 8.26.
2. Using the sources and information in the text, evaluate the reasons why Australia was able to successfully contain the HIV/AIDS pandemic by the early 1990s.
3. How do you think the HIV/AIDS crisis challenged the movement for LGBTIQ+ rights in the 1980s? Use the sources and evidence to support your response.

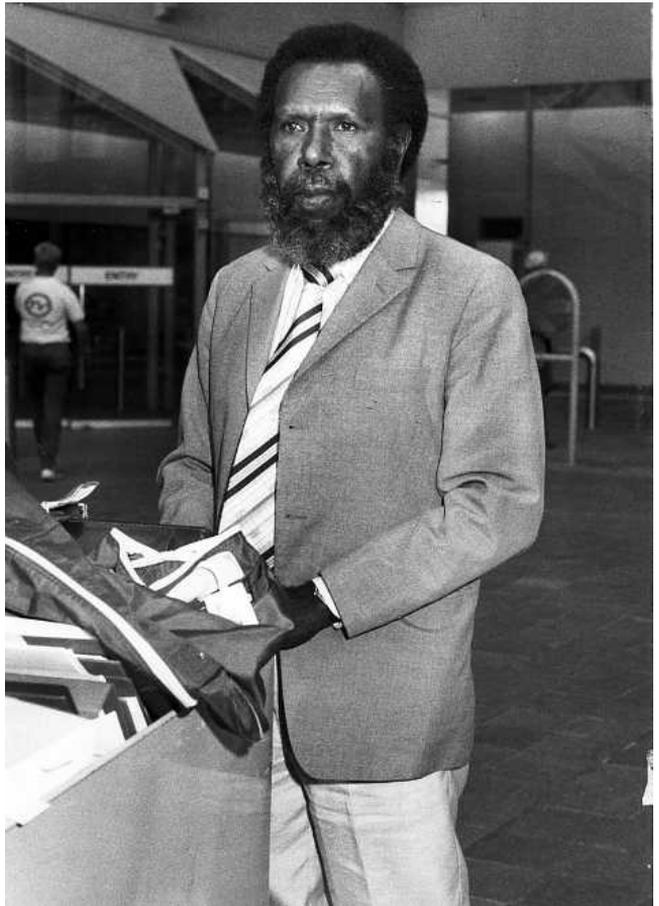
## 8.5 Continuity and change from 1975 to 1988

### INQUIRY QUESTION

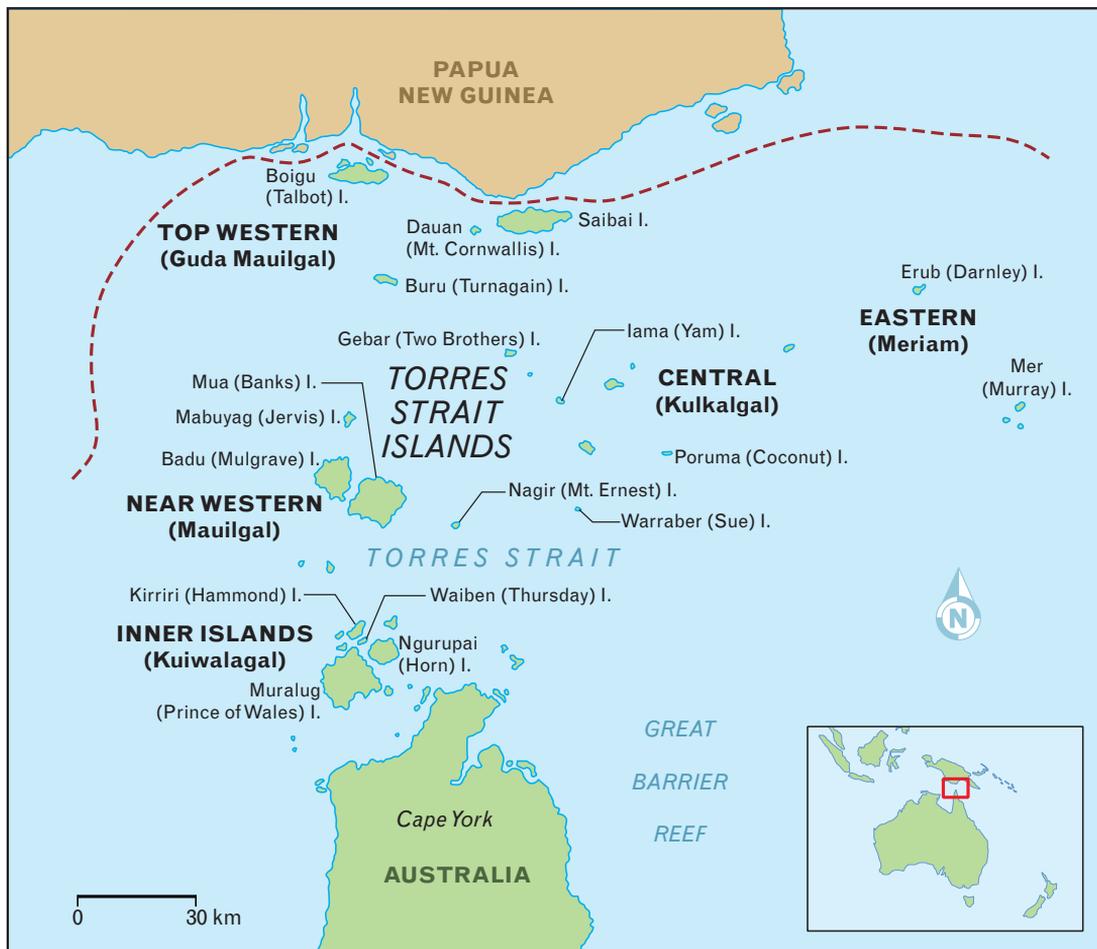
Was the 1980s a decade of more significant change for those contesting power than the 1970s?

### Towards recognition of native title – the Mabo case begins

In 1982, Edward Koiki Mabo and four other men from Mer in the Torres Strait (see Source 8.29) launched a legal case in the High Court against the state of Queensland, claiming ownership over Mer (Murray Island) and other islands in the Torres Strait as their traditional lands. The conservative National Party government of Joh Bjelke-Petersen attempted to quash this attempt by passing the *Queensland Coast Declaratory Act 1985*, which stated that annexation of the islands by the colony of Queensland in 1879 had extinguished native title. This claim would be argued as *Mabo 1*, and in 1989 the High Court ruled the Act invalid because it was in contravention of the *Racial Discrimination Act 1975*. This decision had significant repercussions, as Chesterman and Galligan observed, that ‘any governmental actions that might have extinguished native title but that was done after the *Racial Discrimination Act* came into force, had the potential to be invalid on the basis that it was racially discriminatory’.<sup>20</sup> This ruling represented a shift in legal precedent regarding the powers of Australian governments and set the stage for the original case to proceed to the High Court, a process that would take a further three years. Thus, while demands for land rights were largely unfulfilled in this period, there were important developments occurring that would lead to significant change.



↑ **Source 8.28** Edward Koiki Mabo at the Brisbane Supreme Court, 1986



↑ **Source 8.29** A map of the Torres Strait Islands. There are an estimated 274 islands that make up the Torres Strait Islands. This map shows some of the larger islands in the region.

## The status of Aboriginal and Torres Strait Islander peoples

By the end of the 1980s, it was clear that, despite gains in civil rights and increases to funding provided by the Commonwealth, First Nations peoples still faced considerable challenges. Aboriginal deaths in custody were highlighted by the death of teenager John Pat in Roebourne in the Pilbara region of Western Australia in 1983, where his and other deaths revealed over-policing and unequal justice for Aboriginal and Torres Strait Islander peoples. By 1988, Indigenous people were 29 times more likely to be in police custody than the non-Indigenous population.<sup>21</sup> First Nations' outrage led to the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in late 1987. The Commission's hearings released disturbing evidence to the public daily, during the bicentenary year. The final report of April 1991 made 339 recommendations for implementation.

## Women's rights by 1988

Rights for women were strengthened between 1975 and 1988 and women's participation in the workforce and higher education continued to rise. The Fraser government was not proactive over

women’s issues, but did not roll back existing reforms. A Minister Assisting the Prime Minister in Women’s Affairs was maintained, but the office was held by a man. However, the Hawke Labor government accelerated change for women’s rights after 1983, taking action on sex discrimination, equal opportunity and childcare.

However, as George Megalogenis notes, the transition from a ‘blue collar’ to ‘pink collar’ economy was occurring in the context of wider economic deregulation that saw a loss of full-time jobs in manufacturing, to be replaced by lower-paid, part-time work in services undertaken by women.<sup>22</sup> Sources 8.30 and 8.31 reveal the participation of women in the Australian labour force up to and into the 1980s. Other evidence on wages from the Bureau of Statistics reveal the continued subordination of women. In January 1983, the weekly total earnings for men were \$341 and for women \$225.30. In February 1987, it was \$445.30 for men and \$291.10 for women.<sup>23</sup> In 1983 women’s total weekly earnings were 66 per cent of men and in 1987 it had slipped – not improved – to be 65 per cent of male weekly earnings.

The following labour force statistics (expressed in thousands) are from the Australian Bureau of Statistics.

↓ **Source 8.30** Numbers of males and females in the labour force (‘000), 1966–1986, from Australian Bureau of Statistics, Civilian population: Labour force statistics, Australia, *Year Book Australia*, no. 71, 1988, ABS, Canberra, p. 293.

| August | Employed |         | Unemployed |         | Labour force |
|--------|----------|---------|------------|---------|--------------|
|        | Males    | Females | Males      | Females | Persons      |
| 1966   | 3,365.6  | 1,458.2 | 38.9       | 39.7    | 4,902.5      |
| 1971   | 3,712.7  | 1,803.0 | 43.8       | 48.9    | 5,608.4      |
| 1976   | 3,836.3  | 2,061.5 | 156.6      | 136.1   | 6,190.5      |
| 1981   | 4,057.9  | 2,335.8 | 200.4      | 180.1   | 6,774.3      |
| 1982   | 4,024.3  | 2,355.0 | 271.7      | 189.7   | 6,840.7      |
| 1983   | 3,903.6  | 2,337.4 | 429.7      | 257.1   | 6,927.9      |
| 1984   | 4,012.4  | 2,449.9 | 381.5      | 223.1   | 7,066.9      |
| 1985*  | 4,102.8  | 2,587.5 | 346.6      | 221.0   | 7,257.9      |
| 1986   | 4,179.8  | 2,705.9 | 348.0      | 247.6   | 7,481.4      |

\* Estimates from 1985 are based on a revised definition of unemployment.

↓ **Source 8.31** Percentage of change in labour force, 1982–1987, from Australian Bureau of Statistics, Civilian population: Labour force statistics, Australia, *Year Book Australia*, no. 71, 1988, ABS, Canberra, p. 293

| Year ending in August | Males<br>% change in labour force | Females<br>% change in labour force | Persons<br>% change in labour force |
|-----------------------|-----------------------------------|-------------------------------------|-------------------------------------|
| 1982                  | 0.9                               | 1.1                                 | 1.0                                 |
| 1983                  | 0.9                               | 2.0                                 | 1.3                                 |
| 1984                  | 1.4                               | 3.0                                 | 2.0                                 |
| 1985                  | 1.0                               | 4.0                                 | 2.1                                 |
| 1986                  | 2.0                               | 6.2                                 | 3.7                                 |
| 1987                  | 1.8                               | 3.8                                 | 2.6                                 |

## USING HISTORICAL SOURCES AS EVIDENCE 8.8

1. Study the text in the previous pages and Sources 8.30 and 8.31 and create a list of notes comparing changes for males and females over time. Quantify your notes (use figures from the data).
2. To what extent had the lives of women in Australia changed by 1988? Use data from the sources and other evidence in your response.

The entry of women into the workforce also exposed women to levels of sexual harassment. Even though the *Sex Discrimination Act 1984* made such harassment unlawful, seeking redress was difficult. This was demonstrated by a 1988 case, where sexual harassment claims by a Sydney doctor were found to be upheld by the Human Rights and Equal Opportunity Commission. However, in his judgement, Justice Marcus Einfeld ruled that the conduct was ‘mild if ridiculous’ and within the expected life experiences of women, ruling that no damages were to be awarded.<sup>24</sup>

### Celebration of a nation?

In 1988, the nation celebrated the Bicentennial of British colonisation, refashioning it into a nationalist celebration of Australia. Since the dismissal of the Whitlam government in 1975 there had been significant changes. Stagflation and recession had shifted to economic growth under Hawke Labor government reforms to dismantle the centralised wage fixing and tariff protections that had existed since federation. This was enabled by Hawke and Keating harnessing the support of the union movement via the Accord.

Socially the nation was more multicultural, less orientated culturally to Britain and more to the United States. Women had taken their place in the workforce and higher education in greater numbers. But the wage gap between men and women persisted and the division of household labour had not caught up to changes in the paid workforce. Women were more prominent in political life, but still only made up 24 of the members of the two houses of Parliament after the 1987 election, eight in the House of Representatives and sixteen in the Senate.

For the gay and lesbian community, the HIV/AIDS crisis had thrust homosexuality into the national consciousness. While the crisis elevated homophobia and the opposition from socially conservative politicians and commentators, overall the status of members of the gay and lesbian community in society was more visible and accepted than in 1975. On an individual level, the challenges of ‘coming out’ to friends and family, particularly for those in small towns or migrant communities, remained difficult and prejudice lingered. Decriminalisation in all states except Tasmania had occurred by the end of the decade, but fighting for rights and entitlement as a couple remained an issue for same-sex relationships.

The period after the dismissal saw an increased involvement of First Nations peoples in the public service. The creation of the Aboriginal and Torres Strait Islander Commission in 1990 to replace the National Aboriginal Council provided an elected body both to advise on policy and to oversee a budget delivery services. However, this limited form of self-determination still left Indigenous peoples without land rights or treaty and, as the stories of the Royal Commission into Aboriginal Deaths in Custody demonstrated, they were very much still second-class citizens, over-represented in both the prison and poverty statistics.

## 8.6 Chapter summary

Here are some dot-points for you to consider and add to:

### Continuities

- Aboriginal and Torres Strait Islander peoples were still campaigning for recognition of native title and land rights.
- The trend of increased participation by women in the workforce and higher education continued from the seventies.
- Significant discrimination and social stigma continued for gay and lesbian Australians, although campaigns for decriminalisation achieved success.
- Partisan divisions that had opened up in the late seventies between Labor and the Coalition on land rights, policy towards Aboriginal and Torres Strait Islander peoples and women's rights continued to grow.

### Changes

- The passing of the *Racial Discrimination Act 1975* outlawed all forms of racial discrimination, shifting Australia towards multiculturalism.
- Homosexual acts were decriminalised, beginning in South Australia in 1975.
- The passing of the *Sex Discrimination Act 1984* made it illegal to discriminate on the grounds of sex, marital status or pregnancy.
- Substantially more women were in the paid workforce and accessing higher education.
- The HIV/AIDS pandemic strengthened the gay right's cause due to the government's response and inclusion of the gay community to its handling of the disease.

## 8.7 End-of-chapter activities

### Consolidating your understanding

#### Events

1. Explain the impact that the first Mardi Gras and the HIV/AIDS pandemic had on LGBTIQ+ activism.
2. What led to the decision of Eddie Mabo to launch a legal case in the High Court against the state of Queensland to claim ownership over his land on Mer Island?
3. What impact would the High Court's decision have in the quest for recognition of prior ownership and land rights in the Mabo case?
4. To what extent did the dismissal of the Whitlam government impact on the liberation movements?
5. Explain the controversies surrounding the bicentennial celebrations.

## Ideas

Complete the following table for your notes on the ideas in this chapter. An example has been completed for you.

| Ideas  | Summary  | Evidence   |
|--|--|--|
| First Nations sovereignty and land rights                                  | <p>State governments in Qld and WA passed legislation to limit the possibility of the granting of land rights.</p> <p>A treaty was promised, but did not eventuate.</p> <p>The mining and pastoral industries campaigned against land rights.</p> <p>A growing number of Aboriginal activists were articulating concerns through art, education and politics.</p> <p>The <i>Mabo 1</i> case v Qld determined that the Racial Discrimination Act meant that Native Title could not be extinguished as it would be discriminatory.</p> | <p>'Our culture, our land, our future' placard 8.22</p> <p>'the mining industry was too powerful, the pastoral industry was too powerful and the Commonwealth Government didn't have the will to stand up'. Foley 8.14</p> |
| Self-determination   |  |  |
| Racial discrimination  |  |  |
| Equal opportunity  |  |  |
| Discrimination based on sex  |  |  |
| Social acceptance of sexual diversity                                      |  |  |
| Land rights  |  |  |
| Diversity in ideologies, goals and strategies of different feminist groups |  |  |
| Conservatism   |  |  |
| National sovereignty   |  |  |

## Perspectives

Using the reading materials and sources in this chapter, create four mindmaps, showing those advocating for change and those supporting the status quo for:

1. Indigenous rights
2. Women's rights
3. LGBTIQ+ rights
4. Attitudes towards the dismissal of the Whitlam government.

## Experiences

1. How were First Nations people impacted by the passing of the *Racial Discrimination Act 1975*?
2. Explain the reasons for and the outcome of the first Mardi Gras in 1978.
3. Analyse the role that art, literature and academia played in the fight for Aboriginal sovereignty.
4. Examine the role protest groups played in achieving greater rights for women during this period.

## Asking historical questions

Select four individuals from the source materials in this chapter. Pretend that you are to interview each individual about their experiences from 1975 to 1988. Construct three questions for each person.

The first question should use ONE of the following stems:

- a. describe, account for, explain.

The second question should use ONE of the following stems:

- b. compare, contrast.

The third question should use ONE of the following stems:

- c. analyse, evaluate, examine.

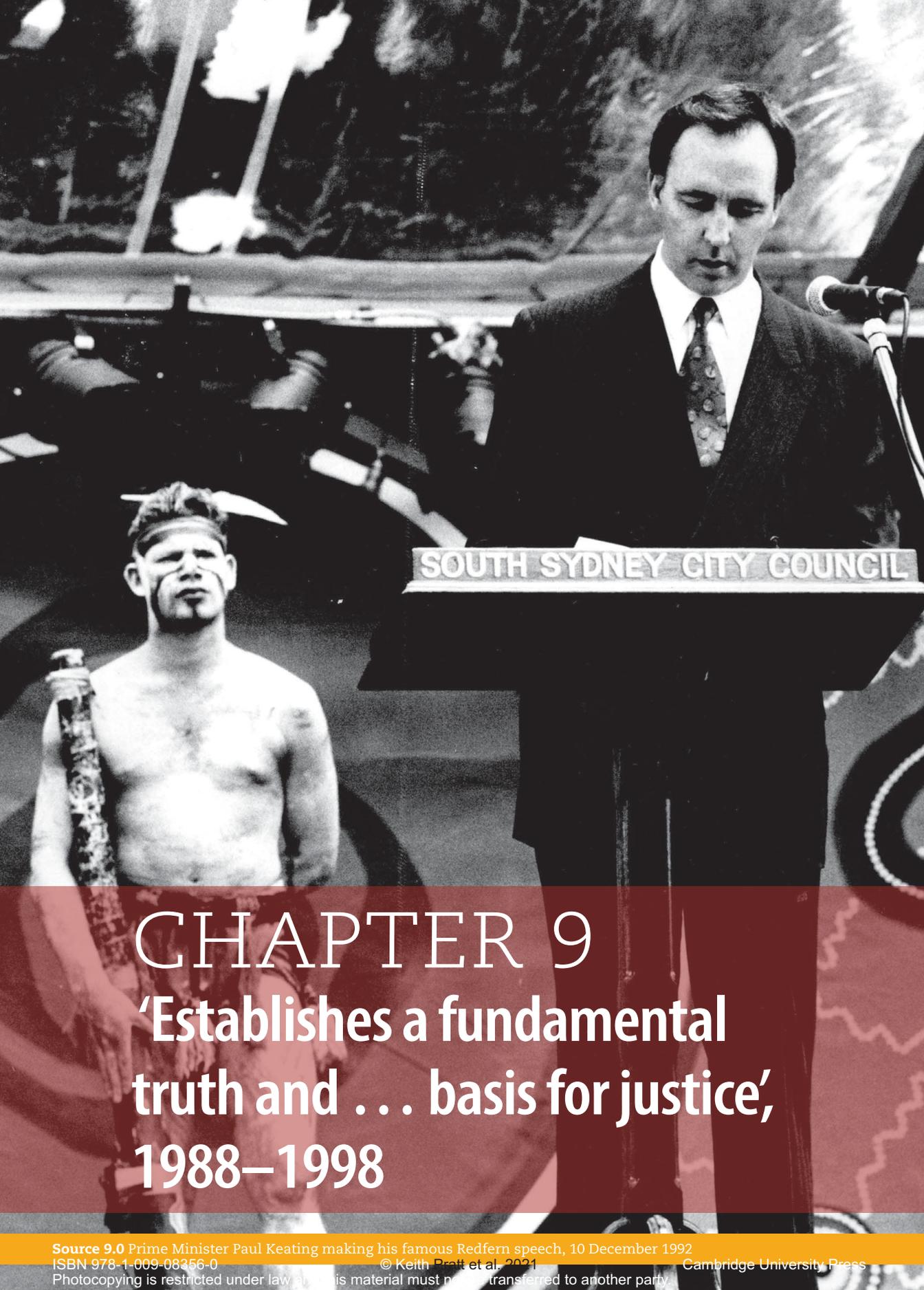
Your class could conduct a role play using these questions.

## Analysing causes and consequences

1. How did the dismissal of the Whitlam government impact on governmental response to protest movements? Consider actions of both the Fraser and Hawke–Keating governments.
2. What were the consequences of the HIV/AIDS pandemic in the 1980s?
3. How did individuals during this period impact on further equality for women?

## Constructing an argument: essay writing

Examine the extent to which protest groups contributed to the achievements of those striving for equal rights from 1975 to 1988.



SOUTH SYDNEY CITY COUNCIL

# CHAPTER 9

## 'Establishes a fundamental truth and ... basis for justice', 1988–1998

## Chapter timeline

| World events  | Date | Australian events  |
|---|------|--|
| <b>1990</b>   |      |  |
| <p><b>1990:</b> Nelson Mandela freed in South Africa after spending 27 years in jail</p> <p><b>1991:</b> First Gulf War</p> <p><b>1991:</b> Freddie Mercury, lead singer of Queen, dies of AIDS</p> <p><b>1991:</b> Soviet Union dissolves, ending the Cold War</p> <p><b>1991:</b> Susan Faludi publishes <i>Backlash</i>; Anita Hill's testimony and Riot Grrrl punk movement spark Third Wave Feminism</p> <p><b>1992:</b> The acquittal of three police officers for the beating of Rodney King sparks riots in Los Angeles</p> |      | <p><b>1990:</b> Dr Carmen Lawrence becomes first woman in Australia to lead a state</p> <p><b>1990:</b> ATSIIC founded</p> <p><b>1991:</b> Paul Keating becomes Prime Minister</p> <p><b>1991:</b> Final report of Royal Commission into Aboriginal Deaths in Custody</p> <p><b>1992:</b> Eddie Mabo dies; 4 months later the Mabo case ends, establishing native title</p> <p><b>1992:</b> Lyons Forum forms</p> <p><b>1992:</b> Australia overturns ban on gay and lesbian people serving in the military</p> <p><b>1993:</b> <i>Native Title Act 1993</i> enacted</p> <p><b>1993:</b> Nicky Winmar stands up to racism during AFL match</p> <p><b>1994:</b> Tasmanian resident Nicholas Toonen brings complaint to UN Human Rights Commission</p> <p><b>1994:</b> <i>Human Rights (Sexual Conduct) Act 1994</i> enacted</p> |
| <b>1995</b>   |      |  |
| <p><b>1995:</b> Million Man March in Washington DC, highlighting the continued struggle of African Americans for equality</p> <p><b>1995:</b> Srebrenica Massacre in Bosnia of over 7000 Bosniaks by Bosnian Serbs, part of the ethnic cleansing of the Yugoslav wars</p> <p><b>1995:</b> Acquittal of sports star and actor O.J Simpson, a trial that divided America on racial lines</p>  |      |  |

| World events   | Date | Australian events  |
|--|------|--|
| <p><b>1996:</b> Taliban comes to power in Afghanistan, banning education for girls and restricting women's rights</p> <p><b>1997:</b> Asian financial crisis</p> <p><b>1998:</b> Brutal murder of gay man Matthew Shepard in Wyoming leads to calls for hate crime laws in the United States</p> |      | <p><b>1996:</b> Howard government comes to power; Pauline Hanson wins seat of Oxley</p> <p><b>1996:</b> Wik Decision handed down</p> <p><b>1996:</b> Emily's List Australia launched</p> <p><b>1997:</b> Senator Bob Brown is Australia's first openly gay man to serve in Federal Parliament</p> <p><b>1997:</b> <i>Bringing Them Home</i> report released</p> <p><b>1998:</b> <i>Native Title Amendment 1998</i> enacted</p> |

## 9.1 Introduction

### INQUIRY QUESTION

What was the pivotal shift in the 1990s for groups seeking change in Australia?

#### Source 9.1

By doing away with the bizarre conceit that this continent had no owners prior to the settlement of Europeans, Mabo establishes a fundamental truth and lays the basis for justice.

Paul Keating, The Redfern Speech, 10 December 1992.

The nineties began with Bob Hawke and the Australian Labor Party winning a fourth term in office in the 1990 election. In a party-room challenge, Hawke was replaced by his former treasurer and deputy, Paul Keating, in December of 1991. Keating set out an ambitious vision, seeking to pivot Australia towards Asia, achieve reconciliation with Aboriginal and Torres Strait Islander peoples and to break away from the monarchy and become a republic. This 'big picture' program was soon buffeted by the realities of recession and a resurgent Liberal Party led by John Hewson.

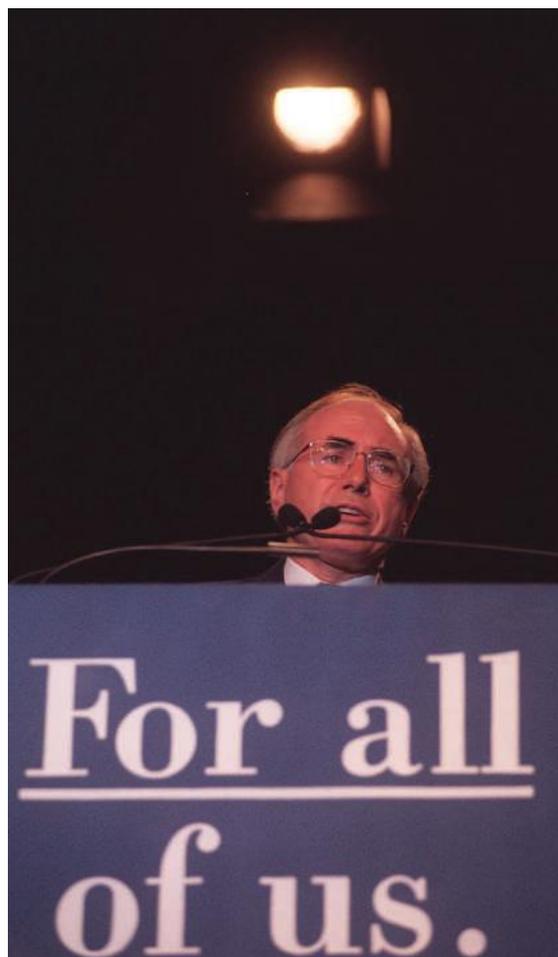
The event that helped transform Keating's prime ministership occurred on 3 June 1992, when the High Court of Australia finally handed down its decision in the land rights case begun by Eddie Mabo ten years prior. The Mabo Judgment and subsequent land rights legislation were significant accomplishments for Aboriginal and Torres Strait Islander peoples, as well as for Keating, whose Labor government was re-elected in 1993. However, a conservative backlash was unfolding, that would see the Coalition under John Howard exit the political wilderness and win government in 1996. The 1996 election also saw the emergence of right-wing populism, with the election

of Pauline Hanson, who would go on to form the One Nation party. Her attacks on Aboriginal and Torres Strait Islander peoples and Asian immigrants struck a chord with a segment of the population and presaged a more hostile environment for reform after the thirteen years of the Hawke–Keating government.

The willingness of the Federal Government to legislate and fund programs aimed at supporting working women and closing the gender gap also receded with the election of the Coalition. Nonetheless, trends in increasing workforce participation and access to higher education by women continued throughout the nineties, and Howard’s 1996 election victory was accompanied by a record for the Liberal Party of 25 women Members and Senators. Outside of politics, issues of equal pay, domestic violence, and sexual harassment and assault continued to be critical for activists.

The LGBTIQ+ community continued to campaign for wider acceptance and the overturning of discriminatory laws, including service in the armed forces, the continued criminalisation of homosexuality in Tasmania and the use of the ‘gay panic defence’ in the courts. Films such as *The Adventures of Priscilla, Queen of the Desert* (1994) and *The Sum of Us* (1996) achieved mainstream success, and festivals such as Mardi Gras in Sydney and Midsumma in Melbourne became tourist events as well as moments of community pride and activism.

Aboriginal and Torres Strait Islander peoples’ push for land rights and recognition of native title had to contend with push-back from the Howard government, as the *Native Title Amendment Act 1998* sought to water down access to claims. The response by the Coalition to the findings of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, known as the *Bringing Them Home* report, proved contentious, as John Howard refused to offer an apology for what became known as the Stolen Generations. The Aboriginal and Torres Strait Islander Commission (ATSIC) found itself mired in scandals and attacked by the government, and the drive to reconciliation begun in the Keating years seemed to stall.



↑ **Source 9.2** John Howard, launching the Liberal campaign during the 1996 election, with the slogan ‘For all of us’, suggesting that the Labor embrace of land rights and multiculturalism ignored ‘the battlers’

## 9.2 Significant events from 1988 to 1998

### INQUIRY QUESTION

How did the relationships between groups challenging power and the Australian government change during this period?

### *Mabo and the Native Title Act 1993*

The Mabo case that began in 1982 was finally concluded on 3 June 1992, when the High Court of Australia ruled 6 to 1 in favour of the claimants. Eddie Mabo, who died in February 1992, never knew the outcome of his decade-long struggle. The High Court ruled that ‘the Meriam people are entitled as against the whole world, to possession, occupation, use and enjoyment of the lands of the Murray Islands’. Communal native title was ruled to be part of the law of Australia.

The Mabo Judgment made many important strides. On 10 December 1992, Paul Keating delivered a speech in Redfern Park on the importance of the Mabo Judgment.

#### Source 9.3

It begins, I think, with that act of recognition.  
Recognition that it was we who did the dispossessing.  
We took the traditional lands and smashed the traditional way of life.  
We brought the diseases. The alcohol.  
We committed the murders.  
We took the children from their mothers.  
We practised discrimination and exclusion.  
It was our ignorance and our prejudice.  
And our failure to imagine these things being done to us.  
With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds.  
We failed to ask – how would I feel if this were done to me?  
As a consequence, we failed to see that what we were doing degraded all of us.  
...  
We have to give meaning to ‘justice’ and ‘equity’ – and, as I have said several times this year, we will only give them meaning when we commit ourselves to achieving concrete results. If we improve the living conditions in one town, they will improve in another. And another. If we raise the standard of health by twenty per cent one year, it will be raised more the next. If we open one door others will follow. When we see improvement, when we see more dignity, more confidence, more happiness – we will know we are going to win. We need these practical building blocks of change. The Mabo Judgement should be seen as one of these.

Extracts from Paul Keating’s Redfern Speech, delivered for Year for the World’s Indigenous People in Redfern Park, 10 December 1992.

## USING HISTORICAL SOURCES AS EVIDENCE 9.1

1. What improvements to Aboriginal and Torres Strait Islander peoples lives did Paul Keating call for?
2. What did he consider to be the first steps in addressing issues that existed at that time within Indigenous communities?
3. The speech, at the time, was very controversial. Consider why some people in Australia might have been opposed to the sentiment in the speech.

After the handing down of the Mabo Judgment, the Keating government now had to enact this ruling to enable native title to become a practical reality. This caused months of debate, tension and exaggeration across Australia, as people feared for their property rights. The turmoil was acted out amidst the 1993 federal election campaign. Some conservative commentators and politicians made abusive and untrue claims, for freehold land could not be claimed under native title, only **Crown land**.

**Crown land** traditionally land owned by the monarch (the Crown); in Australia it refers to land owned by the Commonwealth or state governments

Some commentators attacked the High Court for allegedly making policy, Hugh Morgan claiming the High Court had made a ‘revolutionary constitutional change’. However, Sir Anthony Mason, the Chief Justice of the High Court retorted that the Court’s recognition of native title and the rejection of the idea of *terra nullius* was simply catching up with the rest of the world over the last 130 years, native title being recognised in New Zealand by the Treaty of Waitangi in 1840. The historian Richard Broome commented:

The Mabo judgment, which overturned 200 years of understandings about ownership, caused fifteen months of fear and turmoil ... Behind the scenes, Federal and state bureaucrats, miners, pastoralists and Aboriginal leaders engaged in complex, tortuous and tough negotiations. There were constant reports over fifteen months that created bewilderment about the intricacies of land laws and titles. The federal Opposition was paralysed into inaction by internal divisions over Mabo.

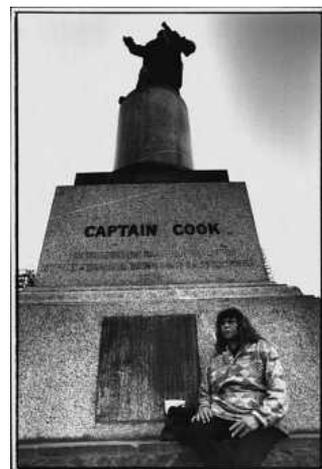
### Source 9.4

Richard Broome, *Aboriginal Australians: A history since 1788*, 5th ed., Allen & Unwin, Sydney, 2019, pp. 284–7.

During this time the Australian public was educated. A public opinion poll in April 1993 found that only 31 per cent of Australians had heard or read about the Mabo Judgment. By August 1993, 88 per cent knew of it, and that only vacant Crown land could be claimed. While 55 per cent thought it could damage Australia’s economic development, 51 per cent agreed that groups which gained native title should have the right to veto mining on their land.<sup>1</sup>

The *Native Title Act*, passed on December 1993, gave First Nations groups the right to lodge claims to a new Native Title Tribunal and soon many claims were being lodged.

→ **Source 9.5** Acclaimed artist Isabel Coe in front of a statue of Captain Cook, June 1993. Coe raised a Mabo-style claim for the government to acknowledge sovereignty of the Wiradjuri nation, but the claim was rejected.



## FOCUS QUESTIONS 9.1

1. Why was the Mabo Judgment significant for land rights?
2. Describe some of the different reactions to the Mabo Judgment.

**pastoral lease** Crown land leased for the purposes of grazing sheep and cattle

However, they had to fulfill two rigorous tests for their claim to succeed: they had to prove a continuous connection to the land claimed, and to use it in a traditional way. One historian Patrick Wolfe called these strict tests: ‘repressive authenticity’.<sup>2</sup>

### The 1996 Election and the *Native Title Amendment Act 1998*

The Liberal-National opposition vowed to repeal or amend the Native Title Act at the next election, which was to be held in 1996. In January 1996 and before the election, the Wik people’s land claim for areas in the Gulf of Carpentaria was decided in the Federal Court. Justice Drummond ruled the land once held under **pastoral leases**, even though the leases were long defunct, had extinguished native title. This accorded with thinking when the *Native Title Act 1993* was made that pastoral leases extinguished native title.

The Wik people immediately appealed to the High Court. The 1996 elections loomed, and Howard campaigned on a slogan ‘for all of us’, claiming Keating’s policies were dividing the nation. The Labor government also faced claims of being tired, after governing since 1983. On 2 March 1996, Keating was defeated in a landslide and John Howard became prime minister of the new Liberal-National Party government. Many of Howard’s supporters, especially in the National (formerly Country) Party, called for legislation to extinguish native title on pastoral leases. Howard was content to await the High Court’s decision on the Wik people’s appeal, most being confident it would be denied. Howard also feared any legislation might not get through the Senate. If it did become law, it might be found to contravene the *Racial Discrimination Act 1975*, paving the way for compensation claims.

In late December 1996, the High Court dropped a bombshell when it upheld the Wik people’s appeal and found that pastoral leases did not necessarily extinguish native title. This was contrary to all expectations since the *Native Title Act 1993*. The High Court, examining leases back to the *Waste Land Act* of 1848, discovered that under that Act, First Nations people had rights to hunt on pastoral leases. This had later been wrongly ignored by colonial governments when issuing pastoral leases after self-government. Native title rights might co-exist with pastoral leases.

About forty per cent of Australian land was held under pastoral leases and the legal status of all leases was now uncertain. Rural parts of the country were in turmoil. A week after the decision, the Queensland government said 800 mining leases issued since 1994 on non-freehold land could be invalid, and others feared rural land values would be halved. A Morgan poll revealed that 49 per cent of Australians now disapproved of the Mabo decision, up from 32 per cent just after the decision in 1992.

Liberal state premiers, mining and farming bodies and many conservative voters wanted legislation to extinguish native title on pastoral leases. Others urged an equally radical proposal: to change the *Racial Discrimination Act 1975*. Howard indicated he might support such radical measures but worried it might not pass the Senate. Eventually he drew back and devised a ten-point plan that would trim back native title rights, which he hoped he could get through Parliament.

The ten points were:

1. Validate all mining leases issued after Native Title Act (1994) and to the Wik decision
2. Extinguish native title on all land with 'exclusive tenure' [single holding]<sup>3</sup>
3. Essential services infrastructure to override native title
4. The primacy of pastoral lease over native title be confirmed
5. Define native title holders' access to pastoral leases, but only if access already exists
6. Mining leases on pastoral land to pass to state control, but Commonwealth would pay 75 per cent of any compensation over native title
7. Right of governments to buy land with modified or no rights for Indigenous people to negotiate
8. Denial of any native title rights over sea and airspace
9. A sunset clause giving a six-year deadline for title or compensation claims
10. Voluntary agreements to be binding and immune from challenge.

Source 9.6

Compiled from Michael Bachelard, *The Great Land Grab: What every Australian should know about Wik, Mabo and the ten-point plan*, Hyland House, South Melbourne, 1997.

The ten-point plan was formed without any consultation with First Nations peoples. After months of headlines, Howard's Wik legislation was presented to Parliament in September 1997, where it faced 350 Labor Party amendments, most of which the Government rejected. Controversy continued outside Parliament before the legislation returned in April 1998. Howard was pessimistic as the Senate had rejected the Wik bill twice. A third rejection would end it but open the way to a double dissolution. At that stage the Independent Senator from Tasmania Brian Harradine, who held the balance of power in the Senate, did an impromptu dance with Wik elder Gladys Tybingoompa and others on the laws of Parliament. He seemed to be on their side.



← Source 9.7 Senator Harradine dancing with Gladys Tybingoompa and other Wik people in front of Parliament House, Canberra, 31 March 1998

However, politics and self-interest intervened. Harradine, not wanting a double dissolution in which he would likely lose his seat, did a deal.

The Aboriginal public intellectual Noel Pearson, who had played such a huge role in the Native Title Act negotiations with the Keating government, concluded that ‘Howard has managed to rip the heart out of the original native title legislation’.<sup>4</sup>

While the Wik controversy was being played out, First Nations communities were busy making claims under the 1994 legislation. By early 1998 there were 700 claims before the Native Title Tribunal, which was struggling with the workload, especially as most were heavily contested.

In December 1998, the Yorta Yorta people lost their four-year campaign for 4000 square kilometres along the Murray River to be theirs under native title. The case involved 114 sitting days in the Federal Court, 201 witnesses and 11 000 pages of transcripts. Justice Olney made a



↑ **Source 9.8** Margaret Wirrapunda from the Ulupna clan of the Yorta Yorta people reacting to the native title claim rejection by the Federal Court in 1998

controversial decision: saying ‘the tide of history has indeed washed away any real acknowledgment of their traditional laws and any real observance of their tradition customs’.<sup>5</sup> Olney decided that if the Yorta Yorta did not live as they did 150 years ago, they did not possess ‘Aboriginal culture’. Because they had declared in an 1881 petition for land that they were farmers, this was evidence of a lack of continuity with traditional life. Olney’s decision was controversial because he believed that as people were not living the same as before, they were not Aboriginal. The Yorta Yorta appealed to the full bench of the Federal Court and to the High Court. They lost both cases because ‘the forebears of the claimants had ceased to occupy their lands in accordance with traditional laws and customs’.<sup>6</sup>

## FOCUS QUESTIONS 9.2

1. Explain why the Wik decision was so controversial.
2. Identify the person who ensured the passage of the *Native Title Amendment Act* in the Senate and possible motives for their support.
3. How did the Yorta Yorta decision demonstrate the difficulties in securing native title for First Nations peoples?

## Significant events for women in power from 1988 to 1998

The presence of women in political office and the bureaucracy had increased steadily during the 1980s. The Federal Parliaments elected during the 1960s and 1970s frequently included no women elected to the House of Representatives, but from the 1980s onwards women were regularly represented in Parliament. Nonetheless, both in overall parliamentary representation and in the front benches of government, women still lagged far behind men, making up only 14 per cent of Federal Parliament in the early 1990s.<sup>7</sup> In state politics, Dr Carmen Lawrence became Premier of Western Australia in February 1990, the first woman to lead a state. She was joined later that year by Joan Kirner, who became Premier of Victoria in August of 1990. Both women had taken

the reins of longstanding Labor governments that were in trouble in the polls, contributing to an impression that the women had been handed the position when looming electoral defeat was inevitable. Both governments would lose office in landslide elections in 1992, but Lawrence and Kirner still had substantial contributions to make to public life.

Following their defeats, Lawrence made the transition into Federal politics, winning a seat in a by-election and moving quickly into Paul Keating's cabinet as Minister for Health and Minister for the Status of Women. Kirner, along with other women in the Australian Labor Party such as Leonie Morgan, were inspired by the American group Emily's List, which supported progressive women candidates in the Democratic Party. The name Emily, an acronym for Early Money Is Like Yeast (because it helped raise the 'dough'), indicated the mission of the organisation: to provide campaign money to support women in politics. In 1992 they began working towards an Australian version to support female Labor candidates, with Emily's List Australia launching in 1996. In tandem with this, women in the Australian Labor Party pushed the party to adopt affirmative action policies, which it did in 1994, with the goal of preselecting women in 35 per cent of winnable seats by 2002.

The Federal Liberal Party landslide of 1996 brought an influx of Liberal women into the Parliament and John Howard had two women in his first cabinet and seven in the ministry, a high-water mark for a Coalition government to that point. The Australian Democrats, a minor party that often held the balance of power in the Senate during this period, had selected the first female leader of a Federal political party in 1986 with Janine Haines. Aboriginal and Torres Strait Islander women were also prominent in leadership positions in Indigenous organisations. Pat Turner became chief executive officer of ATSIC in 1994 and Lowitja O'Donoghue was the inaugural chairperson of ATSIC.



↑ **Source 9.9** First female premier of a state in Australia, Dr Carmen Lawrence (1990–93)



↑ **Source 9.10** Lowitja (Lois) O'Donoghue was elected as the first chair of ATSIC.

### FOCUS QUESTIONS 9.3

1. Who were the first women to become state premiers?
2. What was the goal of Emily's List?

## 9.3 Influential ideas from 1988 to 1998

### INQUIRY QUESTION

How were the ideas that had challenged the status quo from the sixties onwards challenged in the 1990s?

### Aboriginal nationalism and sovereignty

#### Native title

In their long struggle for land rights, First Nations peoples drew on their rights as traditional owners and custodians of their land. The Yolngu in their bark petition to Parliament in August 1963 wrote 'that the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial; we were all born here since time immemorial'. However, Aboriginal and Torres Strait Islander peoples also took inspiration and guidance from statements of principle by Indigenous peoples worldwide and statements from the United Nations such as International Labour Organisation (ILO) convention 107. This Convention, not ratified (confirmed) by Australia for many years, stated of land rights:

#### Source 9.11

Article 11. The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.

Article 12. The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations ... they shall be provided with lands of quality at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development ...

International Labour Organization, *Indigenous and Tribal Populations Convention*, no. 107, 1957.

On 24 September 1970, Bruce McGuinness, a Wiradjuri man who was director of the Victorian Aborigines Advancement League, sent a land rights petition to the United Nations. It appealed explicitly to the United Nations Charter and quoted directly from the ILO convention 107 (see Source 9.11 above) and articles 11 and 12 of that Convention, on the right to hold traditional lands and to be compensated if removed from them. It added (the first paragraph being in capital letters):

#### Source 9.12

FROM THE TIME OF THE FIRST SETTLEMENT IN 1788 TO DATE, THE CROWN HAS NEVER USED EVEN ITS CLAIMED POWER TO TAKE OUR LAND, EITHER BY TREATY OR PURCHASE. THE CROWN HAS BLATANTLY TAKEN OUR LAND

*Continued...*

...Continued

WITHOUT TREATY, WITHOUT PURCHASE, AND WITHOUT COMPENSATION OF ANY KIND.

We, the Aborigines of Australia whom the invaders have not yet succeeded in wiping off the face of the earth, are the owners of the land of Australia in equity, in the eyes of any system of civilised law and in justice and yet we have no share in the great mineral, agricultural and pastoral wealth of our country.

Quoted in G. Fay Gayle and Alison Brookman, *Race Relations in Australia: The Aborigines*, McGraw Hill, Sydney, 1975, pp. 86–7.

## USING HISTORICAL SOURCES AS EVIDENCE 9.2

1. List the different types of ideas and principles Aboriginal and Torres Strait Islander people used to argue for land in Sources 9.11 and 9.12.
2. Which ideas might appeal most to politicians? Explain your answer.

## Self-determination and reconciliation



↑ **Source 9.13** The parents of Eddy Murray, who died in custody in 1981 and was one of the deaths that sparked the Royal Commission into Aboriginal Deaths in Custody, outside the Department of Aboriginal Affairs, 1988

The final report of the Royal Commission into Aboriginal Deaths in Custody (RCIADC), issued in 1991, made recommendations for the advancement of self-determination for Aboriginal and Torres Strait Islander peoples on the basis that 'Aboriginal community-controlled organisations are undoubtedly those which receive the most broad-based support from the Aboriginal people as the appropriate agencies to address issues of concern'.<sup>8</sup> To address this, the Royal Commission

made recommendations to encourage the path to self-determination and Aboriginal and Torres Strait Islander control over programs that impacted their communities. In the report ATSIC was cited as an important vehicle for administering programs and advancing self-determination. However, as academic Tim Rowse observed, the report's recommendations with regards to self-determination and the role of ATSIC were problematic:

**Source 9.14**

the Commission's notion of self-determination has little to do with 'land rights' and is not systematically related to policies to improve the economic status of Australia's indigenous people. Rather the Commissioner has produced an administrative definition of self-determination. While that notion is defensible and even progressive, it has not been consistently embodied in the recommendations ... nor has it been greeted sympathetically by the Commonwealth.

Tim Rowse, 'The Royal Commission, ATSIC and self-determination: A review of the Royal Commission into Aboriginal Deaths in Custody', *Australian Journal of Social Issues*, vol. 27, no. 3, 1992, p. 154.

The risks inherent in depending on ATSIC as the vehicle for self-determination and delivery of programs was made clear when the election of the Coalition government in 1996 resulted in significant funding cuts. The Howard government would eventually abolish the organisation in 2002.

Pat Turner wrote the following on the limited achievements of ATSIC:

**Source 9.15**

[The ATSIC report *Recognition, Rights and Reform*] wanted recognition of the fact that Aboriginal people had been here for 60 000 years and had some legitimate place in this nation – and that in fact to destroy the oldest living culture in the world would be a bigger blight on Australia than it would be to embrace it and have it at the core of our Australian heritage.

In the section on reform, we identified how to change the nature of engagement and service delivery and close the gap.

Do you know what we got? One recommendation was accepted and adopted by the Keating Government. Do you know what that was? The official recognition of the Aboriginal and Torres Strait Islander flag. That was it. Nothing more.

When the Howard Government came to power in 1996 the first thing they did was cut \$480 million out of the ATSIC budget. Why did they do that? Because they were cost cutting across the service and blacks weren't going to be exempt – it didn't matter about the need.

Do you know what programs got cut? The programs for families, women and children in Aboriginal communities. We never recouped the money, ever. In last year's dollars that would have equated to something like \$800 million that we lost back in 1996. That was money that was going directly into Aboriginal communities.

Pat Turner, *Closing the Gap: When and how will Australia ever become truly liveable for Indigenous Australians?* Communities in Control conference online video, 2008, <https://cambridge.edu.au/redirect/9673>



↑ **Source 9.16** ATSIC's inability to deliver represented as a broken-down van in this 1996 cartoon by Geoff Pryor

In 1991, with cross-party support, and as part of responding to the recommendations of the RCIADIC, the Council for Aboriginal Reconciliation was formed, with the goal of achieving reconciliation between Aboriginal and Torres Strait Islander peoples and the broader Australian community by the centenary of Federation in 2001. Patrick Dodson was the first chairperson. However, by 1996 the election of John Howard signalled a less bipartisan approach to Indigenous policy. Along with the cuts to ATSIC, Howard was hostile to the idea of an apology to the Stolen Generations, and a speech to open the 1997 Reconciliation Convention was so poorly received by Aboriginal and Torres Strait Islander representatives that they turned their backs on him.

In facing the realities of the past, however, we must not join those who would portray Australia's history since 1788 as little more than a disgraceful record of imperialism, exploitation, and racism.

**Source 9.17**

Such a portrayal is a gross distortion and deliberately neglects the overall story of great Australian achievement that is there in our history to be told, and such an approach will be repudiated by the overwhelming majority of Australians who are proud of what this country has achieved although inevitably acknowledging the blemishes in its past history.

Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control.

John Howard, Opening address to the Australian Reconciliation Convention, 1997.

The 1996 election also brought into Parliament Pauline Hanson, who had been dis-endorsed by the Liberals after a provocative letter to a local newspaper in which she accused Aboriginal people of being favourably treated by the Government at the expense of white Australians. Elected as an

independent, she would go on to found the One Nation political party. In her maiden speech to Parliament she called for the abolishment of ATSIC and railed against ‘the privileges Aboriginals enjoy over other Australians’.<sup>9</sup>

### USING HISTORICAL SOURCES AS EVIDENCE 9.3

1. Describe the response to ATSIC’s proposals by different governments, according to Source 9.15.
2. John Howard’s characterisation of the past treatment of Aboriginal and Torres Strait Islander peoples as ‘blemishes’ in Source 9.17 was seized upon as particularly insensitive by critics at the time. Explain why this perspective was controversial.
3. Using the sources above and other knowledge, evaluate the changes that occurred between 1988 and 1998 for Aboriginal and Torres Strait Islander peoples.

### Ideas about gender

The 1990s saw conservative reactions against feminism. In America, the 1991 book *Backlash* by Susan Faludi asserted that the gains of second-wave feminism were directly under attack. Pinto and Holmes observed that Australia was not immune to these movements, particularly the critique that ‘the insistence on the importance of careers had robbed many women of the chance to be mothers at all’ and the emergence of a men’s movement that often expressed itself in attacks on the Family Court and rights of divorced fathers.<sup>10</sup> Elements of this manifested itself through the policies implemented by the Howard government upon its election in 1996. Cuts were made to community childcare, Government funding to the Women’s Electoral Lobby that had begun under the Hawke government was terminated and the budget for the Office of the Status of Women was reduced. The new Government discontinued the release of a formal Women’s Budget Statement to evaluate Federal budgets’ impacts on women.

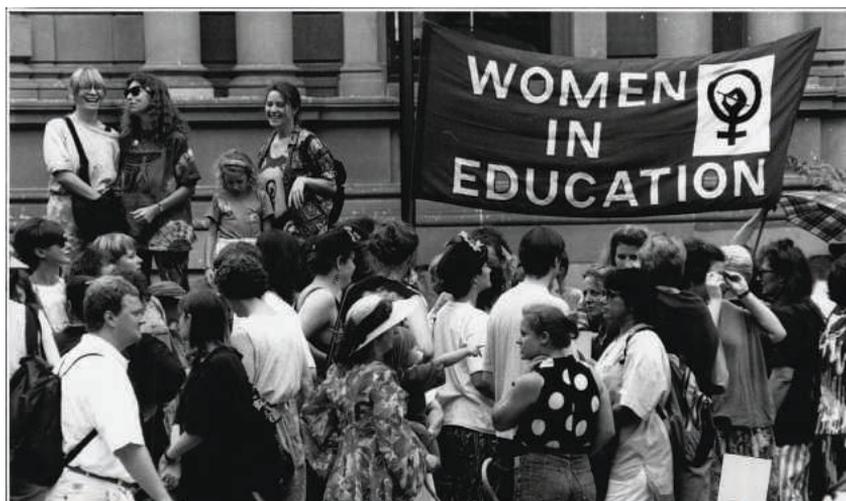
Coalition policies were, in part, reflective of a right-ward shift under John Howard. In 1992 the Lyons Forum, an unofficial group that drew members from both the Liberal and National Parties in the Coalition, formed. The Lyons Forum members, while not explicitly a Christian group, drew upon members whose beliefs informed a conservative, traditional family ideology. It articulated policies within the party room that were in favour of support of stay-at-home mothers, limits to abortion and ambivalence towards policies and services for the LGBTIQ+ community. After its founding, its membership grew to sixty, including those who would become key members of the Howard government such as Peter Costello, Tony Abbot and Kevin Andrews.<sup>11</sup> The impact of such ideas on government policy were complex. While an emphasis on supporting ‘traditional’ heterosexual nuclear families with a stay-at-home mother and a move away from explicit feminist goals may have been a strong disposition for the new Government, it could not completely ignore the increased participation of women in the workplace and funding for childcare would eventually increase over the duration of the Howard government.

Reflecting on the impact of the Howard government on equality for women and the government services established under the Hawke–Keating governments, Anne Summers noted:

In John Howard, Australia got its most reactionary Prime Minister for at least thirty years. Howard is a self-confessed social conservative who has a ‘white picket-fence’ view of society and history ... His strategy was swift and transparent. First, he hacked into funds for services that helped women achieve economic independence. Secondly, he either abolished or slashed the funding, reduced the prestige and, more importantly, the authority of those government offices whose job it was to ensure that women’s interests were protected.

Source 9.18

Anne Summers, *The end of equality? Australian women and the Howard government*, The Pamela Denoon Lecture 2003, Parliament of Australia, 6 March 2003.



#### FOCUS QUESTIONS 9.4

1. Describe how the Howard government changed policies on women.
2. Explain what the Lyons Group was and why it was influential.

↑ Source 9.19 1992 International Women’s Day March, Sydney

## 9.4 Diverse and competing perspectives from 1988 to 1998

### INQUIRY QUESTION

How were perspectives in this period different from those of previous decades?

### Conservative perspectives on land rights

Several land rights decisions by the High Court of Australia caused a backlash from conservative groups in Australia. The Mabo Judgment (1992) found that native title was part of the common law of Australia and led to the *Native Title Act 1993*. The decision was perhaps no surprise but was still resisted by those in power. The Wik decision (1996), on the other hand, was a complete surprise to many who thought that the allocation of a pastoral lease extinguished native title. This was the view of the Keating government which passed the *Native Title Act 1993*, but the High Court found that a pastoral lease over land did not necessarily extinguish native title on that land.

Both decisions led to bitter controversies lasting over a year each, as conservative premiers, politicians, business people and commentators attacked the idea of native title and the decisions by the High Court. Here is a small sample of their ideas and arguments.

### Business leaders

The Mabo Judgment of 3 June 1992 brought calls from some business leaders for it to be overturned. This is a report of what Hugh Morgan, managing director of Western Mining Corporation, said in a speech in Canberra.

#### Source 9.20

Both major parties last night spurned calls by managing director of Western Mining, Mr Hugh Morgan, for Parliament to override Aboriginal land rights recognised for the first time in June ...

The decision may lead to Aborigines laying claim to vast tracts of Australian land, provided they can prove continuous occupation, and the Government has set up a high-level working group to examine its ramifications. Mr Morgan said that until the High Court decision, courts had always held that the Crown owned Australia because Aborigines wore few clothes, had only primitive shelter, no common language and no sense of time or history.

‘It’s no mean feat, even for the High Court, to turn around settled, established law of property’, he said. At risk was ‘the whole legal framework of property rights throughout Australia’ leaving ‘the law of property in a state of disarray’.

Mr Morgan said the High Court had given substance to the aims of ‘communists and bolsheviks’ to give Aborigines land rights. Such issues ‘should be determined by the Parliament, not by the High Court on some sort of social adventure of its own’.

*The Age*, 13 October 1992.

In July 1993 Hugh Morgan told the Victorian branch of the Returned and Services League of Australia (RSL) that the High Court had threatened Australia’s development by suggesting settlement was unlawful and immoral. In a letter to *The Age* he repeated these fears and claimed that Aboriginal culture was fading.<sup>12</sup> The historian Richard Broome answered him in a letter to the editor:

#### Source 9.21

Mr Hugh Morgan’s letter (21/7) raises many issues, some of them phantoms of his imagination. First, he implies that Aboriginal culture has died out or is dying out before a more ‘powerful’ culture. Leaving aside the question of, in what sense European culture is more ‘powerful’, Mr Morgan has a view of culture that is not shared by most who ponder the nature of culture. Nor is it shared by the many Aborigines who still live it – including Gary Foley who argued in a feature article in the same issue that ‘Koories are not white people with black skin’. Cultures are dynamic. Clearly, Aboriginal culture is still evolving, not dying out ...

*Continued...*

...Continued

However, I do applaud Mr Morgan's desire to free us from the guilt-victim trap. Aborigines in the past were not simply powerless victims, nor are they now, as their Mabo claims reveal and Australians today should not be guilty about the past they did not inhabit. They can only be guilty about any of the present they mismanage and the rights they refuse to recognise.

*The Age*, 23 July 1993.

The Chairman of the National Companies and Securities Commission, Henry Bosch, in late July 1993 told a meeting of business leaders that the Mabo decision was 'regrettable, entirely regrettable'. He added that Aboriginal people were the 'most backward by any objective set of achievements' and that reconciliation was a waste of time. He was immediately sacked by the Keating government.<sup>13</sup>

### Politicians

Conservative state premiers and politicians also had much to say against Mabo in the lead-up to and aftermath of the March 1993 federal election. In late February, Marshall Perron, Chief Minister of the Northern Territory, claimed that the Mabo decision put the *Crown Lands Act*, the *Pastoral Lands Act* and the *Mining Act* all in doubt and he threatened to pass counter legislation. The Federal leader of the National Party, Tim Fischer, feared high unemployment would flow from the Mabo decision, and promised legislation to provide security for industry if the Coalition was returned. (However, the Keating Labor government won the election and was returned to power). Others feared loss of certainty and development. The conservative premier of Western Australia, Richard Court, stated that 90 per cent of Australia's Crown land and much mining land was in his state, and that the state would lose a great deal of wealth from native title. He passed legislation devised to extinguish native title and substitute it with a weaker right to use traditional lands (later ruled invalid by the High Court as it contravened *Racial Discrimination Act 1975*).

In July 1993 the Victorian premier, Jeff Kennett, made this comment in the face of rising numbers of land claims:

I think you ought to have a look at some of the other claims that are actually being made now, and the detail of those claims, and the fact that they are not just about unallocated land ... [asked if he meant that suburban backyards were being threatened, Kennett replied] Well I am saying that is a potential, depending on how the High Court may deal with some of the other claims that have been issued. It really goes to the whole question ... about how secure is freehold in Australia.

*The Age*, 10 March 1993.

The Minister for Aboriginal Affairs, Robert Tickner, replied that areas of land being claimed 'were areas of land where Aboriginal people are still in occupation and have association with their traditional country which have been effectively interrupted'. He added that claims could only be successful if land had not been transferred to some form of private ownership.<sup>14</sup>

### FOCUS QUESTIONS 9.5

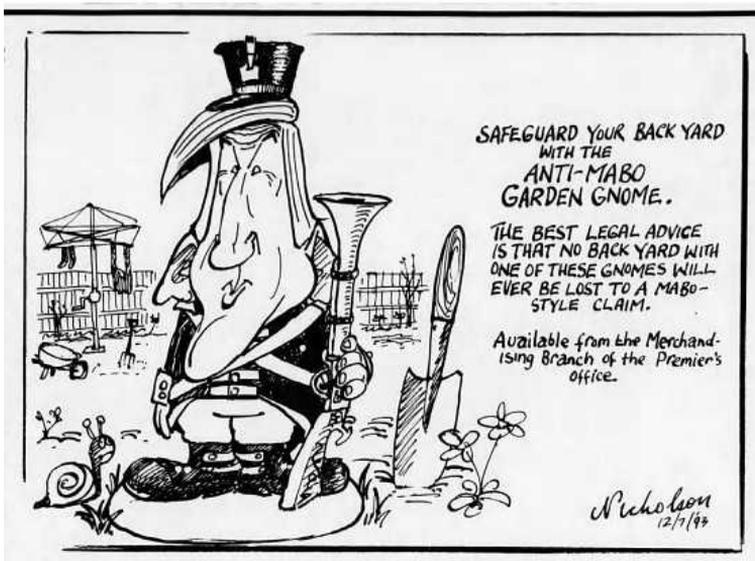
1. List the ideas put forth by some business leaders about native title.
2. Why did they make such comments?

### Source 9.22

Kennett's comment was twice the subject of cartoons by Nicholson.



↑ Source 9.23 Peter Nicholson in *The Age*, 22 June 1993



↑ Source 9.24 Peter Nicholson in *The Age*, 12 July 1993

#### USING HISTORICAL SOURCES AS EVIDENCE 9.4

1. Analyse the cartoon in Source 9.23 and decide what point(s) was Nicholson making in 'Help! It's a Mabo Attack'.
2. What point was Nicholson making in the cartoon in Source 9.24?
3. Was Kennett correct to suggest the backyard was endangered by Mabo? Why, or why not?

## Commentators

The historian Geoffrey Blainey gave the Latham Memorial Lecture in March 1993 to the conservative Australian Association for Cultural Freedom in Sydney. In that lecture he used the phrase ‘black-armband history’ to criticise those who had a view of the past that placed too much emphasis on the dispossession of Aboriginal and Torres Strait Islander peoples, environmental degradation, racism and sexism.<sup>15</sup>

Blainey was also outspoken about the Mabo Judgment. He criticised the judges and their research team for ignorance about Australian history. He wrote that Aboriginal people had already gained 15 to 20 per cent of land down the middle of Australia through some South Australia land trust legislation in 1966 and the *Aboriginal Land Rights Act (Northern Territory) 1976*. He continued:

It can no longer be said that Aborigines are ‘landless in their own land’. The average Aborigine, urban and outback, has about 12 times as much land as the average non-Aborigine. Mr Keating’s bill, if passed, will probably increase that ratio by a considerable amount.

There are valid reasons for concluding that the land-rights movement, for the time being, has by and large gone far enough, and that to extend it much further is to weaken seriously the economy and to thwart the exports urgently needed in order to meet our debt crisis. To extend land rights could weaken – because of the terms under which much of this Aboriginal land is held – the sovereignty and unity of the Australian people ...

Geoffrey Blainey, *The Age*, 10 November 1993.

Source 9.25

## USING HISTORICAL SOURCES AS EVIDENCE 9.5

1. In your opinion, is it fair that Blainey compares the amount of land Aboriginal and non-Aboriginal people own? Why? Why not?
2. What emotions is he invoking to make his point? Explain your answer.
3. Was he right to say Mabo might divide the nation? Could you argue the opposite?

## Racism

Just before the Mabo Judgment was announced in June 1992, Australia faced the shameful scandal of a video of two policemen at a party dressed up in **black face** with ropes around their necks. One said, ‘I am Lloyd Boney’, mocking an Aboriginal man who had taken his life while in police custody in 1987. The other said he was David Gundy, an Aboriginal man shot dead in a Redfern police raid in 1989.<sup>16</sup>

**black face** the practice of wearing make-up to mimic the appearance of and ridicule people of colour; its origins lay in minstrel shows going back to the nineteenth century. It is now considered highly offensive

At this time, *The Age* did a series of articles based on opinion polls. These are the results.

↓ **Source 9.26** Polling from *The Age*, 19–21 March 1993

| Statement   | Agree | Disagree | Don't Know |
|---|-------|----------|------------|
| Aborigines come in conflict with the law because they have been badly treated for so long     | 66    | 29       | 5          |
| The law treats Aborigines more harshly than non-Aborigines                                    | 25    | 64       | 11         |
| Aborigines who break the laws should accept the consequences and not expect special treatment | 92    | 5        | 3          |
| Do Australians care about how Aborigines are treated?   | 57    | 38       | 5          |
| Are Australians tolerant of people who are different?   | 52    | 44       | 4          |

Also 49 per cent said they had no Aboriginal friends and only 10 per cent say they had many or quite a few Aboriginal friends.<sup>17</sup>

Amidst all the turmoil of Mabo negotiations and just after the Keating government was returned, racism was ascendant. Business and political leaders made slanderous comments about Aboriginal people as we have seen. In late April 1993, St Kilda's AFL star Nicky Winmar, lifted his shirt during a Collingwood game and pointed to his skin after being racially abused, and declared 'I'm Black and proud of it'. The moment was captured by photographer Wayne Ludbey in a now famous image, Source 9.27, and used by cartoonist Nicholson in Source 9.28.



↑ **Source 9.27** Wayne Ludbey's iconic image of Nicky Winmar lifting his jersey to the Collingwood fans at Victoria Park who racially abused him



↑ **Source 9.28** Nicholson's depiction of the event

*The Age* said in an editorial:

There is no place for racism in football and the AFL must do everything in its power to make sure its players – and, if possible, spectators – understand this ... the offenders in this instance were not the Collingwood side but its supporters. Nothing can be done to curb this kind of moronic behavior from across the fence. But the AFL can do something to curb racism on the field. Footballers who try to gain an advantage over their opponents through racial taunts need to be disciplined. The way to do this is to make racist comments on the football field a reportable offence.

Editorial, *The Age*, 22 April 1993.

## Changing perspectives on women and sexuality

The entry of more women into the workforce sparked debates about the objectives of government policy – did working women ‘deserve’ more payments via the subsidising of childcare than stay-at-home mothers? As George Megalogenis observed, the simplistic debate ignored the fact that many women were now working out of necessity: ‘the men who ran the nation weren’t ready for these real-world subtleties. They took sides in an imaginary mummy war. Labor was for the working mum, the Coalition for the traditional stay-at-home mother’.<sup>18</sup> Marilyn Lake observed that patterns of work were more resistant to changes than simply getting women into the workforce – the working woman was still saddled with expectations around domestic duties that seemed impervious to change. This exposed class divisions in the experiences of working women, with lower socio-economic women not able to afford the costs of childcare, cleaning and cooking that wealthier working women were able to.<sup>19</sup> For women in politics, a focus by the media on aspects of their life such as marital status and clothing was part of a level of scrutiny that their male counterparts seemed to escape. Premier Joan Kirner in Victoria was frequently lampooned as a polka-dot wearing housewife out of her depth in the political kitchen, as she noted in a reflection on her career in *The Age*:

Learning how to handle the pervasive newspaper cartoon image of a spotted Joan Kirner as Premier (interestingly not as leading community activist, Minister of Conservation or of Education), was a major challenge in my political learning curve. I made the mistake, initially, of taking to heart the daily cartoons of me as a harassed housewife in a polka-dotted dress, barely coping with the kids and the heat of the political kitchen.

It was not until I reasserted my long-held feminist view that the personal is political that I was able, with my colleagues, to transform the message of housewife equals leadership incompetence into a badge of political courage.

Joan Kirner, *Sunday Age*, 27 June 2004.

### Source 9.29

#### FOCUS QUESTIONS 9.6

1. Do the opinion poll results, the Nicky Winmar episode and the comments of some public figures suggest racism played a part in the Mabo controversy?
2. To what extent did opinions on Mabo and native title indicate that non-Indigenous Australians were reluctant to embrace land rights? Use the sources and other knowledge.

### Source 9.30



← **Source 9.31** Peter Nicholson depicting Kirner in a spotted dress, *The Age*, 1 June 2015



↑ **Source 9.32** Kaz Cooke's cartoon, 'Joan Kirner's legacy', in Rachel Power, *The feminist legacy of Joan Kirner*, *Daily Life*, 7 June 2015.

## USING HISTORICAL SOURCES AS EVIDENCE 9.6

1. Describe how Joan Kirner is depicted in Source 9.31.
2. Identify the achievements of Joan Kirner as seen in Source 9.32.
3. Explain the challenges women in the 1990s faced in leadership. Use the sources in your response.

The LGBTIQ+ community had a greater visibility after the HIV/AIDS crisis, but this did not always translate into greater acceptance. One landmark in this period was the overturning of the ban on lesbians and gays serving in the Australian military. The armed forces had a ban on homosexuals and lesbians serving, which was challenged by Anita Van Der Meer in the Human Rights and Equal Opportunity Commission after her dismissal in 1990. The challenge forced the Keating government to address the issue, with Defence Minister Robert Ray supporting the retention of the ban and Attorney-General Michael Duffy pushing for Australia to remain committed to international human rights obligations. In the end, the ban was lifted with little controversy. Noah Riseman noted that, while the Liberal and National Party Coalition initially vowed to reverse the lifting of the ban and the RSL opposed it, the support of decorated World War Two veteran and prison-of-war Weary Dunlop helped quell such criticism.<sup>20</sup>

Around the same time as the ban on gays and lesbians serving in the military was being debated, Nicholas Toonen and his partner Rodney Croome were taking the state of Tasmania to the United Nations Human Rights committee over the continued criminalisation of homosexual sex. In 1994 their complaint was upheld, and the Keating government passed the *Human Rights (Sexual Conduct) Act 1994* that over-rode state legislation on sexual conduct. Tasmania would formally decriminalise homosexuality in 1997. By that time, Bob Brown had been elected as a Senator for Tasmania, the first openly gay man to serve in the Federal Parliament. Margo Kingston wrote of the importance of Toonen making his complaint in *The Canberra Times*:



↑ Source 9.33 Nicholas Toonen

He [Toonen] was chosen as the person to make the complaint because he met the criteria: he had lived all his life in Tasmania (so no-one could say he was just an import), he intended to stay for the duration and he was willing to speak publicly about his sexuality. He gives one example of the hassles of living in a state your sexuality is illegal. 'I signed a lease on a flat which said I could be evicted for engaging in anything illegal on the premises. I could be legitimately tossed out because of those laws. They are an invitation for people to discriminate against me.'

Source 9.34

Margo Kingston, 'The fight to be free, gay and Tasmanian', *The Canberra Times*, 16 April 1994.

The Tasmanian Attorney-General, Ron Cornish, was a firm opponent of decriminalising homosexual sex. Profiled in *The Age* after the decision by the Human Rights Commission:

**Source 9.35**

But since then, Mr Cornish has firmly advocated his view of the dangers of the gay life. ‘The law cannot make people sexually pure, but it can restrain sexual perversity. Even if it cannot restrain such perversity, it ought to try ...’. It is a view that enables Mr Cornish to say that there is no law against being homosexual, only against being a ‘practising’ homosexual ... Cornish says the Government does not take a close interest in the bedrooms of its citizens. It simply sees a value in the moral sanction of the law ... Knowing that it faced the likelihood of this week’s adverse finding by the UN Human Rights Committee, the Government conducted a statewide poll. It found that 57 per cent of the electorate, across party lines, did not support change to the law. Further questioning found 37 per cent did not want any change, 10 per cent might accept a conditional change which, while permitting homosexuality would forbid public displays such as Sydney’s Gay Mardi Gras, and 10 per cent did not say what they thought appropriate. Obviously, then, there is already a deep split in the community, one where the Anglican and Uniting Churches strongly support decriminalisation and the Catholic Church does not; where anti-gay groups have sprung up to meet what they see as the menace of gay rights activists.

Andrew Darby, ‘Providing “guidance” in an age of moral uncertainty’, *The Age*, 16 April 1994.

### USING HISTORICAL SOURCES AS EVIDENCE 9.7

1. Explain why Nicholas Toonen was seen as an appropriate person to lodge a complaint with the Human Rights Commission, according to Source 9.34.
2. Describe the perspectives of the Tasmanian government towards changing the law in Source 9.35. What justifications did they provide for not changing the law?
3. To what extent does changing a law change people’s attitudes? Evaluate some of the challenges faced by LGBTIQ+ campaigners at this time.

## 9.5 Continuity and change by 1998

### Aboriginal and Torres Strait Islander peoples

The Australia of 1998 was a significantly different nation from that of 1957 when the Victorian Aborigines Advancement League had been launched. Aboriginal and Torres Strait Islander peoples over the next forty years would achieve recognition of their civil rights and the 1992 Mabo decision recognised land rights. However, the gap in living standards between non-Indigenous Australians and Aboriginal and Torres Strait Islander peoples was still distressingly high, with Aboriginal and Torres Strait Islander peoples making up a disproportionate share of the prison population and

lagging behind non-Indigenous Australia in life expectancy, educational attainment and income, among many indicators. The passage of the *Native Title Amendment Act 1998* by the Howard government, which limited land rights claims, and the refusal to offer an apology for the removal of children that was highlighted in 1997's *Bringing Them Home* report into the Stolen Generations were points of contention. Howard's emphasis on 'practical reconciliation' and brushing away calls for treaty placed the Government in a more confrontational position with Aboriginal and Torres Strait Islander peoples than at any point since the Tent Embassy in 1972.

The Yorta Yorta's failure to gain recognition of native title in 1998, detailed in Section 9.2, seemed emblematic of the struggles that Aboriginal and Torres Strait Islander peoples had to win to fulfil the promise of Mabo and the *Native Title Act 1993*. Rod Hagen further describes the importance of the Yorta Yorta's struggle in the following sources.

Mr Briggs gave detailed evidence of his descent from Yorta Yorta people living in the region prior to white occupation. He spoke of the passage from generation to generation of traditional rights in the area; rights to the land and its resources, rights to control access to the land. He spoke of his own education in such matters, by men and women who were already old when he was boy in the 1920's and 30's, and of the difficulties which they had faced as a result of the pressures of white settlement in the region.

Source 9.36

Rod Hagen, The Yorta Yorta native title hearings: A daily commentary on the progress of justice, 1996, <https://cambridge.edu.au/redirect/9674>

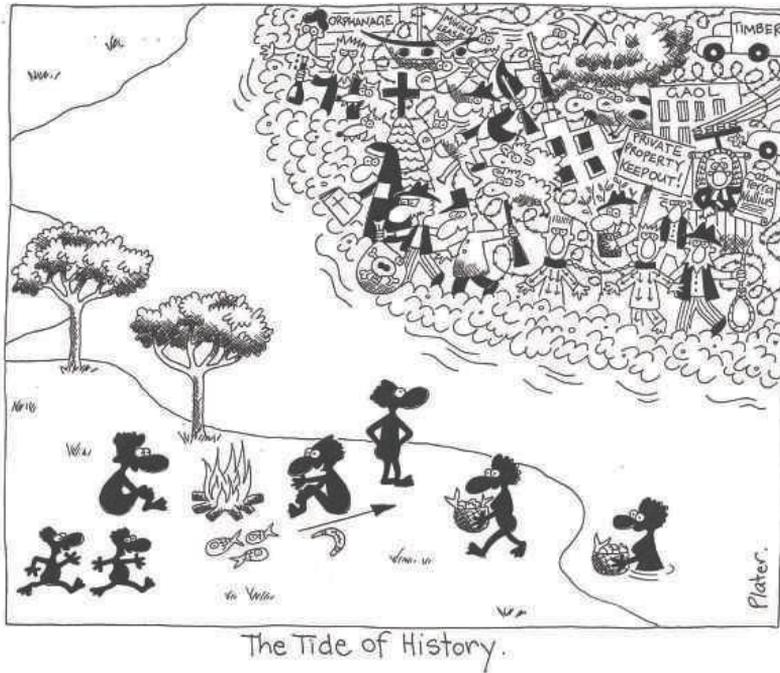
The Yorta Yorta/Bangerang regularly visit forests and other places within the claimed land for spiritual and educational purposes. They see spending time in the bush as an opportunity to renew contacts with their ancestors, to feel as one with the world, and to reaffirm their traditional identity. Sites of historical, archaeological and known spiritual importance are seen as being of great importance. The Yorta Yorta/Bangerang seek preservation of such sites as being of critical importance and have assisted in numerous archaeological and site protection activities in the area.

Source 9.37

Rod Hagen, Yorta Yorta Claims to areas in the Murray and Lower Goulburn Regions of Victoria and New South Wales.

## USING HISTORICAL SOURCES AS EVIDENCE 9.8

1. Describe, using Source 9.36, some of the challenges for the Yorta Yorta in proving continuous connection to the land after colonisation.
2. What reasons are provided in Source 9.37 to support the land rights claims of the Yorta Yorta?
3. Review the discussion of the Yorta Yorta case in Section 9.2. Based on the sources and your reading, evaluate the extent to which the Mabo Judgment of 1992 led to meaningful change in Aboriginal and Torres Strait Islander land rights.



↑ **Source 9.38** 'The tide of history' by Suzanne Plater, *The Koori Mail*, 15 January 2003

## Women and gender

The late sixties' ritual of the 'six o'clock swill', where public bars full of men downed as many drinks as they could manage before the 6 p.m. closing time, seemed like the relic of a bygone era by the end of the twentieth century. Instead, the inner-cities were full of new bistros and wine-bars, where men and women socialised together, a marked change from the campaigns of the bar-room suffragettes. The introduction of the pill, demands by women for equality in school and the workplace, and shifting employment patterns were all changes that had occurred, as Holmes and Pinto observed:

**Source 9.39** fundamental changes of the past century have had a dramatic impact on the daily lives of the majority of Australian men and women. The decoupling of fertility and sexuality, along with persistent campaigns to improve the conditions of women's lives and their access to the same opportunities as men, has had a profound effect on the expression and understanding of gender and sexuality.

Katie Holmes & Sarah Pinto, 'Gender and sexuality', in Alison Bashford & Stuart Macintyre (eds), *Cambridge History of Australia. Vol. 2: The Commonwealth of Australia*, Cambridge University Press, Port Melbourne, 2013, p. 331.

Nonetheless, there were continuities in the experience of women. The division of labour in the home did not reflect the uptake of work outside it by women. Domestic violence, harassment and sexual assault were still significant issues, although now given more recognition, with the funding of rape crisis centres and refuges such as those started by Elsie's in 1974. Marital rape was criminalised,

beginning with South Australia in 1976, with Queensland the last state to do so, in 1989. Even so, intimate partner violence remained an issue for far too many women.

In the workforce, women had made enormous gains from the time in the sixties when they had to give up jobs in the public service upon marriage. The equal pay legislation of the Whitlam government had closed the gap between male and female wages, but there were still limits to female parity, as this 1998 report makes clear:

In relation to gender equality, change is occurring, albeit slowly. In the last decade, the female labour force has increased at about twice the rate of the male workforce, 30% compared with 14%, with women more likely to hold part-time jobs and more than one job (Australian Bureau of Statistics 1997). In 1980, Australia had the highest index of occupational segregation of twelve OECD countries (Organisation for Economic Co-operation and Development 1980). This feature of the workforce has proven remarkably resistant to change over the past two decades (Australian Bureau of Statistics 1998). As of 1998, the labor force remains highly segregated with 54% of all employed women working in the clerical, sales and service occupational groups where they substantially outnumber their male colleagues (Australian Bureau of Statistics 1998). However, the 1995 Australian Workplace Industrial Relations Survey (Morehead, Steele, Alexander, Stephen, and Duffin 1997) has revealed that female participation in male dominated industries is increasing. As in other countries, women's earnings are lower than men's. The ratio of women's to men's average weekly earnings has been relatively stable over the past decade at 83.2% (Independent Review Committee 1998).

Source 9.40

V. Braithwaite & Janine Bush, 'Affirmative action in Australia: A consensus-based dialogic approach', *NWSA Journal*, vol. 10, no. 3, 1998, pp. 116.

## USING HISTORICAL SOURCES AS EVIDENCE 9.9

1. Define 'occupational segregation'.
2. List the areas where progress was made in achieving equality in the workforce.
3. List the areas where limited change was made in achieving equality in the workforce.
4. Evaluate the achievements in women's rights from 1989 to 1998.

## Sexuality

By the late nineties, there was a much wider acceptance of diverse sexualities, particularly in larger urban centres such as Sydney where the annual Mardi Gras celebrations had evolved into a tourist drawcard, and where the commercial power of the 'pink dollar' made attracting gay and lesbian commercial spending desirable. By the early 1990s, a study found that the Mardi Gras festival was worth \$30 million to the Sydney economy.<sup>21</sup> The nineties also saw a move towards more diverse understanding of sexuality identity, with the use of the term 'queer' encapsulating a desire to not be placed in a binary gay/straight

**pink dollar** a term to describe the consumer purchasing power of LGBTIQ+ communities and strategies to market products directly to them

dichotomy. Dennis Altman observed that ‘... “queer” quickly took on a variety of uses, united by the desire to escape specific identities while retaining a sense of opposition to the dominant sexual and gender order’.<sup>22</sup>

However, the extent to which attitudes had not changed was illustrated by the High Court of Australia upholding the ‘**gay panic defence**’ in 1997, in *R v Green*, which demonstrated the limits of tolerance. Australian state governments would legislate against this defence in the early years of the twenty-first century. Another example of the limits of tolerance in 1997 was the Howard government’s reaction against a youth suicide-prevention program ‘Here for Life’ that had been initiated by the previous Labor government. The posters, featuring same-sex couples giving a kiss on the cheek, was seen as promoting homosexuality and under pressure from the Government the campaign was withdrawn.<sup>23</sup>

**gay panic defence** when advances made by a gay man are seen as acceptable grounds for manslaughter

Altman summarised the changes of few decades of the twentieth century:

#### Source 9.41

A combination of global images, a new interest in human rights and the AIDS epidemic have come together to stimulate a rapid growth of gay and lesbian groups across most parts of the world over the past three decades, often bringing long-established communities with traditional understandings of sexuality and gender into contact with imported concepts of gayness.

Dennis Altman, *The End of the Homosexual?*, Queensland University Press, St Lucia QLD, 2013, p. 111.

## USING HISTORICAL SOURCES AS EVIDENCE 9.10

Using Source 9.42 and your own knowledge, describe how attitudes towards diverse sexualities changed by 1998. In your response, include at least three important events that you think occurred.

### ‘When the government changes, the country changes’

The extent to which power resisted or accommodated change by 1998 is the key question to consider at the end of this unit of study. On the eve of the 1996 election, the Prime Minister Paul Keating famously remarked that: ‘When the government changes, the country changes.’ The election of John Howard and the Coalition to government days later in some respects seemed to be the assertion of traditional power against change. The *Native Title Amendment Act 1998*, and policies that sought to buttress traditional family values seem to point to a rolling back of reforms that had built since the early 1960s. The new Government cast aside the Accord and supported a militant campaign against the Maritime Union of Australia in the 1998 dockside strike in Melbourne as part of its industrial relations reform.

However, it was not a case of back to the 1950s. Australian society, like other Western countries, had changed. For those groups on the margins that had campaigned for rights and freedoms and to change social attitudes over the previous forty years, there were successes and failures. While many of the campaigns would continue into the new millennium, the concept of human rights, embodied in the 1948 Declaration of Human Rights, had achieved significant changes in Australia.

## 9.6 Chapter summary

Here are some dot points for you to consider and add to:

### Continuities

- The numbers of women in paid employment, accessing higher education and entering politics continued to rise.
- Protests regarding issues of equal pay, domestic violence, and sexual harassment and assault continued.
- LGBTIQ+ activism continued, campaigning for wider acceptance and the overturning of discriminatory laws.
- Aboriginal and Torres Strait Islander peoples continued to fight for land rights.

### Changes

- The final Mabo Judgment recognised that Aboriginal and Torres Strait Islander peoples have rights to the land and overturned the myth that Australia was *terra nullius* prior to European settlement.
- The Wik decision meant that pastoral leases did not extinguish native title, although the 'ten-point plan' reduced native title rights.
- Dr Carmen Lawrence became the first female premier.
- Senator Janine Haines became the first woman to lead an Australian political party.
- Laws prohibiting homosexuality were removed in every state across the nation.

## 9.7 End-of-chapter activities

### Consolidating your understanding

#### Events

1. What judicial and legislative decisions were made regarding Indigenous rights during this period?
2. This period saw the considerable rise of the number of women in powerful positions in Australia. Outline the roles of five women who held leadership positions in Australia.
3. How did the decriminalisation of homosexuality in Tasmania come about?
4. Explain the impact of the rise of Pauline Hanson and her party, One Nation.

## Ideas

Complete the following table for your notes on the ideas in this chapter. An example has been partially completed for you.

| Ideas                          | Summary  | Evidence   |
|--------------------------------|--|--|
| Native title                   | Mabo decision is handed down on 3 June 1992, overturning the doctrine of <i>terra nullius</i> .<br>The <i>Native Title Act 1993</i> is passed by the Keating government to recognise the Mabo case in statute law. | ‘when we see more dignity, more confidence, more happiness . . . we need these practical building blocks of change. The Mabo Judgment should be seen as one of these.’<br>Paul Keating |
| Self-determination             |  |  |
| Reconciliation                 |  |  |
| Black-arm band view of history |  |  |
| Continued occupation           |  |  |
| Occupational segregation       |  |  |
| Emily’s List                   |  |  |
| Pink dollar                    |  |  |

## Perspectives

Using the reading materials and sources in this chapter, create three mindmaps, showing those advocating for change and those supporting the status quo for:

1. Land rights
2. Women’s rights
3. LGBTIQ+ rights.

## Experiences

1. Explain the consequence of the Mabo and Wik judgements on First Nations communities.
2. Identify and discuss the key changes to the roles of women during this period.
3. How was greater acceptance for LGBTIQ+ communities evident during this period?

### Asking historical questions

Select five visual sources from this chapter. For each source, compose questions that require different skills from comprehension to analysis. Use a variety of the following command terms:

- describe, account for, explain
- compare, contrast
- analyse, evaluate, examine.

### Analysing causes and consequences

1. How were judicial decisions regarding land rights supported or challenged through legislation?
2. Explain the rising acceptance of women in leadership roles.
3. Identify and account for the changes to perceptions of people in the LGBTIQ+ community.

### Constructing an argument: essay writing

'From 1989 to 1998, groups previously marginalised within Australian society achieved considerable acceptance.' To what extent do you agree with this statement?

# CHAPTER 10

## Continuities and changes, 1788–1998



**Source 10.0** The Australian Aboriginal flag flying on 3 December 1997

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Australia began as a convict society – in NSW in 1788, Tasmania in 1804, and Western Australia in 1829 – under strong authority wielded by a male governor. However, from early on in the life of the colonies, as convicts were freed and officers amassed wealth, challengers to this authority emerged. Free settlements began in Port Phillip, later Victoria, in 1835 and South Australia in 1836, although governors ruled there as well. The move towards self-government meant increased democracy but the campaign for votes for women and Aboriginal and Torres Strait Islander peoples would be a continued struggle.

In all areas of society there was a resistance to power from the first months of colonial settlement. First Nations peoples resisted colonial power, first by violent struggle in significant and widespread frontier wars, and then increasingly by protests for the right to be equal citizens and to enjoy Indigenous rights to land.

Workers fought to better their conditions through unions, at first only by those involved in skilled craft work, but by the 1880s unskilled and semi-skilled workers pushed for better conditions through New Unionism. Women also pushed for their rights as workers, and also as citizens. The Federation of the Australian colonies led to legislation which captured these cries for greater freedom and rights by women and workers to produce social and economic legislation that was in advance of the rest of the world. However, the oppression of First Nations' peoples was not changed at all by Federation.

The post-war world after 1945 was driven by a new rights culture energised by the Declaration of Human Rights (1948) and the United Nations. The *Racial Discrimination Act 1975* and equal opportunity laws reflected this new thinking. Workers and particularly women's rights expanded greatly in this period. And in particular, First Nations peoples made momentous gains in civil and Indigenous rights. Those who identified as gays and lesbians, and who now identify more broadly as LGBTIQ+ people, pressed for rights from the 1970s, gaining the decriminalisation of their sexual practices, equal rights and, perhaps more slowly, enjoying increased community acceptance.

Aboriginal and Torres Strait Islander peoples followed campaigns for civil rights with claims for land rights, fighting both through protest and the courts to repudiate the concept of *terra nullius* and achieve recognition of native title. Victory in the High Court in 1992, however, did not signify the end to the struggle, and controversy over deaths in custody and the acknowledgement of the Stolen Generations pointed to the continued gap between Indigenous and non-Indigenous Australia.

So much has changed in Australia since 1788 in the exercise of power though resistance, particularly in the 1850s, the 1910s and during the period after the 1970s. However, the resistance against power and authority is never complete. Women, First Nations peoples and people of diverse genders continue to struggle to gain full equality in Australian society, as do all people of colour, refugees and those with diverse abilities.

## Book summary

### Consolidating your understanding of continuity and change

The following tasks are designed to help strengthen your understanding of the material explored in this book and to encourage you to further analyse and evaluate the contest between power and resistance in this nation from 1788–1998.

Here is a list of continuities and changes to which you can add your own findings:

### **Continuities 1788–1998**

- Power continues to be predominately in the hands of men.
- Power continues to be predominately in the hands of white Australians.
- Power continues to be predominantly in the hands of the managerial and professional classes.
- Power continues to be predominantly in the hands of heterosexual people.

However, there have been significant shifts, sometimes massive, in the exercise of power and authority in Australian society due to the following changes:

### **Changes 1788–1913**

- British colonisation took control of First Nations peoples' land, but only after significant and widespread resistance.
- The autocratic powers of governors were increasingly moderated after 1824 by Legislative Councils and other movements.
- The power of governors and the British government was massively reduced by the granting of self-government in 1852.
- The power of landowners was challenged by the democratising of colonial constitutions in the 1850s and votes for all white men.
- The power of employers was challenged by the rise of craft unions and the gaining of the 8-hour day in 1856 for stonemasons, being gradually extended to other workers over the next 50 years.
- The power of employers was curtailed by the growth of New Unionism in the 1880s and colonial and federal labour parties from the 1890s.
- The growth of liberalism changed views about legislation for social change.
- The power of men was curtailed by the giving of votes to women across all colonies/states and federal spheres in the 1890s and 1900s.
- Federation allowed for the creation of radical social and economic legislation that marked Australia at that time as a social laboratory.

## Changes 1945–1998

List any changes for the period after 1945 for yourself.

### Constructing an argument about power and resistance: essay questions

1. Do you agree with Henry Reynolds that First Nations resistance was 'widespread and persistent'? Use primary and historian's sources to provide evidence for your view.
2. Were massacres a central feature of the colonial wars? Refer to the debates among historians in your answer.
3. What caused the governors' powers in the Australian colonies to decline? Use primary and historian's sources in your discussion.
4. Using a range of sources, evaluate the role of foment on the goldfields for the achievement of democracy in the Australian colonies.
5. To what extent had women achieved significant change by 1998 compared to their status at the end of the 1950s?
6. Analyse the role of Aboriginal nationalism and Black Power in the struggle for Aboriginal land rights.
7. Evaluate the extent to which the liberation movements of the 1960s and 1970s achieved lasting change by 1998.
8. Could Australia claim to have ever truly been an egalitarian society between 1788 and 1998?

### Extension reading 1788–1998

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