The More Things Change...

Continuity in Australian Indigenous Employment Disadvantage 1788-1967

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Abstract

The extent of Australian Indigenous employment disadvantage has been quantitatively established by researchers since the 1970s. Indigenous Australians have higher unemployment and lower participation rates, they are occupationally concentrated in low skill, low paid jobs, and their income is significantly lower on average than that of other Australians. The explanations given for this disadvantage largely focus on skills deficit and geographical location of Indigenous people. However these explanations do not stand up to scrutiny. Indigenous employment disadvantage remains irrespective of where Indigenous Australians live or how well they are qualified.

Alternative explanations are clearly needed. A clue to the direction of research is given by the same researchers who acknowledge the legacy of history in creating the situation of disadvantage faced by Indigenous Australians. However, to date the nature of this legacy has not been explored. It is this history which is the focus of this thesis.

The research questions which the thesis addresses are:
1. Are there identifiable ‘invariant elements’ which underpin the institutional forms which have regulated the treatment of Indigenous Australians within the economy, particularly in relation to employment, from colonisation until recent times?
2. Do these invariant elements help explain the continuing employment disadvantage of Indigenous Australians?

To examine the history of the treatment of Indigenous Australians in relation to employment, four concepts were developed from the regulation school of economic theory and the work of Appadurai. These concepts are econoscape, reguloscape, invariant elements and institutional forms. The notion of ‘scape’ allows for recognition that when Australia was colonised, there already existed a set of economic arrangements and social and legal system. The conflict between the introduced economy and legal and social systems can be conceived as a conflict between two econoscapes and reguloscapes. Analysis of the econoscape and reguloscape from international, national and Indigenous perspectives for the period from colonisation to 1850 has enabled the identification of ‘invariant elements’ which describe the ways of thinking about Aborigines brought to the Australian colonies and adapted to the realities of the Australian situation. The four invariant elements identified are summarised as belief in 1) Aboriginal inferiority; 2) Aboriginal laziness, incapacity and irresponsibility;
3) the need for white intervention in Aboriginal lives; and 4) disregard for Aboriginal understandings, values and choices. The fourth invariant element is conceptualised as the foundation on which basis the other three developed and were able to be perpetuated.

Analysis of the laws pertaining to Aborigines promulgated between 1850 and the 1960s in four jurisdictions shows that the same invariant elements influenced the nature of the institutional forms used to limit the freedom of movement and of employment of Indigenous Australians. Although during the period from the 1850s to the 1960s there was ostensibly a change in policy from one of protection to one of assimilation of Indigenous Australians, in fact little changed in terms of perceptions of Aborigines or in the institutional forms which, by the 1920s in all jurisdictions surveyed, controlled every aspect of their lives.

Confirmation of the influence of the invariant elements was sought through closer study of two particular cases from the beginning and end of the above time period. These case studies involved examination of the institutional forms within the context of the econoscape and reguloscape of different times, in the first case in Victoria in the 1860s-1880s, and in the second case in the Northern Territory in the 1960s. The analysis indicates that the invariant elements had a continuing influence on perceptions and treatment of Indigenous Australians at least to the referendum of 1967.

This thesis establishes, through rigorous analysis based on a robust theoretical and methodological foundation, that identifiable ways of thinking, or invariant elements, have underpinned continuous Indigenous employment disadvantage and help explain this continuing disadvantage. The common explanations of Indigenous disadvantage are also consistent with these invariant elements.

The thesis concludes by recommending further research based on the findings of this thesis be conducted to scrutinise policy and practice over the last three to four decades in relation to Indigenous employment. It also emphasises the importance of redefining the problem and finding solutions, tasks which can only be done effectively by Indigenous Australians.
This work has never been submitted for a degree or diploma in any university. To the best of my knowledge and belief, this thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.
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Acknowledgments

Throughout this lengthy project, I have been given valuable assistance by supervisors from a range of disciplines. In particular, Professor Ciaran O’Faircheallaigh as my principal supervisor has given me the benefit of his extensive experience, knowledge and incisive critical comments, together with the support and encouragement to see this project through to completion. Dr Lucinda Aberdeen as second supervisor in the early stages of the project helped me find my feet and steered me in the right direction on matters of content. Her prodigious knowledge of the field was invaluable in getting the project off to a good start. In the later stages, Dr Loretta de Plevitz as second supervisor has provided me with necessary guidance in finding a path through the complexity of the law as well as personal support and good humour and the benefit of her impeccable proof reading skills.

Throughout, I have had encouragement and support of all kinds from friends too numerous to mention and most important of all, from my greatest supporter, best friend and mother, Patricia Thorp.
Chapter 1: Overview

Since 1788, Aboriginal people have ceased to be fully employed, self-sufficient individuals with high-self-esteem. Today they are the poorest identifiable sector of the Australian community. Various government programs have been in place for many years, but progress is difficult to achieve. (Bourke 1994, p192)

I believe in the primarily negative influence of colonialism. I believe in the need to unmask the colonial ideology, for its influence is still very strong. (Alatas 1977, p9)

The purpose of this thesis is to present a critique of conventional explanations for continuing Indigenous employment disadvantage in Australia, and to do so through a re-examination of the history behind the development of this disadvantage. This thesis proposes that the reason for the development of Indigenous employment disadvantage in Australia was not simply Aboriginal people’s lack of skill or their location in remote areas or other characteristics of Aboriginal people themselves, as proposed by previous researchers. The answer can be found instead in the ways of thinking which limited Aborigines’ economic and employment opportunities and led to the controlling of every aspect of their lives for much of the nineteenth and twentieth centuries. The contribution of this thesis to knowledge is that it reassesses the reasons for Indigenous employment disadvantage, enabling a redefinition of the problem and a reworking of solutions based on a deeper understanding of the antecedents of Aboriginal disadvantage and the reasons for the continuity of this disadvantage.

The thesis addresses the following research questions:

Are there identifiable ways of thinking which underpin the laws and policies which have regulated the treatment of Indigenous Australians within the economy, particularly in relation to employment, from colonisation until recent times?
Do such ways of thinking help explain the continuing employment disadvantage of Indigenous Australians?

The choice of the period of study arises from the fact that in 1788 Australia was colonised and with the colonisers came their own laws and legal principles, an economy based on capitalist principles and other aspects of British civilisation, all of which were imposed on the pre-existing Aboriginal civilisation with little regard for its economic, social and legal arrangements. In 1967, a referendum was held which, for the first time, enabled Aboriginal Australians to be counted in the Census. Between these two dates, law and policy greatly influencing Aboriginal employment was gradually developed and implemented.
The issue of Indigenous employment disadvantage has been studied by many from a range of viewpoints, often as part of broader studies of the place of Indigenous Australians in society and history. To paraphrase Hannah Arendt, what is proposed here is very simple: it is nothing more than to rethink what we already know (Arendt 1958, cited in Anthony 1977, p3). This research is an attempt to delve deeply, to discover the extent to which thinking about Aborigines, based on beliefs about the nature of ‘savage’ races, influenced the ways in which Aborigines were expected and permitted to engage with the introduced economy. It examines whether there has since been a consistency in these ways of thinking which has blinkered the vision of those attempting to deal with the problem of Aboriginal disadvantage in all its guises from the late nineteenth century.

A number of authors have referred to the importance of history in creating the situation which is the foundation of current Indigenous employment disadvantage. For example, Rowley stated:

> No adequate assessment of the Aboriginal predicament can be made so long as the historical dimension is lacking; it is the absence of information on background which has made it easy for intelligent persons in each successive generation to accept the stereotype of an incompetent group. (Rowley 1970, p9)

However, research to date has not focused closely on this history, in particular on the development and perpetuation of stereotyped thinking about Aboriginal Australians in relation to employment or the effects of such thinking on Aboriginal economic participation.

This thesis shows that certain ways of thinking about Aboriginal people with particular relevance to employment have influenced Aboriginal employment continuously from 1788 to 1967. The thesis demonstrates how these ideas have not been affected by evidence which would seem to contradict assumptions of Aboriginal inferiority or incapacity or by Aboriginal perspectives or knowledge of Aboriginal culture. It also shows that, although laws and policies ostensibly changed over time, the underlying ways of thinking about Indigenous people in relation to employment did not. The consequence has been ongoing disadvantage even though the regulatory regimes which had been established to deal with the ‘Aboriginal problem’ were in the main dismantled soon after the referendum of 1967.

The fact that the Aboriginal voice has been silenced is integral to the issue of Aboriginal economic disadvantage. This has meant that the problem has been consistently defined by whites, and its solution sought by whites with little if any real consultation with
Aborigines or consideration of Aboriginal perspectives. It has meant that models of accommodation between the pre-existing Aboriginal culture and economy and the introduced society, models devised and implemented by Aborigines, however successfully, have been repressed, misunderstood and forgotten, leaving intact the beliefs and attitudes of white Australians about Aboriginal inferiority and incapacity and their need to change to be more like ‘us’. As long as this thinking remains unchallenged, little change can be expected in the economic situation of Aboriginal Australians.

To explore these issues, a theoretical and methodological framework has been developed. This method and the theory on which it is based is derived from Marxism. It is predicated on an assumption of the primacy of the economic structure but recognises that this is supported and maintained by a regulatory structure which in turn is perpetuated by values and attitudes so embedded that they become unconscious and effectively prevent a deep reassessment of the situation in question. From Marxism also comes a dialectical approach, that is one which repeatedly moves between theory and practical application to develop understanding to a point, then apply that understanding to a particular situation, refining the understanding before moving to further examination of relevant situations or data. This method is applied to identify ways of thinking and their influence on law, policy and practice over time, and it enables the inclusion of the Aboriginal perspective, a matter of paramount importance which has not been given due prominence by other researchers of Aboriginal economic disadvantage.

The thesis is structured into nine chapters, of which this is the first. Chapter 2 discusses existing research which identifies the extent of Australian Indigenous economic disadvantage. It shows that Indigenous people are disadvantaged in relation to employment in terms of unemployment levels, participation rates, occupation and income. As far as can be ascertained from the statistics available, this has been true since at least the 1960s and has changed little thereafter, despite the existence of programs ostensibly designed to address Indigenous employment disadvantage from the 1970s. This chapter also critiques explanations in the literature for this disadvantage and shows that these explanations imply that the problem lies with the Indigenous people themselves in terms of for example their low levels of educational attainment, remote location and skills deficit. However closer examination shows that these are not sufficient explanations for the continuity of Indigenous employment disadvantage. The research question then is what does lie behind this continuity.
Chapter 3 examines relevant literature to determine whether approaches used by other researchers to examine the place of Aborigines in the economy provide suitable methods or perspectives which could be utilised in this thesis. After examining the work of a number of scholars from a variety of disciplines, it is clear that none of these approaches will suffice. Therefore a new approach is developed, using the work of the regulation school of economic theory combined with concepts adapted from the work of Arjun Appadurai. The result is four concepts:

- ‘econoscape’, referring to the mode of production, incorporating its variability over time and recognising that groups differently located in the economy and from different cultures will perceive it differently;
- ‘reguloscape’, referring to the laws, policies, norms and values as well as the ideologies and political philosophies dominant at any period and in any place, and incorporating the notion that there can be disjunctures between aspects of the reguloscape and the econoscape;
- ‘invariant elements’, referring to a common value system, or representations of reality, which help to ensure that individual actions and reactions are replaced by routine without appearing to limit the expression of individuals’ free will; and
- ‘institutional forms’, defined by Boyer ‘as any kind of codification of one or several fundamental social relations’ derived from the nature of the dominant mode of production and adhering to a common set of moral, legal, or economic norms (Boyer 1990, p37 and p47).

In addition, a number of widely accepted time periods are identified to organise the study. These periods loosely coincide with the period of colonisation of Australia during which a capitalist economy was established; the period from the mid-nineteenth century to the early twentieth century, during which ‘protection’ of Aborigines was the aim of official policy; and the ‘assimilation’ era from the 1930s to the late 1960s, and the period thereafter. The method requires that the international, national and Indigenous perspectives on the econoscape and reguloscape for the first period are captured to enable identification of the invariant elements. These perspectives are defined briefly in this chapter.

In Chapter 4 an examination of the econoscape from 1788-1850 is conducted from the above three perspectives. This shows that because the colonisation of Australia happened at a time of rapid economic expansion and industrialisation, a capitalist economy which had the main purpose of providing raw materials to Britain was created. This meant the colonisers had to take over the land. But the Aborigines lived on the land
and had a complex and viable economy which had developed over millennia. When the
two economies confronted each other, the Aboriginal had to give way in the face of
greater power. Little room was found for the Aborigines in the new economy despite
severe labour shortages. This raises the question of the reasons for this economic
exclusion.

Chapters 5 and 6 examine the reguloscape to 1850, Chapter 5 from an international
perspective while chapter 6 examines the reguloscape at the national level and from the
Indigenous viewpoint. The examination of the international reguloscape from 1788-1850
conducted in Chapter 5 indicates that the concept of ‘race’ was relatively recent at the
time of colonisation. By the eighteenth century, blacks were seen as dirty, lazy and
immoral in contrast with the British who were clean, productive and Christian. Science
and theology ‘confirmed’ black inferiority, and religion decreed that hard work was a sign
of God’s grace. The British saw themselves as doing the colonised a favour by bringing
the benefits of civilisation to the primitives who were seen to be at an earlier stage of
human development. Blacks were in need of ‘improvement’, through teaching of
Christianity and ‘industrious habits’; but because of their innate inferiority they would only
be able to take places at the bottom of the British colonial economy. The chapter
concludes with a set of four tentative ‘invariant elements’ relating to perceptions of 1)
Aboriginal inferiority, 2) their laziness and irresponsibility, 3) their need for improvement
and to 4) colonists’ denial of the rationality of Aboriginal choice.

Examination of the national and Indigenous reguloscapes from 1788-1850 conducted in
Chapter 6 indicates that the British who came to Australia saw Aborigines as the most
primitive of mankind, and as lazy, stupid and uncivilised. This led to attempts to civilise
and Christianise and, when this failed, to a growing belief in the theory that the
Australian Aborigines were a doomed race. The Aborigines had a complex society based
on land and kinship. They did not accept British superiority and were devastated by loss
of land, breaches of law and ignorance of invaders. They would not accept the lowly
position which was the only one offered and thereby inadvertently reinforced colonial
attitudes by not becoming ‘civilised’. These attitudes are compared to the invariant
elements identified in chapter 5. These invariant elements are refined to take account of
their application and adaptation in the Australian colonies, and the third and fourth
invariant elements reformulated to 3) ‘need for white intervention’ and 4) ‘disregard of
Aboriginal understandings, values and choices’. In addition, key words and concepts
which characterise each of the invariant elements are identified.
Chapter 7 focuses on codification of the identified invariant elements in institutional forms from 1850 to 1967 and asks whether the invariant elements in relation to employment of Aborigines identified in Chapter 6 were reflected in law and policy. The aspects of law canvassed include definitions of Aboriginality, the creation of reserves for the incarceration of Aborigines, and the control of employment and payment for labour exercised by authorities in the ‘protection’ era from 1850 to the mid-1930s, and in the ‘assimilation’ era from 1937 to 1967. This examination shows that all the invariant elements are reflected in legislative instruments in a range of jurisdictions over both periods.

In Chapter 8 two case studies of the treatment of Aborigines particularly in relation to employment are examined to show how the identified invariant elements operated in practice in the econoscape and reguloscape of the ‘protection’ and ‘assimilation’ eras. The case studies examined are the establishment and demise of Coranderrk Aboriginal Station in Victoria from the 1860s within the context of Victorian economy, law and policy, and the Northern Territory pastoral industry equal pay case of 1965, its antecedents and its aftermath. In both these cases, official, unofficial and Aboriginal voices are available for examination.

In Chapter 9, the research questions and methodology are reviewed and conclusions drawn. This thesis aimed to identify invariant elements which would help to explain why Indigenous employment disadvantage has been so intractable even after policies and programs aiming to alleviate this disadvantage have been in operation for over three decades. The invariant elements identified up to 1850, relating to 1) Aborigines’ inferiority, 2) their laziness, incapacity and irresponsibility, 3) the need for white intervention, and 4) the disregard for Aborigines’ understandings, values and choices, were found to exist continuously up to the mid-1960s and to influence law, policy and treatment of Aborigines in employment. This provides an indication of directions for future research to redefine the problem of Indigenous economic disadvantage and to determine whether similar invariant elements have underpinned actions taken since the 1970s to redress Indigenous disadvantage.
Chapter 2: Indigenous Economic Disadvantage: Extent, Explanations and Issues

Ideology intrudes upon scholarship not only in the formation of concepts but also in the selection of problems. (Alatas 1977, p9)

There are no simple solutions to the problem of Aboriginal employment. (Castle & Hagan in Wade-Marshall & Loveday 1985, p48)

Introduction

The purpose of this chapter is to outline the extent of current Indigenous employment disadvantage, to identify the explanations proposed for this disadvantage in the relevant literature and to critically examine those explanations.

Starting from the mid-1950s but particularly since the 1970s, considerable work has been done, largely by economists and statisticians using quantitative research methods, to identify the extent of Indigenous employment disadvantage. It will be shown in this chapter that, although valuable information is provided using a quantitative approach, it falls short in its attempts to offer explanations of this disadvantage and its intransigence. Statistical evidence is used to establish the inequities but the conclusions drawn are not fully supported by the evidence. Those explanations which have been attempted appear to be based on a belief, albeit not conscious, that the source of the problem is the Indigenous people themselves, not the white society which dominates the institutions of the country in which they live. Consideration of these matters will enable the identification of the gap in the research to date which will be the focus of this thesis.

Indigenous Employment Disadvantage

The information below has been extracted from a range of studies conducted over half a century. From the 1950s there has been some attempt to quantify social indicators pertaining to the Aboriginal population, initially through small scale studies carried out in various parts of Australia, including a number of studies of Aboriginal economic status in cities and towns commissioned for the 1975 Henderson poverty inquiry. From the 1970s more comprehensive information has gradually become available. The first relatively comprehensive study of the economic status of Indigenous Australians was conducted by Jon Altman and John Nieuwenhuysen and published in 1979. It depended mainly on 1971 Census results because of the unreliability of earlier data. In 1985 a further
comprehensive study of the Aboriginal economy was conducted by Fisk. Considerable further statistical analysis, based on increasingly reliable information provided largely by the Australian Bureau of Statistics, has been conducted in subsequent decades.

The picture built from an examination of these sources is one of continuing substantial inequity between Aboriginal and other Australians in terms of levels of unemployment, rates of participation in the workforce, the range of occupations Aboriginal people are represented in and the level of income of Indigenous Australians. Each of these areas of disadvantage is covered in turn below.

**Unemployment**

Indigenous unemployment rates vary considerably in the numerous estimates, censuses and surveys carried out by the Australian Bureau of Statistics (ABS) and other researchers since 1971. Nevertheless all agree that the rate of unemployment of Indigenous Australians has been consistently significantly greater than the rate for all Australians. The first reliable estimate of the Aboriginal unemployment rate based on the 1971 Census was 9.3% compared with 1.7% for all Australians. Estimates for 1976/7 indicated a steep rise in unemployment rates to around 30% for Aborigines and 4.5% for other Australians (Altman & Nieuwenhuysen 1979, pp13-14; ABS 1996, Cat No 4199 p9). Tesfaghiorghis and Altman (1991) estimated from 1986 Census data an Aboriginal unemployment rate of 35.2%, almost four times that of the total population at 9.2%, and a numerical tenfold increase in Indigenous unemployment from 1971 to 1986.

Some estimates since that time have been even higher. The Indigenous unemployment rate was estimated to be 38% in 1994 by the National Aboriginal and Torres Strait Islander Survey (NATSIS) conducted by ABS (ABS 1996, Cat No 4199 Table 1.1) and 39% in 1996 based on projections carried out by Taylor and Altman (1997). Other estimates suggest Indigenous unemployment rates are lower. For instance the figure provided by the 1996 Census was 22.7% while labour force survey data indicated an unemployment level of 17.6% for Indigenous Australians in February 2000, compared with a rate of 7.3% for all Australians (ABS 2000, Cat No 6287, pp. 8-9). The 2001 Census found an Aboriginal unemployment rate of 20% compared with 7% for the total workforce (ABS 2003 Cat No 4713.0, p66), while the National Aboriginal and Torres Strait Islander Social Survey (NATSISS) conducted in 2002 indicated an Aboriginal unemployment rate of 22.9% or 43.1% if participation in CDEP is counted as unemployment (ABS 2004, Cat No 4714, Table 8, p34). The role of CDEP employment
in addressing the employment disadvantage of Indigenous Australians is discussed below.

In 1996, the only year for which this information is available\(^1\), it was found that qualifications alone did not redress the employment disadvantage of Indigenous Australians, although unemployment rates were lower the higher the level of qualifications for both Indigenous and non-Indigenous Australians. Over eight per cent of Indigenous Australians with a degree or diploma were unemployed compared with approximately half that proportion for non-Indigenous graduates and diplomates. Similarly twice as high a proportion of Indigenous as non-Indigenous people with vocational qualifications were unemployed (ABS 1998 Cat No 2034, p37 and Table 4.7 p46).

The problem of high Indigenous unemployment is not confined to rural and remote areas where employment opportunities are likely to be limited. Unemployment was in fact worse for Aborigines in urban centres than in rural areas, although the generally lower participation rates of rural dwellers and the role of CDEP in reducing official unemployment figures must also be taken into account (see below). Table 2.1 shows unemployment rates from 1981, 1991 and 1994 by section of state. In major urban areas in 1981, 13.8% of Indigenous working age people were unemployed and by 1991 this had risen to 17.7%. This compares with 13.3% and 12.8%, respectively, in other urban areas and 9.1% and 11.2%, respectively, in rural areas (ABS 1995, Cat No 6253 Table 1.4).

Because information on location in the 2001 Census was differently organised into five categories (major cities, inner regional, outer regional, remote and very remote), the data are not directly comparable, except for major urban areas. These data are therefore shown separately in Table 2.1a below. It appears that major urban Indigenous unemployment had risen by 2001 to 20.1%. If inner and outer regional areas are roughly equivalent to the earlier category of ‘other urban’, a substantial increase in Indigenous unemployment is apparent in these locations. If remote and very remote locations together are equivalent to rural locations from previous Censuses, at 9.9% the Indigenous unemployment rate is comparable to previous counts (ABS 2003, Cat No 4713 Table 6.1). Thus the unemployment of Indigenous Australians appears to have worsened for all but remote locations. From Table 2.1a it can also be seen that

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\(^1\) Changes in the data collected from one census or survey to the next results in lack of comparability of data over time, as is illustrated below.
Indigenous unemployment rates across all ‘remoteness areas’ were substantially higher than for non-Indigenous Australians.

Table 2.1 Aboriginal Unemployment Rates 1981, 1991 and 1994 by Section of State and Gender

<table>
<thead>
<tr>
<th>Section of State</th>
<th>Major Urban</th>
<th>Other Urban</th>
<th>Rural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>T</td>
<td>M</td>
</tr>
<tr>
<td>1981 Unemployed</td>
<td></td>
<td></td>
<td></td>
<td>19.5</td>
</tr>
<tr>
<td>1991 Unemployed</td>
<td></td>
<td></td>
<td></td>
<td>23.6</td>
</tr>
<tr>
<td>1994 Unemployed</td>
<td></td>
<td></td>
<td></td>
<td>35.4</td>
</tr>
</tbody>
</table>

Source: ABS 1996, Cat No 4190.0 Table 39; ABS 1995, Cat No 6253 Tables 1.3 and 1.4

*ABS notes in Cat No 4199 that the National Aboriginal and Torres Strait Islander Survey (NATSIS) estimates of unemployment rates are higher than those of the 1991 census due to differences in the way in which the information was collected (p13). Therefore, any conclusions drawn from comparing these two sets of data can only be tentative.

Table 2.1a Aboriginal and Non-Indigenous Unemployment Rates and Population 2001 by Remoteness Area

<table>
<thead>
<tr>
<th></th>
<th>Indigenous</th>
<th></th>
<th>Non-Indigenous</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unemployment rate (%)</td>
<td>Working age Population (%)</td>
<td>Unemployment rate (%)</td>
<td>Working age Population (%)</td>
</tr>
<tr>
<td></td>
<td>M</td>
<td>F</td>
<td>All</td>
<td>M</td>
</tr>
<tr>
<td>Major Cities</td>
<td>22.1</td>
<td>17.7</td>
<td>20.1</td>
<td>30.0</td>
</tr>
<tr>
<td>Inner regional</td>
<td>27.4</td>
<td>21.9</td>
<td>25.0</td>
<td>19.1</td>
</tr>
<tr>
<td>Outer regional</td>
<td>25.5</td>
<td>20.0</td>
<td>23.1</td>
<td>21.9</td>
</tr>
<tr>
<td>Remote</td>
<td>21.2</td>
<td>16.5</td>
<td>19.2</td>
<td>8.4</td>
</tr>
<tr>
<td>Very Remote</td>
<td>8.5</td>
<td>8.0</td>
<td>8.3</td>
<td>18.2</td>
</tr>
<tr>
<td>Total</td>
<td>21.8</td>
<td>17.6</td>
<td>20.0</td>
<td>7.7</td>
</tr>
</tbody>
</table>

Source: ABS 2003, Cat No 4713 Table 6.1

In short, although figures for Indigenous unemployment rates are inconsistent, these rates have been consistently significantly higher than the rates for non-Indigenous Australians. This holds even when qualifications and location are taken into account.

Participation

Aboriginal workforce participation rates, that is the proportion of the working aged population either in work or seeking work, have been consistently lower than those for other Australians. Altman and Nieuwenhuysen showed from 1971 census data that only 45.6% of the adult Aboriginal population were in the labour force, compared with 60.7%.

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2 This information is not available from the 1996 Census.
of all Australians. Over 20% of Aboriginal males from 15-19 were neither in the workforce nor in school while almost all male Australians were in one or the other. In the 35-44 age group, Aboriginal labour force participation was 76.3% compared with 97.8% for all Australians and Aborigines over 60 years of age were half as likely to be in the workforce (1979, pp10-12 and Table 7, p12).

Until 1986 Indigenous participation rates were more than 10% lower than for non-Indigenous Australians and more than half the Indigenous working age population was not in the workforce. An apparent 5% increase between 1986 and 1991 brought the Indigenous participation rate to over 50% for the first time, but at 53.5% it was still more than 9% lower than for non-Indigenous Australians. In 1996 the Indigenous participation rate had dropped to 50.4% compared with 60.4% for all Australians. The 2001 Census shows an Indigenous participation rate of 52.1% compared with 63.4% for all Australians. Thus, although the Indigenous participation rate increased between 1996 and 2001, it did so less than that of the whole working age population and consequently the differential between the two groups grew.

An indication of the ongoing situation is available from the February 1994-2000 labour force estimates produced by ABS (2000, Cat No 6287) which reported the Indigenous participation rates shown in Table 2.2 below. Although these figures must be used with caution due to small sample size and other problems, they do appear to indicate a higher overall Indigenous participation rate but a continuing significant gap between Indigenous and non-Indigenous Australians’ participation rates. They show that Indigenous participation rates in sparsely populated areas were consistently substantially lower than in urban and other areas, notwithstanding large fluctuations year by year\(^3\). This contrasts markedly with the participation rates of non-Indigenous people in sparsely settled regions which were much higher than for residents of other localities. They were over 80% in all but two years from 1994 to 2000. For men rates were over 91% in three of those years (ABS 2000, Cat No 6287, Table A1).

A caution must be sounded, though. Because the statistics only measure participation in the workforce and not in traditional economic activities, the figures may not reflect the reality of Indigenous economic participation in remote areas.

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\(^3\) As these fluctuations appear significantly to affect only Indigenous people in sparsely populated areas where the base population was relatively small, it is likely that the apparent large swings are a product of the unreliability of the figures rather than any real changes in Indigenous participation rates.
<table>
<thead>
<tr>
<th>Section of State</th>
<th>Capital Cities</th>
<th>Sparsely Settled</th>
<th>Balance of State</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indig. Other</td>
<td>Indig. Other</td>
<td>Indig. Other</td>
<td></td>
</tr>
<tr>
<td>1994</td>
<td>63.9 64.5</td>
<td>30.5 82.4</td>
<td>54.7 61.0</td>
<td>53.1 63.4</td>
</tr>
<tr>
<td>1995</td>
<td>60.1 64.8</td>
<td>52.6 82.8</td>
<td>55.7 62.0</td>
<td>56.5 64.0</td>
</tr>
<tr>
<td>1996</td>
<td>54.4 64.9</td>
<td>49.3 80.0</td>
<td>57.7 62.2</td>
<td>55.2 64.1</td>
</tr>
<tr>
<td>1997</td>
<td>51.3 65.0</td>
<td>46.4 80.6</td>
<td>51.9 61.9</td>
<td>50.7 64.1</td>
</tr>
<tr>
<td>1998</td>
<td>61.0 64.1</td>
<td>31.5 84.6</td>
<td>54.2 61.8</td>
<td>52.2 63.5</td>
</tr>
<tr>
<td>1999</td>
<td>57.8 64.1</td>
<td>34.7 79.8</td>
<td>52.6 61.8</td>
<td>50.9 63.4</td>
</tr>
<tr>
<td>2000</td>
<td>57.8 64.3</td>
<td>29.3 76.9</td>
<td>58.4 62.3</td>
<td>52.9 63.7</td>
</tr>
</tbody>
</table>

Source: ABS 2000, Cat No 6287.0, Table A1

Concern about Indigenous participation is exacerbated by Hunter's (2004) finding in relation to Indigenous youth that:

labour force participation appears to be particularly constrained among younger age groups, possibly before they have had any contact with the workforce. The low levels of attachment to the labour force appear to have persisted among Indigenous youth despite a sustained period of employment growth in the Australian economy between 1991 and 2001. (Hunter 2004, p43)

This suggests that the situation may be set to get worse rather than better.

**Occupation**

Further light is thrown on Indigenous employment disadvantage by examining what kinds of jobs Indigenous people occupy. The following evidence shows that Indigenous Australians are most likely to be employed in lower skilled jobs.

Case studies of the economic status of Aboriginal communities in Victoria, NSW and Queensland conducted from the mid-1950s consistently found that Aboriginal people were largely confined to unskilled, casual and seasonal work with those few in skilled occupations living in urban communities, not on stations and reserves. Opportunities for advancement to higher skilled and better paid jobs in those areas where such jobs were available were generally not available to Aborigines (Bell 1956, Calley 1956, Barwick 1962, Hinton 1966, Beasley 1970, Doobov 1972, Rogers 1973).

Small scale studies were also done as part of the largest inquiry into poverty ever held in Australia, the Henderson Poverty Inquiry, the report of which came down in 1975. Studies of two Western Australian towns showed that most Aborigines were employed in agricultural occupations such as shearing, cropping and root-picking with a small number in public sector positions (Hill 1975). A study of Aboriginal poverty in Brisbane found in
regard to occupation that 90% of Indigenous males were in unskilled jobs (Altman & Hunter 1998, p245).

Altman and Nieuwenhuysen’s analysis of 1971 Census figures on occupational status showed that employed Aboriginal males were concentrated in farming, labouring and mining and women in recreation and service work, that is in largely low skilled occupations (1979, pp14-15). They also found that only one tenth as many Aborigines were employers compared with the general population (Altman & Nieuwenhuysen 1979, p12).

In 1986 Indigenous people were concentrated in a few occupations, with 54% employed as labourers, plant or machinery operators, or salespersons - all comparatively low status occupations - compared with 36% of the total population. Only 9% of Indigenous employees were managers, administrators or professionals compared with over 24% of all Australians. In 1991, the picture had improved slightly. However the proportion of Indigenous workers employed as labourers, plant or machinery operators or salespersons was still 50% compared with 35% of the total population, and only 13% of Indigenous employees worked as managers, administrators or professionals compared with over 26% of all Australians in the workforce. In that year, Indigenous people were more than twice as likely as other Australians to work as labourers, only one third as likely to be a manager or administrator and half as likely to be employed as a professional (ABS 1995, Cat No 6253 Table 1.7).

In 1993 Taylor conducted a detailed analysis of Indigenous representation across occupational groups using 1991 Census data. He found that there was a reduction in the degree of occupational segregation between Indigenous and non-Indigenous workers. He noted that growth in skilled employment apparent in the 1991 Census occurred irrespective of settlement size. But, he cautioned, more detailed occupational data shows ‘indigenous workers occupy only a limited range of skilled positions and often at lower levels of seniority’ (1993, p29).

The 1996 Census showed some improvement in that the proportion of Indigenous Australians in professional positions had grown, but they were still under-represented as managers and administrators and even more grossly over-represented as labourers than in the previous Census. The 2001 Census shows a similar picture as shown in Table 2.3 below. The disproportionate representation of Indigenous people compared with non-Indigenous people in each of the top five occupational groups remained relatively
unchanged. Although the proportion of Indigenous people employed as labourers and related workers decreased, the actual number increased and representation of Indigenous people in these occupations remained at almost three times that of non-Indigenous people.

Table 2.3: Indigenous and All Australians* by Occupation, 1996 and 2001

<table>
<thead>
<tr>
<th>Occupation</th>
<th>1996</th>
<th></th>
<th>2001</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indigenous</td>
<td>Total</td>
<td>Indigenous</td>
<td>Non-Indigenous*</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>%</td>
<td>No</td>
<td>%</td>
</tr>
<tr>
<td>Managers and Administrators</td>
<td>3063</td>
<td>3.7</td>
<td>709925</td>
<td>9.3</td>
</tr>
<tr>
<td>Professionals</td>
<td>8381</td>
<td>10.2</td>
<td>1309468</td>
<td>17.1</td>
</tr>
<tr>
<td>Technicians and Associate Professionals</td>
<td>6711</td>
<td>8.1</td>
<td>861170</td>
<td>11.3</td>
</tr>
<tr>
<td>Tradespersons and Related Workers</td>
<td>9113</td>
<td>11.1</td>
<td>997011</td>
<td>13.1</td>
</tr>
<tr>
<td>Advanced Clerical and Service Workers</td>
<td>1851</td>
<td>2.2</td>
<td>329842</td>
<td>4.3</td>
</tr>
<tr>
<td>Intermediate Clerical, Sales &amp; Service Workers</td>
<td>14007</td>
<td>17.0</td>
<td>1222733</td>
<td>16.0</td>
</tr>
<tr>
<td>Intermediate Production and Transport Workers</td>
<td>7948</td>
<td>9.7</td>
<td>661424</td>
<td>8.7</td>
</tr>
<tr>
<td>Elementary Clerical, Sales &amp; Service Workers</td>
<td>6258</td>
<td>7.6</td>
<td>677250</td>
<td>8.9</td>
</tr>
<tr>
<td>Labourers and Related Workers</td>
<td>20036</td>
<td>24.3</td>
<td>667250</td>
<td>8.7</td>
</tr>
<tr>
<td>Inadequately Described/Not Stated</td>
<td>4979</td>
<td>6.0</td>
<td>200099</td>
<td>2.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>82347</td>
<td>100.0</td>
<td>7636319</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: ABS 1998 Cat No 2034.0 Table 4.6 and ABS 2003 Cat No 4713 Table 6.7

* In 1996, Indigenous Australians were compared with all Australians, ie the latter group included the former, while in 2001, the comparison was between Indigenous and non-Indigenous Australians.

**Income**

Income is an important indicator of the disadvantaged economic status of Indigenous Australians. Three decades of research evidence shows that the extreme level of Indigenous poverty apparent from the earliest statistics has remained little changed over time.

In the early studies cited above, Indigenous wages in rural areas were found to be significantly lower than those for white workers. Three studies of Aboriginal poverty in Brisbane, Adelaide and Perth were commissioned by the Henderson poverty inquiry, and the findings were reviewed by Altman and Hunter in 1998. These studies demonstrated for the first time that Indigenous poverty was not confined to rural areas but was also prevalent in urban centres (Altman & Hunter 1998). In terms of income, in 1973/74 more
than half the Indigenous populations of the three cities studied were ‘very poor’ or ‘rather poor’: 55% in Brisbane, 55.4% in Adelaide and 76.7% in Perth. This compares with 20.6% of the Australian population who were very or rather poor (Altman & Hunter 1998, p240).

In 1979 Altman and Nieuwenhuysen commented on the difficulty of accurately estimating Aboriginal income: ‘There are at present no income estimates for the Aboriginal population as a group. The ABS surveys on income distribution do not treat Aborigines as a separate entity’ (1979, p15). Therefore proxy statistics were used (low labour force participation, low occupational status, high unemployment, high dependency rates, i.e., ratio of those supported to those earning) and the conclusion drawn that there must be ‘extreme income differences... between the Aborigines and the rest of the Australian community’ (Altman & Nieuwenhuysen 1979, p17).

In the early 1980s, a comprehensive study of Indigenous incomes, including earned income, social security payments, and proceeds of hunting and gathering in rural and remote areas, was carried out and a summary of findings published (Fisk 1985). This showed that Indigenous incomes in all areas were significantly below those of all Australians in 1981, and that a far smaller proportion of Aborigines than all Australians were in the top income bracket. Interestingly, people in remote areas including outstations had average incomes close to those in cities, because the proceeds of their traditional economic activities were taken into account. The other main source of income for people in these locations was social security payments, while city dwellers’ income came entirely in the form of money from employment or social security. The worst off group among the Aborigines was those living in towns and settlements on Aboriginal land where there were few options for employment and most income was from social security payments (Fisk 1985). These findings are shown in the following table.

<table>
<thead>
<tr>
<th>Location Category</th>
<th>Av income per adult ($)</th>
<th>$1000-$8000 %</th>
<th>&gt;$8000 %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cities</td>
<td>5338</td>
<td>52</td>
<td>28</td>
</tr>
<tr>
<td>Large towns</td>
<td>4929</td>
<td>57</td>
<td>22</td>
</tr>
<tr>
<td>Small towns</td>
<td>4326</td>
<td>86</td>
<td>14</td>
</tr>
<tr>
<td>Aboriginal towns</td>
<td>3592</td>
<td>94</td>
<td>6</td>
</tr>
<tr>
<td>Outstations etc</td>
<td>5296</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>All Aborigines</td>
<td>4532</td>
<td>59</td>
<td>17</td>
</tr>
<tr>
<td>All Australians</td>
<td>8169</td>
<td>39</td>
<td>44</td>
</tr>
</tbody>
</table>

Source: Fisk 1985, Table 6.4 p63
The difference between average income of Aborigines and that of all Australians is glaring. Aborigines' average income was just 55.5% of that of all Australians, and this nearly a decade and a half after the referendum ushered in a period during which Aborigines were expected to move towards equality with the non-Indigenous community.

Taylor, in a comparison of Indigenous incomes from the Censuses of 1986 and 1991, stated that: ‘Given the relative improvements in Aboriginal and Torres Strait Islander labour force status, as well as the apparent upgrading of occupational status, there would appear to be statistical grounds for expecting that the income gap between indigenous and non-indigenous Australians may have narrowed’ (1993, p38). But in fact he found very little change from 1986 to 1991, unsurprisingly given that most of the jobs generated were CDEP related and therefore paid the equivalent of social security payments, not award wages, an issue which is discussed below. He concluded:

If the CDEP scheme, with its current emphasis on low wage work, continues to provide the bulk of new employment for indigenous people, there seems little prospect that the income gap between Aborigines and Torres Strait Islanders and the rest of the population in Australia will ever narrow. If anything, it is likely to widen further. This ... signals that improvements in labour force status alone are not sufficient to enhance income status, unless the CDEP scheme becomes more oriented to stimulate income generation. (Taylor 1993, p39)

In the NATSIS of 1994, respondents were asked about their income, but the detailed findings of the survey published by ABS (1996, Cat No 4190) give very limited information, and do not allow an analysis of levels of earned income compared with other Australians. It is interesting to note that in the 1994 NATSIS, hunting, fishing and gathering activities, rather than being counted as economic activities, were deemed to be ‘voluntary’ (Hunter 2000, p24).

Comparisons of findings from the 1994 NATSIS and the 2002 NATSISS indicate that:

- mean equivalised gross household income for Indigenous persons 15 years or over has risen from $345 per week in 1994 to $387 per week in 2002. When 2002 data are recalculated for the population aged 18 years or over... this is 59% of the relevant income level for non-Indigenous persons ($665 per week). (ABS 2004, Cat No 4714, p3)

The 2002 data also show that income in remote areas was lower at $350 than for non-remote areas at $399 per week (ABS 2004, Cat No 4714, p3), but this could be misleading as the produce from traditional activities is not taken into account.
Altman and Hunter’s re-examination of Indigenous poverty, conducted after the NATSIS information was available, found that there was a reduction in Indigenous poverty compared with the rest of the population but this was more a result of increasing poverty among non-Indigenous Australians than improvement in the economic position of Indigenous Australians (Altman & Hunter 1998, p255). They also point out that the size of Aboriginal families and their disproportionate location in areas where the price of goods is high, affects, to a degree as yet unknown, the distribution of poverty among Indigenous families.

The 1996 Census for the first time provided relatively comprehensive data on the comparative income of Indigenous Australians on a wide range of dimensions, as summarized in Table 2.5. Because once again different categories were used in some areas, data from the 2001 Census are tabulated separately in Table 2.5a.

In 1996 Indigenous Australians had far lower incomes than average except in the case of lower level clerical, sales and service workers. The largest difference was for Indigenous workers in the prime income earning years from 25 to 44 whose incomes were only 60% of those of all workers in the same age group. Indigenous people who lived in communities of less than 1000 population or in rural areas and Indigenous labourers were also notable for their comparatively low incomes.

It is of particular interest that the differential between Indigenous and all Australian workers’ incomes is almost unaffected when qualifications are taken into account. As noted in a later ABS publication using 1996 Census data on the income status of employed Indigenous people:

Even among those employed, however, the median income was lower for Indigenous people than for non-Indigenous people. This difference is not explained by the differences in occupations held... or in the level of qualifications... Indigenous people had a lower median income than non-Indigenous people in every occupation group except ‘elementary clerical, sales and service workers’ (for which median incomes were similar). Indigenous people also had a lower median weekly income than non-Indigenous people for every level of qualification... These differences are not explained by differences in age. (ABS 1999, Cat No 4704.0, p22)

The 2001 Census reinforces these conclusions as far as the data are available. Table 25a below compares Indigenous and non-Indigenous people’s incomes. This differs from the 1996 data where Indigenous people and all Australians were compared, enabling a direct comparison between Indigenous people and others, which may account for a

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4 Of particular note is that an analysis was not made of income by education level, nor is the information available in ABS publications from the Census to enable this analysis to be done.
small part of the apparently worsening situation in regard to income for Indigenous Australians.

Table 2.5: Individual Median Weekly Income from All Sources, Persons Aged 15 Years and Over, 1996

<table>
<thead>
<tr>
<th>Category</th>
<th>Indigenous $</th>
<th>All Australians $</th>
<th>Indigenous Income as % of All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>218</td>
<td>294</td>
<td>74.1</td>
</tr>
<tr>
<td>Age 15-24</td>
<td>142</td>
<td>161</td>
<td>88.2</td>
</tr>
<tr>
<td>Age 25-44</td>
<td>265</td>
<td>437</td>
<td>60.6</td>
</tr>
<tr>
<td>Age 45 and over</td>
<td>217</td>
<td>257</td>
<td>84.4</td>
</tr>
<tr>
<td>Major Urban</td>
<td>250</td>
<td>313</td>
<td>79.9</td>
</tr>
<tr>
<td>Other Urban</td>
<td>223</td>
<td>273</td>
<td>81.7</td>
</tr>
<tr>
<td>Bounded Locality*</td>
<td>181</td>
<td>249</td>
<td>72.7</td>
</tr>
<tr>
<td>Rural Balance</td>
<td>185</td>
<td>278</td>
<td>66.5</td>
</tr>
<tr>
<td>CDEP†</td>
<td>183</td>
<td>(294)</td>
<td>(62.2)</td>
</tr>
<tr>
<td>Other Employed</td>
<td>407</td>
<td>492</td>
<td>82.7</td>
</tr>
<tr>
<td>Employed Including CDEP</td>
<td>366</td>
<td>492</td>
<td>74.4</td>
</tr>
<tr>
<td>Managers/Administrators</td>
<td>556</td>
<td>689</td>
<td>80.7</td>
</tr>
<tr>
<td>Professionals</td>
<td>517</td>
<td>707</td>
<td>73.1</td>
</tr>
<tr>
<td>Technicians/Associate Professionals</td>
<td>504</td>
<td>577</td>
<td>87.3</td>
</tr>
<tr>
<td>Tradespersons and Related Workers</td>
<td>411</td>
<td>497</td>
<td>82.7</td>
</tr>
<tr>
<td>Advanced Clerical/Service</td>
<td>422</td>
<td>478</td>
<td>88.3</td>
</tr>
<tr>
<td>Intermediate Clerical/Sales/Service</td>
<td>387</td>
<td>430</td>
<td>90.0</td>
</tr>
<tr>
<td>Intermediate Production/Transport</td>
<td>449</td>
<td>482</td>
<td>93.2</td>
</tr>
<tr>
<td>Elementary Clerical/Sales/Service</td>
<td>279</td>
<td>278</td>
<td>100.0</td>
</tr>
<tr>
<td>Labourers and Related Workers</td>
<td>246</td>
<td>343</td>
<td>71.7</td>
</tr>
<tr>
<td>Degree/Diploma</td>
<td>504</td>
<td>590</td>
<td>85.4</td>
</tr>
<tr>
<td>Vocational Qualification</td>
<td>383</td>
<td>450</td>
<td>85.1</td>
</tr>
<tr>
<td>Not Qualified</td>
<td>201</td>
<td>238</td>
<td>84.5</td>
</tr>
</tbody>
</table>

Source: ABS 1998, Cat No 2034, Tables 5.1-5.6)

* Rural community with between 200 and 999 population.
† As CDEP is applicable to few non-Indigenous Australians, the figure used for comparison here is the average income for all Australians aged over fifteen years.

Indigenous Australians received on average less than two thirds the income of other Australians. In those groups which are most likely to have post-school qualifications - managers, administrators, professionals, associate professionals and tradespersons – Indigenous people had incomes substantially lower on average than non-Indigenous Australians. In clerical and sales positions, those where skill requirements are likely to be lower, Indigenous incomes are closer to those of non-Indigenous Australians, but still only around 90% of the latter. The most glaring differences between Indigenous and non-Indigenous incomes were in very remote areas where Indigenous people’s incomes were little more than a third of non-Indigenous incomes, and for Indigenous CDEP employees, whose income was only 42.9% that of non-Indigenous CDEP employees.
Table 2.5a: Individual Median Weekly Income from All Sources, Persons Aged 15 Years and Over, 2001

<table>
<thead>
<tr>
<th>Category</th>
<th>Indigenous $</th>
<th>Non-Indigenous $</th>
<th>Indigenous as % of Non-Indig</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>226</td>
<td>380</td>
<td>59.5</td>
</tr>
<tr>
<td>Age 15-24</td>
<td>166</td>
<td>180</td>
<td>92.2</td>
</tr>
<tr>
<td>Age 25-44</td>
<td>302</td>
<td>544</td>
<td>55.5</td>
</tr>
<tr>
<td>Age 45 and over</td>
<td>228</td>
<td>321</td>
<td>71.0</td>
</tr>
<tr>
<td>Major Cities</td>
<td>295</td>
<td>407</td>
<td>72.5</td>
</tr>
<tr>
<td>Inner Regional</td>
<td>250</td>
<td>329</td>
<td>76.0</td>
</tr>
<tr>
<td>Outer Regional</td>
<td>240</td>
<td>338</td>
<td>71.0</td>
</tr>
<tr>
<td>Remote</td>
<td>210</td>
<td>408</td>
<td>51.5</td>
</tr>
<tr>
<td>Very Remote</td>
<td>183</td>
<td>477</td>
<td>38.4</td>
</tr>
<tr>
<td>CDEP</td>
<td>185</td>
<td>431</td>
<td>42.9</td>
</tr>
<tr>
<td>Employees</td>
<td>497</td>
<td>597</td>
<td>83.2</td>
</tr>
<tr>
<td>Managers/Administrators</td>
<td>740</td>
<td>914</td>
<td>81.0</td>
</tr>
<tr>
<td>Professionals</td>
<td>639</td>
<td>878</td>
<td>72.8</td>
</tr>
<tr>
<td>Associate Professionals</td>
<td>606</td>
<td>696</td>
<td>87.1</td>
</tr>
<tr>
<td>Tradespersons and Related Workers</td>
<td>492</td>
<td>598</td>
<td>82.3</td>
</tr>
<tr>
<td>Advanced Clerical/Service</td>
<td>537</td>
<td>582</td>
<td>92.3</td>
</tr>
<tr>
<td>Intermediate Clerical/Service</td>
<td>443</td>
<td>504</td>
<td>87.9</td>
</tr>
<tr>
<td>Intermediate Production/Transport</td>
<td>521</td>
<td>568</td>
<td>91.7</td>
</tr>
<tr>
<td>Elementary Clerical/Service</td>
<td>302</td>
<td>319</td>
<td>94.7</td>
</tr>
<tr>
<td>Labourers and Related Workers</td>
<td>238</td>
<td>424</td>
<td>56.1</td>
</tr>
</tbody>
</table>

Source: ABS 2003, Cat No 4713, Tables 7.1-7.6)

An article published by ABS in Year Book Australia in 2004 presenting information about Indigenous Australian households’ income from the 2001 Census indicates a poor and worsening situation as regards Indigenous incomes. The analysis found that in 2001 the mean gross income of Indigenous persons was $364 per week compared with $585 per week for non-Indigenous persons. The figures were $435 in major urban areas and $267 in ‘very remote’ areas compared with $622 in both urban and very remote areas for non-Indigenous persons. In very remote areas the differential between Indigenous and non-Indigenous incomes was greatest, with Indigenous incomes just 43% of the latter. The incomes of 72% of Indigenous people were concentrated in the lowest two income quintiles compared with 39.1% of non-Indigenous Australians. Indigenous incomes grew by 11% from 1996 to 2001 while non-Indigenous incomes increased by 13%. The proportion of Indigenous people in the bottom quintile increased from 42% to 45% while the proportions in all other quintiles decreased (ABS 2004, Cat no 1301).

A three year study of Kuranda in northern Queensland conducted between 1999 and 2001 by Daly, Henry and Smith adds to previous research on income differences between Indigenous and other Australians. They found a very high dependency of
Aboriginal families on welfare payments. Only a small proportion of those studied were in non-CDEP employment including cleaning, art, craft and dancing, working for the railways, national parks or local Council, or working as health or teaching assistants, all relatively low income occupations. The largest single source of income for families was the CDEP scheme and much of the remaining income came from welfare payments. Unsurprisingly, then, the average income of Indigenous households was 57% of that of other households in Kuranda (Daly, Henry & Smith, 2002). Once again, any income produced from traditional economic activities was not considered.

Employment in General
Tesfaghiorghis and Altman (1991) pointed out overall disparities between the Indigenous and non-Indigenous populations in regard to employment. They found that, between 1971 and 1986, there was declining employment for Aborigines and for the total population, but ‘the magnitude of the decline has been substantial for Aborigines and moderate for the total population’ (Tesfaghiorghis & Altman 1991, p13). Aboriginal employment declined from 90.7% to 64.7% while the decline for non-Indigenous Australians was far less acute, from 98.3% in 1971 to 90.8% in 1986.

Gray and Hunter carried out the first longitudinal analysis of the probability of Indigenous employment and labour force participation using census figures from 1986, 1991 and 1996. Their definition of employment included wage and salary earners, self-employment and employers but excluded CDEP employment to be consistent with the exclusion from the definition of employment of other labour market programs for non-Indigenous and Indigenous people. They found that, in contrast to opposite findings for non-Indigenous Australians, region of residence did not affect Indigenous males’ and females’ probabilities of non-CDEP employment or labour force participation. Again in contrast to non-Indigenous Australians, having difficulty speaking English had no effect on Indigenous males’ employment while it affected Indigenous females' employment probability but not their labour force participation. More surprisingly, having a degree or diploma had no significant effect on the probability of employment or labour force participation for Indigenous males, while the only effect of qualifications on Indigenous females’ employment was that having a diploma appeared to reduce the probability of Indigenous females being in the workforce (Gray & Hunter 1999, pp6-7).

The worsening situation for Aborigines is evident from other information as illustrated in Table 2.6 below.
<table>
<thead>
<tr>
<th>Year</th>
<th>Aboriginal Proportion of:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population</td>
<td>Unemployment</td>
<td>Employment</td>
</tr>
<tr>
<td>1986</td>
<td>1.5%</td>
<td>3.5%</td>
<td>0.7%</td>
</tr>
<tr>
<td>1996</td>
<td>1.5%</td>
<td>3.1%</td>
<td>1.1% (including CDEP) 0.9% (not including CDEP)</td>
</tr>
<tr>
<td>2001</td>
<td>1.7%</td>
<td>3.8%</td>
<td>1.2% (including CDEP) 1.0% (not including CDEP)</td>
</tr>
</tbody>
</table>

Source: Tesfaghiorghis & Altman 1991, p13; ABS 1998, Cat No 2034, Table 4.1; ABS 2003, Cat No

Although the situation improved somewhat overall for Indigenous Australians between 1986 and 1996, it worsened between 1996 and 2001. The increase in Indigenous employment share was only half the increase in Indigenous population and a third of the increase in Indigenous unemployment share. Consequently the employment situation remains grossly worse for Indigenous than for non-Indigenous Australian workers, and any gains made appear to be being lost.

Another approach endeavours to estimate what would be needed for Indigenous Australians to reach employment equality with the overall Australian population. It was estimated based on 1986 census figures that, to achieve equality by the year 2000, the number of Aborigines of workforce age who were employed would need to increase from 37% to 60% and dependence on unemployment benefit would need to decrease from 30% of the Aboriginal working age population to 5% (Taylor 1993). Altman and Sanders estimated that an increase of 1,600 jobs per year would be needed for Aborigines living in ‘cities, large towns and small country towns’ and 2,000 per year for those in ‘remote areas, small multi-racial townships and town camps’ for Indigenous Australians to reach employment equality with other Australians (Altman & Sanders 1991a, p8).

Government policy has attempted to tackle the problem of Indigenous employment inequality since the 1970s but in that time, rather than being alleviated the situation has actually worsened and the evidence suggests it is set to get even worse. Taylor and Altman estimated in 1997 that it would take 2000 jobs a year for the foreseeable future to maintain the then current level of unemployment and 7000 jobs a year until 2007 to reach employment equality for Indigenous Australians (Taylor & Altman 1997).

Projections based on the 2001 Census indicate an expected fall in employment from 40% to 36% between 2001 and 2011 and a rise in unemployment to 31%, or even as high as 50% if CDEP is excluded. If discouraged workers were also included, the Indigenous unemployment rate could be as high as 61% by 2011. A massive 101,164
new jobs would be needed by 2011 to achieve employment equality, 80,000 of them in the private sector. This represents an almost doubling of the total number of jobs and a need for 10,000 new jobs a year for Indigenous Australians, about three times the number created annually in the late 1990s.

This is including CDEP jobs, an issue which is discussed in some detail in the next section. Hunter, Kinfu and Taylor note that planned CDEP growth is insufficient to maintain the status quo, exacerbating the employment inequity between Indigenous and other Australians (2003). Their conclusion seems pertinent: ‘The medium-term prognosis, then, all other things being equal, is for a substantial worsening of the overall labour force status of Indigenous people both relatively and absolutely’ (Hunter, Kinfu & Taylor 2003, p10).

**Summary of issues**

It has been established above that Indigenous Australians are disadvantaged in employment in a range of ways including in terms of unemployment rates, participation in the workforce, occupational status and income. More Indigenous than other Australians are unemployed, at a rate so high as to be a matter of serious concern. Many more Aborigines and Torres Strait Islanders are not participating in the workforce than is so for non-Indigenous Australians. The range of occupations open to Indigenous Australians is far narrower than that enjoyed by the wider community. The income received is considerably lower as a result of more limited employment opportunities and greater dependence on the welfare system. This inequity cannot be fully explained by the location of Indigenous Australians in remote and rural localities with limited employment opportunities: it applies also in urban areas. Nor do post-school qualifications eliminate the employment disadvantage experienced by Indigenous Australians.

This situation has not improved significantly despite years of special programs to improve Indigenous people’s employment opportunities. Employment programs and the increasing amounts spent by governments on programs ostensibly designed to improve Aboriginal and Torres Strait Islander employment opportunities have been of limited benefit, resulting largely in public sector jobs and having minimal impact on opportunities in private industry. Many of the public sector positions occupied by Aboriginal or Torres Strait Islander people are funded under the CDEP program, and are of dubious value in terms of the income they provide and the skills they utilise or develop in their occupants, a point which is discussed more fully in the following section.
The Role of CDEP

The role of CDEP in creating employment for Indigenous Australians is crucial. In his review of the Aboriginal Employment Development Program (AEDP) based largely on 1991 census data, Taylor concluded that what little progress had been made towards targeted jobs growth in the private and public sectors was likely to be due to CDEP (Taylor 1993, p32). Most of the increase in employment that occurred between the 1991 Census and the NATSIS of 1994 appears to have been due to the increase in jobs for males employed on CDEP projects in rural areas. ABS notes that: ‘Given the level of CDEP scheme employment growth since 1991..., it would appear that recent employment growth outside of the CDEP scheme has been negligible’ (ABS 1996, Cat No 4199 p16). Hunter (2004) and Altman, Biddle and Hunter (2004) state that increasing Indigenous employment since the 1981 census has been largely due to the CDEP scheme. Hunter notes that CDEP had a role in arresting a decline in Indigenous employment up to 1986 and attributes the improvement since 1986 to CDEP (Hunter 2004, p5). Altman, Biddle and Hunter also note that most of the relative improvement in participation rates occurred in the decade from 1981 to 1991, the period of major expansion of CDEP (Altman, Biddle & Hunter 2004).

Other data supports the conclusion that CDEP has been the main contributor to any apparent improvement in Indigenous employment. An analysis of Indigenous social indicators for the period from 1971 to 2001 showed that an employment increase from 1981 appeared to be attributable to CDEP which employed ten per cent of the total Indigenous population in 2001. In 1996, CDEP employment accounted for 14.9% and in 2001 it accounted for 17.7% of Indigenous employment according to the Censuses of those years. These figures are likely to be an underestimate as there is again a lack of consistency of figures. According to the NATSIS, in 1994 26% of Aboriginal employment was accounted for by CDEP jobs. In the 1996 Census the total number of CDEP participants was 12,259, a little more than half the 22,200 found in the NATSIS two years earlier (ABS 1998, Cat No 2034.0, Table 4.1). In relation to the 2001 Census, ABS noted that: ‘The Census count of CDEP participants was equivalent to about 60% of the number of participants (32,000) recorded for administrative purposes by ATSIC at the same time’ as the Census (ABS 2003 Cat No 4704, p25). (ABS 1996, Cat No 4199, p16; ABS 1998, Cat No 2034, Table 4.1). In 2004 Hunter cited a figure of 30% of Aboriginal employment being due to CDEP (2004, p5). Notwithstanding these inconsistencies, CDEP is clearly an important contributor to Indigenous employment.
Or is it? Although the CDEP scheme appears to have been a most successful job creation scheme for Indigenous Australians for almost three decades, it is a de facto ‘work-for-the-dole’ scheme. CDEP remuneration is based on unemployment benefit rates rather than on the award system under which most Australian employees have been paid for a century. It enables Indigenous Australians to work in part-time positions in order to earn the equivalent of the unemployment benefit they would otherwise be entitled to. As such, it does little to improve the income status of Indigenous Australians, although it can appear to reduce their critically high unemployment rates. It is a substitute welfare program rather than a real job creation scheme. As Taylor stated in 1993: ‘Of equal importance to job creation is the nature of the work involved and the income it generates’ (Taylor 1993, p39). Twelve years later a largely unaltered CDEP scheme remains the major means of creating low skilled underpaid employment for Indigenous Australians.

Information obtained in the 2001 Census on CDEP and other Indigenous employment provides more detail than previously available. This information shows that CDEP positions were concentrated in very remote areas, and that most required little skill and no non-school qualifications. This is summarised in Table 2.7. These figures also show that CDEP employment is concentrated in very remote areas while non-CDEP employment is focused in urban and regional areas. Thus CDEP does little to address the employment disadvantage of non-remote Aborigines who are in fact a majority of the Aboriginal population and who also suffer from employment disadvantage as shown above.

There is another problematic aspect to CDEP. Taylor believed that growth in Indigenous employment in rural management, administration and trades jobs was probably due to CDEP. He commented that this:

would support the idea that the CDEP scheme serves as a substitute funding regime to support the growth of vital community occupations in areas such as health, education, welfare, and office management that are more appropriately the functional responsibilities of various tiers of government. (Taylor 1993, p30)

That is, the funding of these positions through CDEP rather than directly through the relevant government department could erroneously imply successful job creation when in fact these positions would most likely exist even without specific job creation action.
Table 2.7: Selected Characteristics of CDEP Participants and non-CDEP Indigenous Employees

<table>
<thead>
<tr>
<th>Location</th>
<th>CDEP Participants</th>
<th>Employees not in CDEP</th>
<th>Ratio CDEP participants: non-CDEP employees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Indigenous</td>
<td>Non-Indig*</td>
<td></td>
</tr>
<tr>
<td>Remoteness Areas</td>
<td>327</td>
<td>238</td>
<td>1.0:100</td>
</tr>
<tr>
<td>Major cities</td>
<td>851</td>
<td>187</td>
<td>4.9:100</td>
</tr>
<tr>
<td>Inner regional</td>
<td>2329</td>
<td>308</td>
<td>12.8:100</td>
</tr>
<tr>
<td>Outer regional</td>
<td>1860</td>
<td>250</td>
<td>29.6:100</td>
</tr>
<tr>
<td>Remote</td>
<td>12237</td>
<td>884</td>
<td>199:100</td>
</tr>
<tr>
<td>Very remote</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>17805</td>
<td>1900</td>
<td>21.6:100</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Skill and Qualification Levels</th>
<th>CDEP Participants</th>
<th>Non-CDEP Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-school qualification</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Has qualification</td>
<td>1615</td>
<td>27799</td>
</tr>
<tr>
<td>No qualification</td>
<td>15391</td>
<td>51362</td>
</tr>
<tr>
<td>Not stated</td>
<td>799</td>
<td>3425</td>
</tr>
<tr>
<td>Occupation skill level</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>High</td>
<td>1112</td>
<td>13796</td>
</tr>
<tr>
<td>Medium</td>
<td>1202</td>
<td>19433</td>
</tr>
<tr>
<td>Low</td>
<td>14103</td>
<td>45918</td>
</tr>
<tr>
<td>Not stated</td>
<td>1388</td>
<td>3443</td>
</tr>
</tbody>
</table>

Source: ABS 2003, Cat No 4713, Tables 6.3, 6.4 and 6.5

* Little further detail is available about the characteristics of the 1900 non-Indigenous CDEP participants or the nature of the jobs they occupy.

There is another questionable aspect to this. It is possible that these higher level positions are occupied by non-Indigenous people. The information from the 2001 Census indicates that 42.1% of the CDEP positions in cities are occupied by non-Indigenous people and significant numbers of non-Indigenous people occupy CDEP positions in all areas. Unfortunately little is known about the positions occupied by these non-Indigenous employees. It is apparent, though, that the average income of Indigenous CDEP participants was 42.9% of non-Indigenous CDEP participants’ income. This begs the question of why any CDEP funded positions are occupied by other than Indigenous people. However it adds weight to the possibility that CDEP could be used as a means of overstating job creation for Indigenous Australians and disguising the realities of their economic disadvantage, thereby diverting attention from the systemic problems which continue to face Indigenous Australians in relation to employment.

Reasons Suggested for Indigenous Disadvantage

As well as providing statistical information about the extent of Indigenous disadvantage, the authors cited above also proposed speculative reasons for the disadvantage so
clearly demonstrated. These reasons centre around the lack of skill and motivation of Aboriginal people and their locational disadvantage. These and other attributes of the Indigenous people themselves were claimed to explain high unemployment and low participation rates and virtual segregation of Aboriginal people in low skill, low paid positions. There are numerous examples of such reasons proposed over an extended period.

For example, in the small-scale studies conducted from the mid-1950s, reasons given for the non-employment of Aborigines included their lack of skill, their unreliability and lack of motivation, and poor hygiene (Bell 1956, Calley 1956, Barwick 1962, Hinton 1966, Beasley 1970, Doobov 1972, Rogers 1973). The growth of unemployment in one town studied as part of the Henderson poverty inquiry was purportedly due to growing alcoholism, unreliability and the then recent inclusion of Aborigines in award coverage so they could no longer be paid in kind instead of statutory wages (Hill 1975).

The reasons for the high level of poverty found in the Aboriginal community in the studies commissioned for the 1975 Henderson poverty inquiry were, in Henderson’s view, geographical location in areas where few jobs were available, lack of skills and experience to enable competition for the available jobs, and prejudice from employers who saw all Aborigines as lazy and unreliable. Henderson, in common with many before and since, deduced the lack of skill from the type of work in which most Indigenous people were employed. He attributed underlying Indigenous poverty primarily to poor employment prospects (Altman & Hunter 1998, p244).

Altman and Hunter say of Henderson’s report of the poverty inquiry that:

he did not appear to appreciate the extent of the social costs of decades of exclusion and the infrastructural backlogs and human capital shortfalls that indigenous Australians faced... Henderson did not appear to appreciate the poor competitive advantage of indigenous job-seekers, even in those urban situations where (in the mid-1970s) vibrant labour markets exist. (Altman & Hunter 1998, p254)

Thus Altman and Hunter, too, attribute Indigenous employment disadvantage in the 1970s to lack of skill.

Altman and Nieuwenhuysen attributed high Indigenous unemployment rates to location in rural and remote areas, geographical immobility, lack of education and work skills, and also ‘lack of social experience and motivation, as well as employer attitudes’ (1979, p14). These latter reasons are not explored further. The authors attributed low participation
rates of those over 60 years of age as ‘probably’ due to poor health (Altman & Nieuwenhuysen 1979, pp10-12 and Table 7, p12). The fact that few Aborigines were employers for Altman and Nieuwenhuysen ‘emphasises the present lack of entrepreneurial skill of Aborigines and the consequences of inadequate education’ (1979, p12).

In his 1993 paper, Taylor too makes reference to Aborigines’ comparatively low skill levels. He believed that there had been a reduction in occupational segregation and concluded: ‘As it stands, the data suggest that overall, Aboriginal and Torres Strait Islander workers are now more skilled than in the past, although they still lag behind the general skill level of other workers’ (Taylor 1993, p29).

The NATSIS of 1994 asked Indigenous respondents what factors affected their ability to find work. The questionnaire used in the interviews listed six reasons and gave an ‘other difficulties (specify)’ option. The three main reasons cited were:

- lack of jobs altogether or in the local area, particularly in rural areas and country towns;
- insufficient education, training and skills, most notably in major urban areas; and
- transport problems, particularly in capital cities (ABS 1996, Cat No 4199 p50).

The results of the NATSISS of 2002 are similar. In non-remote areas the top three reasons unemployed Indigenous people gave for having difficulty finding work were lack of skills, training or education; transport difficulties; and lack of jobs in the local area or in the line of work of the respondent. Nearly half of those in remote areas gave lack of jobs altogether or in the local area or line of work as a reason for difficulty in obtaining employment, while lack of skills, education or training was a distant second most commonly mentioned reason (ABS 2004, Cat No 4714 Table 16, p43).

The reasons for only a minority being in employment noted by Daly, Henry and Smith (2002) included the lack of education and training, scarcity of local employment opportunities and transport and child-care difficulties. Interestingly though, there is recognition that some of the lack of opportunity arises from discrimination. The authors referred to ‘a perception that the wider community was not keen to employ Indigenous people even when jobs are available’ (Daly, Henry & Smith 2002, p11). This issue of discrimination is taken up by others. Hunter’s 2004 publication, *Indigenous Australians in the Contemporary Labour Market*, (ABS Cat. no.2052.0) proposes that ‘potential
discrimination' defined as ‘the extent to which the average differential in employment is not explained by differences in characteristics of the respective population’ (Hunter 2004, p69) is a likely cause of Indigenous employment disadvantage.

In his 2004 research, Hunter sought to answer the question of ‘whether Indigenous status in itself has an effect on labour force status or whether the lower Indigenous employment rates merely reflect their smaller stock of labour market skills’ (Hunter 2004, p68). One possibility was that Indigenous people ‘may choose a different labour force status’ (Hunter 2004, p68), hence qualification of the discrimination as ‘potential’. Alternatively discrimination in employment ‘may frustrate Indigenous people in their attempts to achieve equality in their employment status’ (Hunter 2004, p69).

Hunter’s analysis found that potential discrimination explains more than two-thirds of the average differential in employment status between Indigenous and non-Indigenous people, and an even higher proportion in private sector employment. He comments that: ‘While this estimate can in some sense be interpreted as potential discrimination, it also illustrates conclusively that the processes that determine Indigenous and non-Indigenous employment are not the same’ (Hunter 2004, p83). This was not an entirely new revelation to the author who notes that Hunter and Hawke (2001; 2002) ‘showed that Indigenous people’s experience of the labour market is very different from other workers, often within the same organisation’ (Hunter 2004, p44). However, his main findings are that ‘lower educational attainment is the major factor underlying Indigenous labour force status’ (Hunter 2004, p117) and that ‘it is necessary to improve educational opportunities for Indigenous Australians in order to redress Indigenous disadvantage in employment’ (Hunter 2004, p82).

Thus the research since the 1950s has attributed the disadvantage of Indigenous Australians in employment largely to characteristics of the Indigenous population. More recently some acknowledgement has been given to the possibility that discrimination against Indigenous people by employers may be a factor in this disadvantage, but no significant weight is given to this explanation. But there are problems with this research, as discussed in the following section.

**Critique of Research**

Despite the abundance of statistical data now available and despite decades of speculation about the reasons for the disadvantage experienced by Indigenous

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5 See Hunter 2004, p78 for an explanation of the calculation method used to arrive at a value for this.
Australians, little analysis of causes has been conducted and little effort made to substantiate the previously postulated reasons for Indigenous employment disadvantage. In short commonly cited reasons for Indigenous disadvantage in employment are that Indigenous people have insufficient skills and they live in the wrong place. Employers may be prejudiced against them, but this is not seen to be a primary factor in Indigenous disadvantage. The concentration on the deficit of Indigenous people, rather than possible systemic problems faced by Indigenous people, is a theme which runs through much that has been written on Indigenous employment disadvantage.

On closer scrutiny it becomes apparent that the research cited above assumes a lack of skill from the types of jobs Aboriginal people occupy, as has been noted above in relation to the Henderson report. Taylor in his 1993 paper assumes without evidence that the reported improved situation in regard to occupational segregation is due to an improvement in skills of Indigenous people, and that skill levels are still lower than for other Australians. He provides no explanation of how he has deduced the level of skill of Indigenous workers. Nor does he pursue further the narrower range and lower seniority of positions occupied by Indigenous workers. More detailed qualitative analysis may show quite a different picture. Until the actual skill level rather than the assumed skill level of both Indigenous and non-Indigenous Australians is fully investigated at different career stages, any speculation about the connection between lack of skills and lack of employment or skilled employment of Indigenous Australians is unsound.

The skill enhancement solution seems to be supported by the finding of the NATSIS in 1994 that training was positively related to employment. But it is noted that ‘some people may have been attending a training course as a consequence of being in a job and not the other way around’ (ABS 1996, Cat No 4199, p70, emphasis added). But never do the cited researchers ask how other Australians acquire skills. The possibility that other workers may start their working life without fully developed skills is not drawn into the comparison with Indigenous Australians, but this could bear careful examination. If Aboriginal people have few skills and work disproportionately in unskilled jobs, could this be because they are not given opportunities to work in the occupations and industries which would enable the acquisition of greater levels of skill? Is it logical to conclude that, because Aboriginal people are not employed in jobs which require higher levels of skill while many non-Indigenous Australians are employed in such jobs, the reason for the lack of employment is the lack of skill? Could it not equally be the case that lack of opportunity to acquire skills through job experience and on-the-job training is the reason
for lack of skill, and the lack of skill is a symptom of deeper systemic discrimination in employment? Alternatively, could failure to recognise or value those skills that Indigenous people possess, and the activities in which they are learnt and applied, lead to an untested assumption that Indigenous people are unskilled and therefore ineligible for employment in higher level jobs? Unfortunately, the quantitative analysis so far conducted appears to be unable to even raise these issues, let alone examine them.

A close look at the evidence shows that lack of education and training affects mainly urban Aborigines according to the NATSIS and, similarly, non-remote Indigenous people according to the NATSISS. But it is precisely these groups who would appear to have greatest access to education and training institutions. The 2001 Census includes information which shows that attendance at tertiary, technical or further education institutions by Indigenous people of working age in major cities and inner regional areas was over ten per cent, twice that of people in remote areas and five times the rate in very remote areas (ABS 2003, Cat No 4713 Table 5.3, p55). But it was shown above that high Indigenous unemployment rates exist in cities and towns, that is in the same areas which have the highest rate of attendance by Indigenous people at post-school educational institutions. Thus the statistics do not show a direct relationship between access to education and training and reduced unemployment rates.

The researchers cited above commonly refer to locational disadvantage as a further reason for Aboriginal employment disadvantage. The explanations tendered for continuing disadvantage generally point to Aborigines’ location in rural and remote areas as the cause of the lack of education and lack of access to mainstream labour market opportunities (see for instance Altman & Nieuwenhuysen 1979; Altman 1991b; Daly 1994; Altman & Hunter 1998). However, more than a third of the Aboriginal and Torres Strait Islander population now lives in major urban areas. If the explanation for disadvantage was as simple as this, it could be expected that there would be little or no disadvantage for urban Indigenous people. However, as shown above, the problems are shared by urban Aboriginals.

In reverse, it could be expected that non-Indigenous people in remote areas would also suffer from locational disadvantage and therefore have higher rates of unemployment than other Australians. However the evidence indicates that most non-Indigenous people living in sparsely populated areas were employed. For instance in 2000 the estimate for employment to population ratios for non-Indigenous people in sparsely settled areas was 76.4% compared with 26.5% for Indigenous residents. One question raised is why
employment should apparently be easy to obtain for non-Indigenous people in remote areas when it is in these very areas that Indigenous people are seen to suffer most from locational disadvantage, especially given that the non-Indigenous population is approximately twice the size of the Indigenous population in these areas (ABS 2000, Cat No 6287, Table A1). It is clearly not simply that jobs do not exist in these regions. Sufficient jobs appear to be available for non-Indigenous Australians to support high participation and low unemployment.

It is in relation to income disadvantage that most criticism of previous research can be directed. The inadequacy of attempts to analyse income inequity between Indigenous and non-Indigenous Australians is particularly apparent in a study of Indigenous income using 1991 Census data, conducted by Anne Daly. She found that full-time employed Indigenous workers were paid on average less than their non-Indigenous counterparts, with Indigenous males earning an average 70% of non-Indigenous male earnings and Indigenous women earning 83% of other women’s earnings (Daly 1994, p1). These lower earnings were concluded to be due to lower education and experience and to Indigenous people choosing to work in areas or with organisations, such as Indigenous organisations, where lower salaries were paid, not to discrimination in regard to remuneration.

These conclusions are of dubious validity, given the degree of manipulation of indirect census data that had to be carried out to derive the variables on which they are based. For instance ‘there is no direct information on any individual’s earnings from employment’ in the Census but if hours of work were controlled, the census figures ‘were probably an adequate indicator of earnings’ (Daly 1994, p4). In fact the Census only asked for hours worked in broad categories, the one used here being 35 hours and over, and it only asked if the respondent was working full-time in the Census week, necessitating further complex manipulation of data (see Daly 1994, pp2-3).

Even accepting her complex data manipulations, it is hard to comprehend the finding of no discrimination when Daly herself notes:

The results... for males show a significant negative effect of Aboriginality on the income of males working full time. According to these estimates, holding everything else constant, indigenous males could expect to have incomes which were 9 per cent below those of their non-indigenous counterparts. This difference may reflect discrimination against indigenous males, or their choice of employment with smaller monetary compensation offset by non-pecuniary benefits (for example working in an indigenous organisation). It does, however, suggest that indigenous males suffer from an income disadvantage associated with their race. (1994, p6)
This begs the question as to why payment of lower salaries in Indigenous organisations should be acceptable and why working in an Indigenous organisation of itself would be a considered a non-pecuniary benefit. It leads one to question why, then, she so firmly states the uncorroborated final conclusion:

that the main source of lower incomes for indigenous males compared with their non-indigenous counterparts was their lower level of human capital endowments rather than the rewards they received for these endowments. (Daly 1994, p13)

This conclusion is particularly curious given that Daly cited American studies which had found that the inferior quality of education received by black Americans was a factor in their lower incomes. But she dismissed the possibility that educational quality may be a factor in perpetuating Indigenous Australians’ disadvantage: ‘The results presented here do not support the hypothesis that the schooling received by indigenous Australians has been of inferior quality’ (1994, p11). This is somewhat facile given that evidence abounds of Indigenous Australians who have been excluded from education or discouraged from pursuing their education (see for instance Huggins in Scutt 1994; and the stories of Dudgeon, Johnson, Winch, Roberts, Oodgeroo and Langton in Sykes 1993). None of this evidence has been considered in drawing this extraordinary conclusion from evidence which in no way pertains to the issue of educational quality.

Hunter’s 2004 ABS publication was expressly intended to provide an update of Daly’s (1995) research. There are indications of a fresh look at the issue of discrimination:

Given that … Indigenous people want to work as much as other Australians, it is probable that poor educational outcomes and discrimination are the main wedges preventing the convergence of Indigenous and non-Indigenous employment rates. (Hunter 2004, p8)

But this is soon followed by the comment that: ‘Of course, low wages for full-time Indigenous workers could be off-set by increased employment prospects’ (Hunter 2004, p12). Thus it appears that there is an acceptance that for Indigenous people, it is unrealistic to expect both equal incomes and equal opportunity to obtain employment.

As discussed above Hunter found evidence that ‘potential discrimination’ is an important factor in explaining the difference between Indigenous and non-Indigenous employment status. But he too falls back to the standard explanation that poorer labour force status ‘merely reflects’ Indigenous deficit, while recommending that ‘the legal problems that arise when prosecuting racial discrimination need to be addressed as a matter of urgency’ (Hunter 2004, p83). Thus he places the onus on Indigenous people to deal with the discrimination in employment that they experience. The possibility that there may be
a relationship between discrimination against Indigenous people and their assumed lower skill levels as well as their lower employment status is not even considered. Hunter finally concludes that Daly’s approach ‘does not capture the complex reality of Indigenous labour market experience’ (Hunter 2004, p83), a disappointingly weak conclusion which effectively dismisses the issue of discrimination.

Discrimination as a cause of Aboriginal disadvantage in the labour market was also raised but not pursued by Gray and Hunter in 1999. Their results indicated that discrimination, school quality and other causes not able to be determined through using the available quantitative data ‘will need to be addressed if significant inroads into Indigenous employment and participation are to be achieved’ (Gray & Hunter 1999, p10). Their analysis casts doubt on the efficacy of policy initiatives aimed at improving education and increasing geographical mobility in addressing Indigenous employment disadvantage. However, the issue of discrimination seems to have been forgotten. They admit to being unable to discern the precise policy required, nevertheless they suggest that:

formal education needs to be combined with a series of other policies aimed at combating indigenous labour market disadvantage... A holistic approach to increasing indigenous attachment to the labour market and employment outcomes is likely to be required... more attention needs to be paid to the quality of education received. (Gray & Hunter 1999, p11)

Once again, the issue of discrimination is not further explored and the focus is on dealing with the deficit of Indigenous people. There is some recognition that there may be problems in the education and employment arenas, but with the implication that these are of secondary importance. A deeper questioning of the reasons for disadvantage, reasons that may not be able to be dealt with by the current employment and education systems, is again avoided.

It is important to note some further issues with quantitative approaches to examining Indigenous employment disadvantage. Quantitative research uses numerical measures to estimate levels of Indigenous disadvantage in comparison with other Australians. In doing so, rarely is it asked whether such a direct comparison is valid. Jon Altman is an exception in that he questions the definitions of work or productive economic activity used by the ABS and other government agencies (Altman 1985; see also Altman & Sanders 1991a, pp9-10). His point is that Aborigines in remote areas, and particularly on outstations, engage in some traditional economic activities and that these activities are overlooked in the process of counting people as employed or unemployed. Therefore
purely quantitative data may be misleading in that it fails to take account of some important facets of the economic life of Indigenous individuals, groups and communities. A more recent ABS publication on Indigenous employment also acknowledges this issue. The use of internationally recognised definitions of paid and unpaid work ‘may not always give adequate recognition to the “unpaid” activities which some Indigenous people undertake, for example as part of social and cultural obligations within communities in remote and rural areas’ (ABS 2000, Cat No 6287, p. 3).

This raises a related issue, that of the silence of the Aboriginal voice in the studies which enumerate Aboriginal disadvantage but fail to pursue the question of why this situation exists. The problem is seen almost exclusively from a white point of view. Questions are asked in terms of how Indigenous people measure up against the yardsticks used for the mainstream community. Undoubtedly it is important to be aware of the extent of the difference between Indigenous and non-Indigenous people’s economic status in a society which prides itself on a belief in equal opportunity for all. However, whether and to what extent it is this difference which is an issue for Indigenous people themselves is rarely raised. There is an underlying assumption that Indigenous Australians will, or should, aspire to economic status comparable to, if not exactly the same as, that enjoyed by other Australians.

There are many problems with this, not least of which is the assimilationist tone of this assumption. The possibility that Indigenous Australians may aspire to something other than the ‘Australian dream’ is not generally acknowledged, except to some extent by Fisk (1985) who included traditional activities in his examination of the Indigenous economy, and Altman as noted above. But even in these cases, the willingness to acknowledge another reality is confined to a consideration of those Indigenous people who clearly continue to engage in some aspects of traditional economic activity. That there may be other aspects of Indigenous culture which urban and other rural Aboriginal people may wish to pursue and which may not fit neatly into the mainstream way of life of most Australians is either not acknowledged or dismissed. For example:

Even in the urban and rural areas, the question of the cultural appropriateness of employment for many Aborigines may still arise, although in these instances it may have as much to do with how regular employment fits with a pervasive community culture of poverty and unemployment, as with a tradition-oriented culture. (Altman & Sanders 1991a, p10)

It appears that there is a somewhat disturbing tendency to blame the victims, and to avoid turning the spotlight onto the system which, on the evidence of the statistics,
continues to effectively exclude many Aboriginal Australians from many of the benefits of Australian society. There are here and there some tantalising hints that there may be issues associated with non-Indigenous Australians. For instance Altman and Nieuwenhuysen refer to ‘lack of social experience and motivation, as well as employer attitudes’ (1979, p14). But the absence of any further discussion of these issues implies that the problem lies with the Aboriginal people themselves, not with a system which has failed to provide Indigenous people with opportunities to acquire relevant skills and experience. The issue of employer attitudes, which may significantly reduce opportunities for employment for Indigenous people which in turn may have a discouraging effect on Aborigines' motivation, is left up in the air or dismissed without adequate examination as in the case of Daly (1994) noted above.

There is another promising avenue of inquiry which has been acknowledged a number of times, but has yet to be followed. As early as 1979, Altman and Nieuwenhuysen stated in relation to the Indigenous disadvantage which was clearly evident from their statistical analysis: ‘the current situation is, of course, the product of the past’ (1979, pxv). Altman and Sanders made a similar point in relation to employment, that ‘persistently poor mainstream employment outcomes... reflect the historical legacy of entrenched structural disadvantage in an increasingly competitive labour market’ (Altman & Sanders 1991, p24). In reference to the Henderson poverty inquiry Altman and Hunter wrote in 1998 that the report ‘highlighted the historical legacy of the exclusion of indigenous people from the mainstream provisions of the Australian welfare state’ (Altman & Hunter 1998, p238). In 2000, Hunter pointed to the importance of historical factors in Indigenous disadvantage which ‘may be partially explained by Australia’s history of appropriation of Indigenous peoples’ lands and property, and the suppression of their traditional lifestyles’ (Hunter 2000, p25). However still, despite acknowledgment of the legacy of this history and notwithstanding unsuccessful efforts since the 1960s to redress Indigenous disadvantage, a thorough analysis of the impact of this historical legacy on Indigenous economic participation has yet to be conducted (Altman, Biddle & Hunter 2004).

Conclusion

The above analysis has shown that the reasons proposed for continuing Indigenous employment disadvantage in Australia do not stand up to scrutiny. It also indicates that the continuity and worsening of Indigenous disadvantage cannot be effectively examined as long as the research focuses on enumeration not explanation. The failure of the
explanations proffered to explain the ongoing employment disadvantage of Indigenous Australians is indicative of the cited researchers’ failure to found their analysis on a sound theoretical base. In the absence of such a foundation, misconceptions about the problem and about the responsibility of the Aboriginal people for the situation in which they find themselves are able to prevail unacknowledged and unexamined.

The facts outlined above point to deep systemic problems which the employment programs aimed at reducing disadvantage have not effectively addressed and may even have worsened. No explanation has so far been provided which fully explains the differences between the two populations and it seems that any attempts to improve the Indigenous situation in regard to employment have not succeeded. There is an urgent need for an explanation of this situation which could lead to better identification of the underlying issues and more effective policy and practical measures to address them.

A clearly neglected area of inquiry is the historical derivation of Indigenous employment disadvantage. It is therefore the aim of this thesis to identify the systemic problems which underpin Indigenous employment disadvantage through tracing their origins in history. To do this in an academically rigorous way requires the establishment of a solid theoretical foundation. This is the subject of the next chapter.
Chapter 3: Conceptual Framework

The way in which a problem is defined already holds within it the key to the assumed solution. (Cass 1985, p5)

Introduction

The purpose of this chapter is to outline theoretical approaches and develop concepts which will be used to analyse and explain the perpetuation over time of Indigenous employment disadvantage. The chapter concludes with a brief discussion of the methodology through which the chosen approach will be applied.

There is a dearth of literature which endeavours to place Indigenous employment disadvantage within a theoretical context. Historical and sociological approaches locate Indigenous disadvantage within a broad context and are therefore better able to provide theoretical frameworks which are generally absent from statistical approaches, as was shown above. However, these approaches too fail to grapple with the issue of why Indigenous disadvantage developed from the early days of the colonisation of Australia and continues to exist despite a variety of policy interventions over the last three decades. Despite their apparent limitations, examination of approaches used in previous research will indicate whether these can be usefully adapted to inform the task in hand. If not, an alternative theoretical framework must be sought.

Theoretical Approaches to the Study of Indigenous Employment Disadvantage

A number of authors writing from a historical or sociological perspective on Indigenous issues have applied particular conceptualisations of the position of Indigenous Australians in Australian society, using terms such as ‘internal colonialism’ (Hartwig, 1978), ‘settler capitalism’ (Denoon, 1983), ‘colonised labour’ (Thorpe 1996) and ‘welfare colonialism’ (Bernardi, 1997). Each of these theoretical frameworks will be briefly examined and their value to the current project assessed.

Hartwig (1978) applied the theory of internal colonialism to the situation of Australian Aborigines. This theory originates in the view that there are close parallels between external colonialism practiced by dominant powers over colonised peoples and the internal relationships between the dominant and subordinate racial and ethnic groups in some societies. Internal colonialism occurs in a single territory, where the dominant use coercive legal, political and economic constraints and mechanisms of cultural domination.
over the whole of the subordinate group (Hartwig 1978; Stasiulis & Yuval-Davis 1995). In applying this theory to Australia, Hartwig emphasises that the colonisers could not extract commodities from the Indigenous inhabitants because they produced only a very limited surplus. Labour-power was one of the few commodities they had to sell, and there was a labour shortage for much of the period of early colonisation. But, he states: ‘The point is that Aboriginal labour-power was not directly transferable to most sectors of the rapidly developing economy’ (1978, p131, emphasis in original). He attributes this to ‘their profoundly different socialization - labour in the primitive communal mode of production was expended predominantly in extracting the means of subsistence directly from the land for immediate use (not exchange)’. Thus, if Aboriginal labour were to be exploited, the Aboriginal mode of production would have to be destroyed and the Aborigines resocialised ‘for entry into capitalist production relations... The dominant ideological and political practice of the state has therefore aimed at this effect – resocialization’ (1978, pp131-32).

In some ways his theory may be helpful in providing a framework for understanding the continuing disadvantage of Indigenous Australians, in that it recognises that the domination of the colonisers over Indigenous Australians did not end with the formal end of Australia’s colonial status. However it ignores the question of whether the ‘resocialization’ to which he refers was ever successful or whether it was in fact really the aim of successive governments’ policies. There also appears to be an assumption embedded in Hartwig’s work that Aborigines were not capable of performing work that required the acquisition of new skills. This ignores the fact that, from the earliest days of colonisation, Aborigines were used for a variety of purposes in urban and rural Australia demanding the use of different skills (see for instance Reynolds 1990), as will be discussed in Chapter 4. It also completely ignores the other vital commodity taken by the colonisers – the land – and the impact of this on the Indigenous inhabitants. This theory is based on a type of economic determinism which provides a very narrow perspective from which to examine the place of Indigenous Australians in the economy. Not only does this lead to a rather simplistic treatment of a very complex issue, Indigenous Australians are passive actors in Hartwig’s drama.

In addition, the theory is static, not enabling change over time to be examined or explained. Nor does it readily explain the differing degree to which different groups within the same society benefit from the ‘internal colonisation’ of one group (Stasiulis & Yuval-Davis 1995, p12). It also fails to explain why that exploitative relationship may continue when the demographic composition, espoused values and other aspects of the society
have changed over an extended period. A theory which assumes the continuity of an ill-defined ideology rather than carefully scrutinising the relationship between Aborigines and colonisers over an extended period cannot form the theoretical framework for the research.

Another possibly useful concept is Denoon’s notion of ‘settler capitalism’ (Denoon 1983). His description of Indigenous Australian society and economic organisation prior to settlement recognises the complexity of Indigenous culture. The place of Australia in the British colonial empire is also well portrayed:

> when the First Fleet landed at Botany Bay in 1788 Australia had only two known virtues: its convenience for British commercial interests in Asia, and its inconvenience for escaping convicts... the British in New South Wales were innocent of any vision of Australian development. (Denoon 1983, p25)

He states further that: ‘as European settlement became securely established... the destruction of nomadic societies and an enduring crisis in the labour supply’ occurred (Denoon 1983, p26). In his view, the driving out of Aboriginals was an inevitable result of settlement, but their employment in the new economy was not, it seems. Denoon argues that: ‘The coexistence of commercial farming and nomadism was impossible everywhere in the long run’ (1983, p26). However, he neglects to identify what would then happen to the displaced ‘nomads’. He further states that, as a result of the ‘inevitable’ destruction of nomad society, ‘an immediate consequence was severe and chronic labour shortage, leading to the importation of labourers from abroad, often in servile conditions’ (Denoon 1983, p27). His statement that settler capitalism is characterised by ‘long experience of unfree labour, mainly imported rather than recruited from indigenous populations’ (Denoon 1983, p36) implies that both options were considered in the case of Australia but he ignores the fact that in Australia’s case the importation of convicts as a cheap labour force occurred from the colony’s inception.

The role of Indigenous people in the early days of colonialism is not entirely dismissed by Denoon. It was Indigenous people ‘who sometimes prepared the way for foreign settlers, who invariably guided them through the strange grasslands, and whose survivors were incorporated in the new society’ (Denoon 1983, p35). It is these last words that are of particular concern. The place of Indigenous Australians following their dispossession from the land is dismissed entirely in Denoon’s construction. They are no longer part of the equation. But it is precisely this issue, that Indigenous Australians had not disappeared but were not treated as equal in the system as it developed, that is the focus here.
A further issue with the theory is raised by Stasiulis and Yuval-Davis who express their concern that studies of settler societies, including Denoon’s, date history to coincide with the beginnings of European colonisation. This then ‘effaces and distorts the complex histories and societies of indigenous peoples which existed prior to and during prolonged periods of contact with Europeans’ (1995, p4). The focus is on the establishment of capitalism. The theory consequently ignores the transformation of the pre-existing society and economy of the colonised land. So again a potentially useful conceptual approach is found wanting due to its inability to go beyond a Eurocentric orientation, as even the name, settler capitalism, with its focus on the introduced economy, suggests.

More recent work by Weitzer (1990), Stasiulis and Yuval-Davis (1995) and Pearson (2001) refers to ‘settler societies’, broadening the focus beyond the economic structure of the subject societies. Pearson\(^6\) goes further, separating out and referring to ‘dominion societies’, that is those settled by the British which remained predominantly British in culture and population, and in which Indigenous peoples were relegated to a disempowered minority. All the above researchers are concerned with examining ‘settler societies’ defined by Weitzer thus:

Settler societies are founded by migrant groups who assume a superordinate position vis-a-vis native inhabitants and build self-sustaining states that are *de jure* or *de facto* independent from the mother country and organised around settlers’ political domination over the indigenous population. (1990, p24)

The definition used by Stasiulis and Yuval-Davis is ‘societies in which Europeans have settled, where their descendants have remained politically dominant over indigenous peoples, and where a heterogeneous society has developed in class, ethnic and racial terms’ (Stasiulis and Yuval-Davis 1995, p3). Stasiulis and Yuval-Davis hope to contribute to ‘the reconsideration of the social relations within settler societies and provide support to progressive political struggles and negotiations in their efforts to move beyond dichotomies’ (1995, p32). The economy of settler societies is not an area of focus although it is raised briefly in Pettman’s chapter on Australia. In reference to employment of Aboriginal people Pettman points out that ‘Aboriginal people’s position is distinct’ and recognises their marginality to the economy and the invisibility, until recently, of their contribution to pastoral and agricultural industries (Pettman in Stasiulis & Yuval-Davis 1995, p83). Given the brevity of her comments, it is impossible for her to add any significant insight into the case of Australia.

\(^6\) Pearson’s purpose is to develop ‘a full understanding of ethnic politics’ (2001, p5). Pearson only makes brief (unreferenced) mention of Australian Aborigines’ lack of integration into the emerging economy of the colony (2001, p92), without providing any further contribution of relevance to this study.
Earlier work edited by Louis Hartz (1964) on the founding of new societies by colonial powers includes an analysis of the founding of Australia. Hartz’s main theoretical contribution is the concept of a ‘fragment’. The new state developed through colonialism is a ‘fragment’ of the old society. It retains certain characteristics that were dominant at the time of the new society’s creation and, taken to the new society and liberated from the European past, they ‘harden into an unquestionable orthodoxy’ (Bolton 1973, p169) and help to form the emerging national character of that new society. According to Hartz, because Australia was founded at a time of radicalism in England, its fundamental political and social tendencies were formed by that fact. Evidence for this is found in the strength of the labour movement and the formation of the Labor Party which ‘mastered the Australian scene with an ease unheard of in the annals of European socialism’ (Hartz 1964, p9). But Hartz too ignores the facts of history. Australia was colonised largely in the first half of the nineteenth century, but the labour movement and Party to which he refers only gained influence towards the end of the nineteenth century. Much of that influence was used to create a ‘White Australia’, a doctrine dominant for much of the following century, as discussed in Chapter 7. The racist ideology of Australia and of the labour movement cannot simply be explained as an outcome of its origins as a set of British colonies, but warrants careful examination.

A further approach which immediately appears to have greater relevance is Thorpe’s notion of ‘colonised labour’ (Thorpe 1996). According to Thorpe, Aboriginal workers were those who survived the frontier war. Frontier violence acted as a catalyst to their compliance and ‘the traumatic and fatal impact of colonial conquest .. severely disrupted the “intricate web of kinship” at the heart of Aboriginal social organisation. This made those who survived susceptible to the commands of their conquerors’ (Thorpe 1996, p63). According to Thorpe, Aboriginal workers were in demand as a source of scarce labour and their relationship with the land gave them skills essential to the pastoralists as well as ensuring they would attempt to stay in their country. Thorpe states that Aborigines were not a proletariat because Aboriginal workers ‘were rarely remunerated in cash terms’ and therefore did not take part in market relations. Instead they were given rations, hand-outs and occasionally contracts. Any wages owed were balanced

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7 Rosecrance, an American diplomatic historian, is the author of the chapter on Australia in Hartz’s (1964) book. The first sixty or so years during which Aborigines were dispossessed of much land and suffered other consequences of colonisation are dismissed from view. Such a portrayal of Australia’s history is unscholarly, not to mention the determinism with which this approach is riddled. The papers by Martin, McCarthy and Bolton in the *Australian Economic History Review* of September 1973 (Vol XIII, no 2, pp131-176) contain far more detailed critiques of Hartz than can be covered here. Suffice to say the superficiality of the analysis combined with generalisation hardly makes for a credible analysis.
against station store accounts. Aboriginal collaboration with white masters should be seen as ‘a kind of coerced deference’ or ‘antagonistic co-operation’ (Thorpe 1996, p64), a condition Thorpe terms ‘colonised labour’ (Thorpe 1996, pp62-64).

The basic patterns of colonised labour include firstly that it ‘derives from the processes of imperialism and colonialism’ with an exploitative and racist relationship between the dominant and subordinate groups. Secondly, it ‘is subordinate to all other forms of labour’ such as migrant and convict labour. Thirdly, colonised Aboriginal workers were both desirable as a source of labour because the colonisers wanted to exploit their land and resources, and undesirable because there were few of them (Thorpe 1996, p65).

This concept is useful in explaining the derivation of the disadvantage of Indigenous Australians in relation to employment. It clearly places the Indigenous worker below all other workers in Australia, in terms of pay and conditions, and it relates this back to the process of colonisation. The notion of ‘colonised labour’ enables a conceptualisation of Indigenous workers as remaining in a colonised situation. However it does not help explain why this should be so or what mechanisms would allow this situation to continue long after the end of the colonial period.

A further approach is Paine’s (1977) ‘welfare colonialism’, a concept applied by Bernardi in his analysis of the Community Development Employment Projects scheme (CDEP) which he sees as ‘a product of welfare colonialism’. Because welfare came to Indigenous people with citizenship, rather than ‘actualising Aboriginal self-determination and self-management, the [CDEP] scheme… has operated to colonise the “Aboriginal domain” with the state’s own distinctive norms and structures’ (Bernardi 1997, p36). In Bernardi’s view, there are contradictions in Indigenous people being granted citizenship or welfare only in the terms stipulated by white society. These policies are ostensibly underpinned by concepts of equity and self-determination but they ‘are informed by, and structured from within, white society’ (Bernardi 1997, p37). While this is an important and relevant insight in the context of welfare, and one which may have broader application, Bernardi does not attempt to provide an understanding of what is occurring. Nor does he broach issues as to why, or place welfare clearly in the broader context of the economic position of Indigenous Australians compared with other Australians, over time. Thus the theory of welfare colonialism is too narrowly focussed to provide a useful framework here.
None of the above approaches provide an adequate framework for understanding the development and continuity of Indigenous disadvantage from the earliest days of colonisation to the present. For such a theory it is necessary to look elsewhere.

**Alternative Theoretical Perspectives**

Employment disadvantage is an aspect of economic disadvantage. Aboriginal economic disadvantage has been perpetuated by succeeding attitudes, laws and policies which have excluded Indigenous people from the benefits of economic prosperity enjoyed by many other Australians, an issue to be explored in depth in later chapters. Efforts to address this continuing disadvantage through policy interventions have so far been of only limited success, as noted in Chapter 2 above. Therefore, a theoretical framework which enables analysis of both the economic and regulatory spheres and the interaction between these spheres is required. Such a perspective is provided by the regulation school of economic theory. Although concepts described below were developed by regulation school economists for use in explaining and analysing economic crisis, their focus on international and national developments in capitalism makes them a useful starting point in the development of a framework applicable in the Australian context.

However, the theoretical framework for analysing Indigenous economic disadvantage also needs to adequately conceptualise both structure and culture. The regulation school, coming from the Marxist tradition, theorises social and economic structure as a central part of its approach, but fails to adequately take account of culture. In addition, like much of Marxist theory, the regulation school tends to be overly deterministic. Therefore, elements of a second, less deterministic theory which explicitly conceptualises culture are needed to overcome the limitations of the regulation school approach. The work of Arjun Appadurai, which fulfils these requirements, is also examined. From these two theoretical approaches, four concepts are derived. These concepts and their use in the current research are described below.

**The Regulation School**

Michel Aglietta is acknowledged as the founder of the regulation school (Aglietta 1979) while major proponents of this approach include Robert Boyer (Boyer 1988a and b, Boyer 1990) and Alain Lipietz (Lipietz 1986, Lipietz 1997). In Hoogvelt’s words: ‘The merit of the Regulation School is that they (sic) have theorised [the] balancing of production and consumption (the regime of accumulation) as something that requires,
simultaneously, a mode of regulation before it can actually materialise and its benefits be realised' (Hoogvelt 1997, p107).

Lipietz (1986) encapsulates the essentials of regulation theory. In his words a regime of accumulation:

-describes the stabilization over a long period of the allocation of the net product between consumption and accumulation; it implies some correspondence between the transformation of both the conditions of production and the conditions of reproduction of wage earners. (1986, p19)

A particular regime of accumulation can exist because ‘its schema of reproduction is coherent’ but to keep it functioning the behaviours of individuals throughout the economy must be brought into and kept in line. Therefore there must exist:

-a materialization of the regime of accumulation taking the form of norms, habits, laws, regulating networks and so on to ensure the unity of the process, i.e. the appropriate consistency of individual behaviours with the schema of reproduction. This body of interiorized rules and social processes is called the mode of regulation (Liepitz 1986, p19).

One of the fundamental aspects of the regulation school approach is that it places the economy at the centre of analysis, as Aglietta makes clear:

-The lessons of history, the practices of mass organizations and the most everyday experiences all combine to demonstrate that the manner in which material wealth is produced stamps quite irrevocably the lives of individuals, social differences, and opportunities for self-development... (Aglietta 1979, p24)

In effect, the economic system determines all other social relations. However, theories of regulation diverge from orthodox Marxism in that they do not accept that general, eternal laws apply to all socioeconomic systems (Boyer 1990, pvii). Instead regulation school theorists recognize that particular social relations can vary in form over time and in different places (Boyer 1990, pvii and p29). It is this historical perspective which makes the regulation school approach of particular value in the current research.

**Key Concepts of Regulation Theory**

The key concepts of regulation theory – institutional or structural form, the wage relation, regime of accumulation and mode of regulation – are accepted by virtually all of the theorists of the regulation school (Boyer, 1990, p29). Each of these concepts will be considered in turn below.

The first key concept is ‘institutional forms’, the logic, origins and disappearance of which are the focus of regulation theory (Boyer 1990, pxxv). They are defined by Boyer ‘as any kind of codification of one or several fundamental social relations’ which are derived from
the nature of the dominant mode of production and adhere to a common set of moral, legal, or economic norms (Boyer 1990, p37 and p47). Thus they ‘unite the legal and social spheres, since they generate the rules of the game and the conventions determining collective and individual behaviour’ (Boyer 1988a, p9). Boyer suggests ways in which institutional forms work to produce unity, two of which are relevant to this study. Firstly they operate through the coercive power of laws, rules and regulations on groups and individuals. Secondly, their operation can be seen in a common value system or representations of reality which help to ensure that individual actions and reactions are replaced by routine without apparent limitation of the expression of individuals’ free will (1990, pp44-45).

These common understandings, shared values and common representations are what Aglietta terms ‘invariant elements’ (Aglietta 1979, p20) of the social system which are reproduced in its component parts, ensuring the system its integrity and cohesion. As long as this reproduction goes on, the system continues to develop (Aglietta 1979). For example, one invariant element within the capitalist system which is cited by a number of authors of, or associated with, the regulation school is the value system of the Enlightenment. Enlightenment values include a belief in universal morality and law and the idea of linear progress, absolute truths, and rational planning (Harvey 1990, pp12-13, 31-35). These values permeate the whole range of component parts which make up the capitalist system. It will be a focus of this research to determine whether a value or set of values relating to Indigenous Australians operates similarly as a set of ‘invariant elements’ unifying attitudes, law and policy relating to Indigenous Australians over a considerable period.

The ‘wage relation’, the second key concept of regulation theory is, as noted above, a specific institutional form characteristic of capitalism. Boyer (1990), in discussing this concept, refers to work organisation, life-styles which he assumes are related to consumption, and reproduction of the labour force. There appears to be an underlying assumption that within any society there will be a single wage relation applied to all employed persons. What is of interest in this research is the historical development and perpetuation over a relatively long period of two co-existing wage relations: institutionalised regulation for the majority and a completely different system for a

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8 The third way relates to negotiated compromise, as for example in wage negotiations between labour and management.
9 This is not to diminish the importance of the difference in quantum and other particulars for non-Indigenous women relative to non-Indigenous men. Although these differences have existed historically and their effects continue into the present, the fundamental wage relation and the institutions administering it were and are the same for men and women.
specified minority. Again, analysis will need to focus on the differences between two relations, that pertaining to the majority and that endured by the Indigenous minority.

The third key concept of regulation school theory, ‘regime of accumulation’, is defined by Boyer as ‘the set of regularities that ensure the general and relatively coherent progress of capital accumulation, that is, that allow for the resolution or postponement of the distortions and disequilibria to which the process continually gives rise’ (Boyer 1990, p35-6). Regulation theory recognizes that regimes of accumulation vary over time and space, making this concept useful in analysing developments in a state such as Australia which has progressed through a number of stages from a colony to an independent industrialised nation, and in placing those changes in the context of world economic developments.

The fourth key concept is ‘mode of regulation’, which refers to any set of procedures and individual and collective behaviours that serve to:

- reproduce fundamental social relations through the combination of historically determined institutional forms;
- support and ‘steer’ the prevailing regime of accumulation; and
- ensure the compatibility over time of a set of decentralized decisions, without the economic actors themselves having to internalize the adjustment principles governing the overall system. (Boyer 1990, p43, emphasis in original)

Further, the mode of regulation describes how a particular combination of institutional forms fashions, guides, and sometimes constrains individuals’ behaviour (Boyer 1990, p44).

Separation of the economic and social is not possible in this conception, a point compatible with predominantly holistic Indigenous views of the world (see for example Reynolds 1982; Stanner 1968). This concept in particular is highly relevant when examining the interaction or connection between the economic disadvantage of Indigenous Australians and the ‘procedures and individual and collective behaviours’ that have served to create and perpetuate that disadvantage.

The Economy and the State

In the current research, the central concern is with both the economy and the state. Therefore, a theoretical framework which is able to postulate the interrelationship between the economy and the state is needed. Again, the regulation school appears to provide a useful starting point. Boyer states: ‘the state plays a definite role in the establishment, rise and crisis of every regime of accumulation [and so] the state cannot be defined without reference to the economic system’ (Boyer 1990, p42). Aglietta sees a
close relationship between capitalists as a class and the state. In his view, which varies little if at all from the traditional Marxist one, the capitalist class ‘is impelled to seek its unity in the framework of the state and to consolidate its domination by enmeshing the entire society in state-governed relationships’ (Aglietta, 1979, p19). The rigidity and determination that is implied in this conceptualisation is somewhat at odds with the more flexible concept of institutional form which is fundamental to the regulation school theory of the state. However, although in their discussion of the state, Aglietta and Boyer both emphasise the interdependence of institutional forms and the crucial role the state plays in ensuring the cohesion of institutional or structural forms, Aglietta’s interpretation is more deterministic than Boyer’s. To Aglietta, each institutional form must operate simultaneously with all others, and although:

the structural forms are separate from one another and each covers a specific field within the overall space of capitalist social relations... the dysfunctioning of one tends to destabilize the others as well. They can only form a complex structured whole, able to reproduce itself and evolve in an orderly manner, by their hybrid location, both within economic relations and outside these relations – in other words within the state. It is in the state, and there alone, that the cohesion of these structural forms can be assured. (Aglietta 1979, p383)

For Boyer, in contrast, all institutional forms are not necessarily entirely compatible with each other: ‘the state appears as the (often contradictory) totality of a set of institutionalized compromises’ (Boyer 1990, p41). Such contradictions are exemplified by the contrast between social security and civil laws, or between labour and commercial law (Boyer 1990), or by extrapolation to Australia, the treatment of Indigenous Australians in law compared with the treatment of others at certain times in its history. Boyer further states that laws, regulations, and rules imposed or confirmed by the state often play an essential role in spreading, and sometimes even originating, essential institutional forms (Boyer 1990).

This less rigid conceptualisation of the state is more useful in relation to theorising Indigenous Australians’ economic disadvantage. It is the state which has regulated the definitions of Indigenous identity, the place of Indigenous people in the economy and many other aspects of Indigenous lives. However, as will become apparent in subsequent chapters, it has done so in ways that are not transparently functional for the state, the economy or the capitalist class except in the early stages of establishment of the settler economy. The regulation school theorisation of the relationship between the economy, the state and institutional forms will inform analysis of this relationship in the specific case under study here, but in a modified form closer to Boyer’s than Aglietta’s formulation of this relationship.
Other Aspects of Regulation School Theory

Aglietta states that capitalism:

makes use of the tissue of solidarity and reciprocal obligation of traditional societies. But the capitalist dynamic tears apart this social ethos which forms the substance of an older civil society. It does so precisely to the extent that it extends the wage relation to the detriment of all other relations of production, and transforms the mode of life of the wage-earning class by destroying all communal conduct. New social norms must be centrally instituted, and these take on a state form. (Aglietta, 1979, p32)

This generalisation has been developed from consideration of societies in which capitalism replaced feudalism as the dominant mode of development. However, although not directly applicable in the Australian case, it is nevertheless useful in highlighting the way in which capitalism tends to destroy other forms of production and social relations, and helps to explain the role of the state in this process. Indigenous Australians were generally not included in the extension of the wage relation, or not on the same terms as other employed persons, from the early days of colonialism well into the twentieth century. Nevertheless capitalism, and the colonial state formed to promote its interests, did have a destructive effect on traditional relations as will be shown in chapters 4, 6 and 7 below. The result of this destruction of the old without full inclusion in the new is the focus of this research.

What of groups which are excluded from the mainstream of production relations? Although such questions are not raised by Aglietta, the conceptual framework devised by him and elaborated by others within the regulation school provides a starting point for the development of a theory which may help to explain how such exclusion can occur and be perpetuated over time. As Harvey comments: 'The virtue of “regulation school” thinking is that it insists we look at the total package of relations and arrangements... in a particular historical period and place' (Harvey 1990, p123). Without that breadth of perspective, the particularities of a specific set of circumstances can only be partially understood. It is this breadth that makes the regulation school approach of particular value in this research which endeavours to explain phenomena which have so far, at best, only been superficially understood.

The Regulation School Method

Marx's dialectical materialism is used by the regulation school to develop a theory of the regulation of capitalism. Marx's historical materialism focuses on the dialectic, that is the search for contradictions in social life as the source of social change, and it identifies changes in social forces shaped by production relations as a prime mover in these
transformations’ (Hoogvelt, 1997, p11). But historical materialism can be criticised for being too abstract and deterministic (Hoogvelt, 1997, p11). The regulation school approach attempts to overcome these shortcomings by focusing clearly on both the abstract and the concrete. The analytical method of the regulation school approach operates at two levels, firstly at the highest level of abstraction where patterns are discerned. Boyer asks: ‘Is it not precisely the role of theories and models to go beyond historical contingency to establish continuities and recurrent patterns?’ (Boyer 1990, p30). To do so is clearly also an objective of this research.

Once patterns are discerned, the analysis is then conducted at a second level where these patterns are tested against the reality of a particular time and place:

Using long-term historical data... [w]e can distinguish between the most abstract concept (mode of production, wage labour, etc) and those that can and must be tested against observed phenomena (for instance the stability or instability of a partial mode of regulation...); between a social relation in general and the specific forms that it takes over time; and between laws that hold true across history and simple economic regularities valid for a specific set of social forms. (Boyer 1990, p31)

Furthermore, the imperatives and logic of accumulation can engender varied economic dynamics and types of social organisation. This gives rise to the usefulness of the second level of analysis which moves from the general to the specific to enable identification of the social relations of a country during a particular historical phase (Boyer 1990, pp36-37). Thus the concepts outlined above allow movement from the highest level of abstraction to propositions that can be tested against reality (Boyer 1990, p31). This dual-level approach and its historical perspective on the development of capitalism are what makes the regulation school method a useful one to replicate in this research, a point which will be elaborated on below.

Aglietta explains a further aspect of the regulation school method: its concept of historical time. The regulation school rejects the idea of linear progress. To understand the present, we need to identify not only continuities but also qualitative changes in the form of social relations over time. Regulation theory provides the tools for analysing these changes and enables the researcher to account for the ruptures in history and the evolution of new social forms (Aglietta, 1979, pp23-24). This conceptualisation addresses the absence of a dynamic element seen in some of the approaches discussed in Chapter 2. It enables the development of an understanding of both continuities and discontinuities in elements of the system: by seeking to identify what has qualitatively changed, it becomes clear what has remained the same. The relevance of this to research seeking to find reasons for the continuity of Indigenous economic disadvantage is obvious.
Application of Regulation Theory and Concepts to Analysis of Indigenous Australian Economic Disadvantage

It is clear from the above that the regulation school has developed concepts that have great potential for application in the current research. The concepts of **regime of accumulation** and **mode of regulation** enable a broad brush description of the international and national economic, political and social systems pertaining to different historical times, thus providing the background to the situation of Indigenous Australians from the earliest days of colonisation. The concept of **institutional forms** enables the research to focus on the ways in which employment has been regulated in Australia for the population in general, and the different regulatory regime that has applied to Indigenous Australians. The concept of **invariant elements** can be used to identify the factors which unify the above three concepts and thus to explain continuities over time in particular perceptions and behaviours. The regulation school method of moving from theory to reality in an iterative process is particularly relevant to research which is seeking reasons for continuity of Indigenous disadvantage.

However, several criticisms may be directed at the regulation school approach. It is overly deterministic, in that it sees the economy, or regime of accumulation, as inevitably and unidirectionally determining the mode of regulation. However, if a simple correspondence between the regime of accumulation and the mode of regulation is assumed as a starting point, if research shows that the predicted compatibility does not apply this will stand out in stark relief. So although the regulation school framework may be somewhat simplistic in its belief in the essential unity and cohesion of the system, this very simplicity can help to guide the process of delving into distortions such as the intransigent economic disadvantage of Indigenous Australians.

A further limitation is that regulation theory is Eurocentric in its orientation and therefore it is not immediately apparent how it could adequately take account of the colonial experience where there was a sudden introduction of capitalism causing a clash between this and the pre-existing subsistence economy, rather than a transition from one form of economy, feudalism, to another, capitalism, as in the nation-states of Europe. However acknowledging this Eurocentricity may assist the researcher to recognise the cultural specificity of Western ways of seeing and so be vigilant about discovering and incorporating, to the extent possible, Indigenous perspectives and perceptions.
A further problem is that regulation theory incorporates no explicit notion of culture; nor does it consider the effects cultural differences may have on the perceptions and experiences of different people in relation to the regime of accumulation and the mode of regulation. Therefore, regulation theory may fall short of being flexible enough to take account of cultural dimensions of the clash between the two economies and the consequent differences between the economic situation of Indigenous Australians and that of the mainstream of Australia.

From the regulation school, then, the concepts of regime of accumulation, mode of regulation, institutional forms and invariant elements provide potentially useful analytical tools, provided they are adjusted to eliminate or reduce the impact of the limitations outlined above. A theory which is less deterministic and recognises culture and diversity has therefore been sought to provide a framework from which the necessary adjustments can be drawn. Such a theory has been found in the work of Arjun Appadurai.

**Appadurai and the Concept of ‘Scape’**

In his paper ‘Disjuncture and Difference in the Global Cultural Economy’ (Appadurai 1990), Appadurai is concerned with theorising the current mode of accumulation, to use the regulation school term, not with looking at the development of capitalism in a broader, more historical way. Therefore, his approach is not directly comparable to that of the regulation school. What is of interest here is how his concepts can be used to enhance the regulation school approach and overcome some of its limitations.

Appadurai’s initial focus is on issues of cultural homogenisation and the ways in which external cultures are translated into local terms, or ‘indigenized’ (Appadurai 1990, p295). He notes that: ‘for polities of smaller scale, there is always a fear of cultural absorption by polities of larger scale, especially those that are nearby’ (Appadurai 1990, p295). Within nation-states:

> Simplification of these many forces (and fears) of homogenization can… be exploited by nation-states in relation to their own minorities, by posing global commoditization (or capitalism, or some other such external enemy) as more ‘real’ than the threat of its own hegemonic strategies. (Appadurai 1990, p296)

Thus Appadurai’s central focus is on culture and he acknowledges internal minorities and their position as both outside and subject to the mainstream of the nation-state, in contrast to regulation school theorists to whom culture seems to be unproblematic and who tend to theorise the state or nation as essentially indivisible. His approach is also relevant because of the concepts to which it gives rise.
There are, according to Appadurai, certain fundamental disjunctures between economy, culture and politics which current theories have not addressed (Appadurai 1990, p296).

He proposes that

an elementary framework for exploring such disjunctures is to look at the relationship between five dimensions of global cultural flow which can be termed: (a) ethnoscapes; (b) mediascapes; (c) technoscapes; (d) finanscapes; and (e) ideoscapes. ‘Scapes’ implies that each of these dimensions looks different from different historical, political and linguistic perspectives and from the point of view of nation-states, multinationals, sub-national groups, villages, families etc and individuals. (Appadurai 1990, pp296-97)

The concept of ‘scapes’ implies fluidity and irregularity as well as disjunctions, as opposed to the uniformity and cohesion implied in regulation school theory.

Appadurai’s framework, then, seems to have the flexibility and the awareness of cultural diversity which are lacking in the regulation school’s approach. His explanation of each of the five ‘scapes’ is of only marginal interest here, as these concepts are designed with post-Fordist capitalism in mind. Of particular value, however, are aspects of his concepts of ‘ideoscape’ and ‘ethnoscape’ and his discussion of the relationship between nation and state.

**Ideoscape**

‘Ideoscape’ refers to political images, states’ ideologies and those of opposition movements. Ideoscapes are often directly political combinations of images associated with the ideologies of states and the counter-ideologies of opposition political movements. They are ‘composed of elements of the Enlightenment world-view, which consists of a concatenation of ideas, terms and images, including “freedom”, “welfare”, “rights”, “sovereignty”, “representation” and the master-term “democracy”’ (Appadurai 1990, p299). Here Appadurai is referring to the political ideologies which underpin political systems rather than the institutional forms and invariant elements which, according to regulation school theory, codify and transmit the ideologies and values which bring unity and cohesion to the system. The usefulness of Appadurai’s concept of ‘ideoscape’ is in its acknowledgment that the set of values and norms which originated in the Enlightenment no longer maintain their internal coherence, which has loosened as these ideas have spread (Appadurai 1990, p300). From this it can be argued that the main concepts of the Enlightenment are not necessarily functional for the system and that they may be understood differently at different times and in different places. The usefulness of this insight is explored below.
Ethnoscape

The term ‘ethnoscape’ denotes the movement or wish for movement of people around the world. It is:

the landscape of persons who constitute the shifting world in which we live: tourists, immigrants, refugees, exiles, guestworkers and other moving groups and persons [who] constitute an essential feature of the world, and appear to affect the politics of and between nations to a hitherto unprecedented degree. (Appadurai 1990, p306)

Relative stability remains in kinship and friendship groups, by residence, at work and elsewhere, but increasingly people are faced with the realities of having to move, or are consumed by fantasies of wanting to move, within the nation or across the world (Appadurai 1990, p306).

It is in the concept of ‘ethnoscape’ that Appadurai makes a significant contribution to theorising the issue of difference, absent from regulation school theory. Because his focus is global, Appadurai refers in the main to ethnic groups which have been uprooted from their place of origin to move to another state, as refugees, migrants or guestworkers, where they continue in some form to pursue their original culture and maintain contact with their birthplace or the home of their culture. Actual movement to the extent implied, that is crossing of political or geographical borders, is not of immediate and direct relevance in most cases when considering Indigenous peoples. However, the concept applies well to groups who wish to maintain their relationship with their traditional land despite sometimes brutal removal from it, and to practise the surviving elements of their traditional culture, despite being under the domination of an alien culture, as is the case with Indigenous Australians.

‘Ethnoscape’ and ‘Ideoscape’, when combined, resemble the regulation school concept of mode of regulation but only partially. Unlike the regulation school, Appadurai is not concerned to discuss the institutions through which ideologies and values, let alone laws and other formal kinds of regulation, are transmitted. On the other hand, the regulation school approach does not broach the issue of difference as addressed in Appadurai’s concept of ‘ethnoscape’ nor does it confront the issue of culture or the co-existence of more than one culture in a single nation-state.

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10 This is not to say that, from an Indigenous perspective, borders are not of importance. Indigenous peoples faced with colonial invasions have been forced to breach tribal or customary borders, but such borders were not recognized by the colonizing powers, and are not included in Appadurai’s schema.
Role of the State

Appadurai’s concern with difference arises again in his discussion of the role of the nation-state in the global economy of culture:

The relationship between states and nations is everywhere an embattled one...while nations (or more properly groups with ideas about nationhood) seek to capture or co-opt states and state power, states simultaneously seek to capture and monopolize ideas about nationhood. (Appadurai 1990, p303)

Appadurai believes that there is a disjunctive relationship between nation and state which ‘is the seedbed of ... the micro-identities that have become political projects within the nation-state’ (Appadurai 1990, p304). At the national level, groups vie for recognition by (or overthrow of) the state while internationally, national consciousness is not confined within geographical borders. This conceptualisation is useful in separating the people of the state from its institutions, and recognising that the interests of the people, especially those from minorities, are not necessarily coincident with those of the state. However the concept is essentially ahistorical and fails to address the implicit question of the power relationships between groups within the state.

Application of Appadurai’s Concepts to Analysis of Indigenous Australian Disadvantage

The insights Appadurai provides which are relevant and useful to the current project relate to his recognition of the importance of culture and to the fluidity of his concept of ‘scape’. His abstraction is counterbalanced by his lack of determinism and his consideration of issues of culture and difference. The concept of ‘scape’ overcomes the determinism of regulation school theory and its insistence on the compatibility of the mode of regulation and its institutional forms with the regime of accumulation. This allows for a conceptualisation of a mode of regulation which contains on-going dysfunctional institutional forms. His integration of culture into his framework enables an understanding to be developed of the effects different cultural perspectives can have on people’s interpretation of reality and experiences of the world. He also contributes his notion that the nation and the state may not be a single entity, a valuable insight when considering Indigenous Australians, whose relationship to the state and the nation has historically been one of oppression by the state and exclusion from the nation.

New Constructs

Appadurai’s theory does not provide a comprehensive approach which could be used as an alternative to regulation school theory for analysing the origins of Indigenous economic disadvantage. However, it can be used to provide some enhancement to regulation school theory in those areas where the latter is lacking.
In contrast to the regulation school which assumes the compatibility of the component parts which together make up a cohesive system, Appadurai emphasises the complexity and fluidity of each of the ‘scapes’ and their interrelationships. There is an underlying assumption in regulation theory that there is a tendency for the component parts of the system, or at least those which are closely related, to operate in concert, so that, for instance, labour law will operate to support the capital-labour relation in a way compatible with the needs of the regime of accumulation. Appadurai makes no such assumption; his approach seems to have more in common with chaos theory than with the determinism of Marx.

However, because Appadurai is theorising at a high level of abstraction with little reference to actual cases, and in the absence of any concept of social structure, it is difficult using his framework to conceptualise the relationship between groups. In his theory there is no equivalent of the regulation school’s recognition that economic relations produce social relations.

Appadurai’s insight that the main concepts of the Enlightenment are not necessarily functional for the system and that they may be understood differently at different times and in different places opens the way for a critical analysis of some of the taken-for-granted ideas which underpin the mode of regulation of a particular time and place: the ‘invariant elements’ to use Aglietta’s term (Aglietta 1979). Institutional forms can then be examined to discover the extent to which they may be dysfunctional to the system as a whole while continuing to perform the role for which they were created, a possibility that does not appear to arise with the regulation school approach, where it is explicitly stated that the dysfunctioning of one institutional form tends to destabilise others (Aglietta 1979).

As stated above, Appadurai’s approach enables an exploration of how ideologies are transferred and how differently placed individuals may have different interpretations or experiences of the same images. Extending this approach to the issue of Indigenous disadvantage, the possibility arises of investigating the reactions of Indigenous Australians to the images of themselves reflected back to them through the institutional forms which regulate aspects of their lives. A concern with different views of the world is absent from the regulation school approach which limits its usefulness in conducting such an investigation, although the concept of institutional form is integral to this project.
There is no concept of political or social *structure* in Appadurai’s theory while there is no concept of *culture* in regulation theory. Both are essential to understanding the position of Indigenous Australians in the economy, both historically and currently.

Appadurai’s acknowledgment of disjunctures as fundamental to the current system and to a lesser extent to all systems contrasts with the regulation school concern with basic convergence of aspects of the system and the role of institutions in ensuring that the mode of regulation supports the needs of the regime of accumulation. Appadurai does not explain the endurance of the system despite the disjunctures between its parts, and it is hard to see how he could explain this. However, regulation theory seems limited in its ability to explain disjunctures except in so far as they are supported by different institutional forms operating with different and sometimes contradictory purposes, such as the regulation of labour and of commerce. Disjunctures at the level of ideas are readily comprehensible in Appadurai’s scheme because culture is central to his concerns, and because in the concept of ‘ethnoscape’ he recognises difference. A value such as equality may be an integral part of the ideoscape, influencing a person’s political affiliation, while a contradictory belief in the superiority of one culture over another may be integral to the ethnoscape of the same individual. The relevance of this to the current research is that Appadurai’s approach enables analysis of the apparent disjuncture between the generally held Australian value of equality and the reality of Indigenous inequality.

Although regulation school theory is carefully cognisant of reality, it falls short if the purpose is to comprehend how people of different backgrounds may differently interpret the same ideas or comprehend the same set of circumstances. This is due to the regulation school’s failure to clearly conceptualise culture and difference and their place within the mode of development. It seems that the concept of culture is implicit in discussions of institutional forms, but that culture is assumed to be essentially monolithic: a single nation-state is implicitly assumed to have a single culture. The complexities of the realities of cultural diversity are better able to be understood using relevant aspects of Appadurai’s conceptual framework just as the institutions which are crucial to the continuing operation of the mode of regulation are better dealt with by the regulation school.

Appadurai’s conceptualisation of the state and the place of minorities within the nation-state is useful in separating the people of the state from its institutions, and recognising that the interests of the people, especially those from minorities, are not necessarily
coincident with those of the state. This is a perspective not readily absorbed into regulation theory where, to paraphrase Appadurai, the hyphen between nation and state denotes conjunction. The ability to conceptually separate state and nation is particularly important when researching issues affecting a minority within the state whose relationship with the state and incorporation into the nation has been and is problematic.

All of the positive contributions by Appadurai noted above can be integrated into the basic premises of the regulation school to form new constructs which parallel the concepts of regime of accumulation and mode of regulation but are enhanced by Appadurai’s more flexible approach. These constructs will be termed ‘econoscape’ and ‘reguloscape’, the use of the suffix ‘-scape’ denoting their fluidity and the recognition that they would be perceived and interpreted differently by people with different cultural and social backgrounds.

**Econoscape**

‘Econoscape’ combines some of Appadurai’s insights with the regulation school concept of regime of accumulation. Most importantly, it incorporates the regulation school’s recognition that regimes of accumulation vary over time and space which, as noted above, makes this concept useful in analysing the progression of Australia from a colony to an independent industrialised nation, within an international context. The concept of ‘econoscape’ differs from the regime of accumulation only to the extent that it incorporates Appadurai’s recognition of the complexity and fluidity of the economic system or parts thereof, and his general recognition that things look different through the eyes of people of different cultures.

This extension of the meaning of the term ‘regime of accumulation’ enables an examination of the dominant economy as it may be seen from the perspective of peoples for whom capitalism is an imposition which largely destroyed or at least greatly altered their pre-existing economic and social relationships. Much of the history of Australia since 1788 can be seen as one of conflict between two econoscapes, as will be illustrated in the following chapter. Use of the concept of econoscape is intended to indicate that both are seen as valid and can be judged best within their cultural context. Thus culture is integral to this concept as it is not to the regulation school term regime of accumulation.

**Reguloscape**

This concept is closely related to the regulation school’s mode of regulation and Appadurai’s ideoscape, but with the incorporation of some aspects of the concept of
ethnoscape. That is, it refers to the laws, policies, norms and values as well as the ideologies and political philosophies dominant at any period and in any place and the institutional forms through which these are transmitted. It incorporates Appadurai’s idea that there are disjunctures between the different dimensions of global culture which opens up the possibility that some institutional forms may in fact become dysfunctional for the economic system. The incorporation of this insight into the concept of ‘mode of regulation’ to form the concept of ‘reguloscape’ overcomes the problematic idea, particularly in the context of the current research, that there is unity and cohesion between the mode of regulation and the regime of accumulation. At the same time, it emphasises the regulation school idea that institutional forms are historically determined, but enables this historical determination to become the subject of inquiry: Is this the source of dysfunction whereby institutional forms, particularly their underpinning invariant elements, are retained despite economic, social and political changes to the extent that they result in distortions in the reguloscape?

As with econoscape, the concept of ‘reguloscape’ incorporates Appadurai’s acknowledgment of the importance of culture, which brings the consequent recognition that people of different cultures will have a different view of the reguloscape as it has developed and affected them over time. This is of great importance in the current research, where it is crucial to capture the Indigenous perspective on their own disadvantage and its causes, as well as analysing relevant law and policy.

Institutional Forms
In addition to the concepts of econoscape and reguloscape, the regulation school concept of ‘institutional forms’ is considered to be crucial to developing an understanding of how these ‘scapes’ operate in the real world. This concept, with its recognition of the different ways in which people are led to conform to the laws and norms of society, from coercion to an expression of apparently free will, appears to be particularly useful in the context of studying the intransigence of Indigenous disadvantage despite significant societal change in other respects. In the current study, the focus will be on those institutional forms which regulated employment both of Indigenous and non-Indigenous Australians, the former to provide the necessary contrast to highlight the differences in the treatment in employment law and policy and in other less formal ways – through what Boyer terms ‘implicit common systems of representation’ (1990, p45) – of Indigenous Australians compared with other Australians.
Invariant Elements
This concept refers to common understandings, shared values and common representations which underpin the reguloscape and the institutional forms which formalised and perpetuated Indigenous economic disadvantage for many decades in Australia. If a series of invariant elements have continually influenced the treatment of Indigenous Australians this may help to explain the continuity of Indigenous disadvantage in Australia over time.

The Research Question

The question to be examined, reframed in language incorporating the new concepts, enquires into the extent to which different ‘institutional forms’ have developed for application to Indigenous and other Australians and whether the institutional forms that have developed are a product of and a means of perpetuating particular values about and shared meanings relating to Indigenous people. That is:
1. Are there identifiable ‘invariant elements’ which underpin the institutional forms which have regulated the treatment of Indigenous Australians within the economy, particularly in relation to employment, from colonisation until recent times?
2. Do these invariant elements help explain the continuing employment disadvantage of Indigenous Australians?

Methodology

The methodology to be used in this research is based on the methodology of the regulation school which moves from theory to reality and back in an iterative process. This application of the methodology uses the concepts developed above at three levels of analysis in four defined time periods. The processes through which the concepts are used, the levels of analysis and the time periods are outlined below.

Conceptual Tools and Process of Analysis
The concepts outlined above – econoscape, reguloscape, institutional forms and invariant elements – will be the major tools of analysis used in the research into continuing Indigenous employment disadvantage in Australia. The thesis will examine the econoscape through surveying the early economic development of Australia and its impact on the original inhabitants, with a focus on the development of the employment relationship and the place of Indigenous Australians in the economy. The reguloscape will be examined through developing an understanding of the beliefs and attitudes brought to Australia by the colonisers and the cultural and political developments
relevant to economic developments, again with a focus on employment and the conflict between the already existing culture of the Indigenous inhabitants and the imported culture of the colonisers.

From an analysis of the foundational econoscape and reguloscape of the Australian colonies to 1850, invariant elements which may have formed the basis of institutional forms developed subsequently to regulate Indigenous people’s lives, will be identified. The focus will then move to the formation after 1850 of those institutional forms, that is the laws and regulations pertaining to Indigenous Australians compared with those applying to the employment of Australians in general. Relevant laws, regulations and supplementary materials including documents pertaining to parliamentary and other inquiries will be subjected to detailed content analysis seeking evidence of continuity or disjuncture in the identified invariant elements.

Theoretically, the reguloscape, invariant elements and institutional forms are inextricably linked. Invariant elements are both a type of institutional form and the mechanism whereby unity between the reguloscape and codified institutional forms is maintained. The way in which these three concepts are used in this thesis is to analyse the reguloscape to identify the invariant elements, and then to apply these invariant elements to an examination of codified institutional forms, that is laws and policies, to determine the extent of unity over time between the reguloscape, invariant elements and institutional forms.

The regulation school emphasis on moving from theory to actuality and back is used in this thesis by moving through periods from the earliest days of colonisation to the late 1960s. The earliest period will be studied in depth to expose the early attitudes to and treatment of Indigenous Australians. From this analysis invariant elements will be identified and used as a tool for the analysis of the institutional forms developed to apply to Indigenous Australians. Finally, the thesis returns to theory to extract conclusions from the data analysis. The thesis concludes with suggestions about how research into the intractable Indigenous employment disadvantage established by other researchers could be tackled in future.

Use of the concepts econoscape and reguloscape will enable the analysis to be conducted so that Indigenous employment disadvantage is placed in the context of international and national economic, political and social developments from the late eighteenth century. This involves three levels of analysis, which are described below.
Levels of Analysis

In line with the notion of scape, and extending the analogy with landscape as used by Appadurai, the three levels can be conceptualised as the background, which is presented in least detail, the mid-ground which is more explicit, and the foreground for which most detail is provided. This layered approach enables the development of a comprehensive understanding of the nature and origins of Indigenous disadvantage.

Background: The international context is presented as the background. The major facets of the international econoscape and reguloscape will be sketched out at this level for the first time period, as this is the period in which the foundations for subsequent treatment of Indigenous Australians were set. Thus, in relation to the econoscape, the major international mode of production at the time of Australia’s colonisation will be outlined and the major developments within the first time period will be noted. The analysis of the reguloscape at this level and for this time period will include a summary of the dominant views in relation to black people and to work at the time of colonisation and in the immediate period thereafter. This provides a context for understanding developments in Australia and reasons for decisions made in regard to the economic and institutional structures established in the early days of Australia’s history. It also enables invariant elements to be initially identified, for re-examination after outlining the reguloscape at the national and Indigenous levels.

Mid-Ground: It is within the context of Australia as a nation-state that Indigenous Australians have been made subject to an econoscape and reguloscape not of their choosing. Understanding of the ways in which these impacted on the Indigenous population over time will be enhanced by comparing the overall national economic, political and social arrangements to those which applied at different times to Indigenous Australians. As with the first level, the national econoscape and reguloscape will be discussed in most detail for the first period to build up a picture of the foundations to the on-going treatment of Indigenous Australians which was later formalised in law and regulations. Further refinement of the tentatively identified invariant elements can then be conducted.

Foreground: The focus of this research is Indigenous employment disadvantage. Therefore the econoscape and reguloscape as they impacted on Indigenous people particularly in the earliest period of colonisation will be investigated in detail. Because acknowledgment of the importance of cultural difference is integral to the concepts of
econoscape and reguloscape, use of these concepts will enable the development of new insights into Indigenous disadvantage and its development which reflect to the extent possible the perspective of Indigenous Australians themselves.

**Time Periods**

As referred to above, the thesis is structured into time periods, the establishment of which is based on recognised international and national developments. Australia’s history from 1788 can be readily divided into periods which loosely coincide with recognised periods of international development. This is consistent with regulation school theory in which economists identify:

> the *key dates* that mark significant changes in the institutional domain… The idea is to contrast two phases: that in which the social relations display continuity and fall within the logic of the existing forms, and that in which, on the contrary, the stakes are precisely the constitution of new institutional forms. (Boyer 1990, p61)

In this case, the starting point for establishing time periods is the change in institutional forms applying to Indigenous Australians and then identifying time periods from these changes. Below is a brief outline of each period and an explanation of its validity at each of the three levels of analysis.

**First Period:** This is the period from first occupation in 1788 to the mid-nineteenth century, the period when the relationship between the Indigenous inhabitants of Australia and the colonisers was not extensively or formally institutionalised. It loosely coincides with the period when Enlightenment values still held sway and Europe was in its major period of colonial expansion, seeking to expand markets and regularise supplies of foodstuffs and raw materials (Harvey 1990, p11; Hoogvelt 1997, p18). For reasons explained in Chapter 7, institutional forms developed in the home country were transferred to the colonies intact, delaying the establishment of new institutional forms until such time as the colonies were fully established as entities separate from the home country, which occurred predominantly in the second period.

**Second Period:** The half century marks a turning point in Aboriginal affairs in Australia as the legislative responsibility for the colonies moved from Britain to the newly established elected legislatures which were established in each colony from the mid-nineteenth century (Rowley 1970). From the 1860s, laws to ‘protect’ Indigenous people were promulgated in one colony after another, beginning with Victoria in 1869 (Chesterman and Galligan 1997, p16). This coincided with the period of major pastoral expansion in northern Australia, which resulted in the curtailment or constraint of the Indigenous inhabitants’ freedom of movement over vast tracts of land. It is also the
period which witnessed the breakdown of Enlightenment values and an explosion of new ideas and experimentation (Harvey 1990, p27), among which was social Darwinism, conveniently providing ‘scientific’ justification for a belief in the inevitable dying out of the Indigenous people of Australia.

It is also the period of early ‘organized capitalism’, to use Lash and Urry’s (1987) term, characterised by ‘the concentration of industry, increasing inter-articulation of banks, industry and the state, and cartel formation’ internationally (Lash and Urry 1987, p4). Boyer labels the wage relation of this period ‘Taylorian’ referring to the ‘scientific’ organisation of labour promoted by Taylor in increasingly mechanised industry with limited positive effects on workers’ consumption (Boyer 1988a, p11). Developments in this period referred to by Harvey, in addition to the organisation of production in mechanised factories, include the urbanisation concomitant with this, new systems of transport and communications, and the rise in mass markets and advertising (Harvey 1990, p23).

Third Period: At the beginning of this period, in the 1930s, the policy of assimilation, which was to dominate Indigenous affairs for succeeding decades, was first mooted as official government policy although it was not put into practice in a concerted way until the post-war period (Griffiths 1995). The period ended when the 1967 referendum to include Indigenous Australians as citizens of Australia was resoundingly passed, giving the Commonwealth the power to legislate on Indigenous affairs for the first time. This heralded the end of the period of separate legislation covering almost all aspects of Indigenous people’s lives.

This period is generally referred to as Fordism (Boyer 1988; Cope and Kalantzis 1997; Harvey 1990; Hoogvelt 1997) when the mode of production perfected by Henry Ford spread throughout the world. Fordism added mass production, with its minute division of labour and standardisation of parts and increased wages, to the scientific management of Taylor, thereby enabling increased consumption by the working class of the industrialised nations and continued expansion of accumulation (Boyer 1988a, p11; Harvey 1990, p140; Hoogvelt 1997, p46 and pp92-93). ‘Fordism was more than a method of production, it became a whole way of life’ (Hoogvelt 1997, p46), and involved

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11 With the exception of Commonwealth Powers Acts 1943 which were passed in New South Wales, Queensland, South Australia, Victoria, and Western Australia, but not Tasmania, giving the Commonwealth power to legislate on, among other things, Aboriginal matters, for five years after the end of the war. These Acts were not used to benefit Aboriginal Australians (McCorquodale 1987).
the creation of a range of institutional forms including the welfare state to support it. In Australia, Fordism only became dominant in the post-war period of major industrial expansion which was dependent on the importation of large numbers of migrants from post-war Europe as ‘factory fodder’ for the new operations in the major cities. Assimilation policy applied to both migrants and Indigenous Australians. It can be seen, then, as the system’s response to the need for a vastly expanded workforce, that is as one of the institutional forms necessitated by Australia’s rapid development as an industrialised nation.

**Fourth Period:** In Australia, it was in 1968 that some Indigenous pastoral workers in northern Australia at last became entitled to receive equal pay, closely following on the successful referendum of the previous year. From 1971 Indigenous Australians were included in the five-yearly Commonwealth population census. From this time, specific Commonwealth policies directed to addressing the glaring disadvantage of Indigenous people, in relation to health, housing, education, income and employment began to be implemented. The guiding national policy was now one of integration of Indigenous people into the mainstream of Australian society.

The decades since the late-1960s have been a time when consciousness of the history of white treatment of the original inhabitants has rapidly increased and from the 1990s demands for reconciliation between black and white Australians have been loudly heard from all sides. But Indigenous economic disadvantage has not been redressed and in some respects has worsened, as discussed in Chapter 2. Rather than surveying this period in this research, a major aim of this thesis is to provide sufficient detailed background to enable future research to track and assess the effectiveness of developments in Indigenous policy over this period. Some suggestions for the directions of such research will be made at the conclusion of the thesis.

**Conclusion**

The major concepts which will be used in this research are ‘econoscape’ and ‘reguloscape’, derived from regulation school theory and enhanced through incorporation of some of the theoretical insights of Appadurai and defined above; and directly from regulation theory, the concepts of ‘institutional forms’ and ‘invariant elements’.

Consistent with the regulation school approach, an understanding of the historical derivation of current Indigenous disadvantage is seen to be crucial to developing a
comprehensive picture of the reasons for the intractability of Indigenous economic
disadvantage. In Chapters 4, 5 and 6, the econoscape and reguloscape for the first
period to 1850 will be closely examined at three levels. The international context forms
the background, the national context forms the mid-ground and a deeper analysis of the
Indigenous situation and experience forms the foreground of the analysis. The concepts
of ‘econoscape’ and ‘reguloscape’ and the multi-level approach allow the Indigenous
experience of colonisation and its aftermath to be understood within the context of the
international and national contexts within which these events occurred. It also allows
analysis of the relationships and the disjunctures between the three levels to be
conducted and some invariant elements underpinning thinking about and treatment of
Aboriginal Australians to be proposed. Through this process the Eurocentrism to which
other work has been subject will be avoided by explicitly outlining the European view
before attempting to understand the Indigenous viewpoint. Actions of the colonisers will
also be able to be understood as far as possible from an understanding of the thinking of
the day rather than judging on today’s standards.

This analysis will result in the identification of invariant elements as noted above, which
will then be examined in Chapters 7 and 8. These chapters will concentrate on the
second and third periods and will focus on an assessment of the extent to which these
invariant elements have underpinned the institutional forms developed and applied in the
period from 1850 to 1967. Chapter 7 will seek evidence of the influence of the invariant
elements in the institutional forms developed after 1850 to regulate the lives of
Indigenous Australians, especially in relation to employment, set against a background
of the institutional forms applying to other Australians. In Chapter 8 intensive analysis of
two specific examples of institutional forms in relation to Indigenous Australians and
employment will be conducted, within the context of the econoscape and reguloscape for
each period. The first case study comes from the early period of institutionalisation of
Aboriginal affairs, and the second from the close of the assimilation era. Both involve
analysis in terms of the invariant elements of documents relating to those institutional
forms and supplementary material which supports or helps explain the reasons for the
development of the laws and regulations and their impact on Indigenous Australians.
Chapter 4: Laying the Foundation 1: Econoscape 1788-1850

Economy... is concerned with issues of accommodating to problems of scarcity:... what goods and services and how much of each are to be produced, how far different wants may be satisfied, the methods of allocating resources, the adoption of different modes of production, the establishment of systems of exchange and the distribution of benefits between different individuals and groups. These choices do not occur in a social vacuum... The value systems of any society, the institutions through which choice operates, systems of property rights, the methods of enforcing agreements or contracts and the relationships between individuals and larger groups all underlie choice. (Butlin 1993, p52)

Introduction

The purpose of this and the next two chapters is to examine the international, national and Indigenous econoscapes and reguloscapes from colonisation to the 1850s in order to identify any invariant elements pertaining to attitudes towards or beliefs about Australian Indigenous people, particularly as these relate to employment. This will enable further analysis in subsequent chapters of the institutional forms established and the extent to which the identified invariant elements can be detected in the law and policy which regulated Indigenous employment after 1850.

In some areas, particularly in relation to the Indigenous economy at the time of colonisation, the absence of a variety of sources has meant dependence on those few which are available. A further concern is that, inevitably, most available information is written by people of European background. Every effort has been made to reflect as little as possible the Eurocentricity of some sources. The fact that sources which are sometimes distorted by a worldview in which Indigenous Australians and their experience of colonisation are seen as of lesser value or importance than Australians of European background is itself indicative of Aborigines’ exclusion from mainstream Australian society. However where dependence on such sources is unavoidable these are critically interpreted.

In this chapter, the history of the conflict between two econoscapes in Australia will be examined for this early period, as defined in Chapter 3, set against the background of relevant international developments. Firstly the major features of the international econoscape at the time are outlined. The econoscape at the national level will then be examined against this international background. The third level will involve an examination to the extent possible of the econoscape from the Indigenous point of view. This will help to highlight the different ways in which Europeans and Indigenous Australians perceived and utilised the physical environment, resulting in different
solutions to the basic economic questions of supply and distribution of goods and services. It will also make clear that, far from entering a territory absent of an economy and social structure, the colonists were intruding on the land of peoples with highly complex social and economic arrangements. The conflict which ensued was at least in part an inevitable consequence of the clash of two very different econoscapes.

**International Econoscape**

The colonisation of Australia by Britain in 1788 must be placed in the context of developments internationally and in Britain over the preceding period, with a focus on the economic aspects of these developments. The issues to be covered include a brief survey of colonisation by European nations in pursuit of economic gain, focusing on the Asia-Pacific region, relevant aspects of the domestic economic situation in Britain in the period when the decision to colonise Australia was made, the reasons for that decision and the form of colonisation which occurred in Australia.

**Colonisation**

From the late fifteenth to the nineteenth century ‘Europe spun a web about the world, and in the process the world was remade’ (Cornell 1988 cited in Pearson 1999, p3). Britain was one of a number of imperialist powers involved in this latest and largest episode in a world history of states seeking to gain control of other states or territories for their economic and political gain. This was enabled by developments in ship-building, navigation aids and map making from the fifteenth century allowing ocean travel and thus ushering in a centuries-long era of colonisation by what Butlin terms ‘the hunter gatherers of empire’ (1993, p190). Excursions beyond the boundaries of Europe into the Atlantic and Africa and across to East Asia gained pace as European nations competed with each other to acquire, by trade and conquest, knowledge, techniques and products of other civilisations (Macintyre 1999; Butlin 1993; Jones 1976; Clark 1995).

The Asia Pacific region was untouched by Europeans until the sixteenth century. However, stories of islands of gold to the south and east influenced the Europeans to expand in this direction. The Europeans bumped into the north coast of Australia while searching for these islands of gold. The Dutch touched Australia and Tasmania in the early to mid-seventeenth century but, failing to find anything from which they could make

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12 Jones notes that Europe had not taken a lead in development until late medieval times; many of the scientific and other advances used by Europe from that time had originated in China (Jones 1976, p99 and p104). The recency and speed of development of this European dominance stands in contrast to the long duration of Aboriginal culture and its slow development (see Indigenous Econoscape below).
a quick and large profit, they left the discovery of such riches as might be obtainable to others (Clark 1995). When the Englishman William Dampier hit the Australian west coast in the late seventeenth century, he too saw nothing worth having and the people as ‘the miserablest people in the world’, who ‘setting aside their humane shape.. differ but little from brutes’ (cited in Clark 1995, p7).

Although Britain was a late but vigorous starter in the imperial race, by the time it colonised Australia, it was the most powerful European state with an accumulated capacity to organise its far-flung empire. Thus colonisation of a land so far from its centre was possible. But it was scientific discovery not colonisation which was the primary motivation for the explorations of Captain James Cook which were to lead to the end of Australia’s isolation. Cook set off in 1768. Pursuing his supplementary aim of searching for the unknown southland, rumoured to exist since ancient times, he chose to sail west from New Zealand, by chance landing at Botany Bay in April 1770. His optimistic assessment that the land was fertile and abundant was supported by the expedition’s botanist Joseph Banks. This was crucial to the later decision to colonise (Macintyre 1999).

Thus it is apparent how the colonisation of Australia became a possibility. The actual reasons for colonising Australia arose from circumstances pertaining in Britain at the end of the eighteenth century.

Britain in the late eighteenth century

In the middle of the eighteenth century, Britain was still overwhelmingly rural and only beginning to industrialise. However, significant changes were occurring in the countryside, most notably enclosure of land which had started two centuries earlier but was now accelerating. A total of almost a million acres was enclosed over the one hundred and twenty years from 1702, sixty per cent of that in the second half of the period. One effect of this was reduced labour intensity in agriculture putting many rural people out of work. In addition small farmers were thrown off land they had worked and lived on for generations to make way for large land holdings able to produce wool and grain for the market instead of for direct consumption. As rural jobs decreased the number seeking work increased. The total number of vagrants rose sixfold, from four per

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13 Jones points out the importance of the availability of land for sale in securing the political and social fortunes of merchants and manufacturers (1976, p106). It seems that the sale of land was a relatively recent phenomenon associated with enclosure. It is of interest that this so recent development in the metropolitan country quickly became a very important part of the incipient culture of its Australian colonies and one which had effects on the Indigenous peoples of the colonies lasting until today.

cent in 1688 to twelve per cent of a population which had doubled by 1815 (Butlin 1993, pp193-94; Davidson 1991, pp8-9; Turner & Sandercock 1983, p4; Buckley & Wheelwright 1988, p64).

Accompanying these changes were changes of attitude by the State and society towards previously tolerated behaviours. Groups of vagrants had existed for centuries but by the end of the eighteenth century they were regarded as criminals. Behaviour such as poaching now became a criminal offence punishable by automatic imprisonment. Indictments for an increasing range of crimes rose ‘as the hapless cottagers sought to solve their penury by helping themselves in traditional and less traditional ways’ (Davidson 1991, p9).

However as rural areas declined, manufacturing industries increased, based at least in part on the importation of raw materials. As a consequence there was an increased demand for industrial labour (Butlin 1993). Thus the changes wrought by the Industrial Revolution and enclosure profoundly changed the nature of work, introducing greater specialisation and routinisation of tasks as well as bringing people together in a way not experienced previously. ‘The great, grimy industrial city replaced the countryside and the village as the living environment of most people’ (Turner & Sandercock 1983, p2).

The breakdown of feudal relationships brought with it deregulation of the labour market through removal of constraints on the freedom of workers. This led to substantial problems of unemployment and poverty. There was no mechanism to deal with mass unemployment, a new phenomenon unable to be dealt with by the traditional means of parish relief and workhouses. Workhouses could not cope with increasing pauperism and the loss of the American colonies after the American Revolution largely eliminated the opportunity to export not only convicts but also paupers.

The attitude of the authorities and those of higher class to the urban poor was one of fear and contempt, dealt with not by attempts to understand and deal with the causes of the problems but by passing draconian laws, further adding to the rise in criminal convictions. With working conditions barely better than gaol, there was little disincentive, and with no unemployment relief little alternative, to crime. Thus both urban and rural imprisonment rates soared. But the largely privatised gaols could not deal with the increasing convictions for crime. With gaols overcrowded prisoners were held on ‘hulks’ or disused ships, awaiting a decision as to where England could send its convicts (Butlin 1993; Hughes 1987; Clark 1995).
The Decision to Colonise

In 1779 a committee was set up to consider where convicts sentenced to transportation could be sent. Joseph Banks was consulted as an expert on Australia and suggested using Botany Bay, advising that such a colony could become self-sufficient in a year. There were problems with the suggestion. The American system had involved selling convicts to free settlers through middlemen, costing the British State nothing. In the case of Australia, the ships used to transport thousands of men and women to a distant ‘unoccupied’ place would bring back no cargo and the convicts’ labour would not be bought. Thus the penal colony would be a cost to the government. Nevertheless, after considering alternatives, the Botany Bay solution was accepted in 1786 and ships containing convicts and their keepers and equipped with provisions, necessaries and implements for agriculture were despatched to New South Wales in 1787 (Hughes 1987, Clark 1995).

Form of Colonisation

The usual form of European colonisation up to the end of the eighteenth century was one where colonial powers indirectly controlled the appropriation of land, natural resources and labour through ‘a “thin white line”, a relatively small, sojourning group of primarily male administrators, merchants, soldiers and missionaries’ (Stasiulis & Yuval-Davies 1995, p3). In contrast, Australia at the commencement of its colonisation was an example of a ‘settler society’ (see Chapter 3 above). Although some colonies including New South Wales soon gained political independence from the colonising power (see Chapter 7 below), they remained dependent on European powers for capital, transport and markets. This dependence in turn brought them relative prosperity and high material standards. They developed elaborate political and economic infrastructures modelled on those of their European origins and their agricultural methods were those of Europe. Most of the societies at least initially made extensive use of unfree imported labour, including slavery in America and convict labour in Australia, rather than recruiting from Indigenous populations, a point to be expanded below.

In earlier forms of colonisation, where colonies were established to extract resources or dominate an area for strategic advantage, settlement was limited. In contrast, in settler societies the aim was to establish extensive manufacturing, mining or agriculture. Britain needed to increase rural production to provide the much-needed raw materials for the expansion of its industrial production during the eighteenth century. Thus development was directed towards providing primary produce to the imperial centre. As development proceeded the required infrastructure was introduced by a comparatively large settler
European population of both sexes which was imported for permanent settlement (Denoon 1983; Stasiulis & Yuval-Davies 1995; Pearson 1999). The importance of this in the case of Australia will become apparent below.

A further factor leading to the settlement of certain colonies was the limited options for creating a workforce to extract value from the colony. Those colonies which became settler societies had Indigenous populations which were too small and sparse to provide sufficient labour power; but transoceanic transport was available cheaply. Therefore the development of a labour market of free wage-labourers supplied by large-scale migration was encouraged after an initial period during which various forms of unfree and coerced labour were used (Stasiulis & Yuval-Davies 1995; Denoon 1983). In the case of Australia the source of this unfree labour was convicts transported from Britain.

One of the important but too often overlooked characteristics of the settler societies was that they were established on land already occupied by groups of people with fully established cultures and economies, based on different principles from those of the colonisers. The effect on these peoples was profound. Contact in whatever form had devastating effects on the Indigenous population who suffered heavy mortality in all age groups from introduced diseases, which could spread through human contact far beyond the areas of settlement. Even more importantly, with the needs of the imperial power in mind, establishment of pastoral industries offered the best opportunities where there was plentiful grass but limited sources of labour. Therefore the appropriation of land occupied by Indigenous peoples and the establishment of private ownership of land and livestock, in the process brushing aside Indigenous rights in the interests of making a profit, occurred very early, adding further impetus to the destruction of Indigenous societies (Butlin 1993; Denoon 1983; Rowley 1970). As Rowley has succinctly stated:

> It is one of the tragedies of the Aboriginal that Australia was colonised when Britain was becoming an industrialised nation; that the demand for fine wool should coincide with a combination of cheap land, comparative absence of resistance by indigenous man or the local fauna, and suitable grasses, all cheaply obtained with small capital outlay; that religious restraints on profit making had given way to the Protestant ethic. (Rowley 1970, pp24-25)

In the course of establishing settler capitalism in Britain’s small remote dependencies, the economies of the original owners of the colonised lands were all but destroyed while no place was made for the dispossessed (Denoon 1979; Rowley 1970). The two sides to this story as it unfolded in Australia are explored in the following two sections.
National Econoscape

In the early days of colonialism, Australia was seen simply as a means of fulfilling some limited needs of the British Empire, but the economic imperatives of colonialism required that it do more than provide a prison. In other cases, where colonies were grafted onto village economies, it was possible to use villagers’ production to feed the colony or to use the villagers to produce goods for the profit of the coloniser. This also made the Indigenous inhabitants an asset in themselves, as potential labour, and gave them some protection from the dispossession of their land as their ownership of it was not in question. However because the Australian Aboriginal subsistence economy did not produce a sizeable surplus, exploitation could not immediately proceed by simply extracting already produced commodities or ensuring increased production of trade items. Australia’s development therefore depended initially on the acquisition of Aboriginal land as the only available valuable commodity. As the Australian Aborigines were perceived to be nomadic, it was easy to assume that one area of land was as good to them as another, opening the way for the establishment of ‘the most rapacious type of colonisation’: that which takes all the land and only the land’ (Rowley 1970, p16). Thus the Aborigines were not seen as an asset whose labour was required for Australia’s development and therefore there was no need to preserve them to reproduce labour (Jackson 1998; Butlin 1993; Connell & Irving 1988; Hartwig 1978; Rowley 1970; Shann 1930).

Before exploring these issues further, the development of industry in New South Wales in the early years is briefly outlined below. When contrasted with the Indigenous economy described in the following section, this serves to highlight the diametrically opposed economic systems of the colonisers and the Indigenous inhabitants. The development of a (non-Indigenous) labour force and a system of regulation of working conditions unique to Australia is also examined. This will provide a point of comparison with the treatment of Aboriginal workers later in Australia’s history.

Developing Industries

The early colonisers came to New South Wales with a belief that the land they were now occupying was uninhabited, a conclusion drawn largely on the basis that the land was uncultivated, as discussed further in Chapter 7. As Governor Phillip’s and the settlers’ first priority was to produce crops to supplement their limited supplies, from 1791 to encourage cultivation Phillip started giving grants of land of from thirty to 130 acres to create a class of small farmers. By as early as 1791 over 150 farms had been granted and by 1794, the success of the small farms in the Parramatta district had allayed fear of
famine. When Governor Hunter took up his post in 1795, the process of creating small farms continued along the Hawkesbury, soon making this area the source of most of the colony’s grain (Coghlan 1918; Eastwood 1970; Clark 1995; Shann 1930; Hughes 1987; Summers 1975). The dispossession of the local Aborigines and expropriation of their communally shared land had begun.

The size of land grants increased when Grose, a military officer, was left in charge of the colony between 1792 and 1795. He started making large grants of land to the military officers of the New South Wales Corps and, most importantly, giving them abundant convict labour, acts which were to profoundly affect subsequent development. By 1804 large land grants to 37 men accounted for 17,000 acres while 550 small farmers cultivated a further 23,000 acres\textsuperscript{14}. From 1809\textsuperscript{15} farms expanded along rivers and creeks, filling the available area with both small and larger properties. Agriculture was to remain the most prominent sector of the colonial economy until well into the second half of the nineteenth century despite the extent of pastoral expansion by that time (Butlin 1986; Coghlan 1918; Macintyre 1999; Hughes 1987; Eastwood 1970).

Stock raising was a second priority for the colonisers. Initially livestock was raised for its food value and by 1802 production was high enough to satisfy immediate needs. The industry expanded as the demand for meat grew with the increase in the numbers of convicts transported from 1817. However because the price of cattle and other livestock was too high for small farmers, livestock production remained in the hands of a few individuals. When the military were granted land by Grose, they took more interest in grazing of imported livestock than in agriculture, as it used less labour requiring less skilled supervision and was not dependent on high levels of technology or capital inputs. It was therefore very remunerative and its success had a profound impact on Indigenous Australians which was to last for generations to come (Butlin 1986; Jackson 1998; Eastwood 1970; Shann 1930; Coghlan 1918; Morrissey 1970).

Once the issue of a reliable food source was resolved, attention turned to commercial production. Within a short time of initial colonisation the major primary industries which were to be Australia’s economic mainstay - wheat, beef and wool production - had already been successfully established. The spread of British settlement north and south from Botany Bay, and into the plains of eastern Australia after the Blue Mountains were

\textsuperscript{14} The largest of 3,400 acres was owned by John Macarthur who had the ‘time, interest and literacy’ to invest in developing methods of farming; hence Macarthur’s significant role in founding the fine wool industry (Eastwood 1970, pp9-10).

\textsuperscript{15} In 1809 alone, during the period of military rule between the overthrow of Bligh and the accession of Macquarie, 67,000 acres were granted, exceeding the amount granted between 1800 and 1806, the period of King’s governorship (Eastwood 1970, p20).
crossed in 1813 led to rapid pastoral expansion. During the 1820s and 1830s settlement spread to Queensland, the Northern Territory, Western Australia, Victoria and South Australia. By 1820, most occupation of land was by squatting on large non-labour intensive pastoral spreads. Pastoralism and the export of its products including wool, meat and wheat to the British market in exchange for British industrial products had become the economic foundation of the colony, indicating the successful establishment of a capitalist economy. However, crucially for the original inhabitants, all the above-mentioned trade items were dependent for their production on the dispossession of the Indigenous people. Thus the impact of the pastoral industry on the Indigenous inhabitants was profound as will be discussed further below (Butlin 1986; Butlin 1993; Castle & Hagan 1998; Thorpe 1996; Morrissey 1970).

**Early Employment Relations**

The issues of employment arrangements and conditions of work will now be discussed in some detail, as it is this early development of employment practices, in particular the assignment system and the regulation of working conditions and wages, which provides a useful comparison for longer-term employment relations, especially for Aboriginal labour. It also provides a background to the situation of Indigenous labour and its limited use from the beginning, an issue to be explored in some depth throughout the remainder of this thesis.

In order to feed the colony, from the viewpoint of the colonists the land needed to be cleared for agriculture. The convicts who made up the available workforce had been condemned to hard labour in the hope that the discipline of strict daily work would at least hold them in check if not reform them. However, as criminals who could not be trusted, they needed close supervision. The military officers believed they should benefit from their labour if they were to supervise convicts. Hence the assignment system was

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16 The increasing dominance of the pastoralists in the Australian economy is clear from the following figures. Between 1839 and 1850 revenue from exported wool increased from less than half a million pounds to almost £2 million, by the latter year representing two-thirds of the total value of exports, with tallow representing a further quarter of the value of the remaining exports. Cattle breeding was also an important industry with stock numbers increasing from 800,000 in 1839 to 1.9 million in 1849, with most meat products being exported, along with tallow, hides, bones and other items (Coghlan 1918, pp 503-06).

17 This is clearly only referring to male convicts. Women’s position was different as there was little employment for them in the absence of settlers for whom they could perform domestic services or light manufacturing or other ‘suitable’ industries. For the first decades, women were instead handed over indiscriminately to any inhabitants who asked for them, in effect experiencing enforced whoredom irrespective of their own wishes (Summers 1975, pp 315-20). Only after 1821 when a Female Factory was opened at Parramatta and women were able to be employed at spinning and weaving did the situation change though not necessarily for the better (see Summers 1975, pp 326-31).
born, with the state supplying convict labour and guaranteeing its discipline while the
recipients of land grants, including both free settlers and military officers, supervised that
labour (Coghlan 1918; Shann 1930; Hughes 1987; Connell & Irving 1992).

Settlers wishing to access this valuable labour source applied to district magistrates for
convicts and, on the Governor’s approval, were assigned a specified number per acre.
The available type of work for male convicts was varied, from clerical and trades to
labouring, general farm work and shepherding and for women domestic service in town
or the back blocks. A single male convict might experience a range of such situations in
his career. Most went to families on small farms until the mid-1820s; thereafter more and
more went to large capitalist landholders. Their work often involved such tasks as cutting
timber\(^{18}\) or cattle droving, which required them to labour intensely for a period. Between
tasks they would frequently appear to be idle. A reputation for idleness came from this
fact and fitted with prevailing attitudes as explored in the next chapter. Convict craftsmen
could be in a better position and could be offered cash incentives to work, as employers
competed for their services due to the shortage of skilled workers and the importance to
the establishment of the colony of tradesmen such as carpenters and blacksmiths

The essential fact is that the colony was built on convict labour: convicts cleared and
tilled the ground, grew crops, built the roads, granaries, mills and houses, acted as
domestic servants and governesses, schoolteachers and clerks, and worked as wharf
labour and pastoral labour. The money earned after hours they spent in the taverns,
providing income for others (Connell & Irving 1992; Eastwood 1970).

Legally, convicts’ labour-power was treated as a kind of commodity granted by the
government to settlers. In theory the government maintained control over the convicts
but in reality, convicts’ situation was unpredictable as their employers had wide control
over their lives. Those with conciliatory masters would be in a situation similar to free
workers in Britain. However those with masters who were miserly or hostile, or who
believed the mission of the righteous was to punish the morally degenerate convicts,
might suffer years of brutality and oppression. Pure coercion, most usually meted out in
the form of lashes, was counter-productive, so was balanced with incentives, especially
alcohol, to encourage convicts to work. Cash payment, though, was the exception
(Coghlan 1918; Connell & Irving 1992).

\(^{18}\) The labour used in location of the timber and its conversion into usable product through
felling and splitting may have been provided by Aboriginals paid in rum and tobacco (Rowley
1970, pp110-11)
In about 1800 when it became expedient to work the convicts beyond ordinary hours it became practice, at least nominally, to pay convicts a small daily wage of about a shilling a day. The employers resented this and found ways to circumvent paying it, made easier in circumstances where there was no official currency to use for payment. In any case, employers generally preferred to pay in kind and used various means to exploit assigned servants. For instance any extras were charged at 50-100% over value; convicts were forced to take imported goods they had no need for; goods paid in kind were valued at 40-70% over wholesale prices; or complaints were made of lack of ‘faithful service’ or other causes which disqualified assigned servants from receiving wages (Coghlan 1918; Hughes 1987; Castle & Hagan 1998). Parallels can be drawn between this treatment of convicts and later treatment of Aboriginal workers, as will become apparent in later chapters.

Alongside the assignment system was another employment structure made up of ex-convicts and those with tickets-of-leave. As early as the 1790s forced labour shaded into free labour as ex-convicts whose sentences had expired or who had obtained a pardon became free workers. In time free immigrants and the children of convicts and settlers increased the available workforce. However, as late as 1830 seven out of eight working age men were convicts or ex-convicts and the numbers of new settlers available to join the labour market remained small well into the nineteenth century. Nevertheless, the permanence and importance of a free labour market and the need to regulate it was acknowledged by the passing of a New South Wales An Act for the better regulation of Servants, Labourers, and Workpeople in 1828 as discussed in Chapter 7 (Buckley & Wheelwright 1988; Connell & Irving 1992; Coghlan 1918; Jackson 1998).

This was not the first instance of the legal regulation of employment. Regulation of wages first occurred in 1795 when reapers’ wages were fixed to prevent high wages being paid. This was the first in a series of decisions which established a pattern of wage regulation in Australia. Although wage rates continued to be regulated under Macquarie, they were exceeded when it suited employers. However workers risked gaol if they asked influential settlers for higher wages, clearly placing the power of wage-setting in the hands of the employers. Despite employers’ bitter lamentations about shortages of labour, high wages and workers’ independent attitudes, in fact wages fluctuated with the supply of workers and the state of industry (Coghlan 1918; Connell & Irving 1992). The pattern of employers paying as little as possible for the labour they used, and using their power and influence to this end, was already being set. Subsequent similar treatment of
Indigenous workers in relation to wages will be examined further below and in the following chapters.

Overall throughout this period the working class, both bond and free, was better off in Australia than in England. Both their actual and real wages were higher and the diet of convicts was better than that of the industrious poor in Britain. According to Coghlan a man could earn enough in three days to support himself for a week, and by hard work could own land in a few years (1918, p212). This stands in stark contrast to the living standards of the Aboriginal people which, as is explored in the following section, were rapidly deteriorating as their economy was devastated and they were excluded from the new imposed economy.

Attention now turns to an examination of labour sources, as the place of Indigenous Australians in the labour market and their treatment when in employment must be seen against the background of the efforts made by authorities and employers to ensure the existence in large enough numbers of an available labour force. In times of labour shortage, given the limited use made of Aboriginal labour and the rapid decimation of the Indigenous population as explored below, where were employees in sufficient numbers sought?

Sources of Labour
The development of labour and industry in Australia was inextricably linked to the transportation system. It was seen by employers to be the only way they could obtain a supply of labour for the industries they were attempting to develop. However, as demand for labour grew with the expansion of pastoral and other industries, even with the large number of convicts transported in the 1830s, the supply of convicts and ex-convicts was insufficient, so other sources of labour had to be sought (Fitzpatrick 1949). The impending cessation of the transportation system in the late 1830s made this even more imperative.

From the colony’s inception, most colonists, or at least those with power and influence, supported transportation of convicts. However, in Britain opposition to transportation and agitation for its end started in the early 1830s and increased with the growing realisation of the iniquities of the convict system and because assignment of convict labour to private employers came to be seen as virtually a form of slavery. Also, as it

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19 The views of Indigenous people about transportation at any time from its inception to its cessation do not appear to be a matter of record.
became more possible for convicts to become successful colonists\textsuperscript{20}, the deterrent value of transportation as a punishment decreased.

In 1839 the report of a select committee of the British House of Commons recommended the ending of transportation as soon as practicable. This decision was welcomed in Australia by working class immigrants, who opposed transportation largely because convictism reduced their opportunities for employment. They were employed only in the absence of assigned convict labour or ticket-of-leave men who, usually without a family to support, would take lower pay, thereby depressing wages. The cessation of transportation was strongly resented by emancipists\textsuperscript{21}, landowners and employers because of the loss of a source of cheap labour. But, as the decision was not theirs to make and their influence in Britain was not sufficient to change British policy, alternative sources of labour would therefore need to be found (Coghlan 1918; Jackson 1998; Fitzpatrick 1949; Hughes 1987; Morrissey 1970).

As assignees had been sent to the country districts towards the end of transportation, this meant the pastoral industry was most affected by the end of assignment. Although most ex-convicts stayed in their employment at the expiry of their sentence, significant numbers headed straight for the towns. There was thus a shortage of cheap labour for rural industries, difficult to replace with free immigrant labour which, at least in theory, must be paid (Coghlan 1918). Faced with a situation where labour was in short supply and wages were high, alternative sources of cheap labour were vigorously sought; as one settler put it: ‘we must have Labour in some Shape or other - free Labour if we can get it, - if not, then Prison Labour, and failing either, Coolie Labour’ (cited in Clark 1995, p87).

In Port Phillip, in circumstances where pastoral labour was scarce, an alternative source of labour was found in the importation of ‘exiles’, also termed ‘Pentonvillains’. These were convicts who had served part of their sentence in England and were sent to Australia only to return to England after expiry of their original sentence, a compromise arrangement to provide cheap labour to the large employers after the end of transportation. From 1844 to 1849, 1727 exiles were sent to Port Phillip, against public opinion but in the interests of the pastoralists. Exiles had been trained while in prison in England in useful trades but most were drafted into employment as shepherds and

\textsuperscript{20} Eastman notes that 47 of 105 recipients of land grants from Governor King who successfully established farms were ex-convicts and that of all men transported up to 1820, by 1828 50 per cent had become land owners, merchants or tradesmen (Eastman 1970, p12).

\textsuperscript{21} Former convict freed at or before expiry of his or her sentence.
agricultural workers at low wages. They were not welcomed, being seen as a backdoor attempt to reintroduce transportation. When large-scale free immigration resumed in 1847, with 30,000 immigrants being despatched between 1847 and 1849, the importation of exiles was abandoned but in the interim they provided a source of cheap, unfree labour (Morrissey 1970; Fitzpatrick 1949; Coghlan 1918; Buckley and Wheelwright 1988; Hughes 1987; Fitzpatrick 1949).

Attempts were also made to import cheap non-European labour, including Indians and Chinese from China and Malaya. Fitzpatrick notes that 111 settlers sent for 1203 Chinese and Indian coolies in the late 1830s, indicating the urgent need for labour in New South Wales (1949, pp58-59). The success of this scheme is not noted by Fitzpatrick. However Coghlan comments that some Chinese taken to New South Wales and Port Phillip despite the opposition of the Chinese authorities ‘did not prove efficient labourers’ (1918, p363). Natives of the South Sea islands employed as shepherds ‘were still more unsatisfactory’ and the result was ‘to cause the colonists to rely only upon free European immigrants for their labour requirements’ (Coghlan 1918, p363) at least at that time. The use of Aboriginal labour in any substantial way, at least for wages, was clearly still not on the agenda.

Employers sometimes went to great lengths to acquire workers from ‘home’ as cheaply as possible. For instance under a bounty scheme established in 1835 some employees were selected by employers before leaving Britain. The costs of passage were repaid to the employer as a bounty if the immigrants could provide testimonials as to their good character and if other official criteria as desirable immigrants were satisfied. This private scheme had the added advantage that it could be used to lower wages by creating competition for jobs, as occurred during the depression of the early 1840s. It continued to be intermittently used until 1856 and was preferred by employers because it was cheap and gave them control over the type of immigrant selected (Fitzpatrick 1949; Buckley & Wheelwright 1988; Clark 1995; Morrissey 1970).

Some employers preferred the greater control over labour provided by indentures. Servants from Great Britain were indentured to work for a specified period, and paid at lower than market rates. This tended not to be successful, as many indentured labourers absconded, leaving the employer with uncollected and uncollectible debts. In a variation on this theme, young boys, indentured for from two to five years to an

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22 For example a prosecution of 100 imported Irish workers who refused to work on their employer’s New South Wales property failed (Buckley & Wheelwright 1988, p69). This reinforces Rowley’s point that effective indenturing requires careful treatment comparable to good animal husbandry to obtain value from the indentured worker (Rowley 1970).
employer, were transported to Western Australia after completing sentences in English prisons; but the number sent was small. Another scheme which lasted for two years from 1838 was designed to relieve the burden of excessive numbers of poor in Ireland. It saw the despatch of 3,000 orphan Irish girls, all of whom readily found work (Buckley & Wheelwright 1988; Fitzpatrick 1949; Coghlan 1918). Such presumably costly schemes for importing only small numbers of workers stand out in stark contrast to the lack of substantial use of local Aboriginal labour.

Wages for agricultural labourers increased immediately after transportation ceased. However, actual money was still rarely paid. Instead the customary means of payment was by orders drawn on traders or agents in Sydney or on local storekeepers, redeemed at substantial discount, or supply of goods at grossly inflated prices, often fifty per cent above retail price. Many shepherds and pastoral labourers received no wages, an abuse which persisted throughout the 1840s. They had little power to resist such abuse given their isolation and the lack of workers’ organisations to defend them (Coghlan 1918). Thus the pattern of minimizing wage costs for pastoral labour continued, a precursor to what was to be the situation for Aboriginal pastoral labour well into the twentieth century.

The point of most interest for this thesis from the above is the continuing attempts by employers to obtain labour as cheaply as possible. Initially, labour was provided by convicts whose maintenance was paid for by government. Even when wages were required to be paid, employers used means to avoid these payments such as providing goods to their employees at inflated prices instead of paying money wages. When the supply of cheap or free convict labour began to dry up, or when wages were beginning to rise due to lack of cheap labour, other means were sought to continue the supply of cheap workers. As well as those means outlined above, colonists intensely lobbied for the continuation or resumption of transportation to various colonies at various times, and failing this the authorities temporarily increased immigration to depress rising wage demands. Some of these means have parallels in the ways in which Indigenous workers were used later in the nineteenth century and for most of the twentieth century.

Over the first six decades of its establishment as a British colony, New South Wales had become self-sustaining and economically viable. But the resources on which this growth and prosperity were based were fundamental to the Aboriginal economy too; this success occurred at the expense of the original inhabitants. In Jackson’s words:

Seen through Aboriginal eyes, white settlement brought a large fall in output because Aborigines valued the products of their own economy and cared little about those of the colonists. Seen through the eyes of the colonists, output rose rapidly because they placed high value on their own output and little value on the offsetting decline in
Aboriginal production. The dominant circumstance was a change in the ownership of resources and a change in the composition of production to reflect the values of the new owners. (Jackson 1998, pp13-14)

The nature of the Indigenous economy and the impact on it of the intrusion of the colonists is the subject of the next section, which also explores the place of the Aborigines in the introduced economy.

**Indigenous Econoscape**

At the time of colonisation, Australia was occupied by Indigenous inhabitants who, as hunter-gatherers, adapted to their different and changing environments and learned how to manage and manipulate them to ensure a balanced and varied food supply. They used their precise and intimate knowledge of available resources efficiently and with relative ease\(^23\), with the help of far from primitive technology and supplementary, geographically extensive exchange and trade. Into this economy intruded another based on very different values and production and distribution processes. Thus was the scene set for gross misunderstandings, conflict and mistrust between two diametrically opposed econoscapes (Macintyre 1999; McGrath 1995; Brook & Kohen 1991; Denoon 1983; Butlin 1993)

To European eyes Aboriginal society was so strange it was incomprehensible and its complexity was invisible (Dingle 1988). The extent of this complexity is illustrated by Butlin’s list of eighteen characteristics which need to be taken into account in developing a picture of the nature and function of the Aboriginal economy at and since white colonisation (1993, pp71-72\(^24\)). This list is a useful starting point to facilitate a brief outline of the Aboriginal economy at the time of colonisation. It is consolidated here into three categories: interconnectedness; land and resource management; and production and exchange, each of which is discussed below. The discussion illustrates the close relationships between Aboriginal social, economic, kinship, religious and other arrangements, a point which may be obscured by the categorisation undertaken in this thesis to facilitate the comparison between two very different social and economic systems.

\(^{23}\) This is particularly apparent when the varied diet and good health of Indigenous Australians at the time of colonisation is compared to that of the early convicts and settlers whose efforts to produce food were at first of severely limited success, making their very existence precarious.

\(^{24}\) Butlin gives no source for this list. Although some of these characteristics are more relevant to the discussion of the Indigenous reguloscape in Chapter 6, all but two are treated together here to emphasise the unity of Aboriginal culture, society and economy. Government and Education are treated in the Indigenous Reguloscape section of Chapter 6 below.
Interconnectedness

Butlin’s first characteristic is ‘varied ends of order, security, insurance, communication, capital formation and maintenance (both human and physical), food, clothing, dwellings, leisure, ritual, ceremonial etc.’ In Aboriginal society all these ends were interconnected. Along with the daily gathering of food, other activities could be conducted conjointly, including highly prized ritual and ceremonial activities; preparation of food; making of clothing, implements and ceremonial objects and painting; communication about all sorts of matters; as well as education to sustain the traditions and myths of the group through dancing and singing (Dingle 1988; Macintyre 1999; Goodall 1996). All could occur in ways which would not be apparent to the outside observer, such as ‘apparently indolent discussion, debate or squabbles around a camp fire’ (Butlin 1993, p74) and oversight of children’s play. In Butlin’s words: ‘This was far from merely leisure time activity; it was an expression of deep social purpose... these activities... preserved identity, order and consequently economic efficiency and equity’ (Butlin 1993, p75).

Aboriginal economic organisation was characterised by ‘diurnal operation in small groups’ (Butlin 1993, p71) and 'complex kin relations' (Butlin 1993, p72). Kinship affected individuals’ association with particular locations and their rights to access to land resources to sustain themselves physically and spiritually and in times of stress or for social and ceremonial or trade purposes. The group rather than the individual was the basic unit of Aboriginal society, with small hunting and gathering bands producing to satisfy their own needs on a daily basis. These bands coalesced from time to time as larger groups, linked by an intricate web of family relationships, intermarriage, language, belief, trade, alliance and antagonism. These interrelationships and the connections of individuals, small and larger groups with the land ‘provide the foundations for alternative methods of allocative and consumption decision-making’ (Butlin 1993, p53; Dingle 1988; Macintyre 1999; Hughes 1987).

Communal property rights in land were held by small groups. Land was at the foundation of Aboriginal culture and was intimately linked to ‘concepts of kin and familial relations, of myth and ritual’ (Butlin 1993, p68). Land ownership (or more accurately stewardship) meant, in part, the right to share resources with others. Food gathered either by individuals or small or large groups was shared to the benefit of all. This occurred according to distribution rules which varied from group to group and were varyingly complex for different produce. Sharing included the giving of gifts which had a variety of social purposes, relating to friendship, kinship, grievance settlement and ceremony and it
was usually expected that it would be reciprocated (Butlin 1993; Dingle 1988; Hiatt 1996).

Religion and economic organisation were intimately connected. Groups and individuals held ‘property rights in ritual’ (Butlin 1993, p.71) which, in a sense, were an asset for the owner. The relationship to the land included spiritual attachment, a sense of bonding with land from which arose protective myths and ritual and obligations for passing on those myths and performing the rituals. An incentive for doing the latter was a belief in the rituals’ power to enhance productivity. In fact, much of the work of reproducing resources involved the use of ritual, which was done separately by men and women (Butlin 1993; McGrath 1995).

This system of economic and social organisation was very effective. Hunting and gathering yielded a dependable livelihood, provided that a balance was preserved between population and resources. In fact the standard of living may even have been higher than that endured by most Europeans at the time of settlement. But the productivity of land was not assumed. In the Aboriginal worldview this was ensured through proper ceremony as noted above and through proper use of land (Denoon 1983; Macintyre 1999; Hughes 1987; Goodall 1996).

Land and resource management
At the centre of the Indigenous economic, religious and cultural system was land. It provided a basis for a sustainable and stable society but it was more than an economic resource. Through their ties to particular places, people were linked to their ancestors and ‘derived a sense of belonging, of identity and of oneness with the living world’ (Dingle 1988, p.9). Land was an embodiment of religious and historical knowledge and the source of relationships to humans and animals and thus of obligations to and rights in relation to the land and its inhabitants (Castle & Hagan 1998; Goodall 1996).

The relationship of Aborigines to land was not passive. Over the centuries, Aborigines gradually developed complex techniques of land and resource management. They achieved large-scale alteration in the Australian environment through clearing and burning possibly from as long as 30,000 years ago. By 5,000-10,000 years ago, Aborigines, through long-term accumulation of knowledge and experience, had formed the diverse, flexible and ingenious social and economic arrangements that confronted European colonisers in 1788 (Butlin 1986; Butlin 1993; Dingle 1988; Denoon 1983).
This has not always been recognised. For example in Denoon’s opinion, for Australian Aborigines:

In the absence of suitable animals, pastoralism was out of the question. In the presence of intense heat, extreme aridity, and occasional excesses of drought or flood, cultivation was either impossible or appallingly difficult in much of the continent. (1983, p20)

Besides, he believes, there was no incentive to change to cultivation when nomadism offered better and safer returns (1983, p20). However this is probably somewhat Eurocentric and overstated. The use of fire to create pasture for native animals and the harvesting of native plants belie this common view, as discussed further below.

Resource management was a collective project. There were numerous occasions for ‘highly productive joint action’ (Butlin 1993, p94) using sometimes complex technology to increase outputs. The construction of complexes such as the extensive eel canals in western Victoria and the use of fire in resource management indicate that, where opportunities allowed, Aborigines could invest considerable human capital into large-scale projects to enhance productivity and to coordinate activities of many group members to ensure successful food production. Other examples include kangaroo hunting in Queensland; the construction of stone fish traps; and manufacture of nets and fences to capture birds, fish or animals, sometimes metres long, communally constructed and maintained by men and women (Butlin 1993; Butlin 1986; Dingle 1988; Macintyre 1999).

The prime example of collective resource management activity is fire which required careful group control and which was used:

- to capture game or to expose other foods, including eggs, slow-moving creatures and yam fields. It provided a short-term abundance, it simplified all gathering tasks and it removed snakes and other dangerous creatures. Given the nature of many Australian shrubs and grasses, it reduced physical injury and allowed unimpeded movement, further enhancing productivity. (Butlin 1993, pp78-79)

‘Fire-stick farming’ (Butlin 1993, p95; Reynolds 1990, p8) was ‘a prominent element in controlled pastoralism by Aborigines’ (Butlin 1993, p95). This method induced animals to pastures where and when it suited the Aborigines. It was also a form of agriculture through selective encouragement of seeding, fertilising, thinning and cultivating of particular plants. To use fire in this way, Aboriginal people needed to be aware of seasonal conditions, dryness and fire resistance of various types of vegetation, time of day, the frequency with which any area could be burned and the associations of different flora and fauna in particular conditions. It also depended on control, all of which could only be learned over a very long period. Production potential was improved, enabling
possible population expansion or more time to spend on cultural pursuits or a combination of both (Butlin 1993; Reynolds 1990; Dingle 1988).

It was not only the Indigenous people who benefited from fire-stick farming. This method of land management produced the environment Europeans first encountered and coveted as pastures for their introduced livestock. Ironically, not only did the Aboriginal use of fire create ‘natural pastures’ which the Europeans coveted; also the way for Europeans into the interior was made easier by the formation of these grasslands and open woodlands (Butlin 1986; Butlin 1993). Reynolds notes that the explorers were well aware that good country existed where there was evidence of Aboriginal habitation and that they were in fact seeking inhabited, not empty, land on their explorations (1990, pp8-11). As Denoon put it: ‘the nomads often facilitated the occupation of their lands by less skilled settlers, and thus cleared the way for their own destruction’ (1983, p22).

Production and exchange

If affluence is measured in Aboriginal terms of desiring little rather than the Western definition of producing much, given their limited demands for material goods such as clothing, housing or other physical capital, hunter-gatherers were ‘the original affluent society’ (Butlin 1993, p72). These limited needs could be satisfied by working relatively few hours per day or thirty to thirty-five hours a week at a time when European workers needed to labour twice as long to sustain themselves (Butlin 1993; Dingle 1988).

Aboriginal production was conducted by groups largely for immediate consumption with a small amount of inter-group trade. The ability to move to sources of seasonal foods was necessary for survival. Thus Butlin notes Aborigines’ ‘more or less non-residential productive activity’ (1993, p71). Nomadism is a generally accepted characteristic of traditional Aboriginal life though there were some exceptions. For example the people of western Victorian lived in relatively permanent villages with stone housing. Other groups stayed in warm richly resourced areas for months at a time and dispersed at other times depending on seasonal circumstances. Generally, however, groups travelled during the year harvesting and hunting as opportunities arose, without constructing permanent dwellings (Butlin 1986; McGrath 1995; Hughes 1987; Hiatt 1996).

Aborigines’ comparative affluence was further facilitated by their ‘omnivorous diet drawn from an environment they understood intimately’ (Butlin 1993, p73). As long as they could continue their hunting and gathering activities Aborigines would have been far better off than the colonisers for the first 50 years or so of British occupation. In fact the standard of nutrition was probably higher than that of most Europeans in 1788, a highly
nutritious diet more varied for some groups than that generally enjoyed by Australians today. Diversity of diet was a necessity on both a geographical and a seasonal basis. In some areas, seafood consumption dominated while in others grains, cycads or yams were the staple foods. These differences were linked to ecology and production possibilities, while preferences and ritualistic constraints also influenced choices. For instance specific groups were prohibited from eating a specified animal or plant, thus conserving the livestock or vegetation (Hughes 1987; Butlin 1993; Dingle 1988).

‘A marked, if not exclusive, division of labour by gender’ (Butlin 1993, p71) is generally accepted, with men being responsible for hunting and providing game while women gathered the carbohydrate component of the diet (Dingle 1988; Hughes 1987). But this is contentious. Dingle points out that this division of labour was not rigid, with women collecting small game which came their way and men picking fruit and plant foods to sustain them while out hunting (1988, p13). Hughes cites the example of gender cooperation in fishing by the Eora of the Sydney area: ‘the Aborigines fished in pairs – a woman led the hooked fish in as gently as possible, while a man stood ready to spear the fish as soon as it got within range’ (1987, p10). Altman believes estimates that most of the food came from gathering to be exaggerated, with the contribution of both sexes in traditional society being close to equal (Altman in Edwards 1998, p47ff). Dingle asserts that the contribution of each varied according to season with women’s sources tending to produce more reliable outcomes than men’s hunting activities (Dingle 1988, p13). Clearly, though, both division of labour and cooperation were practised.

Most production resulted in ‘limited and generally non-durable physical capital’ (Butlin 1993, p71). The hunter-gatherer production system resulted in little accumulation of goods and required comparatively little in equipment, aside from the human capital that all shared equally (Dingle 1988). Nevertheless a range of tools varying in complexity were used, including ‘the digging stick and the spatula, fishing net and canoe, boomerang and woomera, net and spear, hafted axe and specialised stone implements’ (Macintyre 1999, pp13-14), not all of which were used by any one group (see for instance Hughes 1987, p10 and p12).

Butlin also notes Aboriginal groups’ ‘limited storage capacity’ (Butlin 1993, p71). As movement was necessary due to the migration needed to take advantage of seasonal food sources, Aboriginal people kept their material possessions to a minimum. Little or no surplus was produced, understandably as there were limited means of storing it. However, grasses whose seeds were used for food could be gathered in stooks and yams left in the ground for future harvesting and consumption. There were no
domesticated animals or other means to carry goods in large quantities, although carriers such as skulls, skins, net bags and wooden implements were devised to carry water and small collections of goods (Dingle 1988; Hughes 1987; Butlin 1993).

There was ‘limited inter-group trade or exchange within bands’ (Butlin 1993, p71). Although trade and exchange were not central to the Indigenous economy, they did occur, both between members of the same group and on a wider scale. Periodic large gatherings for ceremonial purposes, such as the bunya nut festival in south-east Queensland and the bogong moth festival in south-east New South Wales, provided the occasion for such exchanges as well as genetic interchange with mingling of groups. Goods such as axes, boomerangs, spears, nets, ochre, shells and other portable items and even songs, dances and women as marriage partners, changed hands. Particular items could have already been exchanged along extensive trade routes, so that shells from Cape York could find their way to South Australia, and stone axes could end up 700 kilometres from where they were made (Dingle 1988; Reynolds 1982; Goodall 1996). ‘We can envisage the whole continent criss-crossed by well-trodden tracks along which such items regularly travelled’ (Dingle 1988, p19).

Sometimes the exchange could be important for improving food production, for instance if suitable stone was made available to allow grains to be ground and bread to be made; but the exchange itself added to the value of the item and could change its significance and purpose, from tool to ornament, for instance. The basis for such exchange was largely social and ceremonial rather than commercial. Both the act of giving and what was given were valued (Dingle 1988).

The total economic activity of the band or larger group included production of goods, including equipment, and varied services. Services provided by and for the community included war and defence, and death and marriage ceremonies. Making of equipment for the various activities took sometimes considerable resources. Some equipment such as large nets and ornate ceremonial regalia could take many operations over a long period to complete; other items such as digging sticks would take only a few minutes or a few hours (Butlin 1993; Dingle 1988).

This ‘stably ordered system of decision-making that amply satisfied the wants of the people’ (Butlin 1993, p84) and had been evolving for centuries was impacted profoundly after the arrival of the Europeans in 1788. The British occupation all but destroyed or made untenable the Aboriginal economy and society in those areas where settlement encroached significantly on Indigenous lands. It decimated the Aboriginal population.
over a wider area through disease and violence while the British society and economy grew (Butlin 1993; Dingle 1988; Hartwig 1979).

As discussed in Chapter 6, Aboriginal systems of government were not such as to allow for organised and concerted resistance to the British occupation; and, given the inequities in physical power, however fiercely they resisted, the Aborigines were unable to permanently halt the process. Meanwhile disruption of the Aboriginal way of life was occurring in a variety of ways. Food sources were disturbed or destroyed by British colonists or by livestock. The mobility of Aborigines was constrained through denial of access to specific areas, and thereby to seasonal food sources. Constraints were put on Aboriginal production methods, especially the use of fire, thus reducing their harvests. And introduced disease decimated the population (Butlin 1993; Dingle 1988; Hasluck 1942; see also Reynolds 1982).

The options for Aborigines were either to adapt to the British social and economic ways or face social and economic destruction through loss of food sources and consequent starvation, or through violence (Butlin 1993). But the first option was not possible en masse, given the time it took the British to establish their economic structure and institutions, as outlined above, and the attitudes of settlers to Aborigines, discussed below and in following chapters.

As Reynolds remarks: ‘white society was less able than Aboriginal society to assimilate outsiders on terms of equality’ (1982, p147) and nowhere is this more apparent than in relation to work. In fact, Aborigines needed ‘some inducement sufficiently powerful’ to enter the white economy (Select Committee on the Aborigines and the Protectorate 1849, cited in Reynolds 1982, p142). Their only opportunity to do so was to become wage labourers or small farmers. However Aborigines generally did not adapt to or participate in the white economy, in part as a matter of choice and in part due to exclusion. As Butlin expresses it: ‘a sustained transfer required... a fundamental cultural debasement on the side of the Aborigines and willingness on the part of the British to accept them even at the level of low-paid labour’ (1993, p201). As Rowley points out, the employers who had fought the Aborigines for water and grassland were

25 Buckley and Wheelwright note that the practice of indenturing Aborigines, ‘who played only marginal roles in the capitalist workforce’, was often adopted in Western Australia. ‘The aim was not so much to keep wages low - in fact, little or nothing was paid to Aborigines - as to bring these blacks within the coercive scope of Masters and Servants Acts if they ran away. Not only were Aborigines more easily deceived as they put their marks on documents, but they could be punished more severely than white workers. In Western Australia a white might be imprisoned for breaking an indenture, whereas a black could be sentenced to whipping instead of, or in addition to, imprisonment’ (1988, pp69-70) under the Aboriginal Native Offences Act 1849.
hardly likely to see them as employees. The Aborigine was merely a useful last resort for labour to be used only as required (Rowley 1970, p34).

Although the immigrant elites may have offered some limited space at the bottom level of society to Aborigines, those already occupying that space were less accommodating. Aborigines were likely to compete with them for work and cause a reduction in the price of labour. Even where they did join the workforce, Aboriginal workers had to contend with negative views about their abilities, stability and reliability despite lack of evidence to support these views and considerable evidence to the contrary (Castle & Hagan 1998; Reynolds 1982; Pope 1988). Where they were employed they were ‘as handy and as useful as any other persons could have been’ (Collins 1802, cited in Reynolds 1982, p145). The issue of white beliefs and their impact on the Indigenous peoples’ economic status is examined in detail in the next chapters.

Some Aborigines engaged in trade, selling items such as fish, shellfish, bark, skins and feathers to Europeans; but markets were unreliable and the Aborigines were commonly cheated (Reynolds 1982, p145). For most of the displaced and dispossessed Indigenous people, as the evidence cited here indicates, their lost or disrupted economic structure was not replaced by their incorporation into the new economy.

Although wholesale incorporation was not a viable option from the point of view of either Aborigines or Europeans, individual Aborigines could transfer into low-paid activities. In fact as noted above, from the outset it was recognised that they had information of great value to the British trying to learn about and navigate the Australian environment. The European settlers found their skills indispensable in identifying sources of food and water and in alerting them to dangers. They were used for such purposes by governments, explorers and settlers although their contribution was rarely acknowledged and did not translate into a general respect for Aboriginal skills nor an acceptance of Aborigines as equals in the white economy. Despite the chronic labour shortages attending the early years of establishing the new economy, generally Indigenous people were seen as only a marginal source of wage labour suitable for only a limited range of tasks as discussed below. For instance, even when shortage of labour slowed down the spread of the sheep industry, pastoralists rarely used Aborigines as shepherds. As a consequence those Aborigines dispossessed of their land and subsistence were stranded with few options but to survive as best they could on the fringes of colonial society (Denoon 1983; Hartwig 1979; Reynolds 1982; see also Reynolds 1990).
The process of dispossession and exclusion was neither immediate nor complete. Initially, Aborigines speared sheep for food as wildlife retreated from their hunting grounds, or in anger triggered in part by the refusal of whites to pay them for work done, despite promises to do so. These actions were met by reprisals causing escalating hostilities to the point of frontier war in New South Wales in 1814-16, a pattern repeated later elsewhere. The superior weaponry of the British inevitably led to the defeat of the Aborigines. The survivors, with their continued existence impossible elsewhere, had little option but to form semi-permanent settlements in proximity to the homesteads, sometimes receiving food from the pastoralists and blankets from the government in return for which they did a few tasks like tracking animals. Those Aborigines without work became in effect mendicants on the fringe of a society which had little meaning for them (Brook & Kohen 1991; Castle & Hagan 1998; Rowley 1970).

This arrangement gradually turned into ‘a bastardised parody of the convict labour system. A tied and reluctant group were partly incorporated into the labour force not through the payment of wages, but by a mixture of coercion and bribes in the form of rations, rum and tobacco’ (Castle & Hagan 1998). For instance, the Aboriginal guides involved in a punitive expedition organised by Governor Macquarie in 1815 received a complete suit of cheap clothing, a blanket, four days’ provisions, half a pint of spirits and half a pound of tobacco while European guides got £12\(^{26}\) and a suit, stores and a blanket (Brook & Kohen 1991, p31).

A higher level of employment of Aborigines occurred when there was a shortage of labour because, among other reasons, immigrants were put off by the frontier war. The pastoralists were then forced to turn to the Aborigines as the only other readily available source of labour, particularly on the large frontier properties. Landholders accommodated Aborigines, allowing their continued presence on their properties in exchange for labour, for instance tracking lost stock or people, gathering bark for building, or harvesting maize or wheat, while they continued to hunt as long as game remained. There was a substantial number of these on both the New South Wales and Victorian frontiers during the 1830s and 1840s, though the size and permanency of the groups so accommodated reflected to some extent the need for labour (Thorpe 1996; Butlin 1993; Rowley 1970). One or two of the Aborigines would be employed on the regular payroll where ‘they formed an essential and most profitable, but often unacknowledged, part of the station enterprise’ (Rowley 1970, p118). This pattern continued well into the twentieth century as discussed in Chapter 8 below. In South

\(^{26}\) At a time when the average wage was no more than four shillings a day.
In the 1840s, when wage demands rose too high, farmers employed a sizeable number of Aborigines as agricultural labourers and more as shepherds until extensive fencing made them redundant in the 1850s (Pope 1988).

As maintaining their own traditions became harder, some involvement with white society became essential to survival. Of those Aborigines in the towns, some were able to obtain employment, for instance as domestic servants, but most were beggars or prostitutes or made a living doing odd jobs such as wood cutting, working in stores or running errands. As discussed in more detail in Chapter 6, attempts to turn them into small farmers and hence to move to a ‘higher’ stage of development failed, a failure which was seen to confirm the inability of the Aborigines to become ‘civilised’ (Castle & Hagan 1998; Pope 1988).

While the Aborigines were continuing to practise their traditional methods of food gathering, based on the principles of reciprocity and sharing and on profound knowledge of the land, seasons and food sources, the Europeans could only see an irrational and stubborn refusal to settle down to proper work. They failed to realise that, for Aborigines, the move from their traditional ways into white society meant a transfer from one economic system to another, from the subsistence mode of production to the emerging capitalist economy of the colonies. To make this massive change would require a significant incentive. At first, the Aborigines would demand things, such as food and metal objects, which made sense in their own culture; cash would only be demanded when its use became clear. But the Europeans were not prepared to provide appropriate incentive or acknowledge the need for it. They saw Aborigines’ role as limited to low skilled jobs for payment in rations with the only incentive being force or the threat of force, which were according to Rowley ‘the most primitive of incentives… and the least productive of efficiency’ (Rowley 1970, p17). But to the Aborigines, denial of need or miserly withholding of payment and imposition or threat of arbitrary force would appear to be denial of common humanity and in breach of Aboriginal mores. It is hardly surprising, then, that numerous attempts to get Aboriginal workers to accept work with its imposed discipline failed. Aborigines continued to choose to remain attached to their traditional lifestyles, for reasons discussed further in Chapter 6 (Reynolds 1982; Rowley 1970).

Rowley (1970, p115), Butlin (1993, p209) and Hartwig (1979, pp132-33) acknowledge that only with the removal of the element of choice would Aborigines become more than marginally attached to the European economy. These authors share a view that Aborigines were likely to become employees on pastoral properties only if their
environmental conditions had been significantly disrupted and their possibilities of
gleaning food by hunting and gathering were reduced. ‘This disturbance was achieved
most directly by the introduction of sheep and cattle, destroying yam supplies, breaking
down shrubbery, consuming grasses, disturbing river systems and so on’ (Butlin 1993,
p209). The pastoralists were in a position to manipulate conditions for Aborigines. In
circumstances where free labour was scarce, pastoralists could prevent or limit
Aboriginal access to resources and through this ‘economic coercion’ could create a
captive workforce, dependent but living on their traditional land (Butlin 1993, p209). In
offering employment to at least some of the Aboriginal population, the landholders were
able to cover their demand for labour at or below the wage rates applied to European
workers. This model of Aboriginal economic participation was replicated particularly in
the north well into the twentieth century, as discussed in Chapter 8.

White settlers rarely considered paying money to Aboriginal labour not only because of a
shortage of cash outside the main settlements, but also because, even from this early
period, payment of wages to Aborigines was not seen as an earned right but rather as a
kindness. There was also a common concern that wages would be spent on alcohol and
a belief that Aborigines could not understand the meaning of money. Money was rarely
paid even where promises were made to do so (Butlin 1993; Pope 1988; Castle &

Pastoralists could find justification for low or no pay in the apparent inability of Aborigines
to provide sustained labour. This may have been due to white perceptions or to
Aborigines’ migratory habits, but Butlin suggests another explanation:

were… Aborigines so subject to malnutrition from ecological disturbance (and
perhaps from nutrition-related diseases) that they sought or were compelled to seek
at least part of their traditional food resources to try to cope with malnutrition? (Butlin
1993, p210).

In other words, was their labour effort distributed between work for the pastoralists and
work for their own sustenance? Pope believes the low or absent pay led to a need to
continue hunting and gathering activities, making extended periods of work unviable.
Consciousness that they were being exploited as cheap labour also led some to reject
the white man’s world of work (Pope 1988, p10). But this was not recognised by the
pastoralists and the belief in the laziness of the Aboriginal worker took a strong hold on
the British settlers (see Chapter 6).

Employment of Aborigines even on such harsh terms was less likely to occur where
there was absentee ownership because the employees themselves decided about
accommodation, integration, restriction and violence towards Indigenous people. For instance the Myall Creek massacre in 1838 was perpetrated by an ‘uncontrolled band’ of convict and ex-convict employees (see Elder 1988, pp72-82 for a full account). Frontier workers’ interests were in conflict with those of Aborigines, particularly males, on neighbouring properties. Convict employees, because they were allowed to increase their earnings by working for neighbouring employers, were in competition with Aborigines for work. Pastoral wage earners were isolated in sheep tending and subject to direct effects of violence from Aborigines, thus leading to a tendency to pre-emptive violence towards Aborigines (Butlin 1993, p207).

In more closely settled areas, Aborigines had three choices: to accept handouts from the colonisers, to turn to crime, begging and prostitution or to sell their labour. But the latter was difficult. The whites remained threatened by the Aborigines long after settlement had been established, while in general the Aborigines rejected white society even after completion of the process of invasion, resistance, and subjugation (Castle & Hagan 1998; Pope 1988). The problem was not with Aborigines’ ability but their willingness to adapt, and with measures taken by settlers and the state to control their adaptation, as will be seen in Chapters 6, 7 and 8.

Despite the disincentives to work in the European economy, by the 1840s, Aborigines in all colonies worked in a limited range of jobs including planting, harvesting, cutting timber and bark, tracking and moving cattle across rivers. Some worked regularly on a seasonal basis for the same employer, a pattern which has continued, as has the employment of men in stock work and women in domestic service. In South Australia when there was a chronic labour shortage in the 1840s, Aborigines were employed in a wider range of jobs including as porters and in tannery work, with some apprenticed as joiners, blacksmiths and gardeners. But they were un- or underpaid, their skills were unrecognised and they were likely to be replaced with the first available white labour. Blatant exploitation was commonly justified by invoking the ‘myth of the lazy native’ commonly applied to native labour around the world, as discussed in Chapter 5. In some cases, to increase the reliability of Aboriginal workers, children or ‘boys’ were taken from their families or rescued from massacres and taken far away to reduce the chance of absconding. Such workers could be taken with their employers as the frontier moved. Thus, after a few decades of European occupation, an Aboriginal workforce was created but on totally different terms from those applied to other workers in nineteenth century Australia (Castle & Hagan 1998; Pope 1988; Rowley 1970).
Much the same processes as outlined above occurred in the second half of the nineteenth century in northern Australia. Generally, the process of dispossession and degradation of Aboriginal populations occurred within two or three decades of settlement of each area. Violence and disease took their toll, leaving in the wake of the ever moving frontier remnants of the Aboriginal bands which:

continued to survive as partially employed, partially dependent groups on pastoral properties, and disrupted bands attempting to maintain their traditional ways of life in the bush but subject to British locational and mobility constraints and, generally, drastically undernourished and demoralised. (Butlin 1993, p212)

Conclusion

Britain in the late eighteenth and early nineteenth centuries was undergoing a great deal of social and economic change which was providing opportunities for expansion at the same time as causing social problems urgently requiring a solution. The colonisation of Australia served Britain’s interests as an imperial power and as a receptacle for the casualties of social and economic restructuring. But Australia was geographically isolated from the rest of the British empire and had a small, ‘uncivilised’ Indigenous population in a time when ‘economic exploitation was the basis for civilisation’ (Rowley 1970, p11). The consequent lack of a labour market meant new solutions had to be found to provide a workforce for a new economy modelled on the capitalism which was then burgeoning in Britain. Convict labour was the mainstay of the economy in its early development stage and as long as there were convicts there was little need to view the Aborigine as a potential worker. In the economics of colonial development the Aborigine seemed to have no economic value (Rowley 1970). By the time labour shortages became a problem, patterns of behaviour of employers and the state had become entrenched. Employers consistently sought the cheapest labour possible, but in the main ignored the Aborigines as a source of any labour except the most menial. Meanwhile the state regulated employment for convicts and free workers more stringently, at least on paper, than was common elsewhere at the time.

This new economy was introduced into a land which had long and successfully been occupied by Indigenous peoples. Butlin summarises the economy of the Aboriginal inhabitants of Australia and the effect of European colonisation thus:

Aborigines were the first… occupiers of the Australian continent, the first to establish functioning societies and economies, and the first to make the large-scale adaptations required to use almost every type of ecological condition in Australia.... [T]he arrival of Europeans meant not merely ‘contact’ with Aborigines but the destruction of Aboriginal society and populations and the transfer of their resources to the benefit of both the new arrivals and those who remained in Britain. (Butlin 1993, p2, emphasis in original)
Prior to white colonisation the Aboriginal inhabitants of all parts of Australia enjoyed a standard of living not able to be immediately replicated by the British colonisers\textsuperscript{27}, whose lack of understanding of the environment and consequent difficulties in sustaining themselves in the early days of colonisation stands out in stark contrast to the complex and successful adaptation to the environment of the Indigenous Australians. It was a case of a clash of two econoscles. The European econoscape was based on the exploitation of the environment and of the labour required to extract the bounty from that environment. In the Australian colonies, such an econoscape confronted and overwhelmed an Indigenous econoscape based on the principle of sustainability for both the environment and the people who lived in harmony with it. In so doing the new econoscape made little place for the original inhabitants, and even less if they wished to enter the new society on their own terms.

The blindness to the Aboriginal viewpoint did not end in the early years of colonisation. The contribution made to the development of the colonies by those Aborigines who in various ways and at various times, such as during the gold rushes and on pastoral stations, filled gaps in the white labour market, also ‘remained largely unrecognised and easily forgotten’ (Pope 1988, p14). This is evident from Coghlan’s (1918) Eurocentric recitation of Australian labour and industry development cited above and by the general silence of Australian history on these matters until recent decades.

The incompetence and blinkered vision of the British may seem remarkable with the wisdom of hindsight, but at the time, with the imperatives of capitalism and imperialism at the foundation of the establishment of the penal colony, together with the attitudes to ‘natives’ brought by the early colonisers, any alternative approach to the colonisation of this remote and ill-understood continent was well-nigh impossible. A different beginning would have required a very different view of the world and the place of Europeans and ‘natives’ in that world, and a willingness to meet with the inhabitants of the ‘new land’ on a basis of equality. But the colonisers were constrained by their worldview in which Indigenous Australians had no economic value in themselves. Conflict over land quickly made the settlers see the Aborigines as depredators and pests rather than as potential labourers, and as long as a disciplined convict labour force was available, the independence of the Aborigines was increasingly seen as ‘hopeless irresponsibility’ (Rowley 1970, p28). Even after the gold rushes lured workers away, little was done to

\textsuperscript{27} Butlin estimates that ‘it was not until about 1850 that whites were able, despite the breakneck speed of their economic expansion, to restore the aggregate real gross product that the blacks had attained in 1788’ (Butlin 1986, p109).
make use of Aborigines as an alternative labour force. Aborigines continued to be seen as a temporary last resort. In Rowley’s words:

No one at the time but an eccentric or a person with deep insight... could have seen as a lost opportunity the failure to find for the Aboriginal a place in the new economy...

Attitudes to the Aboriginal worker had begun to harden around the stereotype of fecklessness and unreliability. (1970, pp120-21)

These ways of thinking and their development are the subject of the following two chapters. The reguloscape, that is the norms and values as well as the ideologies and political philosophies dominant internationally in the period from 1788 to 1850 will be examined in Chapter 5. The national and Indigenous reguloscapes will be examined in Chapter 6. It was in this first period that the foundation was laid on which laws, policies and regulatory systems, that is institutional forms, were later based, and in this period many of the ways of thinking about and acting towards Indigenous Australians developed. The analysis conducted in the next chapter will enable the identification, at least provisionally, of ‘invariant elements’, the development of which in the Australian colonies will be examined in the following chapter.

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28 Rowley cites George Grey as such a man. Grey proposed that if Aborigines were to be incorporated into the economy they should be paid an adequate wage to replace their former means of subsistence. He believed that settlers who trained Aborigines in useful skills added a worker to the labour pool as surely as an employer who brought out a migrant worker and so should be rewarded. Though partially shared by Governor Gipps, his ideas were not taken up by any government (Rowley 1970).
Chapter 5: Laying the Foundation 2: International Reguloscape to 1850

The existential ideas we have about the world - the categories by which we classify and order it, the theories we have about the way it works, and the like - are conditioned by culture. (Hatch 1974, p5)

Introduction

The British colonists came to Australia with established views about black people and their place in the economy. An examination of these views is essential to understanding why Indigenous Australians were effectively, though with some limited exceptions, excluded from the colonial economy and workforce as outlined in Chapter 4. This involves finding answers to three questions which will be addressed below: How were black people perceived by Europeans from before they encountered the Australian Aborigines? What place did work have in British society at the time of colonisation? What are the links between the perceptions of blacks and the role of work at the time of colonisation? Analysis of the answers to these questions will enable an initial identification of invariant elements which underpinned thinking about Indigenous peoples at the end of the eighteenth century and in the early decades of the nineteenth century.

International Reguloscape

The development of the philosophical, theological and scientific ways of thinking prevailing at the time of colonisation and in the succeeding decades has a long and interesting, sometimes disturbing, history. In what follows, an attempt has been made to distil out of these developments those most relevant to the subsequent treatment of Indigenous Australians in regard to their economic participation in the colonial economy. This information is presented in six parts. Firstly, an overview of attitudes to the colour black and to black people from ancient times to the nineteenth century is given. The following two parts examine briefly the theological doctrines and scientific theories which legitimised these views. The next two parts look at the implications these developments had for colonisation and the treatment of black people by the colonisers, in particular the role blacks were assigned in the colonial economies. Finally, views of work as they developed from the sixteenth century are analysed. This chapter concludes with an analysis of the invariant elements underpinning thinking about indigenous peoples in relation to work at the time of colonisation of Australia.
‘Black’ and Blacks in History

The ideas about blackness pertaining at the end of the eighteenth century had been developing for centuries. Even before it was attributed to some humans, black was not a neutral term. For the Greeks and Romans, black was generally associated with ‘night and darkness, with the Underworld, death, and chthonian\(^{29}\) deities, with bad character and ill omens’ (Snowden 1983, p82).

Before the sixteenth century, though, negative connotations of black did not apply to the evaluation of people. Rather, Africans were identified and respected as fully human. The ancient civilisations of Egypt, Greece and Rome were familiar with peoples of dark skin, but they did not judge such peoples on the basis of their colour. In Greco-Roman eyes, although those beyond the borders of Greco-Roman society may have been considered as barbarians, their humanity was not denied. For both Plato and Aristotle the only meaningful distinction between human beings was the ability to demonstrate moral virtue, and this was not something which could be inherited or biologically determined. Thus the Greeks had no concept resembling race and no mechanisms for differentiating types of mankind. Obvious physical differences were explained as being the diverse effects of environment on humans. The ancients developed no theories of white purity. White as well as black physical characteristics and mores were explained by the same environmental theory and black as well as white could demonstrate moral virtue (Snowden 1983; Miles 1989; Hannaford 1996; Ward & Lott 2002).

Snowden summarises ancient views thus:

The ancient world did not make color the focus of irrational sentiments or the basis for uncritical evaluation… nothing comparable to the virulent color prejudice of modern times existed in the ancient world… the ancients did not fall into the error of biological racism; black skin color was not a sign of inferiority; Greeks and Romans did not establish color as an obstacle to integration in society; and ancient society… ‘for all its faults and failures never made color the basis for judging a man’. (1983, p63 citing WK Simpson 1972)

Because the ancients did not find colour significant enough to record, the numbers of blacks present in white societies in ancient times is not accurately known. However those few records which do exist suggest they were fairly numerous and, importantly in the current context, economically integrated. Blacks were present in the Greco-Roman world as diplomats, soldiers and officials, servants and labourers, animal handlers and gladiators earning their living in seaports, town and country. Many blacks were assimilated into the predominantly white Mediterranean population and accepted without barriers of colour or

\(^{29}\) dwelling in or beneath the earth
class. Some became quite prosperous, owning land and acquiring a fortune (Snowden 1983).

Little changed until the mediaeval period, during which philosophical developments led to the division of mankind into ‘types’ recognisable by physical characteristics, enabling negative views to develop. In the fifteenth century, at the same time as Europeans, notably the Portuguese, began to explore the coast of Africa, extracting gold and slaves and attempting to Christianise the Africans, pejorative views of blacks began their rise. Once perceptions of the colour black were put together with distinctions of humans by skin colour, the symbolic meaning of black had powerful evaluative implications. That this occurred at the time of colonial expansion and the enslavement of blacks is not coincidental. Denigration of people on the basis of their skin colour became a justification for their exploitation (Jahoda 1999; Hannaford 1996; Miles 1989; Snowden 1983; Martinot 1994). The symbolic meanings of ‘black’ thus deepened in their negativity. According to Jordan, citing the *Oxford English Dictionary*, by the sixteenth century the meaning of ‘black’ included: ‘Deeply stained with dirt; soiled, dirty, foul ... Having dark or deadly purposes, malignant; pertaining to or involving death, deadly; baneful, disastrous, sinister ... Foul, iniquitous, atrocious, horrible, wicked ... Indicating disgrace, censure, liability to punishment, etc’ (1974, pp5-6).

It was in this century that the British made contact with blacks in their own environment. As Snowden remarks: ‘one of the fairest nations on earth was suddenly brought face to face with one of the blackest of mankind’ (1983, p68). Travellers’ accounts were published and extensively circulated. The English were deeply impressed by Africans’ blackness and nakedness, characteristics which were diametrically opposed to those of Elizabethan Englishmen and deeply offensive to their cherished social and cultural values. For example, Robert Gainsh who imported the first Negroes into England in the mid-sixteenth century described Negroes as ‘beastly living, without a God, laws, religion, or common wealth; and so scorched and vexed by the heate of the sunne, that in many places they curse it when it riseth’ (cited in Snowden 1983, p69; see also Barker 1978, p80).

Such accounts tended to emphasise the differences rather than the similarities between Europeans and those they encountered, especially those characteristics that were found repellent. Their authors consistently remarked on the skin colour, nakedness and hair type of the inhabitants of the Americas, Africa and India and represented them as savage and/or cannibals, and as brutish, fierce and cruel. For example: ‘What knowledge they have of God, or what Idoll they adore, we have no perfect intelligence, I think them rather Anthropophagi, or devourers of man’s flesh than otherwise’ (cited in Hannaford 1996,
p165). About the same time, another English traveller wrote that Africans’ blackness was a result of ‘a natural infection brought about by an unnatural act encouraged by an evil spirit’ (Hannaford 1996, p167), a view which profoundly influenced subsequent contact with blacks. Some more positive evaluations were formulated after more extended contact, for instance some idealised indigenous peoples as kind, gentle, guileless and harmless, polite, noble and respectful of the elderly. But there were more pejorative terms than positive, reinforcing the view that Europeans were superior by virtue of their civilisation and achievements. In England in particular colour became and remained a major basis for discrimination and a justification for exploitation (Miles 1989; Snowden 1983; Jahoda 1999).

Religion and science also played roles in disseminating and justifying negative views about blacks.

**Role of Religion**

Pejorative assessments of blacks were not endemic to Christianity. The ecumenical mission of early Christianity was to bring salvation to all peoples, from the whitest to the blackest. Although early Christians depicted demons *inter alia* as ‘Ethiopians’\(^{30}\), the blackness of the Ethiopian was seen as only skin deep, consistent with the belief that blackness was a natural product of a hot environment. In contrast, the blackness of the soul was caused by neglect and could be reversed by penitence; thus the soul of the black person could be pure (white). In short skin colour played no significant role in the early Christian world (Snowden 1983; Hannaford 1996).

In mediaeval times, though, when religious thought explained the nature of the material world and structured relations between people, a causal relationship between physical appearance, moral character and spatial location was asserted. An association was made between sin and black/dark skin colour. The idea gained support that one group of Adam’s descendants had earned God’s wrath and been disfigured and exiled to the periphery of the world, those little known regions which became the source of slaves. This idea, and its concomitant that whites were peculiarly blessed by God, became ideologically dominant during the period of European expansion (Miles 1989; Hannaford 1996). To further strengthen its hegemonic hold, this conceptualisation of blacks as inferior to whites in God’s eyes was able to be integrated into the Chain of Being, the long-standing main explanatory device for understanding the structure of the universe, as explored below.

\(^{30}\) Used from ancient times to refer to those with black skin, coined from the Greek words for “to burn” and “face” (Hannaford 1996, p19)
In relation to Britain’s colonial expansion specifically, evangelical Christianity wielded a powerful influence in high places in England at the commencement of the Victorian era, the period of Britain’s most vigorous imperial expansion. The evangelicals believed it was Britain’s moral responsibility to Christianise the natives throughout the Empire and the politicians shared this view. It is difficult to imagine anything which could be more clearly expressive of this than the following statement of a House of Commons Select Committee on the Native Inhabitants of British Settlements:

The British empire has been signally blessed by Providence, and her eminence, her strength, her wealth, her prosperity, her intellectual, her moral and her religious advantages, are so many reasons for peculiar obedience to the laws of Him who guides the destinies of nations. These were given for some higher purpose than commercial prosperity or military renown. It is not to be doubted that this country has been invested with wealth and power, with arts and knowledge, with the sway of distant lands, and the mastery of the restless waters, for some great and important purpose in the government of the world. Can we suppose otherwise than that it is our office to carry civilization and humanity, peace and good government, and above all, the knowledge of the true God, to the uttermost ends of the earth? (1837 cited in Reynolds 1989, pp185-86)

While not explicitly stating that the expansion of empire was a religious necessity, civilisation and Christianity were nearly synonymous in the British ethnocentrism of that time. Thus the House of Commons called upon all colonial governors and officers to promote the spread of civilisation among the natives and ‘lead them to the peaceful and voluntary reception of the Christian religion’ (cited in Morris, 1973, p37). The colonial administrators then saw their role as extending both the boundaries of the Kingdom of God and the power of Britain. Concomitant with this was the total discounting of Indigenous systems of belief which then opened the way for the burgeoning of ‘more debased ideologies of colonialism’ such as Social Darwinism and the ‘survival of the fittest’ doctrine which developed later in the nineteenth century (Rowley 1970, p11), as discussed below.

**From Chain of Being to Evolution to ‘Race’**

The negative evaluations of black peoples apparent in the above were reinforced by developments in thinking about man’s place in the universe. From antiquity to the nineteenth century, the Chain of Being was the accepted system for classifying living things and dominated European thought for the greater part of this period.

The Chain of Being was conceived as a hierarchical ordering of all objects of creation, commencing with inanimate things and ranging upwards from plants and animals, through man to the angels until it reached the pinnacle in God. The concept of the Chain of Being was continuously refined in the light of philosophical, religious and scientific developments. In the late seventeenth to early eighteenth centuries man was seen as the ‘middle link’ in
the Chain of Being, in the sense that he was at the point of transition from the merely sentient to the intellectual being, from the least to the most perfect. Further, in the early 1700s it was speculated that there were many gradations of intelligence among humankind (Jordan 1974; Lovejoy 1936; Jahoda 1999). The following statement from British philosopher Soame Jenyns, who wrote in the first half of the eighteenth century, illustrates both the above points:

Animal life rises from this low beginning in the shell-fish, through innumerable species of insects, fishes, birds, and beasts, to the confines of reason, where, in the dog, the monkey and chimpanzé, it unites so closely with the lowest degree of that quality in man, that they cannot easily be distinguished from each other. From this lowest degree in the brutal Hottentot, reason, with the assistance of learning and science, advances, through the various stages of human understanding, which rise above each other, till in a Bacon or a Newton it attains the summit. (cited in Lovejoy 1936, p197)

It was believed that the Chain of Being was complete and continuous, that when God created the universe he created everything that could be conceived. As knowledge of nature increased, however, there began a reaction to the static view of the Chain of Being. Such difficulties could be resolved by recognising that rather than being eternally complete, the Chain of Being could be seen to be tending to become so. Thus gradually from the latter half of the eighteenth century the notion of progress was integrated into the Chain of Being (Lovejoy 1936).

Although it was a relatively short step to the development of evolutionist theories, a further refinement of the Chain of Being concept was needed. This came with recognition that man is able to be dissatisfied with his powers and achievements and himself. God must have meant this to be so. Therefore man may not be destined to always maintain his place and may be able to ascend a ladder of progress. This argument presaged and enabled the development of the concept of evolution which was soon to become dominant (Lovejoy 1936).

Although the Chain of Being placed all creatures in a hierarchy, it was unable to say whether the ape, the parrot or the elephant, all seen as intelligent creatures, was next below man in the chain. From the middle of the seventeenth century, methodological changes founded on the thinking of British philosophers Hobbes and Locke led to the Chain of Being blending into science as naturalists tried to fit all living beings into a hierarchy of well-differentiated, fixed classes of natural species. Linnaeus who developed his *Systema Naturae* in the early eighteenth century, categorised all living creatures (and some imaginary ones) into classes, with humanity divided into sub-categories based on physical, psychological and social traits. But he did not attribute a hierarchical ordering to his classification of man. Linnaeus's ideas were further refined by Johann Frederich
Blumenbach who, in the late eighteenth century, described five races within the species man. He classified the Caucasian as the highest type with all others derived from it by a process of ‘degeneration’ with the most ‘degenerate’ the Ethiopian, in which group Barron Field, Australian disciple of Blumenbach, classified Australian Aborigines (Lovejoy 1936; Jordan 1974; McGregor 1997; Jahoda 1999; Hannaford 1996; Gascoigne 2002).

Emmanuel Kant, writing at the end of the eighteenth century, saw the Chain of Being as an ‘ideal of the reason’ and that it was appropriate for science to seek order in nature by applying this ‘excellent regulative principle of reason’ in its search for ‘a systematic unity of knowledge’ (Kant cited in Lovejoy 1936, p241). As there were apparent gaps in the Chain, scientists started searching for ‘missing links’, a quest pursued most vigorously in the interval between man and the higher apes. In the late seventeenth and early eighteenth centuries the Hottentot was seen as the ‘lowest’ of the savage races known to man and the link connecting anthropoids, or particularly the orang-outang, to man. However, it was believed that the semi-human beings that had been described in travellers’ narratives might be found among the more remote peoples. From the middle of the eighteenth century to Darwin’s time this hunt for the missing link engaged not only science but also the curiosity of the general public (Lovejoy 1936).

The ranking of Africans at the bottom was probably at least in part because of the fact that, unlike other non-Europeans, Africans were enslaved by Europeans and therefore, as a logical necessity, were perceived as of a lower order than those who enslaved them (Jordan 1974). As Jahoda states: ‘the image of the savage was always refracted through lenses consisting of particular ideas, interests and values’ which most of the time led to deprecatory images of blacks (Jahoda 1999, p12). The problem of the place of Africans in the hierarchy of humanness became a pressing issue when moves for the abolition of slavery and the liberation of the Negro began in the late eighteenth century. This raised questions as to the fitness of the Negro for freedom and for fitting into society on equal terms with whites. There was a common view that Negroes were mentally inferior to whites. Attempts were thus made to prove scientifically the correctness of this view.

Dr Charles White, a late eighteenth century English surgeon, inspired by translated German attempts to scientifically prove the lower intellectual capacity of blacks,

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31 It should be noted that Blumenbach saw any differences between ‘races’ as imperceptible, differing only in degree and not affecting their close relationship. He also in later life stressed his belief that blacks were neither inferior to nor a separate species from the rest of humanity (Jahoda 1999; Gascoigne 2002).

32 Lovejoy cites the example of P T Barnum who in 1842 advertised that his museum contained a number of scientific specimens of creatures connecting different species, such as the seal and the duck (1936, p236). See also Jahoda 1999, pp48-49 and Chapter 16.
investigated the anatomical differences between whites and blacks. He noticed the declining order of facial angles in human and animal skulls from European downwards to Asiatic, American Indian, Negro, orang-outang to monkey. It occurred to him ‘that Nature would not employ gradation in one instance only, but would adopt it as a general principle’ (cited in Jordan 1974, p199). When White applied his ‘general principle’ to man, he ‘discovered’ that of all sorts of men, Europeans were the highest and Africans the lowest on the scale of humanity (Jordan 1974; Jahoda 1999).

A further crucial development was the emergence of the idea of ‘race’ which, when it was first used in the early sixteenth century, meant lineage or common descent. As science developed, ‘race’ increasingly came to refer to biological types of human beings. This notion became embedded in everyday understanding of the world and an important part of imperialist ideology. The characteristics of each ‘race’, its range of psychological and social capacities and its economic and cultural characteristics as well as the hierarchical relationship between them could therefore be determined. These characteristics were deemed to be fixed by natural and unalterable conditions common to that group. Thus the scientific assertion of different ‘races’ gave apparent legitimacy to already existing conceptions of blacks as ‘savages’ and uncivilised barbarians (Miles 1989; Hannaford 1996).

Scientific thought continued to develop in ways which were to profoundly influence treatment of blacks. The notion of evolution was propounded by Jean Batiste Lamarck in the early nineteenth century. Lamarck believed that living creatures evolved over long periods by gradually taking on characteristics appropriate to their environment. Thus difference could be seen as necessary adaptation rather than indications of inferiority. However this is not the direction in which developments in scientific theory took popular views in the next period. Although the theory of evolution was popularised after the publication in 1859 of Charles Darwin’s *Origin of the Species* the ideas were not new. Darwin’s ideas had already been pre-empted by a short span by Social Darwinism, indicating the direction in which future thinking about evolution was likely to turn. Herbert Spencer, the main proponent of Social Darwinism and author of *Progress: Its Law and

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33 Although Spencer’s Social Darwinism and Darwin’s theory of evolution post-date the period under study here, their importance in relation to perceptions of blacks makes it appropriate to discuss them here. As will be seen in the following chapter many of the views about the Australian Aborigines expressed in Australia in the first half of the nineteenth century coincide with aspects of Social Darwinism even before publication and popularisation of Spencer’s and Darwin’s works.

34 Like others before him Darwin called into question the idea of fixed and permanent biological differences; he believed that catastrophic events could trigger evolutionary change.

35 Clearly this epithet must have been applied after publication of Darwin’s book, although Spencer’s influential work had been published two years earlier.
Cause (1857), argued that there was a struggle for survival by the different human ‘races’, with those of lesser intelligence or capacity for ‘civilisation’ destined to disappear, evidencing their inability to evolve (Miles 1989). Spencer saw evolution as a process of change from simplicity to complexity and applied this to mankind:

In the lowest tribes we find ‘a homogeneous aggregation of individuals having like powers and like functions... Every man is warrior, hunter, fisherman, tool-maker, builder; every woman performs the same drudgeries’ as other women. But soon differentiation appeared, inasmuch as chieftainship and authority developed. Certain persons and groups also became specialized in economic pursuits, which brought about what we now call the division of labour. (Spencer 1857 cited in Hatch 1983, pp15-16)

This emphasis on the importance of the division of labour in indicating level of ‘civilisation’ meshed with religious ideas of work as duty, as discussed below.

Scientific theories of the reasons for the inability of ‘lower races’ to evolve, based on a conception of ‘natives’ as childlike, were propounded from the early nineteenth and into the twentieth century, giving an appearance of legitimacy to the attitudes to and treatment of Indigenous peoples by church, state and the general public. For instance, the theory of ‘arrested development’, still used into the 1970s though generally discredited by then, claimed that blacks’ development was as good as or better than white development until puberty when it suddenly stopped. This was explained by different brain development in blacks and whites leading to inability of the former’s brain to develop further after puberty (Jahoda 1999). The influence of these ideas in Australia is explored in the following chapter.

Colonialism

In the early stages of British exploration and colonisation, attitudes to the natives of the ‘new’ lands were placatory. Writing in the mid-sixteenth century, Richard Hakluyt instructed English explorers not to impose laws and religion on the indigenous peoples but to treat them with care ‘so as to induce their barbarous natures to a liking and mutuall society with us’ (cited in Hannaford 1996, p165). But this attitude did not survive the violent realities of conquest. Significant developments in philosophy from the mid-seventeenth century legitimised English efforts to colonise other lands. Most crucially Hobbes established the ‘right of conquest’. As war was the natural state of man and those existing outside a state or church were the enemy, their land could legitimately be taken as spoils of war (Hannaford 1996). That Hobbes included inhabitants of remote lands as the enemy is implicit in his pejorative description of the life of the ‘savage’ as ‘solitary, poor, nasty, brutish and short’ (cited in Reynolds 1989, p97).
Philosophical developments which helped to legitimise colonialism and the unequal treatment of blacks included first the Enlightenment and later Romanticism. Enlightenment thinkers were devoted to the principles of reason, progress and the unity of mankind. They emphasised ‘improvement’ of society in terms of ensuring simplification, standardisation, practicality and utility in all areas of thought and life. They believed in the need for social order and discipline and that human problems could be resolved by analysis and experiment. Enlightenment views were reinforced by religion, in particular the Evangelicalism dominant in Britain at the time of colonisation as noted above, as both believed in the possibilities of improvement, though the sorts of improvement they were seeking may have differed. Both adherents of Enlightenment thinking and Evangelists supported the new colonies which provided fertile grounds for the unhindered development of their ideas in the absence of the stultifying effects of European traditions (Lovejoy 1936; Gascoigne 2002).

Enlightenment thinkers were generally tolerant of ‘savages’, seeing them as fully human but still passing through a stage which mankind generally passed through before reaching ‘civilisation’. This was in accordance with Enlightenment stage theory, which assumed that societies progressed through a natural sequence of development, from a state of ‘savagery’ in which hunting was the major mode of subsistence; to one of ‘barbarism’ which was characterised by nomadic pastoralism; to ‘civilisation’ in which agriculture and commerce dominated. According to this theory, these stages were hierarchical, so that those societies exhibiting the characteristics of civilisation were superior to those which could be described as in a state of savagery. What distinguished one stage from another was the mode of production, with the specialisation of labour increasing from hunting to farming to commerce. It was a natural progression for savagery to give rise, over time, to civilisation. An essential sign of progress from savagery towards civilisation was the cultivation of the soil because it was labour applied to producing the necessities of life that signified civilisation (Jahoda 1999; McGregor 1997; Gascoigne 2002).

Ironically, one of the factors contributing to the increasing dominance of Romanticism was the development of the anti-slavery movement in Britain. This led to efforts to prove blacks were less than human and therefore not capable of becoming equals with whites; and to more negative views of blacks generally (Jahoda 1999, pp53-54). It should also be noted that, according to Gascoigne, Romanticism, which asserted the values of tradition, for obvious reasons was less influential in Australia where an embryonic culture was only just forming. Thus in Australia “the late-eighteenth century impulses of the Enlightenment took a particularly secure hold” (2002, pxii). That this appears to be true is shown in the next chapter. However this does not affect the fact that these ideas impacted on British thinking during the early years of colonisation of Australia.

Gascoigne notes that squatters were seen by some, including JD Lang, to be regressing towards savagery as the pastoral stage was lower in the hierarchy of stages than commerce and agriculture (2002, pp151-52)
The Enlightenment’s penchant for standardisation was challenged in Europe by Romanticism’s contrary principle, ‘that diversity itself is of the essence of excellence’ (Lovejoy 1936, p292). This plus the Romantics’ reassertion of the value of tradition led to the cultivation of racial and national peculiarities (Lovejoy 1936; Gascoigne 2002). It was a short step from a belief in the value of individual or national idiosyncrasy to ‘the kind of collective vanity which is nationalism or racialism’ which:

is rapidly converted into belief in its superiority… A type of national culture valued at first because it was one’s own, and because the conservation of differentness [sic] was recognised as a good for humanity as a whole, came in time to be conceived of as a thing which one had a mission to impose upon others, or to diffuse over as large a part of the surface of the planet as possible. (Lovejoy 1936, p313)

This view would have fitted comfortably in Britain, a nation which, from the eighteenth century, had prided itself on its technological and industrial supremacy as the workshop and laboratory of the world. The British began to feel superior and invincible, ‘as they gazed upon their blast furnaces and rushing railways, their steamships and their cast-iron bridges, their presses and mills and mechanical looms and iron ploughs’ (Morris, 1973, p195). By early in the nineteenth century, the British felt themselves also to be morally superior after the success of the campaign to abolish slavery. However, far from making the English wary in their treatment of indigenous peoples after its complicity and worse in this discredited practice, this success refired the English enthusiasm for distributing its moral authority across the world. Increasingly it felt its moral duty was to eradicate ignorance and paganism by bringing to the primitive peoples ‘the benefits of Steam, Free Trade and Revealed Religion’ (Morris, 1973, p 39).

Europeans, aware of the cultural differences between themselves and black inhabitants of the colonies they ruled, associated poverty, inefficiency, and backwardness with non-whites and ‘attached strong emotions to physical differences’ (Snowden 1983, p73). Such views were functional for colonisers. To ensure stability of colonial rule, the settlers had to consolidate control over the indigenous population and denigration of the ‘natives’, making them feel inferior and inculcating subservience assisted in this process (Stasiulis & Yuval Davies 1995; Alatas 1977). Although the situation in Australia was different, with little chance that confrontation with the small population of native inhabitants would lead to defeat and ousting of the colonisers, the same basic process applied, as will be established in the discussion of the Indigenous reguloscape in the next chapter.

Although much of the research and opinion which was published during the eighteenth and nineteenth centuries in Europe made no mention of Australian Aborigines, where they
were referred to the same habits of thinking were applied, as the following examples indicate. Jahoda notes that Buffon, an eminent French naturalist writing in the mid- to late eighteenth century, saw the Australian Aborigines along with the Hottentot as ‘the lowest of the savages and thus closest to the anthropoid apes’ (Jahoda 1999, p45), describing them as hideous, stupid, fierce and dirty. Swiss Enlightenment thinker Isaak Iselin saw Australian Aborigines as being equivalent in development to six to eight year old Europeans, and their ability to progress as being retarded by climate and geographical location. Colonists’ attitudes to Australian Aborigines specifically will be further canvassed in the following chapter. Suffice to say at this stage that scientific arguments about the great similarity between ‘savages’ and animals or children continued to hold sway throughout the nineteenth and into the twentieth century, significantly affecting the official treatment of Indigenous Australians until relatively recently (Jahoda 1999).

From the early nineteenth century, the image of the savage as child gained prominence. This conception implied ‘immaturity, lack of responsibility and inability to properly order one’s own affairs’ (Jahoda 1999, p143). Thus, like children, ‘savages’ could not be trusted to behave sensibly and therefore required the guidance of civilized Europeans, just as children need the guidance of their parents. If Europeans were to stand in loco parentis to natives (by now referred to as ‘primitives’ rather than ‘savages’) they had obligations to help their children by stamping out undesirable beliefs and practices and replacing them with more desirable ones. Thus the aim was to ‘Christianise’ and ‘civilise’ them. Crucially, this included the encouragement of habits of steady work, beyond that required for subsistence (Jahoda 1999).

Although church and state interests were not always coincident, they were often compatible. For instance, Gascoigne points out that ‘in the Australian setting Enlightenment and Christian values often mutually confirmed the impulse towards promotion of the ideals of improvement’ (Gascoigne 2002, p14). In particular, they shared the perception of the natives ‘as child-like and in need of firm guidance’ (Jahoda 1999, pp143-44). Missionaries sent to ‘Christianise’ the natives went with preconceived ideas about the ‘degraded’ savages they wanted to deflect from their ‘path of error’, views which persisted well into the twentieth century (Jahoda 1999).

Edward Said’s analysis of the links between culture and empire in the nineteenth and twentieth centuries provides a succinct summary of British views of other peoples. He was struck with the consistency with which certain ideas appeared in writings about the empire’s ‘distant lands and peoples’:
What are striking in these discourses are the rhetorical figures one keeps encountering in their descriptions of ‘the mysterious East’, as well as the stereotypes about ‘the African (or Indian or Irish or Jamaican or Chinese) mind’, the notions about bringing civilization to primitive or barbaric peoples, the disturbingly familiar ideas about flogging or death or extended punishment being required when ‘they’ misbehaved or became rebellious, because ‘they’ mainly understood force or violence best; ‘they’ were not like ‘us’, and for that reason deserved to be ruled. (Said 1994, pp xi-xii)

Furthermore, such views justified the attenuated role of the colonised in the burgeoning imperial economies, as discussed below.

**Blacks in the Economy**

At the time of the colonisation of Australia, the main way in which blacks were used by the European economies was as slaves, a practice long followed by the Spanish and Portuguese. The first black slaves were taken by the Portuguese from West Africa in 1442. In the sixteenth century, the practice of slavery in this form was adopted by the English who were motivated by the economic need for labour in their underpopulated American and West Indian colonies. The success of these colonies and the related industries depended on the labour of black slaves. This is not to imply that slavery was new. In the ancient world the majority of slaves were white and so a conceptualisation of blacks and slaves as equivalent had not yet occurred (Hannaford 1996; Morris 1973). However, in Jordan’s words, in its new form: ‘Slavery could survive only if the Negro were a man set apart; he simply had to be different if slavery was to exist at all’ (1974, p89). Anti-black sentiment developed or increased in intensity once the two had become synonymous. This encouraged the creation of theories to prove that blacks were more suited to slavery than others.

When attempting to explain ‘why enslave only the Negro’, theories developed about the innate inferiority of blacks. Black skin came to be seen as a sign of God’s punishment, thereby justifying the exploitation of black slave labour (Snowden 1983). For example French philosopher Montesquieu, writing in the middle of the eighteenth century, justified slavery on economic, moral and natural grounds. Why would God ‘place a soul, especially a good soul, in such a black ugly body’ he pondered. He concluded that: ‘It is impossible for us to suppose these creatures to be men’ (cited in Hannaford 1996, p199). Thus enslaving them could be justified for the economic benefit they brought and because they were pitiful creatures whose humanity was in doubt.

The acquisition and exploitation of Africans as slaves was also justified by claims that they were specifically suited to working in the tropics, a view underpinned by the environmental explanation of blackness; arguments that blacks were biologically suited to slavery only
appeared later. The African’s slave status was sufficient evidence of his inferiority and thus served as a measure of Europeans’ progress and civilisation. Slavery was also justified in terms of the Europeans’ civilising mission. It was argued that, by entering the condition of slavery, the African was taking a first step down the road of ‘progress’ towards ‘civilisation’. For example to Boswell38 slavery ‘introduced [African Savages] into a much happier state of life’ (cited in Morris 1973, p33). The argument had it that the provision of labour power in effect placed slaves in an economic position similar to that of the European poor and provided them with those habits of industry so necessary to the acquisition of ‘civilisation’ (Miles 1989).

But such views could not withstand the exposés of the cruelties slaves suffered at the hands of their employers: ears and hands cut off, slaves hung from trees and nailed to posts and other such brutalities. Such reports lent weight to and made popular the call for the abolition of slavery which was achieved in the early decades of the nineteenth century. However, liberation of slaves in British and other European colonies did not herald an era in which blacks would begin to achieve equality with whites. In fact it reinforced ideas of the British empire having a function to guard ‘backward’ peoples’ welfare, which at that time meant conversion to Christianity (Morris 1973; Rowley 1970).

The attitude to dark skinned peoples as inferior and lacking in reason39 existed prior to the first British encounter with Indigenous Australians and was integral to British culture as shown above. It was therefore hardly likely that representatives of a culture which viewed those of dark complexion as inherently inferior would make an exception of Indigenous Australians, a people who, in British eyes, provided no material cultural evidence that they were any more than ‘savages’. Their appearance alone was sufficient to cause the British to categorise them thus. Before examining further the extent to which these ideas were applied to the Indigenous people of Australia in the following chapter, a brief explanation of the perceived role of work in society as it had developed to the end of the eighteenth and beginning of the nineteenth century will conclude this section.

**Labour**

In his preface to his anthology, *The Oxford Book of Work*, Keith Thomas remarks that work ‘provides us with the means of subsistence, and makes possible all the pleasures and achievements of civilization’ (1999, pv). This notion of work did not appear until the

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38 James Boswell lived from 1740-1795.
39 The word ‘reason’ is used here in preference to ‘intelligence’. As is clear from the information above, it was not intelligence that differentiated man from animal or adult from child so much as the ability to reason. However, as this distinction is not always made, examination of the evidence in the following chapter focuses on ‘intelligence’ as the broader term.
sixteenth century. In antiquity work was seen as a natural and necessary but tedious activity of no great importance. It was a waste of time for men of culture, not an end in itself, so best left to slaves and foreigners. During the mediaeval period, negative connotations continued to prevail. Work was seen as a curse: ‘Mankind’s need to work for a living is a consequence of the Fall and the resulting expulsion from Paradise, of Adam’s sin and the inherited sinfulness of the human race’ (Lessnoff 1994, p18). Thus in the mediaeval view, work was done out of necessity to fulfil immediate needs while at the same time it was a punishment for and expiation of sin.

It was therefore impossible to love labour for itself, as it was something that all would naturally avoid, a notion which persisted for some time (Thomas 1999; Anthony 1977; Lessnoff 1994). For example Jeremy Bentham stated in the early nineteenth century: ‘love of labour is a contradiction in terms’ echoing the words of Locke written in 1706: ‘Labour for labour’s sake is against nature’; and Dr Johnson from the previous century who stated: ‘no man loves labour for itself’ (cited in Thomas 1999, pp10-11). Therefore more or more productive work could only be extracted if sufficient incentive, positive or negative, was provided.

Coercion, through the use of slavery and later serfdom, was common from Roman to mediaeval times. However, as feudalism began to break down work was no longer predominantly based on overt coercion. As the labour force was increasingly free other incentives to work were needed (Thomas 1999; Anthony 1977). The gap was filled by the threat of hunger and poverty. For example, Bishop Berkeley wrote in 1749: ‘horrible as [labour] is, idleness is more to be dreaded, and a life of poverty (its necessary consequence) is far more painful’ (cited in Thomas 1999, p123). This incentive to work could be turned to the advantage of employers. An English farmer writing in 1771 cynically stated: ‘Every one but an idiot knows that the lower classes must be kept poor, or they will never be industrious’ (Young cited in Thomas 1999, p23; see also pp24-25). Such views found support in religion. According to Weber, it was Calvin’s view that ‘only when the people, i.e. the mass of labourers and craftsmen, were poor did they remain obedient to God’ (1930, p177). The view was commonly held by all denominations that God looks favourably on those who faithfully labour, even at low wages, an idea which legitimized the exploitation of a willingness to work (Weber 1930).

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40 Gascoigne notes that Jeremy Bentham and his brand of Utilitarianism was particularly influential in Australia from 1802 when Bentham castigated the Governor for exercising unconstitutional power (2002, pp170-71).
The role of religion went further than this. Incentive to work was provided by religious emphasis on the spiritual value of work. ‘Work was a discipline, it contributed to the Christian virtue of obedience. It was not seen as noble, or rewarding, or satisfying, its very endlessness and tedium were spiritually valuable in that it contributed to Christian resignation’ (Anthony 1977, p37). The idea of work as divine, a sacred and moral duty persisted from the sixteenth into the eighteenth century (Thomas 1999, pxvii). Only with work could a ‘good and godly man… with good conscience eat his bread’ (Becon 1550, cited in Thomas 1999, p102). Work is ‘the state that God doth all enjoin’ (Calver 1641, cited in Thomas 1999, p103).

It was morally incumbent on all men to have an occupation of some kind, a view which reached its peak of influence in the nineteenth century (Thomas 1999, p110, p112). The idea of a ‘calling’ in the sense of an occupation did not exist in Antiquity or in fact prior to the Reformation, according to Weber (1930). The notion of ‘calling’ had been first used by Luther in the sixteenth century. It is in Weber’s words ‘a life-task, a definite field in which to work’ (Weber 1930, p79) and ‘a man’s sustained activity under the division of labour, which is thus (normally) his source of income and in the long run the economic basis of his existence’ (Weber 1930, p205). The idea of a ‘calling’ refers basically to every legitimate and useful social role to which men are predestined by God. This idea was accompanied by the idea that the highest form of moral obligation of the individual was punctually and conscientiously to fulfil his duty in worldly affairs, as commanded by God (Weber 1930; Giddens 1976; Lessnoff 1994).

This is what Weber (1930) referred to as the ‘Protestant ethic’: ‘the prescription of relentless and unremitting devotion to the performance of one’s economic role in society’ (Lessnoff 1994). Failure to do so was evidence of the individual’s sinfulness and lack of grace. This was reflected in the religious writings of the seventeenth and eighteenth centuries. Weber cites the following passage from the authoritative theological doctrine of the time, originally published in 1647:

> As for those wicked and ungodly men, whom God as a righteous judge, for former sins doth blind and harden, from them He not only with-holdeth His grace… but sometimes also withdraweth the gifts which they had and exposeth them to such objects as their corruption makes occasion of sin: and withal, gives them over to their own lusts, the temptation of the world, and the power of Satan: whereby it comes to pass that they harden themselves, even under those means, which God useth for the softening of others. (Westminster Confession, 5th official edition, 1717, cited in Weber 1930, p101)

Man was responsible for bringing ‘his actions under constant self-control with careful consideration of their ethical consequences’ with the end of being ‘able to lead an alert,

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41 No reference is made in the literature about the application of these views to women.
intelligent life: the most urgent task the destruction of spontaneous, impulsive enjoyment, the most important means was to bring order into the conduct of [the Protestant ethic’s] adherents’ (Weber 1930, p119). He who failed in this control was looked on with an attitude ‘not of sympathetic understanding based on consciousness of one’s own weakness, but of hatred and contempt for him as an enemy of God bearing the signs of eternal damnation’ (Weber 1930, p122). In addition, this asceticism abhorred the mystical and the whole emotional side of religion (Weber 1930).

Thus ‘hard, continuous bodily or mental labour’ was required because labour served as a defence against all the temptations to an ‘unclean’ life as defined by Puritanism (Weber 1930, p158). The prescription for avoiding all temptations was: ‘Work hard in your calling’. But even beyond that ‘labour came to be considered the end of life, ordained as such by God… Unwillingness to work is symptomatic of the lack of grace’ (Weber 1930, p159).

A further important aspect of work was that it was planned and conducted at particular times of day, week and year. Time became crucial (Thomas 1999). Eminent Scottish theologian Professor Robert Rollock stated in the late sixteenth century: ‘It is not the Lord’s will that any man should be idle in this world. It is his will that all men all their days be painfully occupied in some calling, wherein they may both glorify God and do good unto men’ (cited in Lessnoff 1994, p32). Puritans began to stress the importance of time and to develop an abhorrence to the waste of time (Anthony 1977, p44; Weber 1930, p157). A century after Rollock, Richard Baxter wrote: ‘See that you have a calling which will find you employment for all the time which God’s immediate service spareth’ (Baxter 1678 cited in Weber 1930, p262). Only activity, not rest, inactive contemplation or enjoyment, served to increase the glory of God. Baxter exhorted the faithful to:

Keep up a high esteem of time and be every day more careful that you lose none of your time, than you are that you lose none of your gold and silver. And if vain recreation, dressings, feastings, idle talk, unprofitable company, or sleep be any of them temptations to rob you of any of your time, accordingly, heighten your watchfulness. (1678 cited in Weber 1930, p261)

Idleness was clearly a major concern. Without work, man would be tempted by sloth into sin: ‘to be idle is to be vicious’ (Johnson 1751, cited in Thomas 1999, p105). Morally, if not aesthetically, ‘the industrious mechanic is a more pleasing object that the loitering

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42 Weber (1930) cites his work extensively as an outstanding writer on Christian ethics whose work was universally recognised.
43 Lessnoff notes that the sin of ‘sloth’ was not included in the list of seven deadly sins when it was proclaimed in the sixth century, but from the twelfth century it came to mean first, non- or slack performance of spiritual duties by monks and later by all. The secular meaning, slackness or idleness, was secondary until after the mid-fifteenth century (1994, p25).
peasant (Gilpin 1786, cited in Thomas 1999, p562). But attitudes to idleness were ambivalent or even contradictory. In the upper classes in Britain, idleness was seen as appropriate and desirable or as an unfortunate concomitant of wealth; either way work was the curse of the lower classes. In those of lower rank and in ‘savages’ idleness was abhorrent and associated with dishonesty and dirtiness (Thomas 1999). For example:

A savage, remarkably indolent at home, though not insensible of his dirtiness, cannot rouse up activity sufficient to attempt a serious purgation; and would be at a loss where to begin… But people habituated to dirt are not easily reclaimed: to promote industry is the only effectual remedy. (Home 1774, cited in Thomas 1999, p81)

This caused difficulties, for ‘the savage… prefers… the enjoyments of sloth to the improvement of his fortune’. Commerce and the division of labour were the elements needed to turn ‘the hunter and the warrior into a tradesman and a merchant’. Thus in ‘civilised’ nations: ‘Every individual is distinguished by his calling, and has a place to which he is fitted’ (Ferguson 1767, cited in Thomas 1999, p108). Here the civilising virtue of work and the importance of the division of labour to ‘civilisation’ are clearly enunciated.

The question then was how to turn indolent savages into productive members of society. From the eighteenth century it was recognised that increasing wants and desires could act as an incentive to greater effort. For instance: ‘men are .. forced to labour because they are slaves to their own wants’ (Denham 1767, cited in Thomas 1999, p29); and ‘In general the industry of man bears proportion to his real or imaginary wants’ (Townsend 1786, cited in Thomas 1999, p29). Malthus added in 1798 that it is the hope of bettering oneself and the fear of want rather than want itself which is the greatest incentive to labour (Thomas 1999, p29). Applied to ‘savages’ this meant that to raise themselves out of their idleness and become civilised, ‘savages’ would need to be taught to want the benefits of civilisation (Thomas 1999, p30). A poem by James Thomson from the early eighteenth century illustrates the view that the ‘savage’ could only be ‘rous’d from his miserable Sloth’ by ‘INDUSTRY’; his rise would not be ‘stopp’d at barren bare necessity’ but ambition would lead him ‘To Pomp, to Pleasure, Elegance and Grace’, the desirability of which Thomson clearly took for granted (1726-30, cited in Thomas 1999, p91).

Besides, work provided ‘an indispensable form of social discipline’ (Thomas 1999, p120) as expressed for example in the following quote: ‘it is certain that employment and

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44 Anthony remarks on the “moral shudder at the degradation of the working class” felt even today when told the story of the chronic absentee coal miner, who when asked why he only turned up to work four of the five days a week, replied that “I can't live on three” (Anthony 1977, p6).
competencies do civilise all men and makes them tractable and obedient to superiors’ commands\(^{45}\) (Chamberlen 1649, cited in Thomas 1999, p121).

Thus work at the end of the eighteenth century was seen as the source of a nation’s prosperity and, most importantly, the basis for civilisation. It was every man’s moral and spiritual duty to work and not be idle or waste time. Those without wealth who did not or did not appear to work were seen as morally reprehensible. Their sinfulness was evidence of their lack of favour with God, their only chance at redemption being through the taking up of ‘proper’ work and diligently performing their ordained role.

To summarise this discussion, the relationship between racism and work will be drawn out of the preceding information.

**Blacks and Work**

There is no evidence that there was discrimination against blacks in employment in Antiquity. However, in mediaeval times and at the beginning of the period of European expansion, blacks were seen as inferior and having inherited God’s wrath. At the same time, those who did not work to expiate their sins were increasingly seen as not performing their duty according to the will of God. Thus the necessary elements which would justify discrimination in employment for ‘primitive’ or ‘savage’ peoples were set.

These ideas developed further from the end of the sixteenth century and over the following two centuries until the conception that blacks were less than human or the lowest form of humanity became dominant. Religious blended into scientific thought as science tried to fill the gaps in the chain of being. ‘Hottentots’ and, by the nineteenth century, Australian Aborigines appeared conveniently to fill the gap between ape and man. Evidence for this included their skin colour, their ‘beastly living’ and their apparent absence of law or belief in God.

During the seventeenth and eighteenth centuries, labour also became central in religious thought. Willingness to work was seen as a sign of God’s favour while idleness, unemployment and waste of time were seen as immoral. One result of idleness was dirtiness which was associated both with ‘savages’ and with unemployment. Thus the sinfulness and lack of God’s grace of indigenous peoples were clearly seen in their lack of industry and material advances, evidenced by their assumed inherent laziness, their nakedness and their nomadic habits.

\(^{45}\) Nevertheless, it was recognised that taken to the extreme of mindlessly routine work, the division of labour could be at the expense of the workers’ intelligence and independence. See Thomas 1999, pp512-514.
Scientific advances during this period ‘proved’ blacks’ intellectual inferiority, thereby justifying slavery and conquest by superior whites whose mission was to ‘civilise’ and bring the benefits of white advancement to others. The mechanisms for achieving civilisation were work and the desire for the benefits of white civilisation. Thus the civilising benefits of work to the individual and society were emphasised, while the means of inculcating the willingness to work were to cultivate in ‘savages’ a desire for the benefits of white civilisation.

However, there was no necessary connection between diligent work and good wages. There was in fact religious justification for low wages. Work was necessary for spiritual health, but the lower orders needed incentive to work diligently and faithfully. As hunger and poverty were such incentives, keeping wages low to ensure that hunger and poverty remained constant threats became a mechanism for ensuring the continuing willingness to work and to give faithful service. In the case of blacks, from the early nineteenth century added to this was the image of blacks as immature, unreasoning and therefore unable to take responsibility for their own affairs, further justifying no or low wages.

Rowley (1970) remarks on the irony that while geographical knowledge had expanded exponentially, administrators remained ignorant of what existed on the other side of a cultural frontier while maintaining supreme confidence in their beliefs and interpretation of reality. Thus it was the fate of ‘primitive’ peoples that they should develop habits of sober industry, including replacing their own beliefs with Christian ones. To do this and earn the right to the benefits of civilisation, they needed guidance from superior Europeans. Low or no wages could thus be further excused if ‘savages’ or ‘primitives’ did not give up their own beliefs, did not develop a desire for material advancement or did not give up their idle ways for the habits of industry.

As the nineteenth century advanced, the ideas took hold that ‘savagery’ was a fixed characteristic and that ‘primitive’ peoples were doomed to die out due to their inability to evolve. Thus a ready explanation for the failure of efforts to ‘civilise’ was available. Once this conclusion was reached there was little point in continued attempts to ‘civilise’.

Conclusion

It is now possible to identify a series of themes which can be used to provisionally identify invariant elements likely to have underpinned the thinking about black people brought to the Australian colonies by the British. A fundamental aspect of this thinking was blacks’
assumed inferiority. When examined further, this belief in inferiority was concomitant with a belief that black people were less intelligent than Europeans and lacking the ability to reason. It was also believed that they were lazy and incapable of sustained effort. Their stagnation in a state of ‘savagery’ was able to be explained by their lack of the wits and strength of purpose to achieve material progress. The duty of the superior British was to guide the blacks towards ‘civilisation’ as defined by the British, but the rewards offered could be only limited due to the limited capacity of the indigenous peoples. Introduction of Christianity to the heathens was equally a duty of the British. Crucial to the ‘improvement’ that civilisation and Christianity would bring was the teaching of industrious habits to enable the ‘natives’ to take a lowly place in the introduced economy.

Underpinning all of these views was a disregard for the culture of the indigenous peoples. Its inferiority was so obvious to the British that they gave no consideration to the possibility that, to the indigenous people themselves, their traditional culture could be preferable to the introduced society and economy. This plus the belief in the irrationality of black peoples meant there was no need to consult Indigenous people about the decisions being made about them. Equally there was no need to consider their preferences as the choice to the colonisers was obvious, so clearly preferable were the benefits of the introduced civilisation over the continuation of traditional practices. If the indigenous people failed to see these obvious truths they would by their resistance prove their inferiority and lack of reason and their incapacity for civilisation.

The possible invariant elements then are firstly, that blacks were assumed to be inferior to ‘civilised’ whites. Related to this they were seen to be intellectually less capable, lazy and irresponsible, and in need of ‘improvement’. This latter meant that they needed to become ‘civilised’ and Christianised but as scientific or pseudo-scientific thought progressed, increasingly ‘primitive’ peoples’ fate was seen to be to die out due to their innate incapacity to evolve. Finally it is also clear from the above historical survey that the British did not acknowledge that ‘primitive’ peoples could make a rational choice to maintain their own culture and traditional way of life.

The extent to which these ideas were imported to and put into practice in Australia in the first decades of colonisation and the Indigenous reaction to efforts made to ‘civilise’ them are the subject of the next chapter.
Chapter 6: Laying the Foundation 3: National and Indigenous Reguloscape
1788 to 1850

Today much of what was being thought and said about the situation before 1850 is part of our folk-lore, and it is the basis of many political decisions. Thus a historical diagnosis of the situation … is of primary importance. (Rowley 1970, p21)

The worthless idle aborigine has been driven back from the land he knew not how to make use of, and valued not, to make room for a more noble race of beings, who are capable of estimating the value of this fine country. Is it not right that it should be so?’ (James Macarthur, no date (early nineteenth century))

Introduction

The survey of the international reguloscape as it applies to blacks and to work has given an indication of the attitudes likely to have been brought to Australia by the first generations of colonisers. The first task in this chapter is to establish whether and to what degree the thinking of the early settlers and officials coincided with the thinking discussed in the previous chapter. Actions taken to ‘improve’ Aborigines will then be surveyed to show how beliefs about Aborigines influenced behaviour towards and decisions about them. Through this analysis of the national reguloscape, it will be shown that perceptions congruent with the invariant elements identified above underpinned most re-socialisation efforts. These failed because the colonisers took no account of the fact that Aborigines did not simply accept the superiority of white civilisation nor the necessity to relinquish their culture. In the following section describing the Indigenous reguloscape the reasons for this rejection of white culture become apparent. The chapter concludes with a re-assessment and refinement of the invariant elements provisionally identified in the previous chapter.

National Reguloscape

The following evidence about colonial views of Aborigines up to 1850 is organised into five sub-sections, broadly covering the invariant elements identified in Chapter 5: general judgments about Aborigines; views of their intellectual capacity and indolence; comments about the ‘civilising’ of Aborigines; comments about Christianizing Aborigines; and views indicating a position in relation to the doomed race theory. The final invariant element relating to denial of the rationality of Aboriginal choice is covered in the following section.

To avoid interruption of the text with excessive referencing, those quotes which have been extracted from source documents have been fully cited in Appendix 6.1 and references are to their coded listing in the Appendix in the format 1a, 1b and so on. (See Appendix 1 for more detail). Other quotes which come from secondary sources are cited in the usual way.
Judgments about Aborigines

The descriptions of Australian Aborigines from British explorers William Dampier and James Cook, although written eighty years apart, are remarkably similar. Dampier, as well as describing Aborigines in 1688 as ‘the miserablest People in the World’ who ‘differ but little from Brutes’ as noted in Chapter 5, commented on their colour, facial features and hair as well as their lack of clothes and houses (1a). Cook described them as ‘the most wretched people upon Earth’ but envied their lack of ‘superfluities’ and their happiness (1b). Both viewed the Aborigines as lacking civilisation, although the former illustrates the view of ‘natives’ as degenerate as opposed to the latter which illustrates the ‘noble savage’ image. Three decades later members of a French expedition came into contact with Tasmanian Aborigines who they too found to be living a life of happiness and simplicity though ‘close to the zero point of civilization’ (1d).

Clearly then the views of those whose contact was of limited duration were consistent with the dominant perspectives on the low place in the hierarchy of ‘races’ of the Indigenous Australians. But what of the views of those whose contact was of longer duration?

Accounts written about the Aborigines in the early years of settlement indicate a general adherence to Enlightenment views of Aborigines as being in a state of ‘savagery’, whether this be conceived as a state of nature or of barbarity. Captain Watkin Tench wrote in 1789 that ‘a less enlightened state we shall exclaim can hardly exist’ than that of the Australian Aborigines (1c). Judge-Advocate David Collins, who like Tench came out with the First Fleet remarked that he ‘found the natives... living in that state of nature which must have been common to all men previous to their uniting in society, and acknowledging but one authority’ (1798, cited in McGregor 1997, p5). Naval surgeon Peter Cunningham saw the Aboriginals as ‘lively, good-humoured, inquisitive, and intelligent’ but wondered why then ‘the abject animal state in which they live, and their great and glaring deficiency in all the useful mechanical arts..., should place them at the very zero of civilisation, constituting in a measure the connecting link between man and the monkey tribe?’ (1827, cited in McGregor 1997, p6). Another early settler described the Aborigines as ‘the most loathsome and disgusting tribe on the surface of the globe’ (1e).

These early impressions were influenced by Enlightenment stage theory, which has been discussed above. According to this theory the cultivation of the soil was the main sign of progress from ‘savagery’ towards ‘civilisation’. Aborigines did not cultivate the soil and were therefore classed as being in a state of savagery, well below the highly civilised British in the hierarchy of stages. That they would not want to take advantage of the
benefits offered by the most advanced civilisation on earth was inconceivable to those on the First Fleet. It was expected that the Aborigines would readily realise their inferiority and seek to raise themselves by imitating the example of a civilised people represented by the British (McGregor 1997; Bridges 1968; see 1c).

Further comments made during the following decades indicate that the attitude to Aborigines did not alter significantly. Words written between 1822 and 1845, such as ‘moral unfitness’ (1g), ‘ignorance and heathenish barbarity’ (1h), ‘abject creatures’ (1j), ‘hapless human beings… in their original benighted and degraded state’ (1k), ‘the most revolting race’ (1n), their ‘gross darkness and misery’ (1o), their ‘depraved inclinations’ (1p), indicate the continuity of negative assessments of Aborigines in general.

That these views were influential in assessments of Aborigines’ ability to be ‘civilized’ will become apparent below. Only the Tasmanian Aborigines appear to have been judged more positively. Backhouse and Walker, writing in 1832, found them to be ‘not of a sluggish disposition when there is sufficient inducement to labour’ and ‘very tractable and accessible to kindness’. However, that they did not consider Tasmanians as their equal is clear in their patronizing tone: ‘they are children, though more tractable than the generality of children’ and ‘as imitative as monkeys’ (1k and 1l). Their mention of the need for incentive to work also indicates adherence to prevailing views, though here couched in relatively positive terms.

Aboriginal Capacity: Intelligence, Indolence

Despite these negative assessments, initially the ‘natives’ were not generally assumed to be intellectually less than human (Reynolds 1989; see 2a). Throughout the period from 1788 to 1850 there were many who commented on the intelligence and perception of the Aborigines. For instance, they were seen as ‘capable of… improving their intellects’ (2c; see also 2b and 2i), as having ‘quickness of perception and powers of reflection’ (2e) and a mind ‘quite capable of culture… You can draw out their minds so as to reflect and reason’ (2h). G. A. Robinson, Victorian Protector of Aborigines, saw Aborigines as ‘capable of being instructed’, ‘in general intelligent, possessing intellect and capacity of no ordinary description’ but he qualified this positive assessment by adding ‘fully equal to a large majority of the peasantry of civilized communities’ (2m; see also 2l and Rowley 1970, pp50-51). However, as time went on, and consistent with developments in European science and philosophy as outlined in Chapter 5, there was increasingly a tendency to assume Aborigines had less intelligence than Europeans. The examination below of
attempts to ‘civilize’ the Aborigines will throw further light on the reasons behind this change.

A significant role was played by the pseudo-science of phrenology in fostering notions that Aborigines had limited mental powers and thus their prospects for advancement were slight. Phrenology, developed by George Combe, involved the study of the shape, size, volume and configuration of the human skull and was based on the belief that skills and character traits were seated in specified areas of the brain and that the size of these areas of the brain could be identified by detailed reading of the bumps of the skull. This approach became popular in the early decades of the nineteenth century and was influential in Australia from the 1820s (Reynolds 1989). Combe studied Australian Aboriginal skulls and concluded that Aboriginal brains were ‘distinguished by great deficiencies in the moral and intellectual organs’. Aboriginal people could not be civilised as the ‘organs of reflecting intellect, Ideality, Conscientiousness and Benevolence’ were ‘greatly inferior in size’ (cited in McGregor 1997, p8).

Reverend Threlkeld gives a hint of the debate provoked by the rise of phrenology in his description of this ‘fashionable philosophy of the day’ as a ‘specious fallacy’ based on false science, giving an erroneous conclusion that it was useless to attempt to teach Aborigines (2j; see also 2k). Nevertheless, by the mid-1840s, phrenology had led its adherents to remark on the thickness of the Aboriginal skull and the deficiency of the ‘moral and intellectual portions’ of the Aboriginal brain (2n and 2o), the total lack of ‘rational mind’ (2p), and the Aborigines’ ‘miserable manifestations of mind’ (2q).

However, the perceived failure to use the land could not be explained simply by lack of capacity, as early contact with Aborigines had indicated no lack of intelligence. At least until the above views of Aboriginal intellectual deficiency became dominant other reasons were needed. Indolence became the prevailing explanation. The words of Watkin Tench clearly reflect this. As early as 1789, he attributed the failure of attempts to ‘civilise’ the natives to ‘the fickle, jealous, wavering disposition of the people we have to deal with, who, like all other savages, are either too indolent, too indifferent, or too fearful to form an attachment on easy terms’ with the colonisers (2q). Even more clearly, he stated: ‘All savages hate toil, and place happiness in inaction: and neither the arts of civilized life can be practiced, or the advantages of it felt, without application and labour’ (2r).

A few years later Governor Macquarie saw the Aborigines as ‘prone like other Savages to great Indolence and Indifference as to their future Means of Subsistence’ (2s) while
Reverend William Walker complained that they were ‘excessively idle and vagrant’ and unwilling to work (2t and 2u). Governor Darling despaired in 1826 that ‘it seems impossible for them to abandon their Vagrant habits, or to enter into any pursuit with an appearance of Industry’ (2v). Later in the 1820s Cunningham saw the Aborigines as living in a savage state because sufficient food could be procured with a minimum of effort (2w). The South Australian Protector of Aborigines appeared to see a positive ability of Aborigines to learn, if it were not for their ‘unconquerable indolence’ which made their ability impossible to apply, ‘hence the received opinion – utter incapacity’ (2l). In similar vein the Governor of Western Australia complained in 1842 about their ‘repugnance to regular work’ (2x). At the very end of the period under study here, in evidence to the New South Wales Select Committee on the Aborigines and the Protectorate in 1849, C. J. Griffith stated that: ‘The main obstacle which has hitherto presented itself to all attempts at civilizing the Aborigines has been the difficulty of finding some inducement sufficiently powerful to excite them to continuous exertion’ (3cc).

The implications of this attribution of indolence were profound. Since Aborigines did not improve the land, they were seen to have chosen a life of indolence and therefore to have forfeited the right to the land. An editorial in the Sydney Herald in 1838 opined that to Aborigines ‘this vast country was a common … – their ownership, their right, was nothing more than that of the Emu or the Kangaroo. They bestowed no labour on the land and that – and that only – it is which gives a right of property to it’ (cited in Rowley 1970, p37). To the colonists failure to cultivate meant that the land was to all intents and purposes uninhabited, which view led to the application to Australia of the only recently overturned legal doctrine of *terra nullius* which is further examined in Chapter 7. Indolence was also cited frequently as the primary reason for Aborigines’ failure to become ‘civilized’ or to aspire to the superior ‘civilization’ brought to them by the British, though sometimes this was couched in more sympathetic than derogatory terms. It was also a reason or excuse for exclusion from the mainstream workforce or inclusion on much reduced pay and conditions.

**Civilizing Aborigines**

Nevertheless, at least initially, consistent with the Enlightenment belief in the universality of reason, optimism about Aborigines' ability to become ‘civilised’ prevailed (Reynolds 1989). Even Tench, with his belief in Aboriginal intelligence despite despairing at Aborigines’ laziness, hoped the ‘progress of reason’ would in time bring the benefits of civilization to the ‘natives’ (3a). In the colonisers’ view, the Aborigines’ only option, should they only realise it, was to become productive members of society as soon as possible.
For this to occur the Aboriginal subsistence economy would need to be replaced with a superior ‘civilised’ one which would require re-education of the Indigenous people to fit into the new economy (Hartwig 1978). Attempts to effect this were based on the explicit aim of ‘civilising’ the Indigenous people, seen as a gift to a benighted people who were ‘much injured by the want of civilization’ (3p). That the British were seen to be in a position to provide these benefits is clear from John Macarthur’s contention in 1837 that Australia, like America, had been ‘reserved by Providence, as fields in which the energies of the British character, operating upon essentially different materials, were destined to spread over the uncultured regions of primeval nature, the triumph of peace, and the empire of civilization’ (cited in Gascoigne 2002, p8). This view appears to have been influential. In 1838 the Sydney Herald’s editor saw the British as accomplishing the task ordained by ‘the Divine authority’ that they ‘go forth and people, and till the land’ and by so doing assert ‘the right to the dominion which… the British people exercise over the continent of New Holland’ (cited in Rowley 1970, p37). The colony of South Australia was built on such principles. The Colonisation Commissioners hoped that the Colony would offer the Aborigines ‘subsistence and comforts of civilised men, win them to regular industry’ and bring them Christian education (cited in Rowley 1970, p74).

This is consistent with the findings of the previous chapter that ‘civilising’ meant teaching Indigenous people the habits of industry and developing in them a desire for the benefits of European civilisation as well as severing their connection with their ‘savage’ beliefs and ways. Thus civilization, education and foregoing of their idle and erratic ways in favour of useful labour were all closely connected in British ways of thinking about the ‘improvement’ of the ‘natives’. The following quotes indicate that these ideas were influential. There were differences of view about Aborigines’ capacity for such ‘advancement’ and the appropriate methods for effecting this transformation, although there seems to be little disagreement about how far the Aborigines’ ‘advancement’ would take them.

Collins, though he described Aborigines in general as ‘revengeful, jealous, courageous, and cunning’ concluded that they were not ‘wholly incapable of becoming one day civilized and useful members of society’ (1798, cited in McGregor 1997, p5). What ‘becoming… civilized and useful’ might have meant is indicated by statements such as ‘Some of the women learned to make bread, to wash clothes, and to sew, and to use soap and water daily’ (3r); ‘there is no doubt they would become faithful wives, tender mothers, and useful members of society’ (3u); ‘They might be encouraged to have little gardens, and be gradually brought into habits of civilization… The natives would soon learn that it was
better to tend their cattle, and to be able to kill an ox when they required it, than to hunt the kangaroo or emu’ (3bb); and most explicitly: ‘All efforts for civilizing the native, have been with the object of his becoming a portion of our labouring, civilized, population, and forming an integral part of it’ (3w). In words reminiscent of those cited in the previous chapter about the dirtiness and immorality of ‘savages’, attempts to civilise were also intended to advance ‘habits of neatness, decency, and cleanliness… without which it may be confidently said that no great moral improvement can be effected’ (Maconochie 1838, cited in Gascoigne 2002, p163).

The emphasis was placed by some on causing Aborigines to cease practising their traditional customs and increasingly on the need for compulsion to effect this. Macquarie was particularly concerned to prevent Aborigines from gathering in large armed groups, a practice he found ‘barbarous’ and ‘strongly militating against the Civilization of the Natives, which is an Object of the highest Importance to effect, if possible’ (3f). An editorial in the Sydney Gazette in 1825 admonished that the Aborigines would never ‘abandon their barbarous habits and apply themselves to useful industry' unless they were brought ‘under the control of direct persevering instruction and discipline’ (3l).

Although Peter Cunningham clearly saw the Aborigines as the much sought after ‘missing link’ as noted above, he believed they could be ‘civilised’. He had concerns about those children who were successfully taught to read and write who ‘their native instincts still remaining paramount, … took to their old ideas again as soon as freed from thraldom’ (cited in Rowley 1970, p92). He therefore cautioned that the ‘civilising’ process may take generations, as ‘the wild feeling inherent in them must have time to wear out’ (1827, cited in McGregor 1997, p7; see also 3t), and it required coercion: ‘A degree of force we find to be absolutely necessary to urge man towards civilisation’. In a similar vein, instructions to the Protector of Aborigines in Western Australia in 1840 included ‘it is of importance that they should be urged, and even compelled’ to acquire the ‘wants of civilization’ and ‘to perform occasional service for hire and reward’ (3v).

Rather than force, reward for effort was referred to by others. For instance in his 1816 Proclamation to the Aborigines, Macquarie stated that ‘the Governor will feel happy to Reward such of them as have given Proofs of Industry and an Inclination to be civilized’ (3g). Reverend Leigh was concerned in 1817, though, that ‘They… will attend to nothing without reward and as soon as it be given they cease to act’ (3h). In 1825, Reverend Threlkeld advised: ‘Give nothing to any individual but in return for some labour for the common good’ (3k). Later Threlkeld referred to providing ‘food and slops [clothing],
tobacco and fish-hooks’ to those involved in clearing land for cultivation (3n). The Western Australia Protector of Aborigines was empowered to ‘confer presents of clothes, provisions or other useful articles on deserving individuals’ (3v, emphasis added). This tendency to reward only those Aborigines considered deserving contrasts with the regulation of wages which, for white workers, had commenced as early as 1795, as discussed in Chapter 4.

Colonists’ ignorance of the culture and economy of the Aborigines is also clearly apparent in such statements. It is telling that such statements were made in regard to a people whose very subsistence required them to make an effort to ensure any level of sustenance, the difficulty of which had been experienced by the earliest colonisers who had nearly starved, as discussed in Chapter 4. If these examples are typical, not only were the Aborigines expected to accept lesser rewards than white workers, the types of rewards offered were items that were unlikely to be accepted by the Aborigines as of a value commensurate with their effort or fair compensation for their dispossession.

Some colonists despaired at the prospects for ‘civilising’ the Aborigines. For instance Turnbull writing in 1813 believed that: ‘The residence of Europeans has been wholly ineffectual, the natives are still in the same state as at our first settlement… To me, indeed, they appeared altogether the most stupid and insensible race of men I have ever seen’ (3d). A correspondent signing himself as ‘Fidelus’ wrote in 1824 that the Aborigines were ‘incapable of any reformation. All attempts have hitherto proven unsatisfactory’ (3j). Barron Field, Judge of the New South Wales Supreme Court, believed that the Aboriginals should be classified as Ethiopian, lowest on the racial hierarchy developed by Blumenbach. He claimed they were ‘too indolent and poor in spirit to become masters’ and ‘would always be drones in the hive of an industrious colony’. Two years later he asserted that: ‘They have quick conceptions, and ready powers of imitation; but they have no reflection, judgement or foresight’, concluding that ‘the Australians will never be civilized’ (1825, cited in McGregor 1997, p8; see also 3s). Gipps was concerned about the corrupting influence of too close contact with whites, but this caused a dilemma. Close proximity was needed for access to employment, a civilising influence, and at the same time provided exposure to temptations of alcohol and immorality ‘which they may not be strong enough to withstand’ (cited in Rowley 1970, p136).

By the 1840s despair at the impossibility of success of the civilizing mission grew. Missionary Gunther stated in 1842 that the few Aborigines remaining attached to his mission ‘too frequently, during the year, made excursions into the bush’ and that they ‘evince not much desire for instruction and improvement’ (3y). In the same year Lord
Stanley wrote to Governor Gipps that ‘no real progress has yet been effected’ in ‘civilising the Aborigines’ and that there were no grounds for expecting greater success in future (3x). Governor La Trobe lamented in 1848 that ‘neither entreaty nor example nor cajolery’ could make the Aborigine ‘a willing participant in the advantage held out to him’ despite the Government’s ‘real kind intentions’ (3dd).

There were exceptions to negative views of the ability of Aborigines to become ‘civilised’. Some saw the answer in ‘civilising’ the children. A correspondent to the Sydney Gazette wrote in 1810 that as many Aboriginal children as possible should be ‘educated, and instructed in light professions’ and taught to ‘contribute as much as possible to the general work of civilisation’ (3b; see also 3i). Another correspondent to the same paper in the same year enigmatically wrote that Aboriginal children should be kept as ‘a separate flock reserved for a particular purpose’, away from the corrupting influence of the colonisers’ own children (3c).

One influential believer in the potential educability of Indigenous Australians and particularly their children was William Shelley who in 1814 found the Aborigines ‘remarkably teachable’ with ‘a peculiar aptness in learning the English language’ (cited in Cleverley 1971, p105; see also 3e). He proposed that a small number of children be raised in a government boarding school and taught reading, writing and ‘useful arts’. They would then marry among themselves and, with the continuing supervision of ‘steady religious persons’ to ensure they did so, continue to work and support their families (Bridges 1968, p230). It was Shelley’s ideas which were adopted in the Native Institution established by Governor Macquarie in the early nineteenth century as a first attempt to use formal education to ‘civilise the natives’, as discussed below.

A later attempt to ‘civilize’ Aborigines through their children was conducted in Western Australia in the 1840s. The rules of this establishment indicate how closely education and employment were linked and the role of strict discipline in the ‘civilizing’ effort. For instance Regulation 2 stated in part: ‘After school, the children will return direct to their employers’ home’; and Regulation 5 included the words: ‘if after being threatened and repeatedly punished, they appear to be incorrigible, they may be sent back’ (3aa). However, by this time, despair at the probable success of the ‘civilizing’ effort was becoming more common. For instance J D Lang wrote in 1847 that the Aboriginal ‘actually resists every effort to effect his elevation in the scale of humanity’ (cited in Gascoigne 2002, pp151-52; see also 3dd cited above, 3x, and 3z). This negative evaluation was supported by views about
Christianizing the ‘natives’ and the growing conviction that the Aborigines were a dying race, as discussed below.

**Christianizing Aborigines**

The above views which reflect the philosophical and scientific developments of the eighteenth century in Europe were paralleled by religious views in accord with predominant European theology. Most early missionaries to Australia were Evangelical Christians who in the early nineteenth century emphasised the innate sinfulness of man and his fallen state. They believed that the Aborigines illustrated the ultimate depths of human degradation (McGregor 1997; Gascoigne 2002). Christianity was the means of ‘elevating them to that scale in human society, for which they may be fitted by instruction and civilization’ (4h). Thus the work of civilisation was inextricably linked with inculcating Christian beliefs and it was increasingly seen as the duty of the colonists to bring the Aborigines the word of God. For instance in 1834 Reverend William Watson, though referring to ‘all their moral degradation’ and their ‘apparent small degree of superiority to the brute creation’ stated ‘we feel it our duty to labour to instruct them in the great things of God’ (4e). After all, it was believed that ‘there is no Civilization without evangelization’ hence ‘our greatest object either is, or ought to be, to convert these poor heathen to the faith of Jesus Christ’ (4g).

Such views were not confined to men of the church. The Colonial Office expressed its concern in 1838 that insufficient effort had been put into the task of conversion, reminding the Governor of New South Wales that ‘we have never yet performed the sacred duty of making any systematic or considerable attempt to impart to the former occupiers of NSW the blessings of Christianity, or the knowledge of the Arts and advantages of a civilised life’ (4i). A former Victorian Assistant Protector firmly believed in the civilising effect of religion and wrote in 1845 that its teachings would lead first to a recognition of ‘the necessity of a decent covering’, then to ‘a settled course of life’ from whence it would ‘produce industry’, while a desire to read the Bible would lead the Aborigines to seek to learn to read and write and adopt ‘Christian virtues’ (4j). In a similar vein the government superintendent at Port Phillip wrote in 1848 of ‘our’ purpose, ‘taking the higher view of the duties of a Christian people, to Christianize them’ (4k).

Of course, the colonists sharing these views believed that the Aborigines would benefit from being enlightened. Converting them to Christianity would bring them salvation. For instance a correspondent to the Sydney Gazette wrote in 1825: ‘If we therefore now hasten to their destruction, or neglect to promote their salvation, shall we be innocent, or
without blame?’ (4a). Archbishop Broughton in 1830 instructed the clergy ‘as in the occupation of their soil we are partakers of their worldly things, so in justice they should be of our spiritual’ (4d).

More importantly in this context, where efforts to Christianise were made, they were inextricably linked with the inculcation of habits of work. Teaching of the discipline required by Christianity was seen as a crucial means of leading the Aborigines to learn the superior ways of the Europeans. Christianity would rescue them from their excessive idleness and barbarity (Woolmington 1973). In 1825 Governor Darling was instructed to take all measures ‘for their conversion to the Christian Faith and for their advancement in Civilization’ (4b). In the same year Reverend Threlkeld described his method of ‘civilizing’: ‘first learn the language, then preach the Gospel, then urge them from Gospel motives to be industrious’ (4c). Such efforts do appear to have been successful. In 1838, the annual report of the Anglican mission at Wellington regretted that ‘they have to record the gradual disappearance of the adult natives from their scene of labour’ (cited in Gascoigne 2002, p158).

Views on the success of the Christianizing effort were generally negative. Reverend James Gunther felt he was all but alone in his optimism when he stated in 1837 ‘I feel.. encouraged in spite of the despairing hope entertained by almost all Europeans in the colony as it regards the civilizing and evangelizing of the poor Aborigines of this country’ (4f). By this time, the belief that extinction was the Indigenous people’s inescapable destiny, either as the will of God or due to the inevitable workings of nature, was gaining ground.

‘Doomed/Dying Race’ Theory
The idea that the Indigenous inhabitants of Australia were doomed to extinction took root in Australia in the early decades of the nineteenth century, though it flourished towards the end of the nineteenth and into the twentieth century (McGregor 1997; Rowley 1970). That this idea was taking on from the 1820s as asserted by Reynolds (1989, p107) is clear from the following quotes. Reverend William Walker cited Governor Brisbane in 1821: ‘If something is not done… for these poor, distressed creatures, they will become extinct’ (5a). In 1823, Barron Field was among those who subscribed to the doomed race theory: ‘Perhaps it is better that their name should pass away from the earth’ (cited in Brook & Kohen 1991, p149).
By the 1830s, the view that Aborigines were due for extinction became more explicit. For example, an unnamed correspondent claimed in the Sydney Herald on the day after Christmas in 1836, in hardly the spirit of the ‘season of goodwill’, that ‘it is in the order of nature that, as Civilization advances, savage nations must be exterminated’ (5b). In a tone more of warning than inevitability, witnesses to the Committee on the Aborigines Question in 1838 stated that ‘there is scarce an alternative between coercion and destruction’ for Aborigines living within areas of white settlement (5c) and that it was the duty of the authorities ‘to do all in their power to preserve this unhappy race from extirpation’ (5d). In the same year, Reverend Coates, the missionary in charge of the Wellington mission, expressed his concern that if a town developed at the mission, the Aborigines would be ‘left as an easy prey to wicked Europeans and must soon become extinct’ (cited in Rowley 1970, p95). Seven years later in a British inquiry into the condition of the Aborigines, Bishop Polding regretted that most in the colony believed ‘that it was in the course of Providence, that the blacks should disappear before the whites, and the sooner the process was carried out the better’ (5e). The Superintendent of the Port Phillip colony stated to an 1849 inquiry that ‘it is difficult to conceive that any other result than a gradual extinction of the race could be the ultimate consequence of their peculiar habits and mode of life’ though he acknowledged that the introduction of civilization had sped up this process (5f).

Thus the views of those despairing of Aboriginal progress appeared to be both scientifically verifiable and the will of God while the theory of their inevitable disappearance gave solace to colonists’ consciences, enabling violence on the frontier to be explained away even as it became more brutal (Rowley 1970).

It is clear from the above that in the initial period of colonisation, the ideas developed in Europe during the eighteenth and early nineteenth centuries were profoundly influential in the embryonic Australian colonies. The evaluation of the Aborigines as the lowest of mankind ‘accounts for the earnest attempts to raise the fallen Aborigines, for the nature of mission activity, and for the idea that only by splitting the generations and interrupting the passing on of the cultural life would it be possible to “civilise and Christianise”’ (Rowley 1970, p88). Crucial to the mission to raise the Aborigines was the teaching of industrious habits.

However, as will be shown below, attempts to do so were doomed to fail for two related reasons. They were based on a belief that the Aborigines only needed to be told the higher truths of European civilisation and Christian religion to want to become civilised and
to realise their ‘duty’ to renounce their traditions and accept the lowly place offered them in
the white economy (Rowley 1970). But this belief in turn was based on the colonisers'
derestimation of the tenacity with which the targets of their actions would hold on to
Aboriginal culture and their ignorance of the reasons for this.

Re-socialisation for Work

All the Australian colonies were founded on similar instructions to ‘promote religion and
education’ among the Aborigines. A variety of ‘civilising’ methods were used, the first of
which was to capture blacks and introduce them to the ways of the British. This was based
on the assumption that the attractiveness of the introduced civilisation would be obvious to
the ‘natives’ who would gladly leave their ways for the superior British ones. Initially the
education in European ways of such ‘specimens’ as Arabanoo and Bennelong did not
include the teaching of any form of skill which would enable them to independently earn a
living. They could remain an individual curiosity or play-thing for the Europeans or return to
being a bush black. Most chose the latter, reinforcing notions of their inability to become
‘civilised’ (Bridges 1968; Hughes 1987; Reynolds 2001; Macintyre 1999; and see 3z).

Most attempts to ‘civilise’ the Aborigines, however, focused on their removal from the
influence of Aboriginal culture and making them into useful members of society, reflecting
belief in the inferiority of Aboriginal culture and the importance placed on teaching the
Aborigines to labour. But even when obtained at a young age as the following examples
illustrate, Aborigines failed to display the willingness to work expected of them and against
which the success of the ‘civilising’ effort would be judged.

The attempt in 1789 by the first colonial chaplain, Richard Johnson, to ‘civilise’ Araboo, a
‘native’ girl of fifteen years was the first of many similar attempts to lead Aboriginal children
to habits of industry. He successfully taught her reading and basic English and found her
‘useful in several things about our little Hutt’ (cited in Woolmington 1973, p21). He taught
her the Lord’s prayer and hoped to convert her into a Christian. However, after less than
two years with the Reverend and his family, she absconded. The Reverend Samuel

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46 Arabanoo was captured by Governor Phillip in December 1788. On the day of his capture
he was told the English words for everything he saw, shown pictures of other objects, taken to
dine with the Governor and taught some rudimentary table manners. Governor Phillip said of
him that: ‘in three months [he] was so well reconciled that he was freed from all restraint, and
lived with me perfectly satisfied with his situation’ (cited in Stone 1974, p24). In 1789, when
he went back to his people’s country he found all had died from smallpox, of which he himself
died in the same year. Bennelong, the most famous of the early captives, was even presented
at court in London. But he was rejected by his people who saw him as a traitor, therefore
making him impotent to convince others to take up the ways of the colonists (Bridges 1968;
Hughes 1987; Reynolds 2001; Macintyre 1999).
Marsden had similarly poor experience in applying the capture method to ‘civilising’ two Aboriginal children whom he fostered. Mrs Marsden, in a statement showing the close connection made between work and education, said of one six-year old that he ‘now begins to read English and wait at table and I hope at some future period he may be a useful member of society’. He too absconded. The second boy, taken from his mother at birth and brought up with Marsden’s own children until he was fourteen, according to Marsden ‘retained his instinctive taste for native food; and he wanted that attachment to me and my family that we had just reason to look for’. He proved his lack of attachment by running away. Marsden then blamed the failure of these experiments on the Aborigines’ limitations. Marsden, as head of the Church of England in New South Wales from 1800 to 1826, used his position to discourage missionary activity with Aborigines47, believing them to be ineducable (Bridges 1968; Gascoigne 2002).

Despite these failures there were other later attempts to ‘civilise’ Aboriginal children in the same way. It was reported in 1830 that three Aboriginal children fostered by Reverend William Walker performed creditably in reading, writing and were ‘excellent house servants’, proving that ‘the intellect of the natives is not so debased as to be incapable of cultivation if judicious measures be adopted’ (Sydney Gazette 9 January 1830, cited in Woolmington 1973, pp31-32).

More formal educational efforts began with Governor Macquarie’s Native Institution, the major social experiment of its type. In 1814, Macquarie decided to establish a school for Aboriginal boys and girls along the lines suggested by Shelley as cited above. Macquarie was motivated by particularly vicious raids on settlers’ crops in 1814 to try another means to ‘civilise’ the natives (Cleverley 1971; Brook & Kohen 1991). Macquarie’s own words make it clear that he connected ‘civilisation’ with work and believed Aborigines needed guidance to enable them to become ‘civilised’. When he informed Lord Bathurst of his intention to establish the Institution, he said of the Aborigines that they had ‘Scarcely Emerged from the remotest State of rude and Uncivilized Nature’, but could be educated to take up productive lives, ‘either as Labourers in Agricultural Employ or among the lower Class of Mechanics’. He continued: ‘it seems only to require the fostering Hand of Time, gentle Means and Conciliatory Manners, to bring these poor Un-enlightened People into an important Degree of Civilization’ (cited in Brook & Kohen 1991, p59). To effect this, they

47 Marsden’s grave, however, was decorated with New Zealand greenstone in recognition of his enthusiastic support of a mission to Maoris (Gascoigne 2002, px).
would ‘be taught reading, writing, or religious education’, the Boys, manual labour, agriculture, mechanical arts etc., the Girls, sewing, knitting, spinning or such useful employments as are suitable for them’ (cited in Cleverley 1971, p106).

Macquarie notified his intention in a General Order issued on 10 Dec 1814:

> With a View, .. to effect the Civilization of the Aborigines of New South Wales, and to render their habits more domesticated and industrious, His Excellency the Governor, as well from Motives of humanity as of that Policy which affords a reasonable Hope of producing such an Improvement in their Condition as may eventually contribute to render them not only more happy in themselves, but also in some Degree useful to the Community, has determined to institute a School for the education of the Native Children of both Sexes,… under such rules and Regulations as appear to Him likely to answer the desired objects. (cited in Cleverley 1971, p109)

He believed that the best he could do for these children was to rescue them from an unsettled existence, and he was prepared to use any means to acquire children for the Institution, including bribery and capture (Brook & Kohen 1991; Bridges 1968).

The educability of Aboriginal children was illustrated when, in 1819, twenty Aboriginal children competed with a hundred European children in the annual School Examination and a fourteen year old Aboriginal girl won. However, this success seems to have had little lasting impact. It was for other reasons than the educability of the children that the school was never a complete success. Because the school was established for European not Aboriginal reasons, retention of pupils was an on-going problem for the school. The children did not take readily to confinement and their parents only left their children as they wished and repeatedly tried to coax them away, perhaps unconvinced that learning to read and write was a substitute for traditional education (Cleverley 1971; Brook & Kohen 1991; Rowley 1970).

After Macquarie left the colony in 1822, the institution struggled on under the control of Samuel Marsden and his cronies. When Commissioner Bigge assessed the institution as part of his enquiry into trade and agriculture in New South Wales, he believed the success

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48 Literacy was taught not for reasons of future employment prospects but because of the importance placed on strict adherence to Christian doctrine (Rowley 1970).

49 The initial five children were recruited at a feast day organised by Macquarie at least partly for the purpose of acquiring children from their semi-drunk fathers. Subsequent efforts of three parties aiming to capture twelve Aboriginal boys and six girls between four and seven years of age resulted in the capture of only four children, all about eight years old. Both boys absconded three months later, despite Macquarie’s claims that they were willing to enter and remain in the Institution (Brook & Kohen 1991; Bridges 1968). Evidence of the reluctance of the children to stay and the official though perhaps covert acknowledgment of it is clear in that the original picket fence was replaced by an escape proof wall after children absconded (Bridges 1968, p231).
in teaching reading, writing and the principles of Christian religion showed Aborigines’ ‘natural capacities’ and ‘their power of attaining the means of improving their condition’. However, he signalled his underlying distrust of their capacity for ‘civilisation’ when he noted that: ‘It yet remains to be proved, whether the habits they acquire in the schools are permanent’ (cited in Woolmington 1973, p29).

The Institution was closed by Governor Brisbane in 1824. The continuity of views about appropriate Aboriginal education and its purposes was illustrated when the Institution was reopened in 1826. Its objectives had changed little. Its orders were to instil the principles of order and industry in the children by instructing them ‘in reading, writing and the common operations of cyphering, and the common operation of labour but especially to teach the boys the trade of a Carpenter’. This was seen as a useful trade which could be performed under close supervision and ‘as the best calculated to Civilize the Aboriginal boys, and destroy their erratic habits which are strongly implanted in them’ (cited in Brook & Kohen 1991, p204). The girls were to learn needlework and spinning, particularly of possum down collected by the children’s parents and paid for with small gifts of tea, sugar or flour. But retention problems remained: the first Aboriginal boy to be apprenticed to a builder promptly absconded and an older girl placed in service also ran away (Brook & Kohen 1991).

After its reopening in 1826, reminiscent of earlier treatment of foster children, Aboriginal children waited on and did menial services for the Institution’s white manager William Hall. Hall clearly had a low opinion of the industriousness and educability of Aborigines: ‘the New Hollanders, like prisoners, only lift up the hoe and let it fall again, and they are cunning! - one standing to watch, like a cockatoo, for the rest. They oppose every endeavour to teach them anything’ (cited in Brook & Kohen 1991, p221). Governor Darling also had reservations about the effectiveness of the Institution’s education. He noted in 1828 that Aborigines brought up in Macquarie’s school learned to read and write but ‘returned however to their Tribes as soon as their Education was finished, and have remained with them in the Woods’ (cited in Woolmington 1973, p90). The school closed for good in 1829, primarily for financial reasons without any notable successes.

The attitude of George Clarke, the man in charge of the school between 1823 and 1824, to the Aborigines in his charge is clear from the following: ‘The Natives are I verily believe, the poorest Objects on the Whole habitable Globe. I have seen the Miserable Africans just come from the holds of the Slave Ships, but they do not equal in wretchedness and misery the New Hollander, and to enter into detail of their habits and Customs would not only be tedious but exceedingly offensive’ (cited in Brook & Kohen 1991, p145).

No evidence is offered about the actual education received, so this raises the question whether in fact the children were unpaid servants rather than pupils.
The other aspect of Macquarie’s ‘civilising’ experiment of turning Aborigines into small farmers illustrates another important meaning of ‘becoming civilised’ which is implicit of much that is cited above; that is the value placed on settling in one place and forsaking nomadic habits. As Gascoigne points out, this approach to ‘civilising’ the Aborigines was particularly compatible with Enlightenment ideas of ‘improvement’. A land which was not cultivated was a waste and needed to be improved. At the same time, ‘savages’ could be improved by advancing from nomadism to agriculture (2002, p167). This aspect of the experiment had been suggested by Reverend Robert Cartwright who hoped through settling Aborigines on allocated land to produce ‘every Year, not only good readers and writers, and those who can give a reasonable and scriptural account of their faith and practise in religious matters, But also those who are well skilled in every branch of the economy’ (cited in Woolmington 1973, p28). However the limitations he implicitly placed on this latter aim are evidenced by his opposition to apprenticing the boys and putting the girls out to service. He was concerned that the potential for prolonged contact with whites could have a corrupting influence on the Aborigines. He preferred that ‘both boys and Girls should be kept usefully employed ‘till they become Men and Women, and are inclined to be, or are capable of becoming Settlers’ when they should marry and be provided with land and stock to facilitate this object (cited in Woolmington 1973, pp57-58).

In setting up the settlement, Macquarie adapted Cartwright’s plan, providing small tracts of land to Aboriginal families who were expected to become a virtual peasantry. In 1823, there were six families on the land provided on the edge of Sydney. However when Judge Barron Field visited the settlement late that year, he saw only one of the Aboriginal farming families. He concluded that the others only attended when Government rations were handed out. He believed: ‘Their instinctive relish for the vermin and range of the woods cannot be eradicated’ and ‘the savages of Australia, although extremely fond of bread, will never lose their more exquisite relish for a fine fat grub’ (cited in Brook & Kohen 1991, p148). He thus affirmed his belief in the incapacity of the Aborigines to abandon their ‘savage’ ways. The settlement was abandoned in the following year (Brook & Kohen 1991).

Despite this failure, similar ‘civilising’ methods were applied in other colonies. In Van Diemen’s Land, when the remnant Aborigines were removed to Flinders Island, they were instructed in agriculture and Christianity, which according to Rowley ‘must often have appeared [to the bored and bewildered victims] as some kind of lunacy’ (1970, p50). In Western Australia, Governor Stirling experimented along similar lines, establishing an institution near Perth. There the ‘natives’ were to become fishermen to supply Perth’s
needs, but attempts to get the Aborigines to settle in one place failed. Later Governor Hutt set up a system of bounties in the form of a remission in the price of land to encourage settlers to employ Aboriginal workers and train the men in farming skills and the women in dressmaking. He like others before and after him, saw the solution as the absorption of the Aborigines into the lower orders of society, but the Aborigines’ lack of cooperation with this plan led to its abandonment (Rowley 1970).

At about the same time, the Victorian version of this approach at Wellington mission was stumbling along. In 1838 few adults were resident but there were young men and children who had become in effect ‘members of the mission family’. The young men did gardening and maize farming work on the mission but were unpaid, therefore preferring to do odd jobs elsewhere for which they received tools and small amounts of cash. Hope remained, however that the children would become tradesmen, but again the Aborigines did not cooperate with a scheme which placed them at the bottom of the introduced social hierarchy (Rowley 1970).

The proposal to set up an educational institution in Western Australia similar to Macquarie’s in the 1840s makes clear the link made between civilisation, settling down, education and labour, focusing on children. The plan proposed that ‘Aboriginal children should be induced – and even compelled – to come’ into a program to ‘gradually wean them from their erratic habits’ by inculcating new habits ‘thus bringing them on by steps to a habit of labour’ (cited in Reynolds 1989, pp129-30; see also 3v). But this like other programs could not have worked, based as it was on European notions which took no account of Aboriginal culture and society. Attempts at educating Aboriginal children near Melbourne in the 1840s were equally unsuccessful, though the school carried on for some time ‘at such times as the attendance of any native children can be secured… [with] the appearance of .. little real fruit for its.. exertions’ (La Trobe, cited in Reynolds 1989, pp192-93).

Despite the failure of these experiments from the outset, they remained popular. In 1845 a third of respondents to a circular concurred with the view that Aboriginal children ‘could be “broken” of their natural propensities, taught white ways and, “in a few years, in some measure, supply the demand for labourers”’ (Christie 1979, p133) while over half of respondents to an 1849 questionnaire believed that Aboriginal children should be coerced into European education. For example Aboriginal children under twelve ‘should be entirely removed from their parents, their own locality, and the influence and example of other
Aborigines and .. educated and accustomed to regular labour’ (Thomson cited in Christie 1979, p133).

In South Australia, schools for Aborigines were established in 1839 and 1844 and soon merged. The curriculum varied little from other similar institutions: Christian training, plus dressmaking for the girls and some trade training for the boys. However, unusually, this institution included instruction in the use of money for all its pupils. But the school was used by Aboriginal parents only for their own purposes and they took their children away as it suited them, presumably to further their traditional education. The authorities then saw the solution to separate the children more completely from their parents and moved some of the children out of Adelaide. As had occurred in other similar circumstances, those who were not moved ran away and the school had to close. As Rowley concludes: ‘Thus did similar approaches, which assumed that the European schoolroom and literacy formed the best means of cultural rapprochement, produce similar results in each colony’ (1970, p104).

Neither did missionaries learn from these failures. They used similar approaches to ‘civilise’ and Christianise children who were removed from the influence of their culture. Needless to say, such attempts to establish missionary schools for Aborigines were also unsuccessful52. Their teaching approaches, as exemplified by the regulations applying to the Wesley Mission School in Perth in 1844 (see 3aa), were draconian by today’s standards and clearly placed work at the centre of the educating effort. Where attempts were made to teach Aboriginal children to read, the primary objective was to enable them to access the Bible. However, although the evidence suggests they were successful in this53 the pupils’ acceptance of Biblical teaching seems doubtful. As Rowley comments, ‘one looks in vain for the army of Aboriginal converts risking their lives to convert people of their own race and culture’ (1970, p97). The skills and Christian values learned were not related to the children’s probable work opportunities, confined to farm and menial work, nor to their own needs and wants. Nor could their observation have convinced them that whites lived by the precepts taught (Bridges 1968; Reynolds 1989; Gascoigne 2002; Rowley 1970; see also Backhouse and Walker 1835, cited in Woolmington 1973, p91).

52 Ten missions were established between 1820 and 1853 by various churches; none survived more than fifteen years and the average duration was about eight years (Bridges 1968, p233).

53 For examples of successful catechistic learning by Aboriginal students in the 1830s, see Reynolds 1989, pp172-74 and Stone 1974, pp43-44.
Lacking all acknowledgment of Aboriginal views, such ‘civilising’ efforts were doomed to fail. Although the Europeans involved acted in the belief they were doing the ‘right’ thing, their objectives were limited by their low estimation of Aboriginal capacity and the consequent restricted economic and social role they envisaged for the Aborigines. They took no account of Aboriginal aspirations, culture or religion. Attempts to integrate Aborigines into the settler community were based on the Protestant work ethic which dictated that a useful member of the community must be industrious. But there appears to be no acknowledgment of the contradiction between this expectation and the failure to reward Aborigines appropriately for effort. Aborigines were expected to reject their own economy, culture and religion in favour of an attenuated version of the ‘superior’ European alternatives. Failure was the inevitable outcome of efforts based on an ideology which denigrated Aborigines and was unable to recognise the depth of Aboriginal commitment to their own world views and ways or their resentment of inequitable treatment (Brook & Kohen 1991; Bridges 1968; Rowley 1970).

But far from the failure of attempts to ‘civilise’ Aborigines alerting the settlers to their ignorance and prejudice, it confirmed them in their ideas of Indigenous inferiority and ineducability which thus became even more entrenched. As efforts to ‘civilize’ the ‘natives’ seemed more and more to be futile, the idea that the Aborigines were doomed to inevitable extinction grew. By the 1830s the idea had caught on: ‘for the majority of colonial commentators there appears to have been something irresistibly attractive in the notion of inevitable Aboriginal extinction’ (McGregor 1997, p14). Extinction was the obvious end point of a process to which colonisation was a contributor.

The ‘doomed race’ theory led to condoning acts of violence but also to efforts to ‘protect’ Aborigines or make the process ‘less painful’ (Strzelecki, cited in McGregor 1997, p17). Victoria was the first colony to use the ‘protection’ solution to the Aboriginal ‘problem’, foreshadowing the policy which was to become dominant a few decades later. This marked the beginning of moves away from attempts to completely sever the Aborigines from their traditional ways or to fully ‘civilise’ them, but instead to separate them more

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54 Nevertheless some maintained their belief in Aboriginal potential to be civilised. Among these was explorer and colonial administrator George Grey who realised that the success of ‘civilising’ efforts depended on acknowledgment of Aboriginal ability and adaptability. He objected to accounts that ‘most unfairly represented [them] as a very inferior race, in fact as one occupying a scale in the creation which nearly places them on a level with the brutes’. He recognised, perhaps with foresight, that ‘some years must elapse, ere a prejudice so firmly rooted as this can be altogether eradicated’ (1841 cited in McGregor 1997, p10).

55 Strictly speaking, this occurred in the Port Phillip District of New South Wales. Victoria did not become a separate colony until 1851.
completely from the white settlers even though this was clearly incompatible with integrating them into the colonial economy on equal terms.

In proposing the ‘protection’ solution to the British Select Committee on Aborigines in 1834, J D Lang proposed that the role of the protectorate would be to superintend ‘all measures and operations undertaken for securing their comfortable subsistence, their civilization, their general education, and their christianization’. Secondly it was the duty of government ‘to secure to them such a measure of comfortable subsistence as their migratory habits, and their obstinate rejection of the habits of civilization, would enable them to attain’ (cited in Woolmington 1973, p107). The Select Committee expressed its confidence that the British had great blessings, in particular Christianity, to bestow on the ‘untutored and defenceless savage’ (cited in Rowley 1970, p54). The Committee subsequently recommended adoption of the ‘protection’ approach and that the Protector ‘should be furnished with some means of making to the tribes the occasional presents of articles either of use or ornament’ not including alcohol (cited in Woolmington 1973, p107). Ideas of the irresponsibility and childishness of the ‘natives’ are implicit here.

The limited objectives of ‘protection’ are made even clearer in the Committee’s recommendations in relation to employment:

The Protectors should ascertain what is that species of industry which is least foreign to the habits and disposition of the objects of their care, and should be provided with all the necessary means of supplying them with such employment… So long as agriculture shall be distasteful to them, they should be provided the means of pursuing the chase without molestation.

Governor Gipps’ instructions to establish the Protectorate in Victoria in 1838 advised that a Chief Protector56 and four assistant Protectors had been appointed. Their role was to befriend the local tribes and induce them ‘to assume more settled habits of life’; to protect them from encroachment on their property57, cruelty, oppression or injustice; and to represent ‘their wants, wishes or grievances’ to the authorities as necessary. Initially it was intended to encourage Aborigines to settle on stations where the colonists could ‘teach

56 This was G. A. Robinson, whose responsibility it had been to clear Tasmania of the ‘remnants’ of the native people. His approach there was to keep the Aborigines he collected away from ‘hostile natives’ and more importantly from the whites who would shoot them on sight should they be seen at night and his presence be not noted. To this end he imprisoned Aborigines until ‘by a proper discipline their ferocious dispositions are subdued’ and they could be led on the end of their journey to Flinders Island (cited in Rowley 1970, p49). His exaggerated reports of the success of the settlement at Flinders Island were accepted by the authorities; hence his appointment to the Victorian post.

57 This appears cynical in hindsight, considering that the station at Mount Franklyn, originally 40,000 acres, was reduced to 112 acres by 1858 and that at Mount Rouse was alienated for white settlement in 1851 (Rowley 1970, pp56-57).
and encourage them to engage in the cultivation of the grounds, in building suitable Habitations for themselves, and in whatever else may conduce to their civilization and social improvement\(^58\). However, instead four stations were purchased where Aborigines could settle to grow their own food while they were instructed in ‘the Elements of the Christian Religion...[and] the knowledge and practice of Christianity’ while their children could receive an education (cited in Woolmington 1973, p108).

Chief Protector Robinson was favourably impressed by attempts to ‘induce the natives to habits of industry... The natives in all cases are taught to feel that their occupation is for their own advantage, and this, with untutored men, is the great incitement to industry’. He cited the report of one of the Assistant Protectors: ‘The Aborigines were employed in every description of labour that could be created... in cultivating the ground, building, fencing, and other labour incident to a new station’. But in a reaffirmation of the belief in Aboriginal indolence and irresponsibility, Robinson added that: ‘When great bodily exertion is not requisite, the Aboriginal natives are fully equal to Europeans, but in severe labour they are inferior; they have sufficient capacity for acquiring knowledge; but a want of stability, especially with the adults, is much felt’ (cited in Woolmington 1973, p113).

The Aborigines resisted being ‘improved’ to become peasant farmers and the squatters resented what they saw as a gross waste of money\(^59\) and as an undermining of their opportunity to obtain a cheap workforce. For instance the Commissioner for Crown Lands in the Portland District of Western Victoria noted in 1837 that there had been ‘scarcely an establishment... without natives being employed thereon; many of them doing extremely well, and found useful; some acting as shepherds, and others in domestic uses’, for which they were paid in food and clothing. On the arrival of the Protectors and missionaries, the Aborigines left their employment and ‘lost sight of endeavouring to do any good for the community; wandering and pilfering through the country’ (cited in Woolmington 1973, p122). Another complained that ‘the distribution of rations to the Natives had the effect of increasing their naturally indolent habits...’ (cited in Woolmington 1973, p123). But other

\(^{58}\) Christie notes that Dredge, the Assistant Protector for the Goulburn district, succeeded in drawing many Aborigines to his camp when he offered to pay them generously for jobs done. When the promises were not fulfilled as resources ran out, so did the Aborigines (Christie 1979, p95).

\(^{59}\) The Protectorate cost the government £61,000 over thirteen years, weighted to the earlier years: £24,000 was expended from 1839-1843, and £17,000 from 1843 to 1850. In 1841 alone, expenditure on Aborigines was £18,950, in contrast to £322,000 spent on immigration. But note that the Protectors’ salaries were paid for by the lease and sale of Aboriginal lands. In the following decade expenditure on Aboriginal welfare plummeted; £12,000 was spent in total between 1851 and 1858, over half on salaries, and between 1852 and 1858 £11/10/1d was spent on medical care (Rowley 1970, p61 and p63; Christie 1979, p104 and p118).
evidence cited above suggests that Aboriginal resentment at being provided food, usually scant and of poor quality, and clothing, which they could have as easily gone without, and no monetary wage, may have been a factor in Aborigines choosing rations over work for settlers. Harsh treatment by colonists who believed Aborigines needed coercion to work may also have been an incentive to leave their employment.

Ignorance of Aboriginal views is illustrated by further comments of the author of the latter citation who went on to remark that '[t]here is no season of the year in this District, in which the Natives cannot procure abundant sustenance for themselves' and 'ready employment and ample recompense in rations and clothing [are ensured] for all those who are willing to make themselves useful' (cited in Woolmington 1973, p123). The writer clearly failed to recognise that the availability of ‘abundant sustenance’ may reduce the incentive value of ‘recompense in rations and clothing’ given the costs to the Aborigines of accepting such employment and the probably miserly interpretation of what was ‘ample’ recompense. Whatever the reason, the Protectorate failed and in 1849 was abandoned (Gascoigne 2002; Woolmington 1973; Christie 1979). The report of a Select Committee on the Protectorate in 1849 recommended its abolition, but said:

> they are unable to recommend any other [system] as a substitute. They cannot express any sanguine hopes as to the prospects of the adult population; and the education of the children, although proved to be practicable by success in isolated cases, is accompanied by difficulties, admitted by all acquainted with the subject, but which none have been able to surmount.

It further recommended that 'no hasty steps should be taken towards introduction of a new system, until more mature consideration can be given to the subject’ (cited in Woolmington 1973, p126). It was to be more than a decade before an alternative system was developed, as discussed in Chapter 8.

By now, the protection solution appears to have been seen as an alternative to ‘civilising’. An example of this is Lord Stanley’s reference in late 1842 to ‘protection, and, if possible, civilizing these Aborigines’ (cited in Woolmington 1973, p120) and Gipps’ reference in early 1844 to ‘protection or civilization of the Aborigines’ (cited in Woolmington 1973, p121). This is evidence of the increasing acceptance of the ‘doomed race’ theory. In the decades up to the 1850s it came to be generally accepted by the settler community that the Aborigines, having failed to embrace or even adapt to civilisation, had shown themselves to be incapable of ‘improvement’ and were doomed to extinction. The evidence seemed to support this as drastic depopulation occurred in the decades after initial contact. Soon explanations in the form of evolutionary theory and Social Darwinism
would be available to provide further support for these conclusions. In addition, as Aboriginal rejection of white society continued, the stereotype of the Aborigine as stupid and lazy and unable to come to terms with white society took firm hold. In these circumstances, the ‘civilising’ objective came to be seen as redundant and the issue came increasingly to be seen as one of containment of the ‘Aboriginal problem’. If they were to become extinct, there was no longer an obligation to civilise them though the mission of Christianising them as a duty, to ‘smooth the dying pillow’ was strengthened over the following decades (Hartwig 1978; Woolmington 1973; Denoon 1983; Christie 1979; Rowley 1970).

Thus was a pattern in the interaction between European and Aboriginal established. The notion that Aboriginal people did not use the land became a major justification for expropriation of the land and the ‘civilisation’ of its people. It was held that the Aborigines’ traditional rights had been superseded and that they should become ‘useful’ members of society, as labourers or small farmers. At first it was thought Aborigines would automatically conform to these expectations and transform themselves appropriately, but they did not, as illustrated above. By 1850 most schemes to resocialise the Aborigines had failed resoundingly. Since it had been generally concluded that the Aborigines were a lost cause in terms of their capacity for ‘improvement’ and due to their inevitable extinction there was no need to integrate them into the introduced European-style economy. These views were buttressed and reinforced by ideas of Indigenous inferiority, incapacity and need for improvement imported from Europe and adapted to the realities of the Australian colonies as they unfolded. They were then locked into place by law and policy, ending with the exclusion in some form of institution for the ‘protection’ of the Indigenous survivors, as will be examined in the following chapter (Hartwig 1978; Brook & Kohen 1991; Reynolds 1982). Throughout little effort was made to understand Aboriginal culture or to see Aboriginal rejection of white culture as a rational and considered response. This response will be re-examined after first outlining relevant aspects of the Indigenous reguloscape.

**Indigenous Reguloscape**

The essential features of Indigenous culture and beliefs are covered in the Indigenous Econoscape in Chapter 4, illustrating that for Indigenous Australians all are part of the one integrated Aboriginal culture in contrast to the separations made between economy, society and culture in Western society. Nevertheless, it is possible to separately identify those aspects of Aboriginal social arrangements relating to religion, education, government and law, which were considered to be an essential part of any ‘civilised’
society. The essential similarity of these arrangements throughout Australia makes it valid
to consider them generically here (Rowley 1970). Each of these areas will be briefly
examined including some conjecture as to the likely Indigenous reaction to white versions
of these areas of belief and practice. The actual Indigenous reaction to attempts to 'civilise'
and Christianise them and turn them into industrious members of the new society will then
be discussed to the extent that evidence is available.

Religion
‘Throughout Aboriginal Australia religion was the mainstay of social existence’ (Australian
Law Reform Commission (ALRC) 1980, p213). No separation was60 made between the
spiritual and the physical; all of the Aboriginal world was under spiritual authority. The
Dreaming was the source of this religion and was central to Aboriginal culture. It is both a
story of creation and an account of how what was created became an orderly and moral
system. It affected all aspects of Aboriginal lives, from relationships with land and people
to the moral precepts and gender roles according to which they lived. Stanner’s
description makes the complexity of the Dreaming clear: ‘The Dreaming is many things in
one. Among them, a kind of narrative of things that once happened; a kind of charter of
things that still happen; and a kind of logos or principle of order transcending everything
significant for Aboriginal man’ (1956, p228).

Oneness in time was paralleled by oneness in other aspects, for instance in body, spirit,
ghost, shadow, name and totem. Thus a tree, if it was the totem of a man’s brother, in a
sense, was the man’s brother. In stark contrast to western Christian thought, there was no
concept of heaven or hell or of a future perfection through the unfolding of history or
destiny; no redemption or glory and no uncleanness that cannot be remedied. As Stanner
put it: ‘man, society and nature, and past, present and future, are at one together in a
unitary system’ (1956, p229).

This religion was not institutionalised. There were no gods, priests or churches. The
knowledge and control of religious rites, mythology, song and sacred objects was in the
hands of a few members of each band. They were responsible for ensuring that their
knowledge was kept secret from the uninitiated. The teachings arising from the Dreaming,
though, were conveyed through stories and songs which collated the truths made known
through the Dreaming. The Aboriginal people lived these truths through ritual, art and
everyday social customs. The outward simplicity of this life veiled an inner complexity that

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60 The past tense is used throughout the following. However, this is not intended to suggest
that these beliefs do not continue to be held by Aboriginal peoples.
it took the Europeans decades even to begin to recognise and a century to fathom (ALRC 1980; Stanner 1956).

Aboriginal rejection of the teachings of Christianity, then, is not surprising. Aboriginal observation would have shown that with few exceptions the whites with whom they were in contact did not live by the precepts of Christianity. Besides, this religion had little or nothing to say about that most crucial of Aboriginal relationships, that with the land. To desert their religious obligations to land and kin would have been unspeakably immoral to Aborigines steeped in their own religion and morality. A religion such as Christianity could hardly be seen as a reasonable replacement for one which was so tightly bound up with all aspects of Aboriginal life. On the other hand the offerings of the white missionaries such as food and use of facilities may have been seen as some recompense for access to their land, therefore not warranting gratitude or a sense of further obligation to the giver. Aborigines’ stubborn adherence to their own ways may not have been so surprising and frustrating to the colonists if they had taken the time and effort to understand the place of Aboriginal religion and its complex integration into the everyday lives of Aborigines to an extent such as to make it impossible to replace. Instead the colonists used their belief that Aboriginal morality did not exist to allow them to do much as they wished, whether in accordance with their own espoused religious morality or not (Rowley 1970).

Education

Butlin, in his list of the characteristics of the Indigenous economy, points to ‘ordered learning by doing or “education”’ (Butlin 1993, p71) and ‘formal non-literacy’ (Butlin 1993, p72). He states:

To traditional hunting and gathering objectives, we need to add... education, training and learning or relearning as a basic end of Aboriginal activity... the transmission of understanding and tradition sustained the functioning (morale?) of Aboriginal society. (Butlin 1993, p88)

The intergenerational transfer of skills, ritual, ceremony, lore and law was essential so that the new generation could deal with possible future climatic and other changes that it may not have experienced itself, as well as passing on physical and technological knowledge. There was no system of writing or otherwise recording in material form the information to be handed down. In the Aboriginal worldview, it was the land itself which was seen to embody profound religious and philosophical knowledge. This knowledge was held in memory and passed from one generation to the next through a complex structure of story, painting, song and dance. Through these means information about history and law, the
significance of sacred sites and the animals and plants inhabiting the land was conveyed (Butlin 1993; Goodall 1996).

This knowledge had practical application and was practically taught. Much education was integrated into the ordinary day to day activities of life. To pass on necessary skills children were taught from an early age to know about food sources for each specific locality in every season. They learnt hunting skills such as stalking and tracking and the use of equipment as well as learning about the myths and stories of their tribe and their land, and the complex obligations to kin, community and land. ‘Values taught included sharing, respecting the wisdom of age, protecting the young, gentle treatment and close observation of plants and animals, respect for dangerous spirits, avoidance of prohibited sacred places and the fulfilment of kinship obligations’ (McGrath 1995, p11). Such education began effectively soon after birth: simple techniques such as the use of fish oil against mosquitoes could be learnt as early as two years of age (Dingle 1988; Goodall 1996; Hughes 1987; Butlin 1993).

Childhood was generally undisciplined, with immediate kin responsible for children, directly instructing them and encouraging conformity to rules of behaviour within a permissive environment. Once the age for initiation arrived, though, for young men the discipline to which they were subjected while learning tribal lore and law could be sustained and severe. Their education at this point was crucial to the continuity both of the tribe and of the transcendental knowledge to which they became privileged, and to instil abiding respect for elders (Hiatt 1984; ALRC 1980).

Because much of this educational activity was integrated with other economic and cultural activities, it was not visible to the British colonisers. Given the role and methods of education in Aboriginal society, it is no surprise that Aboriginal parents and children did not display a great deal of interest in white education which must have appeared ridiculous in their world of the Dreaming (Rowley 1970). Not only was it unrelated to Aboriginal life and culture, it in fact interfered with the inculcation of the learning essential for Aboriginal children to be able to continue their very existence in the world into which they had been born.

The skills learnt in white schools, such as reading, were intended as part of religious indoctrination, not as a route to self-determination or employment in the introduced economy. The scarcity of extant Aboriginal writings is evidence of this. If the intention had been to enable Aborigines to express themselves in writing and perhaps communicate
their needs and views to the authorities, it could be expected that some such writings, apart from those cited below, would have survived in fact or in anecdote. Two reasons for this lack come to mind. Firstly it appears that Aborigines were not encouraged to write and in fact were discouraged from doing so as the necessary equipment such as pen, ink and paper were apparently not provided. Writing is unlikely to have been seen as a useful skill to the Aborigines who, even with such skills, could not gain entry into employment or other benefits of white society. Secondly, what they were taught to write in English was apparently confined to content of a Biblical or religious nature. This is certainly true of all but a few passages of the *Flinders Island Chronicle* (see below and Rose 1996, pp3-19). Rejection of white religion and rejection of white education are therefore likely to have gone hand in hand.

**Government**

Butlin refers to Aboriginal society’s ‘limited formal government’ (Butlin 1993, p72). Despite early attempts to identify chiefs or an individual with absolute power within Aboriginal groups, it is clear that this form of government did not play a large part in Aboriginal society. This is not to say, however, that there was not a form of government and law; in fact such mechanisms were complex and highly developed. The exact nature of Aboriginal political structure is still contentious, however some aspects can be cited with a degree of certitude (Butlin 1993; Hiatt 1996; ALRC 1980).

Kinship defined the relationship of every individual in an Aboriginal community with every other individual. These relationships defined rights, privileges, obligations, rules of etiquette in social interaction and extent of authority in relation to specified matters. Two parties would know the appropriate way to treat each other even though they may be super- or subordinate to each other in different aspects of their relationship. Those with authority in one sphere, such as the spiritual, did not necessarily have authority in another, such as the secular. This varied in accordance with the relationships, those of kin and gender in particular, between those involved in the situation. There was no fixed hierarchy or absolute leader; such things were unthinkable in the Aboriginal scheme of things. Large scale activities of the kind referred to in Chapter 4, were not directed by a council of elders or a single individual. Some or all adults in the community could be involved depending on the circumstances and the kin relationships between participants (Hiatt 1984; ALRC 1980).

It is commonly represented that Aborigines were a people without politics and that their form of government was weak (Myers 1980; Butlin 1993). This is true in the sense of hierarchy, rules and punishment supported by enforcement systems with extensive coverage. But within bands, elders, both men and women, had significant authority though
this was different for men and women, as decision-making and law enforcement were divided by gender. The authority of elders was based on ritual knowledge and ceremonial power which was derived from the Dreaming and grew with age (Hiatt 1984; McGrath 1995; Butlin 1993; Hughes 1987; ALRC 1980; Myers 1980). This authority was underpinned by reciprocity in two ways. Firstly it came with a responsibility to ‘look after’ subordinates, to nurture them for the good of the society as a whole, for the dead and for the unborn. Authority was derived from concern and protection. On the other hand, acquisition of the knowledge which gave authority was a reciprocal matter. The learner paid for the knowledge passed on by the superordinate through, for instance, pain or the giving of gifts (Myers 1980; Rowley 1970).

Reciprocity also underpinned subjection to authority. Subordination to elders was part of the price paid for acquisition of the knowledge that would confer power to the individual later in life, once it had been earned. But also subordination was recognised as the price paid for being nurtured and ‘looked after’ by those in authority. Thus to the Aboriginal individual, a person in authority to whom one deferred would be assumed to have earned that authority through acquisition of valuable knowledge and through caring for and being generous to those for whom they were responsible (Myers 1980). This could clearly lead to major misunderstandings between white bosses, who would believe their authority to be complete merely by virtue of being bosses, and Aboriginal workers who would perhaps be led to question or not accept that authority if it was not accompanied by appropriate teaching, caring and generosity. Withholding of food, for instance, where plenty was available, would be a breach of the Aboriginal moral code, rather than being experienced as the lesson in discipline that may have been intended (Rowley 1970).

This authority structure existed within a basically egalitarian society. Decisions were generally made by consensus, although those with greater authority also had greater voice in discussions of matters to be decided. All with a right to speak also had a right to be heard. No one person had the right to make decisions which therefore could take considerable time to be reached (Myers 1980; Hiatt 1984; McGrath 1995; Butlin 1993; Hughes 1987; ALRC 1980).

The power of the state and the institutions and authority that came with it were unknown to the Aborigines. Their leaders did not have this sort of authority, nor were their laws institutionalised and impersonal in the European manner. Equally, Europeans were unable to recognise Aboriginal authority structures and decision-making mechanisms. Too often they were seeking a single authority figure giving orders to his people, in accordance with
the Hobbesian view of the necessity of chiefs (see for example Peter Cunningham, 2w). This lack of chieftains meant there was no intermediary through whom the colonial authorities could deal to exercise control over the Aborigines. However, rather than leading to a search for alternative authority structures within Aboriginal society, it reinforced ideas of Aboriginal inferiority. As Rowley notes: ‘The social bonds which held Aboriginal society together required both effort and humility to grasp: and the Christian certainties shared by the settlers were not often compatible with an attempt to do so’(1970, p25).

The colonisers were equally unable to recognise the extent and complexity of the law by which Aboriginal society was ordered.

**Law**
The precepts set in the Dreamtime provided the master plan for moral behaviour. Kinship was crucial to law. It stipulated what a person could and could not do in relation to another. It affected marriage, distribution and sharing of food and other goods, trading relationships and educational roles. Serious breaches of kinship rules could be punished severely or remedied through compensation depending on circumstances and relationships. Some laws were of deep traditional significance with supernatural sanction while others simply guided day-to-day behaviour (ALRC 1980).

Disputes about property were rare and trivial but other matters which would be seen by white society as simply breaches of polite behaviour could be seen as an offence against the law in Aboriginal society. Law was taught through song, dance and story and reinforced throughout individuals’ lives by repetition of these and other rituals. There was no judiciary or police force, with kin taking responsibility for surveillance and discipline although others could be involved. As most offences occurred in public, privacy being rare in Aboriginal life, there was usually a high level of conformity to the important rules and consensus about guilt where breaches occurred. Wrongdoers could be punished with expulsion, injury or even death. On a day-to-day basis, though, public disapproval worked to curb displays of selfishness or self-importance (ALRC 1980; Hiatt 1984; Butlin 1993).

Aboriginal law was not static, but when confronted by the Europeans there was no time or opportunity allowed for it to adapt to the new order. That Europeans appeared to break

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61 The practice of designating selected Aborigines as ‘kings’ was an attempt to create the type of leader preferred by the Europeans, but this tended to end in the ridicule of the selected person and lead to no better negotiation between the two groups as there was no place in the Aboriginal world for such designated leaders (Rowley 1970).
Aboriginal law with impunity must have shaken Aborigines’ sense of the security of their social order. This would have released some from their traditional obligations while others would feel a lack of purpose or incentive to continue to perform the tasks involved in ensuring the continuity of the culture. From a European viewpoint, as there was no body of universal law applying throughout Aboriginal Australia and no institutionalised law enforcement agency, Europeans saw no evidence of the existence of Aboriginal law, providing further evidence of their ‘savage’ state, a view which would be reinforced as the Aboriginal social order broke down in the face of the loss of land and autonomy (ALRC 1980; Rowley 1970).

The European solution was to encompass Aborigines in white law, discounting Aboriginal law altogether. The relationship of Aborigines to white law is canvassed in the next chapter. Suffice to say here that British views of Aborigines as subject to British law could have made no sense to peoples whose law had been handed down to them from the Dreamtime and integrated into their entire social fabric ever since. In their eyes it would have been the Europeans who were transgressing the law, not the other way round. Europeans’ lack of recognition that Aboriginal law existed, and that it could be enforced by Aboriginal groups when transgressed by white invaders, led to much violence on the frontier, violence which could only be understood by whites as the brutal and senseless depredations of a lawless people.

Other Cultural Matters
Aboriginal language did not include a word for ‘time’ in an abstract sense. The Dreaming did not belong to a fixed place in time: ‘it was, and is, everywhen’ (Stanner 1956, p228). Time was not seen in a continuum but in cycles. Related to this, continuity, not change, was central to Aboriginal society. Its aim was to maintain balance, stability, regularity in contrast to the pursuit of progress and constant striving for better things which were characteristic of European society. British concepts of ‘waste of time’ and the need felt by the British to order their days according to the clock must have appeared ridiculous to Aborigines. Attempts to impose the discipline of the clock would have been senseless and a further reason to reject the introduced society which seemed to impose senseless order in a way which would disrupt the essential business of the Aboriginal way of life. However this rejection simply reinforced notions of Aboriginal laziness and irresponsibility.

Despite the diametrically opposed cultures of the Indigenous inhabitants and the British colonists, Aboriginal reaction to white invasion of their lands was not always immediately hostile. Initially, Aboriginal belief in their own superiority was undaunted, and their
amusement at the incompetence of the whites was noted by many early settlers (Reynolds 1982). But their expectation would have been that the whites would soon move on, as was the case traditionally with visitors and with the explorers. They would not have expected forced dispossession:

Alienation of land was not only unthinkable, it was literally impossible… They certainly did not believe that their land had suddenly ceased to belong to them and they to their land. The mere presence of Europeans, no matter how threatening, could not uproot certainties so deeply implanted in Aboriginal custom and consciousness. (Reynolds 1982, p65)

That they resisted and that many died from introduced disease and from violence is now well established. But there were other effects. Where they were dispossessed, many Aborigines refused to accept this and were shattered by the experience. Butlin suggests that it is probable that psychological disorders escalated after 1788 due to the loss of land and resources and constraints on migratory habits. He notes that: “The settlers and protectors before 1850 were impressed by the ease with which Aborigines died, as if they had lost the will to live or even “willed themselves to die”’ (Butlin 1993, p215). Given the disruption both to their economic pursuits and to their ritual and physical obligations to their land and kin, it is highly likely that their failure to fulfil such obligations would have such an effect. Despite the expectations of the colonisers, the ‘civilisation’ of which they were so proud held few attractions for the Aborigines. Even if its full benefits had been available, it was not fair compensation for their profound physical and spiritual loss (Butlin 1993; Reynolds 1982).

The European concept of property would have been puzzling to the Aborigines. The large quantities of possessions owned by Europeans would not have made any sense, especially as few of the animals held by even small settlers were killed for food. It would have seemed unethical from the Aboriginal point of view to own large quantities of goods that could not be used within a few days. The only value that would be seen by the Aborigines would be their use and possibly exchange value. Not to share them with others would be a sign of greed and meanness of an extent not countenanced in Aboriginal society. Most disturbing was the exercise by whites of exclusive proprietorial rights, behaviour repugnant to traditional Aboriginal values. Its consequences included the over-utilisation of land, destruction of vegetation and closing of access to water. These in turn reduced food sources and variety, disrupted ceremonial and religious practices, and caused the desecration of or denial of access to sacred sites (Reynolds 1982).

Where Aborigines did ‘go in’ to white society, given the centrality of the principle of reciprocity to their thinking, they would have expected to be able to benefit from and share
in the bounty of European society. ‘They presumably thought that residence alone would win them equality, that kinship and sharing would flow naturally from contiguity’ (Reynolds 1982, p129). They had no experience of a gap between rich and poor, having no gross material inequality in their traditional world.

But from the early days of colonisation the Aborigines began to learn that their notion of reciprocity was not shared by the colonisers. In the early 1800s farmers failed to pay the Aborigines who helped to gather their crops. The violence of the period from 1814 to 1816 which provoked Governor Macquarie to found the native institution has been attributed to the triggering of Aboriginal anger by the refusal of whites to pay them for work done, despite promises to do so (Cleverley 1971; Brook and Kohen 1991). As Brook and Kohen caustically note: ‘An Aboriginal labour force was particularly cheap if they were given nothing in return for their work’ (1991, p17). It seems ‘civilising the natives’ did not necessarily include accustoming them to expect reward for effort, consistent with the view noted above that it could be considered morally legitimate to pay little for labour.

While Macquarie’s Institution experiment served to testify to the Aborigines’ ability to learn rudimentary skills – the only type taught – to fit them for a job as a servant or in a trade, they could not be induced to practise their skills in the colonial economy. The suggested reasons for this in the literature vary. Bridges suggests that Aborigines saw work as ‘the badge of the convict’ and recognised that the education they were receiving was designed to suit them only to low status occupations which they considered not worth striving for. Bridges and Brook and Kohen note that Aborigines resented being offered jobs only as servants; the latter authors add that to Aboriginal eyes this was tantamount to slavery. Cleverley points to cultural reasons: ‘The achievement-centred norms of the white man’s world, its competitive nature and sense of the value of time and of property were alien to Aboriginal culture’ (1971, p115). The evidence cited above appears to support such conclusions. As well as not providing reward commensurate with effort, work as defined by the colonisers was clearly incompatible with Aborigines maintaining their dignity and fulfilling their cultural obligations (Cleverley 1971; Brook & Kohen 1991; Bridges 1968).

The reality for Aborigines was that work in the white system required substantial cultural adjustment. The terms of employment always included being treated as inferior to all whites, irrespective of their usefulness to their employer. In addition, the habit of working

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62 This is reminiscent, though in reverse, of the comment by William Byrd, an American farmer in the early eighteenth century who believed that white people were unwilling to work when they saw work as being associated with slavery (see Thomas 1999, p16)
only until they had procured enough to feed themselves was too deeply ingrained to be quickly exchanged for regular labour for an employer in exchange for a wage or more often for scant rations and unnecessary clothing, according to a timetable dictated by a clock. Not only did the Aborigines need to learn ‘the habit of labour... but also those concomitants the subordination of servant to master and the separation of the worker from the means of subsistence and production’ (Reynolds 1982, p144). While they were able to pick up the actual mechanical tasks associated with various jobs they were not willing to accept the inferior conditions under which they worked or the social relations and cultural milieu in which they were set. While they might handle the tools of the labourer they were reluctant to accept the discipline that went with them (Reynolds 1982).

The only defence for many Aborigines was to assume a role in their interaction with European society. This role was based on the racial ideology imported from Europe, reinforced by the needs and interests of the settlers and their frontier experience:

It was a demanding, constricting role to play. And it had to be played all the time, at least whenever Europeans were watching or listening. There was no room for initiative or independence or self-assertion. Speaking out of turn, looking a white man straight in the eye, assuming a facial expression considered inappropriate for a ‘nigger’ - each one could merit a fist in the face, a boot in the balls or a stockwhip around the shoulders. Above all else Europeans were united in their determination to keep blacks in their place. (Reynolds 1987, p69)

Aboriginal incorporation into the white economy is covered in Chapter 4. A few additional points are made here to extend insight into the failure of this incorporation. For those from a culture without any concept of hierarchy or unearned differential worth, it was unthinkable to place one Aborigine over others or provide differential rewards to one worker in comparison to another. The costs of loss of independence, degradation and servitude were too great for many to be willing to exchange their traditional lifestyle for a European one. Most tried to maintain their connection with their land, for material and spiritual reasons, with only a marginal connection to the white world of work. Reynolds suggest that even those dwelling on the fringes of European society were making a choice:

They chose to maintain the maximum degree of independence possible in the circumstances at the cost of their standard of living, even of their well being. They opted for Aboriginal values, settlement patterns, family life, rhythms of work even when that choice meant a miserable level of material comfort. (1982, p154)

This seems to suggest that there was a real alternative, one of being fully incorporated into white society but as the evidence shows, and Reynolds himself elsewhere admits, this was not so.
However, it is difficult to obtain evidence from the Aboriginal point of view on such matters. A crucial reason for this is the lack of extant Aboriginal writings. The exceptions include a newsletter briefly produced on Flinders Island by the Tasmanian Aborigines captured and sent there in the mid-1830s. Some of the same writers also made representations to the authorities for intervention in their situation. These scant writings paint a picture which suggests even those who apparently voluntarily ‘went in’ to white society and gained some benefits, at least in the form of employment and skills in reading and writing, were not incorporated on terms of equality.

The Flinders Island Chronicle was handwritten by three Aboriginal clerks employed by the Commandant of the Aboriginal settlement, the same G A Robinson who subsequently became the Victorian Protector of Aborigines. Initially Robinson appears to have been in control of the content as the difference in style between the earliest and later editions indicates. The early editions were dedicated to extolling the virtues of Christianity or admonishing the Aborigines in the settlement to obey the dictates of the Christian God with a minimum of other content. Nevertheless reference is made to the men going out hunting, the sale of skins in a market and that ‘we are learning the use of money’ (cited in Rose 1996, p4; see also p5).

Later editions allowed a greater sense of the feelings of the inmates to creep in, perhaps suggesting less surveillance by Robinson (Rose 1996). This is not to say his, or white, influence is not obvious. Obedience and gratitude to the Commandant are emphasised throughout. There are references to the Commandant taking away utensils if not properly looked after and the necessity of asking the Commandant’s permission to go into the bush. Most telling is the statement ‘Commandant has directed me to work and if I don’t attend to it I must be put in to joal [sic]’ (cited in Rose 1996, p18). References to death and to the imminence of death abound: ‘we must all die in a short time’ (cited in Rose 1996, p7) and ‘There is many of you dying my friends we must all die’ (cited in Rose 1996, p17). This could be a reflection of experienced reality or an expression of the ‘dying race’ theory possibly conveyed by Europeans and picked up by the Aborigines. Which is the case in the absence of evidence is a matter of conjecture.

Even more abundant are references to God interspersed with criticisms of the Aboriginal people, for example for being lazy and for putting on ‘Red ochre and grease.. which is very bad work’ (cited in Rose 1996, p14). Thus it appears that ideas of Aboriginal irresponsibility and need to leave behind their old ways, the doomed race theory and the effort to Christianise all underpinned the treatment of the Aborigines of Flinders Island.
settlement. It is not surprising that these ideas come through in Aboriginal writing, even without close supervision, as it would only be the most ‘civilised’ of the inmates who would be entrusted with the task of writing the newsletter. The newsletter lasted less than two years and it was a hundred years before any similar Aboriginal journal appeared (Rose 1996).

The other source of Aboriginal writing from this period is a series of letters written also on Flinders Island to colonial and imperial governments. They date from a later period a few years after Robinson’s departure. His role was assumed by Dr Jeanneret in 1846, but even prior to this, in 1845, Walter Arthur who in 1837 had been one of the editors of the Flinders Island Chronicle, wrote to a government representative. He asked on behalf of the residents of the Flinders Island settlement that they be given the wherewithal ‘to support ourselves upon Flinders without our being any more expense to the Government as we will use our best endeavours to grow wheat and potatoes and gather mutton-Birds and their Eggs, &c. &c.’ After advising that many were learning to read but there were too few Testaments to share among those who wished to learn, he finished by stating: ‘the Blacks would all petition the governor to get land and to earn for themselves but they are afraid and when them will not work for other people they are called Idle and Lazy altho’ we are paid but very little but indeed Sir we are not so for we work very hard’ (cited in Attwood & Markus 1999, pp37-38). Scant though this evidence may be, it shows that these Aborigines were fully aware of their own capabilities and their undeserved reputation for laziness. Their request for land to enable self-sufficiency bears a close similarity to the wishes of the Kulin of Victoria, as discussed in detail in Chapter 8. Also like the Kulin, they knew they were being exploited and were not prepared to accept it without protest.

This is even more clear in a petition sent to Queen Victoria less than two months after the above letter was despatched. In it Arthur and a number of others asked that Dr Jeanneret not be reappointed as superintendent because during his past sojourn in this role ‘he used to carry Pistols in his pockets and threaten’d very often to shoot us & make us run away in a fright’. They complained that his pigs used to steal their bread and flour and ‘break into our Gardens & destroy our Potatoes and Cabbages’. Furthermore he did not maintain or clean the houses or provide clothing or health care; eleven died during his period of office. Also ‘He put many of us into Jail for talking to him because we would not be his slaves’ (cited in Attwood & Markus 1999, pp38-39). A further four months later, Mary Ann Arthur, wife of Walter, wrote to the Colonial Secretary to complain again about Dr Jeanneret who was threatening to jail or hang her and her husband for helping to write the petition and ‘for
we do not like to be his slaves nor with our poor Country to be treated badly or made

This was followed up with a letter from her husband to the Colonial Secretary a month
later during his ‘imprisonment here in Flinders Jail by Dr Jeanneret for 14 days and nights’,
asking him to pass the letter on to the Governor in the ‘hope he will do for me as if I was a
Free white man’. He was clearly aware that his treatment in being jailed without a
committal hearing, and with bail set prohibitively high was not in accordance with the law
and asked simply that that law be applied properly. Again he refers to Doctor Jeanneret’s
wish to make slaves of them but this time he refers also to the breach of promises made
by Governor Arthur and Mr Robinson ‘when we were free people and when we gave them
our Country and came to live at Flinders Island’ (cited in Attwood & Markus 1999, p41).

This evidence shows clearly that Aborigines were not passive actors in the treatment they
received. It should be a matter of no surprise that Aborigines rejected the early attempts
by whites to civilise them and to educate their children. This ‘civilisation’ and education
was not designed to enable Aborigines to enter white society or even to deal with it directly
on their own terms. This is evidenced by the fact that teaching of reading and writing, as
noted above, aimed only to allow them to access the Bible. The dependency that was
being deliberately fostered would be undermined if the Aborigines were provided with the
resources to enable their thoughts and feelings to be expressed and distributed in any
way. The Flinders Island Chronicle was a short-lived aberration and one not emulated
when Robinson took up his Protector role in Victoria. There is no evidence of any similar
publication emanating from the Protectorate despite its role of representing the views of
Aborigines to the authorities. This suggests that Robinson may have recognised the
subversive potential of allowing Aborigines to use their literacy skills to speak up for
themselves. This puts the representation role of the protectors in a possible new light: as a
device designed to repress Aboriginal initiative rather than as a gesture intended for their
protection.

But unfortunately the failure to accept white civilisation became a reason among others to
introduce practices far more damaging to Aborigines and their culture, as the next
chapters will examine.

Conclusion

The task is now to identify the extent to which beliefs about blacks brought to the
colonies influenced the ways in which Indigenous Australians were perceived and
treated in relation to their place in the economy and particularly in relation to employment. That is, did the invariant elements identified in Chapter 5 from a survey of the International reguloscape continue to apply in the Australian context? To answer this question involved reviewing those invariant elements in the light of the information contained in this chapter. This has enabled confirmation that essentially the same thinking underpinned attitudes to and behaviour towards Indigenous Australians but with some modification, leading to refinement and clarification of these invariant elements as discussed below.

The first invariant element identified was the belief that black peoples were inferior, intellectually and in all aspects of their ‘savage’ society. This invariant element was clearly influential in the Australian colonies. Although in the early days of colonisation Aborigines were not found to be intellectually incapable, over the period under discussion increasingly their failure to become civilised was attributed to their assumed lesser intelligence. Their refusal to settle in one place and become ‘civilised’ but rather to continue their nomadic life and to practice a culture which was abhorrent to the colonisers appeared to result from their inability to reason and so affirmed their ‘savagery’ and their inferiority. The first invariant element is therefore identified by references to Indigenous ‘inferiority’, including their lack of intelligence and inability to reason and their ‘savage’ or ‘primitive’ ways.

Related to inferiority was the belief that blacks were lazy, irresponsible and unreliable and incapable of looking after their own interests. The evidence cited above indicates that these beliefs continued to hold sway in the Australian context. In fact the belief in Aboriginal indolence was the preferred explanation for their failure to become civilised before the popularity of phrenology gave apparent scientific endorsement to the intellectual inferiority argument. The attribution of laziness and irresponsibility served as the reason why Aborigines did not need to be paid for work done on the same terms as other free workers. This and the belief in their practical incapacity stood as a rationalisation for the perceived need to closely supervise Aborigines and to treat them with strict discipline. The second invariant element is therefore summarised as ‘laziness, incapacity and irresponsibility’. It is identified by references to willingness of Aboriginal people to work, their reliability as workers and their need for supervision, and to separate processes for controlling and for rewarding Aborigines.
Thirdly, it was concluded in the previous chapter that it was commonly believed that the Aborigines needed to be ‘improved’. This meant that they needed to become ‘civilised’ and Christianised and learn industrious habits. Over the first decades of colonisation, the aim of ‘improvement’ was overtaken by the belief in the inevitable dying out of the Aboriginal ‘race’. However, as the ‘Aboriginal problem’ was redefined in the light of this, there was no diminution in the belief that its solution needed to be found and implemented by the colonisers and that, whatever direction that solution led in, it would lead to improvement of the Aborigines’ condition. At the same time, concomitant to the belief in the ‘doomed race’ theory was a conviction that members of the dying race should become Christian to ‘smooth the dying pillow’. As discussed above a crucial aspect of Christianising, as of ‘civilising’, was the teaching of industrious habits. Thus, although there was a change in emphasis on Aborigines’ ‘improvement’ by the mid-century, there was still a belief in the need for white intervention in resolving the ‘Aboriginal problem’, and it is likely that elements of the earlier focus on ‘civilising’, Christianising and teaching of industrious habits would remain. The third invariant is therefore now summarised as ‘need for white intervention’ and is identified by references to ‘civilising’ or improving the Aborigines’ condition, to Christianising the Aborigines and to teaching them industrious habits.

All of the above invariant elements were based on denial of Aboriginal capacity to make a rational choice to continue their way of life and reject that of the whites. The perpetuation of the three abovementioned invariant elements relied on the continuation of this denial because it made Aborigines’ continued resistance to becoming ‘civilised’ seem to be a result of their lack of reason, inferiority, laziness, incapacity, irresponsibility and wilful rejection of white guidance. This reinforced the power of the invariant elements to limit white perceptions of the issues. Thus only whites were involved in defining and finding solutions to the ‘Aboriginal problem’. The failure of these white solutions to the ‘Aboriginal problem’ were then seen to be the fault of the Aborigines themselves for failing to renounce their ‘savage’ ways. Aboriginal behaviour was judged exclusively from the perspective and by the standards of the settlers, leading to Eurocentric interpretations and therefore misunderstandings of Aboriginal actions and to the imputation of Aboriginal motives for their actions. The fourth invariant element is thus summarised as ‘disregard for Aboriginal understandings, values and choices’ and is identified by references to exclusively white definitions of the ‘Aboriginal problem’ and its solution, the requirement of Aborigines to renounce their traditional ways, misunderstandings or misinterpretations of Aboriginal actions and imputation of the Aboriginal viewpoint.
These four invariant elements and their identifying key words or concepts are represented in Table 6.1 below. The three vertical columns present the first three invariant elements, while the fourth is presented in red horizontally below the first three, and the whole table is surrounded by a red border to signify that the disregard of Aboriginal understandings, values and choices forms the foundation on which the other three invariant elements are based.

Table 6.1 Invariant elements and their identifiers:

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<tr>
<th>Invariant Element 1</th>
<th>Invariant Element 2</th>
<th>Invariant Element 3</th>
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<tr>
<td>Inferiority</td>
<td>Laziness, incapacity and irresponsibility</td>
<td>The need for white intervention</td>
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<tr>
<td>b. Blacks as savages</td>
<td>b. Their unreliability in terms of quality of work and stability</td>
<td>b. Christianising</td>
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<tr>
<td>c. Their untrustworthiness and irresponsibility, need for supervision</td>
<td>c. Teaching of ‘industrious habits’</td>
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<td>d. Separate processes for controlling and disciplining Aborigines.</td>
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<td>e. Separate processes for rewarding Aborigines, withholding of monetary rewards.</td>
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Invariant Element 4: Disregard of Aboriginal understandings, values and choices

| a. Defining 'Aboriginal problem' and its resolution without Aboriginal input |
| b. Requiring Aborigines to renunciate their own beliefs and ways |
| c. Misunderstandings or misinterpretations of Aboriginal culture or actions |
| d. Imputation of Aboriginal viewpoint |

The next chapter will involve an examination of the institutional forms put in place from the latter half of the nineteenth century and in the twentieth century up to the 1967 referendum to assess whether these invariant elements influenced the nature of the institutional forms which were developed during this period.
Chapter 7: Laying Down the Law: Institutional Forms 1850 to 1960s

Victors do more than write history. They also write the law. (Butlin 1993, p204)

Law, it must be admitted, has been the creator of the Aboriginal condition and the impediment to their aspirations. (Tatz in Hanks & Keon-Cohen 1984, p109).

Introduction

In the previous three chapters, the econoscape and reguloscape of the Australian colonies as they developed in the period from 1788 to 1850 were explored. This enabled the identification of four invariant elements which were found to consistently underpin the thinking of colonists about Indigenous Australians, that is the belief in Aboriginal inferiority, their laziness, incapacity and irresponsibility and the need for white intervention, all of which were based on a disregard for Aboriginal understandings, values and choices. The task now is to determine if these invariant elements are reflected in the codified institutional forms developed between 1850 and 1967. To this end, this chapter examines the law of the Australian colonies pertaining to Indigenous Australians, particularly in relation to employment, to determine whether and to what extent the law reflects the four invariant elements. To provide context for this examination, the development of Australian law, its relationship to British law and the main features of law and policy relating to racial groups other than Indigenous Australians will be outlined. The regulation of employment as it applied to non-Indigenous Australians will be surveyed to provide a benchmark against which the law affecting Indigenous Australians can be assessed. Evidence of the continuing influence of the four invariant elements is then sought by examining the laws and regulations which controlled Indigenous people’s access to and conditions of employment. The chapter concludes with a discussion of the degree of continuity of invariant elements in law from 1850 to 1967.

Overview of Colonial Law

By the time Australia was colonised in 1788 legal doctrine had already emerged to determine the status of new colonies. English law had established a distinction between conquered, ceded and settled colonies. The way in which England obtained the colony determined what laws would be in force. If the colony was gained through conquest or ceded by its inhabitants then the existing laws of the inhabitants continued to hold force until altered, repealed or overridden by English law. If the colony was considered to be empty or terra nullius it could be settled and in that case English law was deemed to commence from the moment of settlement. A state of
*terra nullius* was decided by applying doctrine developed in 1758 by Swiss international jurist Vattel in whose view rights of property and ownership arose from and were justified by settlement on and cultivation of land for the subsistence of the inhabitants. ‘Any part of a vast territory in which are to be found only wandering tribes’ who were not cultivating the land was deemed to be *terra nullius* and could be taken over by right of occupancy by a colonising power (cited in Bennett and Castles 1979, p251). The categorisation of Australia as ‘settled’ meant that English, not Aboriginal, law prevailed and ‘provided the touchstone for determining the foundation principles which long regulated and still influence the ordering of the Australian legal system’ (Castles 1971, p6).

The decision in regard to the status of a colony affected not only the law but also the government of the colony and its relationship to the British government. In conquered colonies the power to decide how a colony should be governed remained with the Crown. In each new settled colony including the Australian colonies, the principles of English common law and legislation provided both a substantive foundation for the operation of government and important guidelines for the foundation laws of the settled colony (Castles 1971, pp8-10). The early governors of the Australian colonies were able to make proclamations which had the force of law once ratified by the British Parliament, but where no specific proclamation applied, English common or statute law prevailed.

Once granted self-government colonies could formulate their own legislation based on British legal principles and could establish institutions to administer those laws. In 1823 New South Wales was given self-government in the form of a Legislative Council whose members were selected by the Governor. In 1840, Britain allowed the introduction of representative government. In 1850, Victoria, Tasmania and South Australia were granted separate legislatures and on 1 July 1851 Victoria was formally separated from New South Wales as a colony in its own right. Queensland attained its own legislature and separated from New South Wales in 1859 (Coghlan 1969, pp293-97; Thorpe 1996, p115).

Early colonial policy, too, was largely determined in England. The protection policy which was to dominate white-Indigenous relations for a century was first proposed as a recommendation of the 1837 British inquiry into the condition of the Indigenous

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63 This is in contrast to Britain where since the seventeenth century the Crown had not had the right to legislate except through Parliament.
peoples of British colonies. As discussed in Chapter 6 it was first applied in the Australian colonies in Victoria in the late 1830s to 1840s, albeit unsuccessfully. Despite this early failure, between 1869 and 1910, the colonies (later states) one by one took action in accordance with the protection policy which remained in force until 1937 when, at least officially, the aim of federal government Aboriginal policy became assimilation: ‘to enable [Aborigines] by right and by qualification to [enjoy] the ordinary rights of citizenship’ (McEwen, cited in Marcus 1978, p145). This policy remained essentially unchanged until after 1967 when a national referendum finally altered the Constitution to enable the Commonwealth to make laws for Aborigines and to count them in the Census (Griffiths, 1995). During the same period between 1850 and 1967, laws to restrict immigration of non-Europeans were introduced and laws and institutions to protect the rights and conditions of employees and to resolve conflict between employers and employees were established.

**Main Features of Race and Employment Law**

**Race Law**

Provoked by the influx of Chinese during the gold rushes, from the 1850s, a succession of laws and policies, subsequent to sometimes heated debates, controlled or restricted the inflow of non-Europeans, in particular Chinese, to Australia. In essence, the debates revolved around the detrimental effect on a British colony of people of a different culture with a tendency to develop separate communities. This would, it was believed, inevitably cause racial problems, while it also provoked fear of the total swamping of the British character of the colonies. Concerns also centred on the energy and ability of Chinese as workers and in commercial enterprises, and their willingness to tolerate living conditions which would be unacceptable to European-Australians. As they were willing to work for low wages, this would undermine the working conditions then being fought for. The Chinese were thus seen to provide unacceptable economic competition (Willard 1923; Markus 1979; Fox 1991).

In 1896 an intercolonial conference agreed that all non-European immigration should be stopped in the interests of preserving Australia’s existing national character, a move which received strong labour movement support (Willard 1923; Hutson 1965; Markus 1979; Huttenback 1976; Bannon in Hearn & Patmore 2001; see also Pearson

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64 The application of this policy was delayed by the second world war.
This hailed the introduction of the White Australia policy which determined Australia’s immigration policy and impacted on aspects of employment and other laws between the inception of the Commonwealth of Australia in 1901 and the 1960s.

Although the colonial authorities in Britain may have been privately sympathetic to the restrictive race policy, at the same time it caused severe public embarrassment because this policy treated members of the Empire differently on the basis of their race. The Secretary of State for the Colonies stated that:

> It is not because a man is of different colour to ourselves that he is necessarily an undesirable immigrant, but it is because he is dirty, or he is ignorant, or he is a pauper, or he has some other objection which can be defined in an Act of Parliament, and by which the exclusion can be managed with regard to all those whom you really desire to exclude. (cited in Willard 1923, pp112-13)

His recommendation that this could be achieved through the application of a dictation test in any European language was subsequently implemented by the Commonwealth Government when the White Australia policy finally became law with the passing of the *Immigration Restriction Act 1901* (Willard 1923; Huttenback 1976). Although the intention was to devise an easily implemented method of exclusion not explicitly based on race, by implication there appears to be a connection being made between dirtiness, ignorance and poverty and the inability to pass a dictation test in an unfamiliar language. This bears a close resemblance to the common view of Aboriginal people being immoral, lazy and intellectually incapable, and indicates a tendency to legislatively reinforce negative judgements of all non-Europeans including Aborigines as discussed below.

The nature of the debate was different when the focus was on the importation of Pacific Islander labour to Queensland from the 1860s. The trade in labour from the South Seas was provoked by a labour shortage particularly in the sugar growing areas of Queensland and supported by conceptions of the inappropriateness and unsuitability of work in the tropics for white men. Such work was considered demeaning to whites but eminently suitable for blacks (Saunders in Hearn & Patmore 2001). However, in the face of growing public concern and pressure from other

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65 Interestingly, objections to Chinese, Indian and Japanese immigration acknowledged the age and strength of the cultures of these countries. It was this that lay behind fears that large influxes of people from these nations could swamp the then small numbers of British thinly spread over a vast continent (Hutson 1965; Huttenback 1976).

66 This was the seventeenth Act passed by the new federal Government of Australia; the *Pacific Island Labourers Act* referred to below was the sixteenth.
colonies to cease the traffic, Queensland eventually had to end the system. In 1901
the Commonwealth Pacific Island Labourers Act was passed prohibiting further
importation of Kanaka labourers. In accordance with this Act, in 1906-07 most of the
Kanakas then present in Australia were deported indiscriminately back to the Pacific
Islands. In stark contrast to the reasons for originally importing them but in line with
other measures being taken to keep Australia white, reasons for the deportations
appear to have included concern about the presence of numbers of ‘inferior’, ‘less
intelligent’ non-whites whose presence could undermine the working conditions and
purity of white society (Willard 1923; Markus 1979; Saunders in Hearn & Patmore
2001).

It was in the context of the restriction of ‘coloured’ immigration that section 51(xxvi) of
the Australian Constitution was developed. This provision gave the Commonwealth
Parliament the so-called ‘race power’ which enabled it to pass the Immigration
Restriction Act 1901. Aborigines were excluded from the Commonwealth race power
because the real purpose of this provision was to enable legislative enactment of the
White Australia policy and because it was deemed better for the States to deal with
the Aborigines remaining in their jurisdictions, a view reaffirmed in 1929 in the report
of a Royal Commission on the Constitution. Curiously, none of the debates about the
inclusion of section 51(xxvi) of the Constitution referred to the exclusion of Aborigines
from the race power (Griffiths 1995; Hanks in Hanks & Keon-Cohen 1984).

The other section of the Constitution which referred to Aborigines, section 127,
excluded Aborigines from being counted in the Census, according to Griffiths
because of the insurmountable practical difficulties of doing so, rather than
intentionally to exclude them (1995, pp46-47). Even if it was not a measure
deliberately discriminatory against Aborigines, just as with s51(xxvi), the exclusion of
Aborigines from the Census is consistent with the dominant view that they were
doomed to die out. Therefore consideration of their future was redundant.

The inclusion of both provisions in the Constitution demonstrates a point made by
Markus: once subdued the Aborigines could be ignored, but the Chinese and other
non-European groups were to be feared because they could compete economically
with the European workers and business owners. Thus separate legislative

67 However, there was already a precedent for withholding some citizenship rights from
Aborigines. In 1885 Queensland had excluded Aborigines along with Chinese and Indians
from electoral enrolment unless they met a freehold qualification (Huttenback 1976).
approaches were taken to Aborigines and non-Europeans at the Commonwealth level (Markus 1979; Huttenback 1976; Hearn & Patmore 2001). Restrictive immigration legislation kept out the unwanted competition. On the other hand, exclusion of the Aborigines from the Commonwealth race power is indicative that the labour movement and other supporters of a White Australia did not consider the Aborigines as economic competition. This is clear in the words of Prime Minister Alfred Deakin in 1903. White Australia meant ‘equal laws and opportunities for all; it means protection against the underpaid labour of other lands; it means the payment of fair wages’. He promised ‘a civilisation whose foundations are built upon healthy lives, lived in honest toil, under circumstances which imply no degradation’ (cited by Hearn in Hearn & Patmore 2001, pp267-68). Aborigines were as clearly excluded from his meaning as they were from the Commonwealth. As a consequence of this exclusion, the States were able to promulgate any oppressive or restrictive legislation to apply to Aborigines that they chose. Meanwhile the structures of government established in the Commonwealth assumed a homogenous European population (Hanks in Hanks & Keon-Cohen 1984). As Griffiths comments: ‘It was almost as if Aborigines belonged to another country’ (Griffiths, 1995, p47).

Employment Law
At the same time as restrictions on non-European immigration were being legislated, the industrial relations law and practices which were to become enshrined for many decades after their inception were being devised. The regulation of employment conditions in Australia was not new. As discussed in Chapter 3, from earliest times, wages, working hours and other conditions of labour and the punishment applying to breach of conditions by both workers and employers were regulated in the Australian colonies. As noted above New South Wales was able to promulgate its own legislation from 1823. In 1828 an Act entitled *An Act for the better regulation of Servants, Labourers, and Workpeople* modelled on similar British legislation, was designed to favour employers and to control employees. It contained ‘some draconian provisions’ including imprisonment of workers for laziness, recalcitrance or spoiling, destroying, or losing their masters’ property. Under the law in force in 1837, a free servant absent for one hour could be imprisoned or sent to the treadmill, as the magistrate chose (Coghlan 1918, p213). In 1840, a new *Masters and Servants Act* came into operation in New South Wales, slightly relaxing earlier provisions. It reduced maximum terms of imprisonment for crimes such as breach of contract and gave employees the right to seek redress for non-payment of wages (Coghlan 1918).
The nature of the law relating to employment changed to a more protective one, however, after the dreadful working conditions of women and children in factories in Tasmania and Victoria were exposed in the mid-1870s. This led to the first pieces of legislation in these colonies to control the working environment, particularly the Factory Acts which regulated factory construction, employment of women and children, standards of sanitation, heating and lighting, and appointed inspectors to oversee adherence to the Acts (Fox 1991; Patmore 1991).

By the end of the nineteenth century systems were established to protect workers’ pay and conditions and resolve disputes between employers and employees. At the same time, the economy of the Australian colonies continued to develop. After 1850, although primary industry remained predominant, manufacturing began to take a larger place in the economy, with employment in the sector growing tenfold or more between 1861 and 1890. Technological developments made it possible to conduct manufacturing in factories, and to reduce the level of skill involved in performing tasks, thereby increasing the number and range of unskilled industrial jobs, most of which were seasonal, temporary and casual (Patmore 1991; Fox 1991).

Against this background, employees were organising. Unskilled workers in a range of industries formed unions from the 1870s and were able to exert influence on the legislative programs of the colonies. They were violently racist, concerned to protect themselves from ‘racial contamination’ and their jobs from non-Europeans. Chinese were specifically excluded by the Miners’ Protective League in 1861 and later by the Federated Seamen’s Union and the Shearers’ Union in the late nineteenth century while all Asians and Pacific Islanders were excluded from the General Labourers’ Union in 1891 and all non-Europeans from the Australian Sugar Workers Union from 1907 (Fox 1991; Patmore 1991; Saunders and Macintyre in Hearn & Patmore 2001; Markus 1978).

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68 This change did not occur for Aboriginal workers. Queensland’s Masters and Servants Act 1861 was still used against Aboriginal workers in Queensland in the twentieth century, long after this legislation had ceased to be used against white workers (Saunders in Hearn and Patmore 2001, pp88-89).
69 It could be argued that these Acts had little effect (see for instance Patmore 1991, pp52-53), but the point here is to identify the types of legislation applying to employment rather than to assess their effectiveness.
70 See Document 46. ‘Prospectus of the Miners’ Protective League’ in Ebbels 1960, pp73-76 for a workers’ organisation’s views of Chinese as, inter alia, ‘a hostile race, whose habits and customs are repugnant to all civilised men’.
71 Markus’s 1978 Labour History paper discusses union attitudes to non-white members in some detail; see pp140-42.
One of the crucial focuses of the union movement was the establishment of the living family wage, to replace the *ad hoc* nature of wage setting prevailing in most of the nineteenth century. Unions campaigned for a fair day's wage for a fair day's work. This meant working an eight hour day for a wage sufficient to support an average family. The living wage principle, based on the needs of a male worker, his wife and three children in a 'civilised community' was established in 1907 and subsequently became the mechanism for establishing the basic wage for most of the twentieth century (Hutson 1965; Fox 1991; Patmore 1991).

The formation of employer organisations in all Colonies from the 1870s paved the way for major confrontation between organised employers and organised labour in the 1890s. This gave impetus for increasing calls by unions and champions from both sides of politics, for a legislated arbitration system at the Commonwealth level once federation had taken place. The Commonwealth *Conciliation and Arbitration Act* 1904 established the Federal Court of Conciliation and Arbitration which was set up in 1905. Its role was to settle disputes and make compulsory awards to establish wages and conditions for workers and its decisions were legally enforceable. The industrial relations system thus established remained essentially the same throughout the period of study (Hutson 1965; Fox 1991; Bannon in Hearn & Patmore 2001; Patmore 1991; see also Ebbels 1960, Part V, pp125-160).

As noted above the White Australia policy was incorporated into other early Commonwealth legislation. Most important here is that a variety of Acts dealing with bounties and subsidies for producers of manufactured and agricultural goods included stipulations that these were only payable if the employer paid a 'fair and reasonable' wage. But these Acts also stipulated that to be eligible for the bounty the products had to be produced exclusively by white labour, and the administrative processes to check the wages of labour used to produce these goods only applied to white labour. Therefore the 'fair and reasonable' wage only applied to whites (Fox 1991; Ramia & Wailes in Hearn & Patmore 2001; McCorquodale 1985 and 1987).

A crucial aspect of most of the employment legislation passed in the late nineteenth and early twentieth century was that it gave the unions a legitimate role in industrial

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73 McCorquodale (1985) notes that ‘quadroon’ labour was considered to be white but ‘half-castes’ and those ‘in whom the blood of the coloured race predominates’ were excluded (Deakin cited in McCorquodale 1985, p5)
relations. As seen above, the labour movement also had considerable influence in
the formation of the White Australia policy. The employment laws promulgated
generally aimed to improve the working conditions and living standards of workers,
and to protect them from the worst abuses of unscrupulous employers and from
competition from non-European immigrants.

**Law Affecting Indigenous Employment 1850-1967**

As Butlin has stated: ‘Victors do more than write history. They also write the law’
(Butlin 1993, p204). Tatz has noted in general terms the inimical roles of law in
relation to Aborigines: ‘law as the creator and perpetuator of a special, inferior legal
class of persons; law which ascribes, for generations, immutable negative traits to
that legal class; … law which controls Aborigines physically, mentally, geographically’
(Tatz in Hanks & Keon-Cohen 1984, pp109-10). In relation to employment, this
meant law based on a blanket assumption of Aboriginal non-productivity and
irresponsibility in regard to money, or which implied their labour was ‘diseased’ or
‘dirty’ or ‘unreliable’ or ‘worth less than the labour of a white man’ (McCorquodale
1985, p5).

During the second half of the nineteenth century and the following two decades, the
mainland Australian colonies, or States after Federation in 1901, passed similar
legislation to ‘protect’ Aborigines, and the Commonwealth Parliament passed the
*Aborigines Ordinance* in 1918 to cover the administration of Aborigines in the
Northern Territory. The purpose of such Acts was outlined in the Preamble to the
consolidated Acts of Queensland published in 1934:

> Owing to the comparative backwardness of the aboriginal race in acquiring
> the arts of European civilisation legislation designed to protect its members
> and differentiate them in certain respects in the administration of law, became
> essential; and it was to this end that the Acts below were passed.
> (Queensland, Consolidated Acts Vol 1, pp1-2)

This reference to the ‘backwardness of the aboriginal race’ reflects the perceived
inferiority of Aborigines as per the first invariant element. The declared need for
separate legislative provisions illustrates the perceived need to control the Aborigines
reflecting this aspect of the second invariant element while both references indicate
the role of these beliefs in the codification of institutional forms pertaining to
Aboriginal Australians. The second invariant element, that is the underlying belief in
Aboriginal laziness, incapacity and irresponsibility particularly as applied to
employment, is further illustrated in the provisions from a range of colonial and
State/Territory legislative instruments passed from the 1860s to the 1960s discussed below. As is illustrated below, the content of that law indicates the perceived need for Aborigines to change in ways dictated by white legislators and administrators, consistent with the third invariant element. The absence of Aboriginal input into the law illustrates the disregard for Aboriginal understandings, values and choices, that is the fourth invariant element.

The provisions cited below are from legal instruments applying in Victoria, New South Wales, Queensland and the Northern Territory between 1869 and the mid-twentieth century. They provide a sufficient range of examples to illustrate the nature of the institutional forms developed to control the Aboriginal population after 1850 and the influence of the invariant elements on those institutional forms. The definitions of Aboriginality discussed in the next sub-section illustrate in particular the belief in Aboriginal inferiority. The jurisdictions canvassed used reserves to control Aborigines, providing evidence of the influence of the second invariant element on the law. The provisions in respect of these two areas provide background and context to the analysis of aspects of the laws relating to employment of Aboriginal labour and payment for that labour which follows.

In each sub-section below, the Acts are first scanned for the period from 1850 to 1937, and then changes to legislative provisions after 1937 are discussed. This enables an assessment to be made as to whether there was continuity in the influence of the invariant elements on policy towards Aborigines before and after the declaration in 1937 that assimilation would subsequently be the direction of public policy towards Aborigines in Australia (Commonwealth, Aboriginal Welfare 1937).

Definitions of Aboriginality
All the Acts surveyed included a definition of ‘Aborigine’, both illustrating and actualising in law the belief in the inferior status of Aboriginal Australians. By removing the power to define their own identity from the Aborigines themselves, the

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74 This section focuses on the second and third periods identified in Chapter 3, that is the latter half of the nineteenth century to the inter-war period, which is the period dominated by protection policy, and the following period to the 1967 Commonwealth referendum, which approximates the assimilation era. As will be seen below, this is by no means a sharp division. Legislation promulgated in Victoria in 1886 could be seen as having an assimilationist purpose, while the reserves which existed until late in the twentieth century in some parts of Australia could be seen as remnants of protectionism.
laws also reflect the continuing power of the fourth invariant element to lead to exclusion of Aboriginal input into decisions affecting them.

The first law passed after 1850 in the Australian colonies ostensibly designed to protect Aborigines was the Act to provide for the Protection and Management of the Aboriginal Natives of Victoria 1869. Aboriginality was defined on the basis of birth and association with Aborigines, and, consistent with both the third and fourth invariant elements, the power to decide who was Aboriginal was put in the hands of a white official:

s8. Every Aboriginal native of Australia and every Aboriginal half-caste or child of a half-caste, such half-caste or child habitually associating and living with Aboriginals, shall be deemed to be an Aboriginal within the meaning of this Act… the justice adjudicating may… decide on his own view and judgment whether any person… is or is not an Aboriginal.

In 1886 the Victorian Act was amended to remove ‘half-castes’ from the definition of Aborigines covered by the Act and thus they were removed from the Act’s ‘protection’. The effects of this change are further discussed in the following chapter.

In Queensland, the definition of those residents of Queensland deemed to be Aboriginal under section 4 of the Aboriginal Protection and Restriction of the Sale of Opium Act of 1897 was substantially similar to that of Victoria. Like the Victorian Act, association with Aborigines was a primary factor in determining the legal status of ‘half castes’ but unlike that Act, the Queensland legislation included only ‘half caste’ children ‘whose age does not in the opinion of a Protector exceed sixteen years’.

‘Half caste’ was defined as ‘Any person being the offspring of an aboriginal mother and other than an aboriginal father’, not including those deemed to be Aboriginal under the Act. Thus in Queensland the status of ‘half castes’ presumed to be over sixteen was determined without consideration of Aboriginal understandings, values and choices. Such people who were not deemed to be Aboriginal were therefore expected to be absorbed into the wider community. Thus it seems that ‘half castes’ could be exonerated from the inferior status of being ‘Aboriginal’ through the possession of some white ancestry and on the approval of white officialdom.

In New South Wales, under section 3 of the Aborigines Protection Act passed in 1909, ‘Aborigine’ was defined as ‘any full-blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who applies for or is in receipt of rations or aid from the board or is residing on a reserve’. Thus in effect, like the Victorian Act after 1886, most ‘half castes’ were excluded from the Act’s
‘protection’ and expected to be assimilated into the wider society and workforce. This situation changed in 1918 when the definition of ‘Aborigine’ was simplified to ‘any full-blooded or half-caste aboriginal who is native to New South Wales’. This legislation did not define ‘half caste’, giving the authorities the power to decide this, again disregarding Aboriginal understandings, values and choices.

The definition of ‘Aborigine’ in the *Aboriginals Ordinance* in force in the Northern Territory from 1918 closely resembled that of the Queensland Act of 1897. However it differed from previous legislation in that it distinguished between male and female ‘half-castes’:

   d) a half-caste male child whose age does not apparently exceed eighteen years; or
   e) a female half-caste not legally married to a person who is substantially of European origin or descent and living with her husband.

A ‘half caste’ was ‘any person who is the offspring of parents, one but not both of whom is an aboriginal and includes any person one of whose parent is a half-caste’. Thus a woman’s Aboriginality could be overturned through marriage to a European, while anyone with at least one Aboriginal grandparent was deemed to be Aboriginal unless they ceased to live or associate with other Aborigines. This clearly illustrates the belief that a ‘half caste’s’ association with Europeans was considered to be substantially superior to association with Aborigines to the extent that it warranted superior legal status.

Generally the definitions of Aboriginality during the ‘protection’ era from the 1860s included a broad range of people with Aboriginal ancestry. However, not only ancestry but also association with Aborigines, clearly taken to be a sign of inferiority and lack of ‘civilisation’, was an important factor in determining an individual’s Aboriginality. This lends support to the influence of the first invariant element in the construction of these definitions. From the above it is also clear that well before assimilation was a declared objective of law pertaining to Aborigines, some people of Aboriginal descent could be deemed to be not Aboriginal, without any recourse to their own views of the matter, illustrating the influence of the fourth invariant element.

From the 1930s, however, ancestry became increasingly the dominant criterion of Aboriginality. The definition of ‘half caste’ was significantly altered in Queensland in 1934 to include the offspring or grandchildren of two ‘half caste’ parents or grandparents, and children with at least one Aboriginal grandparent. This definition
retained the factor of association with or living as an Aboriginal, and included the Chief Protector’s discretion to declare as an Aborigine anyone who ‘is in need of the control and protection of this Act’. This discretion could be exercised in the case of: ‘A half-caste who in the opinion of the Minister has not sufficient intelligence to manage his own affairs’. These amendments thus illustrate the continuing belief in Aboriginal inferiority. Consistent with the second invariant element, they enshrined in legislation the belief in the incapacity, both mental and practical, of at least some Aborigines. The amendments also illustrate the continuing influence of the third invariant element, in that they strengthened the power of officialdom to decide who was Aboriginal.

In 1937 State and Commonwealth Governments agreed that the object of policy towards Aboriginal people should be assimilation into the broader Australian community and that the definition of Aboriginality used by the Western Australian legislation should become the national standard (Commonwealth, *Aboriginal Welfare* 1937, pp2, 21). This definition used the term ‘native’ and included ‘full bloods’ and anyone of lesser Aboriginal ancestry but not less than ‘quadroon’ unless they lived or associated with Aborigines or were ordered to or themselves requested to be classed as a ‘native’. Although the Queensland legislation already included an essentially similar definition, further changes were made to the definition of Aboriginal in the Queensland *Aborigines Act of 1939*. A new criterion was added to those included in the original Act: ‘Any half-blood declared by a judge or police magistrate or two or more justices after trial to be in need of the protection of this Act, and who is ordered to be so protected’. It defined the new term, ‘half-blood’, using language different from that used in previous legislation, as:

A person –
1. One of whose parents was an aboriginal and whose other parent had no strain of the blood of an aboriginal or aboriginals; or
2. Both of whose parents have a strain of aboriginal blood, and who himself has a strain of more than twenty-five per cent. of aboriginal blood but who has not a preponderance of such blood.

Thus the Queensland definition was more closely aligned to the Western Australian standard, and in so doing ancestry was reinforced as a primary determinant of Aboriginality. However, other jurisdictions did not follow suit. Even the Commonwealth, as administrator of the Northern Territory, did not enact the change.

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75 The criterion regarding assessment of intelligence was not carried over to this Act, though the words ‘shall be and be deemed’ were.
agreed to in 1937. The *Aborigines Ordinance 1953* continued to use both ancestry and association as criteria for determining who was ‘Aboriginal’ and allowed discretion to officials to declare others as Aboriginal. For instance the Director could take action to declare a person of Aboriginal ancestry to be Aboriginal within the meaning of the Ordinance ‘if he considers [the] person… needs the care and control of this Ordinance’. The amendment also deleted all reference to ‘half-castes’ from the Ordinance. Thus despite some changes to the definition, there remained an implication that being of Aboriginal ancestry or choosing to adhere to aspects of Aboriginal culture, qualified a person to be treated as inferior under the law.

However, the introduction of two new ordinances, the *Welfare Ordinance* and the *Wards Employment Ordinance*, in 1953 indicates a new approach to Aboriginal affairs at the Commonwealth level and more clearly reflects the assimilation policy. The *Welfare Ordinance 1953* did not directly refer to Aboriginality, thus implying that this legislative instrument was not directed at Aborigines. However, because it declared as wards only those people who were ineligible to vote in Commonwealth elections, it applied to all Aboriginal people. The language used to define who may be declared a ward is reflective of the invariant elements pertaining to inferiority, laziness, incapacity and irresponsibility, and need for white intervention. Included in the Ordinance were characteristics of one to be declared a ward as a person who ‘stands in need of special care and assistance’ because of his 76 ‘manner of living’; his ‘inability, without assistance, adequately to manage his own affairs’; his ‘standard of social habit and behaviour’ or ‘personal associations’. Anyone declared a ward was then subject to the *Wards Employment Ordinance 1953*, which is further discussed below.

In summary, then, over an extended period and across a range of jurisdictions, before and after federation, the power to define who was Aboriginal and the criteria on which this decision was based in any individual case, was in the hands of the white judicial and administrative system without recourse to the views of the Aboriginal people whose lives were drastically affected by these decisions. This applies no less in the latest legislative instrument canvassed above than in the earliest, despite an increased emphasis on ancestry in later definitions. This was balanced by provisions enabling exemption from the legislation for those Aborigines who were prepared to relinquish all connection with other Aboriginal people and their

76 Use of ‘his’ rather than ‘his or her’ in this paragraph is consistent with the wording of the Ordinance.
culture and customs. Aboriginal people had to show signs of ‘improvement’ on white terms and were not considered capable or deserving of equal treatment with other Australians otherwise.

Thus through their legislative definitions of Aboriginality the white legislators confirmed their belief in Aboriginal inferiority, the first invariant element. By doing this with the purpose of establishing a second-class legal system to ‘protect’ and control the Aborigines, as further discussed below, they showed their underlying concurrence with beliefs about Aborigines’ laziness, incapacity and irresponsibility and the need for white intervention in Aboriginal lives, that is the second and third invariant elements. Doing so without recourse to Aboriginal understandings, values and choices indicates concurrence with the fourth invariant element.

Reserves
From the Victorian Act of 1869, each piece of ‘protection’ legislation surveyed here contained provisions which enabled the establishment of reserves or stations to which to remove ‘Aborigines’ as defined under the various Acts and Ordinances. It is this aspect of the institutional forms developed to control Aborigines which most clearly illustrates the ways in which the invariant elements led to separate and inferior treatment of Aborigines in the law. The legal provisions respecting reserves are consistent with the second, third and fourth invariant elements as discussed below. Reserves established ostensibly to ‘protect’ Aborigines in fact limited their freedom of movement, opportunity and choice and their ability to practice their own culture. They enabled all aspects of Aborigines’ lives to be supervised and controlled by white officials, and gave Aborigines little or no voice in their own affairs.

In Victoria, under the Act to provide for the Protection and Management of the Aboriginal Natives of Victoria 1869, a Board for the Protection of Aborigines was established to administer the Act, and five stations or reserves were established to where it was intended to remove the Aborigines. Section 2 of the Act gave the Governor power to make regulations including: ‘For prescribing the place where any Aboriginal or any tribe of Aborigines may reside’. Some hundreds of Aborigines were encouraged or forced to reside on these reserves, as discussed further in the following chapter. After the change of definition of Aboriginal in the 1886 Act, ‘half-castes’ were no longer eligible to live on the reserves. All ‘half-castes’ aged 13 years and over were required to find work and homes off the reserves or, if their parents were still eligible to live on the reserve, they were sent out as domestic servants or
farm labourers. The sick and needy could be temporarily licensed to live on the reserves, but otherwise those of Aboriginal descent not legally defined as Aboriginal were on their own, dispossessed of their land and without government support. In effect this was an assimilation policy by default.

Legislation in other jurisdictions was more prescriptive. The Queensland Act of 1897 gave the relevant Minister extensive power to remove Aborigines to reserves and place them under the care of a Chief Protector of Aborigines. Under section 9, the Minister could ‘cause every aboriginal within any District… to be removed to, and kept within the limits of, any reserve…. in such manner, and subject to such conditions, as may be prescribed’. There were exceptions for Aborigines who were lawfully employed; holding a permit to be absent from a reserve, or, if female, married to a non-Aboriginal man; ‘or for whom in the opinion of the Minister satisfactory provision is otherwise made’.

The Act gave extensive powers to the executive government to make regulations in regard to controlling the Aborigines resident on reserves; such regulations had the force of law. Section 31 is cited extensively below to illustrate the breadth of control able to be exercised over the residents of reserves, again clearly reflecting the invariant elements as indicated in brackets at the end of each sub-section (See Table 6.1, p157). Regulations could be made on matters including:

(5) Apportioning amongst, or for the benefit of, aboriginals or half-castes, living on a reserve, the net produce of the labour of such aboriginals or half-castes;… (2e, 3, 4a)

(10) Prescribing the conditions on which the Minister may authorise any half-caste to reside upon any reserve, and limiting the period of such residence, and the mode of dismissing or removing any such half-caste from such reserve; (2d, 4a)

(11) Providing for the control of all aboriginals and half-castes residing upon a reserve, and for the inspection of all aboriginals and half-castes, employed under the provisions of this Act or the Regulations; (2c, 2d, 3c)

(12) Maintaining discipline and good order upon a reserve; (2d)

(13) Imposing the punishment of imprisonment, for any term not exceeding three months, upon any aboriginal or half-caste who is guilty of a breach of the Regulations relating to the maintenance of discipline and good order upon a reserve; (2d)

(14) Imposing, and authorising a Protector to inflict summary punishment by way of imprisonment, not exceeding fourteen days, upon aboriginals or half-castes, living upon a reserve or within the District under his charge, who, in the judgment of the Protector, are guilty of any crime, serious misconduct,
neglect of duty, gross insubordination, or wilful breach of the Regulations; (2d, 4c)

(15) Prohibiting any aboriginal rites or customs that, in the opinion of the Minister, are injurious to the welfare of aboriginals living upon a reserve. (4a, 4b)

The New South Wales Aborigines Protection Act of 1909 also established reserves and created a Board for Protection of Aborigines. It gave the Board the duty ‘to manage and regulate the use of reserves’ and specified the Board’s powers including:

s8 (2) The board may remove from a reserve any aborigine who is guilty of any misconduct, or who, in the opinion of the board, should be earning a living away from such a reserve.

The Act is silent on how Aborigines were to be enticed, forced or otherwise caused to settle on the reserves. However, section 20 gave the Board power to make regulations in regard to ‘providing for the control of aborigines residing upon a reserve’ and ‘maintaining discipline and good order upon reserves’, indicating an emphasis on control in line with the second invariant element.

The provisions in the Northern Territory Aboriginals Ordinance of 1918 in regard to reserves went further than those of Victoria, Queensland or New South Wales. Again the emphasis was on control, in this case of both Aborigines and ‘half-castes’. Section 6 gave considerable power to the Chief Protector to take any Aboriginal or ‘half-caste’ into his care, custody or control ‘if, in his opinion it is necessary or desirable in the interests of the aboriginal or half-caste for him to do so’. To carry out this provision, the Protector could ‘enter any premises where the aboriginal, or half-caste is or is supposed to be, and .. take him into his custody’. The owner of the premises was required to ‘facilitate by all reasonable means in his power the taking into custody of the aboriginal or half-caste’. These powers applied ‘whether the aboriginal or half-caste is under a contract of employment or not’.

The power of removal was reinforced by further provisions. Section 11 gave the Administrator the power to ‘declare any place to be a prohibited area’ where Aborigines could only remain with the permission of a Protector and could be

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77 See Goodall 1990 for a discussion of the creation and later resumption of Aboriginal reserves in New South Wales from the 1860s. Goodall notes that policy regarding Aborigines in New South Wales was not coherent until 1910 because the government refused demands from the Aboriginal Protection Board (created in 1883) for legislation similar to that of Victoria. Nevertheless over a hundred and ten areas of land were reserved for the use of Aborigines between 1861 and 1894. Seventy four of these were on land reserved in response to Aboriginal demand, similar to the creation of Coranderrk Aboriginal station in Victoria as discussed in the following chapter (1990, p22).
removed at any time by a Protector or Police Officer. Section 47 allowed the Chief Protector to give an order in writing to ‘Any person having the custody or control of any aboriginal or half-caste or on whose premises any aboriginal or half-caste is living’ to deliver such ‘aboriginal or half-caste’ into the Chief Protector’s custody. Section 16 enabled the Chief Protector to remove Aborigines to and keep them ‘within the boundaries of any reserve or aboriginal institution’ or remove them ‘from one reserve or aboriginal institution to another…, and to be kept therein’. Any Aborigine who refused or resisted removal or refused to remain or tried to leave a reserve or institution ‘shall be guilty of an offence against this Ordinance’. Like the New South Wales Act, the Ordinance empowered the Administrator to make regulations ‘providing for the maintenance of discipline and good order upon a reserve’.

In addition, the New South Wales Act and the Northern Territory Ordinance gave the relevant authorities power to force any Aboriginal camping or about to camp in specified areas to remove to such distance from the area as directed. In New South Wales the specified areas included ‘the vicinity of reserves, towns or townships’, while in the Northern Territory the specified areas included ‘the limits of or near any municipality, town, township, public house, or wine and spirit store’. Similar powers could be applied by any ‘Justice, Protector or Police Officer’ to Aborigines found ‘loitering in any municipality, town, township, public house, or wine and spirit store’. Refusal to comply with such orders by an Aborigine was an offence under the Ordinance and punishable by imprisonment. Clearly the intention in the Northern Territory was not only to remove Aborigines from towns but also from access to alcohol. Thus, consistent with the second invariant element’s emphasis on control, freedom of movement of those not residing on reserves was curtailed without any clear indication of what alternative living arrangements were available to Aborigines. Like the Victorian Act after 1886, it appears that those ‘half-caste’ Aborigines not residing on reserves were perceived to be undeserving of assistance, indicating the continuing influence of the belief in Aboriginal inferiority as per the first invariant element. There is also an implicit expectation that Aborigines should deny their Aboriginality, illustrating the fourth invariant element in practice, and to do so with the aim of being absorbed into the community and the workforce, or ‘improved’, in line with the third invariant element.

As with the definitions of Aborigines, from the mid-1930s some changes were made to legislation covering reserves, but there is no apparent diminution of the influence
of the invariant elements. Such amendments in fact increased repressive control over Aborigines. For example, in 1936 the New South Wales provisions were amended to extend the Act’s coverage to ‘half-castes’, thus enabling removal to and retention on ‘any reserve, institution or district’ of any ‘half-caste’ or Aboriginal in New South Wales. The Aborigines Welfare Board was still able to exercise ‘supervision and care’ over ‘all matters affecting the interests and welfare of aborigines’ but from 1936 the Board’s authority was extended to cover ‘all aborigines’ as well as all matters affecting them. This was supplemented by extending provisions restricting the movement of Aborigines to cover any Aborigine or ‘a person apparently having an admixture of aboriginal blood’. Any such person ‘living in insanitary or undesirable conditions’ could be removed to ‘a reserve or place controlled by the board’ or returned to their usual state of residence. This provision remained in force until it was repealed in 1963. Thus New South Wales legislation came more into line with that of other jurisdictions in respect of curtailing New South Wales Aborigines’ freedom of movement and forcing them to reside in reserves under the control of white officials.

From the above it is clear that legal provisions in relation to reserves which spanned the period from the 1860s to the 1960s reflect the invariant elements. The institutions to which the authorities had power to remove Aborigines were designed to limit Aborigines’ freedom of movement, therefore limiting the extent to which Aborigines could practice their own culture. This was clearly based on a continuing belief in the inferiority of that culture. The reserves therefore provided Aborigines with an attenuated version of the introduced society and economy in which they were treated as inferior subjects with limited rights and opportunities, again reflecting the belief in Aboriginal inferiority. Nor were the reserves designed to accustom Aborigines to living at a similar standard to that enjoyed by the rest of the Australian population, either during the ‘protection’ era or after the declaration of assimilation as the preferred Aboriginal policy, implying that a lesser standard was appropriate for Aborigines. The legislative instruments also took away Aborigines’ basic rights to control their own lives and activities on a belief that they were incapable and irresponsible and therefore needed to be under the control of white administrators, through whose influence they could be ‘improved’, consistent with the second and third invariant elements. The creation of reserves was an attempt to resolve a

78 Goodall notes that the earlier period on reserves was remembered by some Aborigines as a time when they had a degree of independence and control over their own lives. This changed on the introduction of the new more repressive legislation in 1936 (1990, p1).
problem as defined by whites and to force the Aborigines to cease practising their own culture without any consideration of the value of this culture to those who practised it or the impact on those people of its loss. Thus the influence of the fourth invariant element is clear.

**Employment and Wages**

Two crucial aspects of all the Acts cited here, relating to control over the employment of Aboriginal workers and the processes established in relation to payment of wages, particularly illustrate the second invariant element, that is the belief in Aboriginal laziness, incapacity and irresponsibility and the consequent need for control. Unlike the arrangements outlined above for other Australians, Aboriginal people covered by the Acts did not have freedom of choice of employment, were generally not entitled to award rates of pay and in fact were prevented from directly receiving all of the wages which they earned.

The provisions of the *Act to provide for the Protection and Management of the Aboriginal Natives of Victoria 1869* illustrate the beginning of a pattern of employment law later replicated elsewhere. Under section 2 of the Victorian Act the Governor was given the power to make regulations including:

II. For prescribing the terms on which contracts for and on behalf of Aboriginals may be made with Europeans, and upon which certificates may be granted to Aboriginals who may be able and willing to earn a living by their own exertions.

Under regulations promulgated in 1871, to be valid contracts for longer than three months required that either the Aborigine had a work certificate or a contract of service had been approved and signed by the Board for the Protection of Aborigines formally established by the Act. An employer’s application to the Board for a contract had to set out the ‘nature of the work or service to be performed’ and the terms of employment, including ‘Money payment as wages or otherwise’ and ‘Rations (if any) to be given in addition to money payment (if any), and quantity and quality of rations’. Aborigines ‘able and willing to earn a living by [their] own exertions’ had limited control over their own employment, being permitted to apply to the Board through a local guardian or agent of the Board for a six months’ work permit, which could only be renewed by the endorsement of a board member, local guardian or manager. The certificate so issued ‘authorizes [the holder] to enter into a binding contract of service for any time during which this certificate remains in force’ and ‘permits a European to harbour him without incurring any penalty’. However, Aborigines’ freedom of
employment was strictly limited. To seek employment or to provide it without such a certificate was an offence for both employee and employer.

The Victorian legislation also provided a model for restriction on Aborigines’ earning rights. Regulations could be introduced in regard to:

III. ... apportioning amongst Aboriginals the earnings of Aboriginals under any contract, or where Aboriginals are located on a reserve, the net produce of the labour of such Aboriginals...

In accordance with this, regulations wresting control of their earnings from Aborigines were introduced in 1871. Regulation 6 empowered the Board to direct ‘all or any part of the money payment payable to the Aboriginal to be made to some local guardian or other person specified in that behalf instead of the aboriginal himself’. Regulation 7 specified that any money received ‘shall be applied at the discretion of the receiver for the benefit of the aboriginal or of any member of his family, subject to any express direction given by the Board’. This was intended to prevent the exploitation of Aborigines and to prevent the Aborigines from ‘misusing’ their money, reflecting the dominant belief in Aboriginal incapacity and irresponsibility, and the need for white intervention, thus reflecting the second and third invariant elements.

Similar provisions restricting Aborigines’ freedom of employment and specifying payment processes were included in the Queensland legislation. The Preamble to the 1934 edition of the Queensland Consolidated Acts includes the statement: ‘Perhaps the most important of.. provisions are those making it an offence to employ these persons [aboriginals and half castes] otherwise than by permit and under written agreement.’ As in Victoria, the duration of employment was restricted to a maximum of twelve months which could be renewed ‘so long as such aboriginal or half-caste is willing to continue to be employed’. However the employer’s license to employ an Aboriginal could be revoked by the Protector and ‘such aboriginal may be removed, by order of the Protector under and subject to the conditions prescribed, to a reserve’, or, at the discretion of the Protector, the employment license could be transferred to another employer. In such case, the ‘willingness’ or otherwise of the Aborigine was not considered, consistent with the fourth invariant element.

In regard to the power to make regulations, section 2(IV) and (V) of the 1897 Queensland Act exactly replicated section 2 (II) and (III) of the Victorian Act of 1869 as cited above. Section 12 provided that ‘any aboriginal or half-caste who, before the commencement of this Act, was employed by any trustworthy person’ could continue
in that employment or, if not employed, could take up employment with ‘a like person’ with a Protector’s permission. In the absence of criteria regarding who was a ‘trustworthy person’, the Protector retained discretion to decide this.

Similarly to the earlier Victorian legislation, the employment contract had to specify the nature of the work, its duration and the relevant wages and conditions and it had to be entered into in the presence of a justice of the peace or member of the Police Force. However in other respects the Queensland legislation went further than the Victorian in controlling Aboriginal workers. Section 16 provided that all employed Aborigines and ‘half-castes’ were subject to supervision by a Protector or other authorised person, and employers were required to permit the Protector or other authorised person ‘to have access to such aboriginal or .. half-caste at all reasonable times, for the purpose of making such inspection and inquiries as he may deem necessary’. The influence of the second invariant element, in particular the aspects concerning control and supervision, is clear here.

In 1901 the Queensland Act was extended to cover employment on or in connection with ships and further provisions regarding employment were added, in particular disqualifying ‘any alien of the Chinese race’ from being permitted to employ Aborigines, reflecting the White Australia policy discussed above. Section 12 of the amended Act specified minimum payment due to any employed (male) Aborigine of ‘not .. less than ten shillings per month, if he is employed on board of, or in connection with a ship, vessel or boat, or five shillings per month, if he is employed elsewhere’. This section also enabled the Protector to direct ‘employers or any employer’ to pay Aborigines’ or female half-castes’ wages to ‘a responsible person’, including ‘himself or some other officer of police named by him’. It further provided that ‘any employer who fails to observe such direction shall be deemed to have not paid such wages’ thus providing a further disincentive to employers from paying their Aboriginal employees directly. The official in receipt of the wages of an Aborigine was required to ‘expend the same solely on behalf of the aboriginal or female half-caste to whom they were due’ and to ‘keep an account of such expenditure’, again reflecting the belief in Aboriginal incapacity and irresponsibility.

These powers were reinforced by regulations promulgated in 1919, under which a proportion of wages was deducted and paid to the local protector. For single men, from 1884, this employment had been covered by the Native Labourers Protection Act. It also reflects the custom of some Chinese employers of paying Aboriginal workers in opium.
75% was withheld, or 80% if they were under 18, while men married or with dependants had from 33% to 50% deducted, ‘according to circumstances’. Female employees had between 75% and 90% deducted from their wages, ‘according to age’. Two and a half to five per cent of the amount collected from the wages of those men not otherwise contributing to the maintenance of settlements was to be sent to the Chief Protector ‘to be contributed towards a fund for relief of indigent natives’. Male employees were expected to maintain their families from their wages. Protectors could insist that employees with suitable ‘ability, intelligence and experience’ be paid the full award rate or such other rate ‘as he thinks will be equitable’. At this time, the minimum wage for Aboriginal workers under the regulations was set at £2 per week, comparable to the wage of an unskilled worker under the conciliation and arbitration system covering other Australian workers.\(^{81}\) However, depending on circumstances, the Aboriginal worker may have had access to only half this amount to keep his family.\(^{82}\) This wage did not change for over a decade, while other Australians’ wages increased substantially, particularly after quarterly cost of living adjustments were introduced in 1921.\(^{83}\)

The New South Wales Aborigines Protection Act of 1909 as amended in 1915 and 1918, differed from the legislation in other jurisdictions, in that, reminiscent of Macquarie’s early ‘civilising’ attempts, it focused largely on children and their separation from their parents and culture. Nevertheless, in its emphasis on control, it reflects the second invariant element. The Aborigines Protection Board could ‘bind or cause to be bound the child of any aborigine to be apprenticed to any master’, and could collect any wages due and expend them ‘as the board may think fit in the interests of the child’. Such apprentices were to be under the supervision of the board or other authorised person.

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\(^{81}\) A male cook under the federal award in 1919, for example, earned £2/10/- plus keep per week, compared with wages under the regulations of £2/0/- for an Aboriginal cook cooking for Aboriginals or 10/- more if cooking for whites plus food and accommodation (http://www.docep.wa.gov.au/lr/LabourRelations). In Queensland the 1919 regulations set the wage for adult Aboriginal male drovers and station hands at 75% of the State award wage. By 1945 Aboriginal station hands and drovers were being paid about 40% of the award wage and in 1966 male Aboriginal workers on stations were still paid less than two-thirds the award wage. Female domestics were paid 52% of the award in 1945 and 43% in 1966 (de Plevitz 1998, pp151-52).

\(^{82}\) The amount actually available to the Aboriginal worker could be even less if the local protector did not pass on the wages owing.

\(^{83}\) The state basic wage for men in Western Australia in 1926 was £4/5/- (http://www.docep.wa.gov.au/lr/LabourRelations).
In regard to employment of adults, unlike the Victorian and Queensland legislation, the New South Wales Act did not include provisions in regard to contracts of employment. This may have been due to the later stage of development of New South Wales at the time of introduction of protection legislation. The pastoral industry in particular had already been established decades earlier using cheap convict labour, perhaps reducing the need for control over Aboriginal employment in New South Wales in the early twentieth century. However, although the New South Wales Act contained fewer provisions than others in regard to employment, like them it restricted the rights of at least reserve residents to retain and spend their earnings as they wished. This Act mirrored earlier provisions of the Victorian Act in enabling regulations to be promulgated for ‘Apportioning amongst or for the benefit of aborigines the earnings of any aborigines living upon a reserve’, reflecting the belief in Aboriginal incapacity and irresponsibility and enabling the costs of their incarceration to be borne at least in part by the Aborigines themselves.

A similar provision was included in the Northern Territory Aborigines Ordinance of 1918 which included extensive provisions on employment of Aborigines, with a strong emphasis on administrative control. The Ordinance required employers to be licensed to employ ‘any aboriginal native or female half-caste’. In addition, if wishing to employ an Aborigine ‘within any Town District’ an employer was required to enter into an agreement between himself and the Aborigine. Such agreements had to be lodged with the Chief Protector who could investigate or inspect any such arrangement at any time. This was in addition to section 29, which required employers to give any Protector or Police Officer access to any Aboriginal employee ‘at all reasonable times…for the purpose of inspection or inquiry’, similar to the Queensland legislation. Also like Queensland and consistent with the White Australia policy, licences could not be awarded to ‘any male person of any Asiatic race or any race prohibited in that behalf by regulation’. Licenses could be cancelled at any time by a Protector ‘if he is satisfied that the holder is or has become an unfit person to employ aboriginals or has failed to comply with the Ordinance or the regulations thereunder’. An Aborigine could be removed from employment if ‘any Protector or Police officer has reason to believe that any aboriginal or half-caste is not being treated properly’ by their employer. Given the treatment meted out to Aboriginal pastoral employees as discussed in the following chapter, it seems unlikely that this provision was effectively implemented. It is also interesting to note that the Ordinance did not indicate that such mistreatment would mean the employer was subject to any punishment apart from removal of the employee. There is also an implication in such
provisions that the Aborigines continued to need ‘protection’, in turn implying that they were incapable of looking after themselves, another reflection of the second invariant element.

Of the Acts under discussion only the Queensland Act was altered in the period up to the mid-1930s. However, the 1934 amendments to the Act continue to reflect the perceived need to control Aborigines in employment. Aborigines’ freedom of employment was further restricted, while the Protector’s power to cancel any employment agreement between an employer and an Aboriginal employee and replace the agreement with another was reinforced. The Protector could remove an employee on finding that the employee had been mistreated or the agreement breached by the employer. If the employee breached the agreement, however, ‘he shall order such employee to return to work and to properly observe the conditions of the agreement’. Failure to do so would make the employee liable to a fine of up to two pounds while an employer who continued to employ an Aborigine after the cancellation of an agreement could be fined up to fifty pounds, strong disincentives to both parties to breach the Act given the low wages paid to Aborigines. The Act provided no further guidance on reasons why the agreement may be terminated or changed until additional provisions were included in 1939, as outlined below.

The 1934 amendments to the Queensland Act added further categories able to be regulated, including three with economic and employment-related aspects, indicating an increased emphasis in the Queensland legislation on economic control of Aborigines in accordance with the second invariant element. Of most importance in the context of Aboriginal economic participation, regulations could now be promulgated in regard to the establishment of industries on settlements and institutions, ‘the control, disposal and distribution’ of the produce of reserves, the labour of reserve residents and of all stock and property on reserves, and ‘the control and supervision of all trading transactions of aboriginals and half-castes, whether upon a reserve or not’. Implementation of these actions was facilitated by the creation of an Aborigines Industries Board which had administrative control of all aspects of such industries. This included ‘the education, instruction and training of aboriginals and half-castes’ in any trade or business established by the Board and the making of investigations, inter alia, ‘as to how trade, industries and commerce of aboriginals and half-castes can be best encouraged, developed, and protected’.
Power was also conferred for making regulations in regard to the control and supervision of all Aborigines and half-castes on reserves, including their employment on reserves in maintenance work, ‘licensing the recruiting of aboriginals and half-castes for employment on vessels or elsewhere; [and] regulating the employment of aboriginals and half-castes generally’. The amendments also allowed for the establishment of a welfare fund ‘for the general welfare and relief of aboriginals, half-castes, and other authorised inmates of reserves’ to which all Aboriginals and half-castes were required to contribute, formalising the arrangements for support of ‘indigent natives’ included in regulations since 1919. Thus little control over their economic interests and activities was left in the hands of Queensland’s Aborigines, whether or not they were incarcerated in reserves.

Clearly, then, in all the jurisdictions surveyed up to the mid-1930s, employment of Aborigines covered by legislative instruments was bound up, to a greater or lesser extent, in a separate system of law and regulation from that applying to other Australians. The provisions clearly reflect the invariant elements pertaining to inferiority, laziness, incapacity and irresponsibility and need for white intervention, while disregarding Aborigines’ understandings, values and choices. There was a general belief that Aborigines were not entitled to freedom of choice of employment nor to the benefits normally derived from employment. Instead they were directed to work for whoever the authorities deemed it appropriate to grant a licence or permit, their employment could be terminated or conditions altered at any time at the discretion of white officials and their pay was not their own. In this there is a closer resemblance to the regime applying to convicts in the first half of the nineteenth century, than to the conditions applying to the rest of the Australian population in the twentieth century.

After the assimilation policy was endorsed in 1937, only the New South Wales legislation was amended to directly refer to assimilation. The duties of the renamed ‘Aborigines Welfare Board’ now included expenditure of moneys in its control for both ‘relief’ and ‘benefit’ of Aborigines or ‘for the purpose of assisting aborigines in obtaining employment and of maintaining… them whilst so employed, or otherwise for the purpose of assisting aborigines to become assimilated into the general life of the community’. Thus there was still a perceived need for Aborigines to ‘improve’ and

84 The fund was not in fact created until 1945, 26 years after the 1919 regulation which introduced the practice of requiring Aboriginal workers to pay from two and a half to five per cent of their wages for the support of ‘indigent natives’.
to do so with white guidance and without consideration of Aborigines’ understandings, values and choices.

The Queensland legislation though amended in 1939, and now called the *Aborigines Act*[^85], remained substantially the same as the earlier legislation. Where changes were made, they impacted mainly on the payment of wages and related matters. A protector could still ‘direct employers or any employer to pay the whole or any portion of the wages of aboriginals to himself or some other person on his behalf’. However no longer was the recipient of the Aborigine’s wages required to ‘expend the same solely on behalf of the aboriginal or female half-caste to whom they were due’, or to ‘keep an account of such expenditure’ as had been required under earlier legislation. However, a further amendment enabled Aborigines’ wages to be paid to a senior departmental official: ‘In any case where it appears to the board to be in the best interests of the aborigine concerned’[^86]. In these cases, the money was to be properly accounted for and spent in the interests of the Aborigine[^87]. Unlike local protectors, however, employers were required to keep records. Under Regulation 73 of the 1945 *Welfare Regulations*, every employer was required to ‘keep a pocket money book in which he shall enter particulars of all wages or pocket money paid to an employee [and] obtain a receipt, either by signature or right thumb print, from the employee for any such payment’. These provisions remained in force until 1963, indicating a continuing belief in the second invariant pertaining in particular to Aboriginal irresponsibility and need for control and supervision.

It is interesting to note, too, that the Queensland Act was amended in 1939 to indicate for the first time in the Act the reasons why the board may choose to terminate a contract of employment. These reasons clearly reflect the continuing belief in aspects of the first, second and third invariant elements, including Aboriginal inferiority, incapacity and need for white intervention and control. Section 13B stated:

> In any case where an aborigine is living with, or employed by, any other person, and the board has reason to believe that such aborigine is not receiving fair and proper treatment, and is not being paid a reasonable wage, or the board is of the opinion that his moral or physical well-being is likely to be impaired by continuance in such employment, or that he is being influenced to continue in such employment, the board shall have the power to terminate same and remove the aborigine concerned to such reserve, home or other place as it may direct. For the purposes of this section any officer of the board, or member of the police force, shall have access to such aborigine at all reasonable times for

[^85]: A parallel *Torres Strait Islanders Act* was introduced at the same time.
[^86]: The words ‘and/or of his wife and/or children’ were added in 1940.
[^87]: The words ‘and/or of his wife and/or children’ were added in 1940.
the purpose of making such inspection and inquiries as he may deem necessary.

However, this was still clearly at the discretion of the relevant official, no reference being made to the views of or impact on the Aborigine concerned.

At a time when assimilation was supposedly the thrust of Aboriginal policy in Australia, Queensland was moving even further from this aim towards more complete segregation of Aborigines in an administrative regime applying to them alone and based on completely different principles from those of other legislation regulating employment in Queensland and Australia generally.

In the Northern Territory, a different though no less controlling approach was taking shape in the early 1950s as noted above. The 1953 suite of legislation included extensive provisions about employment of ‘wards’. The *Wards Employment Ordinance* established an Employment Advisory Board which included in its membership one Aboriginal who was not a ward, perhaps a small token of the policy of assimilation. However it also included ‘two persons representing the interests of the Christian missions in the Northern Territory’, in line with the long-established aim of Christianising the Aborigines, thus indicating a continuation of this aspect of the third invariant element.

The Board’s role was to advise the Administrator:

on all matters relating to the training and employment of wards and, in particular, on matters relating to –
(a) the vocational training of wards;
(b) the placing of wards in employment;
(c) the apprenticeship and training under agreement of wards;
(d) the promotion and development of industries and activities that will afford employment opportunities for wards; and
(e) the regulation of conditions of employment of wards.

There was an emphasis on training of ‘wards’ in ‘callings’ approved by the Director of the relevant government department and the provision of pre-training for up to two years to enable a potential trainee to become sufficiently qualified to complete an apprenticeship. While undergoing training, ‘wards-in-training’ could be paid an allowance ‘subject to specified conditions’. On completion of the training course, a ward would be provided with a certificate of competency on condition that ‘he has gained a knowledge of English and hygiene deemed by the Director to be appropriate to the calling for which he has been trained’. The inclusion of ‘hygiene’ here implies that Aborigines were believed to be endemically dirty, which could be
seen as an oblique reference to Aborigines’ ‘savagery’, an aspect of the first invariant element.

The requirement for employers to be granted a permit to employ Aborigines remained in force, indicating continuing belief in the need for control, an indicator of continuing belief in the second invariant element. Section 33 prohibited granting of permits to licensed premises unless specially authorised by the Administrator and on payment of a prescribed fee. Thus again a concern to keep Aborigines away from alcohol is indicated, implying their irresponsibility as per the second invariant element, and the tendency of the white system to define and propose solutions to ‘Aboriginal problems’ without Aboriginal input, as per the fourth invariant element.

As with the Queensland changes, the new system in the Northern Territory placed significant emphasis on payment of wages and other related matters, illustrating the continuity of negative attitudes to Aborigines’ capacity and responsibility and of the perceived need to closely control this aspect of employment in particular. Wards were to be paid a prescribed wage set by the Administrator and to work under conditions prescribed by regulation. There was provision for ‘a slow, aged or infirm ward’ to be paid less than the prescribed wage and for highly competent workers to be paid more, in both cases at a rate agreed between the employer and a welfare officer. Wards could be paid at award rates under section 39. However, section 41 gave the Director the power to require an employer to pay a proportion of an Aborigine’s wage to him or to a welfare officer. Such moneys were to be paid into an individual trust account, to be spent ‘on behalf of, or for the benefit of’ the ward. When more than £50 had been accumulated in the account, or otherwise as the Director or authorised welfare officer ‘thinks fit’, the money was to be transferred into a bank account in the ward’s name. The ‘ward’ was only able to spend the money in his trust account ‘if the Director or an authorised welfare officer approves of the expenditure’. Even when granted compensation for a work-related injury, unlike white workers in a similar situation, the Aborigine did not necessarily receive the compensation amount directly. Under section 49 such money could be applied at the Court’s discretion ‘for the benefit of the ward or his relatives’ and paid ‘by instalments or otherwise in such manner as the Court considers expedient’.

New provisions enabled an Aborigine to apply for assistance ‘to enable him to engage in or carry on and develop a trade, business or other undertaking’ on the recommendation of the Director and approval of the Administrator. However, the
Director could recommend rejection of an application if he believed ‘that the ward is not likely to be able successfully to engage in or carry on and develop the trade or business or other undertaking’ or ‘that the ward is not deserving of assistance’. Criteria for assessing the likelihood of success or the meaning of ‘deserving’ were not specified. The maximum available assistance was set at £1000 and under section 52, the Director ‘shall assume the management and administration of the trade, business or other undertaking of the ward’. Under section 54, the Director was required to repay the Administrator for the money received while section 56 provided that the ward could not ‘sell, alienate, mis-apply or fail to keep in reasonable repair and condition’ any equipment made available to him or ‘dispose or alienate any property acquired by him’ in relation to the trade or business. Under section 57, until the ward had repaid the money provided to assist the establishment of his trade or business:

all the property and assets of the ward shall be subject to a charge in favour of the Administrator and shall not be capable of being alienated or charged, or seized or taken under process of law or otherwise, except to or by the Administrator or with the consent of the Administrator.

Even when the property was fully paid for, it was ‘held by the Director’. Thus, measures which may appear to have been introduced to increase Aboriginal employment and economic opportunities were bound up in regulation that took decision-making and ownership out of the hands of the recipient of the assistance. Even the rewards for the effort required to successfully establish the trade or business were not considered to belong to the Aborigine. Such provisions imply continuing adherence to the belief in Aboriginal incapacity, irresponsibility and the need for white intervention.

It is hard to conceive of such measures as those outlined above furthering an aim of either protection or assimilation, but their existence does support the continuing power of the invariant elements to influence institutional forms pertaining to Aboriginal Australians at least into the 1950s. Aborigines had little influence over their employment in most jurisdictions for most of the period from the 1860s. Their earnings were not under their control, nor were they based on the same industrial relations principles regulating employment for and binding employers of other Australians. The system set up for Aboriginal Australians was an inferior one, which indicates the continuity of the prevailing view that Aborigines were inferior. The degree of control over their employment and earnings is indicative of a continuing belief in their limited capacity to look after their own affairs, consistent with the
second invariant element. That the systems were devised and managed by whites with little if any room for input from Aborigines indicates the continuing influence of the third and fourth invariant elements.

**Conclusion**

The legislative provisions cited above provide examples of the types of repressive legislation under which Aboriginal Australians were required to live for much of the past century and a half. They provide evidence that the invariant elements identified in Chapters 5 and 6 above were translated into institutional forms which treated Aborigines as inferior, irresponsible people in need of guidance and with no rights to determine their own ways of living with or accommodating to the introduced society and economy. The above evidence also shows that there was no diminution over time of the influence of the invariant elements on the institutional forms. The nature of the institutional forms changed over time, but always in ways consistent with the invariant elements at least into the 1960s. Aborigines continued to have their identity defined by whites, to be incarcerated in reserves where all aspects of their lives were controlled by white officials, and excluded from the freedom of employment and rewards for labour legislatively provided for all other Australians.

In the following chapter a closer look will be taken at the ways in which the four concepts utilised in this research - econoscape, reguloscape, invariant elements and institutional forms - operated together in practice to limit Aboriginal choice and opportunity and led to the development and perpetuation of Indigenous employment disadvantage.
Chapter 8: Empty Promises

Especially in the 19th century, when human rights were still the prerogative of white adult males with property, the relationship between the colonial and provincial governments and their Aboriginal subjects were marked by ambiguity and indecision, thus reflecting the attitudes of pastoralists (‘exterminate’), farmers (‘use’), missions (‘civilise and Christianise’) and other groups and classes ... (‘exclude’). (Lane in Johnstone et al. 1997, p7)

Introduction

In this chapter, two case studies will be examined to show how the invariant elements identified and applied in earlier chapters operated within the econoscape and reguloscape of different jurisdictions at different times to limit the freedom, aspirations and opportunities of Indigenous people from the 1850s up to the late 1960s.

The approach to be taken is to closely examine one case study for each of the second and third time periods identified in Chapter 3, that is the latter half of the nineteenth century to the inter-war period, which is the period of dominance of protection policy, and the following period to the 1967 Commonwealth Referendum, which approximates the assimilation era. This will identify the extent of continuity of invariant elements in practice and it will illustrate how the conflict between the Indigenous and introduced econoscapes and reguloscapes manifested in specific situations. The two cases selected for scrutiny are the establishment and history of Victorian Aboriginal policy from the 1850s and its application to Coranderrk Station from the 1860s; and the Northern Territory cattle industry equal pay case of 1965 and its antecedents and impact.

The first case study provides a telling example of how the law and official policy were used to disempower and make dependent the very Aborigines who were supposedly the beneficiaries of ‘protection’ laws. This is of particular interest as the laws promulgated in Victoria in the nineteenth century became the models in many respects on which the laws of other states were based as shown above, and the events which occurred at Coranderrk had parallels in other places and at other times. Through an examination of primary and secondary sources, the continuity of the identified invariant elements to at least the end of the nineteenth century will be established.
The second case study is concerned with the very end of the period of study. By identifying the presence of the same invariant elements at this point it is possible to conclude that they remained significant throughout the intervening period. The aim of this case study is simply to show that little had changed in terms of the thinking behind the decisions made in relation to equal pay for Aboriginal pastoral workers in the Northern Territory compared with those made in Victoria a century earlier in relation to Aborigines’ economic independence.

It is important, too, to incorporate the Aboriginal voice without which the research would be incomplete. In these cases, evidence of Aboriginal views are readily available, a crucial consideration in selecting them for study.

**Victorian Aboriginal Policy and Coranderrk Aboriginal Reserve**

During the 1850s, after the demise of the protectorate system in Victoria as discussed in Chapter 6, in effect the Aborigines were left alone to wander the lands considered by the colonists to belong to them, not to the Aborigines. The Aborigines were no longer considered a threat as their numbers had diminished drastically and continued to do so. The Government, always reluctant to spend much on Aborigines, chose to delay replacing the failed protectorate with a comprehensive program of support for the displaced Aborigines. Instead it appointed a Guardian of Aborigines, former Assistant Protector William Thomas, and established a number of small reserves. But the land that was set aside was not cultivated for the benefit of the blacks, nor were any supplies or equipment provided to enable the Aborigines to do so themselves. The 1858 Select Committee on the condition of the Aborigines reported that:

> Indeed, the Blacks have been in a worse position than if the Protectorate had never been called into existence; for under that establishment they received assistance and protection, but were left to their own resources again, when it was abolished. (Select Committee Report 1858, piii)

The result was that the reserves were little used by the Aborigines who were largely dependent on the work they could get with settlers. Before and during the 1850s, Aboriginal labour was in fact crucial to land holders during times of labour shortages when white labour was not readily available, but Aborigines were restricted to stock work, station hand, shepherd or domestic servant roles. Away from Melbourne they were sometimes paid in liquor and offal instead of cash and the standard rations but, at least close to Melbourne, in times of labour shortage Aboriginal workers could

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88 Barwick notes that the central Victorian Aboriginal population decreased by 85% between 1839 and 1863 (1972, p15)
demand the same rate of pay as Europeans especially for shearing and reaping (Christie 1979; Massola 1975; Stephens 2003; Barwick 1972 & 1998).

In Guardian of Aborigines Thomas’s opinion good progress was being made. In 1854 he reported that the Aborigines ‘erratic habits have at length given way to European employment’, that ‘the reaping hook has been taken up for the benefit of the settler, in lieu of the spear against him’ and that the Aborigines had been ‘as industrious as Europeans’ (cited in Foxcroft 1941, p103). His delight in the apparent ‘improvement’ of the Aborigines was tempered by his concern that ‘the ravages of death, however, persistently stride amongst them, owing to their intertemperate habits’ (cited in Foxcroft 1941, pp103-04). His identification of the high mortality was correct, but his moralising analysis of the reason was based on assumption rather than evidence and failed to take into account the devastation caused by introduced diseases which were responsible for most Aboriginal deaths after 1843 (Barwick 1998, p28). But he was not alone in his views. The 1858 Select Committee report stated:

The great and almost unprecedented reduction in the number of the Aborigines is to be attributed to the general occupation of the country by the white population; to vices acquired by contact with a civilized race, more particularly the indulgence in ardent spirits; and hunger, in consequence of the scarcity of game since the settlement of the Colony; and also in some cases to cruelty and ill-treatment. The great cause, however, is apparently the inveterate propensity of the race to excessive indulgence in spirits, which it seems utterly impossible to eradicate. The vice is not only fatal, but leads to other causes which tend to shorten life. (Select Committee Report 1858, piii)

Given that the Aborigines were paid in inadequate food and clothing and sometimes in rum and that around the gold diggings prostitution was the main source of income, inevitably their condition appeared to confirm the stereotype that they were dirty, lazy, immoral, drunken and diseased, with no capacity for civilisation (Christie 1979; Barwick 1972). But as Christie notes:

These were the survivors of a brutal frontier experience in which their fellows had been dispossessed, shot, poisoned, raped, diseased and ridiculed on the assumption that they were the lowest form of humanity and an impediment to progress. They had survived, but they were left without land or dignity or any means of supporting themselves, apart from begging or odd jobs. (Christie 1979, p148)

Thus the Aborigines were adapting to the introduced econoscape, but within limits set by the white reguloscape and the invariant elements.

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89 When Thomas saw five Aborigines in a stupor one night and found them dead the next morning, he assumed they had died of the effects of alcohol and exposure, but provided no evidence and appears to have sought none, before reporting this incident to the 1858 Select Committee. The Committee accepted his word without question. No-one raised the possibility of poisoning, which was known to occur in Victoria at this time (see Critchett 1990).
The high death rates of Aborigines nudged consciences as colonists became concerned about their reputations as civilised Christians. From 1856 a group of philanthropists and concerned others pressured the government to formulate a positive Aboriginal policy. As a result, in 1858 the Select Committee cited above was formed to inquire into the condition of the Aborigines. Its report recommended that the remnants of the tribes should be provided for. A scheme was devised on Thomas’s advice, the object of which was ‘thoroughly to civilize, evangelize and avert the extinction of the race’ (cited in Foxcroft 1941, p105). Under this scheme, reserves were to be established on tribes’ hunting grounds, under the supervision of ‘trustworthy and humane gentlemen’ and amply supplied with food and blankets until the reserves became self-supporting (Christie 1979; Foxcroft 1941).

The wording of the report and the evidence on which it was based are telling. They betray the perceptions commonly held by members of the select committee, their witnesses, and respondents to a questionnaire circulated in advance of the hearings. This questionnaire was distributed to ‘such persons as were believed to be in a position to afford information upon the subject under inquiry’. It is interesting to note the wording of the letter from the Chairman of the Committee, asking for responses to the questionnaire. For instance: ‘The questions… may not all be deemed applicable to a race deemed so low in the scale of civilisation as the aborigines of this colony’ but ‘men of learning in Europe are most anxious about information regarding races likely to become extinct’ (Select Committee 1858, p24).

When the responses to the questionnaire are analysed in terms of the invariant elements identified above, it is clear that the same ways of thinking continued to predominate. The table below indicates how many responded to each question, provides examples of responses most relevant to this study and identifies which invariant elements are contained within those responses. The purpose here is to show the continuity in thinking and therefore responses which illustrate that continuity have been selected.

From the extracts included in the table it can be seen that the second invariant element, in particular the assumption of the laziness of the Aborigines, continued to underlie much of the colonists’ thinking, despite evidence of the extent of the Aborigines’ employment and the importance of that to the settlers, at least in the absence of sufficient white labour. As noted above there was an abiding belief in the
need for the Aborigines to be ‘improved’ and to become good Christians, despite the fact that many settlers at the time did not practice the precepts of Christianity. The ongoing influence of the third invariant element is apparent in the Eurocentrism of the respondents’ perception of the ‘Aboriginal problem’. It was seen to be a result of Aborigines’ unwillingness to submit to white demands that they settle in one place and give up their ‘erratic habits’ and other behaviours unacceptable to the whites. There was little recognition that ‘settling in one place’ was not a readily available option and no recognition of the place of this ‘wandering’ in Aboriginal culture, thus illustrating the influence of the fourth invariant element.

Table 8.1: Responses to Selected Questions, Select Committee 1858

<table>
<thead>
<tr>
<th>No. of responses</th>
<th>Example responses (emphases added)</th>
<th>Relation to Invariant Elements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question 2:</strong> pp27-28 (Additional responses pp72-87)</td>
<td>Will you state the ages and the proportion of the sexes of the aborigines in your district, as nearly as you can; their general condition, bodily health, and any other particulars you have it in your power to communicate?</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Mr Wilson: Frank, about 27 years of age, a very intelligent, quiet and obliging creature… He is generally employed breaking in young horses. Habits of <em>intermperance</em> begin to tell on his system, – formerly robust he is now sickly and delicate in appearance. Neddy, aged 21, a stout, muscular, young man, <em>rambling and unsettled in his habits</em>; generally resides with white people and is employed droving and horsebreaking. Mr Mitchell: Many of both sexes are very robust in appearance, and are capable of considerable exertion; but generally, they are of enfeebled constitutions, and easily succumb to attacks of those disorders <em>incident to their exposed, unsettled, and improvident way of life</em>. Mr Huon: one of their principle characteristics is <em>indolence</em>, and a total <em>disregard for the future</em>. Mr Tyers: … They lead an <em>idle</em> life – <em>wandering about</em> the country from station to station, where opportunities of obtaining food, &amp;c, offer.</td>
<td>2b, 2b, 1b, 2a, 4d, 2a, 4c</td>
</tr>
</tbody>
</table>
**Question 4:** pp29-30 (Additional responses pp72-87)

Has assistance in the form of clothing, food, or medical attendance, been bestowed on the aborigines of your district by the Government? What means have they of living? Are there any aboriginal reserves near you, or places well fitted for being granted as such?

<table>
<thead>
<tr>
<th>Question 4</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>44 Mr Orr: They get plenty to eat by <em>killing animals and digging for grubs, roots, &amp;c. &amp;c.</em> and working a little for the whites… <em>no power of inducement can locate them in one spot for any length of time.</em></td>
<td>1b, 4b</td>
</tr>
<tr>
<td>Mr Shuter: They appear to obtain their means of living principally by <em>begging from place to place. Occasionally they will do a day’s work,</em> for which they generally require to be paid in cash.</td>
<td>2a, 2b</td>
</tr>
<tr>
<td>Mr Ormand: They live mostly on the charity of the settlers. They <em>catch fish and shoot wild fowl,</em> they <em>seldom,</em> however <em>make use of the fowl or fish but dispose of them for money to buy rum.</em></td>
<td>1b, 4c</td>
</tr>
<tr>
<td>Mr Crooke: Their means of living are <em>hunting and fishing</em>… helping the aborigines makes them <em>mendicants and idle</em>… They will <em>lie about a township</em> and <em>starve sooner than hunt for food</em>…</td>
<td>1c, 2a, 4d</td>
</tr>
<tr>
<td>Mr Godfrey: Their means of living are, <em>occasionally working,</em> but more generally begging for food (as a rule, they are <em>too lazy</em> to work continuously) and have become <em>too inactive to hunt</em> for game, as was their wont.</td>
<td>2a</td>
</tr>
<tr>
<td>Mr Lydiard: None, or <em>very few, work regularly</em> for wages; others only for <em>a week or two,</em> when they club their earnings <em>to buy grog</em>…</td>
<td>2a, 2b, 4d</td>
</tr>
</tbody>
</table>

**Question 9:** pp35-36 (Additional responses pp72-87)

… Are the services of the blacks made available by the settlers, farmers and others – the payment or equivalent as wages for such services?

*Note:* Mr Thomas, Guardian of Aborigines, and seven others did not respond to this part of the question.

<table>
<thead>
<tr>
<th>Question 9</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>44 Mr Orr: They <em>work very little</em> now, and are paid in wages as the whites. They demand cash and then drink spirits with the proceeds, mostly.</td>
<td>2a, 4c</td>
</tr>
<tr>
<td>Mr Lane: I believe the settlers are generally kind to them, and <em>when they are willing to work</em> give them some equivalent.</td>
<td>2a</td>
</tr>
<tr>
<td>Mr Murray: Most of the men are employed by settlers and farmers at a rate of wages about <em>half the current wages</em> of Englishmen.</td>
<td>2e</td>
</tr>
<tr>
<td>Mr Synnot: They are employed occasionally by the settlers, and paid in clothing, rations, and <em>sometimes in cash at the rate of 7s to 10s per week.</em></td>
<td>2e</td>
</tr>
<tr>
<td>Mr Aitken: Those employed as shearsers and reapers are paid, in most instances, at the same rate as the white man; but it is <em>seldom they do as much work.</em></td>
<td>2b</td>
</tr>
<tr>
<td>Mr Allan: …there is <em>no such thing as a set wage,</em> because they cannot understand it.</td>
<td>2e, 1a</td>
</tr>
<tr>
<td>Mr Gottreux: Wages to men are paid, in many instances, <em>as high as 10s weekly,</em> besides food.</td>
<td>2e</td>
</tr>
<tr>
<td>Mr Mitchell: They are employed by settlers and farmers to as great an extent <em>as their habits will permit.</em> The scale of remuneration for their services ranges from £25 per annum for the <em>few useful and domestic</em></td>
<td>4b, 2b</td>
</tr>
</tbody>
</table>

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90 An annexe submitted by the Treasurer indicated expenditure on Aborigines from 1851 to 1858 for ‘Wages of labourers, shepherds, hutkeepers, and others’ was confined to three years:

- 1851*: £139/18/1 (*July-December only)
- 1853: £234/2/11
- 1855: £21/10/6.
lads amongst them, to merely nominal wages, or occasional reward.  
*Mr Cooke*: They are frequently employed by myself and others, and are generally repaid in food, clothing, or money, say 5s to 6s per week.  
*Mr Fetherstonhaugh*: A few are employed by the settlers, and remunerated as other servants, but at a lesser rate of wages.  
*Mr Piper*: Young men are employed on several stations as stockmen or shepherds. Their wages are seldom in money; generally in food and clothes.

**Question 12:** pp39-40  
(Additional responses pp72-87)  
What is your opinion of their general intelligence, and of their capacity to receive literary or moral instruction?

41  
*Mr Thomas*: … they are not without a degree of intelligence when carefully watched, but there is a degree of listlessness in their character.  
*Mr Ormond*: The natives are very shrewd, quick and clever at imitating, but their excessive laziness would be a bar to their receiving religious instruction.  
*Mr J M Allan*: I believe them capable of receiving moral and religious instruction, but I think all such attempts should be preceded by teaching them to depend on the regular and systematic labour of their hands for sustenance, and placing them in such a situation that they would have no alternative but ask regular labour or want.  
*Mr Mitchell*: On the whole they are of limited capacity… a few .. have exhibited some quickness of apprehension, which, however, is usually marred by their constitutional apathy, and a dislike of continued effort.

**Question 13:** pp40-44 (Additional responses pp72-87)  
Can you suggest any plan to the Committee by which they could be saved from ultimate extinction?  
*Note*: Two respondents gave extended responses; 24 others simply stated ‘No’ or ‘I cannot’ or could see no value in such plans because the Aborigines were deemed to be on the verge of extinction.

39  
*Mr Thomas*: A block of one hundred square miles, sacredly reserved for the aborigines, and on no pretence whatever a squatting station within its limits or beyond it, nor any squatter to employ or harbour any of the tribes within the limits of their country under pain of fine or forfeiture of licence.  
In suitable localities in this aboriginal country agricultural operations, on an extensive scale, should be carried on, schools established, with religious instructors. … This head school…, where simple trades are taught, would infuse industry with education…  
*Mr Rusden*: … inasmuch as though moving from station to station and town to town, [the aborigines] in all cases acquire considerable knowledge of European employments, there is no recorded instance of permanent civilization or conversion.  
*Mr French*: … they are inferior to what is termed the Caucasian, or white race; and as the tendency of nature appears to be a progression from the inferior to the superior, it is … almost certain, that, notwithstanding all well meant efforts to the contrary, the aboriginal must disappear, and give way to the superior race.  
*Mr Carr*: … I can see no good likely to result morally, socially, or commercially, in the preservation of a race so utterly useless and
irreclaimable, except it be the desirability of preserving a few living specimens of the lowest type of humanity for the investigation of science. I do not think any efforts on our part could induce them to abandon their present uncivilized and wandering habits.

Question 14: pp44-45 (Additional responses pp72-87)
Do you think, if a grant of land sufficient for their support were reserved for them, that they would be induced to settle upon it? Would they be likely to be reclaimed by such means to more civilized and fixed habits?

| 1b | Mr Strutt: No, but they might be compelled; the younger aborigines would thus acquire more civilized and fixed habits. Under the firm rule of a kindly disposed family, they might gradually be taught every ordinary description of labour. The hours of work, however, be short,… no system will answer, without a certain amount of coercion at first. |
| 4b | Mr J M Allan: I do not believe that God, in creating man, intended them to live and die like brutes. |
| 1b | Mr Cooke: I doubt, if they got any land for their support, that they would be induced to work for any length of time; for they are mostly very lazy, and like a wandering life. |
| 4b | Mr Carr: They will not give up their independent way of living for all the benefits and luxuries of civilization. |
| 3b | Mr Parker: The native must be brought under sufficiently powerful motives before he will relinquish his erratic habits, and it is only the influence of religion that can bring him within the range of such motives. |
| 4b | Mr Waller: I consider that all the population under twenty years of age, would gladly embrace the opportunity of acquiring land and would settle down, provided that their occupation was not laborious. The land should be unalienable; otherwise they would sell it for grog. |

From the questionnaire replies and the witness statements, the Committee prepared a report. The following statements from the report are redolent with the invariant elements and illustrative of the conflict between econoscapes and reguloscapes.

There was a belief that the Aborigines, as an inferior race, had to give way to the colonisers and their flocks and herds, and were in effect to blame for the consequences:

It would appear that they have materially degenerated since the advent of the whites… The rapid settlement necessary upon the country being occupied by flocks and herds was more unfavourable to the Aborigines than if it had only been gradually taken up for agricultural purposes…

Had they been a strong race, like the New Zealanders, they would have forced the new occupiers of their country to provide for them; but being weak and ignorant, even for savages, they have been treated with almost utter neglect…

Victoria is now entirely occupied by a superior race...(Select Committee Report 1858, piv)
The influence of the first invariant element is clear in the foregoing, as is that of the third invariant element in further comments by the Committee. The responsibility was now with the colonisers to make a ‘vigorous effort… to provide for the remnants of the various tribes’ as ‘a duty incumbent on the community, and clearly in accordance with the principles of advanced civilisation and Christianity’. The report cited the Society for the Propagation of Christian Knowledge in Foreign Parts, encouraging the government to make efforts ‘for the conversion of the blacks, whose country God’s Providence had given to the British Crown, and whose amelioration and happiness he has confided to British Christian benevolence’. They believed this was possible but that:

The only practical method of accomplishing the desired object, and the one most likely under all the circumstances of the case to succeed, would, in the opinion of your Committee, be to form reserves for the various tribes, on their own hunting grounds. Those ought to be of such size as would enable each tribe to combine agricultural and gardening operations with the depasturing of a moderate number of cattle and sheep…; and every effort should be made to induce the Aborigines to take an interest in the occupations of civilized life and give their aid in carrying out the various branches of industry. Those establishments ought to be under the charge of missionaires, clerical or lay, whose duty it would be to endeavour to teach the Aborigines the great principles of Christianity, as well as the elemental branches of secular education (Select Committee Report 1858, pv).

By this means, the Committee hoped ‘the remnants of the Aborigines may be both civilized and christianized’, again consistent with the third invariant element. They believed the Aborigines to be educable, and ‘possessed of mental power on a par with their brethren of the other races of man’, that ‘their perceptive faculties are peculiarly acute, they are apt learners, and possess the most intense desire to imitate their more civilized brethren in almost everything’. They cited evidence of their ‘diligence and faithfulness as servants’ and ‘their quickness and capacity for acquiring the rudiments of education’. Despite these sanguine assessments their final conclusion returned to views more clearly consistent with the first and second invariant elements. They saw as an obstacle to the achievement of their ‘civilizing and christianizing’ goal the Aborigines’ ‘considerable deficiency in their reflective faculties, and a certain want of steadiness of purpose in their characters’ (Select Committee Report 1858, ppv-vi).

It is clear from the above analyses that the identified invariant elements continued to underpin thinking about Aboriginal people in 1858, and influenced the policy recommendations of the Select Committee. The Government accepted these recommendations and subsequently put their implementation into the hands of a Board. The composition and actions of this Board were profoundly to affect the
viability of the stations subsequently established and put under its administration\textsuperscript{91}. Coranderrk in particular became a pawn in a game played out by squatters and politicians, many of whose interests were to end the reserve system as soon as possible and release the land to settlers. Some who were most concerned to see this happen were themselves members or officials of the Board and some stood to gain personally from the demise of Coranderrk as an Aboriginal station. Over time appointments made to the Board by the Government reinforced the position of this lobby. This helps to explain some of the contradictory actions and decisions made by the Board at various times as is highlighted below.

The Central Victorian tribes collectively known as the Kulin were not simply silent witnesses to the new policy, even though they were not consulted in its making. However subsequent events illustrate how powerless they were to ensure their success against the opposition and active obstruction of the dominant whites. The Aborigines were disempowered by the appointment of inappropriate and sometimes hostile people to positions of trust with the Board or on the stations. Examples of this include the Reverend Strickland, manager at Coranderrk, who was known to have a problem with alcohol but was believed when he falsely accused an Aboriginal leader of drinking; Brough Smyth, Secretary of the Board, who was sacked from his position due to bullying of his staff; and several members of the Board who never or seldom visited the stations but made decisions with significant detrimental impact on Coranderrk’s residents, on the basis of self-interest, hearsay and prejudice against the Aborigines (Barwick 1998).

The history of Coranderrk indirectly had its beginning when the Kulin saw an opportunity to gain their own land on which they could settle, instead of being continually moved away from white settlements. In early 1859, a delegation of seven Aboriginal men of the Kulin tribes approached William Thomas, and through him the Land Board, asking for a grant of a parcel of land. Thomas had become concerned about the exploitation of the Aborigines by employers, and reported that the Kulin clans were ‘apt and ready’ as farm labourers (cited in Barwick 1998, p36). He therefore supported their demands for land of their own. The selected land was on the Acheron River and though largely useless to whites, it abounded with game and was near a site sacred to the local tribes. The request was acceded to on the

\textsuperscript{91} Six reserves were established in Victoria. Two, those at Framlingham and Coranderrk, were fully under Board control while the four others were managed for the Board by Christian missionaries.
Aborigines’ assurance to Thomas and later the Land Board that they would attempt to cultivate part of the land (see Thomas 1859 in Attwood & Marcus 1999, pp41-43). But there was no money attached to the promise. Later Thomas recorded that:

I had two hours converse with them, and being perfectly and agreeably satisfied that they intended to cultivate and in a measure to locate there I promised them to use my utmost to secure their request... After all arrangements [were] made that the Aborigines might at once commence operations, it was found that there was no funds for that purpose. (1860, cited in Massola 1975, pp7-8)

He ordered bullocks, a dray and agricultural implements; however until a supplementary amount was approved some months later, no money to pay for supplies and equipment was made available. Undaunted, the Kulin, who already had the skills needed to farm on their own account, immediately put them to use. As soon as the land was granted, eighty Aborigines enthusiastically set to work, building huts and clearing land for crops. Thomas did his best to provide them with rations but he ran out of money by the end of 1859. In the intermittent absence of rations the Aborigines on the Acheron station had to depend on subsistence hunting and when the supplies ceased altogether the able-bodied men had to seek employment with local pastoralists leaving only women, children and aged or sick men on the station (Barwick 1972; Barwick 1998). Thus Thomas’s aim to protect the Aborigines from European employers could not be fulfilled as long as the government withheld the money to support them in their endeavours to become independent of employment away from their station.

In a move consistent with the third and fourth invariant elements, after only a short period, the government decided to move the station to a site a few miles up-river, in cold, mountainous country. This decision was made despite Thomas’s advice that the Acheron land ‘will soon be taken up by others after the labour the blacks have bestowed upon it’ and that ‘the blacks will ever consider that as their Reserve’. He also conveyed the Aborigines’ concern about the proposed new reserve, that they would ‘soon die there’ (Thomas 1860 in Attwood & Marcus 1999, p43). The Aborigines refused to go, resenting the interference of whites whose self-interested advice had led to this decision. But their views were not taken into account in assessing the consequent failure of the project which confirmed negative views of the Aborigines’ capacity for ‘civilisation’ (Christie 1979; Massola 197592; Mulvaney 1989; Stephens 2003).

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92 See Massola 1975, pp8-14 for a detailed description of the chaos and mismanagement of the process of establishing, moving and disestablishing the Acheron Aboriginal Station and finding an alternative location.
In the middle of 1860 the government established a Central Board for Aborigines and gave it a commission to recommend and control expenditure on Aborigines, to distribute supplies and to direct the work of all agents, officers and local committees. But the Board members’ low estimation of Aboriginal capacity and their assumption of Aboriginal inferiority, laziness and irresponsibility, that is the first and second invariant elements, are evident in its first report which proclaimed that Aborigines were:

prone to amusements, and they dislike work and restraint of any kind: of a happy, playful, kindly nature, it is questionable whether any of them are capable of sustained labour such as is requisite to obtain knowledge to fit them for the business of civilized life. (1861, cited in Christie 1979, pp173-74)

The Board recommended to Parliament that permanent reserves be created for Aborigines in those areas where sufficient numbers still remained and asked for the power to require any Aborigine to be confined there, reflecting the third invariant element. But the Board found that it could not count on its recommendations being approved by the relevant Minister. Its recommended budget was slashed, land it recommended for Aboriginal use was not automatically reserved and requests for legislation to extend its powers were stalled (Christie 1979; Foxcroft 1941). As Barwick notes Board policy ‘was a succession of ad hoc decisions constrained by budget limitations and individual members’ beliefs about the nature of Aboriginal and European society and what seemed to them morally right and administratively possible’ (Barwick 1998, p61).

These obstacles made the Board’s policy, formulated in 1862 and published in its 1863 annual report, unachievable. They specified that ‘able and healthy blacks should be encouraged to provide, as far as possible, for their own and the wants of their families’ (cited in Barwick 1998, p68)\(^\text{93}\). But to make farming a viable option would require the Aborigines to be given large tracts of land and to be supported in the process of establishing viable crops for subsistence and income. At the time it devised the above policy no large reserves were available, there was strong opposition to granting useful land to Aborigines, and there was no possibility that the funding needed for such a policy to work would be forthcoming. At the same time the Board was drafting legislation to restrict the movement of Aboriginals and limit their employment, ostensibly for their protection from abuse, but no measures were taken

\(\text{93}\) John Green who from 1863 became the greatest supporter of the Coranderrk project and its manager for nearly a decade, had similar views: he believed that the Aborigines ‘are very proud and sensitive, and you can work a great deal upon their pride: in that way you can make them see that it is disgraceful to take what they have not earned’ (cited in Barwick 1998, p68).
to ensure they were properly paid for work done, even on the Board’s own stations, as discussed below. It seems that as members of an ‘inferior’ race, Aborigines were expected to work as hard as whites and behave as white men but without the same rewards, illustrating the first and second invariant elements.

Meanwhile the Aboriginal people again took the situation in hand. When the Acheron station was finally abandoned in 1863, two influential Aboriginal men, Barak and Wonga, and John Green, a Scottish evangelist appointed as Inspector of Aborigines in August 1861 and as Superintendent of the Acheron Station and later of Coranderrk, led forty Aborigines to another spot, a traditional ceremonial site selected by the elders near Healesville; this site became known as Coranderrk. The Aborigines occupied the land in March 1863 and in June, 2,300 acres were temporarily reserved for Aboriginal use, in breach of the undertaking made to the Aborigines that the land was to be theirs permanently. Within months they had erected nine ‘excellent’ bark and slab two-roomed huts similar to those used by white settlers, and made and sold possum skin cloaks, rugs, baskets and other artefacts. They used this income plus their own savings from previous years working on stations together with money contributed personally by Green to buy equipment, clothing and other necessities. They were feeling ‘a sense of achievement and satisfaction… they had agreed to the spot, they were constructing their own homes, and they believed the future of the place was in their own hands’ (Christie 1979, p167). Green saw himself as an advisor whose ‘method of managing the blacks is to allow them to rule themselves as much as possible’ (1863 cited in Christie 1979, p167), and recognised that they would work well if led but not if driven. He supported the leaders of the clan groups who established a court which made the rules including those regarding movement and employment, resolved disputes and meted out any punishment. They divided the work force into four companies with responsibility for certain work duties, using already existing clan and tribal divisions (Christie 1979; Massola 1975; Mulvaney 1989; Stephens 2003; Barwick 1998).

By 1865 the total population was one hundred and four, including about thirty ‘able working men’ who grubbed and cleared fifteen acres, prepared and installed a mile of solid fencing, planted crops of wheat, oats and potatoes and grew vegetables for their own consumption. They hunted and fished two days a week to supplement their diets in the absence of a meat ration. Later, they acquired cattle for milk and meat and built a stable and kitchen and later a sawmill, slaughter house and other

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94 This was large in comparison to other reserves. As Mulvaney notes such numbers were not supported on other stations of similar size (1989, p154).
functional buildings (Massola 1975; Mulvaney 1989; Barwick 1972). They cannily used their income to raise their living standards. Their comfortable homes and elegant style of dressing were remarked upon by visitors. As Barwick catalogues:

they eagerly saved to buy sofas, chiffoniers and rocking chairs, curtains and wallpaper, clocks for the mantelpiece, pretty ornaments and tea cups, sewing machines and perambulators, spring carts and harness and guns, as well as utilitarian bedding, dishes, cutlery, candles and kerosene lamps not supplied by the Board. (1998, p83)

They owned horses and other stock, and made money by breeding and breaking horses\(^5\). The scene was thus set for a bold and innovative experiment in Aboriginal self-determination. The establishment of Coranderrk had the strong support of the Aborigines of the Kulin tribes. It was set up under day-to-day Aboriginal control thus enabling adaptation of traditional practices to the Kulin’s current situation. The Aborigines were prepared to settle and become small farmers, aiming to make the station self-supporting as soon as practicable. They believed the land was theirs and the future was in their control. The Coranderrk Aborigines were clearly adapting their econoscape and reguloscape to changed circumstances, and in doing so were acting against the behaviour expected of them by those influenced by the invariant elements. However despite their early success they were again to be disappointed.

From 1861 the Board pushed for legislation to formalise its power to enforce provisions including giving the Board the authority to supervise employment and take custody of ‘neglected’ children. The legislation drafted in 1861-3 and finally passed in 1869 was based on supposedly benevolent intentions. The Board wished to protect the Aborigines from mistreatment such as taking workers away then abandoning them, keeping children and servants in unsavoury circumstances, paying workers in drink and mistreating those camped near European settlements. The Board believed that through this Act it could help the Aborigines learn to protect themselves against Europeans and become self-supporting labourers (Barwick 1998). But as Christie comments the Act: ‘limited the rights and freedom of the Aborigines to such an extent that even the dignity of deciding their own fate seemed lost’ (1979, p177). The reserve was changing from a place of hope and independence to one of repression and control, or in terms of the invariant elements, from weak adherence to invariant element four to strong adherence to the control aspects of invariant element two. This emphasis on control was reinforced by subsequently promulgated regulations

\(^5\) Until horse ownership was banned by the Board in the 1870s to discourage outside employment and prevent the Aborigines from taking their protests about their treatment to Melbourne (Barwick 1998, p84).
under the Act. These and the relevant provisions of the Act were discussed in the previous chapter.

Before the promulgation of the 1869 Act and regulations, the workers at Coranderrk were provided with inadequate rations but no wages, which meant they needed to go off the station to work for the cash to buy necessities. A shearing team could earn good money over a season, but their absence from the station meant that insufficient labour was available to perform all the work required. The issue of payment for their work became a very contentious one for Coranderrk residents, as failure to pay them interfered with their primary aim of making their station self-supporting (Mulvaney 1989; Barwick 1972 & 1998). An examination of this issue illustrates the continuity of belief in Aboriginal inferiority, laziness and need for white intervention despite all evidence to the contrary.

Once the Act of 1869 made it possible to pay resident workers, Green recommended that the ‘good steady workers’ be paid ‘a little money, monthly or weekly, just to encourage them’ but they were not paid. In the same year the Board paid European workers a total of £85 to clear land but the Coranderrk Aborigines were still waiting to be paid for their work. In 1870, Board Secretary Smyth, after an inspection of the station, recommended that each labourer be paid a ‘small sum’ per week in proportion to the amount of work done:

Many of the men are good labourers, and they are now so thoroughly domesticated that they show an earnest desire to get profit from their labours. The most industrious feel that they are giving their time and their work not only for the partial support of themselves and their families, but also for the benefit of the large number of females and children who are incapable of labour, and they wish to get some remuneration. (Victoria, Board for the Protection of Aborigines, Annual Report 1870, cited in Barwick 1972, p29)

Smyth also advised spending £100 on stock for a regular meat supply since ‘strong industrious willing men (some of whom work as hard or harder that ordinary Europeans) should be well fed’ (cited in Barwick 1998, p90). But despite the apparent recognition of the justice of Aboriginal claims for wages, they remained unpaid and a further ten months elapsed before the money for stock was provided.

In 1871 the Aborigines complained to Smyth on another visit that they were still not being paid and again he recommended that they receive wages, but the Board

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96 In 1863 weekly adult rations were 6 ½ lbs flour, 1 ½ lb sugar for men, 1 lb for women, ½ for children, 4 oz tea per adult, 2 oz per child. ‘From 1864 to 1875 ‘working men’ subsisted on five pounds of flour, one pound of sugar and two ounces of tea weekly, less than half the rations given European shepherds in the 1840s’ (Barwick 1998, p82).
refused to pay them. Until 1872, Green was able to use the income from produce to purchase goods on their behalf but it was not until 1874 that the Board changed its decision about wages (Massola 1975; Mulvaney 1989; Barwick 1972).

The parsimony of successive governments not only meant the Aborigines were unpaid but it also caused decisions to be made which drastically affected the future of Coranderrk, starkly illustrating the conflict between econoscapes. In 1872, concerned about the economic viability of the station and under pressure to make it pay, Green suggested that the fertile land be put to the cultivation of hops. In fact economically this was successful, but the growing of hops reduced the capacity for the Aboriginal workers to produce grain and vegetables and other produce, thereby reducing their self-sufficiency. As Barwick notes, after the introduction of hop cultivation, grain production fell from 130 to ten acres, while vegetable gardens reduced from 27 to seven acres, and butter, cheese and bacon production were abandoned (Barwick 1998, p96). As production fell, so did standards of living, until the residents of Coranderrk were noted for their appearance of neglect rather than sartorial elegance and as the state of their homes deteriorated so did their health.

Even with the farm making a profit, the workers were unpaid and their demands for wages were countered with demands for good behaviour, as defined by the whites, on threat of punishment, a pattern repeated elsewhere and at other times (for example, see Blake 2002, especially Chapter 2). In 1873, the income of £21 from the initial hop crop went to the Board and the reduced income from other crops went to buy boots and clothing for the workers only. The men again demanded wages but Green was ordered to tell them that the Board was ‘under no obligation to pay wages to Aborigines’ and that ‘they must be attentive and civil to all persons otherwise they would be sent away’ (cited in Barwick 1998, p96). Even when the Board made a profit of £983 from hops in 1874, they refused to pay the men and the three spokesmen who demanded wages were temporarily dismissed from the station. Finally in June 1874 they were paid for picking hops at a rate one-third that paid to whites and they had to wait months for the £93 owing.

If the Aboriginal workers had been paid for their labour at white men’s rates of £4 a week it would have cost the Board £710. However, rather than appreciating the savings made by using Aboriginal labour, the Government saw Coranderrk’s profitability as a source of additional revenue. From 1875 the hop income had to go

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97 Meanwhile the authoritarian and aggressive hopmaster was paid a bonus of £30 and highly praised for his management of the hop grounds (Barwick 1998, p100).
direct to Treasury to offset the Parliamentary grants to the Board, underlining the vast gap between the Aborigines’ and the Government’s and Board’s understanding of the purpose of the reserve (Barwick 1972, pp31-32, 41).

The Aborigines used their solidarity to resist unjust conditions, by striking, sending delegations to higher government authorities, demanding payment for work on the stations, or sending letters of protest, as illustrated below. Resistance was strongest at Coranderrk, though it occurred on all the stations throughout the 1870s and 1880s. At Coranderrk a major point of contention was the threat of the break up of the station as pressure built from local settlers to have the right to the reserve land. The secretary of the Board Smyth and station manager Green were opposed on this. Smyth thought the Aborigines could be readily moved to other land while the Board could profit from the improvements made to the land; he took no account of the fact that the Aborigines’ own money had gone into those improvements and at no time intended to compensate them for this. Green in contrast recognised that the Aborigines saw the land as their own and he knew how much they had contributed to its development; he considered such a move would do great wrong to the Aborigines.

The dispute escalated until Green was forced to resign as manager of Coranderrk in 1874. His replacement Stähle supported the Aborigines’ call for the payment of wages but the Board preferred to spend £405 on white labour to make bricks and build a hop kiln (Barwick 1998, p107).

The continuing failure to fulfil promises and rumours of the closure of Coranderrk incensed the Aborigines who went on strike for more rations and the payment of wages. They achieved both but the Board still failed to provide promised materials or money to fence the property, purchase stock, or build a hospital and new houses. So in February 1876 the Coranderrk residents sent a delegation to Melbourne to see the Chief Secretary who promised to investigate their grievances and assured them that Coranderrk would not be closed. He also challenged the Board’s refusal to allow them to take outside employment, thereby encouraging them to go to work for neighbours as soon as their harvest was completed. However, the Inspector of Aborigines threatened to prosecute their employers unless the men without work certificates were sent back, threatening not only to use the ostensibly protective provisions of the law against Aborigines but also against two prominent local men who had employed them since 1850 (Christie 1979; Barwick 1972 & 1998).

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98 See for instance Christie 1979, p191 for some examples from various Victorian Aboriginal stations.
The Aborigines continued to protest and with support from some whites were able to gain the attention of those in power. In 1876 the Board, concerned that the Aborigines’ protests had brought the Board into disrepute and believing their role to be ‘efficient and economic station management’ (Barwick 1998, p142), were determined to bring the Aborigines under control. The Coranderrk hop income was their only source of independence from the parsimonious government and they believed this could be produced more economically using white labour. Over the period from mid-1876 to mid-1877 the Aborigines were paid £88 for hop picking only, all other work remaining unpaid, while most of the Board’s funds went to white salaries (Barwick 1998, p134).

As the situation remained turbulent, with the Aborigines and the Board at loggerheads, in 1877 the Chief Secretary ordered a Royal Commission on Aborigines. Again a questionnaire was sent to a range of people throughout Victoria and a number of witnesses were called to give evidence. This evidence was used to draft a report to Parliament. Extracts of the report are tabulated below, and the relevant invariant element reference is indicated.

Table 8.2: Victoria, Report of the Royal Commission on the Aborigines, 1877

<table>
<thead>
<tr>
<th>Edited extracts</th>
<th>Invariant Element</th>
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<tbody>
<tr>
<td>With regard to those on the stations, it is gratifying to report that <em>considerable improvement has been effected in their general condition</em>, and still larger results may be attained. <em>They dwell in houses; are decently and suitably clad; live with their families around them; polygamy is not known, and marriage is respected. They follow the employments of civilized people with some regularity</em> – fully as much as can be expected of <em>a race just emerging from barbarism</em>; the vices of drunkenness and prostitution, though not unknown, are exceptional. The young receive sound education in schools, and <em>the great leading truths of Christianity are instilled into the minds of all</em>'. (pi)</td>
<td>3a–4b</td>
</tr>
<tr>
<td>‘Greater attention might not improperly be paid to the appearance of the grounds surrounding the settlement – no effort has yet been made in this direction; <em>the effect of tidiness, and per contra of untidiness, on the Aboriginal mind, is very important; the inculcation of tidiness forms a part of civilization as well as of discipline.</em>’ (px)</td>
<td>3a–1b</td>
</tr>
<tr>
<td>‘Large sums have been expended on Coranderrk, but <em>the Aborigines have not made such progress as might have been fairly expected</em>.’ (pxi)</td>
<td>3a</td>
</tr>
<tr>
<td>Others are reported to be ‘given to drink’ or ‘their habits and moral condition are degraded to the last degree’.</td>
<td>4c</td>
</tr>
<tr>
<td>the natives are readily engaged by sheep-owners and others as shearers, bullock-drivers, boundary-riders, &amp;c, &amp;c, at the highest current wages, and ..</td>
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almost the whole of these large earnings are devoted to the purchase of spirits either in this or the neighbouring colony... On occasions, particularly of being paid off at any woolshed... it is the custom the tribe, four or five of whose members may have cheques amounting to £70 or £80 amongst them, to adjourn to some low shanty or public-house... when they proceed to dissipate, sometimes in one night, the whole proceeds of their previous labour. On such occasions atrocities are enacted which it would be difficult for those unacquainted with savage life to realize'. But 'no other result' than that cited 'could have ensued from a system which consisted merely of the free distribution of stores and clothing, without providing any means whatever of guiding by education or controlling by discipline a people of barbarous instincts... while this system is inefficacious to raise the condition of those who are the subjects of it, it is necessarily, in all instances, a positive hindrance to any improvement, as it... supplies a refuge for those who will not submit to the gentle but salutary discipline necessarily part of the home life on the station'.

The failure of the few instances in which Aborigines have been afforded the opportunity of endeavouring to earn their own living, unaided by supervision, shows that a discontinuance of the existing stations would be unwise. … Nor do we feel at liberty at present to suggest as an alternative the hiring out or apprenticing of the native youths; from the evidence before us, it seems that they do not possess sufficient capacity and providence to make the arrangements essential for their own support. It is not to be inferred that they have not the power of learning trades, and therefore earning a fair subsistence; but they require, according to our present information, to be subjected to a controlling and directing influence. (pxii)

The great object of teaching them trades, boarding-out, and apprenticing, should be not merely to enable them to support themselves, but to mix on equal terms with the rest of the community. Not unnaturally, a certain reluctance at present exists among colonists to associate freely with the natives; this… leads them to associate with those who will associate with them instead of selecting the most suitable companions. They may be tolerated, even petted, as children, but no sooner do they reach adult age, than their society is shunned, and a project which might be otherwise successful is thus marred'. (pxii)

‘no distinction can well be drawn between the blacks and the half-castes; for although a general impression appears to obtain that the half-caste is more easily educated and more readily civilized than the Aboriginal native, yet, the evidence given, and our own observation, lead to no such conclusion…(pxii)

[Some regulations should be passed, including] 'some statutory enactment, to make more stringent the measures dealing with vagrancy and drunkenness of the natives'. They should all be gathered to the stations because ‘leaving them alone is, in fact, abandoning them to lower and lower stages of degradation’, … To enlarge the stations whose area is insufficient, to fence them in and stock them, would doubtless involve an increased expenditure for some years; but this would be the truest economy, and would lead to the best results as regards the natives themselves’. (pxiii)

‘they attach importance to the stations being considered theirs; …if it were extended so that they entertained a similar interest in the stock on these stations, … we believe a step would thus be gained towards producing a conviction that they could and that they actually were supporting themselves. (pxiii)

‘Intimately connected with the question of self-reliance is the mode of remunerating them for the labour which they now perform. The present system works unequally: payments are made only on some, not on all stations; all are fed and clothed, although not alike; where no payments are made, there is no incentive to the able man to work, who sees that he receives no more for his exertions than food and clothing, which are equally given to the indolent and feeble. We recommend that some payment should be made to all who labour, but that, so far as practicable, it should be for work performed by contract, and not by time, thus forming an incentive to industry.'
The manager on each station may be empowered to sanction engagements by the natives with employers off the stations, but his authority should be supreme in the community he governs: it will be his interest to permit them, if circumstances are favourable; it would be highly injurious to his influence, and to the Aborigines themselves, if, in opposition to his judgment, the practice were allowed under circumstances which he might think unfavourable.

We have also arrived at the conclusion that when the natives are permitted to engage themselves in service to private employers, it would be well to give the manager of the Aboriginal station power to insist at his discretion that the wages should be paid through him to the native employed.

Recommendation 5 ‘That the Aborigines should receive a fair remuneration for their labour, and that, so far as possible, payment should be made for the amount of work actually performed by contract and not by time’.

Recommendation 7 ‘As a means of preventing the blacks from squandering their money, there should be on each station a store … The sight of merchandise of this description in a local store would probably tend very much to industry and the saving of money received as wages’.

‘The care of the natives who have been dispossessed of their inheritance by colonization is a sacred obligation upon those who have entered upon the land. Various causes tend to the destruction of the native race; feuds in the earliest times brought numbers of them to death by violence; diseases, and the passion for drink, to which all savage races are prone, hastened their decay; their degradation was no less shameful to humanity than appalling in the sight of Christian men.

‘…though at present they have not the moral force to hold their own in the struggle of life, they may, in future generations, acquire the resolution and provident habits which would enable them to do so.

‘… even if the race is fated to disappear, those stations will still be valuable as public property; and in any case, there will survive the memory that the Government of the day did not neglect the sacred duty to those who, by no act of their own, became subject to its control.’

The above table indicates that the invariant elements previously found to apply in 1858 had lost little if any of their force in 1877. There was still an underlying belief in the inferiority of Aborigines, that they were lazy, incapable and irresponsible and therefore unworthy to be trusted with taking control of their own affairs, and that their necessary ‘improvement’ required white intervention and direction. Particularly noticeable, too, is the foundation of these beliefs on a lack of knowledge of Aboriginal culture and consequent misinterpretation of their actions, reflecting at the same time the pejorative attitudes commonly held about Aborigines.

The Commission’s recommendations were not acted on by the Board. Instead the meat ration was stopped to force the men to work on the ill-founded assumption that they required coercion. Again there was no recognition that the Aborigines’ greatest wish was to make Coranderrk self-supporting and they were prepared to work hard to achieve this. To compensate for the reduction in rations, the wage of married men with children was increased by a penny an hour and by half that for men without dependants. As the Aborigines continued to protest, the Board became more determined to control them, giving the secretary power to exile on work certificates.
any Aborigine who was considered ‘insubordinate’. Then began a campaign to discredit individual Aborigines and their supporters and to distinguish between ‘fullbloods’, caricatured as lazy and drunken, and ‘half-castes’, deemed to be orderly and hard-working due to the white blood in their veins. Based on the assumed incapacity of Aborigines to take action without white direction, their protests were deemed to be caused by outsiders with ‘evil intentions’, thus enabling the Board to dismiss their complaints (Barwick 1998; see also *The Leader* 15 July 1882, in Attwood & Markus 1999, p47).

The situation worsened after a number of families had been dismissed from Coranderrk on work certificates in retaliation against further protests to the Chief Secretary by Coranderrk residents. The Aborigines wanted assurances that their land would not be taken from them as was rumoured to be the Board’s intention; they complained that they were no longer employed on improving the land; and they wanted to resume their control over the station, Green to be reinstated and the Board abolished (see Attwood & Markus 1999, pp46-47). A further Inquiry was convened ‘to inquire into and report upon the present condition and management’ of Coranderrk in 1881\(^99\). Conflict between members of the Committee of Inquiry led to a report including those items agreed by all and two supplementary reports. However the two sides did not disagree that the fate of ‘fullbloods’ was to die out and that they should be cared for until their demise was complete while ‘half-castes’ should be treated differently and less generously (Stephens 2003; Barwick 1998).

The capacity of the men, too, was denigrated by those wishing to see the valuable reserve land released for European occupation, illustrating the function performed by the invariant elements for the dominant econoscape. An anonymous article in the press in November 1882, based on a ten minute visit to Coranderrk and discussion only with the teacher Shaw ‘deplored the residents’ failure to clear more pasture and condemned the management of the hop ground’. It also argued that the land ‘would pay well for cultivation if undertaken by intelligent farmers’ (cited in Barwick 1998, p259). This view completely ignored the available evidence of Aboriginal commitment and capacity to work in their own interests. Evidence given to the 1881 Inquiry by Aborigines from Coranderrk, if attended to by the Board and the press, would have told them a very different story, in direct contradiction to Shaw’s opinion:

\(^99\) Documents relating to this Inquiry are not analysed here as it is not expected that views about Aborigines would have changed in the few years since the 1877 Royal Commission considered in some detail above.
I report this matter for the welfare of the station. The station has never been improved since the old manager left. No clearing or grubbing done; no potatoes, cabbages or other vegetables have been grown, and no fencing done since he left. Last time we mustered we counted 300 cattle and horses belonging to the township and cockatoo farmers. Nothing has been put in the orchard and vegetables have not been grown for the good of our health… [the manager] ought to look around the run and get it made into four or five paddocks for the spring, a paddock for weaners, and a paddock for fat cattle, and kill our own cattle. Clearing and grubbing should be done… Why should they take advantage of a poor black…? I think they have done enough in this country to ruin the natives without taking it from us any more. I went away… and Mr Strickland sold all my geese, and would not allow me to keep pigs. The pigs and geese kept me in everything I wanted. We can keep nothing. I did not get paid for the geese, and I expect a pound for the lot. (Bamfield cited in Attwood & Markus 1999, pp45-46)

When Mr Green was here he used to be doing what Mr Strickland is doing now, that is he used to preach the gospel and also do the farming work, and also do what Mr Capt. Page is doing now as inspector, and made a good improvement; and now it takes three men and there is no improvement… No wonder the visitors that come here and go away say the station ought to be sold, when we won’t be allowed to clear the ground… (Petition from 15 Coranderrk residents 5 September 1881, cited in Attwood & Markus 1999, p46)

[We have heard that there is going to be strict rules on the station…. it seems we are all going to be treated like slaves… Did we steal anything out of the colony or murdered anyone or are we prisoners of convict. We should think we are all free [as] any white men of the colony… We all working in peace and quietness and happy, pleasing Mr Goodall, and also showing Mr Goodall that we could work if we had a good manager expecting our wishes to be carried out, what we have asked for, but it see, it was the very opposite way… (Letter to Editor, Argus 29 August 1882 from 10 Coranderrk residents, cited in Attwood & Markus 1999, pp47-48)

The residents had a very clear idea of what needed to be done to make the station self-supporting and were prevented from putting their plans into action by the Board and the incompetent manager. They were also aware of the injustice of their treatment and reputation and were well able to draw attention in appropriate ways to this.

This was ignored and the false picture of Aboriginal incompetence was perpetuated. The Board hired European contractors at higher rates to fence the land in August 1882, justified by pastoralist Board member Curr who argued that the Coranderrk men were unable and not competent to do this work. However a Kulin fencing contract was accepted later that year and in his first annual report Goodall remarked that theirs was ‘looked upon as the best piece of fencing in the district and reflects great credit on the natives who erected it’ (Victoria, Board for the Protection of Aborigines, Annual Report 1883, p5). In 1883 the Kulin, overseer Harris and
manager Goodall harvested a record hop crop and, for the first time since Green’s departure, managed the whole process by themselves, except for the hiring of five pickers for the last two days. Goodall remarked in his report to the Board for 1883 that: ‘The manner in which [the hops] were pressed and got up for the market called forth eulogism from those competent to judge’ (Victoria, Board for the Protection of Aborigines, Annual Report 1883, p5). However hop growing tasks consumed most of the available labour leaving ‘little time for any extensive work outside the hop garden, which monopolises a considerable amount of time’ (Victoria, Board for the Protection of Aborigines, Annual Report 1883, p5; Barwick 1998).

The next few years marked the demise of Coranderrk as the distinction between ‘full blood’ and ‘half-caste’ took hold. In March 1883 the Board, under the aggressive and unscrupulous lead of secretary Page\textsuperscript{100}, began its push for new legislation to encourage ‘half-caste’ youths and married couples to get jobs off the stations, so that the reserve system could sooner reach its end. The Board report for that year betrays a less than sanguine estimation of young Aborigines’ willingness to do so: ‘Every assistance will be given to youths desirous of apprenticing themselves to useful trades, but it is very doubtful if many will available themselves of the advantages to be gained thereby’ (Victoria, Board for the Protection of Aborigines, Annual Report 1883, p4).

The Board was unconcerned about Aboriginal wishes in its determination to discipline the Aborigines for their insubordination. In September 1883 Page sent two men away on work certificates after they had gone to Melbourne to convey complaints to Chief Secretary Berry about the Board’s employment of Europeans on jobs which they could have done themselves, while the Board had refused to raise their wages (Barwick 1998, p275). This was insulting to the Aborigines and it made no sense: Europeans cost more than the Aborigines even if their wages were raised, and to employ others left them unable to apply their considerable skills on their own behalf just at the time when the Board was pushing for those able to earn their own livings to be removed from the stations.

The strength of purpose of the Aborigines was undaunted. During October to December 1883, the peak period for work on the hop fields, Goodall and most of the men had to ‘turn out at 4am and work till late in the evening’ (cited in Barwick 1998, p274), as Goodall reported to the Board. They were short handed due to Page’s

\textsuperscript{100} For a comprehensive discussion of the role and behaviour of Page see Barwick 1998.
dismissals and the departure of other Kulin for situations on pastoral stations. Nevertheless the crop produced this year was their largest and, after drying and pressing by the residents under the supervision of one of the longest standing Kulin residents, the product won a gold medal and money prize at the Melbourne Exhibition (Barwick 1998; Massola 1975).

This made no difference to the Board. In 1884, in a meeting attended by only three elderly Board members who had not visited the stations in all their years on the Board, the future of the Victorian Aboriginal population was decided, guaranteeing the end of the viability of Coranderrk. The Board demanded that the ‘half-castes’ be ‘merged as soon as practicable into the general population of the colony’ by being ‘told to look out for employment, or seek settlement elsewhere’. They would be entitled to rations for a period ‘if the Board deem it necessary’ but after seven years no further assistance would be given and ‘they should have no further claim on the Board or Government, but be accounted in all respects free and equal citizens of the colony’. On conclusion of this merging ‘all responsibility of the Government as regards them would cease – finality being thus attained’ (Victoria, Board for the Protection of Aborigines, Annual Report 1884, p4). The policy also required all girls and boys to leave the stations for apprenticeship as servants from the age of 13, while orphaned children would be put in public institutions at infancy to become ‘accustomed to regard themselves as members of the community at large, and... not be constrained to carry with them through life the impression of the indolent habits and manners of their original black friends’ (Victoria, Board for the Protection of Aborigines, Annual Report 1884, p5).

To add insult to injury, Berry ordered that all produce income from Coranderrk must again be paid to Treasury from July 1884, ending the possibility that the funds that the Kulin worked so hard to produce could be used to further develop their farm. This made Berry’s decision to gazette the whole 4850 acres which constituted the Coranderrk reserve a pyrrhic victory. The Aborigines had the land tenure they had long campaigned for but their children were on the verge of losing their right to remain on it.

Notwithstanding their intention to consult with the station managers about implementing the policy, the Board cannot have been unaware of the effects on the stations’ productivity of withdrawing these Aboriginal labourers. Its report of 1886

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101 They did not suggest consulting the Aborigines (Barwick 1998).
noted that the Act to merge the Aborigines into the general population was likely to soon be passed but ignored Coranderrk manager Shaw’s report that:

there are only about 15 able-bodied men, so that the whole work of the establishment falls upon a very few, the half-castes doing the lion’s share of it, in fact if it were not for them, much white labour would have to be employed, or the hop industry, and almost all farming operations abandoned. (Victoria, Board for the Protection of Aborigines, Annual Report 1886, p5)

Other evidence available to the Board about the effects of removing the ‘half-castes’ indicated that this would not be to the benefit of those removed. Some of the people exiled by Page were allowed to return in late 1884. One family had been able to ‘barely make a living’ on a pastoral station and the station managers were reporting that the exiles were unable to secure homes or wages sufficient to maintain their families. The first girl sent to domestic service had died in childbirth at a Melbourne institution, confirming the fears of the danger the girls could be placed in if sent out to service (Barwick 1998, pp287, 296; see also Victoria, Board for the Protection of Aborigines, Annual Report, 1883, p4).

However the views of those responsible for the welfare of the Victorian Aborigines were unsympathetic. In 1884, Goodall remarked in his annual report to the Board that ‘there are several young girls and one widow with two children who would be much better in the dormitory learning something useful than living an idle, useless life in the camp’ (Victoria, Board for the Protection of Aborigines, Annual Report, 1884, p6). In September 1885 Shaw, now manager at Coranderrk, wrote ‘Everybody knows how childish the natives are and even the half-castes’ (cited in Barwick 1998, p289). In the same month Board members argued for alienation of two Aboriginal stations because their ‘insolent and lazy’ residents were not developing the land, and expressed their opinion that ‘of all the barbarians of the world the blackfellow was about the most difficult to assimilate to the conditions of civilisation’ (cited in Barwick 1998, p289).

That they were not alone in their low opinion of Aborigines is evidenced by the fact that the Bill to legislate for the removal of ‘half-castes’ was finally debated in the last ten minutes of the session on 15 December 1886 and was passed with only minor dissent. The Age’s report of the session stated: ‘The other Bills which have been carried through their final stages are not merely of a minor character when compared with those relative to water supply and irrigation, but would not have stood out as important in any session’ (cited in Barwick 1998, p300).
The Aborigines had one small but significant victory. Clause 5 of the Bill would have given the Board discretion to punish residents of stations by their removal or forfeiture of rations. But the Coranderrk people objected to the strengthening of punitive provisions and submitted a petition asking for:

our freedom to go away shearing and harvesting and to come home when we wish... we aboriginals all wish and hope to have freedom, not to be bound down by the protection of the board...But we should be free like the white population... why does the board seek in these latter days more stronger authority over us aboriginals than it has yet been. (cited in Herald, 21 Sept 1886, in Attwood & Markus 1999, pp50-51)

In response the proposed clause was removed from the Bill.

The Board’s 1887 report stated, in reference to the passing of the 1886 Act:

It seemed to the Board unreasonable that the State should continue to support able-bodied men who were well able to earn their own living. They were supplied at the public expense with houses, food, and clothing, with all the necessaries and many of the comforts of life. Under these circumstances, no habits of self-reliance were cultivated in them, and the great body of them were quite satisfied with their dependent position. (Victoria, Board for the Protection of Aborigines, Annual Report 1887, p3)

The able-bodied men referred to wanted freedom to earn their own living, but were constrained by the regulations which restricted their right to obtain employment or to disperse their earnings according to their own wishes. From the Board’s point of view, though, these restrictions were necessary as was their presence on the station to produce the hop crop. Some figures show how important this income was to the Board, or Treasury when the income was diverted there:

<table>
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<tr>
<th>Year</th>
<th>Residents</th>
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<tr>
<td></td>
<td>No</td>
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<tr>
<td>1883</td>
<td>112</td>
<td>19.7</td>
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<td>1884</td>
<td>108</td>
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<td>1888</td>
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* In this year alone, Lake Condah produced a substantial income of £926/3/1; in other years no other station produced comparable income.
** In this year the hop acreage was decreased to 10 acres; in addition Coranderrk’s income was exceeded by the total produced by three other stations, but these latter production levels were not maintained.

Thus, far from being a drain on the state, the Coranderrk Aborigines contributed the major portion of income produced on all six stations, and in doing so they continued to produce hops which ‘still keep up their reputation as being the best grown in the
colony’ (Victoria, Board for the Protection of Aborigines, Annual Report 1885, p3) and ‘realized the highest price of any colonial-grown hops sold in the Melbourne market’ (Victoria, Board for the Protection of Aborigines, Annual Report 1886, p3). If this money did not go to the Board, little support for the continuation of Coranderrk would remain. Retention of its income was finally refused for Coranderrk in March 1885, a decision sure to move Coranderrk further towards its final demise. However as Barwick notes ‘most members of Parliament had little sympathy for Aborigines but great interest in obtaining the reserves’. (Barwick 1998, p291). The Board was now in a position where it could only profit from Coranderrk through the sale or lease of the valuable land. It was no longer in its interests to maintain Coranderrk as an Aboriginal station.

The passing of the Act in 1886 meant that the Board was able to implement the dispersal policy fully and force the removal of the ‘half-castes’. As this occurred at a time when economic depression was imminent and discrimination was rife, the expelled Aborigines’ hopes of finding employment and maintaining an adequate level of income were vain. Over the following generations their standard of living declined. They were ‘too black to get work or relief but too white to get help from the Aborigines Board’ (Barwick 1972, p18).

Without the ‘half-castes’, farm development at Coranderrk ended. The hop ground was reduced to 5 acres in 1890. In September 1923 the nine remaining residents were allowed to stay on 50 acres of poor land not required by others but their relatives camping nearby had to move on. Coranderrk was finally closed with the removal of the manager in February 1924. When there was lobbying for the reserve to go to soldier settlers in 1947, to a proposal by one member of Parliament that, as gazetted Aboriginal land, it should go to Aboriginal servicemen, the local member Everard ‘retorted that he did not wish this land to be occupied “by men too lazy to work”’. His remarks were ‘particularly offensive’ as the first Aboriginal member (Shadrach James) had just been appointed to the Board (Barwick 1998, p311). The Board itself was dissolved in 1957.

The curious thing about this sorry saga is that the government’s and Board’s desire for Coranderrk to become and remain profitable was shared by the Kulin, indicating the possibility of accommodation between the two econoscapes. However the accommodation was all one way, as governmental and management actions prevented a mutual accommodation from happening. These actions did not occur in

102 However, the missions were allowed to keep their income (Barwick 1998).
concert, with the Government, the Board and station management working at cross purposes at times. All wanted the income from the Aboriginal stations and in the end they were fighting over the carcass of an experiment killed by this conflict. Insufficient money and support were provided by the Government to the Board and by the Board to the station, causing the resignation of the one person best able to facilitate the fulfilment of Kulin wishes to make Coranderrk self-supporting\(^\text{103}\). Throughout, the Aborigines did what was expected of them short of quietly accepting their unfair treatment and neglect, and when their protests gained public attention, both they and their supporters were vilified. The reaction of those with power was to ignore all evidence of Aboriginal capacity and commitment and place obstacles in the way of their success. All this was made possible by the domination of attitudes which saw Aborigines as inferior and undeserving of government assistance, attitudes which blinded those who should have known better and caused them to make a problem for the future at the very moment when success at Coranderrk could have provided a model on which to base future programs. Instead, as seen in the previous chapter, Victoria’s repressive laws and regulations became the model on which other state laws were based.

This case provides a study of the interaction between Indigenous and colonial econoscapes and reguloscapes, and the way in which the invariant elements acted to divert the authorities away from a scheme, the self-sufficiency of the Coranderrk Aborigines, which could have provided a model for the accommodation between the two econoscapes and reguloscapes. Success at Coranderrk would have shown that white and Aboriginal economic aspirations could both be achieved, while white and Indigenous governance structures could co-exist if the will was there on the part of both parties and the support available from the colonial government.

However, views about the inferiority and laziness, incapacity and irresponsibility of the Aborigines got in the way of Coranderrk’s continuing success. With such views dominating the thinking of the authorities, it was not possible for the Board or the government to take action to sustain the station. Financial support was given only grudgingly. Various players on the Board and among those able to influence the Board and the government had their own economic and political interests in mind, in a manner quite compatible with the introduced econoscape and reguloscape, but completely at odds with those of the Indigenous residents of Coranderrk. Institutional

\(^\text{103}\) The Kulin were well aware of the need for a sympathetic white intermediary if their wishes were to be heard by those with power over them (Barwick 1998).
forms were put in place which appeared to be a rational response to the ‘Aboriginal problem’ as defined by the colonists but they clearly and deliberately favoured the introduced econoscape and reguloscape over those of the original inhabitants. The history of Coranderrk thus demonstrates the nature and extent of the influence of the invariant elements on decisions, actions and institutional forms in a situation of conflict between two econoscapes and reguloscapes.

1965 Northern Territory Cattle Industry Equal Pay Case

This case is of interest for a number of reasons. Pastoral employment was a major source of employment for Aborigines, while Aboriginal employment was an essential ingredient in the successful establishment of the pastoral industry in the inhospitable north (May 1994; McGrath 1987; Cowlath 1999; Jebb 2002). The case which ended the exclusion of Aborigines from the Cattle Station Industry (NT) Award of 1951 can be seen as a crucial turning point in the employment of Aborigines. An examination of this case will indicate that the invariant elements identified above were still applied to the consideration of Aboriginal employment at this time, despite a general mood swing towards fairer treatment of Aborigines as evidenced by the 97% vote for inclusion of Aborigines in the Constitution in the 1967 referendum. Before examining the decision in detail, some brief background will be presented.

Employment on the pastoral stations was one of the few choices available to Aborigines in the Northern Territory, and in many ways it suited them. They were able to stay on their land and continue to practice their traditional ways, although their former way of life was constrained. Because the employment was seasonal and to some extent irregular it accommodated continued adherence to tribal rituals and teaching of traditional knowledge to the next generations, and it enabled kinship and tribal groups to stay together. Aboriginal acceptance of their role in the pastoral industry was made easier in the absence of any other occupational model.

Employment of Aborigines on pastoral stations suited the white system in a number of ways. It kept the Aboriginal population away from whites as had been a long term goal of Aboriginal policy. The low occupational status of the available employment fitted with the widely held notion of Aboriginal inferiority, the first of the identified invariant elements. With a scarcity of white labour in the remote areas where cattle stations were established, Aborigines were not taking jobs which would otherwise go to white workers, consistent with the racism of the labour movement discussed in the
previous chapter. At the same time it gave the pastoralists a constant supply of cheap labour, important particularly in the establishment phase of the industry which continued well into the twentieth century in this remote and difficult area of Australia (May 1985; Rowse 1998; McGrath 1987; Cowlishaw 1999; Jebb 2002; Markus 1978).

Under this system, the Aborigines, both workers and their dependants, were largely the responsibility of the pastoralists. This absolved governments from the responsibility and consequent costs of having to provide for Aborigines, a matter which had also been of concern to Victorian authorities throughout the Coranderrk years. At the same time, instead of inclusion in the mainstream industrial relations system, separate systems were established to regulate Aboriginal employment, as discussed above. In the Commonwealth jurisdiction, until the Aborigines’ Ordinance of 1918 was amended in 1933 no wages were required to be paid to Aboriginal pastoral workers in the Northern Territory and even then the wage set was only 5/- a week, compared with the European basic wage of £2/8/- per week (Stevens 1968, p11).

However, the regulatory system administered for the Commonwealth Government by the Northern Territory administration was not closely supervised so that even those minimal conditions which were applicable were rarely adhered to. Consequently, conditions for Aboriginal workers and their dependants on many of the stations were appalling. A number of authors refer to the harsh treatment, lack of respect for skill in cattle management, and squalid living conditions of Aboriginals on cattle stations and the lack of recognition of the contribution of Aborigines to the establishment of the pastoral industry (see Berndt & Berndt 1948 and 1987; Stevens 1968; Riddett 1985; Rosser 1985; McGrath 1987; May 1985 and 1994; de Plevitz 1998). Nevertheless, as noted above, there were advantages to the Aborigines including that the children were able to learn skills in pastoral work from an early age, and older people continued to be maintained on the property when they could no longer work.

Both this accommodation and the overt discrimination in employment against Indigenous workers were disrupted by the decision in the 1965 Northern Territory pastoral industry equal pay case\(^\text{104}\). Prior to this, while many Indigenous workers were excluded from the benefits awarded by the mainstream industrial relations

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\(^{104}\) Two other applications to remove discriminatory clauses in rural industrial matters, one federal and one in Queensland, were delayed pending the outcome of the Northern Territory case (Stevens 1968, p9)
system, unions had tried to use that system against them, for instance to exclude
them from the pastoral workforce or from the application of benefits available to
others employed in the industry. A 1924 case brought by the Australian Workers' Union attempted to limit the number of Aborigines employed on stations but was rejected because such a limitation would reduce the supply of workers and thus cause difficulties for isolated pastoral properties. In 1928 the North Australian Workers Union tried to bring Aborigines under the award although the union itself excluded them from its membership.\textsuperscript{105} The application was disallowed because the Court saw it as an attempt to remove Aborigines from the pastoral workforce. By forcing employers to pay full wages to Aborigines it was assumed employers would automatically replace Aboriginal pastoral workers with whites. In 1932 an attempt to include Aborigines in the award by the Australian Workers Union was rejected, a decision upheld in two further cases in 1938 and 1944 (Stevens 1968; Markus 1978; McCorquodale 1985). In the latter case, the decision included the statements: ‘the payment of money wages for their labour would prove a cause of embarrassment both to the native and his employer’ and ‘receipt of award rates and conditions would add to the bewilderment of the ‘full-blood’ concerning the ways and customs of the whites’ (cited in McCorquodale 1985, p10).

For a brief period between 1946 and 1951, there was ‘firm backing of Aboriginal workers by the trade union movement’ (Markus 1978, p153). This was a period during which Aboriginal workers in the Pilbara and Darwin took strike action to win improved working conditions, thereby gaining union support, particularly where the union was led by communists ‘the principal allies of Aboriginal militants’ (Marcus 1978, p153). In 1951 the communist-led NAWU again applied to have the exclusion of Aborigines removed from the award. However, after 1951 support for Aboriginal workers diminished as the communists were deposed in union elections in 1952. In addition, in the 1951 case the Court held that it lacked jurisdiction because Aborigines’ employment was regulated by the Aboriginals’ Ordinance of the Northern Territory. Thus there was little the union could do as long as power over Aboriginal working conditions remained in a separate regime which was in the Commonwealth Government’s hands.

\textsuperscript{105} Between 1928 and 1931 unsuccessful attempts were made by communist members of the NAWU to remove a union rule which excluded Aborigines from membership of the union. A further rule provided that a member signing up a prohibited person be fined £2 for each ‘offence’ (Marcus 1978, pp149-50)
The Aboriginals' Ordinance was soon replaced by the Wards' Employment Ordinance which, from 1959\textsuperscript{106}, regulated pay rates and conditions of employment of 'full-blood' Aborigines and others declared 'wards' as discussed in Chapter 7\textsuperscript{107}. This gave for general work on cattle stations £2/8/3 plus 15/- a week for clothing plus keep, totalling £3/3/3, less than the amount of unemployment benefit payable to Europeans at the time. The award wage paid to non-Aboriginal pastoral workers was £11/5/10 plus margins for skill. In fact most non-Aboriginal stockmen were paid considerably over the award - between £17 and £23 a week and even lower-skilled jackaroos could earn £14 a week. In contrast, in May-June 1965 only 11% of Aboriginal workers on 27 stations were paid over £6 (Gruen 1966, pp198-9; Deane 1996, p3).

The provisions in relation to housing, rations, clothing and working conditions on cattle stations set out in the Wards Employment Regulations were inferior to those applying to white workers covered by the Award. As noted in Chapter 7, the Northern Territory Welfare Branch which administered the Ordinance had the power to negotiate higher wages for individual employees in the cattle industry. Far from doing so, however, it used its power to reduce the wages of 'handicapped' or 'slow' workers to as little as 5/- a week\textsuperscript{108} and prosecuted no employers for failing to provide the minimum standard of accommodation though few stations reached even these inadequate standards\textsuperscript{109}. In fact, some employers were awaiting the outcome of the equal pay case before spending money on improving sub-standard accommodation (Stevens 1968; Cowlishaw 1999; Altman & Nieuwenhuysen 1979; Gruen 1966).

The union covering pastoral workers in the Northern Territory, the NAWU, had done little in the previous decade to support Aborigines\textsuperscript{110}, but under pressure from the Federal Council for the Advancement of Aborigines' and Torres Strait Islanders

\textsuperscript{106} The Wards Employment Ordinance was passed in 1953 but did not come into operation until 1959.

\textsuperscript{107} Stevens notes that the list of wards prepared by the Welfare Branch was not based on any formal investigations, and therefore included many inaccuracies: 'nobody really knew who was on the Register of Wards. In the end, few people cared'. An employer 'would visually appraise his employee’s racial characteristics and determine a wage' (Stevens 1968, p24). See also Cowlishaw 1999, pp179-83.

\textsuperscript{108} As Stevens has pointed out, at that time in the north of Australia, European workers were paid an average income 30% higher than that obtaining in the rest of Australia; an Aborigine on the other hand earned only a quarter the pay of a white, 'if he can obtain work at all' (1968, p5).

\textsuperscript{109} But it did allow the employers to retain the equity in any building erected using the funds belonging to the Aboriginal pensioners residing on the stations (Stevens 1968).

\textsuperscript{110} In 1962 the NAWU refused to reduce its membership fees for Aboriginal workers on low pay so that they could join the union (Andrews 1962, p8).
(FCAATSI) and with Australian Council of Trade Unions’ support, it decided that the exclusion of the Aborigines from the *Cattle Station Industry (NT) Award* of 1951 should be challenged again. In 1965 the NAWU applied to the Commonwealth Conciliation and Arbitration Commission seeking the inclusion of Aboriginal pastoral workers in the Award. The Commonwealth requested permission to intervene and, recognising that the Commonwealth Government had an interest in the case, the Commission granted leave. The pastoralists, the Union and the Commonwealth Government were thus able to put their positions to the Commission. The Union in its application indicated that it strongly opposed ‘any form of machinery, any form of complicated prescription, which [was] based upon some assumption of the incapacities to work of the Aborigines’. The Union fought the case on a matter of principle: it stated that ‘the purpose of the application [was] to impose upon employers as employers the proper obligations which belong to employers when they are engaging employees, be they black or white, to perform a class of work prescribed in the award’ (cited in Stevens 1968, pp30-31), that is to pay the rate prescribed by the award for the job.

The Commissioners expressed concern that the case was brought by the Union and not by the Aborigines and wondered ‘what about the Aborigines themselves?’ (cited in Stevens 1968, p31). However this question was never even broached in the hearings, as no Aboriginal witnesses were called by either the Union or the Commonwealth which were ostensibly there to look after the interests of the Aborigines. In making its decision to award equal pay to Aborigines, the Commission relied heavily on evidence provided by the employers in whose interests it was to pay less than full award wages. That this evidence was not countered and was given such weight by the Commission testifies to the low importance placed on the Aboriginal perspective even in such relatively recent times and thus illustrates the continuing influence of the fourth invariant element.

As former Governor-General Sir William Deane stated in 1996, the judgment in this case ‘is a document of considerable historical importance which contains a disturbing insight into contemporary perceptions of government policy’ (Deane 1996, pp4-5). This is amply illustrated by the following extracts from that decision which clearly indicate the continuing strong influence of the invariant elements identified above. In relation to the assumed inferiority of Aborigines, the decision included statements about the Aborigines’ intellectual incapacity and ‘semi-tribalised’ condition which
explained their reported lower working ability. For example the Commission’s
decision contains the following statements:

these aborigines are unable to work as well as whites because of cultural and
tribal factors ((1966) 113 CAR 651, p658).

these aborigines do not understand the meaning of work in our sense ((1966) 113
CAR 651, p658)

In tribal society the idea of cause and effect was not known. Time, in the Western
sense, and the significance of time were also not known. They had no idea of
forward planning, of working out a long term enterprise based on predictions of
future planned occurrences. The notion of number, precise distance, and
mathematical accuracy were unknown ((1966) 113 CAR 651, pp658-59).

These few examples indicate the continuing presence of the first invariant element,
the belief in Aboriginal inferiority. The latter statement also misinterprets Aboriginal
culture, an aspect of the fourth invariant element, seeing it through the distorting lens
of white values and assumptions.

The second invariant element, relating to laziness, incapacity and irresponsibility, and
the consequent justification for repressive control and separate reward systems, is as
easily tracked in the decision as the first. For example:

Their culture excluded the idea of disciplined, reliable and responsible endeavour
((1966) 113 CAR 651, p659)

[The employers] say that the value of the work of many aborigines is less than
that of whites ((1966) 113 CAR 651, p653)

… considerable volume of evidence from men on the spot that aborigines do not
work as well or as consistently as whites and that they do require much more
supervision ((1966) 113 CAR 651, p659)

[The employers] ask that the Commission prescribe a series of rates related to
the working capacity of classes of aborigines, the difference between rates being
related to a capacity to perform work and to work without supervision. ((1966) 113
CAR 651, p651)

In some cases additional money would act as an incentive to better work, but in
most cases we have grave doubts whether the work effort would be appreciably
different for some time to come. ((1966) 113 CAR 651, p662)

There was a general assessment that aborigines by and large were from the
employers’ point of view only about half as good as white labour. In other words,
two aborigines could be replaced by one white. ((1966) 113 CAR 651, p665)

This latter statement could refer either to a generic inferiority assumed to pertain to
Aborigines as workers, illustrating the first invariant element, or it could be an implicit
reference to Aboriginal laziness thus illustrating the second element. Either way, it illustrates continued low valuation of Aboriginal labour based on scant and not disinterested evidence.

Specific statements regarding rates to be paid to Aborigines put by the employers and cited in the decision included:

The rates and conditions prescribed by this award are fixed on the basis that an employee to whom the award rate applies is capable of carrying out the full range of duties normally required of the classification in which he is employed, and that he can be relied on to perform such duties when required consistently and without constant supervision. ((1966) 113 CAR 651, p653)

An employee employed to do simple tasks not involving consistent effort (eg, watering, weeding, outside cleaning up) – 30 per cent of the ‘with keep’ award rate for the appropriate classification. ((1966) 113 CAR 651, p653)

In this decision there is less emphasis on the need for separate processes for controlling and disciplining Aborigines. However there is a number of references to the value of sending Aborigines, especially children, to settlements. For instance:

It seems to us that children in settlements and towns are likely to be better educated and less susceptible to tribal and cultural influences than children on cattle stations… ((1966) 113 CAR 651, p664)

This statement equally relates to the third invariant element regarding the need for white intervention. The decision continues:

and therefore more able eventually to enter fully into the Australian way of life, including its industrial system. ((1966) 113 CAR 651, p664)

Thus the ideas of ‘improvement’ and renunciation of traditional ways, aspects of the third and fourth invariant elements, are still apparent as they are in the following definition of assimilation which was cited with approval by the Commission:

The policy of assimilation seeks that all persons of Aboriginal descent will choose to attain a similar manner and standard of living to that of other Australians and live as members of a single Australian community – enjoying the same rights and privileges, accepting the same responsibilities and influenced by the same hopes and loyalties as other Australians. Any special measures taken are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance and to make the transition from one stage to another in such a way as will be favourable to their social, economic and political advancement. ((1966) 113 CAR 651, p655)

Ideas regarding the need for Aborigines to learn ‘industrious habits’ and to become ‘civilised’, as per the third invariant element, are implicit in the following:

[The employers have] the view that the life on settlements does not help to make aborigines viable members of the white economic community because it does not teach them the meaning of and necessity for work. ((1966) 113 CAR 651, p668)
[W]e consider that the aborigines are more likely to be assimilated or integrated readily on settlements than on cattle stations… Living in settlements in better accommodation and surroundings might help the aborigines to move completely into our culture. ((1966) 113 CAR 651, pp668-69)

One final quote from the end of the decision summarises the Commission's position and contains aspects of the first, second and third invariant elements:

The aborigines will need guidance to understand and appreciate the implications of moving from a semi-protected situation to an exposed industrial situation whereby they have to care for themselves and their families out of their wages. ((1966) 113 CAR 651, p669)

The notion of Christianising the Aborigines is less apparent than in former times but is still implicit in the tacit approval with which the Commissioners referred to the possibility that Aborigines ‘disemployed’ as a result of the decision would then to move to church-run missions.

Importantly, throughout the decision and in fact throughout the process, there is no indication that the Commission regarded the maintenance of Aboriginal traditions as a worthwhile goal. The following statements illustrate the Commissioners’ lack of appreciation of the complexity and sophistication of Aboriginal culture:

They had no agricultural skills and no domesticated pastoral animals and the discipline and understanding of work which agricultural and pastoral activities involve were foreign to them. ((1966) 113 CAR 651, p658)

[J]ust as the hunter did no more than was absolutely necessary to obtain sufficient food so also the aboriginal employee on the station did no more than was necessary to obtain sufficient rations… ((1966) 113 CAR 651, p658)

The latter citation also illustrates the continuing tendency to impute Aboriginal motives and viewpoint. Aborigines were not consulted in this very important decision, and were provided no alternative but to assimilate. Once again, the white system was defining the problem, devising the solution, and imposing its decision on Aboriginal people, illustrating the continuing influence of the fourth invariant element.

In March 1966, the Commission decided in favour of the union. The decision to grant equal pay was, however, delayed in taking effect until December 1968 because the Commission was concerned to allow pastoralists and Aborigines time to ‘adjust and rearrange their activities’. This ‘adjustment’ period was explicitly in the interests of the policy of assimilation. Phasing in of the award was considered a good way to accustom Aborigines to handling cash wages and to taking on more of the family
responsibilities of a ‘normal’ wage earner (Sharp 1966, p162). The Commission’s main justification for granting the three-year delay in equal pay taking effect was that: the Commonwealth Government has power to deal with wages, working conditions, welfare and all other matters which may call for consideration during this transition period. We consider that in the period between now and the date when the award will operate it would be in the interests of all concerned if one authority dealt with all problems which may arise, including wages, accommodation, rations and keep. ((1966) 113 CAR 651, p670)

The assumption, then, was that the Commonwealth Government would deal with any problems that arose from the implementation of the decision in the course of carrying out its normal responsibilities for Australian employment and welfare. This reckoned without the Aboriginal reaction, as discussed below.

To take account of the pastoralists’ concerns about the work ability of Aboriginal workers and the dangers of substantial disemployment: ‘the Commission felt that it should make some provisions which would enable sizeable numbers of Aborigines whose productivity is low, to be employed at below award rates’ (Gruen 1966, p207). Therefore, the Commission conceded to the pastoralists’ suggestion that a slow worker clause, similar to the provision in the Wards Employment Ordinance cited in the previous chapter, should be included in the award111: ‘In our view the disemployment problem might be partly solved if the slow workers’ clause were made more workable and less cumbersome than it is at the present time’ (830 CAR 1965, p668). The parties including the Commonwealth Government were requested ‘to consider an appropriate form of slow workers’ clause which would enable a slow workers’ permit to be obtained more easily than at present’ (830 CAR 1965, p669).

In the Commission’s favour, it did visit a number of stations and heard evidence from the managers of 30 others. The six visited, however, ‘were about as unrepresentative as any six that one could find in the Territory’ (Gruen 1966, p199) in that they paid better wages, provided higher standard accommodation or other conditions were better than those pertaining at most stations. Gruen and colleagues researched conditions on the stations more thoroughly and found few which met the minimum conditions set down in the Wards’ Employment Ordinance (Gruen 1966, p200). But it was not in the interests of the government to expose this lack of adherence to its regulations, and the union was not fully aware of the conditions under which

111 Such a clause had been inserted in the Aluminium Industry Award in 1962 in response to employers’ proposal that ‘integrated workers be paid the full award while ‘unintegrated’ Aborigines would be paid the basic wage only, that is about half the award rate (Stevens 1968, pp6-7).
Aborigines worked. As Gruen notes: ‘only one of the stations we visited had ever been contacted by a Union organiser - and that was five years earlier’ (1966, p200). Interviews with cattlemen about Aboriginal work value led Gruen to conclude that:

> while Aboriginal labour on Northern Territory cattle stations is in some obvious and important respects less productive than white labour, there are other respects, perhaps equally important, in which Aboriginal labour is generally regarded as being superior to white labour. Between two-thirds and three-quarters of all adult male Aborigines employed on cattle stations were employed directly on cattle work - for example, as stockmen, leading hands, etc. Their relatively greater skill in stock work and bushmanship would be of considerable importance in these occupations. (Gruen 1966, p203, emphasis in original).

It is hardly surprising that the Commission would have missed this. On their visits to stations, any Aborigines they saw would not be engaged in such skilled activities as tracking: ‘At most the casual... visitor can see a collection of Aborigines gathered around the immediate confines of the homestead - a gathering which gives the impression of lack of purpose and lack of work’ (Gruen 1966, p203). Therefore, what the Commissioners saw confirmed prevailing opinions that Aborigines were irresponsible and in need of supervision, as per the second invariant element.

However, reminiscent of Coranderrk, if the Aborigines had participated fully in the case the Commissioners would have heard a different story. Many Aboriginal pastoral workers in northern Australia from the 1860s onward were in fact on their own country, where they were used as labour without the pastoralists needing to actively recruit labour, negotiate with unions or otherwise enter into formal contracts with their Aboriginal employees (Rowley 1966). As noted above, this was in some respects a mutually satisfactory accommodation, although the treatment they received was largely dependent on the attitudes of the pastoralist on whose station they worked. Although this was an unequal relationship, it allowed Aboriginal pastoral workers to fulfil their obligations to kin and to land which they believed still belonged to them.

However they were aware of the inequity of their treatment. In their culture, as discussed in Chapter 4, a relationship of authority contained within it reciprocal obligations to look after those in a subordinate position. Few if any pastoralists understood or respected Aboriginal culture and law enough to recognise this, consistent with the prevailing influence of the fourth invariant element. This attitude caused increasing dissatisfaction for Aborigines. This was exacerbated after the different experience many had had during the second world war when they were paid
wages and treated with greater respect than they had previously been accustomed to (Bunbury 2001; Cowlishaw 1999; Marcus 1978).

Perhaps the delay in the application of the equal pay decision was the final straw for a group who had long been frustrated with their treatment from Europeans ‘who made promises and broke them’ (Riddett 1985, p206) and who made money out of Aboriginal labour but gave nothing back, as the Aborigines themselves were well aware. As Deane comments: ‘Presumably, it was assumed by the Commission that the ‘Aboriginal employees’ would be prepared quietly to wait under a yoke of acknowledged industrial injustice while the pastoralists took time to ‘consider’ their ‘future” (1996, p6). Far from doing this, within five months of the decision being handed down, when their request for $25 per week pay was rejected, the Gurindji walked off Wave Hill station, taking very little with them after sometimes decades of working on the station. The exodus was provoked by a recognition that their conditions were unendurable. In the words of Billy Bunter Jampijinpa who was a young stockman when the strike began:

We were treated just like dogs. We lived in tin humpies you had to crawl in and out of on your knees. There was no running water. The food was bad - just flour, tea, sugar and bits of beef like the head or feet of a bullock. (cited in Land Rights News, Vol2 No23 Dec 1991)

The Gurindji knew from experience that they could take action in protest. Riddett lists three previous actions taken at Wave Hill station, actions on six other stations between 1947 and 1966, and other actions taken by Aboriginal groups in response to the Gurindji walk-off from Wave Hill in 1966 (1997, p51). However unaware of or wilfully ignoring this history, as in the case of the Coranderrk activists, politicians and bureaucrats could not believe that Aborigines had the intelligence or organisational skills to take action by themselves. Instead they looked for white instigators, blaming ‘a revolutionary plot inspired by communists and radical student activists’ (Riddett 1997, p52). These assumptions of Aboriginal lack of intelligence and need for white intervention clearly reflect the first and third invariant elements.

Interestingly, the unions were not suspected of instigation of the Gurindji walk-off. The ACTU had tried to prevent an earlier strike by Aboriginal pastoral workers at Newcastle Waters station from being extended, and participated in a conference to resolve the dispute with the pastoralists and the Commonwealth Government but ‘in the time honoured manner – Aboriginal workers were not invited’ (Marcus 1978, p157). The NAWU was not in support of a continuing strike and even after the win in
the Commission, still failed to recruit Aboriginal workers as members of the union. In 1968 it went so far as to apply to the Conciliation and Arbitration Commission to limit the award to only those who were members of the union, a move which Marcus describes as ‘almost inexplicable’ (Marcus 1978, p157). Indeed its motives must be called into question given the continuing failure to recruit Aboriginal members, its failed move to limit the coverage of the award, its inability to retain the three Aboriginal organisers it had previously employed (Marcus 1978, p157) and its failure to call Aboriginal witnesses during the equal pay hearings.

The Aborigines knew they had rights and were prepared to take whatever action they needed to defend those rights, without union support. In this case, as with Coranderrk, the issues revolved around both land and wages. At Wattie Creek (Daguragu), to where the Aborigines retreated seven months after the walk-off, the initial strike against their harsh treatment as workers turned into a long-lasting and finally successful claim for their land which they intended to manage for themselves. In a petition written to the Governor-General in 1967, the Gurindji explained their relationship to the land at Wattie Creek:

> Our people have lived here from time immemorial and our culture, myths, dreaming and sacred places have evolved in this land. Many of our forefathers were killed in the early days while trying to retain it…

> This is the main place of our dreaming only a few miles from the Seale Gorge where we have kept the bones of our martyrs all these years since white man killed many of our people. (cited in Attwood & Marcus 1999, p224)

The petition clearly expressed their aim in taking action ‘to regain… our tribal lands… of which we were dispossessed and for which we received no recompense’. Their plans for the land were also clearly outlined:

> We will continue to build our new home there…, then buy some working horses with which we will trap and capture wild unbranded horses and cattle. These we will use to build up a cattle station within the borders of this ancient Gurindji land…

> If you can grant this wish… we would show the rest of Australia and the whole world that we are capable of working and planning our own destiny as free citizens. Much has been said about our refusal to accept responsibility in the past, but who would show initiative working for starvation wages, under impossible conditions, without education for strangers in the land? But we are ready to show initiative now. We have already begun. (cited in Attwood & Marcus 1999, pp224-25)

The petition was refused, and the strike continued. An attempt was made by the Commonwealth Government to move the Gurindji off Wave Hill station land (Deane 1996, p13). Although unsuccessful, this provides another illustration of the inability or
refusal of the authorities to recognise the deep and abiding relationship Aborigines have to their land, and the white system’s prioritisation of white demands over Aboriginal wishes and needs, consistent with the fourth invariant element and illustrating the conflict between two reguloscapes.

As more and more Aborigines from the surrounding stations joined the Gurindji, the pastoralists became desperate for labour. But in a manner reminiscent of the labour allocation system developed and administered by the Coranderrk residents in the early days of that station, the Aborigines decided who would accept work and for whom. These decisions were based on the cultural obligations of particular workers and the treatment to be expected from the employer. If an employer was known to be harsh and disrespectful of Aborigines, no matter what conditions and pay were offered, they would not supply the required labour. On the other hand, employers whose positive attitude and treatment were well known could rely on a labour supply even if the conditions on their station were poor (Doolan 1977).

Meanwhile, like the Kulin before them the Gurindji began to fence land which was conceded to them at Wattie Creek and to erect buildings. A company was incorporated in 1971 and the following year ninety acres were handed over from the Wave Hill lease. In 1975 a lease was granted to the Murramulla Gurindji Company covering an area of over 3000 square kilometres and including the most significant parts of the ancestral lands. Again reminiscent of Coranderrk, promised cattle, equipment and assistance was still to be supplied. In October 1979 the Northern Territory Government threatened to resume the lease, giving the Gurindji 28 days’ notice, but it did not proceed. The Gurindji had to wait until the middle of the following decade before the land was finally granted as freehold (Deane 1996; Land Rights News 1986; Land Rights News 1991).

This case study illustrates once again the conflict between two econoscapes and reguloscapes and the influence of the invariant elements on the definition of the problem and on the solution found by the white system. The pastoral employment of Aboriginal people in the north had enabled the Indigenous people to participate in the white economy without having to fully relinquish their land or their traditional practices. They were able to adapt their econoscope and reguloscape to the circumstances. However the imperatives of the white econoscope and reguloscape together with the invariant elements and their translation into institutional forms ensured that this adaptation could not be on anything like equal terms. The white
econoscape and reguloscape were privileged over the Indigenous so that the Indigenous employees were only permitted to continue their accommodation to the white system as long as it suited that system. The white reguloscape placed a high value on equality of treatment in the industrial relations system and once the contradictions between the treatment of Indigenous Australians in the pastoral industry and others became untenable the only solution sought was one which ended that contradiction. It took no account of the conflict between this aim and the place of land in Aboriginal culture. In bringing the equal pay case to the Industrial Relations Commission, the unions were not concerned about the impact on the Indigenous people of a cessation of the accommodation which had enabled the Indigenous reguloscape and some aspects of the econoscape to survive. In the way that the case was run, in particular the absence of the Aboriginal voice, and in the decision, the continuing influence of the invariant elements is clear.

**Conclusion**

The material presented in this chapter shows that, from the mid-nineteenth century to the latter half of the twentieth, it is possible to trace a continuing belief in the superiority of the British culture and economy. From an examination of the Coranderrk and 1965 equal pay cases, it has been established that the four invariant elements identified in Chapter 6 continued to be applied by white Australians in authority in considering issues affecting Indigenous Australians. Despite all evidence to the contrary, of which there was an abundance in both cases, Aborigines continued to be considered inferior. They were believed to be lazy, incapable of managing their own affairs and irresponsible, despite the evidence which showed that they worked hard for little reward, and were prepared to put up with a great deal of mistreatment if they were assured of a continuing relationship with the land on which they chose to live. When their relationship with land was breached or threatened, they protested and took action. But again, the prevailing view of their lack of intelligence and capacity to manage their lives and the need for white intervention meant the authorities looked for others to blame as instigators of such actions.

Throughout this time no place was found in the economy for Aborigines except at the bottom. For this the Aborigines were blamed or penalised. At Coranderrk, the residents would not quietly conform to the expectations placed on them: that they would relinquish their ways in favour of white ‘civilisation’ while receiving few of the rewards. After two decades of struggle, a law was introduced which finally ended the
station’s viability as a self-supporting community for the Aboriginal residents, illustrating the way institutional forms have been used to support the interests of the introduced econoscape.

In the Northern Territory pastoral industry Aborigines were paid little if anything and had to accept conditions far below those offered to non-Aboriginal workers. This was enforced by law and regulation and reinforced by decisions in the very courts set up to protect the rights of Australian workers, again illustrating the role of institutional forms. When equality of wages was granted, it was under conditions which kept most Aboriginal pastoral workers in an inferior position to other pastoral workers, at least for a period of three years. Aborigines were not directly involved in the hearings and when they protested about the decision, the support they received came from committed individuals and those organisations they were able to influence rather than from the labour movement as a whole (Marcus 1978, pp155-56).

There are other similarities between the Coranderrk and Wattie Creek situations. In both cases, the aspirations of the Aborigines were to live on land significant to them where they could continue cultural practices. They wished to become self-supporting through their own activities and they wanted white assistance to set them on the path, in partial recompense for their earlier dispossession. Along the way, they proved their capacity to work hard and to manage their own affairs. However, at Coranderrk they were not permitted to achieve their goals because of the blindness of a white society which believed the only road to ‘improvement’ was through relinquishment of everything that made them Aboriginal. Insurmountable obstacles were placed in their way so that Aboriginal people who had been able to establish a comfortable life for themselves on the basis of earnings from work done prior to settling at Coranderrk gradually became destitute due to the parsimony of government and interference of self-serving officials.

At Wattie Creek, established a century later, the struggle continued against opposition from bureaucrats and politicians. In this case, the Aborigines had for decades worked for pastoralists for little reward. Despite having proven their capacity to work hard under the harshest of conditions, their ability was denigrated by their employers whose views were believed with no contrary evidence being sought or

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112 Marcus refers to surveys conducted in the period from 1969 to 1973 in the cattle and cotton industries which indicated that Aborigines were not provided the same pay and/or conditions as white workers (Marcus 1978, p157).
offered by the parties involved in the equal pay case. On the basis of this evidence, they were offered a partial ‘equality’ which, in the case of the Gurindji in particular, was rejected.

In other places at other times similar aspirations have been met with inertia or obstruction because in the struggle between two reguloscapes only the introduced one was seen to have the answers, even though it did not have the knowledge to ask the right questions. That the Aborigines could willingly and tenaciously hold on to their culture and values could not be understood by white people who gave no credence to these ways as having value of their own. No effort was made except by very few to learn to understand and respect Aboriginal culture. Instead reliance on long-held beliefs about Aborigines based on prejudice not fact substituted for real knowledge and understanding.

In this way the misunderstandings and myths about Aboriginal behaviour and characteristics were able to survive for a long period as four invariant elements which continued to inform decisions made ostensibly in Aboriginal interests but in fact to the exact opposite effect.
Chapter 9: None So Blind...

The worst imperialisms are those of preconception. (Stanner 1956, p231)

Colonialism… requires disparagement of the other to justify itself, to legitimate having appropriated others’ land and homes, and having benefited from truncating others’ lives and social dignity. (Martinot in Memmi 1994, pxviii)

Introduction

This thesis aimed to increase understanding of the reasons for the intractable economic disadvantage experienced by Indigenous Australians. The existing literature dealing with Indigenous economic disadvantage focuses on enumerating that disadvantage and to the extent that it also seeks to explain that disadvantage, does so without a sound theoretical base. The absence of such a theoretical foundation has allowed perpetuation of inadequate explanations of Indigenous employment disadvantage, focusing in the main on Indigenous skill deficit and geographical location, despite the fact that these explanations do not stand up to scrutiny. For instance, if previous researchers had been correct in identifying skill deficit as an explanation for poor Indigenous employment outcomes, Indigenous people with higher educational qualifications would have employment status similar to other Australians with similar qualifications. This was shown not to be the case, with qualified Indigenous people having unemployment rates double those of other similarly qualified Australians. If, as commonly claimed, geographical location in remote areas was a cause of the high unemployment and low participation rates Indigenous people experience in such areas, non-Indigenous people in remote areas would experience similar employment disadvantage. In fact, non-Indigenous Australians in remote areas have high participation and low unemployment rates. While continuing to accept such explanations for Indigenous employment disadvantage, researchers have acknowledged but failed to investigate the role of past discriminatory treatment in the development of Indigenous economic disadvantage.

Against this background, a rigorous theoretical and methodological approach was developed using regulation school theory as a starting point. Because of the rigidity of the regulation school concepts of mode of accumulation and mode of regulation and their inability to accommodate cultural difference, these concepts were adapted by incorporating Appadurai’s concept of ‘scape’. This resulted in two new concepts, econoscape and reguloscape. Econoscape, which is comparable to mode of accumulation, is better able to explain the coexistence of more than one set of economic arrangements. Reguloscape is similarly better able than mode of regulation to
accommodate two or more sets of cultural, social and legal arrangements. In addition, the concepts of invariant element to denote ways of thinking, and institutional forms used to denote codified legal instruments, were adopted from regulation school theory. These four concepts were applied to answer the research questions identified in Chapter 3:

1. Are there identifiable invariant elements which underpin the institutional forms which have regulated the treatment of Indigenous Australians within the economy, particularly in relation to employment, from colonisation until recent times?
2. Do these invariant elements help explain the continuing employment disadvantage of Indigenous Australians?

The research method, also derived from the regulation school, involved an iterative process of examining the historical record, forming generalisations, in this case formulating invariant elements, and then testing those generalisations against a further period of history. The analysis covered the period from colonisation to the 1967 Commonwealth referendum which included Indigenous Australians in the Census. This period was further divided into three phases, the first being from 1788 to 1850, during which time the colonies of Australia were founded and a capitalist economy, focusing initially on pastoral industries, was established. The second phase encompassed the codification of institutional forms pertaining to the ‘protection’ of Indigenous Australians, while the third phase commenced with the agreement between the Commonwealth and the States that ‘assimilation’ would henceforth be the focus of Aboriginal policy. This use of time periods is consistent with regulation school methodology in which ‘key dates that mark significant changes in the institutional domain’ (Boyer 1990, p61, emphasis in original) are identified and the phases thus identified contrasted to identify continuity or need for change in institutional forms. The method as applied in this thesis involved first analysing the econoscape and reguloscape for the period to 1850 from international, national and Indigenous perspectives to identify invariant elements. These invariant elements were then tested against the institutional forms regulating Indigenous employment for the periods from 1850 to 1937 and from then to 1967 to determine whether the same invariant elements continued to influence Indigenous employment over an extended period of time.

The research questions were answered in the affirmative. The analysis of the econoscape and reguloscape led to the identification of four invariant elements which underpinned the perceptions and treatment of Indigenous Australians in the period from colonisation to 1850. These were summarised as: 1) inferiority; 2) laziness, incapacity and irresponsibility; 3) need for white intervention; and 4) disregard of Indigenous understandings, values and choices. The examination of institutional forms and their application in two case studies
has shown that these invariant elements have survived for over two centuries and underpin continued Indigenous employment disadvantage.

The object of this concluding chapter is to review the findings in the light of both the research questions and the theoretical and methodological approach used in the thesis. Finally, some directions for future research will be proposed.

**Research Findings**

This thesis began by examining the econoscape for the period from 1788 to 1850. This enabled the identification of the central place of land in the econoscape from the point of view of both colonists and Aborigines. Early Australian economic history can be conceived as a conflict between two econoscapes centring on the ownership of land. Land for the colonists was essential to enable the colonies to become economically successful as sources of raw materials for Britain’s burgeoning industrial economy. For Indigenous Australians, land was central to every aspect of their economy and society. In the process of establishing the new capitalist economy, traditional Aboriginal economic activity was at least severely restricted if not destroyed. However, despite chronic labour shortages in the early stages of colonisation, Aboriginal labour was generally used only marginally in the introduced economy in the absence of white labour. When Aboriginal labour was used, it was generally not considered appropriate or necessary to repay Aboriginal workers on the same basis as other free labour.

From the analysis of the econoscape to 1850, it became apparent that the attitudes of the colonists prevented any real attempt by them to integrate Indigenous Australians into, or accommodate them in, the introduced economy on a basis of respect and equality. In theoretical terms, this indicated the need for an examination of the reguloscape to more comprehensively identify those attitudes, with the aim of identifying possible invariant elements underpinning subsequent attitudes to and treatment of Aboriginal Australians.

The examination of the reguloscape up to 1850 began with a survey of the international reguloscape to identify the ways of thinking about blacks and work brought to the colonies by the British. This analysis showed that prior to the colonisation of Australia, developments in scientific and religious thought reinforced by Britain’s economic success had led to the conclusion that the British were a superior race. This then led to the belief that the least civilised peoples could benefit from the civilisation brought to them in Britain’s remote colonies. At the same time, the British believed that they had a duty to
convey the ‘truths’ of Christianity to these benighted peoples. A link between the task of civilisation and that of Christianising was provided by the importance placed on teaching Indigenous peoples ‘industrious habits’. Behind this belief was an assumption that Indigenous peoples were lazy, and that their failure to progress to higher stages of development was due to their lack of effort and intelligence. The task of the British, then, was to introduce the Indigenous peoples to the benefits they could derive from civilisation as exemplified by the British colonists. It was assumed that the ‘native’ peoples would want to share in those benefits, both material and spiritual, and would therefore accept the guidance of the British towards becoming ‘civilised’. The colonists could not conceive of ‘natives’ rejecting their claims of the superiority of their civilisation or not being willing to renounce their own ways in favour of those of the British.

Thus, analysis of the international reguloscape enabled tentative identification of four invariant elements centring around beliefs in Aboriginal inferiority, laziness and irresponsibility, their need for ‘improvement’, and a denial of the rationality of Aboriginal choice. This then led to the question of whether the international reguloscape was the foundation on which the national reguloscape developed. If so this would be evident if the invariant elements were apparent in the way Aboriginal Australians were perceived, particularly in relation to employment, in the early decades of colonisation. Examination of the reguloscape from the national perspective from 1788 to 1850 was thus the logical next step to enable confirmation or revision of the tentatively identified invariant elements. A complete picture could only be developed, in particular in relation to the fourth invariant element, by assessing the Indigenous reguloscape, including the Indigenous reaction to colonisation’s impact.

The examination of the national and Indigenous reguloscapes indicated that the identified ways of thinking were imported to the Australian colonies and adapted to the circumstances of establishing the colonies over the period from 1788 to 1850. Assumptions of Aboriginal inferiority (invariant element 1) restricted the place found for Aborigines to the bottom of the social and economic hierarchy, while the failure of Aborigines to become integrated on the terms offered was seen as further evidence of their incorrigible inferiority. Belief that they were lazy, incapable and irresponsible (invariant element 2) and therefore in need of close supervision meant that they could not be readily integrated into the introduced economy at a time when such levels of supervision were not readily available due to both labour shortages and fear of the Aborigines. Nevertheless, the aim of the colonists was to ‘civilise’ and Christianise the inferior ‘natives’ and to teach them industrious habits, in the interests of their
‘improvement’. However, because the ‘natives’ did not readily accept the ‘civilisation’ offered to them, greater emphasis was placed on the need for white intervention (invariant element 3) in forcing change in the Indigenous way of life.

A further important insight developed through the study of the national and Indigenous reguloscapes was the central place of the disregard for Indigenous understandings, values and choices (invariant element 4). From the outset, attempts to ‘civilise’ the Aborigines were predicated on a complete disdain for the social and economic arrangements and culture of the Indigenous peoples. That their lack of integration could be a refusal to accept terms which treated them as less than human, or at least less than equal to the colonisers, was beyond the capacity of the colonists in general to comprehend, blinded as they were by their preconceived notions of Indigenous inferiority and incapacity. Even further from the colonists’ understanding was that the Aborigines had obligations to land and to a culture and society which they had no desire and little incentive to relinquish. That their own actions could be in breach of Aboriginal law was inconceivable to the colonists because to their eyes the Aborigines had no law and no government. Therefore any retaliation by Aborigines for white encroachment on their land and hunting grounds was seen to be irrational and vicious, reinforcing views of Aboriginal inferiority and savagery.

Thus the examination of the national and Indigenous reguloscapes resulted in a refinement of the invariant elements as belief in 1) Indigenous ‘inferiority’, 2) their ‘laziness, incapacity and irresponsibility’, 3) the ‘need for white intervention’ and 4) ‘disregard for Aboriginal understandings, values and choices’. These were then tested against the institutional forms pertaining to Aborigines codified in the period from 1850 to 1967.

Before examining these institutional forms, the general nature of codified institutional forms in the Australian colonies, particularly those relating to employment and race, was outlined to provide context for the examination of specific institutional forms pertaining to Aboriginal economic participation. This survey of relevant laws and legal processes showed how the reguloscape and institutional forms worked together to support both the development of the national econoscape and the destruction of the Indigenous econoscape and reguloscape as described earlier. To recap the earlier findings in the light of this insight, the perceived failure of the Aborigines to cultivate the land was seen to be tantamount to the Indigenous people having no claim to that land. According to the introduced legal system, land could only be owned by those who utilised it for productive
purposes. Therefore taking the land was deemed to be the right of the colonists on the grounds that they wanted to use it for their own and Britain’s economic benefit.

By 1850 belief in the inevitable extinction of the Aborigines was generally accepted. Therefore there was little further need to attempt to ‘civilise’ them. The task instead was to ‘protect’ them in their dying days. This was reflected in the codification of institutional forms after 1850. Aboriginal protection laws were passed in all jurisdictions surveyed between 1869 and 1918, and later amended at various times up to the 1960s. Commonalities between the jurisdictions included that Aboriginality was defined in each jurisdiction, and that Aborigines were herded into reserves where it was intended they would remain until there were none left to prick the consciences of the colonists. However, this policy was undertaken without reckoning on the increasing numbers of progeny of both Aboriginal and white parentage. By the late nineteenth century, rather than diminishing, the ‘Aboriginal problem’ was growing as the ‘half-caste’ population expanded. Institutional forms were amended to take account of this. In Victoria from 1886 an attempt was made to exclude ‘half-castes’ from the purview of the government by in effect denying their claim to Aboriginality, while coverage of the law was expanded to include those of mixed race in some jurisdictions. The Victorian move can be seen as a precursor to the policy of assimilation. Those whose destiny was clearly not to die out, as they had white blood in their veins, would instead become part of the mainstream Australian community.

However such assumptions of the ready absorption of Aborigines into the community did not take into account the power of the invariant elements. ‘Half caste’ Aborigines expelled from Coranderrk in the 1880s did not find employment and accommodation readily. This was a sign of the future. In the twentieth century, as the various jurisdictions confined ‘Aborigines’ as defined in law in reserves, those ‘half castes’ who were excluded or chose to remain outside the reserves were not readily accepted into the community. Again the institutional forms reflect this, for example through the giving of power to relevant authorities to force Aborigines camping or wishing to camp in specified precincts to move on in, for example, the Northern Territory *Aborigines Ordinance 1918* and the New South Wales *Aborigines Protection Act 1909*. The ‘half-castes’ were not wanted by the rest of the community, and legislation supported their rejection.

An important finding from the survey of institutional forms was that the laws were increasingly influenced by the second invariant element (laziness, incapacity and irresponsibility) leading to a perceived need for strict mechanisms for the discipline, supervision and control of Indigenous people. This is evidenced in particular by the
reserve system whereby Aborigines were put under increasingly intensive control in relation to many aspects of their lives including employment. The third invariant element (the need for white intervention) is also clearly influential in this solution to the ‘Aboriginal problem’. From the earliest Act canvassed to the last, employment of Aboriginal residents of reserves was under the control of white officials. Where they could work, in what jobs, for whom, for how long and under what conditions were all matters controlled by legislation and regulation administered by white officials. That this occurred without consideration of Aboriginal views reflects the continuing influence of the fourth invariant element (disregard of Indigenous understandings, values and choices), and illustrates the necessary concomitance of this and the other invariant elements.

These findings demonstrate the value of the concept of reguloscape in comparison with the regulation school concept of mode of regulation. The latter concept implies that one institutional form will be created in relation to a particular matter and that this will be consistent with both the mode of regulation and the mode of accumulation. The existence of two institutional forms relating to the same issue cannot readily be explained. The concept of reguloscape, in contrast, allows for theoretical understanding of apparent disjunctures or inconsistencies in institutional forms. Fundamental to the concept of reguloscape is the recognition that perceptions of the reguloscape will be different depending on where a person or group is placed within it. Thus, as has been demonstrated in this thesis, two or more institutional forms can coexist.

The findings also demonstrate the value of the concept of invariant element. The coexistence of institutional forms can be explained by recognising the influence of invariant elements on the formation of institutional forms in relation to the particular group or issue. Thus the concept of invariant element as applied here operates as a device for explaining the observed phenomenon that the reguloscape is not always cohesive and that institutional forms can be misaligned with the econoscape or the reguloscape.

This point is further illustrated in the case studies conducted in Chapter 8 which show the application of the invariant elements at different stages of the economic development of Australia. Through analysis of Victorian law and policy as it was applied to Coranderrk Aboriginal station from the 1860s to the 1880s, it was shown that the invariant elements profoundly influenced the perceptions and treatment of Aborigines in the period after the 1850s. This case illustrates that while the invariant elements were consistent with the reguloscape at the time, they nevertheless led to a misalignment between the institutional forms and the econoscape. The Kulin were attempting to establish an economic base
which would allow them to continue to practice their culture while accommodating to the introduced economy. However money was only provided begrudgingly by the government to support the Aborigines in their efforts. Success at the Coranderrk venture would have been functional for the econoscape as it would have produced income and after initial establishment Coranderrk would have required little support from the public purse, meeting the requirements of both Aborigines and the government. At the same time it could have provided a model for accommodation between the Aborigines and the introduced economy which may have solved the ‘Aboriginal problem’ in Victoria. However the influence of the invariant elements, in particular the belief in Aboriginal laziness, incapacity and irresponsibility (invariant element 1) and the disregard for Aboriginal understandings, values and choices (invariant element 4), interfered with this potential success. This was at a time when a set of national values pertaining to exclusion of those from non-European backgrounds was forming. Thus the invariant elements and institutional forms pertaining to Aborigines were at the same time consistent with the dominant reguloscape but misaligned with the econoscape.

That the invariant elements continued to hold sway into the 1960s was established by examining the 1965 Northern Territory pastoral industry equal pay case. In this case, the institutional forms regulating Aboriginal employment for the previous decades were no longer functional for the econoscape. Having been crucial to the successful development of the northern pastoral industry, a cheap unfree Aboriginal workforce was no longer necessary to its continued prosperity. However the impetus for change was more due to the increasingly untenable contradiction between the Australian ethos of equality and the treatment of Aborigines. The reguloscape was changing, as the international community was becoming less tolerant of discrimination against minorities. Thus removal of overtly discriminatory practices in Australia was becoming necessary, as evidenced by both the equal pay case and the 1967 referendum to include Aborigines in the Commonwealth census. Thus institutional forms were changed to better align them with the reguloscape. However in doing so the economic situation of the Aborigines deteriorated rapidly as they were ousted from their land and their employment, and made dependent on the welfare system. The continued disadvantage of Australian Aborigines can be seen as a failure to align the institutional forms pertaining to Aborigines with the econoscape in such a way as to end disadvantage. However as long as the invariant elements remain such a realignment appears not to be possible.

113 The international Covenant on the Elimination of all Forms Of Racial Discrimination was adopted by the United Nations in December 1965 and came into force in 1969 (Human Rights Manual 1993, p46)
The invariant elements did not disappear with the removal of overtly discriminatory institutional forms. Evidence of the continuing impact of the invariant elements is contained within the very literature which establishes the extent of Indigenous employment disadvantage. The 1967 referendum provided for the inclusion of Aborigines in the Census, but without diminution of the impact of the invariant elements this has led to a focus on the use of statistics to quantify the problem of Aboriginal economic disadvantage rather than re-consideration of the nature of the problem. The data presented in Chapter 2 clearly shows that the invariant elements underpin much of the analysis of Indigenous disadvantage conducted from the 1950s. The explanations for disadvantage cited in the early studies from the 1950s to the mid-1970s included poor hygiene, reminiscent of the belief in the dirtiness of Indigenous people which is implicit in belief in their inferiority (invariant element 1). Other explanations included lack of skill, unreliability, and poor motivation, all reasons which are compatible with the belief in Indigenous laziness, incapacity and irresponsibility (invariant element 2). Altman and Nieuwenhuysen’s 1979 study resulted in very similar findings but added geographical immobility as a reason for poor employment outcomes, without indicating an understanding of Aborigines’ attachment to land as a reason for preference for remaining in a particular area, compatible with the disregard of Indigenous understandings, values and choices (invariant element 4). Later studies have added little to an understanding of reasons for Aboriginal disadvantage, continuing to focus on similar explanations, that is low skill, lack of education and locational disadvantage. Thus the reasons given for Indigenous employment disadvantage focus on explanations consistent with the invariant elements identified in this research, and imply that Indigenous employment disadvantage is largely a result of Indigenous deficit. This continues even though such a conclusion is not supported by the available evidence and no focused research has been conducted to test its validity.

The invariant elements’ impact is also apparent at a practical level, from the types of occupations that Indigenous Australians were found to occupy, largely limited in the early studies to unskilled, casual and seasonal work (Bell 1956; Calley 1956; Barwick 1962; Beasley 1970; Doobov 1972; Rogers 1973). The 1975 Henderson Poverty inquiry studies, too, found that Aborigines in the towns and cities surveyed were largely confined to unskilled jobs. This reflects the belief in the inferiority (invariant element 1) and the laziness, incapacity and irresponsibility of Indigenous workers (invariant element 2). Similar occupational concentration was being described into the twenty-first century. It is from this data in particular that the conclusion is drawn that Aborigines lack the requisite skills to occupy a higher proportion of skilled positions in the workforce. The alternative
explanation, that only low skilled jobs are generally available to Aborigines, is avoided, even when prejudice of employers is acknowledged as a possible reason for Aboriginal employment disadvantage. The failure to delve into the reasons for occupational concentration indicates that the invariant elements relating to Aboriginal inferiority and laziness, incapacity and irresponsibility continue to impact not only on explanations of Indigenous employment disadvantage but on the direction and nature of further research.

This implicit acceptance of Indigenous disadvantage becomes understandable when viewed in the light of the invariant elements. It then appears to be an indication of the continuing power of long-standing beliefs to limit the ways in which the issue of Indigenous employment disadvantage is conceptualised. As long as the identified invariant elements distort white perceptions of the problem, Aboriginal people will be seen as the cause of their own disadvantage. The solution will continue to be sought, by whites with at best limited consultation with Aborigines, in their ‘improvement’, whether that aim be expressed as ‘assimilation’ or ‘integration’ or, in the Federal Government’s current preferred language, ‘shared responsibility’.

**Future Research**

This thesis has shown that explanations of Indigenous disadvantage and explorations of its nature and extent conducted since the 1950s have been influenced by the invariant elements identified above. One crucial aspect of this is that Aboriginal people have been only marginally involved in this research, its design and conduct and in problem definition. This indicates the importance of Aboriginal understanding of the issues which affect them, and the imperative of avoiding white domination of the research effort which could be seen as an illustration of the continuing dominance of the third and fourth invariant elements. Therefore the most crucial recommendation in relation to future research that can be made here is that Indigenous people be given the time, respect and support to redefine the problem and find relevant solutions to it.

The second important matter to raise here is that, unless Indigenous disadvantage is understood to be a result of white actions not an outcome of Aboriginal inferiority, laziness, incapacity or irresponsibility, whatever actions are taken to redress this disadvantage are not likely to be any more successful than those tried to date. A case in point is the CDEP scheme which, as pointed out in Chapter 2, provides inadequate skill development and career opportunities on reduced pay and conditions for Aboriginal people. It has had no appreciable positive impact on overall Aboriginal employment status. Nevertheless CDEP remains the main job creation scheme for Indigenous Australians.
A crucial issue here, and one deserving focused research based on the findings of this thesis, is that employment in the CDEP scheme reflects a continuation of the influence of the invariant elements. It is based on the welfare system, not on the industrial relations system applying generally to employment in Australia, thus reflecting the second invariant element (laziness, incapacity and irresponsibility). As has been highlighted above, a manifestation of this invariant element at least until the 1960s was exclusion of many Aboriginal people from the operation of the industrial relations system and payment far below that regulated for other Australians. It should also be noted that ‘work for the dole’ schemes by their very nature provide experience only in the most menial of jobs. They are not designed to develop skills for employment in any but the lowest level of jobs. This is consistent with views that Aborigines are only suited to unskilled positions, implying a belief in their inferiority and lack of capacity. The move away from CDEP’s original broader aims of reducing welfare dependency and community development shows a lack of understanding of or ongoing commitment to the motives for CDEP’s original introduction, and a lack of respect for its community development aims. These are aspects of the first and fourth invariant elements, demonstrating further their continuing influence on government policy.

This also raises the most crucial finding in this thesis: the continuing lack of respect for Aboriginal culture, people, perspectives and skills. This manifests in beliefs in Aboriginal inferiority which then becomes a reason for confining Aboriginal people to low skill, low paid jobs on reduced pay and conditions. It also manifests in the exclusion of Aborigines from defining the nature of problems faced by Aboriginal communities, as in the equal pay case of 1965, or in ignoring their views, goals and motives when an idea initiated by Aboriginal people is undermined or expropriated by the white system, as in the Coranderrk case. The CDEP example appears to indicate that the invariant elements identified in this thesis have a continuing impact on government policy designed to address Indigenous disadvantage, a matter needing future research.

Most importantly, it needs to be recognised that Aboriginal people did not create the situation, nor are they responsible for its continuation over an extended period. The task for researchers, then, is to identify what in white actions, policy, thinking and prejudice has stood and stands in the way of Aboriginal people achieving equity with other Australians on their own terms. Research similar to that conducted here could be conducted over a wide variety of topics including health, education and Aboriginal treatment by the legal system. Not only would such research help to break down the old ways of thinking which
have prevented Aboriginal people from defining and resolving issues affecting them, it could provide information which could be used by Aboriginal Australians in the task of redefining and re-examining the issues that affect their economic and social participation.
Appendix 1: Attitudes to Aborigines 1788-1850

All the following citations are taken from readily available compendiums of primary source material. Full references are included at the end of this appendix. The citations are organised under five headings which correspond to sub-sections in the discussion of the national reguloscape in Chapter 6:

1. Judgments about Aborigines
2. Aboriginal Capacity: Intelligence, Indolence
3. Civilizing
4. Christianizing
5. ‘Doomed/Dying Race’ Theory

1. Judgments about Aborigines

1a. William Dampier, 1688: The inhabitants of this colony are the miserablest People in the World… and setting aside their human shape they differ but little from Brutes… They are… of a very unpleasing Aspect, having no one graceful Feature in their Faces. Their Hair is black, short and curl'd… The Colour of their Skins… is Coal-black… They have no sort of Cloaths… to cover their nakedness. They have no Houses, but lie in the open Air without any covering… (cited in Reynolds 1989, pp97-98)

1b. James Cook, 1770: From what I have seen of the Natives of New Holland they may appear to some to be the most wretched People upon Earth but in reality they are far more happier than we Europeans, being wholly unacquainted .. with the superfluous... They live in a Tranquility which is not disturbed by the inequality of condition...; in short, they seemed to set no value upon anything of their own not any one Article we could offer the. This in my opinion Argues, that they think themselves provided with all necessarys of Life and that they have no Superfluities. (cited in Reynolds 1989, p98)

1c. Watkin Tench, 1789: … they certainly rank very low, even in the scale of savages. They may perhaps dispute the right of precendecy with the Hottentot, or the shivering tribes who inhabit the shores of Magellan… Though suffering from the vicissitudes of their climate, – strangers to cloathing: tho’ feeling the sharpness of hunger, and knowing the precariousness of supply from that element on whose stores they principally depend, ignorant of cultivating the earth, – a less enlightened state we shall exclaim can hardly exist... (cited in Reynolds 1989, pp101-02)

1d. French zoologist Peron, 1802: Almost a stranger still to all principles of social organization, without arts, without laws, without chiefs properly speaking, without clothing, without culture, without fixed habitation, he presents himself to us with that valuable combination of characters which constitute Natural Man… It is among these people.. that we are able to rediscover those precious rights which we have lost following the upheavals among peoples and the progress of civilization. (cited in Reynolds 1989, p99)

1e. J Turnbull, 1813: In a word, they compose altogether the most loathsome and disgusting tribe on the surface of the globe. (cited in Reynolds, 1989, p101)

1f. Reverend William Walker to Reverend William Watson, Wesley Missionary Society, 1821: Judge ... what my feelings must be, to behold nakedness,
drunkenness, and to hear the most horrid imprecations, in the midst of the flock. (cited in Woolmington 1973, p59)

1g. Journal of Reverend John Harper, c1822: … they are degraded as to Divine things, almost on a level with the brutes… They are in a state of moral unfitness for heaven… (cited in Woolmington 1973, p18)

1h. ‘Fidelus’, Letter to the Editor, Sydney Gazette, 1824: No race were ever so distinguished for ignorance and heathenish barbarity, or that merited less interest. (cited in Woolmington 1973, p75)

1i. ‘Fidelus’, Letter to the Editor, Sydney Gazette, 1824: I unhesitatingly affirm, that to reason with those [Aborigines] would be attended with as much success, as would the application of eloquence to subdue or command any kind of undomesticated cattle; and that, in my humble opinion, they should meet the same fate… until by a true sense of our superiority they would discontinue their murder and rapacity… (cited in Reynolds 1989, p53)

1j. Tyerman and Bennett, 1821-29: …surely there never trod on the face of this earth more abject creatures. Both men and women were in a state of absolute and shameless nudity, and several of them were stupidly intoxicated. (cited in Woolmington 1973, p16)

1k. Archdeacon Broughton’s Charge to the Clergy, Sydney Gazette, 1830: these hapless human beings continue to this day in their original benighted and degraded state. I may even proceed farther: so far as to express my fears that our settlement in their country has even deteriorated a condition of existence, than which, before our interference, nothing more miserable could easily be conceived. (cited in Woolmington 1973, p76)

1l. Backhouse and Walker's observations at Flinders Island, 1832 (1): The opportunities we have had of coming at an estimate of the aboriginal character have strongly impressed us with the opinion that they are not a treacherous and ferocious nor vindictive people… Amongst other traits, we remarked less indisposition to personal exertion than is usually attributed to savages. The willingness and promptitude with which they perform little services for those whom they consider their friends, as in bringing wood and water for daily use, show that they are not of a sluggish disposition when there is sufficient inducement to labour… They are more easily led than driven; for, though they are very tractable and accessible to kindness, it is easy to perceive that they consider themselves a free people… There is nothing that is servile or abject in their character when they are not under the influence of fear. We are perpetually reminded that in their taste for amusement, and in some respects in their capacities, they are children, though more tractable than the generality of children… (cited in Stone 1974, pp38-39)

1m. Backhouse and Walker’s observations at Flinders Island, 1832(2): The tractability of the captive blacks at the settlement was remarkable. They acted like good-natured children, and were as imitative as monkeys. (cited in Stone 1974, p39)

1n. Louisa Mary Clark to Mrs Gunther, 1837: … they laugh at religion, they are I think the most revolting race... (cited in Woolmington 1973, p96)
1o. Reverend C Eipper, 1841: Whether the physical or the moral condition of these children of the forest is considered, the picture they present is one of gross darkness and misery. Their God is their belly; their will, or rather their passions, are their law, as long as they are able through violence and cruelty to maintain their point, and the testimony of the Scripture, that 'the dark places of the earth, are full of the habitations of cruelty' finds in their case an awful verification. (cited in Reynolds 1989, p113)

1p. James Gunther, Wellington Valley Mission Annual Report, 1842: Their thoughtlessness, a spirit of independence, ingratitude, and want of sincere straightforward dealing, often try us in the extreme. (cited in Reynolds 1989, p175)

1q. Father Raymond Vaccari to Archbishop Polding, 1843: Aborigines have naturally strong passions and depraved inclinations... Among these evil dispositions of the Aborigines I may mention an extreme sloth and laziness in everything, a habit of fickleness and double dealing, and uncontrollable vindictiveness, so much so that they will stop at nothing in the pursuit of revenge. They are deceitful and cunning and prone to lying. They are given to extreme gluttony and if possible will sleep both day and night. (cited in Woolmington 1973, p102)

1r. James Dredge, Assistant-Protector of Aborigines, 1845: They seem indeed .. far removed from original righteousness, .. entirely lost to all moral and spiritual perception… (cited in Woolmington 1973, p19)

2. Aboriginal Capacity

Intelligence
2a. Watkin Tench, 1789: To offer my own opinion on the subject, I do not hesitate to declare, that the natives of New South Wales possess a considerable portion of that acumen, or sharpness of intellect, which bespeaks genius. (cited in Reynolds 1989, pp101-02)

2b. J Turnbull, 1813: To me, indeed, they appeared altogether the most stupid and insensible race of men I have ever seen. (cited in Reynolds, 1989, p101)

2c. Rev Cartwright to Governor Macquarie 1819: Buried as is the intellect of these savages in Augean filth, we may as yet find gems of the first magnitude and brilliance. (cited in Woolmington 1973, p17)

2d. Reverend James Handt, 1831: ..they are capable of learning to perform any European business and of improving their intellects. (cited in Woolmington 1973, p70)

2e. Journal of Reverend William Watson, 1832: The Aboriginal Natives are indeed capable of attaining to the knowledge of any thing in which they may be instructed. (cited in Woolmington 1973, p97)

2f. Backhouse and Walker's observations at Flinders Island, 1832: ... in many things that occur within the range of their knowledge and acquirements, they show a quickness of perception and powers of reflection that prove them to be a race far from deficient in intellect and highly susceptible of improvement. (cited in Stone 1974, p39)
2g. J D Lang, evidence to the Select Committee on Aborigines, 1834: They are neither devoid of intelligence nor destitute of capacity... They have a superstitious dread of superior intelligences, but they have nothing that can be properly styled religious worship. (cited in Woolmington 1973, p18)

2h. James Gunther, missionary, undated lecture [1836 or later]: Their intellectual faculties are by no means so inferior as is generally supposed; their mind is quite capable of culture... You can draw out their minds so as to reflect and reason. (cited in Woolmington 1973, p17)

2i. Journal of James Gunther, missionary, 1837: In catechising the Children today I was much pleased and surprised at the progress they have made, not only in reading and English, but also in Scriptural knowledge. Some of them would put many European children to shame. However degraded they may be, they afford at least a decisive proof, that they are quite as capable of cultivation of the mind as other nations. (cited in Woolmington 1973, p96)

2j. Reverend L Threlkeld, 1838: The fashionable philosophy of the day, speculating on the intellectual powers of the Aborigines, as manifested in Bumps of the Brain, is a splendid specious fallacy... This miserable attempt to deduce from such a science, falsely so called, that these Black human beings 'have an innate deficiency of intellect rendering them incapable of instruction', would arrive at the natural conclusion that it would be useless to attempt it, and consequently the Blacks being but a part and parcel of the brute creation, being deficient of intellect, there can be no responsibility attached to their destruction... (cited in Reynolds 1989, p111)

2k. Reverend R W Newland, 1840: The Natives here are a shamefully calumniated Race – I am utterly astonished how any person however prejudiced can propagate the doctrine that either in intellect or form they are a connecting link between the Baboon and the Human Race – I will boldly affirm any where any time that finer formed men and more brilliant intellects are not to be found than some among the Natives around us – Some there are of an opposite class and so there are in England and elsewhere. (cited in Reynolds 1989, pp113-14)

2l. M Moorhouse, [SA] Protector of Aborigines, 1841: That they are able to acquire dexterity enough for the ordinary purposes of farming and building is now proved beyond a doubt... Their powers of acquiring are not so limited as those of the New Hollander have generally been represented; but these powers are united so intimately with unconquerable indolence that the ingenuity they possess cannot be satisfactorily brought into operation; hence the received opinion – utter incapacity. (cited in Reynolds 1989, p129)

2m. GA Robinson to Superintendent of Port Phillip, 1841: The Aborigines are capable of being instructed, and... from my personal intercourse with the tribes, I have found them in general intelligent, possessing intellect and capacity of no ordinary description, and in this respect, fully equal to a large majority of the peasantry of civilized communities. (cited in Woolmington 1973, pp112-13)

2n. 'Aneas' in the Colonial Literary Journal, 1844: The Aboriginal cranium appears to be large, although in reality the brain is not so. The uncommon thickness of the skull... accounts for this... Proverbial expressions have had their origin in common sense, and the epithets thick-head and block-head, have been bestowed with a considerable degree of point and shrewdness.
The great proponderancy [sic] of brain in the New Hollander, as in all savage nations, lies in the posterior parts of the head – the seat of the passions, and inferior sentiments; the moral and intellectual portions, with few exceptions, are very deficient. (cited in Reynolds 1989, p108)

2o. James Dredge, Assistant-Protector of Aborigines, 1845: In almost every reference to the moral condition of the Aborigines of Australia which has obtained publicity, they are represented as a race of beings either entirely destitute of rational mind, and thus ranging only at the head of the order of inferior animals; or if allowed to be men at all, are described as possessing such diminished mental capabilities, and exhibit such a humiliating specimen of the degradation of which human nature is susceptible, as to indicate their position at the very lowest point in the scale of rationality. (cited in Reynolds 1989, p114)

2p. Moreton Bay Courier, 1851: The smallness of the Aboriginal brain is the cause of his miserable manifestations of mind. I have examined the skulls of many ‘blackfellows’ in different parts of the colony, and invariably found that these were about double the thickness of a white fellow. Consequently, even if the external measurement of such a skull was equal to that of a European, the measure of brain or thinking power would be much superior [in the European]. (cited in Reynolds 1989, p110)

Indolence

2q. Watkin Tench, 1789: … that greater progress in attaching them to us has not been made… I [attribute] to the fickle, jealous, wavering disposition of the people we have to deal with, who, like all other savages, are either too indolent, too indifferent, or too fearful to form an attachment on easy terms with those who differ in habits and manners so widely from themselves. (cited in Woolmington 1973, p14)

2r. Watkin Tench, 1789: All savages hate toil, and place happiness in inaction: and neither the arts of civilized life can be practiced, or the advantages of it felt, without application and labour. Hence they resist knowledge, and the adoption of manners and customs, differing from their own… (cited in Reynolds 1989, pp101-02)

2s. Governor Macquarie to Lord Bathurst, 1814: Those Natives, Who resort to the Cultivated Districts of this Settlement, [are] prone like other Savages to great Indolence and Indifference as to their future Means of Subsistence’ (cited in Reynolds 1989, pp104-05)


2v. Governor Darling to Lord Bathurst, 1826: …it seems impossible for them to abandon their Vagrant habits, or to enter into any pursuit with an appearance of Industry. (cited in Woolmington 1973, p69)
2w. Peter Cunningham, 1828: Civilization depends more upon the circumstances under which man is placed than upon any innate impulse of his own, the natural inclinations of man tending toward the savage state, or that in which food is procured with the least possible effort… The mode of their government, however, is I think by far the most insuperable bar to their civilization… The first symptom of advancement in a savage body is the establishment of chiefs, either elected or hereditary, to whom all pay submission… (cited in Reynolds 1989, pp106-07)

2x. Governor Hutt (WA) to Lord Stanley, 1842: They cannot be persuaded to give up their roaming propensities, and to associate together in a self supporting community, they dislike regular habits, and, above all, they are averse to continued toil and industry – and the question of civilization or non-civilization can only be satisfactorily relied to by discovering some method of overcoming this repugnance to regular work. (cited in Reynolds 1989, p128)

3. Civilizing

3a. Captain Watkin Tench, 1789: …the progress of reason, and the splendour of revelation, will in their proper and allotted season, be permitted to illumine, and transfuse into these desert regions, knowledge, virtue and happiness. (cited in Woolmington 1973, p74)

3b. ‘A Friend to Civilisation’, Letter to the Editor, Sydney Gazette, August 1810: I have urged the necessity of adopting as many of the native children as we can procure, and making them members of our own families… They must be kindly treated, clothed, lodged, and supported in a comfortable manner… they must be educated, and instructed in light professions, or in any to which their inclinations lead; – they must be taught to honour their parents, to esteem their relatives, and by counsel and example contribute as much as possible to the general work of civilisation. (cited in Woolmington 1973, p58)

3c. Unknown correspondent, Letter to the Editor, Sydney Gazette, September 1810: The children of the Natives ought not be allowed a mixed intercourse with our own, but kept as a separate flock reserved for a particular purpose; because if they be as carelessly attended to in their moral progress as our own children too commonly are, they will in all probability exchange ignorance for vice, one to be pitied, the other to be detested. (cited in Woolmington 1973, p59)

3d. J Turnbull, 1813: The residence of the Europeans has been wholly ineffectual, the natives are still in the same state as at our first settlement. Every day are men and women to be seen… naked as the moment of their birth. In vain have the more humane of the officers of the colony endeavoured to improve their condition, but still they persist in the enjoyment of their ease and liberty in their own way, and turn a deaf ear to any advice on the subject… (cited in Reynolds 1989, p101)

3e. William Shelley to Governor Macquarie, 1814: Notwithstanding the prejudices that many have against the probability of success in Civilizing the Natives of New South Wales, yet, if we consider that human nature is the same in every Clime, allowing for the difference of manners and Customs and variety of Circumstances in which they are placed, I think this opinion supported neither by theory or experience… [Aboriginal] men have… lived in civilized society during a long space, and… relapsed into their former habits and Society; but it must be acknowledged that they learned no means of supporting themselves in their improved habits… they learned neither mechanical arts, nor manual labour, so as
to make them pleasant or useful to them; long Contracted habits recurred with
greater force on this account. Where is the human being, who would be pleased
to live at a Gentleman’s table, and wear his Clothes, without having any prospect
in view but food and Clothes, while he remained useless and despised in the
Society in which he lived? (cited in Reynolds 1989, pp146-47)

3f. Governor Macquarie’s proclamation to Aboriginals, 1816: That the Practice… of
assembling in large Bodies or Parties armed… shall henceforth be wholly
abolished, as a barbarous Custom repugnant to the British Laws, and strongly
militating against the Civilization of the Natives, which is an Object of the highest
Importance to effect, if possible. (cited in Stone 1974, p34)

3g. Governor Macquarie’s proclamation to Aboriginals, 1816: … the Governor will
feel happy to Reward such of them as have given Proofs of Industry and an
Inclination to be civilized. (cited in Stone 1974, p36)

3h. Reverend S Leigh to Dr A Clarke, 1817: There does not appear to be the least
encouragement to attempt a Civilization of them… They… will attend to nothing
without reward and as soon as it be given they cease to act. (cited in
Woolmington 1973, p19)

3i. Reverend William Walker to Reverend William Watson, Wesley Missionary
Society, 1821: … a great length of time must elapse before any extensive good
will be effected… through [the children] the saving plan of redemption [must] be
disseminated to the utmost bounds of their scattered, uncivilized, unsocial and
cannibal tribes. (cited in Woolmington 1973, p20)

3j. ‘Fidelus’, Letter to the Editor, Sydney Gazette, 1824: I never denied the fact of
the Aborigines being our fellow creatures, but I feel sensibly, that human nature
should appear in so deteriorated a state, incapable of any reformation. All
attempts have hitherto proven unsatisfactory… (cited in Woolmington 1973, p75)

3k. Reverend Lancelot Threlkeld, 1825: Give nothing to any individual but in return
for some labour for the common good. (cited in Woolmington 1973, p88)

3l. Editorial, Sydney Gazette, 1825: The continued degradation of these tribes, that
live within the precincts of the Colony, not withstanding the many years that they
have witnessed the refinements and advantages of civilization, shew that they will
never spontaneously abandon their barbarous habits and apply themselves to
useful industry, and that this change in their character cannot be effected without
bringing them under the controll of direct persevering instruction and discipline.
(cited in Woolmington 1973, p87)

3m. Governor Darling to Lord Bathurst, 1826: In short, their habits are those of
Mankind in a Savage State; and it is impossible to say, however anxious we may
be, that their advancement to Civilization is obvious or satisfactory. (cited in
Woolmington 1973, p69)

3n. Peter Cunningham, 1828: A degree of force we find to be absolutely necessary
to urge man towards civilisation, in his primitive debased state, and cause him to
break up those habits he had acquired. It is only when the mind is more
enlightened, and reason supersedes animal instinct, that Civilization will steadily
advance among the community by the exertions of individual members. (cited in
Woolmington 1973, p20)

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3o. Reverend Lancelot Threlkeld, 1828: The natives were now employed in falling trees and burning off, so as to clear a portion of land for the cultivation of Indian corn and wheat; we supplying them for their labour with food and slops, tobacco and fish-hooks. They worked well whilst under the direction of a free man and his two sons, each one taking a certain number of Aborigines as his gang of workmen. (cited in Woolmington 1973, p88)

3p. Editorial re Archdeacon Broughton’s Charge to the Clergy, Sydney Gazette, 1830: If the New Hollanders are men – and who would be hardy enough to deny their claim to our common nature? – then does it follow as a clear consequence, that they are as much injured by the want of civilization, and would be as extensively benefited by its bestowment, as any other part of the family of man… Barbarism is not and never was a state of happiness: … it is…a condition, in short, which no civilized man can contemplate without an exalted sense of his own superiority in all the properties of a rational and a happy existence (cited in Woolmington 1973, pp78-79)

3q. Under-Secretary of State to Secretary to the Church Missionary Society, 1830: … the conversion of the Aborigines of New Holland to christianity, and the introduction of Civilization among them, is regarded by His Majesty’s Government as an object of so much importance that there is no probability that any undertaking which held out a fair prospect of success would be permitted to languish for the want of additional pecuniary aid. (cited in Woolmington 1973, p8)

3r. Backhouse and Walker’s observations at Flinders Island, 1832: Some of the women learned to make bread, to wash clothes, and to sew, and to use soap and water daily. (cited in Stone 1974, p39)

3s. Louisa Mary Clark to Mrs Gunther, 1837: … as far as human appearances go to attempt to civilize them appears a most unpromising task. (cited in Woolmington 1973, p96)

3t. Lieutenant R Sadler to [NSW] Committee on the Aborigines Question, 1838: … when sent to a distance, they can be made to work; and from their great apprehension of strange tribes, their erratic habits can be restrained. (cited in Woolmington 1973, p80)

3u. Reverend Dandeson Coates to Lord Glenelg 1838: … a more eligible system than the present one could not hitherto be adopted for bringing [Aboriginal women] into a close and more intimate connexion with the female members of the Mission, by whose constant care and instruction, under the Divine Blessing, there is no doubt they would become faithful wives, tender mothers, and useful members of society. (cited in Woolmington 1973, p65)

3v. Instructions to the Protector of Aborigines, Western Australia, 1840:
5. Your endeavours will be directed particularly to their advancement in the arts, and even the acquirement of the wants of civilization; and, however slight the first steps taken may be, it is of importance that they should be urged, and even compelled to these, rather than that any, the smallest prospect of success in the improvement of their condition should be allowed to escape…
8. Perseverance in any industrious pursuit is hardly yet understood among them, but you may encourage them to perform occasional service for hire and reward; and you will discourage, as far as you can, the exercise of gratuitous charity. A savage is always a beggar, and neither he, nor any other man, will work if bread can be procured by mere asking and importunity.
10. You will remember that it is the duty as well as the interest of the Government, acting for the public, to treat these people with kindness and conciliation… You will have it in your power to confer presents of clothes, provisions or other useful articles on deserving individuals, and where you think that confidence may be thereby promoted among them, you are particularly desired to urge upon the Government the distribution among them of more ample and more substantial rewards.

11. Whenever education in any shape can be promoted among them, you will render every assistance on your part towards the advancement of this all-important branch of the general scheme of improvement. (cited in Reynolds 1989, pp187-68)

3w The Examiner, 1841: All efforts for civilizing the native, have been with the object of his becoming a portion of our labouring, civilized, population, and forming an integral part of it; and it has been this, that has caused all such attempts to end in failure… We could never succeed in incorporating the native with the mass of the labouring population, for there is always enough of that antipathy of races existing, to induce the settler to place the native, however deserving, in an inferior position to his white servants, and to give him the more menial offices to perform; but if the settler, being a friend of the aboriginal cause, were not disposed to make any distinction, but that of merit, the servants themselves would not perform those offices, whilst they could shift it on that of the blacks; therefore, if the native were to accept the terms of civilization that we offer him, everything would conduce to keep him in the lowest scale of society; he would be constantly subject to all sorts of oppression, and would make a bad exchange for his native independence. (cited in Reynolds 1989, pp145-46)

3x Lord Stanley to Governor Gipps, 1842: …it seems impossible any longer to deny that the efforts, which have hitherto been made for the civilization of the Aborigines, have been unavailing; that no real progress has yet been effected; and that there is no reasonable ground to expect from them greater success in future. (cited in Woolmington 1973, p103)

3y James Gunther, Wellington Valley Mission Annual Report, 1842: Even those few who may be considered as still attached to the Mission, …have, too frequently, during the year, made excursions into the bush, and when at home, they evince not much desire for instruction and improvement. They have, however, often been very usefully employed in the general work of our establishment, particularly at building and fencing. (cited in Reynolds 1989, pp174-75)

3z Sir George Grey, 1844: The officers of the ‘Beagle’ took away with them a native of the name of Miago, who remained absent with them for several months. I saw him on the North-west coast, on board the ‘Beagle’, apparently perfectly civilized; he waited at the gun-room mess, was temperate (never tasting spirits), attentive, cheerful, and remarkably clean in his person… Miago, when he was landed, had amongst the white people none who would truly be friends of his… he had no certain means of subsistence open to him… He had two courses left open to him – he could either have renounced all natural ties, and have led a hopeless, joyless life amongst the whites, – ever a servant, – ever an inferior being; or he could renounce civilization, and return to the friends of his childhood, and to the habits of his youth. He chose the latter course, and I think that I should have done the same. (cited in Reynolds 1989, p151)
3aa Regulations and Arrangements Relative to the Native Children who may be Provided with Situations in the Houses of Settlers and Who Attend the Wesleyan Mission School at Perth, 1844:

1. … Each boy and girl is expected to attend two hours daily (Saturdays excepted) from one to three in the winter and from two to four in the summer season.
2. After school, the children will return direct to their employers’ home; any charge of loitering on the road, if reported, will be investigated…
5. Should the children not suit their employers, or misconduct themselves, any complaint will be immediately looked into by the committee; and if after being threatened and repeatedly punished, they appear to be incorrigible, they may be sent back, and others, if disengaged, will be provided in their stead.
7. …Mr Armstrong [the teacher] naturally feels much interested in the welfare of these poor children; and by the assistance of the committee and their employers, will consider it his duty to do all in his power for the improvement of their condition.
10. Too much should not be expected from the children on first entering upon any situation, as several instances have occurred of parties having been on the point of dismissing children, who, upon further trial, and, with the exercise of some patience of the part of their employer, have proved themselves most useful.
11. The children are expected to wash themselves every morning.
15. … Considerable success has hitherto attended these efforts for ameliorating the condition of the children… The patience.. and good feeling of the masters and mistresses are earnestly requested, in bearing at first with the awkwardness and possible wayward habits of their little charges. (cited in Reynolds 1989, pp170-71)

3bb Governor Gipps to Lord Stanley, 1844: I have long entertained [the opinion], that, in the civilization of savages, Military Discipline, or something nearly approaching it, may advantageously be employed. (cited in Woolmington 1973, p122)

3cc Bishop Polding to the [British] Select Committee on the condition of the Aborigines 1845: They might be encouraged to have little gardens, and be gradually brought into habits of civilization… The natives would soon learn that it was better to tend their cattle, and to be able to kill an ox when they required it, than to hunt the kangaroo or emu… I have not the least doubt that the aborigines of this Colony might be brought into a high state of civilization. (cited in Woolmington 1973, p81)

3dd La Trobe to Colonial Secretary, 18 November 1848: [N]either entreaty nor example nor cajolery, not even internal conviction, drawn from actual experience, of the real kind intentions of the Government and the better class of Europeans towards them, and of the advantages of submission to a new system, will strip the savage of his natural propensities or make him a willing participant in the advantage held out to him. (cited in Christie 1979, p121)

3ee C J Griffith, evidence to the [NSW] Select Committee on the Aborigines and the Protectorate 1849: The main obstacle which has hitherto presented itself to all attempts at civilizing the Aborigines has been the difficulty of finding some inducement sufficiently powerful to excite them to continuous exertion. They do not court a life of labour – that of our shepherds and hut keepers – our splitters or bullock drivers – appears to them one of unmeaning toil, and they would by no means consent to exchange their free unhoused condition for the monotonous drudgery of such a dreary existence. If you wish them to labour, you must hold
out a brighter prospect and supply a stronger motive… The position of an European settler is too entirely beyond their power of attainment to excite their ambition, and that of the European labourer, too unsuitable to their tastes to be an object of desire. (cited in Reynolds 1989, pp130-31)

4. Christianizing

4a. ‘Philanthropus’, Letter to the Editor, Sydney Gazette, 1824: In the sight of the Creator, their souls I believe to be of infinite importance… If we therefore now hasten to their destruction, or neglect to promote their salvation, shall we be innocent, or without blame? (cited in Woolmington 1973, p75)

4b. Governor Darling’s Instructions, 1825: … It is Our further Will and Pleasure that you do, to the utmost of your power, promote Religion and Education among the Native Inhabitants of Our said Colony…; and that you take such measures as may appear to you with the advice of Our said Archdeacon to be necessary for their conversion to the Christian Faith and for their advancement in Civilization. (cited in Woolmington 1973, p3)

4c. Reverend Lancelot Threlkeld to Attorney-General Bannister, 1825: With respect to seeing my system… first learn the language, then preach the Gospel, then urge them from Gospel motives to be industrious, at the same time becoming a servant to them to win them to that which is right. (cited in Woolmington 1973, p88)

4d. Archdeacon Broughton’s Charge to the Clergy, Sydney Gazette, 1830: …Christian equity points out that as in the occupation of their soil we are partakers of their worldly things, so in justice they should be of our spiritual… we are solemnly engaged to impart to them the glorious beams of Gospel truth to guide their feet into the way of peace… It may be considered after all a very doubtful question whether the erratic habits and inconsiderate disposition of the native tribes are in reality more adverse to the reception of Christianity than those propensities which its earliest preachers had to encounter… (cited in Woolmington 1973, p77)

4e. Reverend William Watson, 1834: It would afford us peculiar satisfaction to be enabled to record even one instance of conversion to Christianity among this benighted race; but alas! … However, with all their moral degradation and apparent small degree of superiority to the brute creation, we believe that they are men, and, as such, are interested in the economy of salvation. Under such views, we feel it our duty to labour to instruct them in the great things of God. (cited in Woolmington 1973, pp79-80)

4f. Journal of James Gunther, missionary, 1837: I feel .. encouraged in spite of the despairing hope entertained by almost all Europeans in the colony as it regards the civilizing and evangelizing of the poor Aborigines of this country. (cited in Woolmington 1973, p96)

4g. William Porter, Agricultural Assistant at Wellington Valley Mission, 1838: We aim at setting up the Kingdom of Christ in the hearts of these poor brethren… our greatest object either is, or ought to be, to convert these poor heathen to the faith of Jesus Christ, and experience tells us that there is no Civilization without evangelization. (cited in Woolmington 1973, p68)
4h. Reverend W Cowper to [NSW] Committee on the Aborigines Question, 1838: [The British Government and the colony] ought not to be satisfied with any thing less than making them Christians, and elevating them to that scale in human society, for which they may be fitted by instruction and civilization, and to which Christianity will eventually lead them. (cited in Woolmington 1973, p80)

4i. Colonial Office to Governor of NSW, 1839: … the Government should [not] forget that… we have never yet performed the sacred duty of making any systematic or considerable attempt to impart to the former occupiers of NSW the blessings of Christianity, or the knowledge of the Arts and advantages of a civilised life. (cited in Woolmington 1973, p11)

4j. J Dredge, Brief Notes on the Aborigines of New South Wales, 1845: No sooner does the Gospel begin to operate on the mind of the heathen than it leads to the first step in civilisation… the necessity of a decent covering, thus clothing is introduced. It next induces a settled course of life, and tends to produce industry. The people desirous to hear the Gospel preached, find it necessary to renounce their wandering habits, and have a settled abode, in order that they may enjoy the regular ordinances of religion. (cited in Christie 1979, p130)

4k. J J La Trobe, government superintendent at Port Phillip, 1848: The Wesleyan Mission has failed. After labouring for ten years to inculcate the truth and lessons of Christianity upon the tribes within their reach, and to induce application to the arts of civilization, … it is admitted that not a single individual has been either Christianized or civilized, and the Mission is now on the point of final abandonment...

The primary object of our exertions, and of all our schemes with regard to the Aboriginal Natives of the country, which under God’s providence has become the theatre of European civilization, is, taking the higher view of the duties of a Christian people, to Christianize them. It is certainly true, that the history of the Heathen furnishes distinguished examples, of Christianization, through the simple preaching of the Gospel, and not following, the gradual adoption of those changes in the moral and physical character and habits, in which civilization consists; but it is to be stated, I believe without fear of contradiction, that such example has never been afforded in an individual. (cited in Reynolds 1989, pp193)

5. ‘Doomed/Dying Race’ Theory

5a. Reverend William Walker to Reverend William Watson in London, 1821: These poor creatures are dying from cold and nakedness, and famine… “If something is not done” says His Excellency [Governor Brisbane] “for these poor, distressed creatures, they will become extinct: the race of them will perish from absolute want!” (cited in Woolmington 1973, p86)

5b. Unknown correspondent, Sydney Herald, 26 December 1836: … it is in the order of nature that, as Civilization advances, savage nations must be exterminated. (cited in Woolmington 1973, p54)

5c. Lieutenant R Sadler to [NSW] Committee on the Aborigines Question, 1838: Those within the pale of white population must within a very few years, be utterly destroyed, if the most prompt measures be not taken – so much so, that I conceive there is scarce an alternative between coercion and destruction. (cited in Woolmington 1973, p80)
5d. **Reverend W Cowper to [NSW] Committee on the Aborigines Question, 1838:** It is certainly the duty of the British Government and of the colony to do all in their power to preserve this unhappy race from extirpation, and not leave them in a worse condition than that in which they previously existed. (cited in Woolmington 1973, p80)

5e. **Bishop Polding to the [British] Select Committee on the condition of the Aborigines, 1845:** I have heard it maintained by others, that it was in the course of Providence, that the blacks should disappear before the whites, and the sooner the process was carried out the better, for all parties. I fear such opinions prevail to a great extent. (cited in Woolmington 1973, p63)

5f. **Superintendent of Port Phillip to the [NSW] Select Committee on the Aborigines and Protectorate, 1849:** In the case of the Australian Aborigines, it is difficult to conceive that any other result than a gradual extinction of the race could be the ultimate consequence of their peculiar habits and mode of life. But, the fact, that the presence and example of civilization, and introduction of the habits, and vices — more than all, of the European, has connected what may have been a gradual decline, into a rapid fall, cannot be doubted.’ (cited in Woolmington 1973, p62)

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