



NELSON
MODERNHISTORY

RECOGNITION AND RIGHTS OF INDIGENOUS PEOPLES



SUE GORDON

SERIES EDITOR: TONY TAYLOR



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Recognition and rights of indigenous peoples

Since the 1930s, Aboriginal Australians have campaigned for rights of citizenship and political equality. In the 1960s these campaigns also began to focus on land rights, self-determination and social equity. The Gurindji people of the Northern Territory led one of the many important developments in the struggle for Aboriginal rights. In 1965, Gurindji workers at the Wave Hill Station walked off the job in protest at poor pay and treatment by their employers. Their concerns, however, were greater than simply pay and conditions. In 1967 they unsuccessfully petitioned the Governor-General for the return of their tribal lands. The Gurindji claim was rejected, but the election of Gough Whitlam as Prime Minister, in 1972, rekindled their hopes. In 1975 the first granting of land rights to Aboriginal Australians was made to the Gurindji people. This photograph shows the Prime Minister symbolically transferring ownership of the land, using a handful of Dagurgu soil, to Vincent Lingiari, a key leader in the Gurindji campaign.

Vincent Lingiari (1908–1988)

Lingiari led the Gurindji campaign for land rights. The song 'From Little Things Big Things Grow' by Kev Carmody and Paul Kelly celebrated Lingiari's contribution to the struggle for Aboriginal rights.

Read more about land rights, the Gurindji Campaign and Vincent Lingiari in Chapter 3.



Timeline

1788-2008

1788

The first British penal colony was established in Australia at Sydney Cove

1867

Maori Representation Act

1937

First national conference about Indigenous Australians

1965

Freedom Rides, Australia

1963

Yirrkala Bark Petition to the Australian Prime Minister

1967

Referendum in Australia gives the federal government the power to make laws for Indigenous peoples



1750

British settlements were established in New Zealand

Early 1800s

Treaty of Waitangi, New Zealand

1840

Commonwealth Constitution of Australia

1901

1900

Australian Commonwealth Franchise Act

1902

Day of Mourning, Australia

1938

1950

All Aboriginal people are given the vote in Commonwealth elections

1962

Gurindji people strike and walk off Wave Hill cattle station

1966



Clockwise from top left: Fryer Library, FCAATSJ File, Fryer Library Ephemera File; Further negatives of the Evening Post newspaper. Ref: EP1975/4202/8a-F. Alexander Turnbull Library, Wellington, New Zealand; Human Rights and Equal Opportunity Commission, Commonwealth of Australia, Sydney, 1997. Photo © Heide Smith; Newspix© News Ltd.; Mitchell Library, State Library of New South Wales and Courtesy Tribune/SEARCH Foundation - ON 161/675; Man Magazine, March 1938, pp. 84-85, National Library of Australia; Archives New Zealand - Te Rua Mahara o te Kāwanatanga, Sheet 1 of Treaty of Waitangi - IA1.9/9



1975

Hikoi (Land March) to New Zealand Parliament in Wellington

Australian Racial Discrimination Act

1976

Aboriginal Land Rights Act (Northern Territory)

1989–2004

Aboriginal and Torres Strait Islander Commission (ATSIC)

1985

Waitangi Tribunal, New Zealand, allows claims back to 1840



1997

The High Court of Australia's Wik judgment

The *Bringing Them Home* report

2000

New Zealand Race Relations Act

Tent Embassy established

Report of the Royal Commission into Aboriginal Deaths in Custody

Howard Government's Northern Territory National Emergency Response (the 'Intervention')

1971

1972

1991

The High Court of Australia's Mabo judgment

2007

Prime Minister Kevin Rudd's apology to the Stolen Generations



1992



2008

“ Imagine if we had suffered
the injustice and then
were blamed for it. ”

Paul Keating, Redfern Address, 1992

Recognition and rights of Indigenous peoples

1st Edition

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Alternative images of Australia

In the early 20th century, Indigenous artworks were collected and included in museums as examples of Indigenous ways of living. Today, many such works are prized by art galleries. An example is the symbolic art of the Wurundjeri elder William Barak (c. 1824–1903), who used his paintings – often entitled *Ceremony* – to teach his culture to those who lived on the Coranderrk reserve near Healesville, Victoria.

Barak died as an old man in 1903, having lived through the arrival of Europeans in the Port Phillip District and the loss of country and people.

Tommy McCrae (1885–1981) was another Aboriginal artist in south-eastern Australia whose pen and ink drawings also depict an Aboriginal viewpoint of early contacts with the colonisers.



SOURCE 1.6 (Continued by) William Barak, c. 1885

Question

- Find some examples of other works by William Barak or Tommy McCrae, and briefly describe an alternative story they present to that depicted in Source 1.6.

HENRY REYNOLDS

Historian Henry Reynolds has published many books on Indigenous history since the 1980s. In *The Other Side of the Frontier* (1988) he examined historical records to explore Indigenous responses to dispossession. Later books moved from a focus on the frontier to explore the complex range of attitudes and behaviours in the shared history of Indigenous people and white Australians. His books are read at a general audience and are widely read.

The first edition of the *Line of the Land* was published in 1987 and was important in raising awareness of the legal basis of settlement. It provided a re-examination of the legal and political arguments used to justify the European settlement of Australia. It was significant in presenting the idea of terra nullius to modern Australians, showing how this idea had been challenged in the 19th century. It also separated the issue of Indigenous rights to land from the issue of sovereignty, opening the way for an acknowledgement of Indigenous prior ownership of the land and Indigenous land rights today to modern Australian nations.

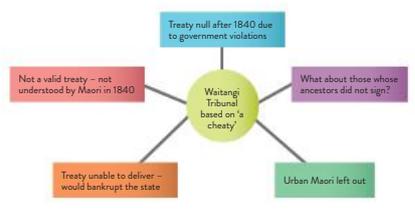
What happened in 1987?

The British colonial sovereignty over the whole of Eastern Australia. The accepted legal view of this was that they also acquired sovereignty of every patch of land as well as the assertion of sovereignty was not surprising given the behaviour of European nations at the time. The claim to all the property was another matter altogether. Indeed it is not surprising either that it was not treated. Practice in other parts of the world suggested that negotiators should have been consulted prior to the purchase of land. The situation in Australia they have seen from the mistaken belief that the country was largely uninhabited and therefore a terra nullius. The idea was soon discredited. The law, however, continued to work on that assumption in the face of everything that happened after 1987. Terra nullius is still at the heart of the Australian legal system. While it remains there the gap will never be closed between jurisprudence and historical reality. There will never be a real reconciliation between black and white Australia. It will continue to be an imperial nation where the Indigenous people are ruled by a legal system which still holds against them.

Source: Henry Reynolds, *The Line of the Land*, Penguin, Melbourne, 1987, p. 173.

Question

1. Briefly explain the basis of the British dispossession of the Indigenous inhabitants, according to Henry Reynolds.
2. Create a table using the headings 'British attitudes and Indigenous attitudes', illustrating the different approaches to land.
3. Watch one of the film clips about land on the Australian Screen website at WeLinks relevant to this chapter can be found at <http://weblinksonline.com.au/indigenous>. Share your thoughts on it with other students, and compile a class summary of the relationship to country of Indigenous peoples.



SOURCE 6.13 Activists' arguments against the Treaty of Waitangi and the Waitangi Tribunal

INFORMATION BOXES

contain extended discussions of key events, concepts and historical developments. Many also include questions and activities.

HISTORIAN BOXES

introduce key historians and schools of interpretation as a way of making historiography clearer.

DIAGRAMS AND TALKING SOURCES

are used to visually summarise complex ideas and events.

Chapter summary

- The Second World War allowed some Aboriginal and Torres Strait Islander people some experience of equality.
- After the war the government altered and improved the policy of assimilation.
- Official assimilation policies were contradicted by continuing discriminatory rules and practices.
- The removal of children from Indigenous families continued under different rules.
- International events and pressure influenced the government to introduce some equal rights.
- Indigenous protest over land rights grew.
- Indigenous organisations pressed over unequal pay and other forms of discrimination to rural and urban Australia.
- The campaign to hold and then win a referendum – about changing the Constitution to allow Indigenous Australians to be included by the federal government – gathered wide support for equal rights and citizenship rights for Aboriginal and Torres Strait Islander Australians.
- The overwhelming 'no' vote at the 1967 referendum raised expectations of change.

Activities

1. Compare an illustrated timeline that includes rights to win dates between 1945 and 1967.
2. Draw a mind map showing the ways in which assimilation was regarded by government, the general public, Indigenous people and Indigenous organisations.
3. Comment on the ways in which assimilation is presented in two images from this chapter.
4. In what ways did the Second World War assist assimilation and equality for Indigenous Australians?
5. Explain in your own words the following quotations from historian Anna Haebich:
 - While the imagery and rhetoric of assimilation created the impression of a new nation of equal citizens, the mechanics of the status quo, and its marketing – through powerful images of Australia life and Australian families – demonstrated the public from the fact that there was no level playing field, only players who always were winners who always could.
6. In group, research one of the following activists: the Pillans strike, the Yirrkala bark petitions, the Wave Hill walk-off, the Franklin Block and the referendum campaign. When conducting your research, be sure to use the questions 'What? Why? Who?' Briefly explain to the rest of the class what your particular activist stands for and how Indigenous people fought for their rights in this period.
7. Research the role of one activist involved in the 1967 referendum campaign and assess their contribution. Rights to go to the National Archives of Australia for information on Indigenous Rights website.
 - First Australians (2003), SBS, episode 6: 'A Fair Deal for a Dark Continent'
 - SBS Story: The Australian Story (2001), ABC
 - Ince, Peter. *Clashes of Land* (1997), ABC
 - The Fair Deal (1999), ABC, Open Learning, Current Films

CHAPTER 2
Assimilation and the struggle for rights



CHAPTER SUMMARY AND CHAPTER REVIEW ACTIVITIES

conclude each chapter. They include a brief precis of the topic, suggestions for further reading, and a range of learning activities that consolidate knowledge and understanding of the chapter's content. These tasks incorporate a range of historical understandings and skills.

CONCLUSION

Detail of rights has become the way we discuss the taking of the land and resources from – and the imposition of culture on – Indigenous nations in written societies. The struggle for rights to absorb the essence of basic human rights and equal rights as citizens, as well as special rights as the original inhabitants of the land.

The United Nations International Declaration of Human Rights defines our understanding of rights today. The 30 articles include reference to rights regarding equality before the law and freedom of movement, the right to decide one's own government, and the right to education.

The Indigenous struggle for rights, in other words, is the struggle to have the same rights as everyone else. The struggle for Indigenous Free Peoples, the movement for equal rights, is a struggle for equal rights to the 30 articles of the United Nations International Declaration of Human Rights and to get the other articles written to look for land, displaced by people the 20th century public of some different equal rights. However, in their limited the world of first land was reduced they had some parliamentary to. Through the 20th century, it has with their own parliament were proven and acceptance some success through the 'Wai' New Zealand society.

In Australia, the rights of first Indigenous people: 'They were not...

ACTIVITIES

1. Select a date from the timeline on the inside front cover of this book and create a sign with that date on it. Each student should take a different date, as far as possible.
 - Prepare a short summary of the significance of that date for Indigenous rights in Australia and New Zealand to be delivered orally.
 - Join with other students and place yourselves in chronological order around the room, with your date sign clearly displayed.
 - Briefly explain the significance of your date to the rest of the class. Other students and the teacher may assist.
2. Divide the following dates into two columns – the developments that relate to civil rights and those that relate to Indigenous rights.
 - 1962 Commonwealth Franchise Act
 - 1973 Hilar to Waitangi
 - 1993 Commonwealth Waiti-off
 - 1977 Reserve Price occupation
 - 1980 'Tudor' voting rights for Indigenous Australians
 - 1985 Waitangi Tribunal established
 - 1986 The High Court case
 - 1993 Franchise Bill
 - 2004 New Zealand Franchise and Sobal Act
 - 1986 Wave Hill Walk-off
 - 1987 Referendum
3. Explain the following questions in your own words.
 - 'Simplify' they do not know how to access to be themselves' WWH Summit, speaking about assimilation, 1978. *Commonwealth Change in White Skin Care* (The Australian National University Press, Canberra, 1979, p. 20)
 - 'Address their socio-economic conditions that state to the day, and the legacy to be expected from an imperial atmosphere' Richard S. Gale, 'Maori and State Policy', in *Geoffrey Boyens (ed.), The New Zealand History of New Zealand*, Oxford University Press, South Melbourne, 2000, p. 513
 - 'In New Zealand, indigenous people have always been emphatically present, reasonably accessible and distinctly "visible". Born Abroad in Born Abroad and Peter Mangan, Edging Series, Indigenous history and society in Australia and New Zealand, Allen & Unwin, Crows Nest, 2001, p. 147
 - It is part, discuss one of these questions in relation to the Indigenous struggle for rights in both Australia and New Zealand. Prepare a plan for an essay on the topic.

Beyond this book

The Nelson Modern History series includes numerous titles on a range of topics covered in senior History courses around Australia. For further information about the series visit: www.nelsonsecondary.com.au.

SERIES EDITOR ACKNOWLEDGEMENTS

Studying modern world history is a fascinating and exciting activity for several reasons. The first of these is our closeness to the modern past. All of us who live today are in direct contact with recent and contemporary history. For example, teachers who use this book might have had grandparents who experienced, in different ways, the events of the Second World War. Students who read this book will probably have grandparents who lived through the Swinging Sixties in Australia. Other students who come from more recently arrived migrant families will have stories to tell about significant historical events from their former homeland.

And when it comes to topicality, the study of modern history is also the study of events that directly affect the way we live today. For instance, the work of 18th-century Scottish philosopher Adam Smith is still being used by 21st-century politicians to underpin their economic policies. Further, the activities of feminist and civil rights activists in the 1960s have altered the way the international community and contemporary societies deal with their citizens. And the shadow of two world wars still impinges upon the collective memories of dozens of nations, often leading to confusion between commemoration of the past, celebration of long-ago endeavours and what this book is about, the pursuit of investigative history.

The study of the modern past is exciting too because when it comes to investigating the late 19th, the 20th and the 21st centuries we can use graphic visual and auditory evidence that brings us close to a fuller realisation of how life was lived then and how the people we are researching looked and sounded. While these new sources of evidence can and do bring a freshness to our understanding of the past, they also demand new techniques of historical investigation.

Finally, the study of modern history, which is, to use historian Pieter Geyl's term, 'an argument without end', is often more intense than other forms of history because of our closeness to the events. This means that, even though conclusions may be passionately expressed, a carefully tempered and dispassionate approach to studying controversial events needs to be employed in the formulation of an historical explanation.

Having said all of that, enjoy your study of modern history.

Tony Taylor
Series editor

AUTHOR ACKNOWLEDGEMENTS

Writing this book has given me the opportunity to bring together much from my years of teaching Koori history as well as the chance to make comparisons with the New Zealand experience and so produce something new. When I began teaching in this area, there were few sources readily available to students. Now there are hundreds, and in this book I owe much to the many scholars and commentators whose works have inspired and enriched my understanding. I also wish to acknowledge the many students who have taught me so much about the importance of this area of study as well as about ways of learning. A special thanks also to Pao King of Rawine in New Zealand's north, who lent me many Maori sources and discussed some of her people's issues with me.

Thanks to Michael Spurr, Senior Publishing Editor at Cengage, for giving me this task and for our many discussions along the way. It was a joy to work with someone who shares such an understanding and passion about this history. I acknowledge also the support of the team at Cengage in producing this book as well as the teachers and academics who gave input. I mention especially Robyn Beaver, Natasha Broadstock and Karen Forsythe whose support, careful professional work and enthusiasm made the process easier. Many thanks also to fellow author and friend Maryellen Galbally who has provided much-needed support in the form of long phone calls throughout each stage of the writing process.

Finally, to my partner Ian Thomas, thanks for his support and forbearance, especially when I was meeting deadlines.

Sue Gordon

WARNING

Aboriginal and Torres Strait Islander readers are advised that this book contains the images and names of people who have died. Seeing these images or names may cause sadness and distress to the relatives of those people. We advise reading with caution and apologise for any distress unintentionally caused by the inclusion of this material.

Readers are also advised that documents written in the past, which may be quoted within this book, might use words and descriptions referring to Aboriginal and Torres Strait Islander and Maori peoples that reflect attitudes held at the time, but which are considered inappropriate or offensive today.



RECOGNITION AND RIGHTS OF INDIGENOUS PEOPLES

In the late 18th century, at the same time as the British were 'discovering' and then establishing colonies in the southern lands that were to become Australia and New Zealand, thinkers and politicians in Europe and the Americas were actively engaged in the process of defining the political and legal rights of individuals. They were influenced by earlier thinkers such as John Locke (1632–1704), who had written that people had natural rights to life, liberty and property. Thus, the 1776 United States Declaration of Independence referred to all men being 'endowed by their Creator with certain unalienable Rights'. Similarly, the French Revolution, in 1789, defined the political rights of citizens.

Against this background of defining human rights, the settlement of Australia took place with instructions to Captain Arthur Phillip to 'gain consent from the natives', of whom it was assumed there were very few. Without a common language or clearly identifiable leaders, settlement simply took place in Australia without any agreement with the Indigenous peoples. In New Zealand, the British settled in stages and negotiated the Treaty of Waitangi in 1840, when formal settlement occurred. In both places, there were some attempts to respect the rights and welfare of the original inhabitants but, overall, colonists and the colonial governments failed to respect these rights. This disregard of what are now commonly viewed as basic human rights – as defined by the United Nations in 1948, which proclaimed that 'All human beings are born free and equal in dignity and rights' – had a profound impact on the First Peoples of the nations that would become Australia and New Zealand.

This book explores the experiences of Aboriginal and Torres Strait Islander Australians and New Zealand Maori. It examines the impact of the denial of these rights, and explores the processes and methods by which the original inhabitants of both countries have struggled for their rights.

In the late 20th century, the struggle for rights in both Australia and New Zealand became more unified and more prominent, especially during the period when indigenous rights became an international issue. Changes have come through particular organisations and confrontational protests, as well as through institutions such as national parliaments and legal systems. There has been reaction and resistance, but also much support for the changes from non-Indigenous Australians and New Zealanders. However, while formal equality has been gained, many Indigenous Australians and Maori are not yet able to enjoy equal rights.

Indigenous rights, the special rights belonging to First Peoples, are also yet to be achieved. In New Zealand, Maori can look to the Treaty of Waitangi (1840), but in Australia there has been no treaty and little resolution of the issues relating to dispossession. Many argue that self-determination has yet to be put into practice.

Today, Aboriginal and Torres Strait Islanders, like Maori, clearly assert their identity as First Peoples within the nation at every level, but the struggle for rights continues.

◀ Jimmy Clements (c. 1847–1927), known as King Billy, was an Aboriginal elder from the Wiradjuri tribe. He was present at the opening of the Provisional Parliament House in Canberra in 1927.

KEY FIGURES AND ORGANISATIONS

The following figures and organisations are mentioned in this text, but are only a small fraction of the numerous key figures and organisations involved in the struggle for the recognition and rights of Indigenous peoples in Australia and New Zealand.

WHINA COOPER
(1895–1994)

Whina Cooper was born in the northern Hokianga region of New Zealand and was much influenced by her father's community leadership. As a young woman, she was strong and independent and involved in land protest and community health as well as successful business ventures. After the death of her second husband in the early 1950s, she moved to Auckland and became the public face of the Maori Women's Welfare League. She remained a significant Maori leader even in very old age and led the 1975 land march (*hikoi*) for land rights.

RUA KENANA (1869–1937)



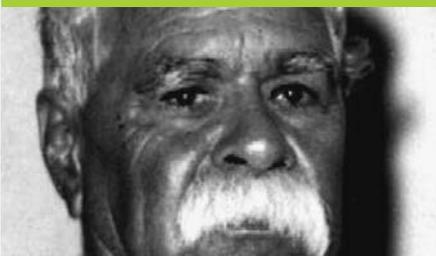
A Maori prophet and faith healer who established a new self-sufficient religious community and challenged mainstream society by his anticonscription stance. He taught that Maori and Pakeha (New Zealanders of European descent) should be treated equally.

EDDIE (KOIKI) MABO
(1937–1992)



A Mer man from the Torres Strait who was active in the struggle for rights in Queensland from the 1960s. With other Torres Strait Islander traditional owners, he led the court cases that resulted in the overturning of the doctrine of *terra nullius* in 1992.

WILLIAM COOPER
(c. 1861–1941)



A Yorta Yorta man from the Cummeragunja reserve who founded the Australian Aborigines' League and devoted the last years of his life to the struggle for Aboriginal rights.

VINCENT LINGIARI
(1908–1988)



The Gurindji leader in the Wave Hill Walk-off in 1966 and the subsequent founding of the Wattie Creek settlement. He received the symbolic handing over of the land from Prime Minister Gough Whitlam in 1975.

APIRANA NGATA (1874–1950)



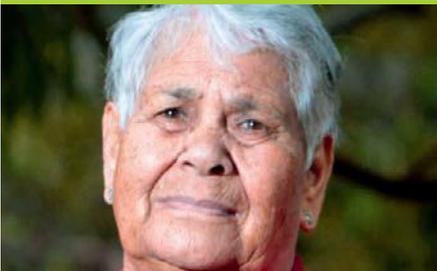
One of the Young Maori Party and the key Maori politician and community leader in the first half of the 20th century. Ngata was a lawyer, politician and skilled orator.

**OODGEROO NOONUCCAL
(KATH WALKER) (1920–1993)**



A poet active in the struggle for rights for Indigenous Australians in the 1960s and 1970s. Her writings exemplify some of the changes that took place over the course of this struggle.

**LOWITJA O'DONOGHUE
(1932–)**



A public servant engaged in the struggle for Indigenous Australian rights since the 1960s, often in leading roles. She was appointed as the foundation chairperson of the Aboriginal and Torres Strait Islander Commission (ATSIC) from 1990 and served until 1996.

**PRINCESS TE PUEA
(1883–1952)**



A significant Maori leader within the *Kingitanga*. She supported her fellow Waikato people in resisting conscription during the First World War, and assisted in Maori cultural and economic endeavours.

WIREMU RATANA (1870–1939)



A faith healer and religious leader who became a political leader in New Zealand. His followers won the four Maori seats in the New Zealand Parliament in 1943, and began the alliance between Maori and the Labour Party, which lasted until 1993. The Ratana Church, which he founded, continues today.

**ABORIGINAL ADVANCEMENT
LEAGUE (AAL)**

One of the oldest continuously operating Aboriginal organisations in Australia. It was established in Victoria in 1957 by prominent Aboriginal activists with their supporters, and continued the work of the earlier Australian Aboriginal League founded by William Cooper and E Lovett in 1932.

**ABORIGINAL AND
TORRES STRAIT ISLANDER
COMMISSION (ATSIC)**

A body set up by the Australian Government in 1990 to represent and support regional Indigenous communities. It was dismantled in 2005. A national voice is now provided by the independent National Congress of Australia's First Peoples, formed in 2010.

**ABORIGINES PROGRESSIVE
ASSOCIATION (APA)**

Aboriginal organisation in New South Wales, formed in 1937 by Jack Patten and Bill Ferguson. Together with William Cooper, they organised the Day of Mourning protest on Australia Day 1938. The APA had three aims: full citizenship rights for Aboriginal Australians; Aboriginal representation in Parliament; and the abolition of the New South Wales Aborigines' Protection Board, which regulated the lives of Indigenous Australians.

**AUSTRALIAN BLACK
PANTHERS**

Founded in the late 1960s by young Aboriginal activists including Paul Coe, Gary Foley and Dennis Walker. They pushed for radical changes related to land ownership and set up Aboriginal health and legal services. They were responsible for the 1972 Tent Embassy.

**FEDERAL COUNCIL
FOR ABORIGINAL
ADVANCEMENT (FCAA)**

The first national Aboriginal affairs organisation in Australia. The Federal Council for Aboriginal Advancement, 1958–73, later the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), included Indigenous and non-Indigenous leaders and a range of affiliated organisations.

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KINGITANGA (THE KING MOVEMENT)

Originally established to create a role similar in status to that of the British monarch and so help provide a more united Maori voice against the alienation of Maori land in the mid-19th century. It continued throughout the 20th century, providing a focus for traditional Maori from the Waikato region in the central North Island, exemplified by Princess Te Puea.

KOHANGA REO (LANGUAGE NEST)

A movement developed by Maori elders in the 1980s to support the learning of the Maori language through total immersion. Today, there are more than 460 Kohanga Reo centres.

MAORI WOMEN'S WELFARE LEAGUE

The first national Maori organisation, established in 1951. The league liaised with local and national government and other community organisations. It investigated and worked for improvements in Maori housing and education, and in the prevention of racial discrimination and crime.

NATIONAL TRIBAL COUNCIL

The first Indigenous-controlled Australian national organisation. It was formed in 1970 by Doug Nicholls and Oodgeroo Noonuccal following a split at the FCAATSI Conference of that year over Indigenous control of that organisation. It lasted only a few years.

NGA TAMATOA (THE YOUNG WARRIORS)

An activist group that arose in the late 1960s at Auckland University. Modelled on Black Power in the United States of America, it staged street protests and land occupations. It sought the honouring of the Treaty of Waitangi; the end of the selling of Maori land; and the elimination of racism in New Zealand.

STUDENT ACTION FOR ABORIGINES (SAFA)

A group formed at the University of Sydney in 1964. Under the leadership of Charles Perkins, SAFA made the Freedom Ride in 1964 and 1965 around New South Wales country towns to research and publicise Aboriginal inequality.

THE 'YOUNG MAORI PARTY'

The name given to a group of young, educated Maori leaders who entered parliament in the late 19th and early 20th centuries. Peter Buck, Apirana Ngata and Maui Pomare were assisted by James Carroll in the struggle for rights from within parliament.

Aboriginality

The term used in the movement among Aboriginal people nationally in the late 1960s and 1970s to assert Aboriginal identity and highlight and celebrate with pride what is specific to Aboriginal culture.

Aboriginal peoples

The term 'Aboriginal' was applied to Indigenous people from Australia at the time of settlement. Europeans used the term 'aboriginal' for native people from many countries. Today 'Aborigines' or 'Aboriginals' may still be used as a general term for Indigenous people from mainland Australia. If we are referring to particular people from a particular place we use their specific word for themselves as precisely as possible, for example, Koori is used as a general term for Aborigines from South-East Australia, but Yorta Yorta refers only to the people from the Murray River around Barmah, Victoria.

Aotearoa

The Maori name for New Zealand today. According to one tradition, it means 'land of the long white cloud' and comes from the words of the wife of Kupe, the explorer, spoken on the journey from Polynesia to New Zealand.

Assimilation

The process by which a dominant cultural group absorbs another group that eventually ceases to exist. This was formal government policy in both Australia and New Zealand for much of the 20th century, and it was implied throughout colonisation.

Biculturalism

The policy of having two different but equal cultures in one nation. This has been government policy in New Zealand since the mid-1970s, although there are suggestions that it should be replaced with multiculturalism.

Black Power

An international movement, with its origins in the United States in the 1960s and 1970s. It asserted black identity with pride, and stressed the conflicting interests of blacks and whites. It used confrontational tactics. Young Aboriginal activists established the Australian Black Panthers, and Nga Tamatoa promoted 'brown power' in New Zealand.

Civil rights

Shared political, legal and social rights of citizenship that are provided for by Commonwealth and state laws in Australia, and the national laws of New Zealand.

Colonisation

The imposition of the coloniser's economy, law and culture on indigenous peoples. It involves the taking of the land, resources and labour of indigenous peoples.

First Peoples

A term used to assert the special role of indigenous peoples and the rights that belong to them by virtue of their being the original inhabitants of a land.

Indigenous peoples

A term used to refer to all original inhabitants of their lands including

Aboriginal and Torres Strait Islander peoples in Australia, and Maori in New Zealand.

Integration

An interaction of two distinct cultures that could in theory produce a blended culture. This was government policy in Australia from the late 1960s to the mid-1970s. It required people to adopt Anglo-Saxon culture in public, while allowing them to celebrate their own culture at home. While some preferred this policy, others saw it as simply another name for assimilation.

Land rights

A general term often used to refer to Indigenous Australians' relationship with land and their prior ownership of Australia. It also refers to the right to a livelihood and compensation. It may include land rights based on native title, which were recognised after the Mabo decision in 1992.

Missions

Christian institutions set up to 'Christianise' and 'protect' Indigenous Australians. The term 'mission' was also used generally to refer to Aboriginal and Torres Strait Islander reserves and government stations in 20th-century Australia. There was no equivalent in 20th-century New Zealand.

Multiculturalism

A policy embracing a diversity of cultures within a nation, under the same laws and equally able to participate. It became government policy in Australia in the 1970s.

Native title legislation

Australian federal legislation enacted in response to the legal recognition of native title in the Mabo case in 1992. It was amended in 1998 following the Wik High Court decision and divisive public debate.

Pakeha

The Maori term for non-Maori people (originally 'European', or 'white man').

Protection policies

Paternalistic state policies emerging in the late 19th and early 20th centuries, arising from concerns about the exploitation of Indigenous Australian women and workers. These policies assumed that Indigenous Australians were unable to manage their own lives, and became increasingly controlling.

Segregation

The government policy of separating Indigenous Australians from the rest of the population. Segregation was said to be a way of protecting Indigenous people from the worst of white society; in practice, however, it was about control and the treatment of

Indigenous Australians as inferiors. In rural parts of New Zealand, a de facto segregation of Maori and Pakeha often existed.

Self-determination

The process by which a distinct people gain control over their lives as a people. *Mana motuhake* is the Maori term for self-determination, and Maori are still striving for this. Although self-determination was introduced in Australia as government policy in the 1970s, many argue that this policy was insufficient to amount to true self-determination.

Social Darwinism

A set of ideas that drew on Charles Darwin's concepts of evolution and survival of the fittest to explain the differences between human cultures. Race was seen as the main factor limiting the progress of some groups and enhancing the progress of others.

Sovereignty

The term for the exclusive rights exercised by a distinct group of people over a particular territory. Some historians argue that *rangatiratanga*

is the best translation of the word 'sovereignty' or 'chiefly authority' in New Zealand.

Stolen Generations

The removal of Aboriginal and Torres Strait Islander children from their families over a period of generations as a result of government policies promoting assimilation.

Terra nullius

The Latin term used to describe the basis upon which the colonisers claimed sovereignty and took the land in Australia. It implied that Aboriginal peoples did not exist as owners of the land or as peoples with formal political organisation. These ideas were overturned in the Mabo judgment in 1992.

Torres Strait Islanders

The people who come from the 20 inhabited islands in the Torres Strait to the north of Queensland, which was annexed to Queensland in 1879. Torres Strait Islanders experienced the same policies of protection and segregation as Aboriginal people in Queensland.

Treaty of Waitangi (1840)

A treaty between the British Crown and Maori chiefs from the North Island. It is the single most important document in New Zealand history. Although the differences between the Maori and English versions have caused problems over time, today it shapes Maori and pakeha relations.

Australian Constitution (1900)

The most important Australian legal and political document, and the basis for Australian government. Its only original references to Aboriginal peoples were to exclude them from the Commonwealth's power to make laws for 'the people of any race', and to exclude them from the census.

Day of Mourning Policy for Aborigines (1938)

A 10-point policy produced by the meeting of Aboriginal activists held on the Day of Mourning, Australia Day 1938. It covered Commonwealth control of Aboriginal affairs, civil equality and special land arrangements. A deputation of 20 Aboriginal men and women presented it to Prime Minister Joseph Lyons.

The Australian Abo Call (1938)

The first newspaper published by Aboriginal people. As part of the struggle for rights, the six editions gave voice to Aboriginal peoples in eastern Australia in the 1930s.

Yirrkala Bark Petitions (1963)

Petitions in the form of bark paintings, with words in Gupapuyngu and English, sent by the Yolgnu people to the Australian Parliament to protest against the loss of their land. These later led to the Gove Land Rights case in 1971.

Report of the Royal Commission into Aboriginal Deaths in Custody (1991)

A report on the high number of deaths of Indigenous people in police custody. It found that many Indigenous people were in custody for minor offences, were refused bail, and were given harsher sentences than non-Indigenous Australians. It included more than 300 recommendations, many of them yet to be implemented.

Redfern Speech (1992)

The first formal acknowledgement of the sufferings of Aboriginal and Torres Strait Islander peoples as a result of British settlement in Australia. It was delivered by Prime Minister Paul Keating.

Native Title Act 1993

An Act passed in response to the Mabo High Court judgment in 1992. It set out the rules and procedures governing when and how native title would be recognised, and established a native title claims process. The 1988 Native Title Amendment Act reduced entitlements and made native title

more difficult to prove. The Act was further amended in 2007, 2009 and 2010.

Bringing Them Home (1997)

A report on the Stolen Generations. It was based on hearings held throughout Australia and on hundreds of submissions, mostly from Aboriginal and Torres Strait Islander people. It led to widespread public debate about the Stolen Generations and the establishment of National Sorry Day.

The Apology (2008)

A formal apology made by newly elected Prime Minister Kevin Rudd in parliament to the Stolen Generations. This was in response to calls for an apology after the release of the *Bringing Them Home* report in 1997 and debate on the issue.



CHAPTER ONE

Denied rights: protection, segregation and control

In the early 20th century Australia proclaimed a 'White Australian' identity. This identity was based on the intention to keep Australia 'British' by excluding those from other backgrounds. It came from a desire for a unified nation of equals, but it was intertwined with a racial ideology that assumed the superiority of the British and the inferiority of all other races, with Indigenous Australians regarded as the lowest kind of humans. The 'White Australia Policy' was expressed in the first Act of the national parliament, the Immigration Restriction Act of 1901. While Indigenous Australians – unlike immigrants – could not be deported, the White Australia Policy underlies the attitudes towards them and the actions taken against them for most of the 20th century.

This idea of a White Australian identity was formalised in legislation, meaning that Indigenous Australians did not have citizenship rights.

In the period leading up to Federation in 1901, the account of the invasion of Australia became consolidated as one of *terra nullius* and the dying out of an inferior race. This story was used to justify the policies of protection and control of Aboriginal peoples.

After Federation, Indigenous Australians were excluded from voting at a federal level, and from the census, and the states were left to regulate matters concerning them. The states continued to follow the approach towards Indigenous Australians they had adopted as colonies. Increasing restrictions were placed on Indigenous Australians during the period of protection and segregation as the 20th century progressed. The policy of assimilation was increasingly applied to Indigenous people of mixed descent, as it was hoped that they would be absorbed into the white Australian population.

However, some concerned people argued for more equal treatment for Aboriginal peoples. Moreover, Indigenous Australians themselves continued to fight for their land and to resist the controls and restrictions placed upon them. This was mostly on a personal and local level, but by the 1930s Aboriginal organisations had emerged and began to reflect a new sense of Aboriginality and a national movement.

◀ Aboriginal children writing at a desk in an outdoor classroom at Ernabella School, South Australia, 1946

INQUIRY QUESTIONS

- + What rights did Indigenous people have in Australia in the early 20th century?
- + What responses did Indigenous people make to their situation in the early 20th century?

Federation

The unification of the six Australian colonies as one nation, the Australian Commonwealth, on 1 January 1901

Indigenous peoples/ Indigenous Australians

Terms commonly used in Australia to refer to Aboriginal and Torres Strait Islander peoples. Although very general and perceived by some as offensive, they are a way of referring to many peoples. Today, 'First Peoples' is often used in their place

frontier

The boundary of the 'civilised' areas settled by Europeans; the word can be used in reference to frontier violence, or skirmishes between black and white

colonisation

The taking of the land, resources and labour of indigenous peoples, and the imposition of the coloniser's economy and culture on these indigenous peoples. Colonisation in Australia refers to the process of the British take-over of the continent

In the new nation

It is very likely that many Aboriginal and Torres Strait Islander people entered the 20th century with little knowledge of **Federation** – the unification of the colonies and the establishment of the new nation of Australia. Federation in 1900 brought together colonies with different histories of interaction with their **Indigenous peoples**. For some colonies, the **frontier** was still in evidence, with continued conflict, while for others this was generations earlier. Although the colonies had much in common as they were all British, Indigenous Australians were lumped together by the British as 'aborigines' or 'natives'. However, even though there were extensive

Torres Strait Islander peoples

The people who come from the Torres Strait Islands to the north of Cape York, Queensland, speak two main traditional languages as well as Torres Strait Kriol, a language that is a hybrid of traditional languages and English. Their culture is Melanesian, with strong links to Papua New Guinea. There are about 100 islands in the Torres Strait group, but while all are used, only 20 have enough water for permanent living.

Colonisation speedily followed missionary arrival in 1871, and in 1879 the Torres Strait Islands were annexed to Queensland.



SOURCE 1.1 In 1879 the Torres Strait Islands were annexed to Queensland.

trading routes across the continent, Indigenous Australians had very distinct identities, with many different languages and ways of living. For example, people from Cape York in the north did not have much contact with Aboriginal peoples in the south, thousands of kilometres away and people of the Torres Strait Islands were closer geographically and culturally to their Melanesian neighbours than to many groups on the mainland.

Each of the groups also had their own particular experiences of colonisation as they struggled to survive in a range of ways. These experiences varied according to the identity and traditions of the group, which in turn depended on the group's country, their frontier history, and their location within a particular colony. There was little sense of Aboriginality as a national experience, and any conflicts over land, livelihood and personal safety were usually local.

THE MOVING FRONTIER

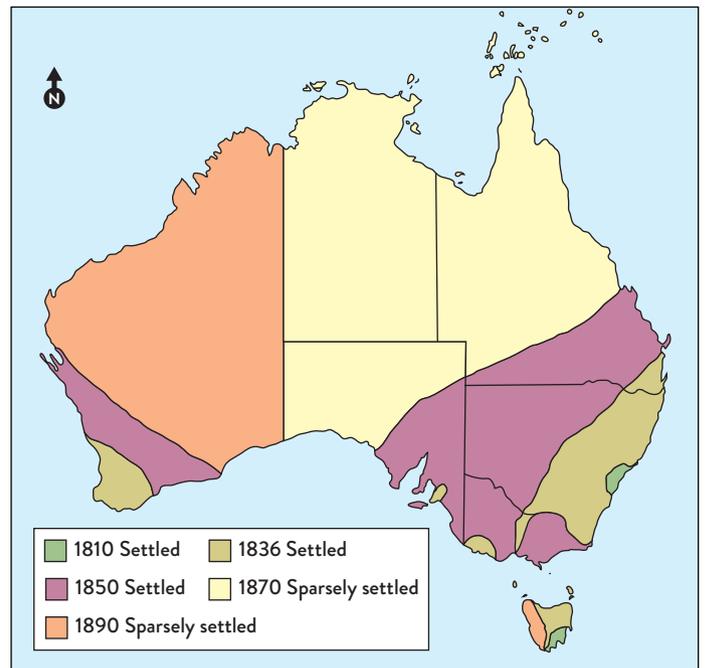
While some Indigenous Australian groups have a long history of colonisation, others do not. Indeed, Aboriginal historian Gordon Briscoe from New South Wales wrote in 2010:

“ It will come as a revelation to some readers that nearly one hundred years after Captain Cook landed and claimed New South Wales as a British possession my ancestors had had no contact with Europeans.¹ ”

By 1900, large areas of Australia were still only sparsely settled by Europeans who had intermittent contact with Indigenous Australians. Some Aboriginal people – such as scattered groups of the Walmajarri from the Great Sandy Desert in Western Australia – only left their traditional lives to make their homes on cattle stations in the 1950s and 1960s.

In the West Australian Kimberley region, the late 19th century was called the ‘killing times’. Jandamarra – a Bunuba man who was variously labelled an outlaw and a freedom fighter – led an armed insurrection against settlers from 1894. He was shot dead in 1897 along with 19 of his countrymen, and his decapitated head was preserved and sent to England in a jar.

Remote areas in Australia were still vulnerable to rough-and-ready ‘justice’ well into the 20th century, as both the West Australian Forrest River massacre in 1926 and the Northern Territory Coniston massacre in 1928 were to show. At Forrest River in the Kimberley, the royal commissioner concluded that at least 20 Aborigines were killed; however, missionaries thought the number to be at least 30, and according to Aboriginal oral evidence of the time, more than 100 were killed. At Coniston, those responsible for two punitive police expeditions admitted to killing 31 Walpiri and Anmatyerre people in retaliation for the killing of two white men, but some historians believe the toll was 170.



SOURCE 1.2 The moving frontier of European settlement suggests the variation in the experience of Aboriginal people in each state or territory.

Adapted from R. Broome, *Aboriginal Australians*, 4th Edition, Allen & Unwin, Sydney, 2010, pp. 37–38

social Darwinism

Ideas based on Darwin's concepts of evolution and survival of the fittest to explain the differences between human cultures. 'Race' was seen as the main factor limiting the progress of some groups and enhancing the progress of others

'SMOOTHING THE DYING PILLOW'

Population decline in the late 19th century supported the notion that Indigenous Australians were dying out, and this was portrayed as an inevitable natural process rather than as a result of European settlement. The population decline was interpreted according to **social Darwinism** as a natural effect of the 'survival of the fittest'. Vincent Lesina, a journalist and politician, told the Queensland Parliament in 1901: 'the law of evolution says that the nigger shall disappear in the onward progress of the white man. There is really no hope at all.' The response was to kindly 'smooth the dying pillow' – to make the inevitable passing as comfortable as possible.

As historian Richard Broome sums up:

“ 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.”

THE CONSTITUTION OF AUSTRALIA

Australian Constitution

The basis of Australian government since 1901. It may only be amended through a referendum of the people.

In **Australia's Constitution**, which took effect on 1 January 1901 with Federation, Aboriginal peoples are mentioned only twice – in order to exclude them from the Commonwealth's power to make laws for 'the people of any race' (the 'race power'), and to exclude them from the census. The Constitution did not exclude Aboriginal and Torres Strait Islander people from citizenship; however, ensuing Commonwealth legislation gradually excluded them from federal rights, and state legislation consolidated that exclusion.

TABLE 1.1 The legal status of Aboriginal peoples in each state in 1901

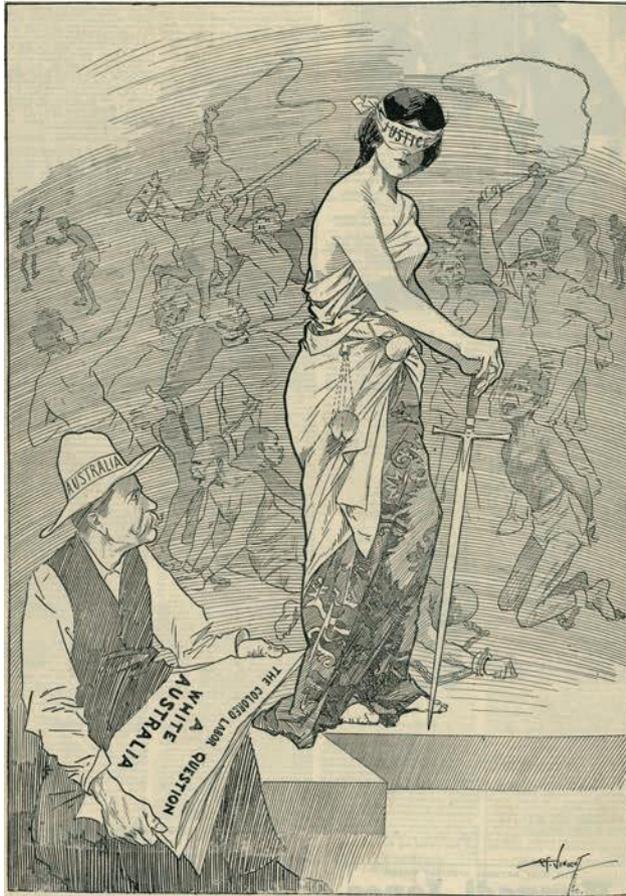
State	Population estimate*	Definition of Aboriginality	Statutory bar on voting?	Able to be removed to reserves?	Employment formally regulated?
Qld	26 670	Aboriginal natives and 'half-castes' habitually associating with them	Yes	Yes	Yes
NSW	8065	No relevant legislation	No	No relevant legislation	No relevant legislation
WA	5261	Aboriginal natives and 'half-castes' habitually associating with them	Yes	Implied	Yes
SA and NT	3071 and 23 363	No relevant legislation	No	No relevant legislation	No relevant legislation
Vic.	521	Aboriginal natives and small group of 'half-castes'	No	Yes	Yes
Tas.	0**	No relevant legislation	No	No relevant legislation	No relevant legislation

Table compiled from Tables 1, 2 and 3 in John Chesterman and Brian Galligan, *Citizens Without Rights: Aborigines and Australian Citizenship*, Cambridge University Press, Melbourne, 1997.

* Note that the population figures are estimates only, and were made using various definitions of Aboriginality that were accepted by governments at the time. Chesterman and Galligan also note that these are underestimates. Historian Geoffrey Bolton argues that the West Australian population was more than 25000 and the Northern Territory population more than 27000.

** Following the death of Truganini in 1876, it was assumed that there were no more full-blood Tasmanian Aboriginal peoples. However the 1891 census shows that there were 139 people of Aboriginal descent in Tasmania, most living on Cape Barren Island. In 1912 the Tasmanian Government recognised this community and passed the Cape Barren Reserve Act to create an Aboriginal reserve. The reserve continued to operate until the 1950s.

Westralian blacks – how they are treated



The Bulletin, 10/8/1901, p. 16, National Library of Australia

Questions

- 1 What is the message of this cartoon?
- 2 Comment on how the message is conveyed through each of the following: the figures in the background; the woman with the sword; and the man reading a newspaper.
- 3 What does this cartoon suggest about diversity in Australian attitudes at the time?

SOURCE 1.3 At the time, differences in the treatment of Aboriginal Australians from state to state were acknowledged, and some states were criticised for their failings. This image appeared in *The Bulletin* on 10 August, 1901

Voting rights for Aboriginal Australians

At the time of Federation in 1901, voting rights for Aboriginal Australians varied from state to state, and the issue of federal voting was undecided.

Federal Aboriginal voting rights were the subject of parliamentary debate in the lead-up to the passing of the *Commonwealth Franchise Act 1902*, which sought to provide for a 'Uniform Federal Franchise'. This debate illustrates the differences between states and also indicates how, in the politicians' desire for federation, Aboriginal rights were sacrificed.

Opponents of Aboriginal voting argued that Aboriginal workers in remote areas would simply vote as their employer instructed, and that Indigenous Australians were not ready for the vote; while those in favour of extending the franchise to Indigenous Australians put forward the case that it would be totally unjust to exclude them.

The result was a confusing decision that allowed those Indigenous Australians who already had the state vote to also have the federal vote, but prevented new enrollees. Section 4 of the Commonwealth Franchise Act read:

“ No person who is of unsound mind and no person attainted of treason, or who has been convicted and is under sentence or subject to be sentenced for any offence punishable ... by imprisonment for one year or longer, shall be entitled to vote at any election of Members of the Senate or House of Representatives.

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 41 of the Constitution. ”

However, public servants put into practice their own interpretation of the legislation so that even those Indigenous voters who should have been able to vote federally were denied that right.

Debating the Aboriginal vote

During debate of the Commonwealth Franchise Bill, Senator Alexander Matheson of Western Australia proposed excluding Aboriginal Australians from the vote, saying:

Surely it is absolutely repugnant to the greater number of the people of the Commonwealth that an aboriginal man, or aboriginal lubra or gin – a horrible, degraded, dirty creature – should have the same rights, simply by being 21 years of age, that we have, after some debate today, decided to give to our wives and daughters. To me it is as repugnant and atrocious a legislative proposal as anyone could suggest.

Speaking against Matheson's exclusionary amendment, Senator Richard O'Connor of New South Wales argued:

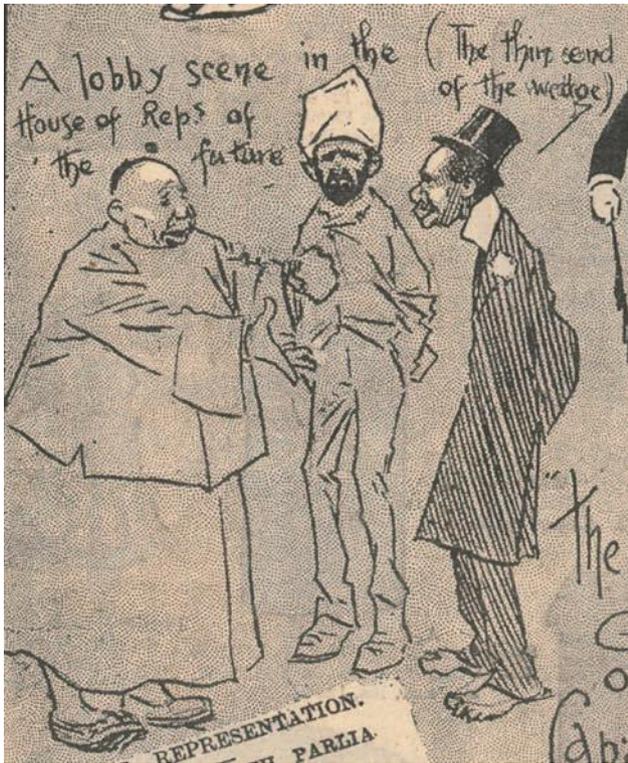
In New South Wales, Victoria, South Australia, and Tasmania an aboriginal has the same right to vote as has any other inhabitant ... This is the policy in four States out of the six. In the remaining States of Western Australia and Queensland, where the largest number of what are generally described as wild blacks exist, the right to vote is given to an aboriginal, provided he is the owner of property to the value of 100 pounds. Why was that right given? Every one was aware at the time that there were numbers of these aboriginals who, perhaps, would not understand very much about political questions. But I think it occurred to those who were framing these laws in the States, that it would be a monstrous thing, an unheard of piece of savagery on our part, to treat aboriginals, whose land we were occupying, in such a manner as to deprive them absolutely of any right to vote in their own country, simply on the grounds of their colour, and because they were aboriginals ...

Commonwealth of Australia Parliamentary Debates, Senate, Vol. 9, 10/04/1902, pp. 11580–1 and pp. 11584–7

Questions

- 1 In the two text extracts, identify the arguments for and against Aboriginal Australians having the federal vote.
- 2 Imagine that you are debating this issue. Add other arguments for and against.

Embracing White Australia



The Bulletin, 24/5/1902. National Library of Australia

Questions

- 1 What does this cartoon show?
- 2 In what ways does this cartoon situate the issue of the Aboriginal vote in the context of White Australia?
- 3 Is the cartoonist simply reflecting attitudes at the time, or is he criticising or endorsing some attitudes? Use details from the cartoon to support your views.

SOURCE 1.4 Votes for Aboriginal Australians were seen as the beginning of votes for others seen as undesirable, such as the caricatured Chinese and Indian men shown here. For many, the only way to achieve one nation was to embrace White Australia and exclude those from backgrounds other than British. This image appeared in *The Bulletin*, 24 May 1902.

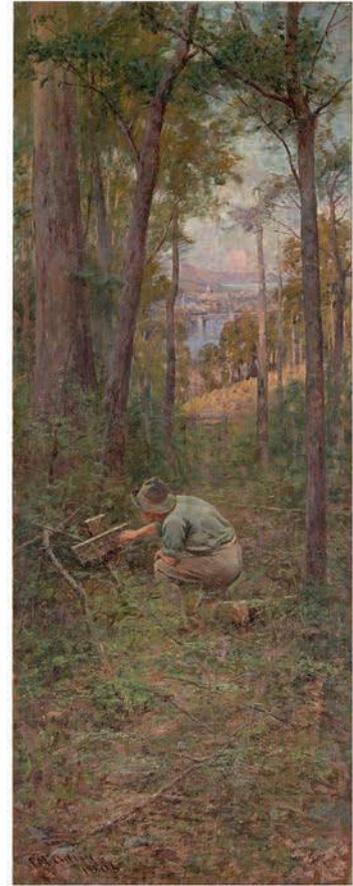
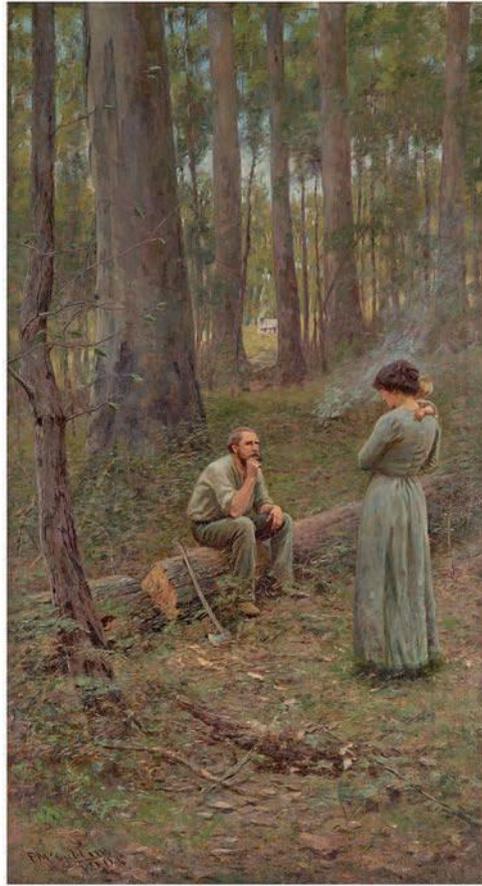
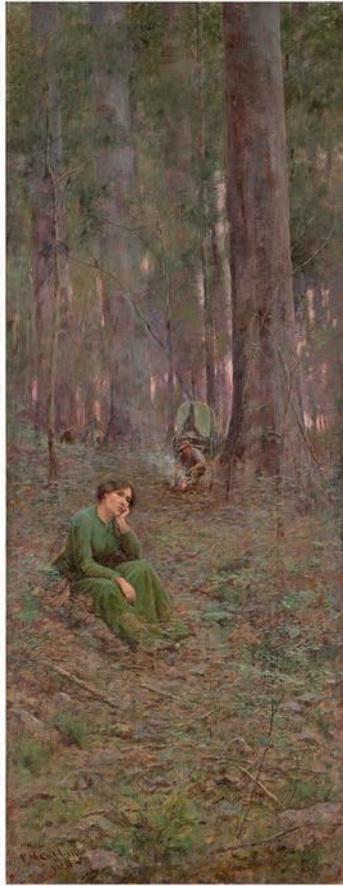
WRITTEN OUT OF THE NATIONAL STORY

We have seen that Indigenous people were written out of the Australian Constitution and denied the right to participate politically in their own country. At the same time, Indigenous people also were being written out of the history of Australia – a history that was emphasising the courageous role of the bush pioneers.

Melancholy images were also being produced of ‘the last of the tribe’, often depicting an Indigenous person looking back, as if suggesting the sadness of being part of a dying race. Furthermore, the land before settlement was often described as ‘wilderness’ and ‘untouched’, as if Indigenous people had not existed or had made no impact. (Today, the work of the original owners in creating the landscape is acknowledged.) Images of Aboriginal men with spears were used, with other national motifs, such as the emu, to express the Australian character; but these were works of white Australians seeking a distinctive identity. The Australian Natives Association – whose membership was restricted to Australian-born men of European descent – was an organisation for such white Australians.

The Pioneer

Frederick McCubbin, Australian 1855–1917, *The Pioneer* 1904, oil on canvas, 225.0 x 295.7 cm, National Gallery of Victoria, Melbourne, Felton Bequest, 1906



SOURCE 1.5 *The Pioneer* by Frederick McCubbin, 1904. This huge oil painting is composed of three panels in the tradition of European religious paintings.

Questions

- 1 What story is told in the three panels?
- 2 What does this painting suggest about the national story being told at the time of federation?
- 3 What are the likely effects of depictions such as this one?

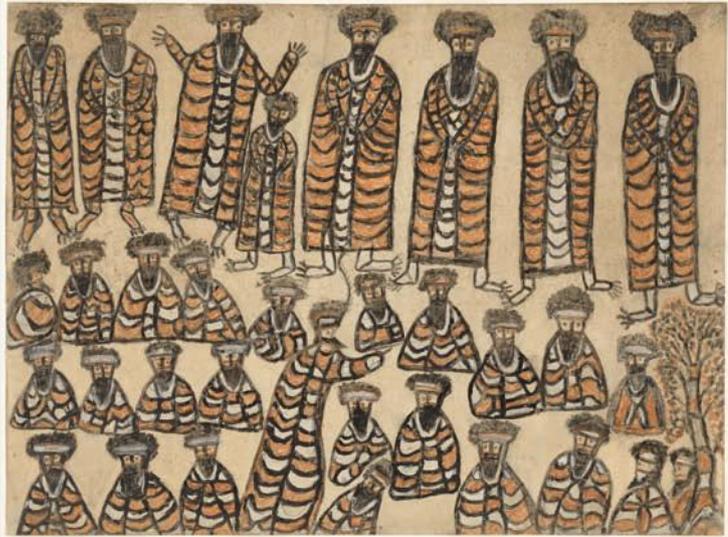
History was indeed written by the victors. One book published in 1911 – James Collier's *The Pastoral Age in Australasia* – refers to the First Peoples' 'all-round inferiority and their inability to till the ground or even make use of its natural pastures'.³ Historian Henry Reynolds reports that as late as 1930, Australian scholars still commonly referred to the Aboriginal peoples of Australia as 'the most primitive variety of man still existing'. In this way, Aboriginal experience was either omitted, or was given minimal or derogatory mention. What the Australian anthropologist William Edward Hanley Stanner later called 'the cult of forgetfulness' was well under way.

Alternative images of Australia

In the early 20th century, Indigenous artworks were collected and included in museums as examples of Indigenous ways of living. Today, many such works are prized by art galleries. An example is the symbolic art of the Wurundjeri elder William Barak (c. 1824–1903), who used his paintings – often entitled *Ceremony* – to teach his culture to those who lived on the Coranderrk reserve near Healesville, Victoria.

Barak died as an old man in 1903, having lived through the arrival of Europeans in the Port Phillip District and the loss of country and people.

Tommy McCrae (1835–1901) was another Aboriginal artist in south-eastern Australia whose pen and ink drawings also depict an Aboriginal viewpoint of early contacts with the colonisers.



William Barak (Corroboree) c.1885, watercolour, natural pigments, pencil, 56.2 x 76 cm, National Gallery of Australia, Canberra, Purchased from Aboriginal Art Fund from admission charges 1985

SOURCE 1.6 *Corroboree* by William Barak, c. 1885

Question

- 1 Find some examples of other works by William Barak or Tommy McCrae, and briefly describe an alternative story they present to that depicted in Source 1.5.

‘Protection’, control and the denial of rights

The rights of Indigenous Australians were further denied in federal legislation that classed them as alien ‘Aboriginal natives’, and excluded them from old age pensions and maternity allowances. There was no discussion of what it meant to be an Australian citizen, as all were considered to be British subjects. If a person was deemed to be ‘Aboriginal’, then what are now considered citizenship rights were denied.

However, each state used different definitions of Aboriginality. The definition used, and the decision made about the ‘predominating blood’ in an individual, had important consequences for the rights of that individual.

The existence of a growing population of people of mixed descent had become an issue by the time of Federation. A fear of the mixing of races was part of the thinking behind the

White Australia Policy, and many would have agreed with this statement, from *The Bulletin* in 1901:

“ If Australia is to be a country fit for our children and their children to live in, we must keep the breed pure. The half-caste usually inherits the vices of both races and the virtues of neither. Do you want to be a community of mongrels? ”⁴

PROTECTION STATE BY STATE

Many claimed that Indigenous Australians learnt the worst traits of white people, and it was thought that ‘protection’ could be achieved through their separation from mainstream white society and their regulation by government-appointed authorities.

It was evident that exploitation was common. There was troubling evidence of sexual exploitation and the use of Indigenous workers as cheap labour. Advisers recommended a system with approved work contracts and closer supervision of young Indigenous women. Starting with the Victorian *Aborigines Act 1890* and the Queensland *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*, all states and territories had legislation by 1911 that controlled the lives of those deemed to be ‘Aboriginal’. Torres Strait Islanders were included under Queensland legislation in 1904.

missions

Christian institutions set up for Indigenous Australians to live in. Their aim was to ‘Christianise’ and ‘protect’ Aboriginal and Torres Strait Islander people. The term ‘mission’ is also often used generally for Aboriginal and Torres Strait Islander reserves and government stations

reserves

Living areas established by governments for Indigenous people, on which managers cared for (and controlled) Indigenous people

PROTECTION AND CONTROL

Increasingly, protection policies implied that Aboriginal and Torres Strait Islander people, and those deemed to be ‘Aboriginal’, were not only unable to look after themselves, but also needed to be compelled to live in ways that government-appointed protectors decided were good for them. This paternalistic regime was seen as benevolent, but policies disempowered Indigenous Australians, and the power of those in charge could easily be misused. In practice, much depended on the individuals who held authority, the general public attitude in each state and the resources allocated.

Over time, definitions changed and regulations were extended.

EXCLUSION FROM SOCIETY

Those who lived in the general community – rather than on a **mission** or **reserve** – but were deemed ‘Aboriginal’ by reason of their appearance, experienced many unofficial social restrictions. Historian Richard Broome reports that when an Aboriginal girl began working at the cannery in Mooroopna in Victoria in 1929, workers walked off the job, some yelling: ‘We don’t have to work with black trash.’⁵

Another clear social barrier was the prohibition on Indigenous Australians drinking with other



SOURCE 1.7 Aboriginal children on the Moore River mission, Western Australia, 1920s

Australians in pubs. Drinking in a pub was not just about alcohol; it was also an opportunity for Indigenous men to meet and bond socially with other men after work. The pub was a place where people made connections and got jobs.

Professor Marcia Langton describes her experience of Indigenous people always having to wait in a shop until any white people were served, no matter how much later they arrived. All of these unwritten rules were about ‘knowing your place’ – and it was separate from others and at the bottom of the social scale.

One of the disturbing aspects of this discrimination against Indigenous Australians was that it was often ordinary people in the community who protested against the presence of Aboriginal children at the local school or Aboriginal patients at the local hospital. It was not just about government-imposed laws and rules, but about the values and attitudes of those who put them in practice.

Exclusion from citizenship rights

The new Australian nation gradually developed legislation for the rights and responsibilities of citizens. These included the political rights of voting and standing for parliament, but also what we now call civil rights, such as access to health care, access to education, freedom of speech, freedom of movement and equality before the law. For people deemed ‘Aboriginal’ according to state laws, however, government protective legislation in the states was soon to restrict their rights thoroughly. They were to be protected like children and would have few – if any – legal rights. This was the case whether they resided on a mission or reserve, on a pastoral station or in the general community; whether they lived off wages earned, farmed land, or were on the fringes of society.

On a reserve, the government could exert absolute control over every detail of the lives of Indigenous Australians. A reserve superintendent had to be obeyed and had the right to search Indigenous people, read their mail, confine children to dormitories, expel people or send them to other reserves and order compulsory medical inspections. Threatening or abusive language, card games, intoxication, traditional dancing and rituals were all forbidden, as was ‘any act subversive of good order and discipline’.

It seemed that the more protection and segregation, the greater the separation of Indigenous Australians from wider society and the fewer rights they had.

ACCESS TO HEALTH CARE

Without access to their own hunting and gathering, inmates of reserves were given a poor diet. Food on reserves, distributed as rations, was often of poor quality and insufficient for good health.

In 1938, Aboriginal activists in New South Wales publicised the appalling health conditions there, where Aboriginal people were without adequate food, or clinical or public health facilities. One of the grievances on the New South Wales reserve of Cummeragunja was the poor water supply and sanitation.



SOURCE 1.8 An Aboriginal woman receiving her food rations at Wave Hill Station in the Northern Territory, c. 1946



SOURCE 1.9 Margaret Tucker: author, campaigner and community worker

Health care was often not available to Indigenous Australians, and segregation existed in hospitals. In many cases, Indigenous Australians were refused hospital treatment altogether.

ACCESS TO EDUCATION

Schooling for Aboriginal and Torres Strait Islander children was usually very basic, up to about Year 3. The assumption was that Indigenous Australians were backward and unable to benefit from schooling.

Often schooling was segregated. Historian Heather Goodall lists 27 segregated ‘special’ schools that were established in New South Wales between 1883 and 1909, mainly because white people objected to shared schooling. Excluding Indigenous children from schools often prompted their families to move from townships onto reserves, in order to get some schooling for their children. However, mission schools often employed untrained teachers.

In Western Australia in the late 1920s, only 1 per cent of Aboriginal children were educated in state schools.

Training

It was assumed that Indigenous Australians could only function in white society by doing the lowliest unskilled jobs. All states had apprenticeship schemes, usually for farm work for boys and domestic service for girls.

In New South Wales, children were forced to go to training homes. In her 1977 autobiography, *If Everyone Cared*, Aboriginal activist Margaret Tucker (1904–1996) wrote of her own distressing removal to the Cootamundra Domestic Training Home for Aboriginal Girls, her placements with families and her attempt to escape it all by taking rat poison.

In Queensland in 1920 there were 524 female Aboriginal domestic servants in service, a third of whom were under 18. In Western Australia in the late 1920s, about 90 girls each year were sent from Moore River reserve into domestic service.

PAID WORK

Work on missions and reserves was often unpaid. In 1911, Queensland legislation set cash wages for Indigenous Australians on reserves at one-third of wages for white people,

increasing to two-thirds in 1918. With the coming of the Great Depression in 1930, however, this legislation was suspended and was not restored until the 1960s. Therefore, from the 1930s in Queensland, Indigenous Australians on reserves could be ordered to work for 32 hours a week without pay.

Many thousands of Indigenous Australians worked in the pastoral industry. In the Northern Territory, labour on cattle stations was often unpaid, with only very basic food and clothing provided. Some workers received low pay, but often these 'wages' simply amounted to credit at a company store, or were put into a trust account and never received (see below). In Western Australia, by 1930 about half the 5000 stockmen received a wage between 10 shillings and £1 per week. This did not change until 1950.

The white owners and managers argued that Indigenous labour was 'inferior', that they were supporting families by providing rations and that they could not afford more. However, it is clear that Aborigines did provide skilled work with cattle, and also that they provided a reserve workforce as domestics, gardeners, maintenance workers and musterers.

The sexual services of Indigenous women were assumed. It is also clear that the rations and any housing provided were extremely basic. Indigenous workers were segregated from others and were denied workers' compensation. Work contracts forbade them from absconding, and punishments could be very severe. The police supported the employers. While some labelled station work as slavery or 'akin to slavery', many Aboriginal stock workers, despite the oppression, loved their work and took pride in their skills. They were also able to stay with kin in their own home country and continue traditional food gathering and ceremonies in the wet season when there was less work.

CONTROL OVER MONEY

People deemed 'Aboriginal' were unable to have control over – or even access to – their own money. Their wages were controlled by various Protectors or Protection Boards, which only gave the workers pocket money. Their earnings were supposedly held in trust for them, even though they did not



SOURCE 1.10 Aboriginal workers saddling camels in Central Australia, 1935



SOURCE 1.11 This undated photograph, labelled 'Jim and his mother's servant', illustrates the experience of an unnamed Aboriginal woman. Lowly paid jobs in domestic service could include cooking, cleaning, washing and childminding, and working days were long. Girls and young women were vulnerable to sexual abuse, and could be sent back against their wishes to their employers after the birth of a baby, who was taken away.

have individual accounts. In Queensland those not on reserves also had a portion of their wages taken for the relief of 'indigent natives'.

In 1935, the Annual Report of the Department of Aboriginal Affairs stated that £293 549 was held 'in trust' for Aboriginal workers in Queensland. Today, many people in Queensland are still trying to access their earnings, which became known as the 'Stolen Wages'.

These restrictions on Indigenous Australians meant that they could not usually own property. Even when inheriting property, it would be held in trust for them and they were unable to access it. For example, the grandmother of Aboriginal leader Patrick Dodson, Elizabeth Djiagween, inherited a considerable amount – more than £2000 – from her father, but because her mother was an Aboriginal woman she was unable to access the money. She was obliged to work as a servant and to petition the Protector even to obtain a house for her family to live in.

This lack of money meant that Indigenous people did not have a chance to learn how to manage their finances, and were kept dependent and poor.

FREEDOM TO MARRY

Governments regarded control over marriage as crucial because of fears about the impacts of racial mixing and growing numbers of 'half-castes'. Official language referred to 'half-castes', 'quadroons' and 'octoroons' as if there was some scientific basis for distinctions, but often decisions were made simply on appearance. In some states, all Indigenous people were effectively wards of the state for their entire lives. This meant that they did not have the right to marry, and in many cases Protectors denied them their own choice and then labelled them as promiscuous if they cohabited.

In Queensland, 'half-castes' were encouraged to marry their own kind, and marriage between whites and Indigenous Australians was forbidden. Kitty Clarke, a Ngadjon woman in Queensland,

wanted to marry Leandro Illin, a Russian immigrant, in the early 20th century. The Protector of Aborigines, JW Bleakley, rejected their application to marry, and the police were sent to remove Kitty and her children to a mission. Kitty and Leandro's story, including their eventual marriage, has been celebrated in the 2005 documentary film *Pioneers of Love*.

In Western Australia, Gladys Gilligan – whose story has been told in the SBS television program *First Australians* – was three times refused permission to marry her non-Aboriginal partner, but in 1938 they found a clergyman who would marry them despite the rules.



Courtesy of the Illin family

SOURCE 1.12 Leandro Illin photographed with his children. His wife, Kitty Clarke, died in 1926 after giving birth to her seventh child.

AUTHORITY OVER CHILDREN

The federal government acknowledged the general importance of motherhood (it introduced the Baby Bonus in 1912), but not that of Indigenous Australian motherhood. In several states, the Chief Protector was the legal guardian of all Indigenous children under the age of 21. Separation from Indigenous parents was seen as the best way for children to learn new ways. Therefore, even when families were on a settlement or reserve, it was usual to separate the children from their parents and house the children in dormitories, where they were locked up overnight. They needed permission to see family members, and discipline could be tough. For example, on Palm Island, Queensland, young Marnie Kennedy was put in jail for the night in the late 1920s, because the matron heard her singing a song using the word ‘bum’. In Western Australia, lengthy punishment for trying to return to family was not uncommon.

The issue of whether to attempt to merge the ‘mixed-blood’ population with the general community was debated in each state. Some argued that it would not work because such people were ‘practically Aborigines’, while others questioned restrictions on marriage or the morality of removing children from their mothers. West Australian official James Isdell in his 1908 report about the Kimberley region stated that Indigenous mothers ‘soon forget their offspring’. In 1910, Thomas Burgoyne said in the South Australian Parliament that Indigenous people did not feel distress.

Children often were removed into institutionalised care that was underfunded. In 1928 a bungalow in Darwin, originally built for one woman and her nine children. It was relocated to Alice Springs, where it existed for decades as an institution for ‘half-caste’ children. Like other institutions, there were few facilities and not enough staff, equipment or food. Basic sewerage and drainage were also a problem.

If there was any appearance of ‘white blood’, parents were not able to keep their families together and children were forcibly taken from them in order to ensure training and employment, for what was judged to be a better life. Many young children were removed from their families, placed in institutions and raised ‘white’, being taught that their culture was evil. Some were even taken from reserves, such as Cumeragunja in southern New South Wales.

In Western Australia, such children were under the comprehensive management of AO Neville, who was Chief Protector in that state from 1915 to 1940. Survivors of this regime, such as Doris Pilkington, spoke of a ‘cold upbringing’, with ‘no affection at all in that place’. From 1934 the fairest-skinned children were placed in a home run by an Anglican nun known as Sister Kate, from where it was hoped they would marry ‘white’. Neville and his counterpart Cecil Cook in the Northern Territory believed in racial theories that maintained that ‘blackness’ could be bred out, and so supported assimilation – the ‘absorption’ of Indigenous Australians into wider society.



SOURCE 1.13 The inhabitants of ‘The Bungalow’, Alice Springs, 1928. The original bungalow was built in Darwin to accommodate one woman and her nine children. It was relocated to Alice Springs, where it existed for decades as an institution for ‘half-caste’ children.



Alamy© Moviestore Collection Ltd.

SOURCE 1.14 Still from the Australian feature film *Rabbit-Proof Fence* (2002) showing children being taken away from their home by a government official

The Queensland Aboriginal Department removed children born to Torres Strait Islander mothers and non-Islander fathers to mission dormitories on Thursday Island or to mainland institutions up until the 1970s.

FREEDOM OF MOVEMENT

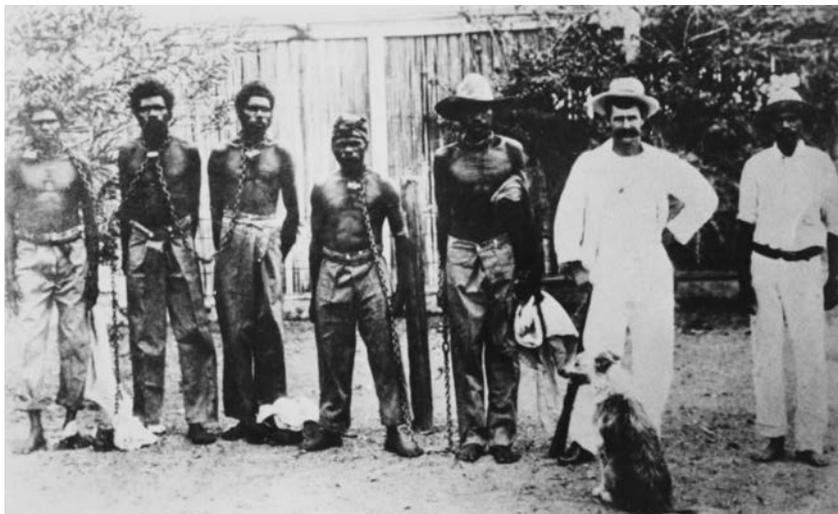
Aboriginal people in Australia did not have freedom of movement. Federal legislation required them to have special permission to travel outside Australia, and even within Australia they were not free to travel. Torres Strait Islanders could not come to the mainland without permission until after the Second World War.

Within a state, Indigenous people could be forbidden to associate with their own families on a reserve, and could be required to stay outside towns. People could be moved from one reserve to another, without having any say in the matter. In 1911, Aboriginal people in Darwin and Alice Springs had to reside with an employer or in the compound, they needed permission to go in and out of the town, and there were limits on when they could do so – a curfew. In 1933, the Northern Territory Aboriginals Ordinance meant that an administrator could declare any place to be prohibited to an Indigenous person, and could remove an Indigenous person to any place in or beyond the Northern Territory. In Western Australia, Indigenous people were prohibited from entering parts of Perth after 6 p.m.

On missions and reserves, removal orders were used as a method of control as no one wanted to be separated from family and friends. There was no redress if a removal order was made, and the threat of removal could be used to change behaviour, especially if an individual was seen to be ‘bad tempered and abusive.’

ACCESS TO JUSTICE

In theory, Indigenous Australians were subject to the same criminal laws as other Australians, but laws could be applied quite differently. Indigenous Australians were more likely to be arrested, and if arrested they were treated differently from white Australians – in northern Australia, for example, the use of neck chains was only for Indigenous prisoners. Neck and leg chains were used on arrested Indigenous prisoners in the centre, the north and parts of Western Australia up until the 1930s. In the Northern Territory, it was difficult for Indigenous people to receive justice even if they understood the language used and the charges against them. In frontier areas, Indigenous witnesses were often chained and imprisoned until the hearing – a very frightening and confusing experience. Courts and juries were also part of the dominant society and discriminated against Indigenous peoples.



SOURCE 1.15 Constable 'Tick' Kelly with five shackled Aboriginal men convicted of larceny in the Northern Territory in 1908

V & J O'Brien Collection, Northern Territory Library

Special laws and regulations

Indigenous Australians were not simply subject to the laws of the land; there were special laws and restrictions that governed details of their lives. The local police who were also Protectors often administered these. These dual roles resulted in Indigenous people having greater fear of the law and less trust of those working in welfare.

On reserves and missions, the manager's duties included enforcing regulations. Punishments for minor offences such as 'answering back' or being uncooperative included being locked up, deprived of rations, having your family deprived of rations, and being exiled from the reserve. Physical punishments were also used. Reverend James Watson of Milingimbi in the Northern Territory used a stockwhip on Aboriginal men.

FREEDOM OF BELIEF

On most supervised reserves or settlements, religious people were employed as superintendents. Indigenous language and cultural practices such as initiation were generally forbidden and the missionaries treated Indigenous people as children. Furthermore, many Indigenous children were taught that they were 'dirty' and 'bad', and that behaviour such as the wearing of lipstick was wicked and sinful.

On the Torres Strait Islands, the London Missionary Society used Torres Strait Islander preachers and many of these preachers found Christianity to be compatible with their own religion. Aboriginal people, however, were slower to convert to Christianity.

By 1920, there were 20 Christian missions in remote areas of northern Australia, and these were used by Aboriginal people as sanctuaries, temporary campsites and rations depots. Some missionaries respected Aboriginal culture and worked with Aborigines; and some Aboriginal

people embraced Christianity. In 1925, James Noble became the first Aboriginal deacon to be ordained in the Anglican Church.

Sharing the pain?

While excluded from citizenship rights, Aboriginal and Torres Strait Islander peoples shared the major national experiences of war and economic depression.



Australian War Memorial P04948.002

SOURCE 1.16 Group portrait of members of the 66th Battalion. Aboriginal soldier, Alfred Jackson Coombs (back row, second from left) from Victoria was wounded in action in France in 1918 and returned to Australia in 1919.

remote areas, historian Heather Goodall states that only two of the 154 Indigenous returned servicemen in New South Wales received land. Although there were no discriminatory rules in place, they were discriminated against in practice.

Yet the shared experiences did lead to some support after the war; for example, the Casino and Bangalow branches of the New South Wales Returned Soldiers' and Seamen's League supported their Aboriginal comrades petitioning for 'civic rights'.

THE GREAT DEPRESSION

In the 1930s Great Depression, conditions for Indigenous Australians were often very poor. Some say that the Great Depression affected Indigenous people less than others in Australia – and because of their ongoing poverty this may be so – but there is clear evidence that less was done to assist Indigenous Australians suffering during the Great Depression.

The 1930s also saw the definition of 'Aboriginal' widened in several states, so that more people were confined on reserves under the various state acts. This was a product both of racial thinking and a desire to shift an economic burden to a different government department. In New South Wales, Aborigines who had lived in towns were required to move back to reserves so

THE FIRST WORLD WAR

Australian men were urged to enlist in the armed forces as a responsibility of citizenship, but the Commonwealth *Defence Act 1903* only allowed those of 'European origin and descent' to enlist. However, some Indigenous men did seek to join the war effort, and it seems there was little attempt to prevent them at the outbreak of the First World War. About 500 served in the war.

During the war, Indigenous Australians were able to serve on an equal footing with white Australians, but at the end of the war nothing had changed. While returned soldier schemes in New South Wales encouraged further settlement by the granting of soldier settler blocks in

that the government was not required to pay them unemployment benefits (the dole). Instead, the cost was borne by the department in charge of Aborigines. Kooris at Wreck Bay, NSW, complained that they paid 'like the white men' for their fishing licences and to send fish to market, yet they could not get the dole. The assumption was that Aborigines on reserves could make do with much less. The New South Wales dole was double the amount that Aborigines received on reserves.

Overcrowding caused significant suffering. In Western Australia, for example, the Moore River Native Settlement was set up to accommodate 200 people, but housed 500 Aborigines during the Great Depression. Many children under the age of five died there from preventable illnesses. Also in Western Australia, Aborigines received very poor rations – only flour, sugar, tea and tobacco – while non-Aborigines received a much more varied diet including bread, butter, meat, jam, milk and cheese.

There were severe cuts to funding and local governments denied work to Aborigines as a way of getting rid of them. People on the unsupervised reserve of Framlingham in the Western District of Victoria were so badly off that neighbours called attention to their plight in the local press, describing them as 'half starved'.

Changing government attitudes

By the 1930s, emphasis moved from the segregation and protection of those deemed 'Aboriginal', to assimilation for those of mixed descent. In Western Australia and the Northern Territory, this was based on racial theories, as well as recognition of the growing numbers of people of 'mixed blood'. It was still assumed that 'full-blood Aboriginal' people were dying out.

In 1931, the Annual Report of the Chief Protector of the Northern Territory directed that illegitimate 'partly coloured children' should continue to be removed from camps and placed in homes, ultimately to marry 'higher-grade half-caste males and whites'. In Western Australia, the Moseley Commission led to the *Native Administration Act 1936*, which stated that 'the destiny of the native of aboriginal origin [lies] in their ultimate absorption by the people of the Commonwealth'.



THE PATH TO ASSIMILATION

- 1901** Federation
The Commonwealth Constitution excluded the Commonwealth Government from Aboriginal affairs
- 1902** The Commonwealth Franchise Act excluded Indigenous Australians from the federal vote
- 1911** The Commonwealth Government took control of the Northern Territory and became responsible for Aboriginal affairs in the Northern Territory, passing the *Aboriginals Ordinance*
- 1929** The Royal Commission on the Commonwealth Constitution 'recognised that the effect of the treatment of Aborigines on the reputation of Australia furnishes a powerful argument for a transference of control to the Commonwealth'
- 1937** The first national Native Welfare Conference resulted in all governments embracing assimilation

The 1937 National Native Welfare Conference followed these leads. It clearly set out policies for the segregation of ‘full-blood’ and ‘tribal’ Aboriginal people, assuming they would die out; and for ‘the ultimate absorption by the people of the Commonwealth’ of those of mixed descent. This latter policy was advocated by West Australian Protector AO Neville, who argued for a policy of ‘breeding out the colour’, so that over time Australia’s Indigenous peoples would no longer exist as separate groups.

However, Queensland authorities did not accept the same racial ideas as Western Australia and the Northern Territory and tried to retain the policy of keeping Aboriginal and Torres Strait Islander people ‘entirely isolated from contact with other races’. Even when the policy of assimilation was embraced, contradictory practices of segregation of Indigenous people continued, probably due to their general lack of acceptance in the general community. Policies of control that denied basic rights also continued.

CHANGING PUBLIC ATTITUDES

By the 1930s, there was public discussion of different ideas about Aboriginal and Torres Strait Islander peoples. The anthropologist and Anglican clergyman AP Elkin argued against the notion of Indigenous culture being inferior, showing it instead to be a rich culture that should not be allowed to die out or be absorbed. In his pamphlet *Aborigines: Our National Policy*, published

in 1934, he pressed for better education and material conditions for Indigenous Australians. He influenced government policy towards assimilation, but also argued that Indigenous culture should be retained, if it was still intact. Elkin was president of the Association for the Protection of Native Races (APNR), which focused on northern Australian concerns.

In the 1920s and 1930s, Australian feminists argued against the government policies on reserves. Mary Bennett was one of these feminists. Bennett worked at the Mount Margaret mission in central Western Australia in the 1920s, and believed that Indigenous Australians with education could achieve as well as whites. She praised the mission run by Reverend JR Love in the Kimberley, which she saw as

guiding Aborigines to ‘civilisation’, while keeping their traditional culture and maintaining the centrality of family life. She was impressed that Reverend Love paid cash wages and refused to send Aboriginal people south because he respected their attachment to land and kin.

Bennett argued against child removal and institutionalisation in Western Australia, promoting Aboriginal citizenship rights, independent community-based reserves, and improved provision of health, education and welfare. She argued that as the dispossessed original owners of the land, Aboriginal people should be equal but different citizens. She supported Aboriginal activists in their work.

Throughout Australia, various organisations were formed to improve the conditions for Indigenous people. South Australia had two: the Aborigines’ Protection League of South Australia, which began in 1925, and the Aborigines’ Friends Association, established in 1858. In Victoria,



SOURCE 1.17 Mary Bennett (1881–1961), at left, teaching Bessie and Nardie how to cook at the Mount Margaret mission, Western Australia, 1934. Mary Bennett spent much of her life agitating for the rights of Aboriginal people, particularly women.

the Victorian Aboriginal Group, founded in 1933, lobbied government about conditions on reserves and camps in the state and nationally.

Such humanitarian groups worked for improved conditions for Aboriginal people, but not always in the ways Aboriginal campaigners wanted. However, some individuals became very supportive of Aboriginal Australian activists, providing resources and practical assistance.

Early organised Indigenous protests

Throughout this period Indigenous people agitated for reforms. Many individuals tried to better their lot, but often found the strong controls over their lives to be absolute. However, some banded together, forming Indigenous organisations that recognised their common experiences and concerns, and began to develop more of a sense of a common Aboriginality. Land and livelihood remained central concerns, but Indigenous people also campaigned for basic political and civil rights.

Individuals and groups fought against the controls and asserted their rights to their land. In a letter to *The Argus* newspaper, dated 23 June 1923, residents on the Coranderk reserve near Melbourne wrote:

“ We are very much in sad distress thinking of how the board are breaking up our homes at Coranderk and trying to transfer us against our wish. We wish to be here with our old people and near our loved ones in the cemetery. This is an estate given as a home to the natives. Remember we are no more slaves because we are coloured. We are under the British flag too. They might as well shoot us than shift us against our will. Will someone fight for us? ”

‘FULL CITIZENSHIP RIGHTS’

Aboriginal people in New South Wales were faced with discrimination in unemployment relief, increases in Protection Board powers, and appalling conditions on stations and reserves. In that state, Aboriginal activist Fred Maynard founded the Australian Aborigines Progressive Association (AAPA) in 1924. By 1925 it had 11 branches.

The AAPA had many concerns, but focused primarily on the loss of homes and land, and the removal of children. Between 1913 and 1927, half of New South Wales reserve land was sold or leased, and three-quarters of this was the most productive land – lost to the Aboriginal people who farmed it. In 1927 the AAPA called ‘for liberty, freedom, and the right to function in our own interest’; that is: ‘full citizenship rights’. In his 1927 letter to Premier Jack Lang, Maynard argued for ‘sufficient good land to maintain a family’; that children shall be left in the control of their parents’; and that ‘capable educated aboriginals’ manage Aboriginal affairs’.

The AAPA went underground in the late 1920s, but emerged as the Aborigines Progressive Association (APA) in the 1930s.



SOURCE 1.18 Aboriginal activist Fred Maynard and his sister at the Rocks, Sydney, 1927

Courtesy of Professor John Maynard

Land and livelihood

A letter to the Premier

In 1927, Fred Maynard wrote to New South Wales Premier Jack Lang:

We respectfully solicit such easy alteration in the laws relating to aboriginals as will make effective the following reforms and which we most sincerely assure you will enable the aboriginals of this State to prove that they are worthy of the full privileges of citizenship, viz: That all capable aboriginals shall be given in fee simple sufficient good land to maintain a family. That the family life of the aboriginal people shall be held sacred and free from invasion and that the children shall be left in the control of their parents ... That the control of aboriginal affairs, apart from common law rights, shall be vested in a board of management comprised of capable educated aboriginals under a chairman appointed by the Government.

Quoted in Larissa Behrendt, *Indigenous Australia for Dummies*, Wiley Publishing Australia, Milton, 2012, pp. 184–5.

A protective union

Aboriginal farmer William Harris founded the Native Union in Western Australia, which resisted the regime of control in the state. Harris led a deputation to Premier James Mitchell in 1928, but the Premier ignored the group's complaints. Harris then wrote to politicians and newspapers. This extract from his letter to the *Sunday Times* on 14 November 1926 sums up his attitude:

Ever since the whites settled in Australia the Aborigines have not lived in a more cruel or lawless state than they are today ... The educated Aborigines ... are about to form a protective union. As British subjects they claim and mean to have the protection of the same laws that govern the white man, not to be persecuted by the Aborigines' department and its officials.

At Laverton we had the spectacle of natives of the district being decoyed into the police station on the pretence of being served with food. The doors were closed on them, they were kept under lock and key until the train was ready to start, then taken under armed escort and locked in the train for Mognumber (Moore River Settlement).

Quoted in Rachel Perkins and Marcia Langton (eds), *First Australians: An Illustrated History*, The Miegunyah Press, Carlton, 2008, p. 278.

Questions

- 1 Who is the audience for William Harris' letter?
- 2 How does this audience differ from the audience for Fred Maynard's letter?
- 3 Identify the words of Maynard's that support concern for land and livelihood, and concern for parental rights regarding children.
- 4 What issues do the letters share?
- 5 What different issues does Harris raise?

TORRES STRAIT ISLANDER STRIKE

In 1936 Murray Islanders in the Torres Strait went on strike to protest the poor working conditions of pearl divers, and to demand the right to control their own wages and affairs. After several months, the Queensland Government agreed to changes and in 1937 legislation allowed

for elected island councils to take charge of local government. However, the superintendent could still declare a candidate ineligible ‘for any reason whatsoever’. Until the Second World War, Torres Strait Islanders were not allowed to live on the Queensland mainland.

DAY OF MOURNING

In 1933 in Victoria, William Cooper (c. 1861–1941) founded the Australian Aborigines’ League, which was composed mainly of exiles from the Cummeragunja reserve, including Bill Onus, Doug Nicholls, Shadrach James and Margaret Tucker.

The Victorian Australian Aborigines’ League and the New South Wales Aborigines Progressive Association (APA) (led by Bill Ferguson, Pearl Gibbs and Jack Patten) shared their concerns – they called for full and immediate **civil rights** and demanded land as bases for future Aboriginal development. Together they organised a Day of Mourning conference in 1938. South Australian Aboriginal leader David Unaipon also advocated equality, but he criticised this approach because he saw the word ‘mourning’ as being too negative. The conference was only for Aboriginal Australians, but Mary Bennett was an invited participant.

civil rights

The shared political, legal and social rights of citizenship that are provided for by Commonwealth and state laws



A LARGE BLACKBOARD displayed outside the hall proclaims, “Day of Mourning.” Leaflets warned that, “Aborigines and persons of Aboriginal blood only are invited to attend.” At 5 o’clock in the afternoon resolution of indignation, protest, was moved, passed.

Man Magazine, March 1938, pp. 84–85, National Library of Australia

SOURCE 1.19 The Day of Mourning, 26 January 1938: while Sydney was celebrating its 150-year anniversary of settlement, the activists protested 150 years of ‘theft and genocide’. This image appeared in *Man* magazine, March 1938.

At the Day of Mourning, Jack Patten opened the proceedings with the President’s address, saying:

“ You took our land by force ... We ask for full citizenship rights, including age pensions, maternity bonus, relief work when unemployed, and the right to a full education for our children. ”

Soon after the Day of Mourning, a delegation met Prime Minister Joseph Lyons with a list of 10 objectives. These included the Commonwealth Government taking responsibility for Indigenous Australians and the inclusion of Indigenous people in the administration of Aboriginal affairs. The emphasis was on civil equality. Specifically, the delegation sought equal education, labour laws, workers' compensation and insurance, old age pensions and invalid pensions. They also sought equality regarding the ownership of land, property and personal bank accounts. They wished to receive their wages in cash and to have the same marriage laws as other Australians.



EARLY ORGANISED PROTESTS

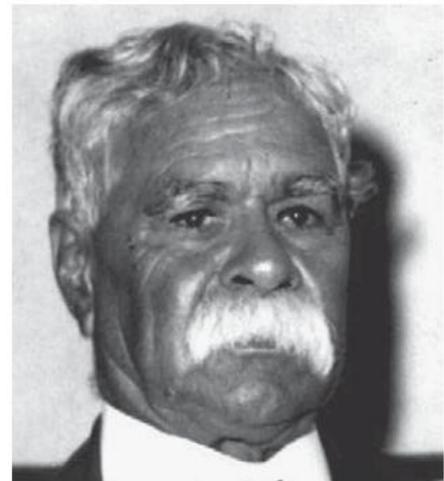
- 1924** The first Aboriginal protest group, the Australian Aborigines Progressive Association (AAPA), was formed by Fred Maynard on the north coast of New South Wales
- 1928** William Harris founded the Native Union in Western Australia and led a deputation to the Premier
- 1933** William Cooper founded the Australian Aborigines' League in Victoria
- 1936** Murray Islanders (in the Torres Strait) went on strike and achieved elected island councils
- 1938** The Day of Mourning was held in Sydney during the 150th anniversary celebrations of settlement
- 1938** The Aborigines Progressive Association (APA) published six editions of *The Australian Abo Call*
- 1939** The Cummeragunja Walk-off: residents walked off the Cummeragunja reserve and over the Murray River in protest against poor conditions



William Cooper (c. 1861–1941)

William Cooper was a Yorta Yorta man with strong family links to the Maloga mission and later the government reserve Cummeragunja ('my country') on the Murray River. In 1887, Cooper and his brother wrote to the New South Wales Government calling – unsuccessfully – for land so that they could have economic independence. Cooper wrote of the land as 'this small portion of a vast territory which is ours by Divine right'. In 1896, several Aboriginal farmers did obtain their own blocks of land, and worked them profitably until the New South Wales Protection Board decided in 1907 to lease out that land to earn money.

The following year, the Board required able-bodied men to find work outside the reserve, and Cooper worked as a shearer and handyman. He became a member of the Australian Workers' Union and a spokesman for Aboriginal people.



Newspix/News Ltd.

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As an older man, Cooper returned to live at Cummeragunja, but he left the reserve in 1933 so that he could receive the old age pension in Victoria. He joined a community of about 100 Aboriginal people living in Melbourne, including a number from Cummeragunja such as Doug Nicholls, Shadrach James and Margaret Tucker. As a man in his 70s, Cooper worked with others to achieve reform.

Activism

In 1933, Cooper founded the Australian Aborigines' League, an organisation whose full membership was only available to Aboriginal people. A supporter, Helen Baillie, wrote that she 'was amazed how soon he had mastered the many complicated aspects of Aboriginal legislation'.

Cooper made personal visits to reserves and wrote many letters. His letters reveal a man of broad concerns who was careful to use accepted means of protest and who showed respect for others. He wrote about many Aboriginal issues, including those related to Cummeragunja. 'Laws were passe[d] and still exist, which no human creature can endure,' he wrote.

He presented an alternative view of Australia's past, asserting Aboriginal Australians as Australia's First Peoples 'by right of prior possession and by right of gift from God'.

In 1935, Cooper led the first Aboriginal deputation to a Commonwealth minister, calling for a duty of care from government and asking for federal representation. He reminded the minister that Maori had enjoyed such rights since 1867.

Cooper's broad humanitarian concerns and his identification with the Jewish people caused him to respond to events occurring in Nazi Germany. In 1938 he led a group that marched down Collins Street to present a petition to the German Consulate, protesting against the 'cruel persecution of Jews in Germany', following the horrors of the *Kristallnacht* attacks.

Also in 1938, Cooper and the Australian Aborigines' League worked jointly with the APA to organise the Day of Mourning, marking the 150th anniversary of the settlement of New South Wales.

Petition to the King

Over a period of several years Cooper led the gathering of around 2000 signatures on a petition to King George V, which stated that: 'Our lands have been expropriated by Your Majesty's Governments, and (b) Legal status is denied to us by Your Majesty's Governments; and ... all petitions made on our behalf to Your Majesty's Governments have failed.' It asked for 'better conditions for all' and 'a member of parliament ... to represent us in the Federal Parliament'. Cooper again referred to the example of Maori representation in the New Zealand parliament to show how this could work.

However, the petition remained in Australia and the federal government simply responded that Aboriginal rights was a state matter.

No wonder William Cooper was disheartened at times and expressed disappointment at the slowness of progress.

National Aborigines Day

Cooper also worked to establish a National Aborigines Day, which was first celebrated on 28 January 1940. This continued until 1955, when it moved to the first Sunday in July, and

continued

continued

later it was expanded into NAIDOC (National Aboriginal and Islander Day Observance Committee) week.

William Cooper died in 1941. He was survived by his third wife and by six children.

Questions

- ① Construct a timeline for William Cooper's life.
- ② Identify evidence of Cooper's concern for (a) equal rights for Aboriginal people as human beings and citizens; and (b) special rights for Aboriginal people as the original owners of the land.
- ③ What suggests Cooper's broad concern for human rights?
- ④ What influence did Cooper have on the continuing struggle for Indigenous rights (that is, rights that are specific to Indigenous people)?

CUMMERAGUNJA WALK-OFF

In the 1930s, the New South Wales Protection Board used its increased powers to move Aboriginal people away from country towns, where they were not welcome, and away from some reserves that the Board wished to close or lease. Conditions on remaining reserves in the state worsened. In 1938, the drought exacerbated the problems of water supply and sanitation on the Cummeragunja reserve, and the residents petitioned for the immediate removal of the new manager, McQuiggen, who came with a poor reputation from the Kinchelea Boys Home. The Board returned the petition to McQuiggen, who then penalised those who had signed it.

In February 1939, about 200 of the 300 residents walked off the reserve and crossed the Murray River – the border between New South Wales and Victoria – to set up camp at Barmah, on the Victorian side. This meant that the community could use in their favour the different state government policies relating to Aborigines. In Victoria they hoped to receive pensions, and for them the river was not a border at all, but part of their Yorta Yorta territory.

The nine-month protest – the first-ever mass strike of Aboriginal people in Australia – called for a royal commission, the removal of McQuiggen, the return of blocks of land, support in agricultural development, abolition of all Protection Board control and full citizenship rights.

The Board response to the walk-off was to blame individual agitators and to claim that there had been no problems before the walk-off.

The New South Wales media portrayed the strikers as foolish people led by agitators, but in Melbourne the press was more sympathetic and the Victorian Government provided unemployment food relief. The Melbourne campaign to support the strikers was broadly based, and included the Women's Christian Temperance Union and the Young Communists League, as well as left-wing trade unions. They organised food and blankets for the strikers.

After seven weeks, Board representatives responded by visiting those who had walked off, and some residents decided to return to their homes. However, finding that houses had been re-allocated and that there would be other reprisals, about 80 people walked off again.

In October 1939, the strike ended when the Board prevailed upon the Victorian Government to stop food relief and to prevent the strikers' children from attending the Barmah public school. The strikers left their camp to find alternative places to live in New South Wales and Victoria. McQuiggan was sacked, but not until February 1940.

The events of the Cumeragunja Walk-off, like the Day of Mourning, were not widely known at the time, but have come to broader attention since their portrayal in the celebrated SBS television miniseries, *Women of the Sun* in 1981, and in a recent opera. More importantly, the walk-off also highlighted the use of tactics and issues that would come to characterise the style and form of Aboriginal activism after the Second World War.



SOURCE 1.20 Looking across the Murray River from Victoria to Cumeragunja in New South Wales, 1893. By crossing the Murray River in 1939, Cumeragunja protesters could leave their NSW status and gain Victorian Government support in the form of food relief and schooling for their children.

Museum Victoria/Photographer: AJ Campbell

Conclusion

Despite the denial of rights and the structures controlling Aboriginal and Torres Strait Islander people in the early 20th century, there were significant changes in the 1930s. Government policy was moving from segregation and protection towards assimilation. A sense of Aboriginality emerged, and Indigenous and non-Indigenous campaigners worked for change. However, while the struggle for rights had begun, real gains had yet to come.

Chapter summary

- + Aboriginal and Torres Strait Islander peoples were excluded from the Australian Constitution and from the federal vote.
- + The attitudes of European Australians also excluded Aboriginal and Torres Strait Islander peoples from the Australian story and from Australian society.
- + Protection policies in the states and territories denied basic rights to Aboriginal and Torres Strait Islander peoples, and Protection Boards controlled their lives.
- + Aboriginal and Torres Strait Islander peoples were controlled and treated differently in regard to health care, education and training, work, individual control over their own money, freedom to marry, freedom of movement, authority over their own children and access to justice.
- + In the 1930s, governments proclaimed assimilation policies for those of mixed descent; but in practice, segregation and control continued.
- + While the painful experiences of the First World War and the 1930s Great Depression were shared by Aboriginal and Torres Strait Islander people, they received less care from the government than did white Australians.
- + Throughout the first half of the 20th century, Aboriginal and Torres Strait Islander peoples tried to improve their situation.
- + From the 1920s, Aboriginal and Torres Strait Islander people joined together in organisations to protest the oppression they experienced and to fight for their rights.
- + The 1938 Day of Mourning and the 1939 Cummeragunja Walk-off exemplify their protests.

Weblinks

Weblinks relevant to this chapter can be found at <http://nmh.nelsonnet.com.au/indigenous>.

Further resources

Bain Attwood, *Rights for Aborigines*, Allen & Unwin, Crows Nest, 2003.

Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, Crows Nest, 1999.

Bain Attwood and Andrew Markus: *Thinking Black, William Cooper and the Australian Aborigines' League*, Aboriginal Studies Press, 2004.

Larissa Behrendt, *Indigenous Australians for Dummies*, Wiley Publishing Australia, Milton, 2012.

Richard Broome, *Aboriginal Australians: A history since 1788*, 4th edition Allen & Unwin, Crows Nest, 2010.

Ann McGrath (ed.), *Contested Ground: Australian Aborigines under the British Crown*, Allen & Unwin, St Leonards, 1995.

Rachel Perkins and Marcia Langton (eds), *First Australians: An Illustrated History*, The Miegunyah Press, Carlton, 2010 edition. (first published 2008).

Benny and the Dreamers (1992), documentary

Lousy Little Sixpence (1983), documentary



Loved Up – Lore of Love (2005), documentary

Pioneers of Love (2005), documentary

Rabbit-Proof Fence (2002), feature film

Endnotes

- 1 Gordon Briscoe, *Racial Folly: A Twentieth Century Aboriginal Family*, ANU Press, Canberra, 2010, p. xx (introduction).
- 2 Richard Broome, *Aboriginal Australians: A history since 1788*, Allen & Unwin, Crows Nest, 2010, p. 108.
- 3 James Collier, *The pastoral age in Australasia*, Whitcombe and Tombs, London, 1911, pp. 129–30.
- 4 Quoted in Richard Broome, *Aboriginal Australians: A history since 1788*, Allen & Unwin, Crows Nest, 2010, p. 107.
- 5 Quoted in Richard Broome, *Aboriginal Victorians: A history since 1800*, Allen & Unwin, Crows Nest, 2005, p. 264.



Chapter review activities

- 1 Divide the following list of dates and events into two columns, headed 'Denial of rights' and 'Struggle for rights':
 - + 1897: Aboriginal Protection and Restriction of the Sale of Opium Act (Qld)
 - + 1901: Federal Constitution
 - + 1902: Franchise Act (Cwlth)
 - + 1905: Aborigines Act (WA)
 - + 1908: Invalid and Old Age Pension Act (Cwlth)
 - + 1910: Northern Territory Aborigines Act (SA)
 - + 1925: The Australian Aborigines Progressive Association (AAPA) had 11 branches in New South Wales
 - + 1933: William Cooper founded the Australian Aborigines League
 - + 1936: Murray Islanders went on strike
 - + 1937: The National Native Welfare Conference adopted a policy of assimilation
 - + 1938: The Day of Mourning was held in Sydney
 - + 1939: The Cummeragunja Walk-off
- 2 Rank the following factors involved in the denial of rights to Aboriginal and Torres Strait Islander peoples in order of importance, and then write a paragraph briefly explaining each point:
 - + Exclusion from the Australian Constitution
 - + State laws about Indigenous people
 - + General community attitudes and values
 - + Racial ideology

- 3 Briefly explain the meaning of the two policies, protection and assimilation, and the ways in which they limited the rights of Aboriginal and Torres Strait Islander peoples.
- 4 Create a mind map showing the various ways in which rights were denied to Aboriginal and Torres Strait Islander peoples.
- 5 In 1938, the Aborigines Progressive Association (APA) published six editions of *The Australian Abo Call*.
 - + Build a class summary chart based on articles from this newspaper, which is available on the National Library of Australia website.
 - + Individual students should each select one article and write a summary of it using the following table.

	Information about denial of rights	Information about Aboriginal activism	Underlying aims of the article
Article details (title, author, date, page number ...)			

When the class summary chart is completed:

- a Discuss as a group the qualities and limitations of the newspaper as a historical source.
 - b Note how the title of the newspaper uses a term that is now seen as offensive. Discuss what this tells us about changing attitudes and language.
- 6 Research the conditions on a particular reserve, settlement or mission during this period, such as Cummeragunja, or any that is in your own state and write down your findings. Be sure to:
 - + note all the source details (author, title, publisher, and place and date of publication; or website address and date of access)
 - + use inverted commas and page numbers to record quotations or specific information.
 Share your findings with others, either in small groups or as a class, and chart the similarities and differences between the reserves.
 - 7 Select one of the following individuals – Bill Ferguson, William Harris, Margaret Tucker, Jack Patten, Pearl Gibbs, Fred Maynard, Mary Bennett, AP Elkin or Helen Baillie – and research their life and work. You could start with the online *Australian Dictionary of Biography*.
 - a Briefly provide details of their life, and summarise their actions and their significance in the struggle for Indigenous rights.
 - b Share your findings with the class. Assess each individual on the way they argued for rights based both on being a human being and being an Indigenous person.
 - c Class discussion: How important can one person be? To what extent is change about processes and trends, rather than individuals?



- 8 Watch a documentary (or excerpts from a documentary) about the denial of Indigenous rights in Australia, such as:
 - + *First Australians* (2008), SBS, episode 5 or 6
 - + *Pioneers of Love* (2005)
 - + *Dhakiyarr vs the King* (2004)Briefly summarise what is revealed about the denial of rights and/or the struggle for rights.
- 9 Examine the photograph of Jimmy Clements in 1927 (opposite page 1) and explain what it suggests about Indigenous rights in Australia in the first half of the 20th century.
- 10 This activity could include a class library visit as well as Internet use, with at least half the sources to be books from a library.
 - a Locate one historical source and use the following headings to note information to share with the class:
 - + Source details (author, title, publisher, date and place of publication or website address and date)
 - + Type of source (primary: a historical source from the time, made by an eyewitness or participant in the event or experience; secondary: written or produced after the event or experience by an historian or commentator; a source combining primary documents with commentary)
 - + Likely usefulness and/or limitations for study of the Indigenous struggle for rights in Australia and/or New Zealand (comment on relevance, accessibility, likely accuracy of the source, effects of its purpose and audience)
 - + Personal comments (your own feelings about the source, any items that stood out for you).
 - b Share this with class members
 - c Compile an annotated bibliography for all students to use in this study.

TO THE HONOURABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES
IN PARLIAMENT ASSEMBLED.

The Humble Petition of the Undersigned aboriginal people of Yirrkala, being members of the Balamumu, Narrkala, Gapiny, Miliwurrwurrpeople and Djapu, Mangalili, Madarrpa, Magarrwanalmirri, Djambarrpuynu, Marrkulu, Gumaitj, Galpu, Dhaluangu, Wangurri, Warramirri, Naymil, Rirritjingu, tribes respectfully sheweth.

1. That nearly 500 people of the above tribes are residents of the land excised from the Aboriginal Reserve in Arnhem Land.
2. That the procedures of the excision of the land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.
3. That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.
4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial: we were all born here.
5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.
6. That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe will overtake them.
7. And they humbly pray that the Honourable the House of Representatives will appoint a Committee, accompanied by competent interpreters, to hear the views of the people of Yirrkala before permitting the excision of this land.
8. They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

And your petitioners as in duty bound will ever pray God to help you and us.
(English language translation.)

Bukudjulni gongam napurrunha Yirrkalalili yulnunha malanha Balamumu, Narrkala, Gapiny, Miliwurrwurr, nanapuru dhuwala mala, ga Djapu, Mangalili, Madarrpa, Magarrwanalmirri, Djambarrpuynu, Marrkulu, Gumaitj, Galpu, Dhaluangu, Wangurri, Warramirri, Naymil, Riritjingu malamanapanmirri djal dhumapawa.

1. Dhuwala yulnu mala galki, 500 nhina ga dhiyala wanganura. Dhuwala wanga Arnhem Land yurru djaw'yunna naburrungala.
2. Dhuwala wanga djaw'yunna ga nhaltjana yurru yulnunundja dhiyala wanga nura nhaltjana dhu dharrpanna yulnu walandja yakana lakarama magayangumuna.
3. Dhuwala nunhi Welfare Officers ga Government bungawa lakarama yulnuwa malanuwa nhaltjarra nhuma gana wanganaminha yaka nula napurrungu lakarama, walala yaka lakarama Governmentgala munhala Canberra nhaltjana napurru ga guyana yulnuyu Yirrkala.
4. Dhuwala wanga napurrnyu balanu larrunarawu napurrungu nathawa, guyawa, miyapunuwu, maypalwu nunhi napurru gana nhinana bitjarrayi nathilimirri, napurru dhawalguyanana dhiyala waganura.
5. Dhuwala wanga yurru dharrpanha yurru yulnuwalandja malawala, ga dharrpanha dhuwala bala yulnuwuyndja nhinanharawu Melville Baythurru wanga balandayu djaw'yun nyumukunin.
6. Dhuwala yulnundja mala yurru nhama balandawunu nha mulkurru nhama yurru moma ga daranun yalalanumirrinha nhaltjana dhu napurru bitjarra nhakuna Larrakeahyu momara walalanguwuy wanga.
7. Nuli dhu bungawayu House of Representatives djaw'yun yulnuwala nathili yurru nha dhu lakarama interpreteryu bungawawala yolnu matha, yurru nha dhu djaw'yun wangandja.
8. Nunhiyina dhu marrlayun marrama'ndja nhinanharawu yolnuwu marrnamathinyarawu.

Dhuwala napurru yolnu mala yurru liyamirriyama bitjan bili marr yurru napurru nha gonga'yunna wangarr'yu.

(Australian matha.)

Miliwurrwurr

I certify that this Petition is in conformity with the Standing Orders of the House
Milner
28/8/63. Clerk of the House

Djalalabpa
Dajmilalpa

Mamanu
Lamahan

97817024039

CHAPTER TWO

Assimilation and the struggle for rights

The Second World War broke down some racial barriers in Australia, but it also delayed the early struggle for Indigenous rights. After the war, mass immigration boosted Australia's population, but the notion of 'White Australia' was upheld by a further emphasis on assimilation. Newly arrived immigrants had to learn to fit into the suburban Australian way of life, and this consolidated the move towards assimilation for Aboriginal and Torres Strait Islander peoples.

With the establishment of the United Nations and changes in other countries regarding race relations, Australians became more conscious of how others viewed the treatment of Indigenous peoples. Australian government assimilation rhetoric was all about equality, and gradually and quietly changes were made to legislation, removing barriers about the receipt of benefits and the ability to vote. However, discrimination against Indigenous Australians continued. They were blamed for being different and often for being poor. Their children were still removed, but under welfare laws.

Indigenous activists and their supporters united over a number of issues, including several issues regarding land rights, and also over the 1967 referendum, which called for changes to the Commonwealth Constitution. The result of this referendum represented an overwhelming endorsement of equal citizenship rights for Indigenous Australians.

◀ The Yirrkala Bark Petition, presented to federal parliament in August 1963. The panels represent the moieties – Dhuwa and Yirritja – to which Yolgnu clans belong.

Yirrkala artists, Dhuwa moiety, Yirrkala Bark Petition 14.8.1963, 46.9 x 21 cm, natural ochres on bark, ink on paper, House of Representatives, Canberra, Parliament House Art Collection

INQUIRY QUESTIONS

- + What did assimilation mean for Indigenous Australians up to the 1960s?
- + What changes did Indigenous Australians achieve in the 1950s and 1960s?

Assimilation in the 1940s

assimilation

The process by which a dominant cultural group absorbs another group, which eventually ceases to exist. All state governments from the 1930s to the 1970s formally endorsed assimilation policies regarding Indigenous peoples. The removal of Indigenous children of mixed descent was part of this process

The 1937 National Native Welfare Conference had embraced a policy of **assimilation**. In some ways, the Second World War (1939–45) assisted this process of change; however, the war also had the effect of delaying the Indigenous struggle for rights, which was largely put on hold.

THE SECOND WORLD WAR

During the Second World War, the government Defence Committee initially blocked the recruitment of Australians who were not of ‘substantially European origin’ into the Second AIF (Australian Imperial Force), but when Japan joined the Axis powers in 1940, more men were needed and restrictions lessened. About 3000 Indigenous Australians enlisted and served in the armed services, and approximately 3000 more were working in civilian labour camps or settlements in the Top End. In the labour camps, Indigenous Australians experienced improved housing and conditions, food and medical care, even though their pay was still low.

In 1941, anthropologist Donald Thomson established the Northern Territory Special Reconnaissance Unit, which was mostly made up of Aboriginal men and Pacific and Torres Strait Islanders who used their traditional knowledge and skills to patrol coastal waters. They received no pay until they were finally compensated in 1992.



Australian War Memorial, P01659.001

SOURCE 2.1 Flight Sergeant Leonard Waters, a Kamilaroi man from northern New South Wales, was Australia’s only Aboriginal fighter pilot during the Second World War. He is seen here in his Kittyhawk aircraft, *Black Magic*.

Torres Strait Light Infantry Battalion, 1945

John Oxley Library, State Library of Queensland, 50356



SOURCE 2.2 The Torres Strait Light Infantry Battalion, 1945: about 700 men served in this special unit, defending the Torres Strait region.

Questions

- 1 How does the photograph portray Torres Strait Islander men?
- 2 Look at the photograph of Flight Sergeant Leonard Waters in Source 2.1. What does this image convey about Aboriginal servicemen?
- 3 In what ways do these two photographs suggest changes for Aboriginal and Torres Strait Islander people during the Second World War?

Torres Strait Islanders formed their own unit, the Torres Strait Light Infantry Battalion, but received half the normal wages and no family allowances. They also had no possibility of promotion beyond the rank of corporal. Because of this, they went on strike briefly in December 1943. After the war they campaigned for full citizenship rights and repatriation benefits. The United States Navy recruited 20 Torres Strait Islanders as crewmen, one of whom was given the rank of lieutenant.

Military service was one of the rare ways in which Aboriginal and Torres Strait Islander people could be accorded at least some degree of equality with other Australians. For the duration of the war, there might be freedom from racist stereotypes and increased self-esteem. The war gave some the opportunity to earn money, learn skills and receive equal services and conditions. Aboriginal activist William Cooper, who had lost a son in the First World War, wrote to the Minister of the Interior at the start of the Second World War, arguing that it was unfair for Indigenous people to fight without parliamentary representation. This may have influenced the decision to give all enlisted personnel the vote (but only until six months after the end of hostilities).

On the home front

Indigenous people contributed to the war effort through their jobs in the cattle industry and in factories. Many moved to towns for work and were involved in essential war industries. They were also more likely to get rural jobs, and some rules restricting Indigenous people seem to have been policed less rigorously. In Queensland, some workers were ‘temporarily unionised’ and so were able to enjoy the same rights as other workers, but temporarily. However, for Indigenous women residing anywhere near military camps there were greater restrictions, and women and communities were moved, often blamed without evidence for venereal disease. There was even some public questioning of the loyalty of Indigenous people.

Changing access to benefits

During the war, the Commonwealth Government began to allow Indigenous Australians access to benefits that were available to others. In 1941, for example, the Commonwealth Government Child Endowment was paid to Indigenous mothers who were judged not to be nomadic or dependent on government support. In 1942, this was extended to those on settlements, but was administered by settlement staff. In 1942, Commonwealth invalid and old age pensions began to be paid to those not controlled by the various state Aborigines Acts, although such pensions were not in fact paid to all Indigenous Australians until 1966.

AFTER THE WAR

Despite the relative equality achieved during the war years, at the end of the war Indigenous ex-servicemen came home to a world that had not changed for them. Their contribution was not recognised: they had no entry to the Returned and Services League and no pensions. Furthermore, while soldier settlement schemes involved old reserve land being parcelled out to white returned servicemen, Indigenous soldiers received none of this land.

In 1949, however, contradictions in voting rights were resolved when Indigenous Australians who were already on state rolls or who had served in the armed forces were given the right to vote in federal elections.

In the general workforce, Indigenous labour was much more in demand than before the war, but this did not last. According to the New South Wales Welfare Board, 96 per cent of Indigenous Australians were employed in 1946. This had fallen to 76 per cent by 1952, suggesting that the effects of returning servicemen, new immigrants and mechanisation had returned Indigenous Australians to an increasingly marginalised place in society.

Assimilation in the 1950s

In the 1950s, the Indigenous population was estimated at only 80 000 – less than 1 per cent of the total Australian population – but no government, state or federal, was prepared to pay for real improvements in their living conditions. The majority of Indigenous people lived in remote and rural Australia, under special legislation and administration, with separate and inferior status, entrenched ways of governing and only miserly funding.

SOCIETAL ATTITUDES

In Australian society, there were still doubts about Indigenous Australians' capacity for change, despite the evidence of their adaptation in wartime. Racial prejudice and **segregation** remained. Even though assimilation had been agreed to in the 1930s, there was continued discussion about whether Indigenous Australians could be equal. Historian Anne Haebich quotes a West Australian politician stating in parliament that the Aboriginal adult has 'the mental capacity of a wayward child', and unless he 'for two or three generations is disciplined and controlled', the 'problem' can never be solved'.¹ Change was very slow.

segregation

The policy of separating Indigenous Australians from the rest of the population. It was said to be a way of protecting them from the worst in white society, but in practice it was about their control and treatment as inferiors. Even when Indigenous people were not placed on missions and reserves, other forms of segregation continued, especially in rural communities where they were excluded from public facilities or accorded fewer rights than other Australians

.....



National Archives of Australia: A1200, L28898

SOURCE 2.3 A government teacher guides a young girl at a school at Hooker Creek Aboriginal Settlement in the Northern Territory, 1958.

ASSIMILATION CONFIRMED

In 1951, the Second Aboriginal Conference confirmed assimilation as the national policy. Assimilation had always been about fitting into the society created by the British settlers, and in the 1950s the assumption was that Indigenous Australians were not yet ready to do so, but needed training. This was seen as a step forward, as it was based on the idea that Indigenous Australians were disadvantaged by culture and environment, but with changes – especially education – they could fit into white society. Indigenous Australians were seen to need much more training than new immigrants, but there were very few resources to assist them.

As with new immigrants, it was assumed that Indigenous Australians could simply leave their culture and identity behind. The Commonwealth Government pamphlet *The Assimilation of Our Aborigines* (1958) explained that:

“ ... in its simplest terms assimilation means that to survive and prosper, the aborigines must live and work and think as white Australians do so that they can take their place in social, economic and political equality with the rest of the Australian community. ”

In other words, equality for Aborigines was only possible if people ceased being Aboriginal and became the same as other Australians.

Assimilation in action



National Archives of Australia: AI200, L13767

SOURCE 2.4 A young rowing team on a wharf in South Australia, 1951

Questions

- 1 Briefly describe this image.
- 2 What does it suggest about assimilation?
- 3 What is *not* shown in this image about race relations in Australia at the time?

Rules at Lake Tyers, Victoria

Lake Tyers was the last operating reserve for Aboriginal people in Victoria. The rules of the reserve included the following:

Every aborigine on a reserve shall obey the instructions of the manager of such reserve ... No person shall on a reserve: use profane, indecent or abusive language ... harbour any person whose admission to the reserve is not permitted or approved ... gamble or bet ... be under the influence of any intoxicant not bona fide administered to him as a medicine by a fully qualified medical practitioner (or his authorized agent) ...

Aborigines Advancement League (Victoria), *Victims or Victors?* Hyland House, South Yarra, 1985, p. 29.

Questions

- 1 Which of these rules was clearly meant to be protective?
- 2 Which of these rules is about control of Aboriginal people?
- 3 What do these rules suggest about Aboriginal adults?
- 4 In what ways do such rules make it harder for Aboriginal people to live in the general community?

REMAINING RESERVES AND MISSIONS

Despite assimilation policies, Indigenous Australians on reserves and missions were still subject to specific restrictions that ill-equipped them for life in the general Australian community.

On Queensland reserves, surveillance was increased so that disease would be prevented, but tuberculosis specialist Dr FM Macken wrote of the horrific conditions in dormitories where girls and young women were locked at night. Historian Rosalind Kidd quotes her:

“ If these coloured women are to become properly adjusted to normal life, the dormitory system must be broken down. It is completely artificial and unnatural to enclose, or rather encage, women, and to expect any sort of normal psychological balance on their release.² ”

INDIGENOUS RESPONSES

Assimilation was particularly insulting for Indigenous Australians, who were in their own country, but who were treated as inferior to new immigrants. Some tried to fit in with the new demands, but, overall, Indigenous people, who were strongly attached to their own kin and culture – and deeply resented the treatment they received from the government and the white community – did not welcome assimilation. Aboriginal historian Gordon Briscoe says of assimilation at this time:

“ we wanted our heritage, wealth, land *and* a fair share of the human rights that flowed from the 1949 United Nations Declaration of Human Rights and other United Nations’ covenants. [emphasis added]³ ”

Indigenous people also chose to retain their own links, and began clubs such as the Boatshed in Brisbane and the Sunshine Club in Darwin. The Coolbaroo League, in Perth was an Aboriginal-controlled organisation that ran many social functions and existed from the mid-1940s until 1960. It also advocated unconditional voting rights for Indigenous Australians; the scrapping of prohibited area laws; and the rejection of staged citizenship rights, including certificates of exemption (discussed below).

ASSIMILATION CONTRADICTIONS

In practice, assimilation was not welcomed by white society, especially those people in small rural towns, who protested when Indigenous Australians moved into their neighbourhoods. Segregation still existed informally and at a local level in many places. In Perth in the 1950s, for example, there were ‘blacks only’ train carriages, racially segregated schools, milk bars refusing to serve ‘black’ customers, night-time curfews, and permits required after 6 p.m. There were also country town curfews, and police harassment and arrests.



SOURCE 2.5 In the 1950s, segregation still existed informally and at a local level in many places, including segregated schools.

National Archives of Australia: A1200, L28019

Lack of assistance

The post-war population boom was shared by Indigenous Australians. Initially, this could be managed by families, because with economic growth, more seasonal workers were needed. However, Indigenous workers were vulnerable when less work was available. They could not get conventional housing, rentals were high and prejudice prevailed so that many were forced to live in makeshift camps on the edges of towns. Before the 1960, most were not eligible for unemployment benefits. Even for those with benefits, no long-term help was offered in relation to future employment.

In town camps, and even on reserves, very little was provided in terms of material needs.

In Western Australia, historian Anne Haebich outlines the situation for the **Nyungar** families in 22 reserves in the Great South District. Only five reserves had the full facilities of water, lavatories, ablution block and laundry. Eleven had water connected, and eight had toilets. The rest had no facilities at all. Government reports do not even mention electricity. Apparently the government intended to move people off the reserves, so there was no spending on them.

However, the widespread public belief was that Indigenous families failed to take advantage of opportunities given to them. As the *Narrogin Observer* reported: ‘Nothing could be done to turn Nyungar people into respectable members of the community. They appear to lack all sense of responsibility and decency.’⁴ There was a great deal of advice given, and lots of white models of how to behave, but little funding. The onus was on Indigenous Australians to change. Rather than acknowledging the rejection and obstacles experienced by Indigenous people who tried to earn a living and support their families, it was easier to blame them for being poor and different.

Nyungar

‘Nyungar’ or ‘Nyoongar’ is the name used by Aboriginal people in southern Western Australia for themselves. The term ‘Murri’ is used in northern New South Wales and Queensland, and ‘Koori’ is used in Victoria and much of New South Wales. ‘Nunga’ is used in South Australia and ‘Palawa’ in Tasmania. There are variations in the spellings



SOURCE 2.6 Under the policy of assimilation, the removal of Indigenous children from their families continued, and even increased.

ASSIMILATION AND CHILD REMOVAL

Under assimilation, the removal of Indigenous children continued and even increased. The focus was no longer simply on children of mixed descent, but on all Indigenous families. From the late 1940s, the removals were done under general welfare legislation and so appeared as ‘equal treatment’. However, labels such as ‘neglected’ or ‘destitute’ equated poverty with neglect and assumed that all child-rearing practices were the same.

By the 1960s, child removals in the southern states often tended to lead to placements with foster or adoptive parents, rather than Aboriginal institutions. In the Northern Territory, children were sent to boarding schools.

Parental permission

In South Australia, the Northern Territory and Western Australia, the Aboriginal Protectors still had guardianship over all Aboriginal children until the early 1960s, so the question of parental permission remained irrelevant. Queensland Government controls over Aboriginal and Torres Strait Islander families remained strong. Historian Rosalind Kidd records a Queensland Government statement in 1959: '[We] know the name, family history and living conditions of every aboriginal in the State.'⁵

In addition, young unmarried mothers – both Indigenous and non-Indigenous – were pressured into signing adoption papers for their babies, while others were tricked into signing. In New South Wales, a court decided that many Aboriginal mothers were unfit to be parents.

When trying to close the Cape Barren Island reserve (which was an anomaly since the changed definition of 'Aboriginal' in 1942 made a reserve redundant), the Tasmanian Government removed many children it regarded as 'neglected'. Parents on this remote island had little chance to fight this, as it was costly to go to the court on the mainland and they had no legal assistance and poor understanding of their rights.

In 1950s Victoria, the removal of children continued. Molly Dwyer testified before the *Bringing Them Home* committee that:

“ The children were still being removed in bulk, but it wasn't because they were part white. They had social workers that'd go round from house to house and look in cupboards and things like that and they'd say the children were neglected.”⁶

Effects on families

Despite warnings at the time, the removals continued. The actual removal could be traumatic for all involved, especially when force was used. This was described in 1951 by Dr Charles Duguid, President of the Aboriginal Advancement League, as 'the most hated task of every patrol officer' in the Northern Territory.⁷

Documentation of the effects of removal indicate the suffering of families and individuals. In 1958, the Special Committee on Native Matters in Western Australia stated that 'removal of a child from his mother at an early age can cause serious psychological and mental disturbances'. Even children who later reported positive relationships with their adoptive parents and good outcomes regarding education and careers, felt the pain. However, for many children, in addition to the removal and loss, they experienced rejection from 'carers', and punishments and sexual abuse from which they would suffer all their lives. Families never recovered from the loss of their children.

First-hand testimony

In the 1997 *Bringing Them Home* report, many individuals told of their experiences as children. These are a few examples:

All the teachings that we received from our [foster] family when we were little, that black people were bad ... I wanted my skin to be white.

Confidential evidence 132 (p. 150), Victoria; this person was fostered at 10 years of age in 1964.

They used to lock us up in a little room like a cell and keep us on bread and water for a week if you played up too much. Stand us on a cement block outside in the rain with raincoats on if you got into trouble – for a month, after school, during playtime.

Confidential evidence 358b (p. 161), South Australia; this man was removed as a baby in the 1950s; he was first placed at Koonibba mission, then at a Salvation Army Boys' Home where he experienced the above punishments; he then went on to reform school and prison.

I was thirteen at the time Mr E wanted to rape me. I rushed around to his car and pulled out the shotgun and instead of shooting him I pushed him in the bore tank. He never tried anything else since. I told Mrs E and she told me it was a lie, that he wouldn't touch a black person. I told the Superintendent at Cherbourg. He wouldn't believe me.

Confidential submission 110 (p. 165), Queensland; this woman was removed in the 1940s and placed as a servant with a family.

Questions

- 1 What do these extracts reveal about the experiences of individuals removed from their families?
- 2 What do they suggest about the attitudes in the general community to Aboriginality?

CERTIFICATES OF EXEMPTION

Citizenship certificates, or certificates of exemption (called dogtags) from the state Aborigines Acts, were introduced in Western Australia, New South Wales and the Northern Territory in 1940s and 1950s. In order to obtain a certificate, an Aboriginal person had to demonstrate that they already lived like a white person – associating with white people, not their own. These requirements were more onerous than those placed on 'aliens' (immigrants) wanting to be part of Australia, as such certificates – at least in Western Australia – could be withdrawn if there was a perception of 'backsliding'. New Australians were not under the same scrutiny.

Exemption meant denying Aboriginal identity, family and friends, but could also lead to a no man's land in racially prejudiced Australia. One woman in South Australia obtained an exemption certificate so that she could get a pension, but when she became sick the local hospital would not treat her because she was Aboriginal, and she could not return to the mission where she could get

medical care because she was exempted. This indicates a real problem in the provision of services, rather than a problem with the woman's Aboriginal culture or a perceived inability to adapt and change.

The Aboriginal artist Elea (Albert) Namatjira was the most famous Australian to have an exemption certificate (from the Northern Territory Government). Namatjira's unique style of watercolour painting made him famous, but at the time his works were seen as being Western in style – a result of his 'successful assimilation'. It was only much later that his art was acknowledged to be strongly Aboriginal, and always related to his traditional country.

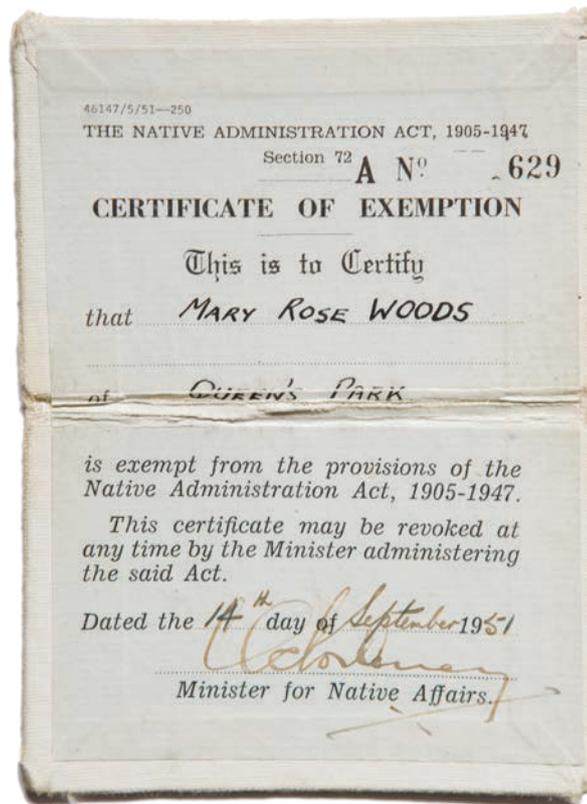
Even with his exemption certificate, Namatjira still had to get permission to travel for exhibitions of his work, his money was controlled, and when he applied for a grazing licence and for exemption to buy a block of land in Alice Springs to build a house, his requests were refused. Furthermore, he was taxed, but had no vote. He and his wife were able to buy alcohol, but could not give it to their relatives.

An episode in the community involving shared alcohol led to Namatjira's arrest and detention. He died soon afterwards, in 1959. Many Australians were outraged and called for changes.

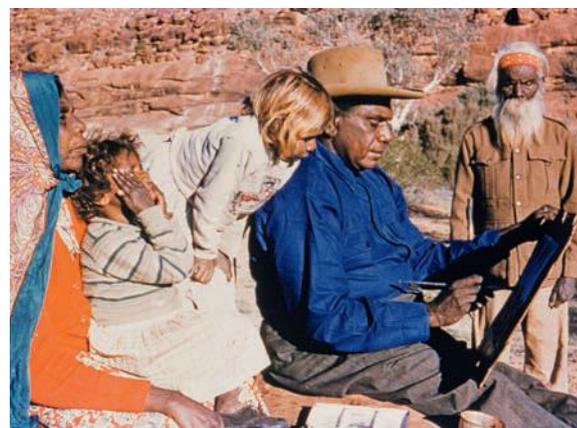
Namatjira was often referred to as an example of someone who was doomed because he was caught 'between two worlds'. However, historian Anne Haebich argues that such a phrase could be used to gloss over the **institutional racism** and entrenched poverty suffered by Namatjira, and to allow people at the time to express sympathy, but take no responsibility for what happened.

This theme of being caught between worlds was common at the time. In the first film made with Indigenous Australian people in starring roles, *Jedda* (1955), a young Aboriginal woman is depicted as being doomed because she is tragically caught between two worlds. Raised in a white home, she is lured away from 'civilisation' into a savage and destructive world. Her problem is presented as being a consequence of her innate wildness.

Such depictions made change for Indigenous people seem impossible. In this way, Australian society could once again identify an Indigenous problem without removing the many obstacles faced by Indigenous people who sought equality.



SOURCE 2.7 Mary Terszak's (née Woods) certificate of exemption, granted by the West Australian Department of Native Affairs in 1951. Mary is a member of the Stolen Generations. She was removed from her family at the age of two and spent the next 18 years in institutions.



SOURCE 2.8 Albert Namatjira, one of Australia's most famous landscape artists.

institutional racism

The way in which racist ideas and values have been built into the institutions in society so as to regularly advantage some ethnic and cultural groups and disadvantage and marginalise others.

The struggle for rights: 1940s–1950s

Indigenous peoples around Australia made many efforts to achieve more equality and independence. Often, they were helped by other Australians sympathetic to their cause.

PILBARA STRIKE

In the Pilbara region of Western Australia in 1946, Aborigines working on cattle stations, primarily as stockmen, tried to obtain better conditions. They protested their lower pay rates and banded together to change the situation, relying on the unionist Don McLeod to assist them. An estimated 600 workers at 20 of the 22 Pilbara stations went on strike, seeking 30 shillings a week and better conditions. Despite arrests, fines and gaol for some, they had the support of various church leaders, women's groups, trade unions and communists. After three years, the pastoralists gave in and offered the strikers double what they had asked for, which was still less than the pay rate of white workers.

However, few returned to their former employers as they had tasted freedom. While unemployed, a large group had begun their own mining company using traditional tools. Overcoming a number of problems, they established the Pindan Mining Company. Today, the Strelley community are proud inheritors of this legacy.

SUPPORT FOR ABORIGINAL ADVANCEMENT

Organisations to support Aboriginal advancement formed in most states. In Victoria, the Aboriginal Advancement League reformed in 1957 to replace the Save the Aborigines Committee. This was not the same organisation as William Cooper's Australian Aborigines League (discussed in chapter 1), but it thrived, with many non-Indigenous Australians joining suburban branches and the prominent Aboriginal pastor Doug Nicholls working as field officer.

One issue that spurred members into action related to the British atomic tests held in the 1950s in South Australia and their impact on remote Aboriginal communities of the Warburton Ranges in Western Australia, who were reported to be starving. This raised the issue of whether it was up to the states or the Commonwealth to take action and was a catalyst for the formation of a national organisation.

A national body

In 1958, the first national Aboriginal affairs organisation was established: the Federal Council for Aboriginal Advancement (FCAA), later called the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI). This organisation included Indigenous and non-Indigenous leaders and was aligned to church groups throughout Australia.

FCAATSI's stated aims for 1958 were the attainment of equal citizenship rights and the Commonwealth power to legislate for Indigenous Australians as for other citizens. However, its aims were not limited to these. They also included the attainment of a standard of living that was not less than that of other Australians; equal pay for equal work and the same industrial protections as other workers; access to free and compulsory education; and land rights for Indigenous reserves.

The emphasis was on rights. Indigenous organisations and individuals clearly rejected assimilation and preferred to use the term **integration**. One Aboriginal magazine in the late 1950s even referred to assimilation as ‘racial genocide’.

LAND RIGHTS

In the early 1960s, FCAATSI increasingly attacked the assimilation policy and fought for land rights. The organisation was involved in a major campaign to defend the reserve land of Mapoon in North Queensland (1962–64) against further alienation for mining, and another in support of the people of Yirrkala in the Northern Territory (1963–71). It also worked for the retention of Lake Tyers reserve (1962–70) in Gippsland, Victoria. Jack Horner, who worked with Aboriginal activists, wrote of the 1960s: ‘no issue united the Aboriginal people so much, and so openly, as that of land rights.’⁸

Calling for a referendum

In 1957, the Sydney-based Aboriginal Australian Fellowship began the campaign for a **referendum** to change the wording in the Australian Constitution relating to Indigenous people. The first step was to convince the government to hold a referendum. This took a decade.

The Australian Constitution contained two references to Indigenous people. Section 51(xxvi) stated that:

“ The Parliament shall, subject to the Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to the people of any race other than the aboriginal race in any State, for whom it is deemed necessary to make special laws. ”

Section 127 held that:

“ In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted. ”

Thus, the referendum was about explicitly allowing Indigenous Australians to be legislated for by the federal government, and allowing them to be counted in the census. The hope was that these amendments would lead to practical changes that the states were not ready to make, and substantially improve the situation for Indigenous Australians. The FCAATSI campaign spoke broadly of ‘righting wrongs’ and giving rights to Indigenous people, but also referred to the finances the federal government could use to put in place a program of equal rights and equal opportunity.

FCAATSI took on the campaign in 1962 and submitted more than 100 000 signatures to parliament, calling for a referendum. After Prime Minister Robert Menzies retired in 1966, his successor, Harold Holt, agreed to hold a referendum.

INTERNATIONAL CONTEXT

The call for a referendum occurred within an international context in which the Australian Government was aware of widespread criticism of the apartheid regime in South Africa and

integration

The term used to replace assimilation in the late 1950s and 1960s. It suggested that some cultural identity could be retained within the nation

referendum

A national vote to change the Australian Constitution. Changes to the Constitution require the support of a majority of voters in a majority of states. In the 1967 referendum, all voters from the states – but not from the Northern Territory or the Australian Capital Territory – took part

felt vulnerable about the situation of Indigenous Australians, the White Australia Policy and Australia's role in Papua New Guinea. In this context, Pastor Doug Nicholls could argue in 1961:

“ We must abolish apartheid in our own country before the next Commonwealth Prime Ministers Conference, or we could find ourselves in the same position as South Africa found itself at last year's conference.”⁹

In that same year, however, Prime Minister Menzies had defended South Africa's right to pass apartheid laws.

QUIET CHANGES

Aware of international concern, the Australian Government made changes to demonstrate that Australia was not like South Africa. In 1960, social benefits available to other Australians began to be paid to Indigenous people. Furthermore, in 1962, the increasingly embarrassing contradictions between Australia's public face to the world and its treatment of Indigenous Australians led to Indigenous Australians being granted the vote. Unlike other Australians, however, voting was not compulsory for Indigenous people and changes were made so quietly that many were unaware their status had changed.

In most practical ways, there had been no change.



CITIZENSHIP AND VOTING RIGHTS

- 1948** The Commonwealth Nationality and Citizenship Act for the first time gave a category of 'Australian Citizenship' to all Australians
- 1949** The Australian Citizenship Act (Cwlth) gave Indigenous Australians the vote in Commonwealth elections if they were enrolled for state elections or had served in the armed forces
- 1959** Indigenous Australians were eligible for pensions and maternity allowances if they were not 'nomadic or primitive', but group payments were often made to reserves and missions.
- 1962** All Indigenous people were given the vote in Commonwealth elections, but voting was not compulsory
- 1984** Enrolment and voting in Commonwealth elections was made compulsory for Indigenous people, and so the Australian Electoral Commission was obliged to provide structures and support

The struggle for rights: 1960s–1970s

YIRRKALA BARK PETITIONS

In Arnhem Land in the Northern Territory, the Yolgnu people of the Yirrkala Methodist mission were concerned about government plans to **excise** 360 square kilometres of their land for bauxite mining. Their reserve had been proclaimed in 1931. In 1963 the Yolgnu demanded land rights – and they did it in their own way. The Bark Petitions, which protested against the loss of their land, were written in Gupapuyngu and English.

excise

To legally separate part of an area of land, in this case, to use it for mining.

According to Galarrwuy Yunupingu, the son of one of the petitioners, the Bark Petitions incorporated the clan designs of all the areas that were threatened by mining and so expressed the ancient rights of the Yolgnu and their responsibilities to their country.

When they were presented to the House of Representatives in 1963, Labor MP Kim Beazley Snr stated that parliament itself, and even the Australian nation, was on trial over the issue.

Yirrkala Bark Petition, 1963

The bark petition can be seen at the beginning of this chapter. The transcript of the wording of the petition is below.

Transcript

To The Honourable The Speaker and Members of the House of Representatives in Parliament Assembled
The Humble Petition of the Undersigned aboriginal people of Yirrkala, being members of the Balamumu, Narrkala, Gapiny, and Miliwurrwurr people and Djapu, Mangalili, Madarrpa, Magarrwanalinirri, Gumatj, Djambarrpuyny, Marrakulu, Galpu, Dhalnayu, Wangurri, Warramirri, Maymil, Rirritjingu, tribes, respectfully sheweth –

- 1 That nearly 500 people of the above tribes are residents of the land excised from the Aboriginal Reserve in Arnhem Land.
- 2 That the procedures of the excision of this land and the fate of the people on it were never explained to them beforehand, and were kept secret from them.
- 3 That when Welfare Officers and Government officials came to inform them of decisions taken without them and against them, they did not undertake to convey to the Government in Canberra the views and feelings of the Yirrkala aboriginal people.
- 4 That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial; we were all born here.
- 5 That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.
- 6 That the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past, and they fear that the fate which has overtaken the Larrakeah tribe* will overtake them.
- 7 And they humbly pray that the Honourable the House of Representatives will appoint a Committee, accompanied by competent interpreters, to hear the views of the Yirrkala people before permitting the excision of this land.
- 8 They humbly pray that no arrangements be entered into with any company which will destroy the livelihood and independence of the Yirrkala people.

And your petitioners as in duty bound will ever pray God to help you and us.

(Certified as a correct translation by Kim E Beazley)

*'Larrakeah' refers to the people of Darwin.

continued

continued

Questions

- 1 What are the main points made in the petition about the importance of the land to the people of Yirrkala?
- 2 What do the petitioners ask for?
- 3 What was the effect of presenting this petition as a bark painting in their own language?

terra nullius

A Latin term, meaning 'the land of no one', referring to uninhabited land belonging to no state, and regarded as being without a population; that is, without any formalised political organisation or system of individual land ownership. This term is used to describe the basis on which the settlers claimed sovereignty and took the land

Abschol

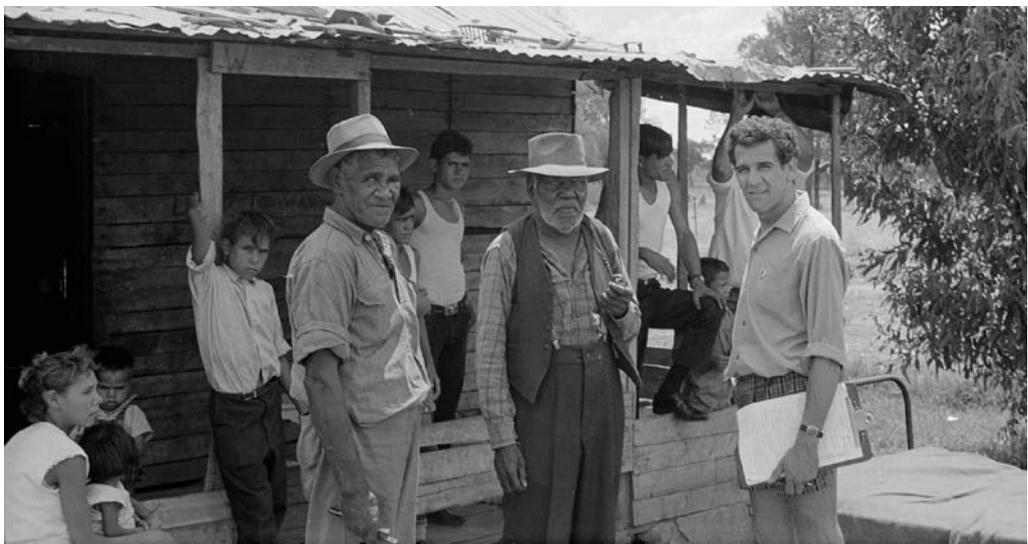
Initially, a scholarship scheme run by students to provide financial assistance to Aboriginal students undertaking tertiary education. It developed into a national organisation of students concerned with a broad range of Aboriginal affairs.

This petition did not change government actions. After failing to get their desired outcome, Gumatj elders – including Millirrpum – went to court, taking on Nabalco Pty Ltd and the federal government in the Gove Land Rights case. In 1971, the Northern Territory Supreme Court ruled that Aboriginal people did not, under Australian law, own the Arnhem Land reserve, meaning that Nabalco could mine the land. This judgment reaffirmed the doctrine of *terra nullius*.

NEW SOUTH WALES FREEDOM RIDE

In 1964, a University of Sydney protest against racial segregation in the United States of America aroused comments that urged students to look closer to home. In February 1965, Aboriginal activist Charles Perkins led a 'Freedom Ride' bus trip through rural New South Wales by a University of Sydney group called Student Action for Aborigines (SAFA). Perkins was an Arrernte man born in Alice Springs, who was studying on an *Abschol* scholarship at the university. The group included Ann Curthoys, who would later write a history of these events. The Freedom Ride was both a fact-finding mission and a protest against racial segregation.

The Freedom Ride, based on similar journeys undertaken by civil rights activists in the Deep South of the United States, emphasised the lack of equality in country towns where there was discrimination against Aborigines and special regulations governing



Courtesy Tribune / SEARCH Foundation. State Library of NSW – ON 271220

SOURCE 2.9 Charles Perkins meeting local Aboriginal people on the Freedom Ride, which combined fact-finding with protest against racial segregation

them. For example, Aboriginal children were unable to use the local swimming pools, and Aborigines were seated separately in the cinema. While assimilation was the official government policy, in many places – such as country towns – segregation was still practised.

The Freedom Ride was widely reported on television and opened the eyes of many in the major centres of population. While racial issues in South Africa and the United States had been in the news, Australians now came to realise that they had their own version of apartheid and their own need for a civil rights movement.

EQUAL PAY

Equal pay seemed to be a simple issue: equal pay for equal work. FCAATSI's equal pay committee lobbied the trade unions, and the Northern Australian Workers' Union sponsored an equal pay case for Northern Territory pastoral workers before the Conciliation and Arbitration Commission in 1965. The Commission's ruling was clear: 'There must be one industrial law, similarly applied to all Australians, Aboriginal or not.' However, the Commission also noted the pastoralists' evidence that 'many of them expect to change over to white labour if Aborigines are to be paid at award rates'.

The Commission delayed the implementation of equal wages until 1968. Many Aboriginal workers were angry about this, but many more were upset when they later lost their jobs at the time pastoral stations began introducing fencing and helicopters, and replacing Aboriginal workers with European stockmen. There was not much alternative employment and many Aboriginal stockmen faced unemployment for the first time. Some Aborigines were also forced to leave their traditional lands when they were illegally evicted from leasehold land that included traditional access. Thus, there were mixed feelings about the equal pay decision.



Fairfaxphotos.com/K. Berry

SOURCE 2.10 Students, Aboriginal activists and other supporters respond to Cabinet's refusal to make tribal lands available to the Gurindji people of Wave Hill in the Northern Territory.

WAVE HILL WALK-OFF: 1966–75

In 1966 Gurindji stockmen on the Wave Hill station in the Northern Territory went on strike over the decision of the Conciliation and Arbitration Commission to postpone equal wages for Aboriginal pastoral workers until 1968. Gurindji leader Vincent Lingiari led the Wave Hill Walk-off, which soon developed into a claim for the Gurindji's traditional land. The support of the novelist Frank Hardy, the song 'Poor Bugger Me' (co-written by Lingiari) and a wave of publicity all helped to capture the imagination of city-dwellers.

The strike lasted seven years. In 1975, Prime Minister Gough Whitlam poured earth into Lingiari's hand as a symbol of the lease of a portion of the land – 3300 square kilometres – to the Muramulla Gurindji Company.



Photo: Brian Manning

SOURCE 2.11 Gurindji strikers at Wattie Creek stand next to the sign that they had made to assert their claim over their lands.

Campaign for the referendum

The campaign for the referendum was led by Indigenous organisations under the national umbrella of FCAATSI. The state organisations comprised Indigenous Australians and their supporters working together. Indigenous activists such as Kath Walker (later known as Oodgeroo Noonuccal), Doug Nicholls, Bruce McGuinness and Faith Bandler (who was of Pacific Islander descent) were prominent in the campaign, alongside non-Indigenous leaders such as Gordon Bryant, Stan Davey and Shirley Andrews. The campaign included petitions and public meetings, and involved church groups, academics, students, writers, trade unions, the media and politicians.

Aboriginal rights on settlements and reserves across Australia, 1962

TABLE 2.1 Referendum petition leaflet, FCAATSI, 1962

State or Territory	NSW	Vic.	SA	WA	NT	Qld
Voting rights (state)	Yes	Yes	Yes	No	Yes	No
Marry freely	Yes	Yes	Yes	No	No	No
Control own children	Yes	Yes	No	No	No	No
Move freely	Yes	No	No	No	No	No
Own property freely	Yes	No	Yes	No	No	No
Receive award wages	Yes	No	No	No	No	No
Alcohol allowed	No	No	No	No	No	No

Bain Attwood and Andrew Markus, *The 1967 Referendum, or When Aborigines Didn't Get the Vote*, Aboriginal Studies Press, Canberra ACT, 1997, p. 42.

Questions

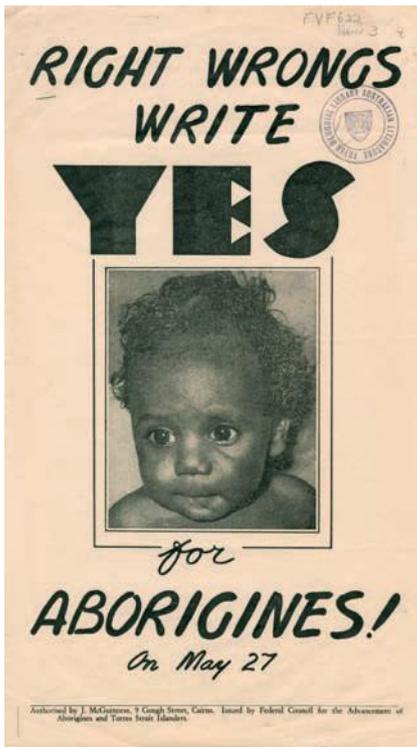
- 1 What does this chart tell us about assimilation?
- 2 This chart suggests that the only restriction on Aborigines in New South Wales was regarding alcohol – an issue of social equality, as hotels were and are significant social centres, especially in country towns. What other restrictions did the Freedom Ride reveal? Suggest why are these not shown on this chart.
- 3 Why are Tasmanian Aborigines and Torres Strait Islanders not mentioned?
- 4 Why would this table be included on a leaflet promoting the 1967 referendum?

One strong argument for the 'Yes' vote was the confusing situation with regard to different definitions of 'Aboriginality' from state to state, and therefore the different legislation governing Indigenous Australians. The definition in Victoria's legislation, for example, stated that an 'aborigine' was any descendant of an 'Aboriginal native'; while the Western Australian definition said a 'native' was 'any person of the "full blood" or less than full blood' descended from the original inhabitants of Australia, except a person of 'one-fourth' or less of the original 'full-blood'.

TABLE 2.2 State and territory governance of Aboriginal affairs, 1967

	Definition of Aboriginal	Governing bodies
Victoria	Any descendant of an 'Aboriginal native'	Ministry of Aboriginal Affairs and Aboriginal Affairs Advisory Council
Queensland	Person of 'full-blood' or 'preponderance' of Aboriginal blood; 'part-Aborigines' living as spouse of an Aborigine; resident of reserve who has some 'Aboriginal blood'	Director of Aboriginal and Island Affairs
Western Australia	'Any person of the "full blood" or less than full blood' descended from the original inhabitants of Australia, except a person of 'one-fourth' or less of the original 'full-blood'	Commissioner of Native Welfare
New South Wales	'Full-blooded' or 'half-caste' Aboriginal natives	Aborigines Welfare Board
South Australia	Distinction between Aboriginal ('full blood') and person of 'Aboriginal blood' (less than 'full-blood')	Department of Aboriginal Affairs and Aboriginal Affairs Board
Northern Territory	Many Aborigines now deemed to be persons 'in need of assistance'	Director of Social Welfare
Australian Capital Territory	Legislation repealed	N/A
Tasmania	N/A	N/A

John Chesterman and Brian Galligan, *Citizens Without Rights*, Cambridge University Press, Oakleigh Vic., 1997, p. 183, Table 14.



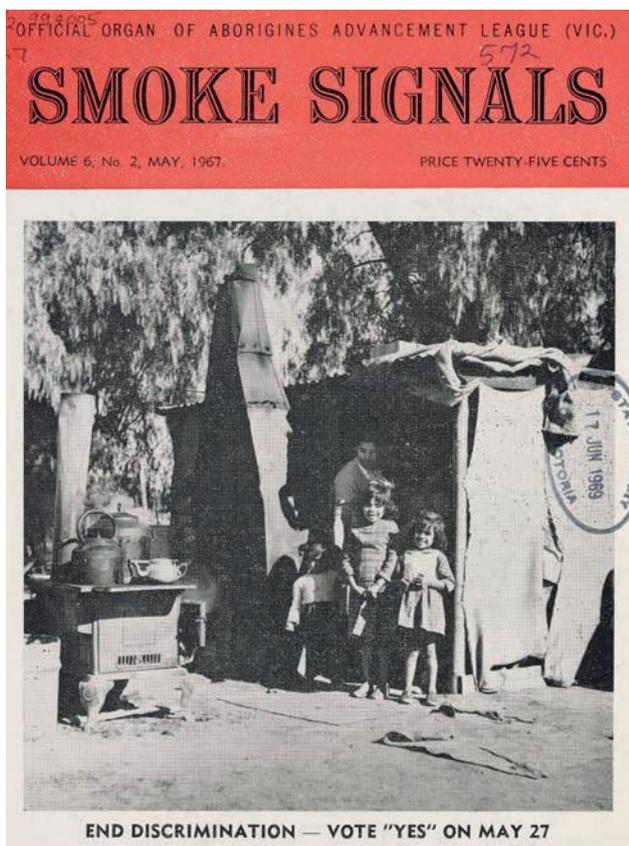
A RANGE OF MEDIA

Songs, posters, placards, slogans, speeches and images on leaflets portrayed the referendum in the broadest ways as being about citizenship rights. Slogans included:

- + 'Justice ... end discrimination now'
- + 'Count us together: make us one people'
- + 'Right Wrongs, Write YES for Aborigines on May 27'
- + 'Don't just count us: let us count'
- + 'Vote "Yes" for Aboriginal Citizenship rights'
- + 'If to Aborigines you would be fair, put "Yes" in the bottom square'
- + 'Two sections discriminate: end the two'
- + 'Aborigines: a national question'
- + 'Aboriginal rights'
- + 'Give us equality in all states'.

SOURCE 2.12 Poster produced by the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), as part of its campaign for the 1967 referendum

Vote 'Yes' on May 27



Victorian Aborigines Advancement League, Vol. 6, No. 2, May 1967, State Library of Victoria

SOURCE 2.13 The front cover of a special edition of *Smoke Signals*, the magazine of the Victorian Aborigines Advancement League. It presented the referendum as a way of ending racial discrimination.

Questions

- 1 What is the message of this photograph?
- 2 Match the photograph with a different slogan from the campaign and explain your choice.
- 3 Compare the way the photographer has depicted the people in this photograph to the way the photographer has shown the baby in the FCAATSI poster in source 2.12. Explain any differences in the message conveyed. Which has the greater appeal for you?
- 4 Using the Internet, find the lyrics of '1967 Referendum Song' by Peter Best. Compare the message of the *Smoke Signals* front cover with that conveyed in the words of this song, commenting on the emphasis in the messages and the likely appeal of the different media.
- 5 Could voting 'Yes' really 'end discrimination'?

At the time of the referendum, Aboriginal spokesperson Bill Onus stressed that the vote was about 'human rights' and 'one man being equal to the other'. Aboriginal activist Chicka Dixon wrote that the 'Yes' vote would mean being accepted 'by white Australians as a person'.

The government stressed the importance of justice and of maintaining Australia's international reputation. The government produced only an official 'Yes' case, rather than arguments for and against, and the media generally supported the referendum. There were no groups opposed to it.

Newspapers included some differing views. *The Sydney Morning Herald* editorial clearly noted only days before the vote that the public was confused. It stressed that the referendum would not give Indigenous Australians the right to vote as they already had this right. Despite the rhetoric about rights, it stated that the referendum did 'not deal with equal rights for aborigines'.

The West Australian editorial was critical, perhaps anxious about states' rights, and reminded readers that the changes would not mean that Indigenous Australians would be better off, stating: 'Canberra has given us no guidance on how it would exercise its new power or how it would react to a no vote.' One letter to the editor of *The Australian* argued that the amendment could lead to 'one law for whites, another for blacks', without guarantee that such a law would be benevolent.



REFERENDUM CHRONOLOGY

- 1901** The Commonwealth Constitution excluded the Commonwealth Government from Aboriginal affairs
- 1944** The 'powers' referendum was lost (relating to granting the Commonwealth extra powers for post-war reconstruction, including the power to legislate for Indigenous Australians)
- 1958** The Federal Council for the Advancement of Aborigines (FCAA) – later changed to the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) – began a 10-year campaign to change the Constitution
- 1965** A Bill to change the Constitution by referendum was introduced in the House of Representatives
- 1967** 90.77 per cent of Australian voters voted 'Yes' in the referendum held on 27 May to count Indigenous people in the census and to give the Commonwealth the power to make laws for Indigenous people
- 1968** The Commonwealth Office of Aboriginal Affairs was set up
The Council of Aboriginal Affairs was established – composed of ministers from all states and territories and the Commonwealth to recommend policies and coordinate programs

The referendum was passed overwhelmingly. However, this does not mean that all those who voted for it had the same attitudes, nor that there was no opposition. Voting varied, with just over 80 per cent of West Australians voting for the changes, compared to almost 95 per cent of Victorians. In some localities, the 'No' vote was high; these tended to be places where there were larger Indigenous populations.

At the time of the referendum, many Indigenous Australians were unaware of earlier changes. Leila Eatts said that she was unaware she could vote in the referendum, and believed that before 'we were nothing' – unable to vote or have a say in anything. After the referendum, Indigenous Australians spoke of how it boosted their morale and gave them more status as human beings.

HISTORIANS LOOK BACK

In their book *The 1967 Referendum*, Bain Attwood and Andrew Markus discuss the ways in which the referendum has been remembered and celebrated. They argue that celebrating the referendum fits with a liberal vision of blacks and whites working together for equal rights for all Australians. It is a reassuring idea of equality before the law for one people, one nation. It can be seen as the start of reconciliation.

Attwood and Markus also argue that the referendum results are seen as the good deed that purges Australia's wrongs – a comforting notion for white Australians. The referendum helps draw an artificial distinction between past and present, allowing people to acknowledge the unfortunate past, but only in the context of it being over – in the past. It can then be used as the benchmark of goodwill towards Indigenous Australians, and many people refer back to it and make comparisons. Most are using the past as a way of discussing the present.

Other complex events of the period, they say, are not as easy for everyone to celebrate. The equal wages case, also fought by FCAATSI, is not viewed as a total success because of the subsequent loss of employment for many Indigenous Australians when pastoralists had to pay their workers more.

AFTER THE REFERENDUM

Before the referendum, Aboriginal activist Bert Groves said he wanted ‘to be part and parcel of the community’, but without losing his identity. He spoke of ‘integration’ and ‘a basis of equality’; that is, he presented rights as equal rights. He criticised assimilation as a form of genocide. However, many who voted ‘Yes’ may well have done so because they supported the assimilation ideas criticised by Groves. These ideas were compatible with the campaign rhetoric of equality and a ‘fair go’.

After the referendum was won, there was a general expectation that more justice for Indigenous Australians would follow. While some Indigenous people were unaware of changes and uninvolved in political struggles, generally Aborigines and Torres Strait Islanders wanted the federal government to use its newly proclaimed powers to make changes. However, under the Liberal Prime Minister Harold Holt, few changes occurred and there was increasing frustration. Comments made by the government suggested that their view of the referendum was simply that it would help perceptions of Australia’s race relations internationally, but that it would not really change anything.



Aubrey Collette, *The Australian*, 19/5/1967, National Library of Australia.

SOURCE 2.14 This cartoon was published in *The Australian* on 29 May 1967, next to an editorial asking whether the voters had been cheated. The figure on the right represents Prime Minister Harold Holt.

Conclusion

In the assimilation climate of the 1950s and 1960s, an emphasis on equal citizenship rights enabled some basic changes to be made. The 1967 referendum ‘Yes’ vote was important symbolically and it popularly endorsed equal rights, but it also left many impatient for change. The campaign for the referendum helped Indigenous activists develop their skills and encouraged them to believe that change was possible. It also prepared the way for the next generation of Indigenous activists, who would focus more on Indigenous rights.

Chapter summary

- + The Second World War allowed some Aboriginal and Torres Strait Islander people some experience of equality.
- + After the war, the government affirmed and promoted the policy of assimilation.
- + Official assimilation policies were contradicted by continuing discriminatory rules and practices.
- + The removal of children from Indigenous families continued under different rules.
- + International events and pressure influenced the government to introduce some equal rights for Indigenous people.
- + Indigenous protests over land rights grew.
- + Indigenous organisations protested over unequal pay and other forms of discrimination in rural and outback Australia.
- + The campaign to hold and then win a referendum – about changing the Constitution to allow Indigenous Australians to be legislated for by the federal government – gathered wide support for equal rights and citizenship rights for Aboriginal and Torres Strait Islander peoples.
- + The overwhelming ‘Yes’ vote at the 1967 referendum raised expectations of change.

Weblinks

Weblinks relevant to this chapter can be found at <http://nmh.nelsonnet.com.au/indigenous>.

Endnotes

- 1 Anne Haebich, *Spinning the Dream: Assimilation in Australia 1950–1970*, Fremantle Press, Fremantle, 2008, p. 201.
- 2 Rosalind Kidd, *The Way We Civilise*, University of Queensland Press, St Lucia, 1997, p. 174.
- 3 Gordon Briscoe, *Racial Folly: A Twentieth Century Aboriginal Family*, ANU Press, Canberra, 2010, p. 91.
- 4 Quoted in Anne Haebich, *Spinning the Dream: Assimilation in Australia 1950–1970*, Fremantle Press, Fremantle, 2008, p. 228.
- 5 Rosalind Kidd, *The Way We Civilise*, University of Queensland Press, St Lucia, 1997, p. 189.
- 6 *Bringing Them Home, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Human Rights and Equal Opportunity Commission, Commonwealth of Australia, Sydney, 1997, Evidence 219, p. 142.
- 7 *Bringing Them Home, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Human Rights and Equal Opportunity Commission, Commonwealth of Australia, Sydney, 1997, p. 142.
- 8 Quoted in Jack Horner, *Seeking Racial Justice: An Insider’s Memoir of the Movement for Aboriginal Advancement, 1938–1978*, Aboriginal Studies Press, Canberra, p. 138.
- 9 Anne Haebich: *Spinning the Dream: Assimilation in Australia 1950–1970*, Fremantle Press, Fremantle, 2008, p. 375.



Chapter review activities

- 1 Construct an illustrated timeline that includes eight to ten dates between 1945 and 1967. Be prepared to explain your choices to other students.
- 2 Draw a mind map showing the ways in which assimilation was regarded by government, the general public, Indigenous people and Indigenous organisations.
- 3 Comment on the ways in which assimilation is presented in two images from this chapter.
- 4 In what ways did the Second World War assist assimilation and equality for Indigenous Australians?
- 5 Explain in your own words the following quotation from historian Anne Haebich:

“ While the imagery and rhetoric of assimilation created the impression of a new nation of equal citizens, the mechanics of the status quo, and its marketing – through powerful images of Australian life and Australian families – distracted the public from the fact that there was no level playing field, only players who always won and those who rarely could. ”

Anne Haebich, *Spinning the Dream: Assimilation in Australia 1950–1970*, Fremantle Press, Fremantle, 2008, p. 18.

- 6 In groups, research one of the following actions: the Pilbara strike, the Yirrkala Bark Petitions, the Wave Hill walk-off, the Freedom Ride and the referendum campaign. When conducting your research, be sure to use the questions: What? Why? Who? Briefly explain to the rest of the class what this particular action reveals about how Indigenous people fought for their rights in this period. Then, using the work of the whole class, write an account of how Indigenous people fought for their rights in this period. The body of your essay should comprise five paragraphs.
- 7 Research the role of one activist involved in the 1967 referendum campaign and assess their contribution. Begin by going to the National Museum of Australia, Collaborating for Indigenous Rights website.
- 8 Watch one of the following documentaries (or excerpts from it) to investigate this topic further:
 - + *First Australians* (2010), SBS, episode 6: ‘A fair deal for a dark race’
 - + *100 Years: The Australian Story* (2001), ABC
 - + *Time Frame: Citizens at Last* (1997), ABC
 - + *The Fair Go* (1999), ABC Open Learning, Canute Films
 Take notes using the headings ‘Assimilation’ and ‘Struggle for rights’.



CHAPTER THREE

Indigenous rights

By the early 1970s, equal citizenship rights had been formally achieved in most areas (although in many lives there were no immediate changes). The focus of the political struggle was now more clearly on Indigenous rights – rights specific to the First Peoples of Australia. Earlier campaigns for land were continued. The loss of the Gove Land Rights case (see chapter 2) was a major catalyst for the establishment of the Tent Embassy in 1972, which highlighted the issues of land rights, sovereignty and self-determination.

Indigenous rights in Australia included land rights, the development of specific services and organisations for Indigenous Australians, efforts to recognise sovereignty through a treaty, and the growth of a modern Indigenous cultural identity. With the achievement of the Northern Territory Land Rights Bill, and some land rights in the states, it seemed in the 1980s that land was the key to improving the position of Indigenous people in Australia. Many Indigenous organisations also strove to lessen Indigenous disadvantage, including seeking to reduce the growing numbers of Indigenous people in the justice system.

Aboriginal arts grew alongside the political changes, sometimes entwined with protests.

As the bicentenary of first European settlement approached, protests grew as the hoped-for treaty did not eventuate. The Royal Commission into Aboriginal Deaths in Custody began. Both this, and the continuing Mabo case, would see results in the 1990s.

◀ Aboriginal Australians demonstrated for land rights during the Commonwealth Games held in Brisbane in 1982.

INQUIRY QUESTIONS

- + How did Aboriginal and Torres Strait Islander people fight for their rights in the 1970s and 1980s?
- + What changes to both civil and Indigenous rights occurred in the 1970s and 1980s?
- + How did the tactics and goals of Indigenous rights movements change during the 1970s and 1980s?

Indigenous rights: a new movement

Despite the hopes raised after the 1967 referendum, change on the ground was slow. While Aboriginal and Torres Strait Islander peoples mostly enjoyed the same rights on paper as other Australians, much disadvantage was deeply embedded. The actual enjoyment of equal rights was not in fact possible, given many factors, such as intergenerational disadvantage and poverty; the impact of the removal of children; the legacies of protection; and the nature of discrimination in Australian society.

There were still oppressive structures that continued. In Queensland, especially, Aboriginal and Torres Strait Islander peoples still had to live under the repressive *Aboriginal Protection and Restriction of the Sale of Opium Act 1897*.

self-determination

In this context, the right of Aboriginal and Torres Strait Islander peoples to have control over the decisions that affect them.

However, the campaigns of the 1960s had equipped many Indigenous activists with vital skills, and the victory of the referendum encouraged them in their broader struggle. Furthermore, after the attainment of formal equality as citizens, it was now possible to shift the emphasis of the campaigns to **self-determination** and land rights.

The lack of practical outcomes after the referendum brought about a change in the nature of the struggle; it became one that was less collaborative and more confrontational.

In Indigenous activism, there was a shift in emphasis after 1967. Buoyed by their success in the referendum campaign, the organisations were ready to move on. Increasingly, in the late 1960s, FCAATSI and the state groups were reviewing their roles and Indigenous activists were debating the role of white people in their organisations.



SOURCE 3.1 Australian Black Panthers Denis Walker (pictured above) and Sue Chilly spoke on Black Power in Australia at universities in Melbourne in the early 1970s.

Black Power

A radical international movement of the 1960s and 1970s that asserted with pride that 'Black is beautiful', and stressed the conflicting interests of blacks and whites



SOURCE 3.2 Oodgeroo Noonuccal (formerly Kath Walker) was active in the struggle for rights for Indigenous Australians, and her writings exemplify some of the changes. Her son, Denis Walker, was a member of the Australian Black Panthers and was active in the establishment of the Tent Embassy.

In 1968, younger and more militant Indigenous activists formed the Australian Black Panthers, influenced by the **Black Power** movement, which had begun in the United States of America. They were critical of the more moderate approach of their elders. They wanted wholly Indigenous activism and a revolution.

In 1970, referendum campaigners Kath Walker (soon to be known as Oodgeroo Noonuccal) and Doug Nicholls formed the National Tribal Council. Rather than stressing human rights and common humanity, as in the referendum campaign, the emphasis was on Aboriginality, prior Indigenous occupation of the land, and land rights.

Oration

Here, at the invaders' talk-talk place.
 We, who are the strangers now,
 Come with sorrow in our hearts,
 The Bora Ring, the Corroborees.
 The sacred ceremonies,
 Have gone, all gone.
 Turned to dust on the land
 That was once ours.
 Oh spirits from the unhappy past,
 hear us now.

From the poem 'Oration' by Oodgeroo Noonuccal, presented to FCAATSI for use at Parliament House, Canberra, 27 March 1970.

Questions

- 1 What ideas are conveyed in this excerpt from 'Oration'? Refer to particular words and phrases to support your interpretation.
- 2 Using the Internet, find and read Noonuccal's poem 'Aboriginal Charter of Rights'. How do the ideas expressed in that poem differ from those in 'Oration'?
- 3 How do the changes in 'Oration' relate to changes in the campaign for Indigenous rights in the 1960s and 1970s?

NEW COMMUNITY ORGANISATIONS

Equal rights were embraced, but not assimilation. Indigenous Australians did not want to be merged with others, and new specifically Indigenous services sprang up. The young activists were not just talking; they were getting involved in community action. In New South Wales, the Redfern 'Free Breakfast Program' for children developed into the first Aboriginal medical clinic and an Aboriginal-run kindergarten. Paul Roe was one of the founders of the Aboriginal Legal Service, established in Redfern in 1970–71. The National Black Theatre Company and the Aboriginal Housing Company soon followed.

There was expectation that change must come, and many activists were making it happen. The formation of Indigenous-run services within the community was an important aspect of Indigenous self-determination.

The idea that it was appropriate to have special services for Indigenous communities was a reversal of assimilation policies. It asserted difference – different needs due to different culture, and special needs that were a result of colonisation and dispossession.



SOURCE 3.3 A young patient receives treatment at the Aboriginal Medical Service, Redfern, New South Wales, 1974

National Archives of Australia: AB739, A2/874/23

Indigenous health services, for example, could take into account the denial of health treatment in the past and the surveillance and control that had been involved. It could also take into account traditional practices, such as those related to birth, and so better meet the needs of Indigenous communities.

LAND RIGHTS ISSUES

In the 1960s, Indigenous activists concentrated on civil rights, but also land rights. Soon after the referendum, in 1968, FCAATSI launched a major land rights petition. There were calls for land rights, and protests in 1977 focused on the anniversary of Captain Cook's 'discovery' of Australia, with protesters laying funeral wreaths on the waters at Botany Bay. However, there was little government response. Then came the disappointing result of the Yirrkala court case against Nabalco Pty Ltd and the Commonwealth Government – the Gove Land Rights case – when Justice Blackburn upheld the doctrine of *terra nullius* (see chapter 2).



Finders keepers ...!



SOURCE 3.4 'Finders keepers ...!' This cartoon by Jeff Hook appeared in *The Sun* on 29 April 1971.

Questions

- 1 Explain the message of the cartoon, referring to particular words and aspects of the image to support your interpretation.
- 2 What was the historical context for this cartoon?
- 3 What did the Gove decision mean for the land rights struggle?

How was the land taken?

Prior to 1788, Indigenous groups owned their own territories and managed their own law. Conflicts between peoples appear to have been over the breaking of laws and the taking of women. Because of the strength of the Aboriginal connection to the land through ancestral beings, conflict over possession of territory seems not to have been an issue, although trespass could have been.

From the beginning of European settlement, the British approached the colony in the same way as in other colonies, but Australia was the only country colonised under the doctrine of *terra nullius*. This denied Indigenous Australians any recognition of their rights to the land and its resources, or of their own laws and ways of organising their societies. Indigenous Australians never agreed to their dispossession, and at every stage they resisted it. Up until the 1960s, this resistance was usually done on a local basis.

In the 1960s and 1970s, the calls for land rights and a treaty emerged, and from that time, some land rights were gained state by state. In 1992, the Mabo case (discussed in chapter 4) led to the recognition that *terra nullius* had never been valid and that native title continued to exist in some instances.

The recognition of native title has made a difference, but issues of compensation for dispossession, and the need for recognition of **sovereignty** and a treaty remain unresolved.

sovereignty

The exclusive rights exercised by a distinct group of people over a particular territory

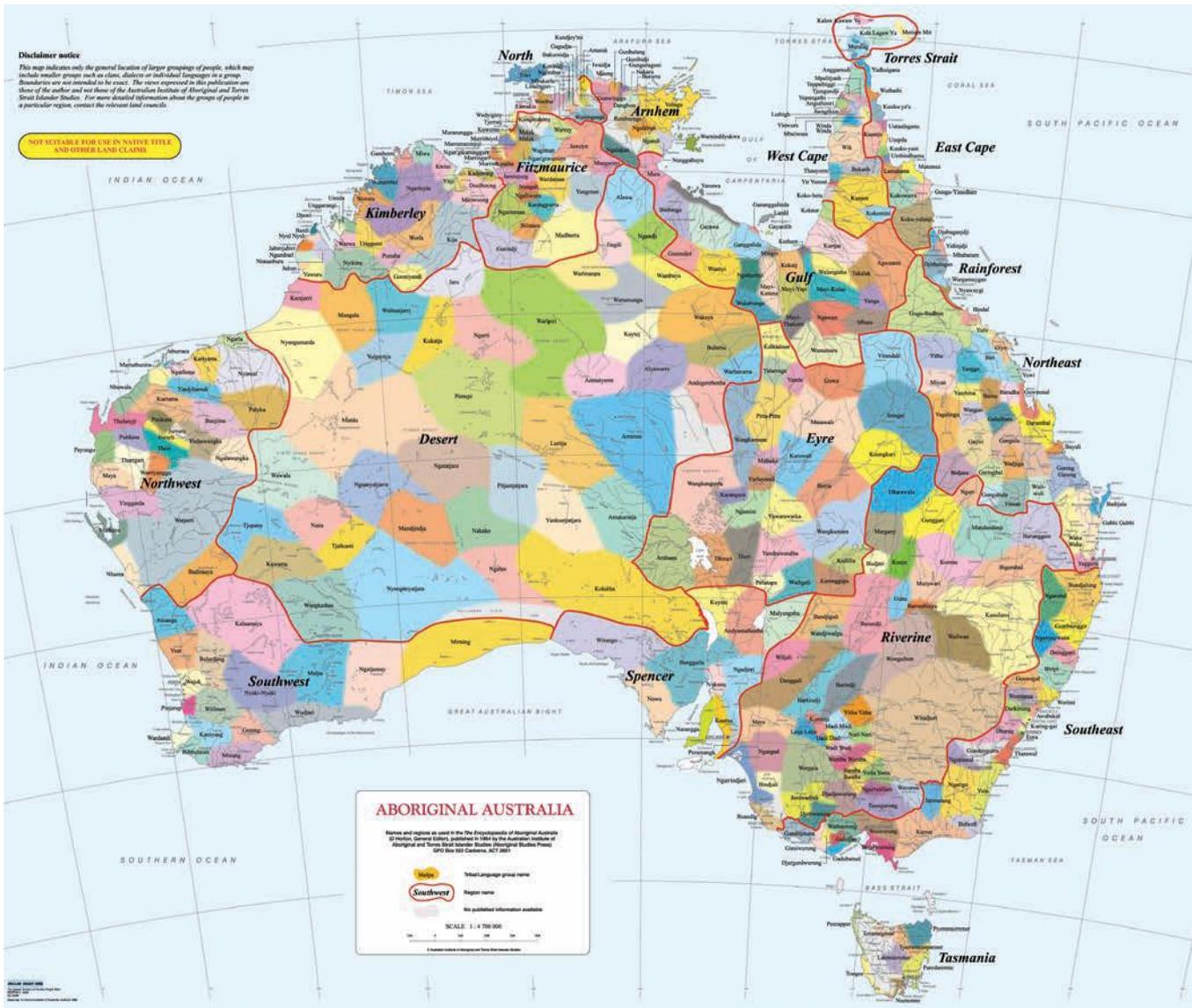
INDIGENOUS AUSTRALIANS AND THE LAND

Indigenous rights to land were based on the connection to ancestral beings who created the land and the creatures on the land. This is frequently described as the Dreaming. All of the world – natural and spiritual – was interconnected, and Indigenous peoples knew their country intimately, and cared for it so that it would remain healthy and care for them. There was no question of exchanging territory with others, although it is clear that groups traded widely, and shared and exchanged resources at times of special need or at major gatherings.

Yolgnu elder Silas Roberts explains:

“Aborigines see themselves as part of nature. We see all things natural as part of us. All the things on Earth we see as part human. This is told through the ideas of dreaming. By dreaming we mean the belief that, long ago, these creatures started human society. These creatures, these giant creatures, are just as much alive today as they were in the beginning. They are everlasting and will never die. They are always part of the land and nature, as we are. Our connection to all things natural is spiritual.”

Larissa Behrendt, *Indigenous Australians for Dummies*, Wiley Publishing Australia, Milton, 2012, pp. 52–3.



David R Horton, creator, © Aboriginal Studies Press, AIATSIS and Auslig/Sinclair, Knight, Merz, 1996. No reproduction allowed without permission.

SOURCE 3.5 This map is just one representation of many other map sources that are available for Aboriginal Australia. Using published resources available between 1988 and 1994, this map attempts to represent all the language, social or nation groups of the Indigenous people of Australia. It indicates only the general location of larger groupings of people, which may include smaller groups such as clans, dialects or individual languages in a group. Boundaries are not intended to be exact. This map is not suitable for use in native title and other land claims.

JUSTIFICATION FOR INITIAL DISPOSSESSION

As we have seen, the justification for the dispossession of the Indigenous inhabitants of Australia was *terra nullius*. *Terra nullius* could mean that there were actually no inhabitants of the land, or that the inhabitants did not own the land in the ways Europeans judged ownership. In international law, occupying a land declared *terra nullius* was one way to gain that land other than by conquest or consent. The first British instructions were simply to gain consent of the Indigenous inhabitants, but the basis of the actual possession of the land by the British was left vague.

New Holland

The name used by Europeans for mainland Australia from the mid-17th century until the early 19th century.

The numbers of Indigenous inhabitants were soon found to be much greater than originally assumed by those who recommended that the first penal colony be situated in **New Holland**.

Many justified the dispossession on the basis that the Indigenous people did not own land because they ‘wandered’ over it, not farming or not building on it. However, others argued that the Indigenous people occupied clearly defined territories, like the Scottish clans; and settlers saw evidence of Indigenous ways of looking after the land through fire-stick farming, and through the other ways the Indigenous people used hunting-and-gathering strategies to maintain food supplies over time.

The original inhabitants responded to the invasion in many ways, including violent resistance, but they were much weakened by the introduction of foreign diseases and the effects of the invaders on their food and water supplies. The settlement expanded and the Indigenous people struggled to survive the changes. In Van Diemen’s Land, there was a ‘black war’.

The diverse ways in which Indigenous Australians related to their land became clearer over time. In western Victoria, for example, the stone houses and the systems of eel traps indicated that many of the general ideas about Indigenous Australians were inaccurate and highlighted the wide diversity of environments and peoples. Indigenous populations tended to be larger where food was readily available, and they moved to follow food or the seasons. Within the language groups (see source 3.5), particular ways of living had evolved so that each group had a distinct identity.

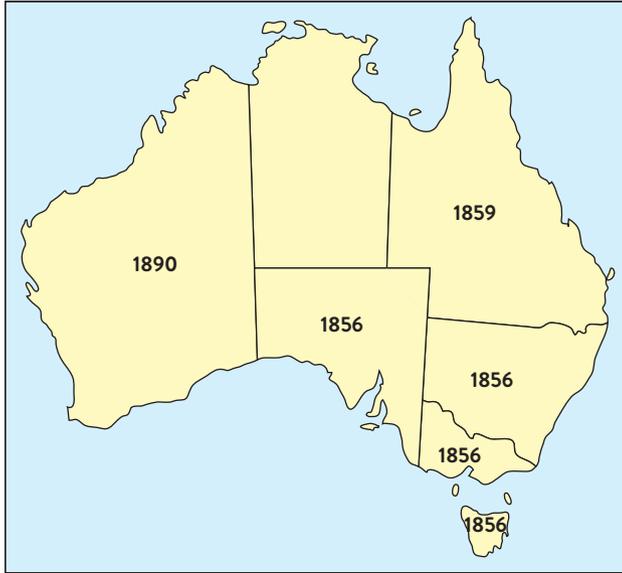


John McKinnon, National Library of Australia, vn6106665

SOURCE 3.6 John King of the Gourditch-Jmara (left) language shows John Evans (right) and Rex Morgan (centre) Aboriginal fish traps in central Victoria, 23 April 1985. As well as locating the stone fish weirs, channels and retaining walls, archaeologists have identified more than 175 sites that appear to contain the remnants of stone houses.

CLARIFYING THE BASIS OF DISPOSSESSION

Britain claimed sovereignty over eastern Australia in 1788; over central Australia in 1824; over Western Australia in 1829; and over the Torres Strait Islands in 1879. The basis of Australia's settlement became clearer over time. Historian Henry Reynolds records that in 1819 the Colonial Secretary, Lord Bathurst, was advised by the Crown's legal advisers that New South Wales had



SOURCE 3.7 In the atmosphere of confusion and uncertainty of British policy regarding Indigenous Australians, their land and their legal status, the control of Indigenous policy was transferred to the individual colonies when they were given authority over internal affairs, on the dates shown on this map.

been taken possession of as 'desert and uninhabited'. This was repeated by James Stephen, Counsel to the Colonial Office, in 1822, when he stated that the colony was acquired 'neither by conquest nor cession, but by the mere occupation of a desert or uninhabited land'.

When Governor George Gipps rejected John Batman's treaty with the Aboriginal people of the Port Phillip district in 1835, there was a strong assertion that all land in Australia belonged to the Crown and that Indigenous people had no right to buy or sell the land. At the same time, the various Acts of Parliament that facilitated the leasing of land from the government also included rights for Indigenous people to hunt and gather on that same land. In the mid-19th century, there was debate about the nature of the Crown's rights but by that time, over 50 years of settlement meant that even for those settlers most sympathetic to Indigenous rights, it seemed impossible to start again. Any reparation was to be done through the 'protection' of Indigenous Australians, but in many instances Indigenous people believed they had rights to the land they were 'given' as reserves.

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TERRA NULLIUS CONFIRMED

In 1889, a dispute over land ownership in the case *Cooper v. Stuart* led to an appeal to the Privy Council in Britain. In that case, Lord Watson declared that all land in Australia belonged to the Crown because at settlement it was *terra nullius*, or 'practically unoccupied', without settled inhabitants or settled law when it was 'peacefully annexed to the British dominion'.¹ Historian Heather Goodall argues that such a decision could not have been reached earlier because there had been so much experiential evidence contradicting the notion that Australia was either 'practically unoccupied' or 'peacefully' taken. However, by the late 19th century, with eastern Australia so settled and cities developed, it was convenient to forget what had happened and was still happening on the frontiers.

HENRY REYNOLDS

Historian Henry Reynolds has published many books on Indigenous history since the 1980s. In *The Other Side of the Frontier* (1981) he examined historical records to explore Indigenous responses to dispossession. Later books moved from a focus on the frontier to explore the complex range of attitudes and behaviours in the shared history of Indigenous people and white Australians. His books are aimed at a general audience and are widely read.

The first edition of *The Law of the Land* was published in 1987 and was important in raising awareness of the legal basis of settlement. It provided a reassessment of the legal and political arguments used to justify the European settlement of Australia. It was significant in presenting the idea of *terra nullius* to modern Australians, showing how this idea had been challenged in the 19th century. It also separated the issue of Indigenous rights to land from the issue of sovereignty, opening the way for an acknowledgement of Indigenous prior ownership of the land and Indigenous land rights within a modern Australian nation.

What happened in 1788?

The British claimed sovereignty over the whole of Eastern Australia. The accepted legal view of this is that they also acquired ownership of every inch of land as well. The assertion of sovereignty was not surprising given the behaviour of European nations at the time. The claim to all the property was another matter altogether. Indeed it is not entirely clear that that was in fact intended. Practice in other parts of the world suggested that negotiations should have been conducted prior to the purchase of land. The situation in Australia may have arisen from the mistaken belief that the country was largely uninhabited and therefore a *terra nullius*. The idea was soon discredited. The law, however, continued to work on that assumption in the face of everything that happened after 1788. *Terra nullius* is still at the heart of the Australian legal system. While it remains there the gap will yawn between jurisprudence and historical reality. There will never be a real accommodation between black and white. Australia will continue to be an imperial nation where the indigenous people are ruled by a legal system which enfolds old injustice.

Henry Reynolds, *The Law of the Land*, Penguin, Melbourne, 1987, p. 173.

Questions

- 1 Briefly explain the basis of the British dispossession of the Indigenous inhabitants, according to Henry Reynolds.
- 2 Create a table using the headings 'British attitudes' and 'Indigenous attitudes', illustrating the different approaches to land.
- 3 Watch one of the film clips about land on the Australian Screen website (see chapter weblinks on page 95). Share your thoughts on it with other students, and compile a class summary of the relationship to country of Indigenous peoples.

Tent Embassy

On the eve of Australia Day 1972, the McMahon Liberal Government issued its policies rejecting Indigenous land rights, inspiring young Aboriginal activists in Sydney to hold a protest in Canberra that would embarrass the government and provide a focal point for their aims. The activists set up a camp with a beach umbrella outside Parliament House and proclaimed it as an embassy. The next day, more joined the group and erected tents. In the capital city, with its many imposing embassies, the group portrayed themselves as a people separate from non-Indigenous Australians, represented by a campsite. It was a strong public message of being aliens in their own land, and it was made on Australia Day.

The Aboriginal Embassy

Angered at the federal government's Australia Day statement rejecting Indigenous land rights, Michael Anderson, Billy Cragie, Tony Coorey and Bert Williams drove from Sydney to Canberra to set up their protest under a beach umbrella.

The placards in this image read:

- + 'Land rights now or else'
- + 'Land now not lease tomorrow'

Other placards included:

- + 'Legally this land is ours, we shall take it if need be'
- + 'Ningl-a-na: Hungry for our land'
- + 'Why pay to use our land?'
- + 'Which do you choose – land rights or bloodshed?'
- + 'Destroy Arnhem land, we destroy Australia'

At the Tent Embassy, the placards did not ask for rights; they demanded rights.



SOURCE 3.8 The beginning of the Tent Embassy, 26 January 1972

Mitchell Library, State Library of New South Wales and Courtesy Tribune/SEARCH Foundation - ON 161/675

Questions

- 1 Describe the scene in the photograph.
- 2 What is suggested by the words 'Aboriginal Embassy'?
- 3 Examine the two placards in this photo and the list of other placards noted above. What meaning do you think each statement conveys? Some themes to consider include: threat, desire for separate identity, sense of urgency.

In February 1972, Indigenous Australians petitioned on the issues of self-determination and sovereignty, as well as land rights.

Aboriginal Embassy Land Rights Policy

The Tent Embassy's 'five-point plan' for land rights, 5–6 February 1972

We Demand:

- 1 Full State rights to the Northern Territory under Aboriginal ownership and control with all titles and minerals, etc.
- 2 Ownership of all other reserves and settlements throughout Australia with all titles to minerals and mining rights.
- 3 The preservation of all sacred lands not included in Points 1 and 2.
- 4 Ownership of certain areas of certain cities with all titles to minerals and mining rights.
- 5 As compensation, an initial payment of six billion dollars for all other land throughout Australia plus a percentage of the gross national income per annum.

Authorised by Aboriginal Embassy Cabinet Committee.

quoted in Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, St Leonard's, 1999, pp. 257–8.

The Tent Embassy soon added a flag to symbolise the separate nationality of Indigenous Australians. At first, it flew what was called the Black Unity of African Congress flag: green for land, red for the blood shed by the people, and black for the people. Later, this was joined by another flag – one with a spear laid across a red-and-black background, with four crescents to symbolise the four corners of Australia. In July, these flags were joined by another – a flag designed by South Australian Aboriginal artist and activist Harold Thomas. This is the red, black and yellow flag we still know as the Aboriginal flag today.



Fairfaxphotos/Greg Newington

THE YOUNG ONES

The Tent Embassy looked quite different from earlier campaigns. It was influenced by international left-wing movements utilising new methods of protest in opposition to capitalism, war, racism and sexism. Here, young Indigenous activists – influenced by the Black Power movement in the United States – stressed

SOURCE 3.9 The Aboriginal flag was designed by Harold Thomas in 1971. Black represents the Aboriginal people of Australia; red represents the red earth, the red ochre and a spiritual relation to the land; and yellow represents the sun – the giver of life and protector.

their difference through the flag, their hairstyles and their demands. Paul Coe, a 23-year-old law student, spoke on national television on 20 March 1972 about the changes taking place:

“ ... we were just saying that the older type of aboriginal leaders ... Well it's like building a pyramid, they're a step below, and their time has passed, faded out. There's time now for a new kind of action, a more positive direction.”

decolonisation

The process of gaining political independence after being controlled by another country. After the Second World War, it refers to the dismantling of the colonial empires of Britain, France, the Netherlands, Portugal, Belgium and Italy.

Gary Foley was a prominent participant in the Tent Embassy and in Indigenous urban politics and culture in the 1970s, and he remains an important commentator. In his essay 'Black Power in Redfern 1968–1972', he comments:

“ The Redfern/Fitzroy 'Black Power' groups were conscious of the 'winds of change' sweeping through Africa and other parts of the colonised world and saw themselves and the Koori situation in the context of **decolonisation**.”

PARTY POLITICAL DIFFERENCES

Over the first months of 1972, the Tent Embassy grew. In three months, there were six tents and the embassy had its own mailbox. Many politicians visited and it became the focal point for a large rally.

As Indigenous people, the protesters were able to take advantage of an old ordinance allowing them to camp on public land, but the Liberal Government was keen to remove the embassy. By May, there were seven petitions from Australian Capital Territory residents calling on the government not to introduce a trespass ordinance.

The Tent Embassy was seen by some as an embarrassing eyesore, but the Indigenous demonstrators turned such accusations to their advantage by saying 'the mission has come to town' – highlighting the lack of permanent housing enjoyed by Indigenous people.

Thirty federal Labor politicians pledged their support to physically prevent the removal of the Tent Embassy. Indigenous issues were now clearly party political and in full view of the national and international media.



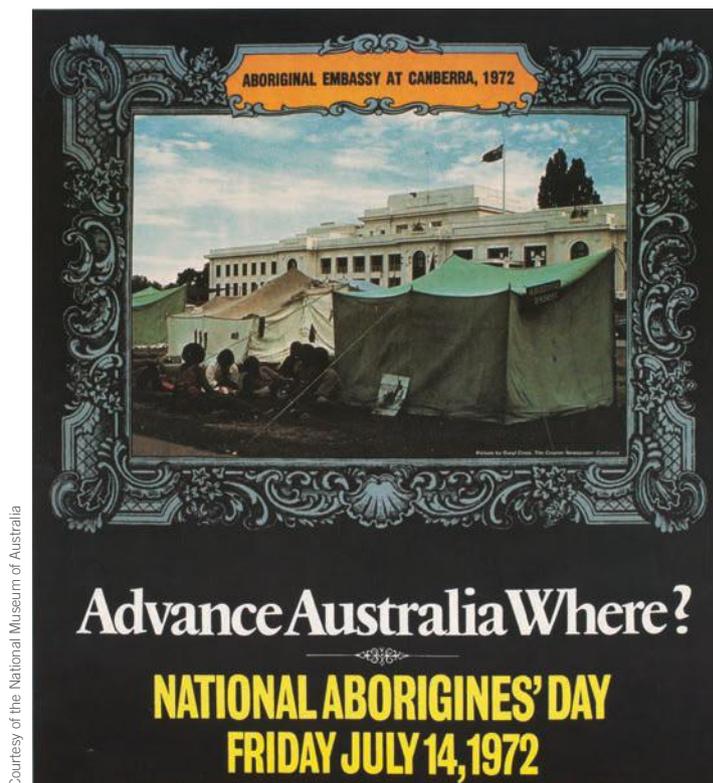
SOURCE 3.10 Gary Foley demonstrates during the controversial South African Springbok rugby team tour, 1971.

A NATIONAL INDIGENOUS PROTEST

More and more Indigenous people came to Canberra to support the Tent Embassy, and Indigenous attitudes became more united in opposition to the government and in support of the embassy. Despite her earlier non-partisan approach, for example, Indigenous activist Faith Bandler spoke of the need to remove the government. Even the advisory council convened by the government supported the embassy and its demands. Among Indigenous people, there were differences of opinion over focus and tactics, but no real differences concerning the emphasis on land. As protester Milli Boyd said: 'we are hungry for our own ground'.

However, Aboriginal writer and activist Kevin Gilbert acknowledged that many rural Indigenous people were understandably nervous about Black Power, afraid that urban blacks would descend on a town, cause trouble over an issue and then leave the locals to face white reprisals. Other Indigenous people were sympathetic to the Tent Embassy protestors, but urged more patience. The first Aboriginal MP, Liberal Senator Neville Bonner, rejected Black Power as encouraging violence and leading to negative outcomes for Indigenous peoples. He appealed to the militant protesters ‘to obey the law’ and use the processes of parliament.

NADOC Week



Courtesy of the National Museum of Australia

SOURCE 3.11 This 1972 poster advertises National Aborigines' Day. The National Aborigines' Day Observance Committee (NADOC) (from 1991 called the National Aborigines and Islanders Day Observance Committee (NAIDOC)) was formed to organise National Aborigines, Day, which was first celebrated on 28 January 1940. In 1955, National Aborigines' Day moved to the first Sunday in July, and was later expanded into NAIDOC Week.

Questions

- 1 What was the purpose of this poster in July 1972?
- 2 What does the poster's photograph show?
- 3 What is the effect of combining the photograph with the decorative frame?
- 4 What does the question 'Advance Australia where?' suggest?
- 5 What does this poster suggest about the relationship between the Tent Embassy and the broader Indigenous community?

THE STORMING OF THE 'EMBASSY'



The climax: Police moving in to break up the Aboriginal "embassy" in Canberra yesterday grapple with demonstrators guarding one of the tents.



The warning: Inspector J. C. Johnson earlier, telling "embassy" members that the tents must go.



After the battle: Police carry away tents and bedding. (Aborigines fight to last tent, P 3.)

SOURCE 3.12 'The Storming of the Embassy', *Sydney Morning Herald*, 21 July 1972

In July 1972, the government made the Tent Embassy a trespass offence, and police removed the tents and arrested eight protesters. A few days later, demonstrators tried to restore the tents and 18 were arrested in an extremely violent demonstration that was widely reported.

A week later, thousands of protesters (estimates from various sources range from 2000 to 10 000) staged a peaceful demonstration re-erecting the tents, which the police then removed. Confusion ensued when it was found that the government's trespass laws were invalid.

Media representations of violence

Many newspaper reports highlighted the violence. In the Melbourne *Herald* on 20 July 1972, there were references to a 'wild brawl' – a 'battle', where

'knives and a spear were drawn' and 'police and protesters swapped punches'. The reporting of these protests, like the reporting of the protests about the Vietnam War and the South African Springbok rugby tour, brought the violence on the part of the protesters and the police into the living rooms of Australians, which generated fear.

AN ELECTION YEAR

The Tent Embassy was erected in an election year, so Indigenous rights became an election issue. The Liberal Government of the day tried to use force and legislation to remove the Tent Embassy, while Black Power was depicted as frightening and divisive – a threat to the nation. Demands for recognition of Indigenous sovereignty were seen as radical and were rejected on the basis that they could lead to apartheid. However, Gough Whitlam and other Labor politicians in opposition supported the protesters at the Tent Embassy and promised a better deal for Indigenous Australians under a new Labor Government.

A national poll conducted in November 1972 showed that fewer than 20 per cent of the electorate were content with 'conditions for Aborigines'. However, many in the wider community who supported equality were fearful of what Indigenous rights might mean and saw them as potentially divisive. Also, while the campaign for the referendum had endorsed the role of the Constitution and the rule of law in Australia, the Tent Embassy was associated with violence and anarchy. There was sympathy for Indigenous Australians, but at the same time there was concern about disruptive behaviour.

‘It’s time’

In December 1972, the Labor Party led by Gough Whitlam came to power at the culmination of its successful ‘It’s time’ election campaign, and the Tent Embassy was arguably one of the issues that led to this result. Soon, the Department of Aboriginal Affairs was created and Gordon Bryant was appointed Minister for Aboriginal Affairs. On the first anniversary of the establishment of the Tent Embassy, all charges against the protesters were dropped.

In February 1973, the Woodward Inquiry into Aboriginal Land Rights in the Northern Territory began, and all mining and exploration permits for leases on Northern Territory reserves were frozen.

THE TENT EMBASSY AND THE HISTORIANS

In the *Oxford Companion to Australian History* (1998), Peter Read wrote:

The call by the Tent Embassy (1972) for Aboriginal land rights, based on prior occupation, indicated the extent to which the leadership was demanding a separate and special, rather than simply equal place within the nation. In a climate of reassessment, Aboriginal demands were to some extent met by the Whitlam and Fraser federal governments, which created the national Aboriginal Advisory Council (1973), the NT Land Rights Act (1976), and the Aboriginal Development Commission (1980), and funded separate Aboriginal legal and medical services in the states ...⁴

Historians have written less about the Tent Embassy than the referendum, yet the Tent Embassy is commonly referred to as a success, a moral victory and a model for an effective demonstration. It was a significant factor in highlighting the failures of the Liberal Government on the eve of the 1972 election. Gary Foley portrays it as a watershed, marking the beginning of militant Black Power politics.

Scott Robinson saw the Tent Embassy as:

... the result of a decade of debate within the Aboriginal community over means and goals ... Despite the fact that its central demand for land rights was only partially fulfilled by the Northern Territory Land Rights Act of 1976, the longevity of the demand for the return of land in other areas ... and more generally for aboriginal sovereignty indicates its pivotal significance in the history of contemporary aboriginal politics.⁵

In *Rights for Aborigines* (2003), Bain Attwood places the Tent Embassy more in the context of other protests, such as the Day of Mourning 1938, the Gove Land Rights (1971) case or the bicentenary (discussed below), and also international protests by Native Americans, African Americans and Maori. He identifies new elements:

- + Indigenous nationhood and sovereignty, shown in the call for a treaty and an Indigenous homeland
- + a sense of shared Aboriginality as a national group with a shared history of colonisation
- + ideas about land being central to ideas of Aboriginality – no land, no culture
- + a style of protest emphasising international opinion and using the threat of possible violence.

Bain Attwood and Andrew Markus argue that the Tent Embassy represented ideas that are unresolved and still seen as threatening, and so it is not celebrated like the referendum. The issue of Indigenous sovereignty is yet to be resolved, as there is still no treaty or preamble to the Constitution that recognises prior ownership of this land by the First Peoples.

Self-determination

In 1972, the Whitlam Government officially replaced the policy of assimilation with a new policy of self-determination, meaning that Indigenous peoples could maintain their own culture and a degree of control over their own destiny within a diverse Australia. There was a new legal definition of Aboriginality – no longer was the emphasis on ‘blood’, with references to ‘caste’; instead, the definition referred to self-identity, descent and confirmation by the Indigenous community.

The new policy made it easier for Indigenous people to assert their own cultures and to establish services to meet their specific needs, but seemed to downplay their special role as First Peoples because of the multicultural context.



Fairfaxphotos/Mervyn Bishop

SOURCE 3.13 In 1975, Prime Minister Gough Whitlam poured earth into the hand of Gurindji leader Vincent Lingiari, symbolising the handing back of the title to the land at Wattie Creek to the Gurindji people.

LABOR AS ‘SANTA CLAUS’

The Labor Government began an inquiry into the granting of land rights to Indigenous people. This led to the Aboriginal Land Commission, and one of the first land grants was to the Gurindji at Wattie Creek, marking the end of the Wave Hill Walk-off (see chapter 2). Aboriginal author Kevin Gilbert’s description of Labor as ‘Santa Claus’ suggests appreciation of the Whitlam Government’s greatly increased funding to Indigenous peoples.

Under Whitlam, spending on Aboriginal affairs greatly increased, and was often given directly to Indigenous organisations. The Department of Aboriginal Affairs was upgraded and all state administrations except Queensland’s became branch offices.

In varying ways, state and federal governments did respond to Indigenous demands, but government spending could not bring overnight change and probably contributed to a white backlash. Spending was usually under close scrutiny, and many people in Australia were uneasy about one group receiving anything that could be described as special treatment. Furthermore, the bureaucracy was

TABLE 3.1 Total Commonwealth expenditure on Aboriginal affairs (at average 1974–75 prices)

1968–69	\$ 17 608
1969–70	\$ 26 507
1970–71	\$ 32 381
1971–72	\$ 35 069
1972–73	\$ 67 686
1973–74	\$ 97 165
1974–75	\$119 866
1975–76	\$121 700
1976–77	\$ 93 871
1977–78	\$ 93 714

Department of Aboriginal Affairs, Statistical Section, Newsletter No. 7, cited in Lorna Lippman, *Generations of Resistance*, Longman Cheshire, 1981, p. 83.

still wedded to assimilation policies. In addition, there were new challenges. For example, the new government encouraged bi-lingual education, but this was complex as – according to Max Griffiths of the Australian Inland Mission – about 130 languages and dialects were in use in the Northern Territory alone.

THE FEDERAL GOVERNMENT AND THE STATES

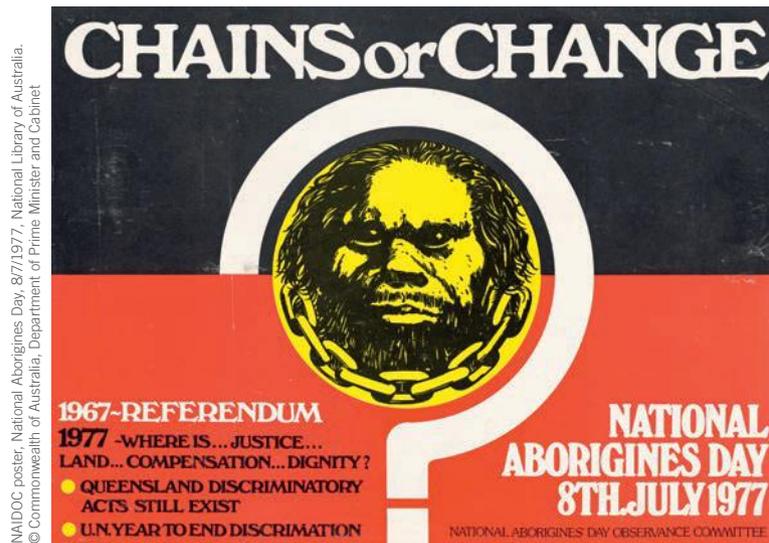
The Liberal Prime Minister John Gorton had admitted in 1971 that there was still legal discrimination against Indigenous people in some Australian states, referring to Queensland and Western Australia. Gorton said that the federal government would repeal the offending laws if the states did not act first. Both Labor Prime Minister Whitlam and his successor, Liberal Prime Minister Malcolm Fraser, tried to make changes in the states, but these were strongly resisted.



SOURCE 3.14 Services especially for Indigenous people in relation to health, legal aid and housing received government funding. This image shows health services being administered at the Community Health Service, Brisbane, in 1974.

National Archives of Australia: 8739, A19/8/74/46

Chains or change?



SOURCE 3.15 This 1977 NADOC poster outlined continuing issues and questioned how much had changed in the 10 years since the referendum.

Questions

- 1 What message does this poster convey through its use of colour, the question mark, the image inside the question mark, and the words 'chains or change'?
- 2 What issues does this 1977 poster raise with regard to the 1967 referendum?
- 3 What issues does it raise regarding the 1970s?



A CHRONOLOGY OF CHANGES IN THE 1970s

1972	25 JANUARY	Prime Minister William McMahon's Australia Day speech rejected Indigenous land rights
	26 JANUARY	The Tent Embassy was established on the lawns of Parliament House, Canberra
	23 JULY	Following the removal of the tents by the police, demonstrators tried to re-establish the embassy and 18 were arrested in a violent confrontation with police
	30 JULY	Demonstrators marched to Parliament House and peacefully re-erected and then dismantled the Tent Embassy
	2 DECEMBER	A Labor Government was elected and a Department of Aboriginal Affairs was set up under Gordon Bryant
		The policy of assimilation was replaced with a new policy of self-determination
1973	8 FEBRUARY	The Woodward Inquiry into Aboriginal Land Rights in the Northern Territory began
		Amendments to the Commonwealth Migration Act (1958) enabled Aborigines and Torres Strait Islanders to obtain passports without special permits
1974		Justice Woodward's second report said: 'to deny Aborigines the right to prevent mining on their land is to deny the reality of their Land Rights'; this report was accepted in principle by all political parties and most states
1975		Prime Minister Gough Whitlam handed back title of land to the Gurindji people
		The Racial Discrimination Act was passed in the Commonwealth Parliament
		Queensland Aborigines were allowed to control their own property
1976		The Aboriginal Land Rights (Northern Territory) Act was passed by the Commonwealth Parliament

A NATIONAL REPRESENTATIVE BODY?

A national representative body can provide national leadership and an Indigenous voice in government and public life. In 1973, the Whitlam Government announced the formation of the National Aboriginal Consultative Committee (NACC) as an advisory body to the Minister for Aboriginal Affairs. This body was an elected assembly of 40 Indigenous people. It was replaced in 1977, when Malcolm Fraser's Minister for Aboriginal Affairs, Ian Viner, announced the formation of the new National Aboriginal Conference (NAC), which had a broader system of representation. This body was dismantled by the Hawke Government in 1985.

In 1989, the Hawke Government established the **Aboriginal and Torres Strait Islander Commission (ATSIC)**, a government-funded organisation with complicated tasks in terms of both policy and service delivery. The initial structure was also cumbersome, with 65 elected councils, later reduced to 35. ATSIC is discussed further in chapter 4.

Aboriginal and Torres Strait Islander Commission (ATSIC)

A national body, operating between 1990 and 2004, which represented and supported Indigenous regional communities.



SOURCE 3.16 A National Aboriginal Consultative Committee (NACC) meeting, 1974

Land rights: 1960s–1980s

From the time of first settlement, Indigenous Australians have struggled to stay on their own land. They fought those invading their territories and also harassed settlers, so that the newcomers would leave.

In some cases, relationships with settlers or missionaries allowed groups to remain on their own territory, enabling traditional ceremonies and food gathering to carry on as much as possible. These relationships continued in the northern parts of Australia in the 20th century on cattle stations and on reserves and missions.

Gradually, Indigenous Australians made claims for land rights. This was partly about preserving their livelihood – having land to farm or graze in order to make a living and having access to bush tucker – but it was also about Indigenous identity. In the words of Aboriginal author Kevin Gilbert:

“ The denial of land ... symbolises injustice, dispossession, theft and the abuse of natural justice ... ‘Land’ is a symbolic recognition of our rights in justice, our rights in principle, and our status as men in this land. Our claim for land is a call to other Australians for a recognition of justice.⁶ ”

By the 1970s, ‘land rights’ had become a catch-all term encompassing ownership rights of traditional land, compensation for land taken, an economic base, Indigenous identity, and Indigenous self-determination. However, the term’s most clear meaning is about the control of land. The modern struggle for land rights began with an emphasis on gaining Indigenous control of remaining reserve lands and traditional land, where missions or pastoral stations had enabled Indigenous people to stay in their own territory. Land rights issues were the major focus for Indigenous activists and their supporters.

STATE LAND RIGHTS

freehold title

Full ownership of land by the owner and their heirs

State land rights had been granted since 1966 in South Australia. Such grants were made on moral rather than legal grounds, but still they often gave Aborigines **freehold title** to land.

After the dismissal of the Whitlam Government in 1975, the Labor Party (now in opposition) continued to promote a policy of Indigenous land rights. The Liberal Fraser Government passed a modified Northern Territory Land Rights Bill, but was generally opposed to land rights. When Labor came to power again in 1983, Prime Minister Bob Hawke established a working party for a national land rights scheme. However, pressure from Labor governments in Western Australia and South Australia led to this being shelved, with the result that Australia still has a mix of state legislation without uniformity today.

Despite these gains, in most cases Indigenous peoples were not able to derive economic benefits from the land, as it was usually the worst-quality land and the federal government still had the rights to the minerals under the ground. In Queensland, the quest for land rights led to the state government's pre-emptive action of declaring reserve land as national parks and changing the governance of reserve land to local government – rather than Aboriginal – councils, so that the state would keep control. In the Northern Territory, the Country Liberal Party Government (which was in power from 1974 to 2001) opposed every land claim made by Aboriginal groups, with estimated legal bills amounting to \$10 million.



LAND RIGHTS, STATE BY STATE

- 1966** Aboriginal Land Trusts Act (SA): turned reserves into perpetual leases
- 1970** Aboriginal Land Rights Act (Vic.): transferred the deeds of reserve land at Lake Tyers and Framlingham to Indigenous communities
- 1976** Aboriginal Land Rights (Northern Territory) Act (Cwlth)
- 1981** Pitjantjatjara Land Rights Act (SA)
- 1983** Aboriginal Land Rights Act (NSW): recognised the dispossession and dislocation of New South Wales Aboriginal people and set up a local–regional–state land council network with 15-year land tax funding (to 1998) as compensation and to establish an economic base
- 1984** Aboriginal and Torres Strait Islander Heritage Protection Act (Cwlth)
- 1984** Maralinga Tjarutja Land Rights Act (SA)
- 1985** Uluru-Kata Tjuta National Park was granted to the Anangu people as traditional land, on the condition that the Anangu would lease it back to the federal government for 99 years, and that it would be co-managed
- 1986** Aboriginal Land Grant (Jervis Bay Territory) Act (Cwlth)
- 1987** Aboriginal Land (Lake Condah and Framlingham Forest) Act (Cwlth)
- 1989** Nitmiluk (Katherine Gorge National Park) was returned to Jawoyn ownership
- 1991** Aboriginal Land Act (Qld): set up a limited land rights scheme
Torres Strait Islander Act (Qld): set up a limited land rights scheme
- 1995** Aboriginal Lands Act (Tas.): granted 12 areas to an elected Aboriginal Land Council in trust for Tasmania's Indigenous people

Noonkanbah: a failed protest?

Noonkanbah is an Aboriginal station near Fitzroy Crossing in Western Australia. Under a land rights agreement, this station was purchased for an Aboriginal community, which continued to manage it as a cattle station from 1976. Mining exploration was to take place, but the community protested because this threatened sacred sites. Negotiations with the state government broke down, and Aboriginal and non-Aboriginal supporters assisted the community in a blockade in August 1980. The blockade was broken when the Premier of Western Australia sent in the police.

Although the blockade was defeated, the publicity made it a public relations success and inspired later struggles.

Queensland protests

Both Labor and Liberal Prime Ministers challenged Queensland Premier Joh Bjelke-Petersen's regime in the 1970s, but the Aboriginal Protection and Restriction of the Sale of Opium Act remained in force. Dating back to 1897, this Act had been revised many times, and the most discriminatory aspects had been removed in 1971, but it had remained essentially unchanged until 1984. The threat of international criticism because of protests at the Brisbane Commonwealth Games led to the 1982 Land Act, but this legislation simply allowed for changes and nothing actually happened. The rhetoric of equality was used in Queensland to deny land rights to Indigenous people.

According to historian Rosalind Kidd, Bjelke-Petersen proclaimed in 1974 that 'the 1967 Referendum may have granted the federal government powers to make laws for the nation's Aboriginal population, but it had no power over state lands or administration'.⁷ Bjelke-Petersen remained Queensland Premier from 1968 until 1987.



SOURCE 3.17 This cartoon by Geoff Pryor, from the *Canberra Times*, 4 April 1980, demonstrates the ignorance of the mining companies about local cultural sensitivities.



SOURCE 3.18 A demonstration for Aboriginal land rights and civil liberties during the Commonwealth Games in Brisbane, 1982



SOURCE 3.19 Governor-General Sir Ninian Stephen (left), with traditional owners of Uluru in 1985; a special poster marks the returning of land title

Aboriginal land and national parks

In contrast to the speedy declaration of national parks in Queensland as ways of preventing Indigenous land rights, the co-management of the Uluru-Kata Tjuta National Park seems to be a positive partnership – of benefit to both the Anangu community and the Australian nation, which celebrates the rock as an Australian icon. Kakadu National Park is also under joint management – a legal arrangement based on Aboriginal land ownership, with a lease-back to the Northern Territory under negotiated conditions and with an Aboriginal majority in the governing body.

TERRA NULLIUS CONTINUES

The doctrine of *terra nullius* was tested in the late 1960s, and in 1971 Justice Blackburn ruled against the Milirrpum people of the Northern Territory in the Gove Land Rights case, stating that historical revision could not be used to change legal principles made at a different time. However, in his judgment Justice Blackburn acknowledged the Aboriginal laws revealed in the evidence presented and referred to the ‘subtle and elaborate system highly adapted to the country in which the people led their lives, which provided a stable order of society’. His recommendations led to the Aboriginal Land Rights Act (Northern Territory) in 1976.

In 1979, in the case of *Coe v. Commonwealth*, Paul Coe challenged the idea that Australia had been an uninhabited land, arguing it was not settled, but conquered. Given that native title had been confirmed in Canada in 1972, Australia’s Indigenous peoples had hopes of change as a result of this case. Coe was unsuccessful, but he had raised the issue of Indigenous sovereignty.

Mabo

In 1982, Eddie Koiki Mabo and four other Murray Islanders from the Torres Strait began a court case against the Queensland Government, claiming:

“ Since time immemorial the Torres Strait Islands of Mer (known as Murray), Danar and Waier and their surrounding seas, sea beds, fringing reefs and adjacent islets have been continuously inhabited by people called the Meriam people. ”

The Queensland Government immediately tried to stop them by passing legislation in 1985 stating that the rights of Torres Strait Islanders had been extinguished when the islands were annexed in 1879. However, the High Court in 1989 judged that this Act contravened the *Racial Discrimination Act 1975*, so the court case continued into the 1990s (see chapter 4).

Cultural renaissance

Just as the Indigenous political movement in the 1970s and 1980s flourished, so too did Indigenous cultural identities. Accompanying the many political and social developments was the growth of distinctively Indigenous art, music, dance and writing. Traditional arts continued, but these were adapted to new media and often blended with European styles. Indigenous sportsmen and women became household names and, increasingly, Aboriginal people and Torres Strait Islanders emerged to represent themselves in a range of media. The arts became a powerful expression of Indigenous identity. In addition, Australian historians began to focus on Indigenous history.

ART

In the 1970s, Aboriginal bark painting had been well known for some time, but Aboriginal art was mostly displayed in museums as examples of culture, rather than in art galleries as something valuable in its own right.

The art of the Western Desert came to prominence in the 1970s when several elders began painting at Papunya in the Northern Territory. Encouraged by Geoff Bardon, a schoolteacher there, these artists produced many beautiful dot paintings and became well-known artists, commanding large prices for their work. Groups in other areas also drew on their own traditional knowledge and skills to produce distinctive work in other styles.

Today, there are many Indigenous artists practising in cities, and in regional and remote areas. They use all kinds of media and are represented in national and international galleries, as well as in private collections.

MUSIC

Yorta Yorta musician Jimmy Little had achieved a great deal in the 1960s, particularly with his 1963 gospel hit 'Royal Telephone', but more Indigenous musicians emerged in the 1970s and 1980s. They used a wide range of music styles, most often with an emphasis on a message. Bands

such as Us Mob from Adelaide played hard rock, while No Fixed Address featured in the film *Wrong Side of the Road* (1981) and toured Britain in 1984 with its own brand of reggae. The lyrics of their hit, 'We Have Survived the White Man's World', captured the frustrations of the black community. The Warumpi Band made political anthems and protest songs popular.



Michael Jensen, National Library of Australia, vn3210252.v

SOURCE 3.20 Indigenous artists Charlie Tarawa (Tjaruru) Tjungurrayi, Johnny Warangkula Tjupurrula, Timmy Payungka Tjapangati and Kaapa Mbitjana Tjampitjinpa working at the artists' studio, Papunya, Northern Territory, 1972



The Warumpi Band, 1981, Papunya NT - photo by Neil Murray

SOURCE 3.21 Members of the Aboriginal country rock band, the Warumpi Band, which released three albums, including the song, 'My island home', later recorded by Christine Anu.

Other singers such as Kev Carmody also emerged. Carmody's song 'Thou Shalt Not Steal' (1990), about double standards, begins with an account of the landing of 'the first boat people', and includes the words, 'sorry boys, our gain's your loss, we're gonna steal your land'.

WRITING

Writers such as David Unaipon, Jack Davis and Kath Walker (Oodgeroo Noonuccal) were well known in Australia from the 1960s, but increasing numbers of autobiographies and family histories were published in the 1970s and 1980s. Artist Sally Morgan's autobiography, *My Place* (1988), became a bestseller. It recounted how she discovered as a teenager that her family was Aboriginal and how she tried to find out about the lives of her mother and grandmother.

In Broome, Western Australia, Magabala Books was publishing Indigenous writing from the 1980s, and in 1990 Queensland University Press published *Paperbark: A Collection of Black Australian Writings*.

SELF-REPRESENTATION IN THE MEDIA

In this period, Indigenous people began to take control of the ways in which they were depicted in or omitted from film and television.

Adapted from a stage play, the ABC television show *Basically Black* used humour to prompt thinking about the ways in which racial stereotypes were reinforced by the images available in films and on television.

Hyllus Maris wrote the award-winning *Women of the Sun* television series, giving viewers in 1981 an Indigenous history of Australia in four screenplays, and for the first time in a television drama used an Indigenous language on screen. Also in the 1980s, the satirical short film *BabaKiueria* (1986) reversed the roles and showed Australian audiences what it might feel like if the white people had been the ones invaded and colonised.

The first of many Indigenous community radio programs began on Melbourne's 3CR in 1976. In 1980, the Central Australian Aboriginal Media Association (CAAMA) was established by the Arrernte Council in Alice Springs, and was granted the first community licence held by an Indigenous group. In 1986, the CAAMA formed Imparja Television, which gained the first commercial licence held by an Indigenous group, and began producing and broadcasting to more than 60 000 viewers in Indigenous languages and in English.



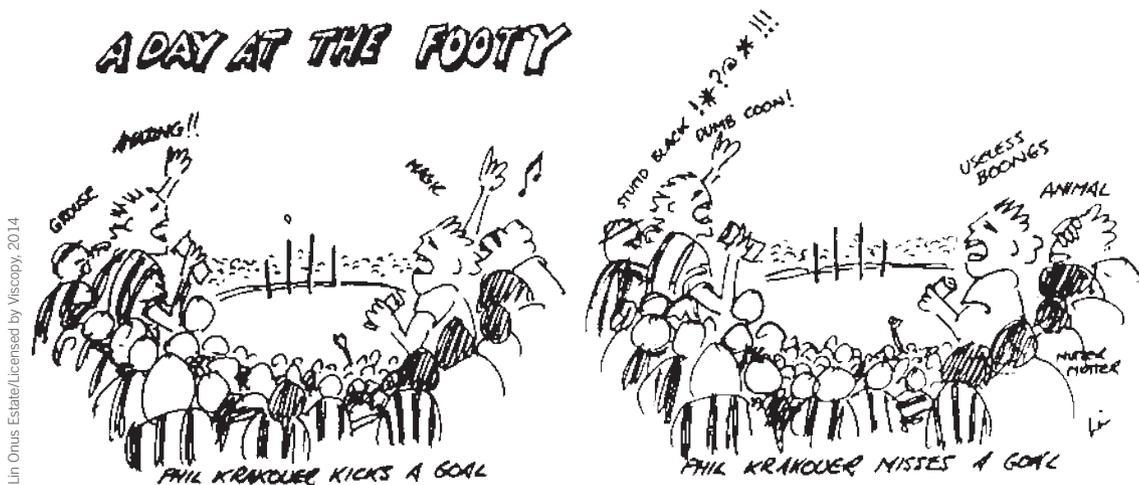
SOURCE 3.22 The 1973 ABC TV production *Basically Black*, with Zac Martin as 'Super Boong', confronted stereotypes and derogatory language used about Indigenous people by creating a 'Superman' character, and using a racist term in the character's name to remove its sting.



SOURCE 3.23 A still from the final episode of *Women of the Sun* (1981), which dramatised the Cumberagunja Walk-off.

SPORT

Earlier in the 20th century, many Indigenous sportspeople had not been widely known as Indigenous Australians, but in the late 20th century, Indigenous stars emerged. These included Yvonne Goolagong-Cawley in tennis, Graham (Polly) Farmer and Phil Krakouer in Australian Rules Football, Arthur Beetson in Rugby League and the Ella brothers in Rugby Union, as well as boxing champions such as Tony Mundine and Lionel Rose.



Lin Onus Estate/Licensed by Viscopy, 2014

SOURCE 3.24 'A Day at the Footy', by Aboriginal artist Lin Onus, 1988

HISTORIES

Historian Anne Haebich argues that the federal government continued to present a 'White Australia' narrative in this period – of a primitive people rescued by colonisation and being prepared for citizenship in an assimilated nation. However, this story was being replaced by public narratives of a violent and oppressive colonial past and new visions for a future society that would acknowledge the special rights of Indigenous Australians. In the lead-up to the bicentenary in 1988, marking 200 years since the arrival of the First Fleet, Australians were increasingly being exposed to alternative views of history.

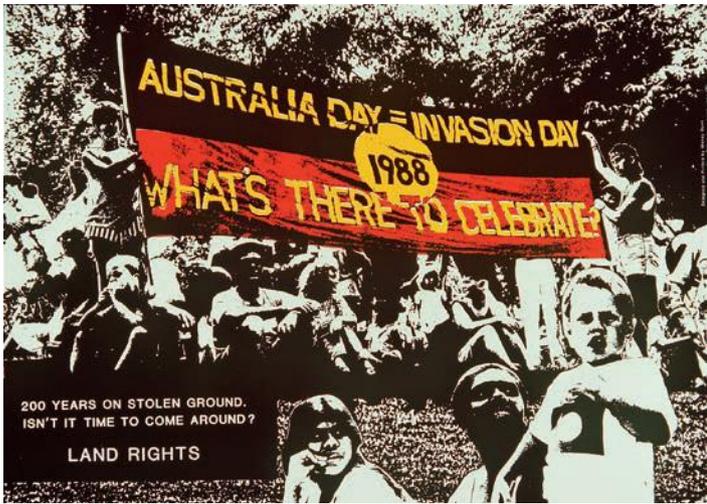
In addition to autobiographical stories, there were many small and informal publications, often of oral histories. *The Mapoon Story*, for example, included photographs and oral history in presenting an argument about the displacement of the Mapoon community in Queensland. The Aboriginal History Programme published booklets of the work of students at the Koori Kollij community training program, Melbourne, in the 1980s, 'proving that our culture still lives, and that literature such as this is a valuable asset to be able to pass on to our young'.

Much was written during this period on Indigenous history. In *Aborigines and Settlers*, 1972 and *The Other Side of the Frontier*, 1981, historian Henry Reynolds detailed 'Aboriginal resistance to the European invasion of Australia'. *The Black Resistance* by Fergus Robinson and Barry York, published in 1977, presented accounts of Indigenous resistance in each state, with the authors clearly stating in their authors' note their intention to fill a gap in general Australian histories:

“ In the official texts, the dispossession of the Australian Aboriginal people by British colonialism is mentioned only in passing. The heroic resistance of the Australian Aborigines against this colonialism is rarely mentioned at all.”⁸

In 1982, the first edition of *Aboriginal Australians* by Victorian historian Richard Broome was published. It became a standard text for Australian history in schools and has recently been revised. In 1984, Koori author James Miller wrote a groundbreaking history of his family in the context of the broader history of Australia in *Koori: A Will to Win – The Heroic Resistance, Survival and Triumph of Black Australia*. For most Australians, these histories were a shocking revelation. Many would ask: why wasn't I told?

Bicentennial celebrations?



SOURCE 3.25 The photographic image in this poster is of a bicentennial protest in 1987. The poster was used to raise funds to send the artist, Wendy Dunn, to the first World Indigenous Peoples Congress in Canada later that year.

Australia Day had become a focus for Indigenous people as 'Invasion Day', but as 1988 and the bicentenary of the arrival of the First Fleet approached, Aboriginal and Torres Strait Islander peoples prepared to provide an alternative way of viewing this occasion. There was a strong emphasis on survival; this asserted the enormity of what had happened to Indigenous Australians and their strength in resisting colonisation and surviving. They had not died out. Slogans such as 'White Australia has a black history' referred to the shared histories of Indigenous and non-Indigenous Australians and the negative nature of much of that history.

'We Have Survived'

The band No Fixed Address adopted a reggae style in 'We Have Survived' by Bart Willoughby, which became a landmark protest song. The song formed part of the soundtrack for the film *Wrong Side of the Road* (1981), which sought to bring Indigenous music to non-Indigenous audiences.

The lyrics captured the frustrations of the black community:

We have survived the white man's world
And the hurt and the torment of it all
We have survived the white man's world
And you know you can't change that.
You can't change the rhythm of my soul,

continued

continued

You can't tell me just what to do.
 You can't break my bones by putting me down,
 Or by taking the things that belong to me.
 All the years has just passed me by,
 I've been hassled by the cops nearly all my life.
 People trying to keep me so blind,
 But I can see what's going on in my mind.

'We Have Survived', written by Willoughby (Mushroom Music). Reproduced with permission.

Questions

- 1 Watch a film clip of No Fixed Address performing 'We Have Survived'. What does this song say about Indigenous history and Indigenous identity? Refer to particular words or aspects of the music to support your interpretation.
- 2 Why do you think the words of this song were used by protesters at the time of the bicentennial celebrations?
- 3 What is the role of music and song in Indigenous self-determination?

As the bicentenary approached, a call for a treaty was handed to Prime Minister Bob Hawke at the Barunga Festival in the Northern Territory in June 1988. This became known as the Barunga Statement. Hawke responded by saying he wished to see a treaty negotiated by 1990; the proposed treaty was often referred to as a compact (formal agreement), or the 'Makarrata'. The 1991 Yothu Yindi song 'Treaty' relates to this compact and strongly supports the idea of an agreement between Indigenous and non-Indigenous Australians.

However, while the bicentennial celebrations were marked by a strong Indigenous presence, there was no treaty.

Inequality continued

The end of formal exclusion in the 1970s enabled some improvement in Indigenous living standards, but while social service payments were finally able to be paid directly to Indigenous people, other services available to white Australians were not provided. The use of the term 'community', rather than 'town' or 'township', often meant that the infrastructure usually provided for a town was denied to Indigenous Australians in remote areas. Thus, health, housing, education, water, sewerage and electricity – which were available to the rest of the Australian population on a free or subsidised basis – were slow to arrive in Indigenous communities.

The experiences of Indigenous people also varied according to many factors, including their location in town camps and in distinct (if dispersed) urban centres. The effects of the homelands movement in the 1970s, when thousands of Indigenous people moved from towns to their ancestral lands was yet another factor.

While census data comparing 1971 and 1991 indicates significant improvement, total employment rates remained low. Many Indigenous people were still severely disadvantaged.

Factors contributing to this were intergenerational and included living in remote areas, individual and systematic discrimination, a history of exclusion and the psychological impacts of being Indigenous in white Australia.

One key area of disadvantage that came to the fore in the late 1980s related to fatal outcomes of the relationship between Indigenous people and the law.

ABORIGINAL DEATHS IN CUSTODY

The Royal Commission into Aboriginal Deaths in Custody was established by the Hawke Government in 1987 in response to a growing public concern that deaths in custody of Indigenous people were too common and were poorly explained. The Commission examined all 99 deaths in custody that occurred in Australian states and territories between 1 January 1980 and 31 May 1989, and the actions taken in respect of each. The final report, signed on 15 April 1991, made 339 recommendations, which were mainly concerned with procedures for persons in custody, liaison with Indigenous groups, police education and improved accessibility to information. Many of these recommendations are yet to be implemented.

The Commission investigated the wider underlying issues impacting specifically on Indigenous people. It highlighted the disproportionate imprisoning of Indigenous people and the discrimination they experienced before the law, including the findings that many Indigenous people were in custody for minor offences, were refused bail, and were given harsher sentences than non-Indigenous Australians.

One recommendation was for a process of reconciliation that would encourage cooperation and harmony between Indigenous and non-Indigenous Australians.



SOURCE 3.26 Anti-Bicentenary demonstration, Sydney, January 1988.

Conclusion

From 1967 to 1972, the face of Indigenous politics changed. A national Indigenous movement emerged, with a strong emphasis on land rights and sovereignty. The 1970s and 1980s was a very active time for Aboriginal and Torres Strait Islander peoples. A start was made in terms of both land rights and self-determination. Indigenous organisations were set up and groups all over Australia were transforming their own lives. In Australia's cultural life, Aboriginal and Torres Strait Islander peoples were much more prominent and vocal.

The freedom from the controls of earlier periods, while not total, enabled many changes to be made. However, the needs of Indigenous people were great, the relationship with the state did not fundamentally change, and general community attitudes did not change overnight. Continuity was more of a factor than expected.



Chapter summary

- + Indigenous activists emphasised land rights and self-determination in the 1970s.
- + Under the Whitlam Labor Government, the policy of self-determination replaced assimilation and more resources went to Aboriginal affairs.
- + Neither Liberal nor Labor federal governments were able to unite the states to achieve uniform land rights.
- + Across the states there were land rights gains, but the basis of land ownership in Australia – *terra nullius* – was retained though tested in the courts.
- + The call for a treaty grew as the bicentenary of Federation approached.
- + Indigenous cultural identities became much more developed, and flourished.
- + By the end of the 1980s, there were improvements in various socioeconomic indicators, but concerns over deaths in custody led to a royal commission.

Weblinks

Weblinks relevant to this chapter can be found at <http://nmh.nelsonnet.com.au/indigenous>.

Further resources

Bain Attwood, *Rights for Aborigines*, Allen & Unwin, Crows Nest, 2003.

Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, Crows Nest, 1999.

Larissa Behrendt, *Indigenous Australians for Dummies*, Wiley Publishing Australia, Milton, 2012.

Richard Broome, *Aboriginal Australians: A history since 1788*, 4th edition Allen & Unwin, Crows Nest, 2010.

Heather Goodall, *Invasion to Embassy: Land in Aboriginal Politics, 1770–1972*, Allen & Unwin, St Leonards, 1996.

Rachel Perkins and Marcia Langton (eds), *First Australians: An Illustrated History*, The Miegunyah Press, Carlton, 2010 edition. (first published 2008).

D Horton (ed.), *Encyclopedia of Aboriginal Australia*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 1994.

Benny and the Dreamers (1992), documentary

My Survival as an Aboriginal (1978), documentary

Ningla A-Na (1972), documentary

Wrong Side of the Road (1981), feature film

Endnotes

1 Quoted in Henry Reynolds, *Aboriginal Sovereignty: Three Nations, One Australia?*, Allen & Unwin, St Leonards, 1996, pp. 95–6.

2 From the transcript for *Monday Conference*, ABC TV, 20 March, 1972, quoted in Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, St Leonards, p. 262.

- 3 Gary Foley, 'Black Power in Redfern 1968–1972', 16 November 2004, Koori History website: www.kooriweb.org/foley/essays/essay_1.html.
- 4 Peter Read, in *The Oxford Companion to Australian History*, Oxford University Press, South Melbourne, 1998, pp. 14–15.
- 5 Scott Robinson, 'The Aboriginal Embassy: An Account of the Protests of 1972', in Valerie Chapman and Peter Read (eds), *Terrible Hard Biscuits*, Allen & Unwin, St Leonards, 1996, p. 260.
- 6 Quoted in Bain Attwood, *Rights for Aborigines*, Allen & Unwin, Crows Nest, 2003, p. 345.
- 7 Rosalind Kidd, *The Way We Civilise*, University of Queensland Press, St Lucia, 1997, p. 275.
- 8 Fergus Robinson and Barry York, *The Black Resistance: An Introduction to the History of the Aborigines' Struggle Against British Colonialism*, Widescope, Camberwell, 1997, Authors' note.



Chapter review activities

- 1 Copy and complete the following table, which is based on headings in this chapter:

	Details of one visual or written historical source	How the source relates to citizenship rights or Indigenous rights
Tent Embassy		
Land rights: 1960s–80s		
Cultural renaissance		
Bicentennial celebrations		
Inequality continued		

- 2 Search the Internet for the documentary *The Tent Embassy* (1992), directed by Frances Peters-Little. Watch the film, then answer the following questions:
 - a What happened?
 - b Who was involved?
 - c What did it signify?
 - d What had changed from the referendum campaign?



- 3 Write an essay on one of the following topics:
 - a Compare and contrast the referendum campaign to the Tent Embassy.
 - b 'While some state land rights were given, the basis of land ownership remained unchanged in the 1970s and 1980s.' Discuss.
- 4 Create a mind map for the term 'self-determination'.
- 5 Imagine it is 1988. Design a poster showing both the 'celebration of a nation' and an Indigenous perspective. Prepare to display your poster and answer questions about it.
- 6 The Yothu Yindi song 'Treaty' was a top-selling single and a response to the promise of a treaty between Indigenous and settler Australians. Find and read the lyrics to this song and then answer the following questions:
 - a What criticisms are made in 'Treaty' about the treaty process in 1988?
 - b What hopes are expressed in the song?
 - c What is the impact of including Aboriginal language in this song?
- 7 Research one Indigenous band, group or individual singer, for example Yothu Yindi, No Fixed Address, Warumpi Band, Us Mob, Kev Carmody, Archie Roach & Ruby Hunter, Christine Anu or the Mills Sisters.
 - a Summarise the results of your research using headings such as 'Biographical outline', 'Musical achievements' and 'Relationship to the struggle for rights'.
 - b Report to the class on your findings.
 - c Based on the shared reports, write a class summary of the role of Indigenous musicians in the struggle for rights.
- 8 Prepare a presentation on the Papunya art movement that explains the role of Aboriginal art in relation to rights.
- 9 Read one Aboriginal autobiography from this period and explain what it reveals about denial of rights and the struggle for rights.
- 10 Read the Barunga Statement of 1988 and note which parts still have not been met. It is available on the website for the Australian Institute for Aboriginal and Torres Strait Islander Studies.



CHAPTER FOUR

Reconciliation?

Reconciliation is about the relationship between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. It includes Indigenous rights, especially to land, and the process of gaining the enjoyment of equal rights.

The 1990s was a decade devoted to reconciliation, but the 1992 Mabo decision overturning *terra nullius* took centre stage for several years. The ensuing native title legislation was modified after the 1997 Wik decision.

Challenges to reconciliation also included controversies over the *Bringing Them Home* report, the political party One Nation and the 'history wars'. The resulting public debates reinforced positions on Indigenous rights along party political lines. However, the reconciliation process involved many Australians at a personal level, leading to greater recognition of Indigenous experiences and more expressions of support for Aboriginal and Torres Strait Islander peoples.

Attitudes were influenced during the 1990s by the many Aboriginal and Torres Strait Islander people who emerged as political leaders or consolidated their roles. In Australian cultural life, Indigenous singers, dancers, artists, writers and sportspeople were strongly represented. Some recognition of Indigenous people as Australia's First Peoples became commonplace, even while Aboriginal and Torres Strait Islander peoples remained unrepresented in the Constitution and disadvantaged relative to the rest of the population.

While there is some improvement, socioeconomic disadvantage continues. There is much unfinished business related to both symbolic recognition and to practical changes leading to greater equality. In the 21st century, the party political differences regarding Indigenous rights have continued and Indigenous leaders have presented a range of ways forward. Reconciliation is ongoing.

◀ This 'Sea of Hands' installation in Sydney was created in 2009 in an effort to keep issues such as native title and reconciliation on the minds of all Australians.

INQUIRY QUESTIONS

- + What has reconciliation delivered regarding Indigenous rights or citizenship rights since 1990?
- + What are the issues for Aboriginal and Torres Strait Islander peoples in the 21st century?

Mabo: Terra nullius overturned

Before the formal movement for reconciliation could develop, the issue of the Indigenous right to land took centre stage as the 10-year-long Mabo court case came to judgment.

By the late 20th century, ideas of justice and human rights no longer accepted *terra nullius* when there was a resident population. A court case brought by a group of Torres Strait Islanders led by Eddie Koiki Mabo finally overturned this convenient legal fiction and brought Australian law into line with common law in other former British colonies, such as Canada, New Zealand and the United States of America. It separated the idea of sovereignty from land ownership.



Eddie Koiki Mabo (1937– 1992)

Eddie Mabo preferred to be called Koiki. He grew up on Mer (Murray Island), learning his traditional Melanesian culture, and also learning English as his third language after Meriam and Kriol. He could recite his genealogy as far back as 17 generations.

In 1985, when Mabo reflected on his past, he judged the time he spent growing up on Mer as the best part of his life because he had the opportunity to learn both the European way of life, from his schoolteacher Robert Miles, and his traditional heritage at the same time.

At the age of 15, Mabo was in trouble because of drunkenness and a 'misdemeanor' with a Meriam girl, and the strict Christian leaders banished him from Mer for a year. Mabo worked on boats for a number of years, and when Torres Strait Islander people were allowed to go to Queensland, he left home to work there and get equal pay. He got a job on the railways in western Queensland. He met and married Ernestine Bonita Nehow and they began their family. They moved to Townsville, where Mabo worked with the Harbour Board and became more involved with unionism.

Mabo became involved in the struggle for rights. He was secretary of the Townsville Aboriginal Advancement League and campaigned for the 'Yes' vote in the 1967 referendum. Working as a gardener at James Cook University, he suggested holding a conference, and 300 black and white activists attended the 1967 interracial seminar: 'We the Australians: What is to Follow the Referendum?'

Mabo was invited to lecture students in race relations and education. One day in 1974, when having lunch with historian Henry Reynolds and author Noel Loos, he was shocked to learn that land he regarded as his land on Mer was considered Crown land, saying: 'No way, it's not theirs, it's ours.'



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continued

continued

Seen as a troublemaker, Mabo was prevented from visiting Mer on several occasions. In 1974 he did receive permission to visit his very ill father, but Benny Mabo died before his son could make the journey.

Mabo emerged as a leader within the Torres Strait Islander community in Townsville. He helped to found the Aboriginal and Torres Strait Islander Health Centre and was co-founder and director of the Townsville Black Community School. A skilled performer and teacher of Meriam song and dance, he was appointed to the Aboriginal Arts Board of the Australia Council. In 1981, at a conference on 'Land Rights and the Future of Australian Race Relations', he gave a speech on land rights in the Torres Strait Islands.

Spurred on by the conference and by the people he met there, Mabo decided to go to court to fight for his land. In 1982, a group of five Torres Strait Islanders – Mabo, Father Dave Passi, Sam Passi, Celuia Mapo Salee and James Rice – began the fight for the land rights of the Meriam people to Mer. Mabo had realised that the system of individual inheritance practised in Torres Strait Island society might result in better outcomes than the Aboriginal system, where the people had more communal links to their land. The group claimed:

... since time immemorial the Torres Strait Islands of Mer (known as Murray), Danar and Waier and their surrounding seas, seabeds, fringing reefs and adjacent islets have been continuously inhabited by people called the Meriam people.

In 1991, Mabo was diagnosed with cancer. He died on 21 January 1992.

Four months later, in the case known as Mabo (No. 2), the High Court finally ruled that Australia was never *terra nullius* and that the connection of Indigenous people to their land continued. In his judgment, Justice Gerald Brennan said:

Where a clan or group has continued to acknowledge the laws and so far as practicable to observe the customs based on the traditions of that clan or group, whereby their traditional connection with the land has been substantially maintained, the traditional community title of that clan or group can be said to remain in existence, the common law can, by reference to the traditional laws and customs of an indigenous people, identify and protect the native rights and interests to which they give rise.

This new recognition of Indigenous rights was called **native title**, and it only exists over unalienated Crown land (land that no one else is using or has an interest in), national parks and reserves. In another land claim, the Fejo case in 1998, the High Court confirmed that a grant of freehold title to land extinguishes native title.

native title

A new form of title by which Australian law recognises the rights and interests of Indigenous people in land and water according to their traditional laws and customs

Questions

- 1 List the achievements of Eddie Koiki Mabo that are mentioned in this account.
- 2 Research Mabo's life further by watching the 1997 documentary *Mabo – Life of an Island Man*, or excerpts from this film. Alternatively, watch episode 7 – titled 'We are no longer shadows' – of *First Australians* (2008) SBS. Take notes on what else you learn about Mabo.

continued

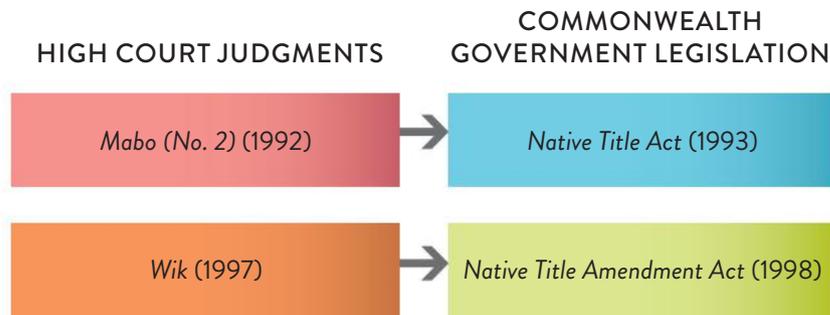
continued

- 3 Re-read the extract headed 'What happened in 1788?' from Henry Reynolds' *The Law of the Land*, which was written in 1987 (see chapter 3, page 75). What has changed?
- 4 Write down your reflections on the role of an individual in history. Consider: would native title have come without Mabo? How important is one person?



TERRA NULLIUS AND NATIVE TITLE IN MODERN AUSTRALIA

1971	<i>Milirrpum v. Nabalco Pty Ltd and the Commonwealth</i> (the Gove Land Rights case)
1979	In <i>Coe v. Commonwealth</i> , Coe was unsuccessful in challenging the legal concept that Australia had been an uninhabited land which was settled, not conquered; but for the first time, the issue of sovereignty was raised
1992	The High Court ruled in <i>Mabo (No. 2)</i> that native title existed over particular kinds of land – unalienated Crown land, national parks and reserves – and that Australia was never <i>terra nullius</i>
1993	The Native Title Act (Cwlth) set up the National Native Title Tribunal to determine native title rights
1997	In the <i>Wik</i> case, the High Court ruled that native title and pastoral leases could coexist, but that in all cases of conflict of rights, the rights of the lessee would prevail
	8 May: The Wik 10-Point Plan was released by the federal government and led to much debate
1998	The Native Title Amendment Act lessened entitlements and made native title harder to prove



SOURCE 4.1 The relationship between the High Court judgments and legislation on native title

Once the legal precedent existed, the government of the day, led by Labor Prime Minister Paul Keating, framed federal legislation to recognise native title. After much debate, the Native Title Act was finally passed in December 1993. This legislation aimed to provide greater clarity for native title claims by defining them in law. In theory, this would reduce the need for each individual claim to be made through the court system.

The legislation was not supported by both major parties, with the opposition calling its passing a 'day of shame'. The Coalition opposition also opposed the Land Fund Bill, which was an attempt to provide some access to land for those who were not eligible to claim native title. This Bill was greatly amended before eventually being passed in March 1995.

The High Court's Wik decision

When John Howard became Prime Minister of a Liberal government in 1996, it was only three years since the Native Title Act had been passed. The Native Title Tribunal had been established in 1993, but before there could be clarification of exactly what the Native Title Act meant in practice, another High Court decision was taken.

In the case of *Wik Peoples v. Queensland* (1996), the High Court found that pastoral leases in Queensland had been created to meet the needs of the emerging pastoral industry. The rights and interests of a pastoral leaseholder had to be determined by looking at the relevant legislation and at the lease itself. This process showed that the leases in question did not give the leaseholders the right to exclusive possession of the land. Therefore, the granting of a pastoral lease did not necessarily extinguish native title; native title could coexist with the rights of the leaseholder. However, the High Court found that where there is a conflict in exercising those rights, native title rights were subordinate to those of the pastoral leaseholder; that is, the rights of pastoralists prevailed over any rights of the native title holders.

The Wik decision demonstrated that native title was not destroyed by leasehold, meaning that pastoralists around the country might have to share leasehold land with native title holders.

lease/leasehold

A form of real estate holding in which a tenant has possession for a fixed period, after which the lease may be renewed or the property can be leased to another person. Pastoral (farming) leases in 19th-century Australia often included some provision for local Indigenous groups to continue hunting and gathering

Celebrating the Wik decision



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SOURCE 4.2 A Wik woman, Gladys Tybingoompa, celebrates the High Court's decision to allow native title to coexist with pastoral leases.

Questions

- 1 What is conveyed by the stance of the dancer, the rhythm sticks and the people watching?
- 2 In what ways did the Wik decision clarify native title?
- 3 In what ways was the Wik decision a source of celebration for Indigenous people at the time, as well as a signal of a reaction against native title?

THE WIK DEBATE

Prime Minister John Howard responded to the Wik decision by putting forward his 10-Point Plan that sought to cut back native title and support pastoral leaseholders. He allowed plenty of time for discussion and debate of this plan. During this time, there were scare campaigns about Indigenous power, and many spoke as if leases were the same as full ownership and native title would be the end of access to pastoralists. Many Indigenous people also spoke out, and presented images of coexistence. The debate became very divisive.

When the Native Title Amendment Act was passed in 1998, it lessened Indigenous Australians' entitlements and made it more difficult for them to claim native title.

Achievements and limitations of native title

First Peoples

A term used to assert the special role of Indigenous peoples, in comparison with the majority populations dominating settler societies

.....

Mabo and the Native Title Act were important in changing the way Australians think about the rights of Indigenous peoples and in according some rights to land for a minority of Indigenous people. *Terra nullius* was shown to be a legal fiction that had denied rights to Indigenous people since 1788.

Aborigines and Torres Strait Islanders have been recognised as **First Peoples** and, in some instances, because of their native title rights they have had to be consulted about developments on their traditional land.

CRITICISMS OF NATIVE TITLE

Most Indigenous Australians receive no benefit from native title because they cannot meet the requirements for its proof, which include a continuous connection to the land. Most urban Aborigines, for example, would not be able to bring any kind of case for native title, but the case of the Yorta Yorta people indicates just how restrictive these legal requirements can be.

In the case of *Yorta Yorta v. Victoria* (2002), the Yorta Yorta people claimed land in the Barmah region on the Murray River, in Victoria. They had strong claims to the area because of continuing connections through the reserves of Maloga (from 1874) and then Cummeragunja (from 1888). However, the 1998 judgment by Justice Olney was that the 'tides of history' had 'washed away' their rights. This was based on the notion of an unchanging culture frozen in time, with no recognition of the capacity of traditional Aboriginal laws and customs to adapt.

THE LAND AS A SOURCE OF LIVELIHOOD

The relationship of Indigenous people to country is often described in terms of the country owning them, rather than the other way around. This is in contrast to non-Indigenous relationships to land, which are mostly seen as economic. Such differences highlight the importance of Indigenous spiritual connection to country, but has sometimes been used to downgrade the importance of the land and its resources as a source of livelihood. Before 1788, all food, clothing, housing and medical needs were met directly from Indigenous people's own land and from trade. Now, however, Indigenous Australians are often unable to use their rights to land in ways that will bring them a livelihood in modern Australia.

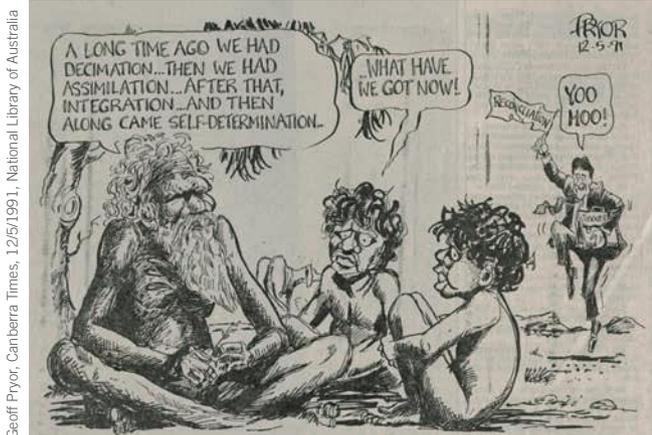
The greatest issue with native title is the lack of compensation for the lands and resources taken. The decision to confirm all freehold title leaves Indigenous Australians without much gain, despite the fact that the wealth of Australia today is based on their dispossession. In contrast to New Zealand's (albeit limited) compensation payouts to Maori, Australia has done little.

The movement for reconciliation

The movement for reconciliation grew at the same time as the debates about native title emerged, and they were often intertwined. Both reconciliation and native title involve an acknowledgement of a shared Australian history and a discussion about the place of Aboriginal and Torres Strait Islander peoples in Australian society. Reconciliation is important to the attainment of rights because it is about healing – about changing attitudes and relationships in such ways as would enable Aboriginal and Torres Strait Islander peoples to experience respect for their status as First Peoples, as well as equality in practice with non-Indigenous Australians.

Debates about these issues took place in the public arena, in politics and within popular culture.

What have we got now?



Geoff Pryor, Canberra Times, 12/5/1991, National Library of Australia

SOURCE 4.3 'What have we got now?', by Geoff Pryor, *Canberra Times*, 12 May 1991.

Questions

- 1 Who looks silly in this cartoon? What is the effect of this depiction?
- 2 What story does this cartoon tell of government policies?
- 3 What does this cartoon suggest about the relationship of government policies to Indigenous peoples?

The formal reconciliation movement began in 1991 in response to a recommendation of the Royal Commission into Aboriginal Deaths in Custody (see chapter 3), when the Council for Aboriginal Reconciliation (CAR) was formed by the unanimous vote of the federal parliament. The CAR was made up of 25 community leaders drawn from Aboriginal and Torres Strait Islander communities and from the general community. Patrick Dodson, a Yawuru man from Broome, was the founding chair from 1991 to 1997. He was succeeded by Evelyn Scott, an Indigenous woman from Townsville.

The government policy of reconciliation aimed to build better relationships between Indigenous and non-Indigenous Australians as a way of stopping the cycle of disadvantage.

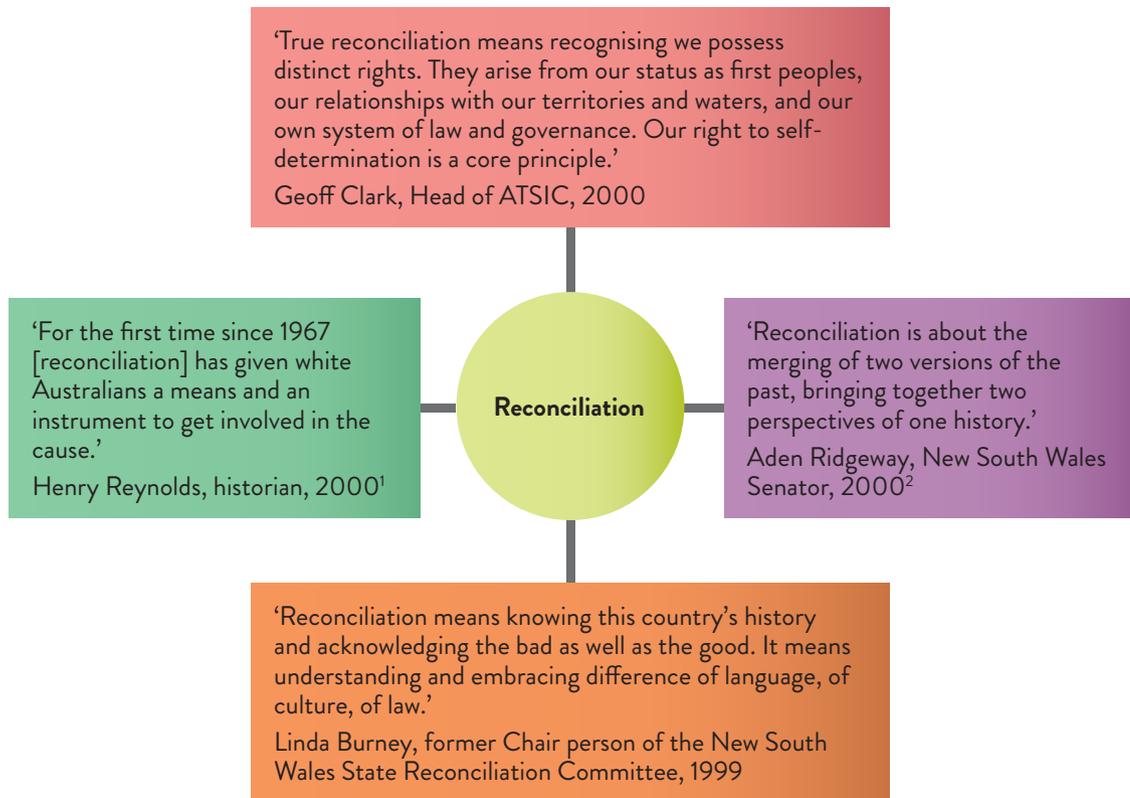
It stressed the importance of non-Indigenous Australians learning about the country's past and acknowledging the past. This emphasis was evident in Paul Keating's Redfern Speech in 1992 – the first official recognition of the wrongs done to Indigenous Australians.

The CAR held conventions, consultations and activities. It sought to raise awareness of issues, to explore ways of improving the situation of Aboriginal and Torres Strait Islander peoples, and the relationships between them and non-Indigenous Australians. At a grassroots level, the reconciliation movement involved many local meetings, where non-Indigenous Australians met and listened to Indigenous people in their local areas.

According to the New South Wales Reconciliation Council, the major themes of reconciliation for Indigenous Australians include:

- “
- + being recognised as the first people of Australia;
 - + the right to self-determination;
 - + compensation for past injustices;
 - + the elimination of racism and discrimination
 - + closing the gaps in health, social and economic outcomes between Indigenous and non-Indigenous Australians.
- ”

Reconciliation replaced Bob Hawke's earlier idea of a treaty, but was not welcomed by all. Some felt that reconciliation demanded too much of Indigenous peoples, who had already gone more than halfway.



SOURCE 4.4 What is reconciliation?

The Redfern Speech, 1992

Prime Minister Paul Keating launched Australia's celebration of the International Year of the World's Indigenous Peoples (1993) with what is usually simply called the 'Redfern Speech'. In it, he spoke of accepting responsibility for past mistreatment of Aboriginal people by non-Aboriginal people and calling for reconciliation:

The starting point might be to recognise that the problem starts with us non-Aboriginal Australians. It begins, I think, with the 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 disasters. 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.

Questions

- 1 Who was the intended audience for this speech?
- 2 What characteristics of the language make this a memorable speech?
- 3 What short-term and long-term effects did this speech have?
- 4 List the failures that Paul Keating describes.
- 5 Which of these failures may still be in the present?
- 6 Keating says: 'It begins ... with the act of recognition'. Why is that important? What else is needed?



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SOURCE 4.5 In 1997, thousands of Australians planted 'a sea of hands' in front of Parliament House, Canberra, in support of reconciliation.



RECONCILIATION

- 1991** The Royal Commission into Aboriginal Deaths in Custody presented its report and recommendations to the Commonwealth Government
- 1992** Labor Prime Minister Paul Keating launched the Australian celebration of the International Year of the World's Indigenous Peoples (1993) with his Redfern Speech
- 1995** The Human Rights and Equal Opportunity Commission's (HREOC) National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families was announced
In post-apartheid South Africa, the Truth and Reconciliation Commission was set up
- 1996** John Howard became Prime Minister of a Liberal government
- 1997** 25 May: HREOC's *Bringing Them Home* report was tabled in federal parliament
2 June: The Chairperson of the CAR, Patrick Dodson, presented a report to federal parliament entitled *Weaving the Threads – Progress Towards Reconciliation*
12 October: Thousands of Australian people planted 'a sea of hands' in front of Parliament House, Canberra, in support of native title and reconciliation between black and white Australia
- 2000** 26 May: The first National Sorry Day was held: more than 1 million signatures were collected in thousands of Sorry Books
27–28 May: Corroboree 2000; around Australia, about 1 million people walked in support of reconciliation, including more than 250 000 people who joined the Bridge Walk for Reconciliation across the Sydney Harbour Bridge; John Howard refused to take part
- 2001** The CAR completed its 10-year life; a new and ongoing reconciliation body was set up: Reconciliation Australia
- 2004** John Howard formally excluded the word 'reconciliation' from the government agenda, axing the role of Minister Assisting the Prime Minister on Reconciliation
- 2008** 13 February: The new Labor Prime Minister, Kevin Rudd, made a formal apology to Indigenous Australians, especially the Stolen Generations and their families and communities

PARTY POLITICS

The process of formal reconciliation had begun under a Labor Government, but reconciliation issues were complicated by native title debates enmeshed in party politics in the 1990s. The Liberal–National coalition seemed uneasy about any apology or symbolic act, but talked of 'practical reconciliation' as an alternative.

While the Keating Government was committed to ways of addressing issues of concern, John Howard's approach was much more committed to ensuring the unity of all Australians through what some historians have called a 'neo-assimilationist policy'. The Liberal–National Party aimed to lessen the role of Indigenous bodies such as the Aboriginal and Torres Strait Islander Commission (ATSIC), so that Indigenous Australians would receive services through mainstream organisations.

At the same time as the Wik debate about land rights was raging, Pauline Hanson and her One Nation Party were arguing that Indigenous people were given too much and that they needed to be 'equal' and the same as other Australians. In 1996, Hanson was elected to federal parliament with a significant vote in Queensland. In her maiden speech in the House of Representatives, she referred to:

“ ... taxpayer-funded 'industries' that flourish in our society servicing Aboriginals, multiculturalists and a host of other minority groups ... Present governments are encouraging separatism in Australia by providing opportunities, land, moneys and facilities available only to Aboriginals. Along with millions of Australians, I am fed up to the back teeth with the inequalities that are being promoted by the government and paid for by the taxpayer under the assumption that Aboriginals are the most disadvantaged people in Australia. ”

The Liberals had earlier disendorsed Hanson for allegedly racist remarks, but Howard had remained silent. When she made her maiden speech, he simply defended her right to free speech.

The election of the Howard Government in 1996 led to huge changes for Indigenous Australians. Lowitja O'Donohue, the ATSIC Chairperson, stated that Indigenous people felt that they were 'under siege since the election of the Government'.

The government conducted an investigation of ATSIC in 2003. While an audit of 6000 grants made by ATSIC to Indigenous organisations found that only 5 per cent were 'not fit and proper', the investigation also found that, generally, many Indigenous organisations needed assistance in managing these funds.

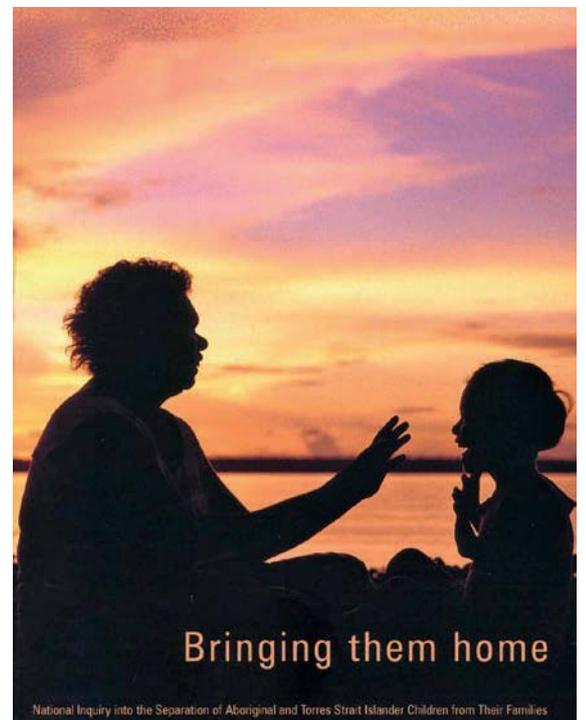
Stolen Generations

The children removed from their families over generations as a result of government policies and practices promoting assimilation

BRINGING THEM HOME

The Human Rights and Equal Opportunity Commission's National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families was set up in 1995, and the Commission's report into the **Stolen Generations**, titled *Bringing Them Home*, was presented to parliament in 1997. This report documented the painful experiences of many Indigenous people whose family lives were disrupted and destroyed by the removal of children over much of the 20th century. It estimated that at least one in ten, and up to one in three Indigenous children were removed from their families between 1910 and 1970. It detailed the history of removals in each state and territory and included many personal accounts of the consequences of removal. It also discussed contemporary separations.

The report was presented in the middle of the Wik debate and, as with the movement for reconciliation, the responses seem to follow party lines, as well as show concern over the possibility of costly reparations.



SOURCE 4.6 The *Bringing Them Home* report, 1997

Some confidential submissions to the inquiry

The following extracts are taken from the *Bringing Them Home* report:³

Dormitory life was like living in hell. It was not a life. The only thing that sort of came out of it was how to work, how to be clean, you know and hygiene. That sort of thing. But we got a lot of bashings.

Confidential evidence 109 (p. 160), Queensland; a woman removed at the age of five in 1948.

Why me; why was I taken? It's like a hole in your heart that can never heal.

Confidential evidence 162 (p. 177), Victoria.

It did lead to a career in crime in which, to me, well, it wasn't the crime that turned me on, even though I was successful at it. It was getting back at society. It was kicking 'em, y'know? It wasn't the crime, it was the fact that, well, I'm going to pay back now for 20 odd years. Now I served something like 5 years in prisons, not because I wanted to be a criminal, but because I didn't know where I was, I didn't know who I belonged to.

Confidential evidence 354 (p. 190), South Australia; this man was fostered at the age of two in the 1950s, and placed in a reformatory at the age of 14.

I've come to realise that because of Dad being taken away, grief and all that's been carried down to us. We're not organised. We don't know where we're heading.

Confidential evidence 403 (p. 228), Queensland; the speaker's father was removed at the age of 18 months to 'The Bungalow', Alice Springs, Northern Territory (discussed in chapter 1).

My parents were continually trying to get us back. Eventually they gave up and started drinking. They separated. My father ended up in jail. He died before my mother. On her death bed she called his name and all us kids. She died with a broken heart.

Confidential submission 106 (p. 213), New South Wales; this woman was removed at the age of 11 months in the late 1950s with her three siblings; the four children were fostered by two separate non-Indigenous families.

We were brought to Moola Bulla as children without our consent nor our mother's and later kicked off the land after living there so long. It caused us a lot of pain inside. We were displaced and lost with no sense of belonging.

Quoted in the Kimberley Land Council submission 345 (p. 111).

Questions

- 1 Briefly describe the effects of the individuals telling their stories in these accounts.
- 2 From the evidence provided, describe the impacts on the families mentioned.
- 3 Why do you think the report was dedicated 'with thanks and admiration to those who found the strength to tell their stories to the Inquiry'?
- 4 The introduction to this report ends: 'The Inquiry's recommendations are directed to healing and reconciliation for the benefit of all Australians.' How might the inclusion of such personal stories assist this purpose?

Responses to the report

The report resulted in an upsurge of sympathy for Indigenous peoples and there were tears in parliament. However, the Howard Government called the report ‘flawed’, stressed the good intentions of governments at earlier times and rejected the call for both compensation and an apology. The report raised debates in Australian society over the legitimacy of terms such as ‘stolen’, ‘generation’ and ‘genocide’. The term ‘Stolen Generations’ became contentious. As a general term that refers to Indigenous children who were removed from their families and homes through official government policies up to the late 1960s, it includes children removed under a range of policies in different states, at different times and with different degrees of force, and so was necessarily imprecise. Critics tended to focus on the terminology rather than the meaning of the experiences, and historians had difficulty in communicating such a complex and varied history in the media.

Some historians did cite the writings of Western Australian Chief Protector AO Neville, who clearly authorised the removal of children because of racial ideas, not because of perceived neglect or abuse. Other historians, such as Rosalind Kidd, cited documents showing the Queensland protectors’ awareness of the situations facing young girls when they were returned to situations of sexual abuse as domestic servants.

For most people, the overwhelming impact was one of shock and feelings of empathy for the Indigenous families affected. The many individual stories that were presented to the public in newspapers and on television after the report was published made a big impact.

Saying sorry

The report recommended that all Australian parliaments say sorry to the Stolen Generations for the pain government policies had caused. South Australian Liberal Premier John Olsen was one who made a formal response:

“ I apologise on behalf of South Australians for the effects that the then Government policy had on the families and children of Aboriginal and Torres Strait Islander people ... This sad episode has caused a scar on the face of this nation ... By apologising, I hope that we can now move forward.⁴ ”

Churches and state governments responded with apologies to Indigenous peoples, but Prime Minister Howard kept to his position. His view was that these removals belonged to the past and that Australians today were not responsible for them, so there was no reason for an official apology from the federal government. Interestingly, this refusal to say sorry about the past came from a government that embraced and commemorated the past with pride in relation to the ANZACs at Gallipoli. At the Australian Reconciliation Convention held in Melbourne to celebrate the 30th anniversary of the 1967 referendum, Indigenous delegates booed Howard’s comments and turned their backs on him.



Lowitja O'Donoghue (1932–)

Lowitja O'Donoghue was born at Iwatja, South Australia, of Pitjantjatjara descent. At the age of two, she was taken to the Colebrook Children's Home along with her sisters Vi and Amy. Her brother and oldest sister had been taken years earlier. She writes:

Our father Tom was a station manager of Irish descent. I was not to be reunited with my grief-stricken mother for 33 years, and I never again met my father.⁵

At Colebrook, renamed Lois, she experienced 'a time of rigid rule-bound discipline, joyless religious observance, lack of privacy and a stultifying denial of autonomy'. When she left the Colebrook home at the age of 16 years, the matron said she would get into trouble and never make anything of her life, but O'Donoghue set out to prove her wrong.

After two years' training at a country hospital, O'Donoghue found that the normal procedure for acceptance as a trainee nurse in Adelaide was not to be followed because of her Aboriginal descent. The Royal Adelaide Hospital told her to 'go back to the place where you belong'. This led to her active involvement with the Aboriginal Advancement League where she agitated about employment issues. She was finally accepted as a trainee nurse, but was denied credit for her two years of training. In 1956, O'Donoghue finished her nursing training and for eight years proceeded to work as a nurse – for one year in India, and then in various positions in South Australia. She was urged to seek a certificate of exemption from the protection laws (see chapter 2), but she refused to do so. Instead, she sought to change the laws.

O'Donoghue was finally reunited with her mother in 1967, when a group of Aboriginal people in Cooper Pedy recognised her as 'Lowitja, Lily's daughter'. She reveals that she did not know how to greet her mother, having no idea whether to hug or kiss her because she had never experienced mother love.

Later that year, having taken the name Lowitja again, O'Donoghue joined the Department of Aboriginal Affairs and by 1975 she was regional director. She resigned to work in community organisations and in 1977 was foundation chairperson of the National Aboriginal Conference. In 1989, she was appointed the foundation chairperson of ATSIC, and she served in that role from 1990 until 1996.



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continued

continued

In 1993 she was part of the Indigenous team that negotiated with the federal government. The agreement that emerged from these negotiations provided the basis for the *Native Title Act 1993*. She led the Australian delegation working on the proposed United Nations Declaration on the Rights of Indigenous Peoples, and was the first Aboriginal person to address the United Nations General Assembly (also in 1993).

When Prime Minister John Howard was speaking at the Australian Reconciliation Convention in 1997 and stating his objections to giving a national apology to the Stolen Generations, O'Donoghue responded spontaneously by standing up and turning her back on him. She was followed by many others.

On 23 February 2001, newspaper columnist Andrew Bolt wrote a story accusing O'Donoghue of misrepresentation. Appearing on the front page of Melbourne's *Herald Sun* newspaper, the headline to this story read 'I wasn't stolen', and declared that O'Donoghue had 'confessed' that she had not been 'stolen', but simply 'removed'.

O'Donoghue was distressed at the way her interview material with Bolt had been twisted, and in a written press statement on the day the article appeared explained that while the terms 'stolen' and 'removed' may have been used loosely,

I know that my Aboriginal mother would have had no legal recourse, nor any moral support, in resisting our removal. I also know that her grief was unbearable. Our removal would have been seen as consistent with the policies of the time which effectively sought to erase or assimilate the Aboriginal population.⁶

The public dispute that ensued was used at the time to discredit the idea of the Stolen Generations and to deny the need for an apology or compensation.

Over the years, O'Donoghue has received a number of awards, including a Commander of the Order of the British Empire (CBE) in 1983, Australian of the Year in 1984 and 1990, and a Companion of the Order of Australia (AC) in 1999. She continues to work for her people.

Questions

- 1 Write a brief portrait of Lowitja O'Donoghue.
- 2 What is the significance of her changed name?
- 3 What did O'Donoghue lose by her upbringing? What might she have gained?
- 4 Sum up O'Donoghue's achievements.
- 5 Research the life of one other significant Indigenous woman; for example, Marcia Langton, Evelyn Scott, Pat O'Shane and Joy Wandin Murphy. Make notes of your findings, and construct a brief portrait for a display about significant Indigenous women.

THE 'HISTORY WARS'

In the 1970s and 1980s, as approaches to history around the world were being influenced by social movements, in Australia historians began to include the voices of women, workers and Indigenous people. These voices questioned the theme of progress and even the purpose of history in relation to the nation, leading historians to question whether Australian history should support the nation or critique it. Historians also included new ways of studying history, such as oral history, and this was particularly important for Indigenous peoples, whose voices were mostly absent from written documents.

From the time of the bicentenary in 1988, views of Australian history had also become party political. In the 1990s, Paul Keating had espoused a strong view of Australian history that embraced Indigenous history, including the negative episodes. Inclusion of Indigenous viewpoints had increased in the 1980s and 1990s, but Liberal–National party politicians saw this approach as failing to celebrate Australia's achievements.

In 1993, Professor Geoffrey Blainey described the divide in Australian history writing. He referred to the patriotic 'three cheers' view of history and contrasted this with the 'black armband' view. This was echoed by John Howard in the 1996 Menzies Lecture:

This 'black armband' view of our past reflects a belief that most Australian history since 1788 has been little more than a disgraceful story of imperialism, exploitation, racism, sexism and other forms of discrimination.

I take a very different view. I believe that the balance sheet of our history is one of heroic achievement and that we have achieved much more as a nation of which we can be proud than of which we should be ashamed.

Arguments about history became part of the contest between Labor Prime Minister Keating and Howard, then the Leader of the Opposition, in the lead-up to the 1996 federal election. Rather than the usual academic argument in scholarly journals, this debate was played out in the media, and it became heated. Some historians replied to accusations of bias with lengthy discussions of the evidence, and labelled those who denied the painful past as wearing a 'white blindfold'. As in the 'culture wars' in the United States, the battle was a contest over the past which affected museum exhibits and the history to be taught in schools. Under Howard, words such as 'invasion' were changed back to 'settlement' in official documents. The debate became known as the 'history wars'.

Reconciliation was linked to the 'history wars' because it included an acknowledgement of the shared history of Indigenous and non-Indigenous Australians. In Michelle Grattan's book *Reconciliation: Essays on Australian Reconciliation*, published in 2000, the link is made explicit when historian Bain Attwood states: 'the old history rested and still relies upon the silencing of Aboriginal narratives.'



SOURCE 4.7 'Black armband – white sliced bread' by Judy Horacek was published in *The Australian* magazine in 1997 as a comment on the 'history wars' debate.

continued

continued

In 2002, historian Keith Windschuttle published the first volume of *The Fabrication of Aboriginal History*, arguing that massacres of Indigenous Australians had been exaggerated and making allegations of academic deception and historical bias. *The Australian* newspaper and *Quadrant* magazine promoted Windschuttle's views. This debate was part of Australia's public life. The media did not simply report, but also took part – and often led – the debate.

The following year, historians Henry Reynolds and Lyndall Ryan published detailed defences of their work in a book edited by Robert Manne: *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History*. In 2004, historians Stuart Macintyre and Anna Clark wrote *The History Wars*. Macintyre was a major critic of Windschuttle, who had questioned some of Macintyre's assumptions about the Aboriginal population of Tasmania, especially regarding their ability to wage a guerilla war and to continue as a viable society.

According to Anna Clark, the 'history wars' led to a 'loss of historical complexity and genuine dialogue'. However, she also noted that the debate had positive outcomes, as '[i]t opened a new window of history that went beyond something that "happened" to something people believed in, advocated for and defended protectively'.

Questions

- 1 Briefly outline the 'black armband' and 'white blindfold' views of history.
- 2 Explain how history is a part of reconciliation.
- 3 Why does Australian history matter so much to those involved in the 'history wars'?

Either ... or ...?

Prime Minister Howard favoured 'practical reconciliation' in preference to symbolic reconciliation. Others, however, saw no need to choose between the two and sought both approaches. Paul D Ward from the Rio Tinto mining company acknowledged the ways in which discriminatory attitudes and practical disadvantage could be interconnected:

“ The problems of Aboriginal Australians were compounded by a considerable degree of prejudice on the part of some Australians who could not distinguish cause from effect when they witnessed the social problems afflicting some Aboriginal communities.⁷ ”

PRACTICAL RECONCILIATION

One of the aims of the Council for Aboriginal Reconciliation (CAR) was to address Indigenous Australians' disadvantage, but the emphasis was not simply on improving poor situations; it was also on respecting the needs of the Aboriginal and Torres Strait Islander people involved. The desired changes were not to be a repetition of assimilation policies but were, according to the 1994 CAR booklet *Addressing Disadvantage*, to include 'maintaining or pursuing alternative approaches to social and economic development that can best meet [Indigenous Australians'] needs and ultimately offer a better prospect of overcoming disadvantage'.

In the same booklet the authors stated that discrimination, exclusion and control continue today, although more subtly. They argued that the disadvantage experienced by Aboriginal and Torres Strait Islander peoples can be overcome only if they are genuinely given greater control over their lives, including their social and economic lives.

TABLE 4.1 Comparing indicators of socioeconomic wellbeing

	Aboriginal and Torres Strait Islander people	Non-Indigenous Australians
Life expectancy at birth for men	53–61 years depending on the state or territory	73 years
Life expectancy at birth for women	58–65 years depending on the state or territory	79 years
Employment of people of working age	37%	56%
Those with individual adult annual income under \$12 000	63.5%	45.2%
Those with individual annual income over \$35 000	2.2%	11.2%
Proportion owning or buying own dwelling	30%	70%
Number of persons per house	4.6	2.6
Proportion of the group living outside capital cities	72.2%	36.5%
Total proportion over 15 with some educational qualifications	9.3%	31.2%
15–24-year-olds attending tertiary institution	8.6%	36.5%

1991 census figures, from the Council for Aboriginal Reconciliation, Key Issues Paper No. 5, *Addressing Disadvantage*, AGPS, Canberra, 1994.

Popular reconciliation

Reflecting on colonisation, Lowitja O'Donohue has commented that 'in real terms this has meant not only that Aboriginal people have had a different culture imposed upon them, but, significantly as well, they have been excluded or marginalised from that prevailing culture'. Gaining an important role in Australia's cultural life and controlling the ways they are represented are significant ways of gaining equal citizenship. During the 1990s and into the 21st century, Aboriginal and Torres Strait Islander people have made significant progress in this aspect of popular reconciliation. In 1998, National Sorry Day was created to remind Australians of the continuing effects of removing children from their families, and many Australians signed Sorry Books.

It is now common for Indigenous traditional owners of the land to open official occasions with a 'welcome to country'.

In the first half of the 20th century, Indigenous sportspeople achieved highly, but were often not recognised as being Indigenous. Since the 1960s, however, Indigenous sportspeople have become so numerous that their representation in international sporting arenas is expected. In the arts also, Aboriginal and Torres Strait Islander roles in the visual arts and in music, drama and dance have further diversified.

Indigenous Australians today have a strong presence in the artistic and sporting life of Australia, and a strong voice in telling their own stories.

welcome to country

A common protocol whereby traditional owners welcome people onto their land. 'Acknowledgment of country' is when those holding an event acknowledge the traditional owners of that land

THE ARTS

The number of established Aboriginal and Torres Strait Islander musicians, dancers and singers is now so great that since 1995 the annual **Deadly Awards** have been held to celebrate high achievement. Groups such as the Bangarra Dance Company are showcased at festivals, including the Barunga Cultural and Sports Festival near Katherine and the Garma Festival in Arnhem Land, both in the Northern Territory. The National Aboriginal and Torres Strait Islander Art Awards have been held in Darwin since 1984, and have developed into one of the most prestigious art awards in Australia. Indigenous visual arts are such big business that they now earn millions of dollars annually.

In theatre, film and television, Aboriginal and Torres Strait Islander people are prominent. Plays such as *Stolen* and documentaries including Rachel Perkins' television series *First Australians* have helped to educate non-Indigenous Australians. Films such as *Bran Nue Dae* (2010), which was based on the first-ever Aboriginal musical (from 1990) have delighted audiences. *Ten Canoes* (2006) was the first feature film shot entirely in Aboriginal languages. More recently, films such as *The Sapphires* (2012) and television series including *Redfern Now* have proved extremely popular. National Indigenous Television (NITV), a channel made by, for and about Aboriginal and Torres Strait Islander people, was established in 2007. It is now part of the SBS television service.

SPORT

Aboriginal and Torres Strait Islander sportspeople are now represented in sports as varied as golf, tennis, lawn bowls, darts, squash, cycling, softball, judo, basketball, boxing and weightlifting. In the 1990s, hurdles champion Kyle Vander Kuyp and hockey and athletics champion Nova Peris Kneebone were Aboriginal representatives at the Olympic and Commonwealth Games, while Karl Feifar and Donna Burns won medals at the Paralympics.

Some individuals have been very important in changing attitudes in Australia. Footballer Neil 'Nicky' Winmar's famous gesture in 1993, pointing to the colour of his skin, led to the AFL introducing a code of conduct with sanctions against racial sledging in 1995. Similarly, Rugby League's Anthony Mundine's complaint about racial vilification resulted in the player concerned being fined \$10 000.



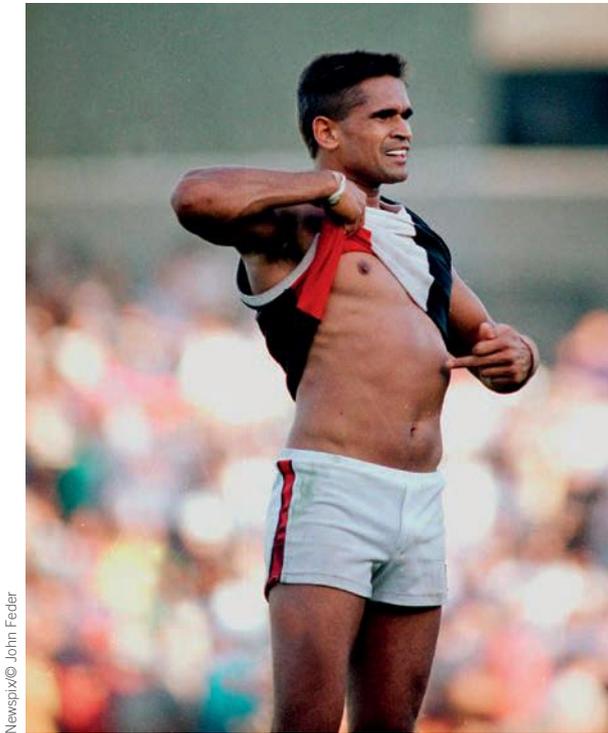
SOURCE 4.8 Dancers from the Aboriginal band Yothu Yindi, 1997



SOURCE 4.9 Wayne Blair's film *The Sapphires*, based on an Aboriginal girls' group from the 1960s, premiered at Cannes in 2012. It went on to win many awards, including Film of the Year at the 2013 Deadly Awards.

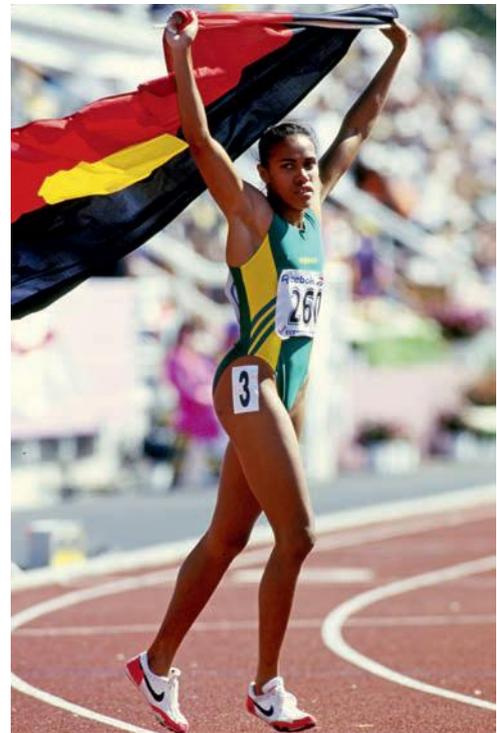
Deadly Awards

Indigenous community awards that recognise achievement in music, sport, entertainment and community work.



NewsPix/© John Feder

SOURCE 4.10 In 1993, St Kilda player Nicky Winmar famously pointed to the colour of his skin in response to racial taunting during an AFL match at Victoria Park. This was a catalyst in the AFL's push to eradicate racism by introducing codes of conduct for the sport.



© Sport the library

SOURCE 4.11 Cathy Freeman during a lap of honour at the 1994 Commonwealth Games

Olympic gold medallist Cathy Freeman is probably most famous for being an Aboriginal athlete and a spokesperson for her people. She said at the 1990 Commonwealth Games: 'Being Aboriginal means everything to me. I feel for my people all the time. A lot of my friends have the talent but lack the opportunity.' When Freeman carried the Aboriginal flag on her laps of honour in the 1994 Commonwealth Games in Canada, she won people's hearts, especially as she continued to carry the flag even after being reprimanded.

At the Sydney Olympic Games in 2000, the role of Indigenous Australians was highlighted internationally. Freeman was selected to light the Olympic flame and Australians embraced her victory in the 400-metre race.

CORROBOREE 2000

After much consultation, on 27 May 2000, the CAR presented two documents at Corroboree 2000, a two-day event organised by the CAR that aimed to 'bring together the many threads of reconciliation'. The first was the *Australian Declaration Towards Reconciliation*, which began as follows:

“ We, the peoples of Australia, of many origins as we are, make a commitment to go on together in a spirit of reconciliation.

We value the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters.

We recognise this land and its waters were settled as colonies without treaty or consent.

”

The declaration further outlined the importance of reconciliation continuing to ‘live in the hearts and minds of all Australians’, and ended with a commitment:

“ We pledge ourselves to stop injustice, overcome disadvantage, and respect that Aboriginal and Torres Strait Islander peoples have the right to self-determination within the life of the nation.

Our hope is for a united Australia that respects this land of ours, values the Aboriginal and Torres Strait Islander heritage, and provides justice and equity for all. ”

The second document presented by the CAR at Corroboree 2000 was the *Roadmap for Reconciliation*. This identified four key strategies related to:

- + the continuing reconciliation process
- + constitutional and legislative actions
- + overcoming disadvantage
- + gaining economic independence.

On 28 May 2000, more than 250 000 people took part in the Corroboree 2000 Bridge Walk for Reconciliation across Sydney Harbour Bridge. The aim of the event was to promote greater understanding between Indigenous and non-Indigenous Australians. The event also highlighted the absence of an apology to the Stolen Generations by the Commonwealth Government, especially as Prime Minister Howard refused to join the march and forbade Cabinet members to march. Three federal government ministers, Philip Ruddock, Senator John Herron and Joe Hockey, did join the march, despite the prime minister’s ban. While many ordinary Australians demonstrated their goodwill, party politics continued to divide and politicise official responses.

Reconciliation continues

In 2001 the government-sponsored CAR completed its 10-year life and was replaced by an independent ongoing organisation, Reconciliation Australia. Indigenous activist Evelyn Scott, among others, reflected on the achievements of the CAR and the continuing process of reconciliation, but acknowledged the need for more – reconciliation was recognised to be a continuing process.

On 13 February 2008, the newly elected Labor Prime Minister Kevin Rudd made a much-awaited formal apology in parliament. Rudd’s apology was an important symbolic step on the path to reconciliation.



SOURCE 4.12 The Corroboree 2000 Bridge Walk for Reconciliation

A formal apology to Indigenous Australians

Calls for an apology had begun after the release of the *Bringing Them Home* report in 1997, and had continued to grow; and in 2008, the Apology was one of the first acts of the new Labor Government after 10 years in opposition. Liberal and National Party leaders expressed support for the apology (although some were absent for the vote).

Thousands of Aboriginal and Torres Strait Islander people travelled to Canberra to hear Rudd speak. Some were in the public gallery of parliament, and crowds also assembled in the grounds. The Apology was televised live on screens in capital cities and other towns, where more crowds gathered.

We apologise for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

...

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.

Questions

- 1 What is the effect of Kevin Rudd's repetition of the word 'we' in this speech?
- 2 Why was there such great expectation of this speech?
- 3 Look at source 4.14. Using a line graph, indicate the range of responses to the Apology, from very positive to negative.
 - a What was the main response?
 - b What was the main criticism?



SOURCE 4.13 Emotions run high as Indigenous people watch Prime Minister Kevin Rudd deliver the Apology.

Fairfaxphotos/Peter Rae



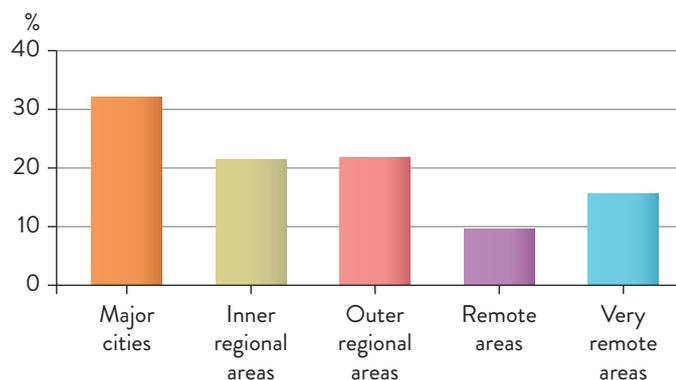
SOURCE 4.14 Indigenous responses to the Apology (quotations from *The Age*, 13 February 2008, p. 13)

Unfinished business: into the 21st century

In the 21st century, Aboriginal and Torres Strait Islander people are legally entitled to all the rights of Australian citizens, but many are unable to access these rights or unable to enjoy the benefits of full citizenship rights and Indigenous rights. Compared to non-Indigenous Australians, Aboriginal and Torres Strait Islander people are still living shorter lives, with fewer material resources and less education, and a greater likelihood of being imprisoned. While there has been some material improvement, disadvantage continues and stereotypes and prejudice still make life harder.

THE ABORIGINAL AND TORRES STRAIT ISLANDER POPULATION

Currently, Australia's Indigenous population is approximately 500 000 – about 2.5 per cent of the total Australian population. It is younger than the rest of the population, and in the Northern Territory comprises about one-third of the total population. The largest number of Indigenous people live in New South Wales. Overall, about one-third of Indigenous people live in major cities, one-quarter in remote areas or very remote areas, and the rest in regional areas.



SOURCE 4.15 This graph shows the varied locations of Aboriginal and Torres Strait Islander peoples in Australia, 30 June 1996. ABS, *Experimental Estimates of Aboriginal and Torres Strait Islander Australians*, June 2006 (3238.0.55.001)

The Indigenous population is growing, and this is attributed to the increasing birth rate, previous under-counting, and more people identifying as Indigenous, including the children of growing numbers of intermixed couples.

In 1996, Torres Strait Islanders gained own their separate federal budget allocation. By the early 21st century, 6000 Torres Strait Islanders were living on 18 island homelands, and more than 33 000 Torres Strait Islanders were living on the Australian mainland.

CONTINUING DISADVANTAGE

Today there are continuing concerns about poverty and its effects in Indigenous families. Much of this relates to ‘cycles of poverty’, where Indigenous people have poor housing, health, schooling and employment prospects. There are also the intergenerational effects of the Stolen Generations, as well as discrimination against Aboriginal and Torres Strait Islander people in day-to-day life.

A 2013 report by the Australian National University in *The Australian* newspaper showed that, in every area analysed, Indigenous people had higher levels of socioeconomic disadvantage than non-Indigenous people. The greatest gaps were in remote areas; yet some remote areas improved between 2006 and 2011, while some regional areas worsened. Overcrowded housing was a particular issue in the Northern Territory, but also occurred in other states. Houses with poor infrastructure – such as sewerage and water problems, leaking roofs and rising damp – have health consequences for residents.

While life expectancy rates have risen for Aboriginal and Torres Strait Islander people, they are still about 10 years below those of non-Indigenous Australians:

“ The statistics of infant and perinatal mortality are our babies and children who die in our arms ... The statistics of shortened life expectancy are our mothers and fathers, uncles, aunties and Elders who live diminished lives and die before their gifts of knowledge and experience are passed on. We die silently under these statistics. ”

Professor Mick Dodson, Aboriginal activist and 2009 Australian of the Year, speaking in 2005.

Over the years there have been many reports and many recommendations. The Royal Commission into Aboriginal Deaths in Custody reported to federal parliament in 1991, but most of its recommendations have not been implemented. The Indigenous percentage of the prison population has risen from 14 per cent in 1991 to 24 per cent in 2008, as Indigenous people continue to be disproportionately affected by the ways laws are administered.

ONGOING ISSUES

Particular unresolved issues affecting Indigenous people include:

- + government policies, especially the Northern Territory Emergency Response (the ‘Intervention’) in 2007 and its sequel, ‘Stronger Futures’, in 2011
- + the inadequacy of the current native title processes
- + calls for a treaty
- + a national voice, since the abolition of ATSIC in 2005 and its replacement by a new independent national body, the National Congress of Australia’s First Peoples
- + calls for recognition in the Constitution.

Government policies

In terms of federal government policies, Liberal Prime Minister John Howard spoke of ‘practical reconciliation’, while Labor Prime Ministers Kevin Rudd and Julia Gillard spoke of ‘closing the gap’. Aboriginal leader Noel Pearson identified passive welfare as a problem, and advocated a system of withholding welfare payments as a way of punishing antisocial behaviour, and giving rewards for cooperation in schooling and health measures in Cape York communities. However, most people recognise that the diversity of Indigenous communities means a single strategy will not work. There are many different Aboriginal experiences, many leaders and many approaches.

The Liberal federal government’s Northern Territory National Emergency Response (the ‘Intervention’) in 2007 – in response to the Northern Territory’s 2007 *Little Children are Sacred* report – was a controversial example of how government policy may be put into practice. The Intervention comprised a package of welfare and other provisions that sought to address allegations of child abuse and neglect in Northern Territory Aboriginal communities. This involved suspending the operation of provisions of the Commonwealth *Racial Discrimination Act 1975*. The 2011 Labor federal government policy ‘Stronger Futures’ continued many aspects of the ‘Intervention’, but criticism of this approach continues.



NewsPix © David Geraghty

SOURCE 4.16 Aboriginal activist and Cape York leader Noel Pearson is a strong supporter of real jobs for Aboriginal people.

Improvements in Indigenous education

TABLE 4.3 Some improvements in Indigenous education, according to the Australian Bureau of Statistics *Social Trends* report, 2008

ABS Social Trends 2008	1996 census	2006 census
Participation in education: 15–19 years of age	43%	51%
Participation in education: 20–24 years of age	11%	13%
Non-school qualification: 25–65 years of age	15%	29%
Highest qualification: Certificate or Advanced Diploma	12%	29%
Highest qualification: Bachelor degree or above	3%	6%
Labour force participation rate	53%	55%

Questions

- 1 Identify the greatest gain shown in educational participation.
- 2 Is this gain matched by participation in the labour force? What factors might affect this?

Native title update

According to Australians for Native Title and Reconciliation (ANTAR), nearly 2000 native title applications were filed between 1994 and 2011. To date, 195 native title determinations have been made. Of these determinations:

- + 69 found that native title existed in the entire determination area
- + 82 found that native title existed in parts of the determination area
- + 44 found that native title did not exist, mostly after ‘non-claimant applications’ (these are made by someone who does not claim to have native title to an area, and who is generally asking the court to make a determination that native title does not exist).

As at 31 May 2012, there were a total of 473 active native title applications still in the system. Registered determinations of native title cover 1 158 876 square kilometres (15.1 per cent) of the landmass of Australia. Some of the major decisions have included the following:

- + 7 April 1999: The first native title deed granted on mainland Australia was awarded to the Dunghutti people for land at Crescent Head near Kempsey in New South Wales.
- + 2005: The federal court recognised that the Ngaanyatjarra claimants hold exclusive possession rights over most of the Ngaanyatjarra lands. The claim covered an area from the Gibson Desert Nature Reserve to the South Australian border. The decision was reached through negotiation, not litigation.
- + 2006: The Noongar decision recognised native title over the Perth metropolitan area. Both the federal government and the opposition supported the West Australian Government’s decision to appeal, and in 2008, parts of the appeal were upheld.

The limitations of native title are increasingly clear. Proving continuous connection to country is demanding for claimants, and the process is slow and complex. Even if granted, native title rights are limited and exclude the right to develop the land. There are calls for a fairer system.

A new kind of *terra nullius*?

In the 2012 ABC Boyer Lectures, the Aboriginal academic Professor Marcia Langton raised the issue of a ‘strange twist on the racist fiction of *terra nullius*’. She observed that Aboriginal land is targeted by conservationists ‘precisely because it is Aboriginal land’, and adds that to use terms such as ‘wilderness’ to describe land that is ‘the repository of Australia’s megadiversity of fauna, flora and ecosystems because of the ancient Aboriginal system of management’ denies Indigenous people’s interactions with the environment and their shaping of the continent over millennia. Notions of peoples living in harmony with nature tend to idealise the ‘noble savage’, and can be used in arguments against Indigenous people being involved in making a living from modern industries as if, somehow, they must remain hunter-gatherers using the same tools they used hundreds of years ago.

Many Indigenous people work in land management jobs aligned to environmental concerns, such as tourism management, visitor interpretative services, weed and feral animal management, and land rehabilitation. There is cooperation between environmentalists and Indigenous Australians in the joint management of national parks such as Uluru-Kata Tjuta and Kakadu. There is also a strong, national Indigenous Protected Areas program, and many Indigenous people see environmentalists as allies.

However, many Indigenous people also are involved in pastoral stations and mining developments. Langton is critical of those opposing developments, such as James Price Point on the Kimberley coast in Western Australia, and is adamant that Indigenous people should be able to pursue better economic futures.

A treaty?

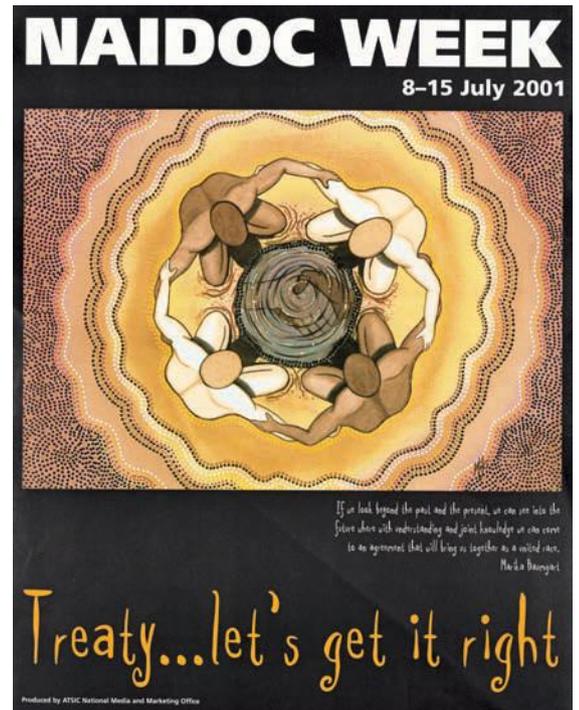
In 1979, an Indigenous treaty committee formed and the following year published *It’s Coming Yet: An Aboriginal Treaty Within Australia Between Australians*. This was followed in 1988 by the Barunga Statement presented by the chairpersons of the Northern and Central Land Councils (see chapter 3).

Faced with later calls for a treaty, Prime Minister Howard repeated his earlier view that ‘a nation, an undivided united nation, does not make a treaty with itself’.

However, the calls for a treaty continue. Patrick Dodson stated:

“ Many actions of Australian governments have given Aboriginal people little faith in the promises governments make in relation to protecting and defending the rights of indigenous Australians. That is why we need a formal agreement that recognises and guarantees the rights of indigenous Australians within the Australian constitution; an agreement that will allow the politically partisan games to be stopped and the real issues between us put on the table. [Without such an agreement, the] assimilation process will have won out. ”

Patrick Dodson, ‘Lingiari: Until the Chains are Broken’, in Michelle Grattan (ed.), *Essays on Reconciliation*, Black Inc., Melbourne, 2000, p. 269



SOURCE 4.17 The text on this 2001 NAIDOC (National Aborigines and Islanders Day Observance Committee) poster reads: ‘If we look beyond the present, we can see into the future where with understanding and joint knowledge we can come to an agreement that will bring us together as a united race.’

A new national body

With the abolition of ATSIC in 2004, there was no longer a representative body for Aborigines and Torres Strait Islander peoples. A non-government body, the National Congress of Australia's First Peoples was established in 2009 and held its first national meeting in 2011. Its stated aims are to advocate for Indigenous rights and to work towards the social, economic, cultural and environmental future of Australia's First Peoples. It is, however, still in its early stages.

Referendum on constitutional recognition

In early 2013, the Australian Government, the opposition, the Australian Greens and the independent members of parliament united to pass the Act of Recognition Bill through the House of Representatives. This was a significant step towards a referendum to change the Constitution so as to include recognition of Aboriginal and Torres Strait Islander peoples. The next step is a government review to examine public support for a referendum on constitutional recognition.

Conclusion

In the 20th century, Aboriginal and Torres Strait Islander peoples moved from having their basic rights denied under government policies of protection and segregation, to formal equal rights under the policy of assimilation. In the last quarter of the 20th century, the focus was on accessing citizenship rights in practice, and also on attaining Indigenous rights – especially rights to land. In the 1990s, much of this process was summed up by the word 'reconciliation'.

In the 21st century, both citizenship rights and Indigenous rights continue to be issues. Aboriginal and Torres Strait Islander peoples are still living shorter lives, with fewer material resources, less education, and greater likelihood of imprisonment than non-Indigenous Australians. While there has been some material improvement, disadvantage continues and stereotypes and prejudice still can make life harder. Indigenous academic Gordon Briscoe wrote in 2010: 'I hope that the 21st century ... will be an era of greater equality and fraternity for Aborigines, rather than the despair and anguish of the 20th.'⁸

The ability of Aboriginal and Torres Strait Islander peoples to share in the benefits of Australian society remains problematic. While there have been some improvements, these are uneven. Health, housing, education and employment statistics indicate continuing disadvantage. Even at a formal level, the Northern Territory 'Intervention' shows how precarious equal rights can still be.

Regarding Indigenous rights, state land rights and native title have continued slowly. Indigenous Australians have a strong presence in Australian culture, but while the formal Apology by Prime Minister Rudd was important, there has been little progress on Indigenous rights as regards a treaty or recognition in the Constitution. In comparison with other settler societies, such as Canada and New Zealand, Australia seems far behind in acknowledging Indigenous rights.



Chapter summary

- + The High Court Mabo decision in 1992 overturned the basis upon which Australian land and resources had been taken from the original owners.
- + Native title legislation translated Mabo into a process for Aboriginal and Torres Strait Islander people to claim some rights to unoccupied crown land.
- + The High Court Wik decision in 1997 held that native title rights could coexist with pastoral leases.
- + Following Wik, Prime Minister John Howard put forward a 10-Point Plan that polarised people. He then made amendments to the native title legislation, making native title harder to attain.
- + The 1990s reconciliation process faced many challenges, including Pauline Hanson's One Nation Party, the 'history wars' and the issue of an apology for the Stolen Generations.
- + Reconciliation continues to build on the learning that took place in the 1990s and the wider acceptance of Aboriginal and Torres Strait Islander people in Australian public culture.
- + Both practical and symbolic reconciliation are important.
- + Despite some improvements, continuing disadvantage is experienced by Aboriginal and Torres Strait Islander people in terms of length of life, health, housing, education, employment and involvement in the justice system.
- + The party political differences in approaches to Indigenous affairs have been extremely damaging to any progress.
- + Although ATSIC was abolished in 2004, a new national body, the National Congress of Australia's First Peoples, has emerged.
- + Recognition of the status of Australia's First Peoples – through, for example, inclusion in the Australian Constitution and a treaty – are yet to be resolved.

Weblinks

Weblinks relevant to this chapter can be found at <http://nmh.nelsonnet.com.au/indigenous>.

Further resources

Bain Attwood and Andrew Markus, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, Crows Nest, 1999.

Larissa Behrendt, *Indigenous Australians for Dummies*, Wiley Publishing Australia, Milton Qld, 2012
Bringing Them Home, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, Human Rights and Equal Opportunity Commission, Commonwealth of Australia, Sydney, 1997.

Richard Broome, *Aboriginal Australians: A history since 1788*, 4th edition Allen & Unwin, Crows Nest, 2010.

D Horton (ed.), *Encyclopedia of Aboriginal Australia*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 1994.

Macquarie Atlas of Indigenous Australia, 2006.

Rachel Perkins and Marcia Langton (eds), *First Australians: An Illustrated History*, The Miegunyah Press, Carlton, 2010 ed. (first published 2008).

After Mabo, (1997), documentary

Beyond Sorry (2003), documentary

Mabo (2012), miniseries

Stolen Generations (2000), documentary

Ten Canoes (2006), feature film

Endnotes

- 1 Henry Reynolds, 'A Crossroads of Conscience', in Michelle Grattan (ed.), *Essays on Reconciliation*, Black Inc., Melbourne, 2000, p. 55.
- 2 Aden Ridgeway, 'An Impasse or a Relationship in the Making?', in Michelle Grattan (ed.), *Essays on Reconciliation*, Black Inc., Melbourne, 2000, p. 8.
- 3 *Bringing Them Home, National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, Human Rights and Equal Opportunity Commission, Commonwealth of Australia, Sydney NSW, 1997.
- 4 ReconciliACTION Network, A Chronology of Major Events in our Shared History: http://reconciliaction.org.au/nsw/wp-content/uploads/2008/02/timeline_2008.pdf/.
- 5 Lowitja O'Donoghue, 'A Journey of Healing or a Road to Nowhere?', in Michelle Grattan (ed.), *Essays on Reconciliation*, Black Inc., Melbourne, 2000, p. 290.
- 6 Press release, 'Professor Lowitja O'Donoghue', 23 February 2001, reproduced: www.stolengenerations.info/
- 7 Paul Ward, 'Aboriginal Communities and Mineral Resources: The Rio Tinto Experience', in Michelle Grattan (ed.), *Essays on Reconciliation*, Black Inc., Melbourne, 2000, p. 100.
- 8 Gordon Briscoe, *Racial Folly: A Twentieth Century Aboriginal Family*, ANU Press, Canberra, 2010, p. 219.



Chapter review activities

- 1 For each of the quotations below, identify the speaker (from the list below) and briefly outline the context and significance of the quotation at the time and/or later.

Speakers:

- + Prime Minister Paul Keating
- + Pauline Hanson, new member of parliament
- + Lowitja O'Donoghue
- + Prime Minister John Howard
- + Prime Minister Kevin Rudd
- + Professor Mick Dodson
- + Speaker giving confidential evidence



Quotations:

- a The statistics of shortened life expectancy are our mothers and fathers, uncles, aunties and Elders who live diminished lives and die before their gifts of knowledge and experience are passed on. We die silently under these statistics.
 - b Along with millions of Australians, I am fed up to the back teeth with the inequalities that are being promoted by the government and paid for by the taxpayer under the assumption that Aboriginals are the most disadvantaged people in Australia ...
 - c For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.
 - d I take a very different view. I believe that the balance sheet of our history is one of heroic achievement and that we have achieved much more as a nation of which we can be proud than of which we should be ashamed.
 - e Why me; why was I taken? It's like a hole in your heart that can never heal.
 - f I know that my Aboriginal mother would have had no legal recourse, nor any moral support, in resisting our removal. I also know that her grief was unbearable.
 - g 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.
- 2 Briefly explain the following key terms:
 - a reconciliation
 - b native title
 - c Stolen Generations.
 - 3 Choose one Aboriginal or Torres Strait Islander leader from the 1990s to today, for example Noel Pearson, Patrick Dodson, Marcia Langton, Michael Mansell, Ian Anderson, Wesley Enoch or Evelyn Scott. Research their role in this period and briefly summarise their achievements.
 - 4 Write an essay or extended response on one of the following:
 - + 'Mabo changed everything.' Discuss.
 - + 'Reconciliation is more about non-Indigenous Australians changing than about Aboriginal and Torres Strait Islander peoples changing.' Discuss.
 - + 'The Apology is only words.' Discuss.
 - 5 Archie Roach's song 'Took the Children Away' (1990) was a heartfelt reflection of the experiences of the Stolen Generations. Find and read the lyrics to this song, then respond to the following questions:
 - a What is the significance of the first two lines?
 - b What words or expressions suggest the pain of the removal?
 - c What contrast is made between promises and realities?
 - d What are the qualities and limitations of a song like this as a historical source?
 - 6 Select one current or recent issue related to Indigenous rights and hold a class debate on what should happen.



The Art Archive/Kharbire - Tapabon

RECOGNITION AND RIGHTS OF INDIGENOUS PEOPLES
AREN

9780170244039

CHAPTER FIVE

Maori rights

The experience of Maori in New Zealand was both similar to, and different from, the experience of Indigenous Australians. The declining population and increasing poverty of Maori were a direct result of colonisation, land loss and racial prejudice, and for much of the 19th century, the New Zealand Government expected Maori to blend in or die out. Maori were not formally denied rights, but they had to struggle for the rights agreed to under the 1840 Treaty of Waitangi, including the control of their land and resources, and equal citizenship rights with other New Zealanders.

In the early 20th century, Maori continued to struggle to improve their situation, building on many of the strategies begun in the 19th century. Some became members of parliament, while others drew more on the tradition of religious leaders or intertribal organisations. Their struggle was for their identity, their land and the rights described in the Treaty of Waitangi in 1840.

The period up to the end of the 1930s was characterised by government policies focusing on assimilation, and continuing land loss. Maori made some gains, however, with the result that their population grew, compensation was offered in a few cases of land loss, and greater civil equality was achieved. By the time of the Second World War, the political alliance of Maori with the Labour Party provided a new way forward.

◀ Young Maori woman with traditional moko (skin carving), feathers in her hair and traditional dress, c. late 19th century

INQUIRY QUESTIONS

- + What was the situation for Maori at the start of the 20th century?
- + How did Maori work to improve their civil and Indigenous rights in the first half of the 20th century?
- + How did Maori respond to government assimilation policies?

New Zealand in the 19th century



SOURCE 5.1 A map of modern New Zealand, showing its major cities and towns. (The Antipodes Islands, Auckland Islands, Bounty Islands, Campbell Islands, Chatham Islands and Kermadec Islands are not shown.)

To understand New Zealand history in the 20th century, it is necessary first to learn about Maori people and their relationship to their land, their responses to the arrival of the colonisers, and the basis upon which the British claimed sovereignty in the 19th century.

It is generally agreed that Maori have been in New Zealand since the mid-13th century, having arrived there from Polynesia. Maori have strong traditions of migration and canoe journeys to *Aotearoa* (the Maori name for New Zealand today).

Genealogies are an important part of Maori identity. In an oral culture, genealogies have enabled the tracing of rights related to the *whanau*, or extended family, and the *hapu*, or subtribe. The *iwi*, or tribe, was the largest group made up of related *hapu* from a common ancestor. The *iwi* was important for defence from other tribes. The largest social groupings were the *waka*, which were loose confederations of tribes based on ancestral canoes.

Some important Maori words and their meanings

- + *hapu*: subtribe, the political and land-holding social grouping
- + *iwi*: the wider tribe, or confederation of *hapu*
- + *Kingitanga*: kingship; the King Movement
- + *kotahitanga*: the unification of tribes; Maori parliamentary unity through consensus
- + *mana*: a combination of authority, power, prestige, influence
- + *marae*: a communal or sacred place; a courtyard in front of the ancestral home
- + *pakeha*: the Maori term for non-Maori people (originally ‘white man’ or ‘European’)
- + *rangatiratanga*: chiefly authority; some historians argue that this is the best translation of the word ‘sovereignty’
- + *te tangata whenua*: the Maori term for the people of the land: Maori
- + *waka*: canoe; confederation of *iwi* or *tribes* based on ancestral canoes
- + *whenua*: land; also placenta, which after birth is buried in the tribal land to cement the relationship of the people with the land

The hapu – made up of family members, interrelated families and controlled territory – shared rights to particular land and particular resources in a multilayered way. As an example, the rights to the fruit of a particular tree were separate from the rights to the birds nesting there, or the land itself. The relationship of Maori to their land was close. They saw themselves as part of nature, and rituals were observed before killing and eating other creatures. Land could be gained by warfare, but changes achieved in this way were not regarded as permanent unless maintained over a long period of time.



Ref: B-030-007. Alexander Turnbull Library, Wellington, New Zealand

SOURCE 5.2 This painting by Cuthbert Charles Clarke (1819–1863) shows a huge *hakari* (feast) platform at Kororareka, built to display food for a massive feast. Hospitality to friendly iwi or hapu was an important part of Maori life.

FIRST CONTACTS

Whalers, sealers, traders and missionaries began arriving from the time of Captain Cook's visit to New Zealand in 1769. Maori welcomed these foreigners for their trading goods and technologies. Tribes supplied ships with fresh food and cargoes of flax and timber in exchange for goods such as blankets, hatchets and knives. Maori also welcomed new sources of protein brought by the foreigners, as New Zealand had no large native animals, and the giant flightless bird, the moa, had been extinct for centuries.

At first, the Europeans were a small minority and only wanted to trade with Maori, not to change them. The first British settlers came as private individuals or groups and they were a tiny minority in a place where Maori clearly controlled entry points. Arrangements about land often involved settlers forging relationships with their hosts in order to build houses and to establish trading posts and whaling stations. Some pakeha became members of tribes by marriage and so acquired rights to land use, and the hapu benefited from the trade items 'their' pakeha attracted.

Missionaries were the next group to arrive, from late 1814, and they came with the explicit purpose of changing Maori, by 'civilising and then Christianising' them. They learnt the Maori language and began to produce written materials in Maori. They were welcomed as go-betweens in inter-hapu disputes. However, while literacy was prized, religious conversions were slow.



NEW ZEALAND TO THE 19TH CENTURY

- 1769** Captain Cook arrived in New Zealand
- 1815** Missionaries came, led by Samuel Marsden from New South Wales
- 1820** A Maori dictionary and grammar text was produced
- 1831** Thirteen northern Maori chiefs petitioned the British Crown for protection from lawlessness among Europeans
- 1834** James Busby was appointed the official British Resident; he bought a house at Waitangi
- 1835** The United Tribes Declaration of Independence was drawn up by Busby; this asserted the independence of New Zealand, with all sovereign power and authority resting with hereditary chiefs and tribes; it was signed by 52 chiefs by 1839
- 1837** The decision was made to establish a colony and to annex at least part of New Zealand to New South Wales
- 1840** 14 January: by Order in Council in New South Wales, the whole of New Zealand was annexed to New South Wales and became a colony
- 6 February: the Treaty of Waitangi was presented and was signed by 43 northern chiefs; by September, another approximately 500 northern chiefs had signed
- 21 May: British sovereignty was proclaimed over the North Island by cession, and over the South Island by right of discovery
- 5 June: British sovereignty was proclaimed over Stewart Island by right of discovery
- 17 June: British sovereignty was proclaimed over the South Island by cession
- November: It was announced that there would be a survey of New Zealand; all land seen to be unused or uncleared would be declared 'wasteland' and therefore Crown land, which could be sold to European settlers
- 1841** 3 May: New Zealand was proclaimed a separate colony
- 1842** All Maori people were deemed to be under Crown authority, even if they had not signed the Treaty
- 1843** In the Wairu Affray, 22 Europeans were killed in clashes near today's Nelson, in the north of the South Island
- 1844–45** Maori chief Hone Heke destroyed the symbol of British power – the Union Jack – by cutting down the flagpole four times at Kororareka (now Russell, Bay of Islands, North Island)
- 1845–46** Hone Heke led war in the north, but after several battles Governor George Grey declared victory over Maori on 11 January 1846
- 1852** The New Zealand Constitution Act granted self-government to the colony of New Zealand
- 1854** The first New Zealand Parliament sat, but as the right to vote depended on individual property ownership, almost all Maori were excluded
- 1877** The Treaty of Waitangi was judged to be a 'legal nullity' and 'worthless' because it was signed by a civilised nation and a group of savages, not by two nations

OFFICIAL SETTLEMENT AND A TREATY

Official British settlement of New Zealand commenced in 1840. This was a time of debate in Britain about the rights of Indigenous peoples in British colonies, but in New Zealand there were increasing numbers of settlers, and it was impossible to reverse the arrangements about land that existing settlers had been making with Maori for over a generation. Also, it was very clear that Maori were a people with villages and gardens and so with obvious rights to land they cultivated and lived on.

The British Government thus had few choices. *Terra nullius* was not an option, given that unofficial and official settlement had already acknowledged Maori rights to land. War was not an option, given Maori numerical superiority, control of entry points and warrior culture. Maori were armed warriors, whose internal wars with muskets, which they gained through trade with Europeans, had changed the balance of power. Maori would clearly fight for their land. In addition, there were concerns about a rival French settlement in the Hokianga area (in the north-west of the North Island). Government instructions were quickly translated into organising a treaty.



SOURCE 5.3 Hone Heke, pictured with his wife, was the first chief to sign the Treaty of Waitangi.

Merrett, Joseph Jenner, 1816?-1854. [Merrett, Joseph Jenner] 1816-1854: Johnny Heke & wife [ca 1845]. Ruck, Charlotte Steward. fl 1860s-1890s: Scrapbooks, c. 1860 to c. 1899]. Ref: E-309-q-2-033. Alexander Turnbull Library, Wellington, New Zealand.

The Treaty of Waitangi, 1840

The Treaty of Waitangi, signed in 1840, is a key treaty in New Zealand history and has since been the centre of the Maori rights movement.

Instructions to Hobson

Captain William Hobson is sent to ‘obtain surrender of ... sovereignty to the British Crown by the free and intelligent consent of the “natives” ...’



Text and translation

Hobson drew up the Treaty of Waitangi in just four days and, on 5 February 1840, the English version was read aloud before a gathering of Maori chiefs. The missionary Henry Williams read out the Maori translation, which had been made swiftly by himself and his son Edward the previous night.



Signing

On 6 February 1840, 43 North Island chiefs signed the Treaty and Hobson shook hands with each one saying, ‘He iwi tahi tatou’ (‘we are one people’). Over time, 540 North Island signatures were gathered, but there were significant chiefs who saw danger in the Treaty and refused to sign. However, the colonisers proceeded on the basis of ‘majority rule’.

SOURCE 5.4 Signing the Treaty of Waitangi

continued

continued

The text of the Treaty

In 1987, IH Kawhura made an English translation of the Maori text of the Treaty, which begins as follows:

Victoria, the Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come.

So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness.



McDonald, James Ingram. 1865–1935: [Captain William Hobson] 1913. Ref: G-826-1. Alexander Turnbull Library, Wellington, New Zealand.

SOURCE 5.5 Captain William Hobson, who went on to become the first Governor of New Zealand

The Maori translation of the Treaty has proved problematic. Table 5.1 sets out some key differences between the English version and the Maori translation.

TABLE 5.1 The Treaty of Waitangi: differences between the English and Maori versions

	English version of the Treaty of Waitangi	Maori version of the Treaty of Waitangi (shorter and simpler)
Preamble	The British intend to protect Maori interests, to provide for settlers, and to establish government to maintain peace and order.	Britain's main promises to Maori are securing tribal <i>rangatiratanga</i> (chieftainship) and Maori land ownership.
Article 1	Maori cede 'sovereignty' to the British.	Maori give the British <i>kawanatanga</i> (governance) in return for protection, but keep the authority to manage their own affairs.
Article 2	This guarantees property and ownership rights of land, forests and fisheries, as long as Maori wish to retain them, and provides for land sales through the Crown.	This promises to uphold the authority that tribes have always had over lands and <i>taonga</i> (treasures). It uses the term <i>rangatiratanga</i> , emphasising status and authority.
Article 3	This guarantees royal protection and full citizenship.	This guarantees royal protection and full citizenship.
Epilogue	The signatories acknowledge they have entered into the full spirit of the Treaty.	The signatories acknowledge they have entered into the full spirit of the Treaty.

continued

continued

Attitudes to land

After the Treaty, the first task for the British was to obtain land for the settlers that Maori ‘could alienate without distress to themselves’. The idea was that the Crown would control all land sales. In the instructions given to Captain Hobson, however, there is clear recognition of the ownership of land by Maori, even though the major factor of Crown **pre-emption** was a way of controlling what would happen to the land.

According to historians Shaunnagh Dorsett and Lee Godden:

Under the Maori system of land tenure, rights of occupation and use were divided among the *whanau* [extended family] but the right of alienation belonged to the *hapu* [tribe]. The *hapu* based its claim to territory upon a series of *take*, or rights. Rights of use and occupation covered specific resources, garden areas, and fishing areas. The rights of individuals and sub groups were always subject to the greater rights in the *hapu*, and the *hapu* retained control over uncultivated lands. The *take* or rights could be derived from descent lines, as a result of conquest, or from a gift.

Shaunnagh Dorsett and Lee Godden, *A Guide to Overseas Precedents of Relevance to Native Title*, Native Title Research Unit of Aboriginal and Torres Strait Islander Studies, 1998, p. 35.

pre-emption

In New Zealand history, the Maori chiefs giving the Crown the first right to buy land. In reality, for much of the 19th century, the Crown misapplied pre-emption as giving it the sole right to buy Maori land

After the Treaty

The first post-Treaty phase was mostly one of economic welcome and free trade, with a continuation of what the historian Claudia Orange has called a ‘workable accord’. Maori wealth was invested in farms, flour mills, equipment and stock. Some Maori obtained their own boats and canoes and proceeded to dominate coastal trade until 1855. Despite the changes, Maori remained numerically greater than pakeha, and settlement was restricted to some areas only.

Questions

- 1 How many years after first settlement was the Treaty of Waitangi?
- 2 What developments made it possible to have a written treaty between Britain and the Maori chiefs?
- 3 What led to different understandings of the treaty by the British and the Maori at the time of signing?
- 4 What in the Maori translation of the preamble is used to persuade Maori chiefs to sign?
- 5 Why might Hone Heke, the first chief to sign the treaty, have cut down a flagpole flying the Union Jack four times and led war against the new government?
- 6 What does a treaty suggest about the relationship between Maori and pakeha?
- 7 What aspects of Maori relationship to their land made the sale of that land to the settlers problematic?
- 8 Research more about the reasons for the Treaty of Waitangi and the way the Treaty was seen during the 19th century, and summarise your findings. The chapter weblinks will assist.

LAND LOSS

What had appeared to most Maori chiefs to be a way of managing the increasing numbers of settlers without losing power quickly became a takeover. The official British representatives behaved like an occupying power, and New Zealand self-government in the 1850s extended the power of the settlers. Increasingly, Maori land was alienated. The Maori population declined due to poverty, disease and tribal conflicts using guns.

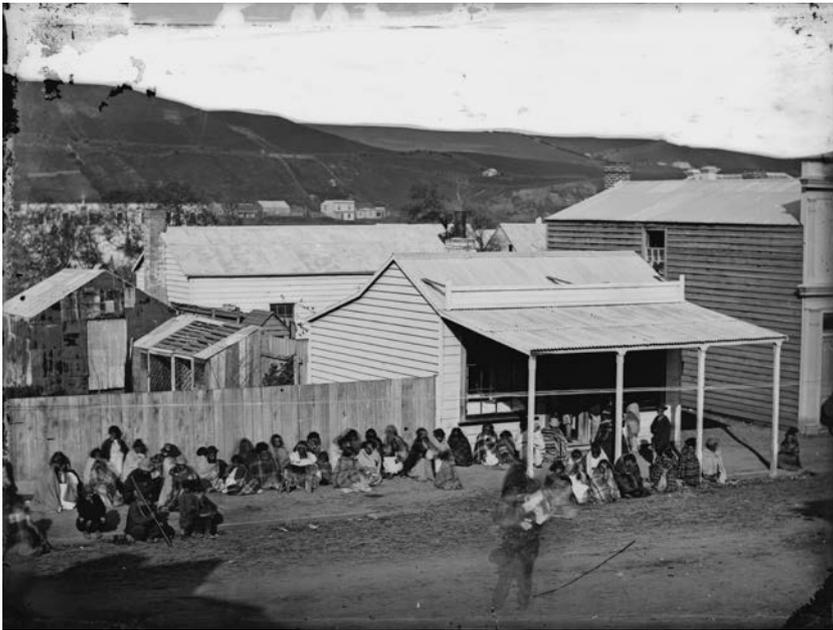
The Native Land Court, known as the 'land-taking court', became the most effective way of obtaining Maori land for settlers. By surveying Maori land and imposing taxes, the government created a need for money only obtainable by the selling of that land.

In 1862, the law stating that the Crown had the first right to buy Maori land was changed, so that the Native Land Court could decide ownership of these lands and bring them under British law. Owners had to apply to this court to obtain a certificate of ownership, and this could be done by only 10 owners at most. This led to many problems, because if one traditional owner applied, others would lose their rights unless they too applied to the court. The process was also exploited

by many pakeha, who advanced credit, encouraged debts, used bribery, and generally managed to acquire more land through dubious means.

Land required for roads and other public purposes was simply taken without payment. Pakeha also obtained increasing control of Maori reserves; these were leased to settlers on minuscule rents by Maori 'trustees', who clearly were not concerned with Maori interests.

The Native Land Court was incredibly destructive for Maori aspirations. Combined with large-scale immigration in the 1870s (due to Premier Julius Vogel's 'Great Public Works' schemes), it helped to marginalise Maori in their own land.



SOURCE 5.6 A group of Maori waits for a Native Land Court hearing in the Whanganui area, in the late 1860s.

MAORI RESPONSES TO COLONISATION

Maori chiefs clearly did not think they had surrendered sovereignty to the British, and they responded to their situation in a range of ways. Some tried to unite to stop the land losses and were involved with the election of a Maori 'king' (a movement called *Kingitanga*, or the King Movement), whom they considered would be able to rule alongside the British. Others rose as prophets who led their followers in beliefs and rituals, as well as in fighting the colonisers.

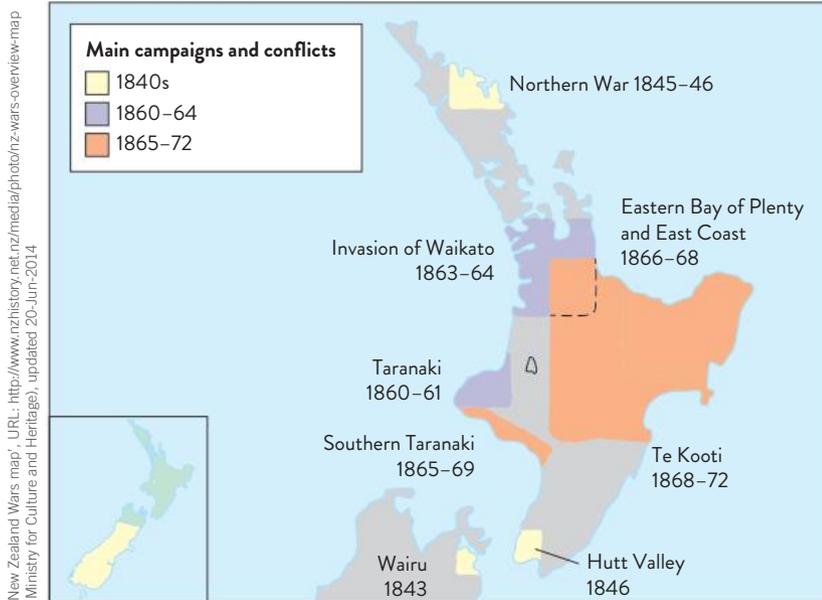
War was one response by Maori to their losses. The New Zealand Wars (1845–72) demonstrated Maori resistance that made some settlers fear for the colony's future, but increasing numbers of settlers – including about 2500 volunteers who left Australian colonies to accept

offers of land in return for military service in New Zealand – finally defeated the Maori and led to much valuable land being confiscated.

Later, huge intertribal meetings led to Maori people setting up their own parliament – *Te Kauhanganui* – in 1892, and their first Bill requested the general New Zealand Parliament to stop making laws for Maori land or advancement. This was unsuccessful. *Te Kauhanganui* remains in existence, but by the end of the 19th century, involvement in the general New Zealand Parliament had become the main way for Maori to seek to improve their situation.

The Maori strategies in response to colonisation (with the exception of warfare) continued into the 20th century.

New Zealand Wars



SOURCE 5.7 The main campaigns and conflicts over land in the New Zealand Wars

Questions

- 1 Which areas were places of conflict in the 1840s?
- 2 Why do you think there was so much conflict in the 1860s?
- 3 Research and write a brief commentary about the main conflicts in 19th-century New Zealand.

Maori at the start of the 20th century

The national story presented the colonisation of New Zealand as successful, creating one people, yet this was far from reality. As in Australia, the land grab in the 19th century had greatly disadvantaged Maori economically. Despite their landholdings being so reduced, the majority of Maori still lived in rural areas, often on inferior land. Thus, while there was no segregation, many pakeha – especially in the towns – had little contact with Maori people.

James Bragge, Whare-puni, or small sleeping house, Te Ore Ore Mairae, c. 1870]. Ref: PA1-4-021. Alexander Turnbull Library, Wellington, New Zealand.



SOURCE 5.8 Residents of a Maori village in the early 20th century. The structure in the background is a *whare-puni* (small communal sleeping house).

NEW ZEALAND IDENTITIES: PAKEHA AND MAORI

Pakeha New Zealanders saw themselves as a superior people ‘destined to lead the world in social conditions’, in the words of journalist Stella M Allan. They were without the Australian convict stain, and they saw the Maori as ‘superior natives’. They talked of their race relations as being ideal, yet Maori historian Ranginui Walker quotes evidence of very negative attitudes in the 1880s during the Parihaka crisis – where Maori passive resistance to land confiscation was met with violence. According to the *Taranaki Herald*, ‘We are at liberty at any time and place to do our best to extirpate [exterminate] them as (we should) any other animals of a wild and ferocious nature. Their lives and land are forfeit.’ Commonly, Maori were seen as inferior to pakeha: lazy, wasteful, dirty and immoral. Maori saw Pakeha as self-centred and materialistic, greedy and often unfeeling.

While Maori New Zealanders shared a language and culture, they identified with their tribal group and waka (canoe) affiliation. Although they had combined in response to colonisation, tribal identification and rivalries remained strong for the first half of the 20th century.

‘A DYING RACE’

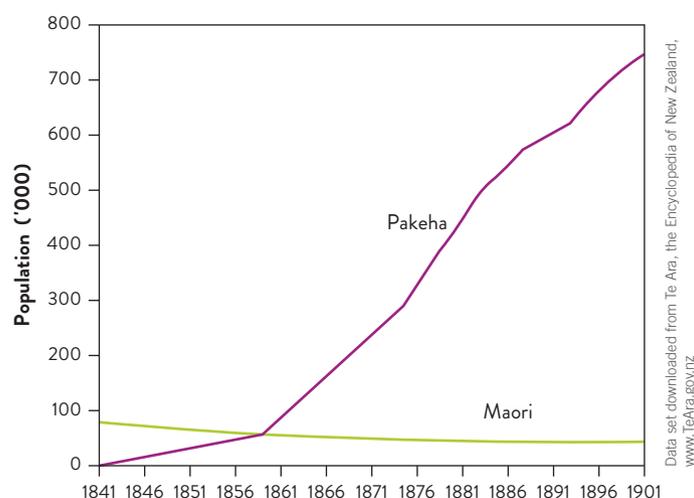
The 1901 census indicates a Maori population of about 45 000, about 5 per cent of the total population, although it had passed its low point and was in fact beginning to rise. The total population of New Zealand at that time was under a million. Only about 12 per cent of land (3.2 million hectares) remained in Maori ownership.

At this time, Maori life expectancy was less than half that of non-Maori – about the mid-20s – and infant mortality was high. However, the responses to Indigenous population decline were similar to those in other colonies. It was commonly believed that Maori were dying out and that this was an inevitable cost of progress and an unavoidable result of ‘the survival of the fittest’. Factors such as Maori land loss, the imposition of a capitalist economic system, the types of work open to the majority of Maori and the lack of power over their own lives were not considered.

BENEFITS OF THE TREATY?

Maori looked to the Treaty of Waitangi, but saw only loss of land and *mana* (authority and power) as the government disregarded the Treaty and used legal processes to obtain Maori land for increasing numbers of settlers. The government promoted assimilation policies (see below) and used the rhetoric of ‘protection’, while rejecting Maori efforts to improve their situation. While there were four Maori seats in parliament, any real political opportunities were dependent on the majority of white members of parliament. Legal historian Stuart Banner argues that by the late 19th century, the position of the Maori in New Zealand was not much better than that of Aboriginal and Torres Strait Islander Australians.¹

By 1891, Maori land ownership was reduced in the North Island to about 40 per cent of the land, but even 1 million hectares of this was leased to pakeha farmers. In the South Island, Maori had less than 100 000 hectares. In the second half of the 19th century, Maori land holdings under communal title had been halved, through processes favouring settlers and disadvantaging Maori.



SOURCE 5.9 Population change in New Zealand during the 19th century. The Maori population during the first two-thirds of the 19th century are estimates. The Musket Wars and exposure to diseases to which Maori initially had no immunity led to population decline before 1840.

THE IMPACT OF PAKEHA SETTLEMENT

Historians agree that by 1900, Maori were greatly disadvantaged by colonisation, but that New Zealand saw itself as having ideal race relations. Ranginui Walker wrote:

The outcome of colonisation by the turn of the century was impoverishment of the Maori, marginalisation of elders and chiefly authority and a structural relationship of Pakeha dominance and Maori subjection.

Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition Penguin, Auckland, 2004, p. 10.

Richard S Hill supported Walker’s assertion, but added:

Yet by 1900 one of the central ‘national myths’ was taking firm shape – that New Zealand had ‘ideal race relations’, a model generally referenced to the Treaty’s supposed establishment of a uniquely ‘humanitarian’ colony.

Richard S Hill, ‘Maori and State Policy’, in Giselle Byrnes (ed.), *The New Oxford History of New Zealand*, Oxford University Press, 2007, p. 515.

DISADVANTAGE AND ASSIMILATION

Government policy at the start of the 20th century was that Maori be assimilated into the majority settler population. However, while many offspring of mixed marriages did assimilate into pakeha society, many more assimilated into Maori society. Maori mostly lived in their own tribal areas and so were able to be forgotten by pakeha.

Land remained the focus of conflict between pakeha and Maori. Reduced landholdings made farming harder and forced many Maori to work in seasonal occupations, selling their labour. Many lived in poverty.

Land grabs continue

In the early 1900s, the government introduced more laws, which were supposedly to give more control to Maori at a local level. However, when land ‘not required or suitable’ for occupation by the Maori ‘owners’ was placed under the control of land councils, this only made land sales to settlers easier. Later legislation aided the government in purchasing land to support the policy of ‘close settlement’, so that more Europeans could be on farms.

land alienation

The loss of land, whether willingly through sales, or through confiscation

In 1913, the government exempted itself from reforms that required decisions about Maori **land alienation** to be made at publicly notified meetings of the owners. In this way, during the First World War, the government was able to purchase large areas to be granted to returning servicemen.

Assimilation: ‘we shall have no Maoris ...’

The official government policy up to the Second World War was one of assimilation. William Herries, Minister for Native Affairs from 1912 to 1921, went further, saying:

“ I look forward for the next hundred or so years or so, to a time when we shall have no Maoris at all, but a white race with a slight dash of the finest coloured race in the world. ”

Schools were part of the assimilation process. In 1900, more than 90 per cent of all new Maori entrants at primary school spoke Maori as their first language; however, schooling was in English, and Maori students were discouraged from speaking their language, sometimes by the use of physical punishment. Native schools continued, but from 1909, more Maori enrolled in public schools than in native schools. Some Maori families chose education in English as a way for their children to be successful in the changed world they faced.

‘Civilising’ Maori

At the start of the 20th century, was assumed that male Maori would go into agricultural-based work. Girls were trained as homemakers. James Pope, a New Zealand education official in 1900, explained government policy through to the 1930s as being:

“ ... to bring an untutored but intelligent and high-spirited people into line with our civilisation, and to do this, to a large extent, by instructing them in our language, and by placing in Maori settlements European school-buildings and European families to serve as teachers and especially as exemplars of a new and more desirable mode of life. ”

Appendices to the *Journals of the House of Representatives New Zealand, 1858–1980, 1900, E-2, p. 16.*

Maori issues and responses: 1860s–1910s

In 1867, four Maori seats were introduced into parliament – token representation in a house of more than 70 members. These seats were not allocated on the same population basis as those of pakeha and were meant to be temporary, but the slow process of Maori individualisation of land ownership and title meant that these seats were established on a permanent basis in 1872. The number was too small to have any effective role in parliament, so in 1875 Maori leaders petitioned to increase the number of members, but this was refused.

At first, few Maori voted. The Department of Native Affairs made no attempt to promote involvement and the chiefs did not support this alien structure. However, by the late 19th century, voting had become the main Maori strategy in response to colonisation.



MAORI PARLIAMENTARY PARTICIPATION

1852	About 100 Maori voted in the first general election
1867	Four Maori electorates were established as a temporary measure (if per capita, it should have been 14–16 electorates); Europeans had 72 seats Maori men achieved universal suffrage (in theory) – 12 years before European men
1876	The four Maori electorates were made permanent
1893	The ‘dual vote’ came to an end (this had meant that the small number of Maori who owned individual freehold land were able to vote in both European and Maori electorates)
1893	Maori women could vote (with other New Zealand women)
1893–96	Maori with one European parent could choose whether to vote in Maori or general electorates



Sir George Grey Special Collections, Auckland Libraries, 7-A14995

SOURCE 5.10 Maori men and women meeting outside the Rotorua courthouse on election day 1908. Voting for the four Maori seats (which was held on a different day to voting for the general seats) was one way they could achieve representation at a national level.

Young Maori Party

Towards the end of the 19th century, attempts to pursue Maori interests through separate institutions in partnership with pakeha (such as through the King Movement (Kingitanga) and the Maori Parliament (Te Kauhanganui)) gave way to emphasis on Maori involvement in general New Zealand structures. For example, the boarding school at Te Aute College – an Anglican secondary boarding school under the leadership of the Reverend John Thornton – encouraged young Maori, and many achieved highly and entered professions such as medicine and law. The ‘Young Maori Party’ grew out of the Te Aute Students Association. This group of young leaders worked for Maori advancement, urging Maori to work with pakeha ways as much as possible. Encouraged by Maori politician James Carroll, members of the Young Maori Party entered parliament.



Young Maori leaders

Sir James Carroll (Timi Kaara) (1857–1926)

James Carroll aimed to achieve equal treatment for Maori, including seeking to ensure that Maori had full access to market prices for land, and also providing training and support for Maori to become farmers. He shifted from his Maori seat and won a general parliamentary seat. He believed that Maori seats should be abolished so that settler candidates would take Maori votes more seriously.

In 1899, Carroll became the first Maori to hold the position of Native Affairs Minister. Although criticised by many Maori, Carroll was also passionately Maori, urging others in 1920 to ‘hold fast to your *Maoritanga* [Maori culture or way of life]’. His role in helping the young generation of Maori leaders such as Apirana Ngata (see below) was significant.



Sir James Carroll, S.P. Andrew Ltd. Portrait negatives, Ref. 1/4-021045-F. Alexander Turnbull Library, Wellington, New Zealand.

Sir Peter Buck (Te Rangi Hiroa) (1887–1951)

Peter Buck trained as a doctor and worked to improve sanitation and health for Maori. He won the parliamentary seat for Northern Maori in 1909. He served as a medical officer in the First World War, before transferring to combat duty and being promoted to major. After the war he worked in health, but his interest in anthropology led to a career based in Hawaii, studying the cultures of the Polynesian Pacific region. He made a return visit to New Zealand in 1949, and his expertise in Maori and Polynesian culture proved extremely useful with regard to land development and cultural renewal.



Ramsden, George Eric Oakes, 1898-1962. Peter Henry Buck. Ref. 1/2-037931-F. Alexander Turnbull Library, Wellington, New Zealand.

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Sir Apirana Ngata (1874–1950)

Apirana Ngata was the first Maori to complete a degree at a New Zealand university. A lawyer with farming interests, he developed ways of keeping land title in tribal ownership, while allowing farms to be developed economically through incorporations. He worked with James Carroll in drafting legislation designed to allow Maori more control over their own affairs.

From 1905 to 1943, Ngata represented the Eastern Maori parliamentary electorate. He was also Minister of Maori Affairs (1928–43). His long parliamentary involvement included work on Maori land, the Maori war effort, the obtaining of land grants for returned Maori servicemen, inquiries into some Maori land grievances relating to the confiscations in the 1860s, support for sport and cultural activities, urging for an Anglican Maori bishopric, and land development schemes.

In 1934, Ngata resigned from parliament after a report criticised his handling of his department and the land development scheme. After he left parliament, he remained active in cultural and academic life.



Apirana Turupa Ngata. General Assembly Library; Parliamentary portraits. Ref: 35mm-00181-F-F. Alexander Turnbull Library, Wellington, New Zealand

Sir Maui Wiremu Piti Naera Pomare (1876–1930)

Maui Wiremu Piti Naera Pomare was the first Maori doctor. He served his people as a health reformer and politician. He welcomed intermarriage and Maori assimilation, believing that Maori needed to adopt a pakeha lifestyle and work hard. In 1911 he was elected to the Western Maori parliamentary seat.

In the 1920s, Pomare was appointed as Minister for Health and was successful in improving the health of young mothers. With Apirana Ngata, he helped set up a commission into land confiscation.



Sir Maui Wiremu Pomare. S.P. Andrew Ltd. Portrait negatives. Ref: 1/1-019098-F. Alexander Turnbull Library, Wellington, New Zealand.

THE FIRST WORLD WAR

At the start of the First World War in 1914, Imperial policy did not allow ‘native peoples’ to fight in a war among Europeans. However, permission eventually was granted for a Maori contingent, and Maori members of parliament supported involvement in the war as they thought this would help them achieve equality with pakeha. Peter Buck, who volunteered himself, advocated Maori fighting together as a way of unifying Maori across tribal boundaries. More than 2000 Maori served in the Maori Pioneer Battalion. Maori enlisted in other units as well, but this separate battalion is now seen as an early step in biculturalism (see chapter 6).

Recruiting Maori



Ref: A-312-1-088. Alexander Turnbull Library, Wellington, New Zealand.

SOURCE 5.11 'The Spirit of his Fathers' by William Blomfield, 1915

This recruitment poster by William Blomfield, titled 'The Spirit of his Fathers', appeared in the Christmas 1915 issue of the *New Zealand Observer*. It shows a Maori soldier charging two Ottoman Turk soldiers, with the ghost of a Maori warrior behind him. It called on Maori warrior culture to encourage Maori participation in the war.

Questions

- 1 What details of this cartoon refer to Maori warrior culture?
- 2 In what ways might this image be a way of persuading more Maori to enlist?
- 3 Why might many Maori need persuading to take part in New Zealand's war effort?

Opposition to the war effort

conscription

Compulsory enlistment for the armed services

Conscription was originally only imposed on pakeha, but was extended to Maori in June 1917, with the support of Maori politicians. There was clear Maori opposition to conscription and to government campaigns encouraging recruitment, and those who chose not to fight generally came from areas hard hit by the 1860s land confiscations. Some saw the war as a 'white man's war', and when conscription imposed on Maori was only applied selectively in the Waikato and Maniapoto districts, many resisted. The Maori King's 16-year-old brother was among those seized. Such prisoners were taken to an army camp. If they continued to resist conscription, they were given severe military punishments, and if this failed, they were put in prison for two years' hard labour. These steps only hardened opposition.

Prophets and freedom fighters

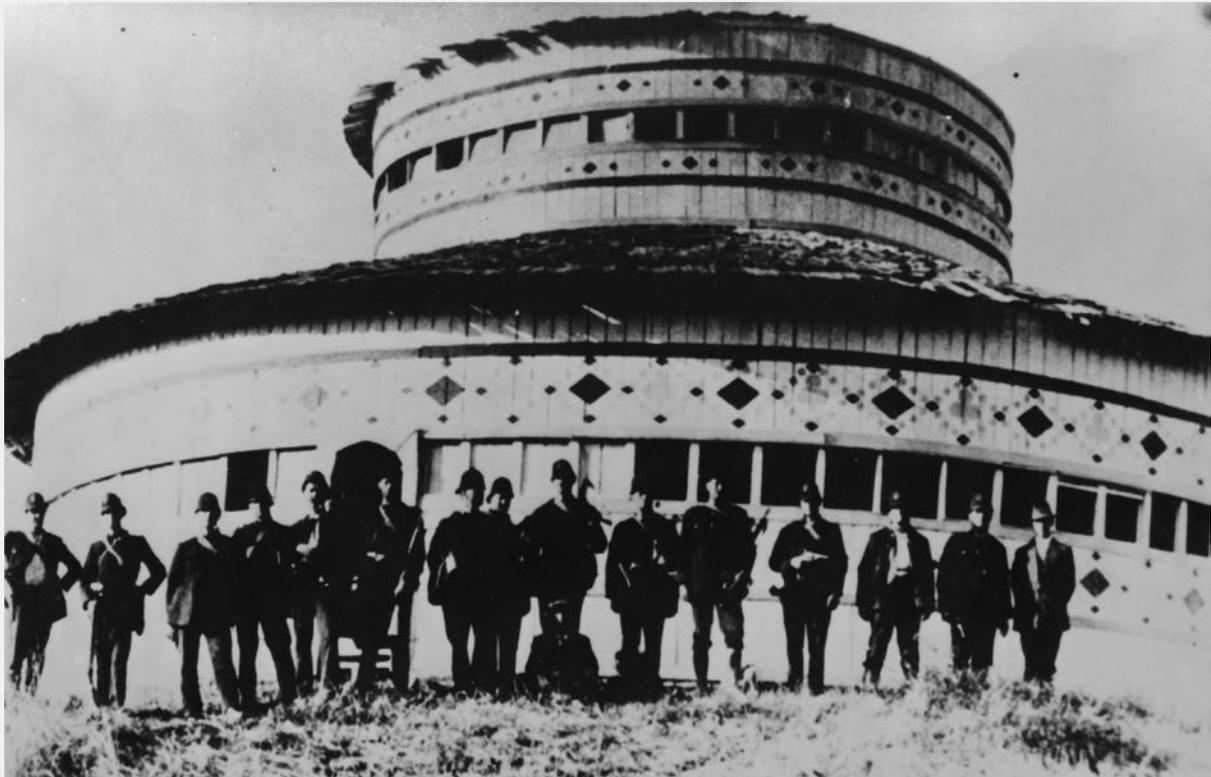
Responding to loss of power, loss of land and military invasion, Maori prophets arose in the 19th century seeking to unify the tribes against the invaders. One anti-European cult in the Taranaki went into battle crying: '*Hapa Pai Marire Hau! Hau!*' They engaged in guerrilla warfare and were known popularly as *Hau Hau*. On the East Coast, Te Kooti (c. 1832–1893) was both a prophet and a freedom fighter, and his efforts made some settlers doubt the future of the colony.

The Tuhoe prophet and faith healer Rua Kenana (1869–1937) was a prophet in the tradition of Te Kooti, and claimed to be Te Kooti's prophesied successor, the Son of God. He built a new self-sufficient religious community at the foot of Maungapohatu, the mountain sacred to Tuhoe. He taught that Maori and pakeha should be treated equally, with 'one law for two people'.

sedition

Encouragement of
discontent and rebellion
against the government

By the time of the First World War, this rural community was declining due to a lack of access roads, but Kenana was still a cause of concern to the government, which accused him of **sedition** because of his pacifism and his opposition to Maori conscription. He was harassed by government officials who had him arrested. His son was killed during the arrest.



Ref: 1/2-042966-F. Alexander Turnbull Library, Wellington, New Zealand

SOURCE 5.12 Triumphant police parade at Hiona, Kenana's 'parliament', following Kenana's arrest, 1916. The circular wooden building, built in 1908, was distinctive, with brightly painted yellow diamonds and blue clubs on a white background. The upper storey was set apart for the prophet and his wives, and two chiefs.

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Despite being found not guilty of sedition and guilty only of resisting arrest, Kenana was sentenced to one year's hard labour followed by a further 18 months' imprisonment. His community was destroyed by this and by subsequent broken promises by the government about providing roads in exchange for land. Justice Chapman's verdict suggests underlying attitudes to Maori:

Now you learn that the law has a long arm, and that it can reach you however far back into the recesses of the forest you travel, and that in every corner of the great Empire to which we belong the king's law can reach anyone who offends against it. That is the lesson which you and your people should learn from this trial.

Quoted in Graeme Ball, *Big World, Small Country: The 20th Century and New Zealand's Place in it*, Cengage Learning, 2013, p. 20.



Brechen, Arthur Nimis: 1897-1965: Rua Kenana Hepetipa and his son Whatu, handcuffed. Ref: 1/2-028072-F. Alexander Turnbull Library, Wellington, New Zealand

SOURCE 5.13 Rua Kenana (front row, third from left) in handcuffs, 1916

Questions

- 1 Briefly describe the scene shown in Source 5.13.
- 2 Why was Rua Kenana arrested?
- 3 In what ways was Kenana's religious community a challenge to New Zealand society?
- 4 What does the quotation from Justice Chapman's verdict suggest about relations between the settler population and Maori?

First World War gains?

More than 2500 Maori and Pacific Islanders served overseas in the First World War; of these, 700 were wounded and 336 were killed. Maori had demonstrated that as soldiers they were equal to pakeha, and this raised hopes for better treatment. After the war, however, Maori returned servicemen were not treated equally. Returned servicemen of European background received land grants, and Apirana Ngata fought for land grants to be given also to Maori returned servicemen. However, while the government granted land to pakeha from Crown land, it only agreed to allocate Maori land to Maori returned servicemen.

It was even more difficult for Maori to obtain welfare benefits. In addition, legislation making it illegal for Maori to buy alcohol had been in place since the late 19th century, and this continued after the war. These differences were, however, supported by the Young Maori Party, which believed that equality in these areas would not benefit Maori.

The experience of selective conscription had divided Maori, and the use of voter registrations to select those conscripted made Maori more distrustful of government, even though Maori conscripts in custody were released at the end of the war (unlike pakeha resisters, who remained in prison).

While Maori were not segregated from pakeha, they often lived separately and their living conditions were inferior. Thus, the 1918 Spanish influenza pandemic had devastating effects on New Zealand's Maori population, with a per capita death rate seven times that of pakeha. More than 1000 Maori died, because of their lower resistance, limited access to medicine and overcrowded living conditions.

Whina Cooper described her experience at Panguru, Hokianga:

“ Everyone was sick, no one to help, they were dying one after the other. My father was very, very sick then. He was the first to die. I couldn't do anything for him. I remember we put him in a coffin, like a box. There were many others, you could see them on the roads, on the sledges, the ones that are able to drag them away, dragged them away to the cemetery. No time for *tangis* [funerals]. ”

'Uneven rates of death – 1918 influenza pandemic', <http://www.nzhistory.net.nz/culture/1918-influenza-pandemic/death-rates> (Ministry for Culture and Heritage), updated 20-Dec-2012

Kingitanga continues

In 1858, central North Island tribes from the Waikato region, who had united to oppose the land sales, appointed the first Maori king: Te Wherowhero. By bringing together different tribal groups, the Kingitanga (the King Movement) aimed for self-government for Maori and gave all the appearance of an alternative government, with its own flag, newspaper, councillors, magistrates and law enforcement. There was even a Minister for Pakeha Affairs.

Kingitanga was severely weakened in the New Zealand Wars of the 1860s, but it continued. After the Wars, the government dispossessed the people south of Te Awamutu of their lands, so the second king,

continued

continued

Matutaera Tawhiao, led them to a densely forested area that became known as the King Country. In 1894, King Tawhiao's Te Kauhanganui (parliament) produced a manifesto.

In 1914, King Te Rata Mahuta led a deputation of chiefs to the British monarch, listing their grievances in petition form about the ways in which the Treaty of Waitangi had been broken. This was the third such deputation. For Maori, there had been clear and consistent recognition of the importance of the Treaty in dealing with the pakeha settlers.

In the period after the First World War, Princess Te Puea (1884–1952) emerged as the Waikato leader when her cousin, King Te Rata, was unable to take a prominent role due to illness. When conscription was imposed only on Waikato-Maniapoto tribes in 1917, Te Puea had followed a promise made by her grandfather, King Tawhiao, and supported those who refused take arms. This led her into conflict with Maui Wiremu Piti Naera Pomare, who promoted Maori involvement in the war. For this stance, and because of her distant German ancestry, she was labelled 'the German woman', to which she is reported to have replied: 'Is not the King of German descent?'

During the 1918 influenza pandemic, Te Puea worked for her people, especially in caring for children who were left without family. In the 1920s she promoted the building of a new marae that would be a home for the Maori King and a centre for Waikato Maori. She encouraged traditional Maori arts and crafts, including performance of 'action songs', *poi* performance art and *haka* (traditional ancestral dances), and a carving school. Later she supported Apirana Ngata's land-development schemes, developing dairy farms for her people.



Ref: EP-Ethnology-Maori-Marae and meeting houses-01. Alexander Turnbull Library, Wellington, New Zealand.

SOURCE 5.14 After much fundraising, the marae at Ngaruawahia was completed in 1938. In this photograph of the opening, Princess Te Puea is standing between two Kingitanga supporters, while Apirana Ngata stands on the left.

Questions

- 1 What details of this image suggest Princess Te Puea's role as a Maori leader?
- 2 What details of this image suggest a partnership between Te Puea and Apirana Ngata?
- 3 Briefly describe Te Puea's achievements.
- 4 In what ways was Kingitanga an alternative to participation in mainstream society?

Maori issues and responses:

1920s–30s

LAND

Despite the setbacks, the Maori population had grown to 53 000 by 1921. Apirana Ngata supported both economic and cultural revival schemes. He worked on a number of issues related to land and development, and worked closely with the sympathetic Prime Minister, Gordon Coates.

- + In 1922, in the Rotorua Lakes Settlement, the Crown agreed to pay compensation for the assumption of ownership of land; this took the form of a perpetual annual payment and some management input into the land, but not the land itself.
- + Also in the 1920s, Ngata gained more money for land development schemes, providing a living for 18 000 Maori, but often the land was poor, rights of title and tenure were unclear, the Department of Native Affairs provided poor-quality stock, and development levies were made against the land.
- + In 1927, the Sim Royal Commission into Confiscated Native Land found that the Crown had confiscated ‘excessive’ land from so-called ‘rebel tribes’, but only recommended financial compensation.

By 1930 Maori landholdings were only half the amount held in 1900. By 1939, Maori held only 1 per cent of the land in the South Island and 9 per cent in the North Island.

On the basic issue of Maori land and its control, Ngata and his colleagues were powerless. In some ways the Maori politicians were very influential but, as Ranginui Walker writes, ‘They got for the Maori only what the pakeha members and their constituents permitted’.²

A NEW RESPONSE: WIREMU RATANA – FAITH HEALER AND POLITICAL LEADER

In 1918, Wiremu Tahupotiki Ratana (1870–1939), a farmer near Whanganui in the North Island, emerged as a religious leader. He was believed to have been chosen to heal through prayer and was proclaimed as the mouthpiece of God. After the Spanish influenza pandemic, thousands flocked to him. He called Maori *morehu*, or ‘survivors’, but discouraged many traditional practices related to chiefly power and tribalism, loyalty to the customs and beliefs of the tribe.

Ratana soon merged his religious message with a political one. His movement worked to unite Maori under God and to improve Maori welfare. In 1924 he led a deputation to England with a petition outlining Maori grievances, but the New Zealand Government blocked access to King George V. In 1925, the Ratana Church was established. Ratana then entered politics, aiming to win all four Maori seats for his followers. In this, he was ultimately successful.

The first Ratana member of parliament, elected in 1932, was Eurera Tirikatene. Tirikatene said he ‘[stood] for the rights and privileges of the whole Maori race, as embodied in the Treaty of Waitangi’. This strategy led to a significant alliance with the Labour Party, as both groups shared ideals of representing the poor and dispossessed, and a commitment to honouring and implementing the Treaty of Waitangi. The alliance lasted from 1943 (when the four Maori seats were all held by Ratana’s followers) until 1993.



Montgomery, A. M. Ref: 1/2-089569-F. Alexander Turnbull Library, Wellington, New Zealand.

SOURCE 5.15 Ratana on the road: Wiremu Ratana (seated in the back of the car, holding a flag) publicising the Ratana Movement at Taupo during one of his early 1920s motor tours. By 1928, the Ratana faith was said to have more than 28000 followers.

Different treatment

In the 1930s Great Depression, Maori were hard hit, with up to 40 per cent of male workers unemployed in 1933. However, Maori were not eligible for sustenance payments, and for those doing 'relief work', the rates were generally much less than pakeha. This was justified on the basis that because the mostly rural Maori did not live under the same conditions as pakeha, they had fewer needs. When the first Labour Government came to power in 1936, the Ratana members of parliament cooperated with it and Maori were placed on the same rates as pakeha.

100 YEARS OF TREATY

In 1932, Viscount Bledisloe, the Governor-General, gave the house and land where the Treaty of Waitangi was signed to the nation as a memorial, speaking of the 'union of the two races as one nation'. In that same year, Maori again petitioned parliament to ratify the Treaty but the issue was postponed and eventually, in 1945, simply resulted in recommendations that the Treaty be published and hung in schools.

In 1940, more than 10000 people attended the celebrations marking 100 years since the signing of the Treaty. Many tribes attended, but those from Waikato and Taranaki refused because they were bitter about injustices going back to the 19th century. In addition, the Ngai Tahu from the South Island used the occasion to remind government that they were still waiting for the settlement of claims officially recognised in the 1850s.

At the celebrations, there were references to Waitangi as ‘the cradle of the nation’, and the Treaty as the foundation of New Zealand nationhood; and Apirana Ngata asked the government to settle grievances so that Maori could ‘close their eyes to the past’.

Treaty of Waitangi Day, 1940



Ref: MNZ-2746-1/2-F. Alexander Turnbull Library, Wellington, New Zealand

SOURCE 5.16 Apirana Ngata leads members of the Maori Pioneer Battalion in a haka in front of the meeting house at Waitangi, 1940, celebrating 100 years of the Treaty of Waitangi. Princess Te Puea boycotted this event.

Questions

- 1 In what ways does this performance of the haka signify a celebration of the Treaty of Waitangi centenary? Comment on details such as the setting, the clothing and identity of the participants.
- 2 Why did some Maori boycott this celebration?
- 3 Choose one of the following for further research: Maori participation in the Second World War; the role of Apirana Ngata as a Maori politician in the first half of the 20th century; or the role of Princess Te Puea in the first half of the 20th century, and the reasons for her boycott of this celebration.

The Second World War and beyond

Unlike the divided response in the First World War, Maori were mostly united in their response to the Second World War, because under the Labour Government there had been some progress in settling grievances. The tribally based Maori War Effort Organisation was established to encourage Maori recruitment for service overseas and in essential industries, and to raise funds for the war effort. About 16 000 enlisted, and after the war Maori servicemen received the same

full rehabilitation assistance from the government as pakeha. Although the numbers enlisting could be seen as a result of successive governments' promotion of assimilation, a separate Maori battalion was formed, commanded by its own Maori officers. From 1941 to 1945, the Maori Battalion fought with great distinction in Greece, Crete, the North African desert and Italy.



Pascoe, John Dobree, 1908-1972. Ref. 1/4-000829-F. Alexander Turnbull Library, Wellington, New Zealand.

SOURCE 5.17 Family farewells, as reinforcements for the Maori Battalion depart from Rotorua in 1944

After the war

Sir Charles Bennett, former Commander of the Maori Battalion, recalled in the 1990s the hopes raised during the Second World War:

There was not one incident that I know of where Maori soldiers fought other New Zealanders, though Maori did fight Maori. We thought this was how we are going to be when we go home – firm friends. But that couldn't be preserved back home. The division between the two races created more distance between them.

Quoted in Graeme Ball, *Big World, Small Country: The 20th Century and New Zealand's Place In It*, Cengage Learning, 2013, p. 260.

Questions

- 1 Why did Maori hope for better relations with pakeha after the war?
- 2 What was the division creating 'more distance between them'?
- 3 In what ways did Maori responses to the Second World War differ from their responses to the First World War?

RACE RELATIONS UP TO THE 1950S

Historian Michael King sums up attitudes in New Zealand up to the 1950s as follows:

For Maori, the dominant pre-war myth had been that people derived their identity from *whakapapa* (genealogy) and *turangwaewae* (a home place), and that those umbilical connections were best preserved by living close to one's extended family, home *marae* and *urupa* (cemeteries) ... living close to the land, one's own land, was the best way of preserving *whanau* (extended family) and *hapu* (tribal) life, and ... in most areas farming, especially dairy farming, offered the best means of retaining traditional family and community links ...

For *pakeha*, the matching myth was that New Zealand had the best race relations in the world, a verdict *pakeha* politicians trumpeted at every possible opportunity. That situation prevailed, it was believed, because the Treaty of Waitangi was 'the fairest treaty ever made by Europeans with a native race' ... and because Maori were ... 'the finest coloured race in the world'.

According to these viewpoints, the only time trouble arose between Maori and *pakeha* was when Maori wilfully misbehaved or showed something less than the gratitude expected of them for the gift of civilisation.

Michael King, *The Penguin History of New Zealand*,
Penguin, 2003, pp. 470–1.

Questions

- 1 What does Michael King suggest are the links between dairy farming and Maori identity before the Second World War?
- 2 What is suggested by use of the following words in the paragraphs about *pakeha* thinking: 'trumpeted', 'the finest coloured race', 'wilfully misbehaved' and 'the gift of civilisation'?
- 3 What would you expect to change *pakeha* and Maori ways of thinking in the late 20th century?

Conclusion

By the mid-20th century, Maori remained disadvantaged in New Zealand society. The Treaty of Waitangi had not protected their land ownership or their culture. Although they enjoyed formal civil rights, the mainly rural Maori were poor and were discriminated against, and so did not enjoy equality with *pakeha*. Many Maori leaders had emerged and used a range of strategies to improve their situation, but gains were small.

Chapter summary

- + Maori relationship to land is based on kin and traditions going back 800 years.
- + In the early 19th century, Maori welcomed trade but resisted the colonisers' land grab and takeover of their society.
- + The Treaty of Waitangi (1840) between Maori chiefs and the Crown is the founding document of New Zealand.
- + The British colonisers used war and law as a way of obtaining Maori land, so that by the start of the 20th century, most productive land had been taken and Maori were mostly marginalised, living outside mainstream pakeha society.
- + New Zealand promoted a policy of assimilation, but most Maori lived in rural areas in their own communities.
- + In the 19th and early 20th centuries, Maori leaders used a range of strategies from warfare to prophet movements, to parliamentary participation to stop the land grab and to improve life for Maori.
- + The Young Maori Party had some successes in protecting Maori interests, but these were limited.
- + Princess Te Puea continued the role of Kingitanga.
- + Religious prophets Kenana and Ratana continued the role of previous Maori religious leaders.
- + By the mid-20th century, Maori in the Ratana Movement used political processes and combined with the Labour Party to support their aims.

Weblinks

Weblinks relevant to this chapter can be found at <http://nmh.nelsonnet.com.au/indigenous>.

Further resources

Giselle Byrnes (ed.), *The New Oxford History of New Zealand*, Oxford University Press, 2009.

Michael King, *The Penguin History of New Zealand*, 2nd edition, Penguin, 2003.

Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Bridget Williams Books, 2004.

Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition, Penguin, 2004.

Endnotes

- 1 Stuart Banner, *Possessing the Pacific: Land, Settlers, and Indigenous Peoples from Australia to Alaska*, Harvard University Press, 2007, p. 319.
- 2 Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition Penguin, 2004, p. 187.



Chapter review activities

- 1 Are the following statements true or false?
At the start of the 20th century:
 - a There were Maori politicians.
 - b Maori were generally highly educated.
 - c There were Maori university graduates.
 - d Maori outnumbered pakeha.
 - e Maori often lived in poverty.
 - f Maori were expected to assimilate.
 - g The Maori language was commonly spoken at home by Maori.
 - h Most land still belonged to Maori.
 - i Pakeha mostly regarded Maori as inferior.
 - j Pakeha generally felt concern about the impacts of settlement on Maori.
- 2 Research Maori land loss in the period from 1840 to 1940. Construct a graph showing Maori land ownership in both the North Island and the South Island. In your own words, explain the main reasons for the land loss.
- 3 Create a diagram to illustrate the strategies used by these four leaders in the first half of the 20th century: Apirana Ngata, Rua Kenana, Princess Te Puea, Wiremu Ratana.
- 4 Choose one of the Maori leaders – for example, Maui Wiremu Piti Naera Pomare, Apirana Ngata, Princess Te Puea or Wiremu Ratana – and research their life and significance. To organise your material, use headings such as ‘Early life and influences’, ‘Public achievements’, ‘Importance of their role’, and ‘Reasons why this leader appealed to me’.
- 5 Although the New Zealand Government had a policy of assimilation, Maori lived in rural areas and mostly lived different and separate lives. Give one example of where Maori were made to assimilate and one example of where they were treated differently by the government.
- 6 What was the importance of the Maori cultural revival in the 1920s?
- 7 In what ways was the Maori response to the New Zealand war effort in the Second World War different from that of the First World War?
- 8 Select one image used in this chapter or from an online source and explain what it reveals about Maori rights or the Maori struggle for rights.
- 9 Maori leaders in the early 20th century remained Maori even when they adapted to pakeha ways in order to better their situation. In what ways is this true of the Maori leaders referred to in this text?



CHAPTER SIX

Protest and change in New Zealand

Having achieved formal equality and a political partnership of sorts with the Labour Party, Maori entered the post-war period only to face the new challenges of urbanisation and further pressures to assimilate. At this time, however, high employment in New Zealand and greater general access to education meant that the growing Maori population was able to develop new structures and so resist the final land grabs.

In the 1960s and 1970s, Maori activists continued the struggle for their rights and were somewhat influenced by other international movements, such as Black Power. Strategies such as the Land March (*hiko*) of 1975 are similar to those used elsewhere, but are strongly grounded in earlier Maori protest. Alongside a strong emphasis on Maori language and culture, the focus on land and resources remained.

Since the 1970s, the Treaty of Waitangi has become more central to the recognition of Maori rights, and the Waitangi Tribunal has been significant in providing a way for this to happen, both practically and symbolically. By the early 21st century, New Zealand had taken more meaningful steps towards genuine biculturalism, and Maori had improved their position, although unevenly.

The Treaty of Waitangi is central to the relationship between Maori and pakeha in New Zealand today and signifies the main differences in the ways Maori have experienced their rights in comparison with Indigenous Australians.

◀ Te Marae, part of Te Papa, the Museum of New Zealand in Wellington. The elaborate carvings represent Maori stories and traditions.

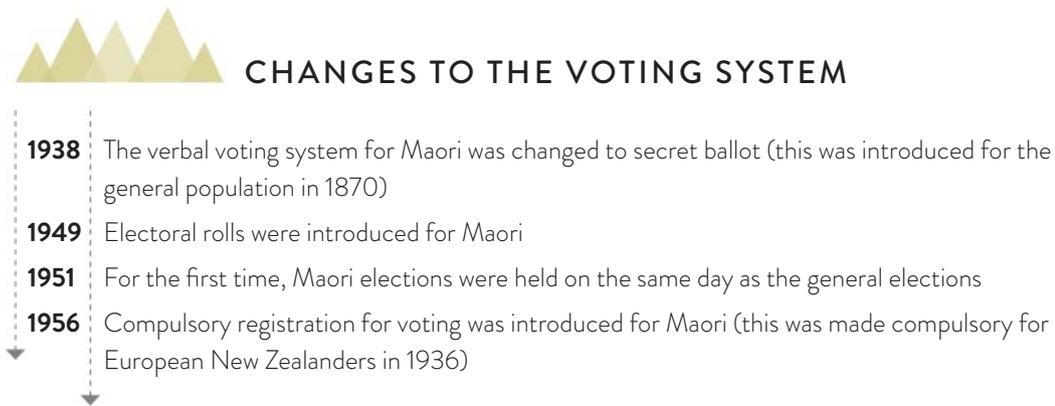
INQUIRY QUESTIONS

- + What changes did the protests of the late 20th century bring to Maori rights in New Zealand?
- + How do Maori rights compare to the rights of Indigenous Australians?

Urbanisation and assimilation

In 1945, after the end of the Second World War, the Labour Government tried to achieve greater equality for Maori people. The *Maori Social and Economic Advancement Act 1945* concerned health, education and welfare, and included more Maori input, but efforts were hampered by the presence of the old bureaucrats. In 1947, the Department of Native Affairs became the Department of Maori Affairs and the government officially replaced the term 'native' with 'Maori'. Assimilation was still the government policy, but this was increasingly called 'integration'.

In 1953, the Maori Affairs Act put a statutory bar on asserting title against the Crown, so there was no possibility of Maori making any further legal claims on land.

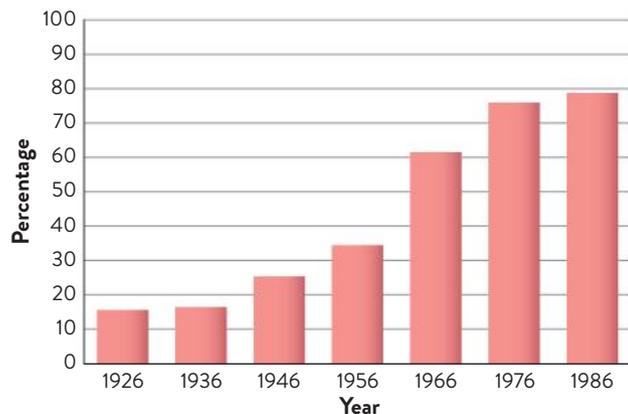


Changes to the voting system made the rules the same for Maori and pakeha, but the four Maori seats remained even after Maori could stand for election in general seats, in 1967.

URBAN MIGRATION

By 1951, the percentage of Maori living in cities had doubled from 10 per cent in the late 1930s to 20 per cent. During the war, the government had directed young men ineligible for

the military, and women, to work in essential industries, mostly in cities. After the war, Maori continued to leave rural areas because of the shortage of land and because small farms were no longer economical. Increasingly, Maori chose to move to the cities for better opportunities in education, employment and for entertainment, and to be with relatives.



SOURCE 6.1 Increase in percentage of Maori living in urban areas between 1926 and 1986

New social organisation

Gradually, Maori developed new ways for tribal groups and marae to function in towns. The majority strove to keep their identity, values and culture. Apart from visiting home, they did this by forming Maori organisations and Maori sections of organisations. For many, though, this was a struggle in the alien pakeha culture in which they found themselves.

Urbanisation dramatically changed the way Maori saw themselves. Maori served their new communities as committee members, wardens and council members. They established urban marae – at first kin-based, then church-based, then secular, multi-tribal and elective marae. Marae were begun on secondary and tertiary campuses. The Maori Women's Welfare League emerged in 1951 as the leading national Maori organisation, with a focus on women and children. Within six months, there were 3000 members working to improve Maori health and wellbeing, and advising government. The League provided a voice for Maori women in cities, and for women who did not have a voice in traditional marae.

New challenges

Urban migration also led to new challenges for Maori as they learnt to cope with a total cash economy and the need for more regular employment. Traditional values were challenged as young people dismissed elders' experience as irrelevant. Inter-marriage with pakeha often led to children unsure of their identity. As early as the 1960s, about half of Maori marriages were cross-cultural.

Some pakeha responded negatively, rejecting the more communal Maori approach and feeling threatened by the changes to their own suburbs. Some advertisements for jobs and accommodation began to include the words 'No Maori'. Overcrowding led to large numbers of Maori on government housing estates, and the offending rate of young Maori boys and teenagers was many times that of non-Maori. Problems common in lower socioeconomic groups – such as alcohol abuse, little or incomplete education, overcrowding and unemployment – only reinforced negative stereotypes.

ASSIMILATION: CONTRADICTIONS AND EFFECTS

While the government pursued a policy of assimilation, there were contradictions at government level and discrimination against Maori in daily life. In education, for example, the government kept the post-war quota system to ensure the training of a number of new Maori teachers until 1969, even while actual teaching content remained dominated by British and then pakeha history. Like pakeha, young Maori in cities were better educated than their parents. However, historian Ranginui Walker reports that in 1965, 85 per cent of Maori children left school without any recognised qualifications.¹ The comparatively low education of Maori meant that they



SOURCE 6.2 Whina Cooper, President of the Maori Women's Welfare League, at its 1953 conference

- Photograph taken by T Ransfield, Tourist and Publicity, Ref: 1/2-040176-F
Alexander Turnbull Library, Wellington, New Zealand



Auscapes © Mike Langford

SOURCE 6.3 Ratana temples have distinctive twin bell towers. Although reduced in numbers from the 1920s, in 2006 the Ratana church was the largest Maori denomination, with about 10 per cent of Maori identifying as followers.

biculturalism

The policy of having two different cultures in one nation, in harmony and equality. This has been government policy in New Zealand since the mid-1970s. Some say it should be replaced with multiculturalism

.....

bodies, such as tribal councils, land boards and trusts.

There was access to mainstream services, but many Maori wanted their own, and in this way undermined assimilation. Apirana Ngata, who urged increased study of English and learning of pakeha ways, had, as early as the 1920s, recognised the importance of Maori language and culture. He taught: 'learn the skills of the pakeha for your livelihood; learn the language and culture of your ancestors for your inspiration and dignity'.

were usually in poorly paid employment and were vulnerable to any economic downturns.

Resistance to assimilation

While some Maori chose to assimilate, in keeping with government policy, most only became part of New Zealand's economic and sporting life, and otherwise kept their culture, albeit an urbanised version. The emergence of separate Maori institutions contradicted the official policy of assimilation and non-segregation. These included some separate religions, such as the Ratana Church; Maori sections within larger organisations, such as the Anglican Church and the civil service; Maori schools, land development schemes and sports organisations; and local Maori

'It is possible to be bicultural'

The following extract is from Apirana Ngata's 1959 introduction to his book *Nga Moteatea*, which was based on his 25 years of collecting Maori oral poetry, songs and chants:

There are Maoris, men and women, who have passed through the pakeha *whare wananga* (house of learning) and felt shame at their ignorance of their native culture. They would learn it, if they could, if it were available for study as the culture of the pakeha has been ordered for them to learn. For the journey back to the social life of the Maori race is not so far, or so difficult. It is possible to compromise with it as many of us did sixty years ago, to select those elements in it which should be as satisfying and elevating as the arts, the crafts, the music and the literature of the pakeha, while living according to the material standards of the pakeha and joining him in the work of the country. It is possible to be **bicultural**, just as bilingualism is a feature of Maori life today.

Quoted in Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, rev. edition, Penguin, 2004, p. 193.

Questions

- 1 Who was the original audience for this writing?
- 2 What was the main message?
- 3 What would the writer's identity add to the message?
- 4 Why do you think Apirana Ngata felt he needed to publish a book of Maori oral cultural traditions?

Inequality

In 1960, the *Hunn Report* highlighted the gaps between Maori and pakeha, noting that Maori died younger, had higher infant mortality rates, lived in poorer and more overcrowded housing, and had poorer education and therefore poorer jobs. The report recommended the establishment of a Maori Health Committee and a Maori Education Foundation, improvements in the housing scheme and increased development of Maori land; however, lack of funding stopped full implementation of most of the recommendations, and Maori opposed the land proposals. The *Maori Affairs Amendment Act 1967* introduced the compulsory conversion of some Maori freehold land into general land. Further, the effect of the *Rating Act 1967* was that if land was unoccupied, the rates soon became a debt that required its sale. Maori identified these Acts as amounting to the ‘last land grab’.

The *Hunn Report* also recommended speeding up integration. This was meant to combine Maori and pakeha elements into one nation, but with Maori culture remaining distinct. Many, however, saw integration as assimilation by another name and claimed that the *Hunn Report* assumed that any separate Maori identity would die out. Critics also noted that the report had been produced with little consultation with Maori people. The Maori Synod of the Presbyterian Church of New Zealand stated:

“ Our future is being decided for us without our hopes and intentions being considered. However well-intentioned such a policy may be, it is in the long run bound to cause more problems than it solves ... Let it be understood that, while willing to join with the pakeha in becoming New Zealanders, we have no desire whatever to become pakehas. ”

Maori Synod of the Presbyterian Church of New Zealand, *A Maori View of the ‘Hunn Report’*, Christchurch Bookroom, Christchurch, 1961, p. 8.

Protest and change from 1960

In 1960, 6 February was declared as Waitangi Day, in commemoration of the initial signing of the Treaty – becoming, at least in theory, a national day of thanksgiving. Given Maori grievances, however, Waitangi Day increasingly became a focus of protest. In 1972, it was made a national holiday and its name was changed to New Zealand Day, but the name was changed back to Waitangi Day in 1976.

Throughout the 1970s and 1980s, and even into the 1990s, the Treaty of Waitangi was a focus for protest and change.

PROTEST

Young urban Maori were aware of international developments in civil rights, such as the American civil rights movement and United Nations advocacy regarding indigenous rights and decolonisation. However, the issue to gain most prominence in New Zealand was **apartheid** in South Africa.

apartheid

The policy of separate development based on race in 20th-century South Africa. In practice, this meant segregation and discrimination against non-whites. Whites enjoyed a very superior position in society, and other races were very restricted and had lower living and working conditions

Rugby as a focus for protest

Rugby was significant in bringing Maori and pakeha New Zealanders together from the 1870s and 1880s. Maori had long played alongside pakeha, as well as in their own clubs, and many represented the New Zealand All Blacks at international rugby matches in Australia and Britain. Thus, the issue of Maori exclusion from rugby matches in South Africa in the 1960s and 1970s united many in a common cause, and Maori and pakeha protested together. New Zealanders' increased awareness of international race issues highlighted the issue of Maori inequality.

'Sign the protest petition against racial discrimination'



Ref: Eph-C-RACIAL-1959-01. Alexander Turnbull Library, Wellington, New Zealand.

Questions

- 1 What is the purpose of and who is the audience for this poster?
- 2 Why might New Zealanders sign the protest petition?
- 3 In what ways did the protests against the South African sports tours affect Maori rights?

SOURCE 6.4 This 1959 poster urged New Zealanders to oppose the exclusion of Maori from the All Blacks tour of South Africa in 1960. Huge public protests failed to convince the Labour Government to intervene, but the protest movement continued to grow, until tours were cancelled in 1981.



MAORI RIGHTS, NEW ZEALAND RUGBY AND SOUTH AFRICAN APARTHEID

- 1921** New Zealand Maori played with the All Blacks against the South African Springboks in New Zealand, but the Springboks were outraged that spectators supported 'coloured men' against 'members of their own race'
- 1928** Maori players were excluded from the South African tour
- 1949** Protests were held, but Maori players were not even considered for the South African tour
- 1960** Many New Zealanders protested against the exclusion of Maori players from the South African tour
- 1966** New Zealand Rugby Union refused to send a 'whites only' team to South Africa, so the tour was cancelled
- 1970** Three Maori players toured South Africa with the All Blacks as 'honorary whites'
- 1973** The Labour Government postponed the South African tour after violent protests in Australia, and the proposed 1977 tour was cancelled
- 1976** The All Blacks toured South Africa with five Maori in the team
- 1981** The Springbok tour to New Zealand (with one 'coloured' player) was the last tour allowed by the New Zealand Government before the end of apartheid, but there were violent protests
- 2010** South Africa apologised for the exclusion of Maori players from tours in 1928, 1949 and 1960



Ref: EP/1975/4202/8a-F. Alexander Turnbull Library, Wellington, New Zealand

SOURCE 6.5 Pakeha protesting against the exclusion of Maori players from the All Blacks tour of South Africa, 1960



SOURCE 6.6 Members of Nga Tamatoa on the steps of parliament, Wellington, 1972

Nga Tamatoa (the Young Warriors)

Nga Tamatoa (the Young Warriors) was an activist group that emerged from a conference at Auckland University in the late 1960s. Its members were young, urban radicals who were inspired by the confrontational activist approach of the Black Power movement in the United States of America.

Nga Tamatoa's newsletters in the 1960s indicate an emphasis on human rights and rising anger over land loss and denial of *tino rangatiratanga*, the right of Maori to control their own affairs. Even by their Maori name they asserted Maori identity. They stood for a stop to land loss, more help in coping with urban life, no celebrations of Waitangi Day until the Treaty was honoured, and opposition to sporting

links with South Africa. Their assertions of 'brown power' included practical self-help, such as assisting with job placements and legal aid, and petitioning for the inclusion of the Maori language at primary schools.

Nga Tamatoa disrupted the Waitangi Day celebrations in 1971, wearing black armbands to signify a day of mourning for land loss. On Waitangi Day 1972, they staged a walk-out. In 1973, the New Zealand Day Act changed the name of Waitangi Day and made it a public holiday as well, but Nga Tamatoa again protested.

Maori elders were critical of Nga Tamatoa's strategies, commenting on the lack of respect shown and their deviation into 'non-Maori' methods of protest, but there was an underlying agreement about their basic concerns.

Multiculturalism?

In response to Maori concerns and New Zealand's increasingly diverse population, the *Race Relations Act 1971* prohibited discrimination on the basis of race, nationality or ethnic origin. However, when Robert Muldoon's National Party promoted the idea of multiculturalism, stating that 'we are all New Zealanders', Maori rejected this, arguing that it denied their special role as New Zealand's First Peoples and Treaty partners.

Land march (*hikoi*)

In 1975, Whina Cooper, who at the time was almost 80 years old, led a land march (*hikoi*) from the Northland to the parliament in Wellington, to coincide with the final passage of the Treaty of Waitangi Bill through parliament. Using the slogan 'Not one more acre of Maori land', they drew attention to the fact that 95 per cent of land was alienated and in private ownership. (The 1963 March on Washington, protesting segregation in the United States, had set an international precedent that demonstrated the power of such an action.)

This *hikoi* was not only an effective publicity tool, but the journey through the North Island enabled activists to meet with Maori communities on their way, sharing views and discussing issues. More and more people joined the march, and by the time the *hikoi* reached Wellington, 5000 people were involved. The *hikoi* presented a 60 000-signature petition to the Prime Minister, seeking a new principle to govern Maori land so that no more land loss would occur.

Ref: EP1975/4202/8a-F. Alexander Turnbull Library, Wellington, New Zealand



SOURCE 6.7 The hikoī of 1975 used the slogan 'Not one more acre of Maori land' to protest that 95 per cent of Maori land had passed from their control.

Ref: EP1975/4379/33A-F. Alexander Turnbull Library, Wellington, New Zealand



SOURCE 6.8 Following the 1975 hikoī, the marchers split: one group formed a 'tent embassy' on the steps of parliament, while the other marched around the east coast.



SOURCE 6.9 The hikoī route, from the far north to the capital, Wellington

Bastion Point (Takaparāwhau)

The occupation of Bastion Point (Takaparāwhau) began in January 1977 as a response to the government announcement of a new housing development on former Ngāti Whatua reserve land above Auckland's Waitemata Harbour. The land had gradually been reduced by compulsory acquisition, leaving the tribal group with less than one hectare.

Joe Hawke led this occupation. He and his fellow protesters argued that the Crown had taken land wrongly from the Ngāti Whatua, and the Crown itself had previously declared this land to be 'absolutely inalienable'. Unions imposed a green ban (strike action) to stop the development, and local residents provided the protesters with food. The occupation lasted until May 1978, when police forcibly removed 218 occupants.

Following an inquiry into Bastion Point by the Waitangi Tribunal (see below) and its ensuing recommendations, much of the land was returned to or vested with the Ngāti Whatua in the 1980s.

The occupation of Bastion Point was in the tradition of international protests such as the occupation of Alcatraz Island, San Francisco, by the group Indians of All Tribes from 1969–1971.

Protest at Bastion Point, 1977



Ref: EP197724947A-F. Alexander Turnbull Library, Wellington, New Zealand

SOURCE 6.10 Bastion Point protesters

Questions

- 1 What is happening in this photograph?
- 2 What is suggested by each of these placards?
 - a 'No Subdivision at Bastion Point'
 - b 'Bastion Muldoon's Last-Stand' (referring to Prime Minister Robert Muldoon)
 - c 'Bastion Point is Ngati Whatua Land'.
- 3 In what ways could a protest such as the occupation at Bastion Point both win and lose supporters for Maori rights?
- 4 Research the history of Bastion Point (Takaparawhau) and draw up a timeline for that site, showing the main stages in both dispossession and ownership by Maori.

Raglan (Whaingaroa)

In 1978, Eve Rickard led protests over land at Raglan (Whaingaroa) on the North Island. The land had been taken by the government during the Second World War for use as an emergency airfield, but had not been returned to Maori afterwards. Instead, it was later handed over to the local council, which leased it to the golf club. Rickard's mother had begun protests in the 1950s, because members of the Tainui Awhiro tribe were unable to visit burial sites on the land.

Eve Rickard led more than 150 people in an occupation of the golf course. The ensuing arrests led to much media attention, and in 1984 the government agreed to hand the land back.

ESTABLISHMENT OF THE WAITANGI TRIBUNAL

The *Treaty of Waitangi Act 1975* was a triumph for Matiu Rata, the Northern Maori member of parliament. The Maori Council set up by government in the early 1960s had cited 14 statutes that contravened Article 2 of the Treaty of Waitangi, and Matiu Rata initiated the government response, establishing the Waitangi Tribunal. The Tribunal was to deal with land rights cases,

hear grievances against the Crown, investigate claims and make recommendations. The Treaty would be central in public discourse. However, Maori wanted more than a tribunal without substance, and not only was the Tribunal without power to make awards, it was also limited to offences after 1975. Many demanded that it be made retrospective to 1840.

One benefit of the Tribunal was that New Zealanders were now to hear the grievances of Maori explained through political structures, rather than through media reports of protests.



SOURCE 6.11 Matiu Rata speaking at the opening of Hoani Waititi marae in West Auckland, 1980

[Archives Reference: AAMK 3495 21 21(n)], Archives New Zealand, The Department of Internal Affairs Te Tari Tawhenua

POLITICAL AND CULTURAL CHANGE

In November 1979, Matiu Rata resigned from the Labour Party, and in 1980 he formed a new Maori party: **Mana Motuhake**. He said:

“ We have, as a people, never felt more let down, more insecure, and more economically and socially deprived than we are today ... We will no longer tolerate policies which take no account of our language, customs and lifestyle, nor will we continue to accept being governed or administered by anyone who does not understand the way we think or appreciate our values ... We will be master of our own affairs, we must command our own destiny, and we want every acre of land wrongfully taken from us back.

Auckland Star, 10 November 1979, quoted in Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition, Penguin, Auckland New Zealand, 2004, pp. 227–8.

In the 1970s, the Maori population grew both numerically and as a percentage of the New Zealand population, so that by 1976 it had reached over 11 per cent of the New Zealand population. From the 1970s, Maori culture began to be reasserted. This included language teaching and, later, specifically Maori radio and television, as well as increased Maori participation in the arts.

Language was central to the cultural revival. *Kohanga Reo*, or ‘language nest’, became a model language recovery program, and by 1971 the Maori language was being taught in almost half of New Zealand’s secondary schools. By 1973, all seven New Zealand teacher training colleges offered courses in Maori Studies. There was growing support for cultural differences being understood, accepted and respected, and Maori content was included in the school curriculum. **Positive discrimination** was advocated. However, Maori disadvantage remained and change was slow, as Maori language teacher Maiki Marks testified at an education conference in 1984.

Mana motuhake

Maori term for self-determination or having control over their own affairs

self-determination

The process by which a distinct people gain control over their lives as a people

”

positive discrimination

Discrimination in favour of, or that gives an advantage to, a group that has been previously disadvantaged in order to achieve fairness and equality

'The frustrations of being a Maori language teacher ...'

The frustrations of being a Maori language teacher are the same as being a Maori in our education system ... I was not given a Maori language class. I was given a class of shattered youngsters to care for ... The Maori language teacher every day faces the victims of the system ... I see these girls coming into high school with their selves battered and bruised after eight years in the system ... They have little confidence. Their behaviour often reflects their inner pain and confusion. And all the school does is to yell at them, to punish them, to expel them ... The frustrations of being a Maori language teacher are summed up in the feeling that the education system has invited you to be a mourner at the *tangihanga* [funeral] of your culture, your language, your self.

Maori language teacher Maiki Marks, quoted in Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition, Penguin, Auckland New Zealand, 2004, p. 242.

Questions

- 1 What was the context of this writing?
- 2 What is its message?
- 3 How useful is an account of individual personal experience as historical evidence?
- 4 How does this account compare to other evidence about Maori language learning from the 1970s and 1980s?

Mainstreaming services

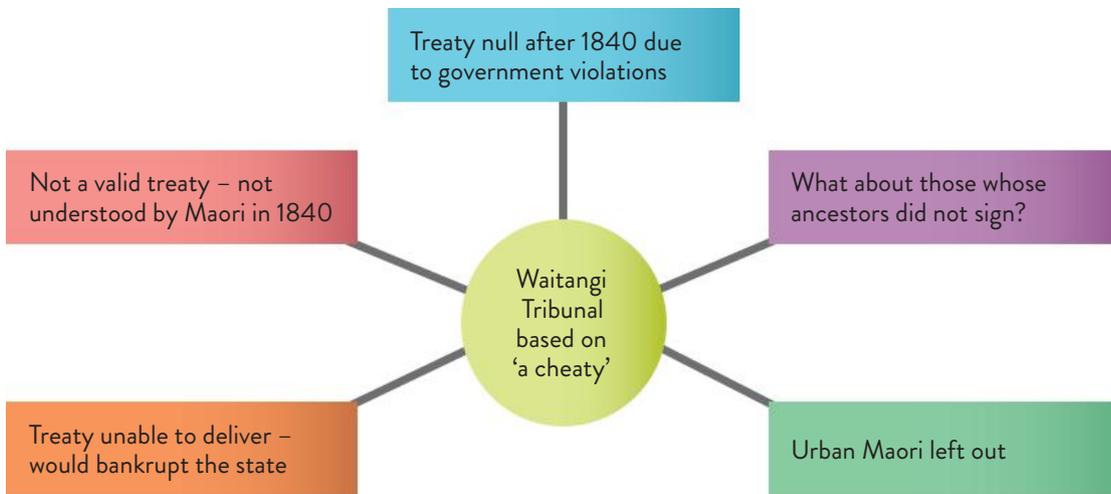
In the late 1980s, the decision was made to close the Department of Maori Affairs so that it would become an advisory body only. Services to Maori were to be met by general government departments and agencies. The transition was problematic, as many feared the loss of Maori welfare officers and the Maori-specific housing program. Some Maori agencies developed from this time, for example using the iwi as a base for health services.



SOURCE 6.12 Activists opposing the Waitangi Tribunal

Expansion of the Waitangi Tribunal

In the 1980s, a new wave of activists voiced criticisms of the Treaty of Waitangi and the Waitangi Tribunal. Nga Tamatoa and the Waitangi Action Committee (WAC) called the Treaty a 'cheaty', which was unable to deliver what it promised. The WAC protested in 1981 at the Waitangi National Marae.



SOURCE 6.13 Activists' arguments against the Treaty of Waitangi and the Waitangi Tribunal

In 1985, amendments to the *Treaty of Waitangi Act 1975* expanded the membership of the Waitangi Tribunal, allocated more money to it and extended its mandate to include all dealings back to 1840, thus making the Treaty of Waitangi the foundation document for Maori rights.

The Waitangi Tribunal in action



WAITANGI TRIBUNAL TIMELINE

- 1975** The Waitangi Tribunal was established
- 1985** The Waitangi Tribunal was empowered to allow claims back to 1840
- 1993** The Sealords deal: the National Government purchased 20 per cent of the nation's fish quotas for allocation among Maori tribes in exchange for claims to fishery resources
- 2004** The Foreshore and Seabed Act guaranteed Crown ownership of the foreshore and public access; Maori protested that this ignored customary rights
- 2011** The Marine and Coastal Area Act (replacing the 2004 Act) enabled tribal groups to claim customary title to coastal areas
- 2012** As part of the settlement of Te Urewera National Park, the park was put into joint management (the first case to resolve the issue of Maori rights conflicting with national parks)
- 2013** The South Island settlement was completed

In 1989, the Labour Government adopted the following five Principles for Crown Action on the Treaty of Waitangi:

- “
- + The Principle of Government/The Kawanatanga Principle: the government has the right to govern and make laws.
 - + The Principle of Self Management/The Rangatiratanga Principle: the *iwi* have the right to organise as *iwi* and, under the law, to control the resources they own.
 - + The Principle of Equality: all New Zealanders are equal under the law.
 - + The Principle of Reasonable Cooperation: both the government and the *iwi* are obliged to accord each other reasonable cooperation on major issues of common concern.
 - + The Principle of Redress: the government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.
- ”

Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Bridget Williams Books, Wellington, 2004, p. 195.

Treaty of Waitangi Campaign, 1990



Ref: EP-Ethnology/Maori Land from: 1976-02. Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/22740023>

SOURCE 6.14 This image is from a poster from the Treaty of Waitangi Campaign, 1990. The campaign aimed to promote a better understanding of the Treaty as the founding document of New Zealand in the year celebrating its 150th anniversary.

Questions

- 1 What is the purpose of and audience for this poster?
- 2 What does the image convey about the two boys? Refer to particular aspects of the image to support your interpretation.
- 3 What is suggested regarding equality between Maori and pakeha?
- 4 Which of the Principles for Crown Action on the Treaty of Waitangi are suggested in this poster? Quote words and phrases from the principles to support your interpretation.
- 5 Which aspects of the Treaty are not highlighted in the poster? Why might this be?

SETTLEMENTS

Settlements under the Waitangi Tribunal relate to land, resources such as fisheries, and other *taonga* (cultural treasures), such as language. Settlements can include:

- + the return of land, especially sacred sites and burial grounds
- + access to some land as camping grounds
- + the right to purchase particular land from the Crown
- + formal apologies to tribes acknowledging the wrongs done in the past
- + support for language teaching and for Maori media.

The settlements of historical claims (relating to before 1992) by the Tribunal were intended:

“ both to heal the past and build a future ... the Crown [contributes] through settlements to a platform for future development. Once the initial phase of implementation ... is over, the future is largely in the hands of the claimant group. ”

Healing the Past, Building a Future, Summary Edition: A Guide to Treaty of Waitangi Claims and Negotiations with the Crown, Office of Treaty Settlements, 2002.

Since 1992, \$1.2 billion has been spent on settlements, and a further \$1.2 billion has been reserved for settlements over a period of four years from 2013. By the end of 2012, 48 deeds of settlement had been signed. There are at least 44 more deeds to negotiate.



SOURCE 6.15 Members of Ngai Te Rangi and Nga Potiki gathered at Whareroa Marae in Mount Maunganui to witness the signing of a \$35 million Treaty of Waitangi settlement in December 2013. This marked the end of negotiations with the Crown over redress for historical acts.

The Waitangi Tribunal claim process

The process for a settlement claim with the Waitangi Tribunal is as follows:

- + filing and registering a claim
- + research and inquiry
- + reporting findings and recommendations to government
- + negotiating and finalising a deed of settlement.

In stage 4, the Office of Treaty Settlements usually takes between four and seven years to negotiate and finalise a deed of settlement, including legislation and implementation.

Claimants may omit steps in the Tribunal process or return to them if needed.

In recent years, the Tribunal has grouped small claims into district inquiries, so that by 2013 almost all small claims had been completed.

By 2013, there were up to a further 26 agreements in principle being converted into deeds.



SOURCE 6.16 Members of the Ngai Tahu people witnessing the passage of the Ngai Tahu settlement legislation through parliament, 30 September 1998

The fiscal envelope

In the 1990s, the new National Government proclaimed that it would deal with the backlog of cases for the Waitangi Tribunal before 2000, offering an ‘envelope’ of up to \$1 billion in total, but no more. In 1997, the government chose to speed up the process by negotiating settlements with Maori tribes directly. Direct negotiation was promoted as quicker, cheaper and more flexible. Many cases were settled in this way, despite the comparatively low amounts of compensation for the land loss involved. Although the fiscal cap had been dropped after 1996, an unofficial cap remained in place for another 10 years so that amounts of money allocated were in proportion to earlier settlements.

Achievements

Dean Cowie, who worked with both the Waitangi Tribunal and the Office of Treaty Settlements, recently summed up New Zealand’s achievements in terms of settlements as follows:

“ The process restores the honour, or moral legitimacy, of the Crown to govern on behalf of all New Zealanders. It also affords to Maori the opportunity to take real ownership of a future that is different from their past.

These intangible benefits of reaching settlements – international respect, a truly post-colonial government, tribes with economic power and sound governance that instil pride and confidence in their people – could yet prove to be the most significant legacies of the Treaty settlements process. ”

‘Challenges still as end to treaty claims nears’, *Otago Daily Times*, 6 November 2013.

PAKEHA BACKLASH

In the 1990s, both the Labour Party and the National Party adopted a bipartisan approach to Maori policy and integrating the Treaty of Waitangi into New Zealand public life. However, the National Party revived ‘one nation’ rhetoric, arguing that Maori were being privileged above other New Zealanders. The One New Zealand Foundation argued that it was unjust and racist for only one group to be able to claim injustices, ‘especially when, in most cases, this one group’s major ancestry is now the same bloodline as the people they claim created the injustices’.² There was pakeha discontent with tax money being spent on the settlement of Maori grievances, with some pakeha arguing that now they were being robbed by the ‘grievance industry’. Such feelings remain, but the message of the Treaty was and is pervasive in New Zealand society, and in 2013 the settlement process had cross-party support.

Protest march, Nelson, 2003



Fairfax Media New Zealand/Nelson Mail

SOURCE 6.17 In Nelson, on the South Island, 500 people protested in 2003 about Maori claims to the foreshore and seabed. Placards included: 'One Law For All', 'Enough! Say no to apartheid' and 'One Country, One People'.

Questions

- 1 Who is shown protesting in this image?
- 2 What is the significance of the words on the placards?
- 3 What does this image reveal about the changes occurring at the time?

MAORI CRITICISMS

The settlement process itself can be demanding and sometimes divisive, at times pitting claimants against their neighbours and relatives. The process demands much of claimants. Many Maori also are critical of 'the iwi governance structure created by that process',³ and are concerned that some iwi may not be prepared to manage the money or lands effectively.

More radical critics reject the whole process as legitimising pakeha dominance through endorsement of pakeha legal processes.



SunLive.co.nz

SOURCE 6.18 Hundreds of members of Ngati Pukenga, other iwi, guests and representatives of the Crown gathered at Te Whetu o te Rangi marae at Welcome Bay on 7 April 2013 to celebrate the deed of settlement with the Crown over the Treaty of Waitangi claims. Signing of the deed of settlement with Ngati Pukenga was considered an important step towards settling historical grievances in the Bay of Plenty and New Zealand as a whole.

OUTCOMES

Historians acknowledge the complexity involved in assessing the settlement process. Most strongly argue that race relations are improved through this process of dealing with past grievances, and Richard Hill writes that New Zealand is ‘often seen internationally as a model for “transitional justice” for indigenous people in former settler colonies’.⁴ However, he also acknowledges the difficulties of the accountability requirements. Elizabeth Kata notes that the process endorses the colonial capitalist structures and that it leads to growing inequalities among Maori tribes. However, Claudia Orange, who has specialised in studying this issue, sums it up positively:

“ The claims, investigations, hearings and settlements of recent decades follow a century and a half of patient argument, documentation and protest from Maori, to explain their position in relation to the 1840 Treaty. The last fifteen to twenty years have brought significant settlements, far-reaching policy changes, a wider acknowledgement of the Treaty, greater empowerment for Maori in decision-making processes. From these experiences, a relationship ‘akin to a partnership’ has begun and can become a real part of the country’s future. ”

Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Bridget Williams Books, Wellington, 2004, pp. 278–9.

Maori people: 1990s to today

While conflicts continue, in the last 20 years the Maori population has grown, Maori education and health services have expanded, Maori culture has continued to flourish, and political and economic improvements have accompanied the settlement process.



The Kobal Collection/New Zealand Film Comm.

SOURCE 6.19 New Zealand films such as *Whale Rider* (2003), based on a novel by Witi Ihimaera, portray a positive image of modern Maori. Pai (Keisha Castle-Hughes) struggles to prove she can be the next chief of her tribe, even though she is a girl.

The Maori population is now about 15 per cent of the New Zealand population. By 2006, 85 per cent of Maori were living in towns and cities, and many now claim ‘urban Maori’ or ‘non-tribal Maori’ as their identity. One in every six or seven Maori live in Australia, where they are nicknamed ‘Maussies’, ‘Ngati Kangaru’ or ‘Ngati Skippy’.⁵

At the same time, New Zealand’s population has grown in diversity. The 2006 census indicated that 9.2 of the population was of Asian ethnicity and that 6.9 per cent had Pacific Islander background. This can lead to arguments for more official recognition of many cultures. However, some Maori continue to urge for separate Maori institutions such as a Maori justice system and a separate Maori House of Representatives.

Three Maori tertiary educational colleges emerged in the 1990s. These received official recognition as educational providers and boosted the Maori tertiary participation from approximately 10 per cent in 1994 to almost 14 per cent in 2000. Towards the end of the 1990s, these colleges received a boost in funding when the Tribunal gave them funds in acknowledgement of the government responsibility to Maori.

In the 1990s, there were also many Maori health service providers operating in partnership with marae-based health centres and iwi health services, and by 2003 there were more than 233 Maori health and disability providers with close links to traditional healing practices. Such initiatives strongly affirm Maori culture, as well as meeting Maori needs for education and health.

CULTURAL FLOWERING

The Maori cultural rebirth from the 1970s continued in art, music, the performing arts, fashion, waka (canoes) and moko (traditional tattoos). The Te Maori exhibition in 1984 took Maori art to the world, and Keri Hulme’s novel, *The Bone People*, won the Booker Prize in 1985 and drew attention to Maori writers. In 1994, the acclaimed film *Once Were Warriors* gave a disturbing depiction of Maori urban life and family violence. Maori art became so popular that a ‘Maori-made’ mark (*toi iho Maori*) was introduced in 2000, because mass-produced overseas copies could devalue Maori work, and buyers wanted to be assured of authenticity.

Maori are prominent in the cultural life of New Zealand, and Maori cultural practices and artefacts are an important part of Maori economic enterprises.



Ben Fraser/Northern Advocate

SOURCE 6.20 *Kapa haka* (traditional Maori performing art) is now performed widely. This image shows Kaikohe Intermediate’s kapa haka group, Te Herenga o Te Aroha, in action at a cultural festival in Kaikohe, 2012.

According to the 2006 census data, between 1996 and 2006 there was a slight decrease in Maori language use, but just under a quarter of Maori were able to hold an everyday conversation in the Maori language. In 2010, simultaneous interpretation was made available in parliament and its galleries, and on parliamentary television.

Maori radio grew enormously in the 1990s, so that by 2004 there were more than 20 radio stations (including many iwi stations). General television changed as announcers had to learn correct Maori pronunciation.

There are now two Maori television channels, and the second – Te Reo, which was launched in 2008 – presents all its programming exclusively in Maori language.

Maori language use



New Zealand Herald/Martin Sykes

Questions

- 1 What is depicted in this photograph?
- 2 What does this photograph suggest about the learning of Maori language? How does this compare to the data about Maori language use from the 2006 census?
- 3 In what ways is Maori language a part of day-to-day life for all New Zealanders?

SOURCE 6.21 Thomas Mason, aged 17, delivered his speech as part of a national Maori competition. Behind him is a photo of Apirana Ngata, the East Coast leader who encouraged young Maori to excel in both the Maori and pakeha worlds. Thomas attended a total immersion Maori language school for all his schooling.

PARLIAMENTARY REPRESENTATION

In terms of parliamentary representation, changes in 1975 had allowed electors of Maori descent to vote in either general seats or in one of the four Maori seats. Then, in 1996, the change in the New Zealand voting system from ‘first past the post’ to Mixed Member Proportional (MMP) helped Maori to gain more representation in parliament. It was proposed at this time to abolish the Maori seats and to have only general seats, but meetings were held all over the country and this idea was abandoned.

More Maori electorates were formed according to the numbers of electors of Maori descent who chose to vote in Maori seats, and by 2002 there were seven Maori seats. MMP elections therefore included increasing numbers of



New Zealand Herald/Alan Gibson

SOURCE 6.22 Prime Minister John Key, with co-leader of the Maori Party Pita Sharples, met iwi leaders from around the country at Pukawa marae in December 2008. Meetings on marae remain important in Maori community politics.

Maori seats, plus other Maori members of parliament. In 2003, the new system enabled Maori for the first time to have representation in parliament proportional to their actual numbers in the New Zealand population, with Maori members in 15.8 per cent of the parliamentary seats.

Maori politicians were and continue to be active in the National and Labour Parties, but also in their own parties. Winston (Waipu) Peters launched the New Zealand First Party in 1993, and in the 1996 election the party won 17 seats (including all five Maori seats). The Maori Party was formed in 2004, and the Mana Party was founded in 2011 by Hone Harawira (previously of the Maori Party).

Restoring Maori moral authority

Maori politicians play significant roles, both nationally and internationally. In 2010, for example, Pita Sharples, the Minister for Maori Affairs, signed the United Nations Declaration on the Rights of Indigenous Peoples.

In 2007, New Zealand had been one of only four states to vote against the Declaration, the other three being Australia, the United States and Canada. In 2009, the new Australian Labor Government gave official support to the Declaration, followed by New Zealand in April 2010, by Canada in November 2010, and by the United States in December 2010.

On signing the Declaration, Sharples said that New Zealand's signature restored the mana (power) and moral authority of Maori to speak in international forums on justice, rights and peace matters.



SOURCE 6.23 Political leader Pita Sharples (far right), following the signing of the United Nations Declaration on the Rights of Indigenous Peoples in April 2010

Wikimedia Commons/Broddi Sigurdarson. Licensed under the Creative Commons Attribution-Share Alike 2.0 Generic license

ECONOMIC RENAISSANCE

Maori economic development includes fishing, aquaculture and farming, television and radio, business and tourist ventures. Tribal corporations have become multimillion dollar businesses, generating new wealth, and many Maori entrepreneurs have emerged as ‘corporate warriors’. Economist Geoff Bertram has stated that the economic resurgence of Maori ‘came earlier and was more rapid and dramatic than in other settler societies’.⁶ He argues that the economic changes were due especially to the removal of previous blocks to land claims, and to Maori success in tourism. The long-term success, he considers, is largely due to early Maori leadership, successful urbanisation, and changes since the 1970s to an emphasis on the services sector.

INEQUALITY CONTINUES

Historian Ranginui Walker writes of the ‘endless struggle of the Maori for social justice, equality and self-determination, whereby two people can live as coequals’.⁷ Historian Karlo Mila focuses on rights:

“ Article Three of the Treaty of Waitangi states that Maori, as citizens of New Zealand, should have the same rights and privileges as British subjects. Yet, if we view rights and privileges as extending to things like life expectancy and improving levels of infant survival, enjoying the same health status, earning similar incomes, experiencing comparable living standards, and so on, we can clearly see that these rights and privileges have never been fully realised by Maori. ”

Karlo Mila, ‘Only One Deck’, in Max Rasbrooke (ed.), *Inequality: A New Zealand Crisis*, Bridget Williams Books, 2013, p. 92.

Maori are still twice as likely as pakeha to live in poverty and, in general, Maori are imprisoned at a rate six times that of non-Maori. Further, the 2003 and 2006 New Zealand Health Surveys found that: ‘whether buying or renting, Maori were still up to 14 times more likely to report being treated unfairly because of their ethnicity than were Europeans’.⁸

Historian Michael King sums up as follows:

“ By the turn of the twenty-first century, major and irreversible adjustments had been made to the relationships between Maori and pakeha and between Maori and the Crown. Maori had become a far more visible component of every aspect of the country’s life than they had been a generation earlier, though they were still under-represented in the professions and over-represented in crime statistics ... For the first time, all the country’s institutions were bending slowly but decisively in the direction of Maori needs and aspirations. The momentum of these changes would be maintained – but not without controversy. ”

Michael King, *The Penguin History of New Zealand*, Penguin, 2003, p. 502.

The situation is improving, but unevenly. There are rises in key indicators, such as personal income, jobs and participation in tertiary education. Maori incomes are now second to European incomes – higher than those of other groups, such as Pacific Islanders. However, in some regions, like the Northland, Maori incomes are lower and unemployment is higher. Commentators note that some Maori have renewed demands for sovereignty – *tino rangatiratanga* – but that most focus is on the growth of income gaps between Maori communities and issues related to urbanisation, de-tribalisation and intra-Maori conflict.

Comparing the Indigenous experience in New Zealand and Australia

Like Australia, New Zealand in the 21st century is a country where the majority of the population come from a settler background and where the Indigenous people are a dispossessed minority. Canada and the United States share these characteristics and also share a British colonial past. However, New Zealand and Australia share much more, as they are located in the same region and were settled by the British at the roughly same period, and often even by the same individuals.



Wikimedia Commons/Fry1989

SOURCE 6.24 The national Maori flag (known as the *Tino Rangatiratanga* flag) was officially recognised in 2010 and was flown on Waitangi Day in that year. The curling frond shape represents new life.

SIMILARITY AND DIFFERENCE BETWEEN MAORI AND INDIGENOUS AUSTRALIANS

Legal academic Paul Havemann argues that Anglo-Commonwealth countries such as Australia, Canada and New Zealand share a history in which the colonisers:

- + imposed British legal norms and forms
- + imposed an economic system
- + understood their relationship with indigenous peoples in terms of the thinking of scientific racism that presented indigenous peoples as their inferior
- + disregarded and left indigenous peoples on the margins of the new societies
- + treated indigenous peoples as children needing care and protection
- + managed ethnic conflict through eliminating difference by policies of assimilation
- + more recently, managed ethnic conflict through management of difference by enabling some self-management and recognising some cultural ways.

He continues, however:

Maori have enjoyed equality rights and certain 'way of life' rights for a longer time and more extensively, relatively speaking, than have indigenous peoples in the two other Anglo-Commonwealth countries (i.e. Canada & Australia).

Paul Havemann (ed.), *Indigenous Peoples' Rights in Australia, Canada, and New Zealand*, Oxford University Press, Auckland, 1999, pp. 331, 406.

Sol Bellear, Chairperson of the Redfern Aboriginal Medical Service, notes: 'Australia's Indigenous youth suicide rate is twice that of New Zealand ... In New Zealand 85 per cent of Maori have a post-school qualification ... In Australia, it's fewer than 14 per cent.'⁹

Historian Stuart Banner argues:

Between 1992 and June 2006, the government of New Zealand paid NZ\$750 million to Maori groups to settle claims that the government had breached the Treaty of Waitangi by failing to guarantee Maori property rights. Many more claims remained outstanding. The government expected to continue spending on settlements at approximately the same pace for as long as anyone could see. There have been no such payments in Australia. Aboriginal Australians had their land taken without a treaty.

Stuart Banner, *Possessing the Pacific: Land, Settlers, and Indigenous People from Australia to Alaska*, Harvard University Press, Cambridge, 2007, p. 315.

Points of similarity between the Indigenous experience in New Zealand and that of Australia include:

- + Disadvantage is experienced by both groups in relation to land loss, socioeconomic status, and prejudice and discrimination, although the disadvantage suffered by Aboriginal and Torres Strait Islander peoples is greater.
- + The rights focus of both groups has been on Indigenous rights and equal rights.
- + Both Maori and Indigenous Australians effectively drew on their own traditions of protest, as well as international experiences of decolonisation and Indigenous rights.

Points of difference between the position of Indigenous Australians and Maori include:

- + The Maori population remains a significant proportion of the total New Zealand population.
- + Maori people share culture and language, so today New Zealand promotes a policy of biculturalism.
- + Maori have generally been accorded more rights because of the existence of the 1840 Treaty of Waitangi and because of pakeha attitudes to Maori.
- + Maori have a basis for present and future bicultural interactions because of the existence of the Treaty of Waitangi.
- + Maori lost land in the 19th and 20th centuries through the use of laws and government decrees.
- + Maori have a history of involvement in education and politics, even parliamentary politics, going back to the 19th century.
- + Many individual Maori leaders have used a range of strategies from within and outside usual formal structures from the start of the 20th century.

Conclusion

New Zealand's National Museum in Wellington, Te Papa Tongarewa, which opened just before the start of the 21st century, presents New Zealand as 'Two peoples, many cultures and one nation'. Maori comprise approximately 15 per cent of the total New Zealand population. The Maori language is consistently used in both spoken and written forms throughout New Zealand, and Maori culture is prominent in major national and international events.

New Zealand has made significant steps towards true biculturalism and many grievances have been dealt with. However, the settlement of grievances is unfinished and there are many critical voices: Maori voices identify problems in the process, and pakeha voices express fears over their changed status and financial costs. In addition, inequality within the Maori population is now an issue.

The close links between Australia and New Zealand continue and many Maori live in Australia. In both countries, Indigenous people are less likely to be educated, employed, well-housed, healthy and long-lived than non-Indigenous citizens, but Aboriginal and Torres Strait Islander peoples suffer greater disadvantage. This may be because the founding stories are very different, and the formal rights of Maori people were acknowledged much earlier and much more deeply than in Australia.



Chapter summary

- + Maori urbanisation from 1950s led to Maori being more prominent in New Zealand society.
- + Maori activists from the late 1960s built on earlier strategies to protest their situation.
- + Maori tribes combined forces to protest their unequal situation, continuing to build on earlier strategies and also drawing on the experiences of other Indigenous peoples in civil rights and decolonisation struggles.
- + Maori protests centred on the Treaty of Waitangi and especially land rights, often with Waitangi Day as a focus.
- + The Waitangi Tribunal, set up in 1975 and expanded in 1985, has allowed for a relatively peaceful process of resolving conflict over land.
- + Settlements have benefited Maori economically and have also included apologies and support for Maori language and cultural education.
- + Some Maori and some pakeha are very critical of the process and of results of settlements.
- + In the past 20 years, Maori have achieved better representation in the New Zealand Parliament, especially with the voting system introduced in 1996 and through Maori political parties.
- + Since the 1980s, New Zealand has had a policy of biculturalism. Maori language culture is prominent in New Zealand life.
- + Australia and New Zealand share similar experiences of colonisation and its effects, but differences centre on the Treaty of Waitangi.
- + The Treaty of Waitangi has been central to the founding story of New Zealand and to its way of resolving inequalities between Maori and non-Maori.

Weblinks

Weblinks relevant to this chapter can be found at <http://nmh.nelsonnet.com.au/indigenous>.

Further resources

Michael King, *The Penguin History of New Zealand*, 2nd edition, Penguin, Auckland, 2003.

Claudia Orange, *An Illustrated History of the Treaty of Waitangi*, Bridget Williams Books, Wellington, 2004.

Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition Penguin, Auckland, 2004.

Endnotes

- 1 Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition Penguin, Auckland, 2004, p. 208.
- 2 HR Baker (compiled for the One New Zealand Foundation Inc.), *He Iwi Tahi Tatou, We Are Now One People: New Zealanders and the Waitangi Tribunal*, Palmerston North, 1992, p. 3.
- 3 Evan Te Ahu Poata-Smith, 'Inequality and Maori', in Max Rashbrooke (ed.), *Inequality, A New Zealand Crisis*, Bridget Williams Books, Wellington, 2013, p. 158.
- 4 Richard S Hill, 'Maori and State Policy', in Giselle Byrnes (ed.), *The New Oxford History of New Zealand*, Oxford University Press, South Melbourne, 2009, p. 535.

- 5 Carl Walrond, 'Maori Overseas – Settling in Australia', Te Ara, the Encyclopedia of New Zealand: www.TeAra.govt.nz/en/maori-overseas/page-3/.
- 6 Geoff Bertram, 'The New Zealand Economy, 1900–2000', in Giselle Byrnes, Giselle (ed.), *The New Oxford History of New Zealand*, Oxford University Press, South Melbourne, 2009, p. 572.
- 7 Ranginui Walker, *Ka Whaahai Tonu Matou: Struggle Without End*, revised edition Penguin, Auckland, 2004, p.10.
- 8 Philippa Howden-Chapman, Sarah Bierre and Chris Cunningham, 'Building Inequality', in Max Rashbrooke (ed.), *Inequality: A New Zealand Crisis*, Bridget Williams Books, Wellington, 2013, p. 112.
- 9 Sol Bellar, 'The Case for Indigenous Self-determination', 21 October 2013, ABC website: www.abc.net.au/news/2013-10-21/bellar-indigenous-sovereignty/503229 (referring to a 2003 study by Dr Paul Kauffman, titled 'Diversity and Indigenous Policy Outcomes: Comparisons between Four Nations').



Chapter review activities

- 1 Choose five of the statements from the chapter summary and find examples from the text that provide supporting evidence.
- 2 Match Maori protests mentioned in the text to the international protests listed below:

March on Washington DC, United States, protesting segregation, 1963	
Occupation of Alcatraz Island (San Francisco, United States) by the group Indians of All Tribes, 1969–71	
Aboriginal Tent Embassy in Canberra, Australia, 1972	

- 3 Design a poster for one of the protests mentioned in the text. Provide labels indicating the group you represent and explaining how your poster could have been used at the time. Link details in your images and/or words to the message you wish to convey.
- 4 Choose one area of Maori cultural renaissance to research, such as film, dance or moko (skin carving). Present your findings to the group using the following headings: 'Description of the cultural aspect', 'Examples since 1970' and 'Significance of this form in relation to Maori rights'.



- 5 Locate two cartoons from different time periods related to Waitangi Day. For example, the following two can be found on the Internet. ‘I think we did well that day’ by Gordon Minhinnick, *Weekly News*, 14 February 1940, and ‘Great moments in NZ history - signing the Treaty of Waitangi’ by Bob Brockie, published in the *National Business Review*, 8 February 1982.
 - a Explain the attitudes to Waitangi Day conveyed in each cartoon. Whose point of view is being represented? What attitudes might be left out? Refer to particular aspects of the image and specific words to support your interpretation.
 - b Compare the messages of these cartoons. What is different?
 - c Discuss the reasons for the differences in attitudes revealed. What events may have affected changes over this time period? What are any other possible reasons for the different messages in these cartoons?
- 6 Stage a class debate on the topic: ‘The Waitangi Tribunal has successfully dealt with the past for Maori and pakeha.’
- 7 Identify the six main points in the following statement and write a short paragraph on each:

“ The Treaty of Waitangi is a living social document, debated, overlooked, celebrated. A vision of peaceful co-existence, or the cause of disharmony? ”

Museum of New Zealand (Te Papa Tongarewa), Signs Online, 2003:
www.tepapa.govt.nz/WhatsOn/exhibitions/Pages/SignsofaNation.aspx

- 8 Explain the significance of the marae in New Zealand society today.
- 9 Go to the website of Te Ara, the Encyclopedia of New Zealand and make a summary of the links between Australia and New Zealand presented there. Comment on current links, especially to events you have experienced.
- 10 Construct a table listing at least five differences between the Maori experience of colonisation and that of Aboriginal and Torres Strait Islander peoples. Include differences due to the colonisers, and differences due to the identity of those colonised, and write a paragraph reflecting on these differences.

CONCLUSION

Indigenous peoples



Denial of rights has become the way we discuss the taking of the land and resources from – and the imposition of culture on – indigenous minorities in settler societies. The struggle for rights is about the attainment of basic human rights and equal rights as citizens, as well as special rights as the original inhabitants of the land.

The United Nations Universal Declaration of Human Rights informs our understanding of rights today. The 30 articles include reference to rights regarding equality before the law and freedom of movement, the right to marry and found a family, the right to own property, the right to take part in the government of a person's country, the right to work and to receive equal pay, and the right to education.

The Indigenous struggle for these basic rights – often referred to as 'civil rights' or 'equal rights' – is about changing the written rules or laws in a society and also changing the unwritten rules and attitudes that discriminate. With those changed, Indigenous people should be able to share equally in the benefits of society.

The struggle for Indigenous rights is about gaining recognition of rights that are special to First Peoples, the surviving inhabitants who were displaced and colonised. Indigenous rights or Aboriginal rights usually refer to rights to sovereignty and to land and resources. The issue of the recognition of Indigenous rights commonly comes up against arguments about these rights creating a separate privileged group that divides the nation.

In the 20th century the Indigenous struggle for rights has affected settler states with minorities of Indigenous peoples like the United States of America, Canada, Australia and New Zealand, all of which share the continued disadvantage of their First Peoples. In particular, Australia and New Zealand share a particular history and geography, but their experiences are also very different.

Like other settler societies with minority populations of Indigenous peoples, the colonisers took the land, displaced the people, and imposed Christianity, capitalism and British ways. In the 20th century, policies of assimilation made this process clearer, but assimilation could not deliver equal treatment within a society when Indigenous people lacked material resources and when the majority settler population were prejudiced against them. It was a lose–lose situation, resulting in socioeconomic disadvantage and an undermining of identity for Aboriginal and Torres Strait Islander peoples in Australia and for Maori in New Zealand.

However, in New Zealand Maori made a treaty with the newcomers in 1840. Even though much of their land was subsequently taken, using settler laws, Maori retained some land and they had some parliamentary representation. Maori resisted the takeover in a range of ways. Throughout the 20th century, they fought for their rights under the Treaty of Waitangi – at first with their own parliamentarians and religious and traditional leaders, and later with street protests and occupations of land. By the end of the 20th century, Maori had gained some redress through the Waitangi Tribunal, and their distinctive culture is pervasive in New Zealand society.

In Australia, the basis of settlement denied Indigenous rights to Aboriginal and Torres Strait Islander peoples. There was no treaty and no recognition of their prior ownership, so the land

◀ A mural of the Aboriginal flag featuring the rising sun and the ochre earth adorns a wall in Sydney in 2007 as Australia prepares for a federal election between July and October. Prime Minister John Howard had threatened an early poll if the Senate refused to pass his controversial Native Title legislation, which would limit the rights of Australia's 386 000 Aboriginal and Torres Strait Islander people.

grab was total. Beginning as a penal colony meant much stronger government control than in the process of settlement in New Zealand, and the size of the continent, with its great diversity of peoples living as hunter gatherers, made it harder for armed resistance to be successful.

In the 20th century, Aboriginal and Torres Strait Islander peoples were written out of the new Constitution and largely out of the national story. As the frontier moved, they fought for land and a better situation in the new nation, but state laws could govern their lives totally while denying them their basic rights. The removal of their children continued over generations, with deeply painful effects on individuals, families and communities – effects that are continuing.

Aboriginal and Torres Strait Islander peoples resisted their oppression, but it was only in the 20th century that a national movement grew. Aboriginal leaders emerged and gathered support from sympathetic non-Indigenous Australians and international movements. Through political campaigns – and the changing ideas internationally exemplified in the United Nations Universal Declaration of Human Rights and the process of decolonisation after the Second World War – gradual changes to rights occurred.

Equal rights fitted with the policy of assimilation, and the 1967 referendum indicated that the Australian population was in favour of equality, at least in theory. From an Indigenous perspective, assimilation meant loss of identity and culture in exchange for the hope of equality in a society where many still considered Indigenous people inferior. It is little wonder that they resisted it.

Formal equality was a beginning, but the struggle for access to equal rights continues. The different approaches of state governments have complicated the changes in Australia. Further, the legacy of long-term oppression and continuing discriminatory attitudes mean that inequality persists long after the attainment of formal equal civil rights.

Much improvement has been made, but it often seems like ‘two steps forward, one step back’, and equal living conditions are still to be gained. Despite the wealth derived from the takeover of land and resources, and the use of cheap Indigenous labour, issues of compensation – addressed (perhaps inadequately) in New Zealand – have yet to be addressed in Australia.

Without a land base or an established parliamentary tradition, Aboriginal and Torres Strait Islander peoples have had to use the strategies of protest to gain rights. Native title came about through the courts and the parliament. Limited gains have been made, but much is still subject to the party politics of the day. Formal recognition in the Constitution and a treaty are still to come.

While the history of the struggle for Indigenous rights is a shared history, important for all in the countries involved, there are also issues of ownership of that history, where Maori and Aboriginal and Torres Strait Islander peoples may feel that yet another part of their lives is being colonised. For this reason, it is important to focus on Indigenous voices when studying the Indigenous struggle for rights.

The very recent history is also problematic as it is difficult to see trends and general developments when so much has been recorded of recent events and so much is still happening. Indeed, the histories of the struggle for Indigenous rights in both Australia and New Zealand are living histories. Continuing issues about those rights mean that these histories are constantly being reinterpreted in the context of particular issues that arise. Even to study these histories is to participate in the Indigenous struggle for rights.

1

- + Select a date from the timeline on the inside front cover of this book and create a sign with that date on A4 paper. (Each student should take a different date, as far as possible).
- + Prepare a short summary of the significance of that date for Indigenous rights in Australia and New Zealand, to be delivered orally.
- + Join with other students and place yourselves in chronological order around the room, with your 'date sign' clearly displayed.
- + Briefly explain the significance of your date to the rest of the class. Other students and the teacher may assist.

2

- a Divide the following dates into two columns – the developments that relate to civil rights and those that relate to Indigenous rights.
- b Briefly summarise these two kinds of rights.

+ 1902 Commonwealth Franchise Act	+ 1975 Hikoi to Wellington
+ 1939 Cumeragunja Walk-off	+ 1977 Bastion Point occupation
+ 1962 Federal voting rights for Indigenous Australians	+ 1985 Waitangi Tribunal extends jurisdiction back to 1840
+ 1963 Yirrkala Bark Petition	+ 1998 The Wik High Court case
+ 1965 Freedom Ride	+ 2004 New Zealand Foreshore and Seabed Act
+ 1966 Wave Hill Walk-off	
+ 1967 Referendum	

3

- a Explain the following quotations in your own words:
 - + 'Suppose they do not know how to cease to be themselves': WEH Stanner, speaking about assimilation, 1979. ('Continuity and Change', in *White Man Got No Dreaming*, Australian National University Press, Canberra, 1979, p. 50.)
 - + 'Adverse Maori socio-economic indicators that exist to this day, are the legacy to be expected from an imperial annexation': Richard S Gill. ('Maori and State Policy', in Giselle Brynnes (ed.), *The New Oxford History of New Zealand*, Oxford University Press, South Melbourne, 2009, p. 515.)
 - + 'In New Zealand, indigenous people have always been emphatically present, reasonably accessible and distinctly "audible"': Bain Attwood (in Bain Attwood and Fiona Magowan, *Telling Stories, Indigenous history, and memory in Australia and New Zealand*, Allen & Unwin, Crows Nest, 2001, p. 147.)
- b In pairs, discuss one of these quotations in relation to the Indigenous struggle for rights in both Australia and New Zealand. Prepare a plan for an essay on the topic.

4

Copy and complete the following table summarising changes in policies in Australia. The policy of protection has been filled in as an example.

Policy	Time period	Source	Ideas shown in the source	Relationship to the policy
Protection	Late 19th century – late 1930s	Kitty Clark and Leandro Illin’s family photograph	A Russian father and Aboriginal mother’s family group look much like other families	Their marriage was against the separation and control that went with ‘protection’ and its underlying racial ideas
Assimilation				
Self-determination				
Reconciliation				

5

From the following list, select three groups that played important roles in the struggle for rights in the 1960s–1970s in Australia and New Zealand. Explain why you chose each of these, and why you left out each of the others.

- + FCAATSI
- + The Black Panthers
- + The Warumpi Band
- + The Young Maori Party
- + ATSIAC
- + Ngai Motua

6

Copy and complete the following table about Indigenous activism in Australia and New Zealand.

Time period and location	Organisation and/or individuals	Focus of the struggle for rights	Relevant source or example of action
1900–40 Australia			
1900–40 New Zealand			
1940–60 Australia			
1940–60 New Zealand			
1960–90 Australia			
1960–90 New Zealand			
1990 to today Australia			
1990 to today New Zealand			

7

- + Brainstorm the factors leading to the comparatively better position of Maori in New Zealand in comparison to Aboriginal and Torres Strait Islander peoples in Australia.
- + Select and rank the most important of these.
- + Write a short paragraph on each, explaining your main point and providing evidence to support it.

8

- + Briefly chart the voting rights of Aboriginal and Torres Strait Islander peoples in Australia in comparison to those of Maori in New Zealand over time.
- + Write a paragraph commenting on how these differences affected other rights for Aboriginal and Torres Strait Islander peoples and Maori.

9

Either:

- + What role did sport play in the struggle for rights in New Zealand and Australia? Comment on the effects of the sports protests relating to apartheid in South Africa, the role of particular sportspeople in changing attitudes, and the relationship of these attitudes to rights for Indigenous peoples in either Australia, New Zealand or both.

Or:

- + Produce a multimedia account of the changes in Aboriginal or Torres Strait Islander or Maori cultural expression such as music or art, tracing the history of the struggle for rights in the 20th century.

Or:

- + Watch one film related to Indigenous rights in either Australia or New Zealand, and use the following headings to write a review:
 - + Film title, director and date
 - + Brief summary of storyline/contents
 - + Particular scene or character that stands out for you
 - + What the film shows about Indigenous rights in Australia or New Zealand
 - + Assessment of its usefulness and limitations as an historical source.

10

Write an essay or extended response on one of the following topics:

- + In what ways were the Indigenous Australian and New Zealand struggle for rights affected by worldwide changes in the 1960s and 1970s?
- + Why was there a treaty in New Zealand but not in Australia?
- + In what ways are the outcomes for Maori in New Zealand related to the Treaty of Waitangi? What other factors are involved?

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The author team of the Nelson Modern History series combines the collective experience of some of Australia's finest educators, teachers, historians, academics and curriculum experts. Cengage gratefully acknowledges the contribution of the authors and the many teachers, historians and academics who contributed to the development of the series.

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