A. O. Neville, the 'Destiny of the Race', and race thinking in the 1930s.

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This thesis is presented for the degree of Doctor of Philosophy of Murdoch University

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I declare that this is my own account of my research and contains as its main content work which has not previously been submitted for a degree at any tertiary education institution.

[Signature]

Alan Charlton
Abstract

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The notion of ‘race’ was central to the thinking about and administration of Aboriginal affairs in the 1930s, but its meaning was fluid. In many respects Auber Octavius Neville, senior bureaucrat in Western Australia from 1915-1940 and a national figure in Aboriginal affairs during that period, was emblematic of the race thinking of the period. This study looks at the Western Australian Moseley Royal Commission of 1934, the Western Australian Parliamentary debates and legislation of 1929 and 1936, the Canberra Conference of Commonwealth and State Aboriginal Authorities in 1937, and Neville’s 1947 book, Australia’s Coloured Minority – for their exemplification of race thinking. Basic incompatibilities and inconsistencies, as evidenced in Neville’s thinking and action across his career, were common in the period. Neville’s central administrative desire was to force biological absorption to its ultimate conclusion – the ‘Destiny’ of Aborigines of the part descent was to be absorbed biologically into the white community. He used scientific support to ‘prove’ the ‘safety’ of this strategy. The central premise of Neville’s race thinking, however, was that some form of racial essentialism would always negatively impact upon the ‘absorption’ of Aborigines into white Australia. Other major figures differed with Neville over the suitability of absorption, notably Queensland Chief Protector, J. W. Bleakley, but still believed in some essential ‘Aboriginal-ness’. The thesis also traces Neville’s attempts to dominate Aboriginal affairs both in the construction of the ‘problem’ and in proclaiming solutions. Neville was absolutely certain that his solution was the only way forward. This certainty, when added to the inconsistent notions of race that informed his conceptualisation of the ‘problem’, produced policies and practices of insurmountable internal contradictions that have profoundly affected generations of Aborigines.
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Finally, I must thank Rosy. Without her I would not have started the journey that has led to this document. Without her forbearance and love I would not have come this far.

Sections of this thesis have appeared in other places, and I would like to thank the conference attendees and anonymous readers for their advice and challenges:

Material from Chapter 2 appears as ‘Racial Essentialism: a mercurial concept at the 1937 Canberra Conference of Commonwealth and State Aboriginal Authorities’ in the Journal of Australian Studies, forthcoming;

Sections of Chapter 3 were presented to the Australian Historical Association Regional Conference in Kalgoorlie in September, 2001, in the paper, ‘A. O. Neville and Mary Bennett: same ideas, different beliefs?’;

## Abbreviations

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<tr>
<th>Abbreviation</th>
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<tr>
<td>ALP</td>
<td>Australian Labour Party</td>
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<tr>
<td>CP</td>
<td>Country Party</td>
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<td>Ind</td>
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<td>Lib</td>
<td>Liberal Party</td>
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<td>MLC</td>
<td>Member of the Legislative Council</td>
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<td>NAA</td>
<td>National Archives of Australia</td>
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<td>Nat</td>
<td>National Party</td>
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<td>SRO</td>
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Introduction

One of the most important and contested aspects of European/Aboriginal history in recent times has been the 'Stolen Generations'. The historical policies and practices that eventually led to the Human Rights and Equal Opportunity Commission Report, *Bringing them home*,¹ and the ensuing debates, have become a central part of describing and understanding what it is to be 'Australian'. The assimilationist policies of the post-World War II period have been described variously as being in the best interests of Aborigines, well-intentioned but misguided, and genocidal.²

Most historical studies dealing with Aboriginal affairs have until recently dealt with the implementation and effects of assimilationist policies. This is understandable, given the centrality of assimilation as policy and lived experience for so many Aborigines. It is also important, however, that we investigate the social, intellectual, and governmental bases upon which assimilation was built, in an effort to understand the historical realities surrounding the creation and implementation of those policies. That is the main aim of this study: to investigate and explain policy decisions made in Aboriginal affairs in the years preceding World War II in terms of their thinking about race. This will provide a better foundation upon which to
reconsider the history of assimilation. A concurrent aim is to trace the effects of the ideas behind those policies in the work of one major administrator of the period – A. O. Neville, Chief Protector of Aborigines in Western Australia 1915-1940. Neville was a vital and compelling figure in Aboriginal affairs in Australia in the inter-war years. Through his writings and administrative and political efforts we can see observe one determined individual’s ability to influence policy and practice in Aboriginal affairs at a national as well as a state level.

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The idea of race has played a central role in the history of the Australian nation. Beyond the White Australia Policy embodied in the Immigration Restriction Act of 1901, which controlled the entry into Australia of people considered to be from different races, the treatment of Indigenous Australians has also been based on understandings of race. From the very beginnings of white settlement (and even before), the notion of racial difference has informed European interactions with Aborigines.

The bases of European understandings of Aborigines in the broader ideological realm changed across time, and perceptions of Aborigines qua Aborigines also changed. However, the changes were neither smooth nor necessarily complete. If we were to describe this movement as an evolutionary process, we could not ascribe to it any teleological certainty, any single progressive direction. At one time
or another, even at the same time, Aborigines have been viewed as ‘the miserablest
people in the world’, 3 ‘far more happier than we’, 4 ‘children of nature’5 who could
become ‘useful citizens’, 6 ‘good for nothing and nobody’, 7 having reached ‘a zero
hour’, 8 yet posing ‘a colossal menace to the State’. 9 The first two descriptions
famously come from William Dampier and James Cook. The others, however,
come from Western Australians in positions of power in the 1930s.

The notion of ‘race’ as a distinct and meaningful concept has a long, if problematic,
history. As Nancy Stepan reminds us, the period from the beginning of the
nineteenth to the last third of the twentieth century was ‘one in which people were
preoccupied with race’. 10 In the first third of the twentieth century, states Dianne
Paul, ‘it was widely assumed that mental, temperamental and moral traits were
determined by heredity’. 11 Warwick Anderson has written that until the 1930s, ‘few
biomedical scientists in Australia, or elsewhere, [were] doubtful that they would
eventually resolve manifold human differences into a few physical and mental
types, called races’. 12 Indeed, ‘race’ is still a problematic concept. In February 2000
the editors of the journal Nature Genetics stated that ‘Throughout history scientists
have used social and politically determined categories to make scientific
comparisons between races – with little or no discussion about the meaning or
rationale’, 13 adding that henceforth they would require ‘that authors explain why
they make use of particular ethnic groups or populations, and how classification
was achieved.’ 14 Arguably, there has only been one popular text in recent times that
has attempted to explain the differing circumstances of different peoples across the
globe without recourse to the idea of ‘race’: Jared Diamond’s phenomenally successful *Guns, Germs and Steel*, which subscribes to environmental determinism as the ultimate cause of those differences. Given that race continues to pose problems in present scientific discourse, we will not be surprised to find the concept the common currency of bureaucrats, politicians and the general public in the years before World War II. One relevant difference, perhaps, is that the modern scientific community is alive to the dilemmas posed by the notion of racial categorisation. As we shall see, the generally uncritical nature of racial thinking and conceptualisation in the inter-war period did little to retard the effects of such thinking, but likely promoted them.

Since R. M. Crawford introduced Aborigines into Australian historiography in 1952, the field has increased remarkably in size and complexity. Still, it was 1970 before Rowley’s seminal *The Destruction of Aboriginal Society* was published. This work continues to be of great value, covering most of the nation and most of its history. It deals in the main with the legislative and governmental policies and practices imposed by white Australia upon Aborigines. Rowley had a keen eye for the important moment, and his discussion of the 1937 Conference of Aboriginal Authorities has remained until now the only concerted investigation of that event. Andrew Markus wrote on the Conference in 1982, but made little comment upon the discussion there. Subsequently, Rowley completed his trilogy on Aboriginal Australia – focusing on the living circumstances of Aboriginal people – with *Outcasts in White Australia*, and *The Remote Aborigines*. He continued to write
on the topic, with *A Matter of Justice* in 1978, and *Recovery: The Politics of Aboriginal Reform* in 1986. In some ways the work of Rowley is representative of the historiographical shifts in ‘Aboriginal’ history in Australia, especially as produced by non-Aboriginal practitioners. Starting from an empirical recapitulation of the treatment dealt out to Aborigines in the past, his work shifts across time towards questions surrounding the best political solutions to problems affecting Aboriginal people.

Perhaps the clearest sign of the increasing importance of ‘Aboriginal’ history to Australian intellectual discourse was the appearance in 1977 of the journal *Aboriginal History*, followed in 1983 by *Australian Aboriginal Studies*, which grew out of a newsletter produced by the Australian Institute for Aboriginal and Torres Strait Islander Studies. There has also been an almost exponentially increasing literature on the construction of Aboriginality by non-Aborigines, the place of ideas in practice, and the intersection between the two, as well as the issues involved in not being Aboriginal and writing about Aboriginal experience.

The following is merely an indicative example of the available literature in this field. Attwood’s 1989 *The Making of the Aborigines*, and his editorial collaboration with Arnold in 1992, *Power, Knowledge and Aborigines*, Beckett’s 1988 collection, *Past and Present: the construction of Aboriginality*, and McGrath’s *Contested Ground*, follow a general trail of investigation. Jones and Hill-Burnett, Lattas, and Castles have looked into the more discursive nature of ‘race’ and ‘racism’.

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McQuorquodale, Culleen and Libesman, Markus, Brock, and Wells and Christie have looked at the nature of legal representations and definitions.24 Holland, Paisley and Lake have investigated the intersections between feminism and race in Australia.25 On the history and practice of anthropology, an increasingly problematised area across time, Cowlishaw, Gray, and McGregor among others have written much.26 Mullins, Austin, and Francis have covered the intersection between administration and racism and eugenics.27 Austin describes the policies in the Northern Territory as similar to, if not as excessive as, those in Nazi Germany.28 Francis is weak on the nature of Social Darwinism, but strong on the interrelatedness of science and social control.29 Mullins is helpful on the need to understand the intersections of ‘personality...changing cultural imperatives and ideology [and ideas about] race, class, work, community and family’.30

The historiography of the official actions of the Western Australian government towards Aborigines is solid, although the focus has very much been on the actions taken and the results in personal terms for affected Aborigines. Little has been attempted in the realm of ideas, for example. Anna Haebich’s recent Broken Circles and her earlier For Their Own Good31 give fine accounts of the effects that the various pieces of legislation had upon the Aborigines. The two works are leavened with the remembrances of those affected by the State’s actions, but they also give a sound description of those actions. They are perhaps best described as solid, empirically-based social histories. Further, For Their Own Good highlights the important role Aborigines played in the early twentieth-century economic
development of south-west Western Australia, and positions governmental racial policies within the broader socio-economic framework of the period. Broken Circles breaks stride with much Western Australian writing by placing that State’s history in a national context.

Peter Biskup’s Not Slaves, Not Citizens\textsuperscript{32} is an earlier study of a slightly longer period. Biskup saw changing governmental policy and practice as broadly progressive, although he concluded that the solutions proposed by all governments in Western Australia, and by society in general, had been ‘counterfeit’.\textsuperscript{33} Importantly, he raised the centrality of the notion of race, calling it the ‘hidden premise’ in official dealings with Aborigines.\textsuperscript{34} Quentin Beresford and Paul Omaji’s Our State of Mind attempts an unusual viewpoint in Western Australian historiography, and purports to look into the thinking behind governmental policies affecting Aborigines, but this aim is not fulfilled. They fail to broach the bases of racism and the notion of race itself. The strength of their work lies in the human stories they bring to play, and in placing long-term practices of child removal in some historical context.\textsuperscript{35}

Another important secondary source used within this thesis deals with the Chief Protector of Aborigines, A. O. Neville. Pat Jacobs’ biography, Mister Neville,\textsuperscript{36} has been a great assistance, especially in providing a grounding to Neville’s life and times. However, it falls victim to the danger inherent in all biography, and takes the
protagonist at his own lights. Jacobs’ earlier article on Neville’s absorptionist policies is a more analytical discussion, and was a spur to my investigation.37

There is another group of writings in Western Australian and Australian ‘Aboriginal’ history that deal more with personal experiences. Pamela Rajkowski’s *Linden Girl*, for example, relates a horrifying tale of bureaucratic bloody-mindedness and racial stereotyping in this period. The work gives us a solidly researched view of the almost obsessional character of A. O. Neville, but again ignores the complexity of his race thinking.38 Recent developments have brought the events behind *Follow the Rabbit-Proof Fence* into sharp public focus.39 Carolyn Wadley Dowley’s *Through Silent Country*40 is another tale of the awful plight of individual Aborigines between the wars. It is somewhat problematic, concerning itself as much with the author as with the story, but again illuminates the effects of government policy and action in this period. Another major weakness of this work is its misapprehension of Neville’s responsibilities; he was not in charge of the southern half of the state when the events under consideration occurred. There is an ever-increasing number of books and other texts by and concerning Aborigines and their personal and family histories, many of which focus on the Moore River government settlement.41

Other broader works have looked beyond effects to intentions and outcomes. Rowley looked at the place of Aborigines in Australian law in his 1970 essay.42 John McCorquodale’s 1986 article continued the trend, detecting 67 definitions or
classifications of 'Aborigine'. Following this legal line of inquiry, Chesterman and Galligan's *Citizens Without Rights* places the legal treatment of Aborigines within broader socio-philosophical parameters. It investigates the political and social (dis)enfranchisement of Aborigines across time as an event in itself, and also as a kind of litmus test for the Australian polity as a whole. Again, however, it fails to deal with exactly why this kind of action was consistently deemed appropriate.

Tim Rowse is one scholar who has approached the treatment of Aborigines from a different tack. His work on rationing in central Australia has dealt with the often unconscious undercurrents that pervaded white responses to Aboriginal 'problems'. Thus rationing, which might seem on the surface a humanitarian response to hunger, is represented as a tool for introducing the 'work-ethic'. Much of Rowse's work has dealt with the intersections of ideas or understandings with practice and policy, and his work has given some shape to this thesis.

Rowse has also written on the political philosophy that underpinned the work of Paul Hasluck, Federal minister responsible for Aboriginal affairs from 1951 to 1963. Rowse coined the term 'juridical liberalism' to describe that philosophy, and defined it as a view of a world of 'citizen-isolates', where 'cultural or racial attributes were of little or no account.' Such a view, Rowse argues, has sometimes resulted in a 'militant concern to unfetter individuals from pernicious social bonds'. Rowse noted that Hasluck himself became aware in later years of an
inherent failing in this view, that he ‘did not see clearly the ways in which the individual is bound by membership of a family or group.’ This failure, confessed Hasluck, was based upon the influence of ‘the evangelism of mid and late Victorian England’.48 As a result, while Hasluck ‘often evoked Aboriginal people as individuals, governments acted upon indigenous Australians as categories of persons with common, disabling characteristics.'49 These ideas have been invaluable in dealing with Neville’s thinking.

Russell McGregor’s writing on the place of historical ideas in Aboriginal affairs has also informed this work. His special focus has been on the concept of the ‘dying race’, but he has also dealt with the genealogy of broader race thinking as well as investigating the role of anthropology and administration, specifically in the Northern Territory.50 This body of work has informed my notions concerning the longue durée of certain racial ideas. The recent appearance of Warwick Anderson’s *Cultivation of Whiteness* has added considerably to the understanding of the place of race in Australian history, and influenced this work through its focus on particular groups and their thinking.

A number of non-historical writings have influenced this study. Adam Kuper’s *Invention of Primitive Society*51 alerted me to some ‘practical’ problems in what we might term the historiography of anthropology, as well as pointing out the lack of an anthropological analogue to historiography. More directly, perhaps, he
introduced me to the idea of conceptual ‘transformation’. Levi-Strauss developed the concept with regard to mythology, but it works as well for race:

[an idea] no sooner comes into being than it is modified...some elements drop out and are replaced by others, sequences change places, and the modified structure moves through a series of states, the variations of which nevertheless still belong to the same set.\textsuperscript{52}

It has served me well as a support upon which to build ideas; in this instance the focus has been on how new scientific and other ‘facts’ could be continually worked into fundamentally unchanging notions of ‘Aboriginal-ness’ during the 1930s. With regard to Australian history (and prehistory), this trait has been noticed before. Tim Murray, for example, has written that archaeologists and anthropologists ‘have always been able to construct the Tasmanians to suit prevailing fashion.’\textsuperscript{53} Finally, apart from any theoretical assistance it has been to me, Kuper’s critique deserves much wider attention as an investigation of the bases of much anthropology and also as a more general reminder of the dangers involved in a lack of self-reflexivity within disciplines.

Michael Banton’s \textit{Racial Theories}\textsuperscript{54} has been of great value in my understanding of the vagaries of the concept of ‘race’. His work is strong on the changing nature of racial theories across time, and on the challenges and possibilities for the researcher. He breaks racial theories into three phases, writing that:

Some of them are representative of a particular phase or viewpoint; others are transitional from one to the next; yet others are simply confused or are opportunists who put together incompatible elements to construct an unconvincing thesis.\textsuperscript{55}
I would add that the last two categories given by Banton are likely to be extremely difficult to delineate, and that some individuals could easily be placed within all three categories. This, however, says more about the generally unfocused and contingent nature of human thinking than it does about Banton’s taxonomic abilities.

Finally, to the phenomenon of race thinking, and to ‘race’ itself. The definition that I have adapted in this thesis has been taken from the work of Harvard philosopher, Anthony Appiah. There are problems inherent in choosing definitions, of course. Appiah uses the term ‘racialism’ in his work, to avoid the overloaded ‘racism’ and also because he sees racialism as a precursor to racism. He describes racialism as the belief that

there are heritable characteristics, possessed by members of our species, which allow us to divide them into a small set of races, in such a way that all members of these races share certain traits and tendencies with each other that they do not share with members of any other race. These traits and tendencies characteristic of a race constitute, in the racialist view, a sort of racial essence... 56

This seems to fulfil the fundamental requirements of defining the matter. In this case, ‘racism’ has been discarded because it carries too much contemporary moral and emotional baggage to be profitably used in an historical context. All of us have understandings of what ‘racism’ is, but these are too idiosyncratic to make it a helpful term.
Further, rather than a simply understood 'racism', Appiah provides us with 'extrinsic' and 'intrinsic' racism. Extrinsic racism is the idea that 'people should be treated differently because they are different in some respect that is already morally relevant'; intrinsic racism is the idea that there is no morally relevant difference between races, but that the races should be separated or treated differently merely because they are different races. This breakdown of 'racism' is useful in discussing the thinking in the period at hand, but it muddies the terminological waters. In light of these factors, I have chosen to use the term 'race thinking' rather than 'racialism' or 'racism'. This usage no doubt has its own weaknesses, but its strengths outweigh them. First among these is its simplicity: race thinking means all forms of thinking about race. It may be somewhat clumsy, but this is not necessarily a weakness. The mental trip-up provoked by the terminology might remind us that the category is imposed, rather than the disarmingly unconscious reaction most of us have to terms like 'racism' and 'racialism'. Choosing a term different from that usually employed should distance the reader to some degree from the automatic imposition of presently understood discourses on race.

This thesis should not be seen as a piece of 'Aboriginal' history. What I have attempted to create, and here I borrow from Rowse, is 'a critical history of the culture of the colonisers, using non-Indigenous sources...to comment not only on what the colonists did but also on what they thought they were doing.' In a similar vein, this time borrowing from McGregor, I would describe the study as 'a history of textual representations of Aboriginals.' At times I have attempted to go one
step further, to look at why the individuals involved thought it was acceptable to do what they did, and think the way they did. Such a focus leads us to the question of the absence of an Aboriginal voice in this work. Largely, that absence is a reflection of the subject: those in control of Aboriginal affairs between the wars worked in a world largely without Aboriginal voices. The 1937 Conference document central to Chapter 2 is remarkable for being almost completely free of references to Aborigines beyond the abstract, to Aborigines as human individuals. A. O. Neville’s writings are similar: we see Aborigines as individuals only rarely, and then as examples of either the success of Neville’s ideas or of the failure of others’ ideas. Again we must note that this work does not attempt to understand the suffering created by the policies formed in this period, but the formation of the policies themselves.

The penultimate task of this introduction is to deal with the language used within the thesis. This work is based upon white people’s conceptions, utterances, and writings on race. Within the period under discussion, many terms were regularly and uncritically used that today are hurtful to the people they were officially used to designate. Much of this thesis deals with historical nuances of terminology and what they were designed to convey. Terms such as ‘half-caste’, ‘quadroon’, ‘octoroon’, and ‘native’ were commonly and officially used in the period, and held supposedly definite meanings; the uncapitalised term ‘aborigine’ was commonplace, and other more obviously derogatory terms often found their way even into parliamentary debates. I wish to make clear that my use of these terms in
no way condones them. However, following solid precedent, I will not in general be qualifying such terms in quotation marks. As McGregor states: 'The endeavour to understand the past in terms of the ideas and assumptions then current necessitates use of the terminology of the past.' Finally on language, throughout the thesis, the term 'Aboriginal-ness' has been used instead of the more common 'Aboriginality'. As in the decision to use 'race thinking' instead of 'racism', this has been done because 'Aboriginality' has too many possible connotations to be useful in an historical context.

This thesis will investigate the role played by race thinking in the policies, legislation, and practice concerning Aboriginal people in Western Australia in the period before the outbreak of World War II. Anderson has investigated the 'mid-level, mundane theorising that commonly occurs when one does science or practises medicine in a settler society a long way from Europe.' This thesis moves from the 'flawed, yet sophisticated, scientific and social theories' of the medical world, to the often ill-informed and unreflective administrators and politicians who decided the course of Aboriginal affairs.

If this work is not a piece of 'Aboriginal' history, nor is it to be considered a theoretical investigation of the broad discourse of race. It is an empirical account concerned with the ideas that affected and influenced policy creation in the field of Aboriginal affairs in Australia and Western Australia in the years before World War II. While it concerns itself with ideas and their effects, it is not an investigation
of the place of those ideas within modern discursive patterns or understandings. Thus the anachronistic notion of genocide is not dealt with in any depth; the term had not been coined in 1937. Nor is the concept of ‘whiteness’ given much scope: the absence of self-reflexivity in those who discussed the Otherness of non-‘whites’ is a construction made from the present. Similarly, the fragility of the very notion of ‘race’ is not dealt with in this thesis. The concept of race may be seen to have been collapsing under its own inadequacy when observed from the present, but the practitioners of race and the administrators and politicians who thought in terms of race were not aware of this. Stephen Castles has asked that writers on racism not only explain racisms (sic), but counter them. That is a valid and noble task, but it is not undertaken here.

In broad strokes, my aim is to place the famous resolution on race made by the 1937 Conference under historical scrutiny. Neville claimed that the resolution was based upon Western Australian experience and precedent; my interest is in how that precedent was formed. Exactly what had Western Australia done, and what was Neville’s role in those efforts?

The other main aim of this study is to observe the power of one individual to affect policy and administration. To that end, it focuses on the figure of A. O. Neville. As one of the most powerful men in Aboriginal affairs in Australia between the wars, it is important to clarify his conception of the ‘Aboriginal problem’ and its solution. Dominating Western Australian Aboriginal affairs from 1915-1940, he never
wavered in the certainty of his views. He was central to the legislative moves made in the period, and was a major participant in and advisor to the 1935 Moseley Royal Commission. During the 1937 Canberra Conference of Commonwealth and State Aboriginal Authorities, he attempted, with considerable success, to impose his policies at the national level. Neville also produced a book in his retirement, *Australia's Coloured Minority*, outlining in more detail his views on the 'problem'. Although written after the period in question, its ideological and philosophical supports were in place well before Neville put pen to paper – there is no sense of a series of long-pondered questions finally being worked out. Alongside discussions of his race thinking we will also see a powerful administrator imposing a personal vision of the future upon his bureaucratic 'charges'.

Rather than a strictly chronological narrative and analysis of the period, this thesis is a layered survey of key events. Chapters 1 and 2 deal with the 1937 Canberra Conference of Commonwealth and State Aboriginal Authorities. This Conference was a key event in national Aboriginal affairs, and Neville, armed with remarkable powers granted him in the new 1936 *Native Administration Act*, attempted to dominate it, and generated its most (in)famous resolution. Chapter 1 covers the broad national events that led to the creation of the Conference. Chapter 2 examines the proceedings of the Canberra Conference in detail, with special focus on the race thinking in evidence. The next three chapters look at the events that led to Neville’s influential position at the Canberra Conference. Chapter 3 concerns the creation of the 1934 Western Australian Royal Commission into Aborigines, which provided
much of the political impetus to the 1936 Act. Chapter 4 deals with the Suggestions and Recommendations made by the Royal Commissioner and Neville’s responses to them. Chapter 5 investigates the 1936 Native Administration Act and its evolution from the late 1920s, focusing on Neville’s formative role as well as the race thinking of the legislators. Finally, Chapter 6 is an analysis of Neville’s Australia’s Coloured Minority, providing an in-depth analysis of the race thinking that supported Neville’s policy and administrative ideas and practice throughout his influential career.

2Quadrant since1997 has provided much heated debate on this subject, and also on broader matters of Aboriginal history and historiography.
4James Cook, cited in Ibid., p. 19.
5Western Australian Parliamentary Debates [hereafter WAPD], vol. 97, 1936, p. 822.
6Ibid., p. 934.
7Ibid., p. 830.
14Ibid.
18Ibid., pp. 319-328.
28 Tony Austin, ‘Genocide and Schooling…’, p. 47.
29 Francis, op. cit. The fact that Social Darwinism did not follow the tenets of ‘true’ Darwinism seems to miss the point somewhat, but his general point is well made.
30 Mullins, op. cit.
33 Biskup, op. cit., p. 270.
34 Ibid., p. 267.
42Rowley, *Destruction*, pp. 341-64.
49Rowse, 'Modesty of the State', p. 121.
61Anderson, *op. cit.*, p. 3.
62*Ibid.
Chapter 1:

The Genesis of the 1937 Conference of Commonwealth and State Aboriginal Authorities

In April, 1937, a Conference of Commonwealth and State Aboriginal Authorities was held in Canberra at Parliament House. It was the first such meeting of administrators of Aboriginal affairs ever held in the nation. It was also the last until 1948.¹ The Conference represents in some ways a snapshot of official Australian views on the ‘Aboriginal problem’ in the last years before World War II. The history of the organisation of the event will also give a picture of the broader Australian reaction to the problem, and will set the scene for analysis of the meeting itself in the next chapter.

The 1937 Conference has not been dealt with in the literature as intensively as it warrants. Though often referred to, it is usually in passing and attention is normally confined to a few moments of the three days. Chiefly it is remembered for its (in)famous resolution concerning the ‘Destiny of the Race’: ‘That this Conference
believes that the destiny of the natives of aboriginal origin, but not of the full-blood, lies in their ultimate absorption by the people of the Commonwealth. In fact, in most cases this resolution is dealt with as if it were the only important outcome of the meeting. This focus on the 'Destiny' resolution is understandable. It was the most extraordinary statement made by the Conference, especially as read from the present, and can be seen as a solid base for discussions of the 'Stolen Generations' of Aboriginal people in Australia. Although understandable, such a focus is too narrow, and needs to be seen in the context of the Conference's origins and the rest of its deliberations.

Rowley has examined the Conference in more depth than any other writer, but thirty years on, a different approach is warranted. Other writers have placed little if any emphasis on the Conference. Biskup, in his otherwise thorough Not Slaves, Not Citizens, devotes one paragraph in 270 pages to the Canberra Conference and notes the 'famous' resolution. In the only appearance of the Conference in For Their Own Good, Haebich merely notes the 'Destiny' resolution as evidence of Neville's belief in biological absorption. Even Neville's biographer skims over the event in four pages and only refers to the report of the Conference four times. Her main conclusion on the Conference is that Neville may have got carried away and said more than was politic – that in the 'concentration of the conference, Neville might have overlooked the fact that a copy of the Conference Report would find its way back to the West. Jacobs also highlights the 'Destiny of the Race' resolution. Tony Austin is the only writer other than Rowley to have devoted much space to
the Conference. In *Never Trust a Government Man* he devotes five pages to the Conference, and in *I Can Picture the Old Home So Clearly* he spends much the same space on the topic. Russell McGregor spends but two pages on the Conference in his discussion of the ‘Doomed Race Theory’; however, he also broadens the picture by introducing some contemporary comment and criticism of the Conference. Beresford and Omaji, in *Our State of Mind*, cover some of Neville’s claims at the Conference and attempt to place them in the context of general racial thinking of the time, but again they offer only a few pages. As with the others, they focus on the ‘Destiny’ resolution.

**The 1936 Commonwealth and State Ministers Conference**

The genesis of the 1937 Conference is an example of the ambivalent status of Aboriginal affairs in the interwar years. While those in charge of the various state departments may have found the subject vitally important, their interest was not always shared in the wider governmental world. In the end it was the Commonwealth government that not only organised the 1937 Conference, but initiated it.

The notion of a meeting of state and Commonwealth Aboriginal authorities first came to public prominence at the Adelaide Commonwealth and State Ministers Conference, held in August, 1936. The Conference decided that
As it was considered undesirable and unpracticable to have centralized control of whole of the aboriginals in Australia, it was decided that the most practicable method of dealing with the aboriginal problem is to arrange for periodical Conferences between Government officers or Boards controlling aboriginals in the various States, such Conferences to submit recommendations to the various Governments.\textsuperscript{11}

We can judge the relative importance, or lack thereof, placed upon Aboriginal issues at the 1936 Ministerial Conference by noting that Agenda item 26, ‘Control of Aborigines’, was dealt with by the ‘Transport, Etc’ sub-committee. The standing of Aboriginal affairs in the states is further evidenced by the manner in which Item 26 made it on to the Conference agenda. Correspondence suggests that by late May the Prime Minister’s Office presumed that Aboriginal affairs would be on the agenda.\textsuperscript{12} No one else, it seems, had thought the item important enough to raise. In a lettergram sent in mid-August to the Western Australian Premier (and presumably to all other Premiers), the Prime Minister’s Office suggested an additional 24 items be added to the agenda; included among these was the item, ‘Control of Aborigines’\textsuperscript{13} The list of issues offered by Western Australia ran to four items: financial relations between the states and Commonwealth, Commonwealth grants, the 40-hour week, and, finally, a government subsidy for ‘grand opera’.\textsuperscript{14}

There are conjectural explanations for the failure of the states in this matter, as well as a more solidly based explanation for the Commonwealth’s raising of it. The states may well have failed to add the subject of Aborigines because of the nature of Commonwealth-state responsibility. Section 51(xxvi) of the Australian Constitution forbade the Commonwealth exercising legislative powers over Aborigines
throughout Australia. It could only directly affect legislation and practice in the Northern Territory. The states might not have raised the matter because there seemed little they could gain from it. Aboriginal affairs was the states' bailiwick, and there was no material gain to be made from the Commonwealth, as well as there being resistance to relinquishing any power in the field. Thus the matter might be considered both positively and negatively a states-only concern.

Relative importance no doubt also played a role in the failure of states to place Aboriginal affairs upon the agenda, alongside theories of responsibility. Of the 47 items on the Ministerial Conference agenda, the first two, dealing with the Federal Roads Agreement, and financial relations between the Commonwealth and the states, obviously dominated states' concerns. This is reflected by the manner in which the items were listed on the agenda. Item 26 was simply worded ‘control of aborigines'; Commonwealth-state financial concerns ran to 14 subsections.

Whatever the reasons for the states' failure to raise the matter of Aboriginal affairs, the Commonwealth’s interest can easily be explained. Placing Aboriginal matters before Ministerial Conferences in general, and the formation of some meeting of Aboriginal Authorities in particular, had been before the Commonwealth government for some time. That it took years to make it onto the agenda may have had something to do with the tectonic rate of government movement. There was also the matter of the Commonwealth’s response to recent and ‘publicised clashes between white Australia and Aboriginal society.' Whatever the reason, the
proposal that was agreed to at the 1936 Ministerial Conference and the Conference itself can be seen as the final outcomes of a process that began a decade before the Conference took place.

The Bleakley Report

In June of 1927, the Prime Minister’s Office circularised the states, asking for their views regarding a possible national Royal Commission into Aboriginal affairs. In Western Australia the chief Protector of Aborigines, A. O. Neville, informed his Under Secretary that such a Commission ‘would inevitably arrive at conclusions which would be for the ultimate good and betterment of the aborigines.’ In a later note, however, he stated that he was ‘not very hopeful of much good coming to this State from a Commission such as suggested’, given that the push came from New South Wales. The Premier wrote to the Prime Minister conveying Neville’s comments, adding that it was his government’s ‘opinion that any benefit to Western Australia from such a Commission would not be sufficient to justify the cost to the State, but that it would give all necessary assistance if expenses were met by the Commonwealth.’ The West Australian reported in December that Prime Minister Bruce had announced to the Federal Parliament that the states did not favour a Royal Commission, and that the government was instead asking a senior Queensland officer to investigate the position in the Northern Territory. Rowley has argued that this Report was called because Bruce was ‘apparently frustrated’ by the state governments’ collective failure to support the Royal Commission.
The officer co-opted by the Prime Minister was the Queensland Chief Protector, John William Bleakley, and the investigation became his Report into 'The Aboriginals and Half-Castes of Central Australia and North Australia'. Bleakley's life and career in many respects matched that of his Western Australian counterpart. Born in England in 1879 during a visit by his Australian parents, he became a bureaucrat in 1900. He moved from the Home Secretary's department to Fisheries, then becoming a clerk to the Chief Protector of Aborigines in 1908. Becoming Chief Protector himself in 1914, he remained in the position until his retirement due to ill health in 1942. Well after his retirement he wrote a book of his ponderings on the Aboriginal 'problem'. As we shall see, Neville and Bleakley differed on the best solution to the 'problem', but they constructed it in the same way. Bleakley's understanding of Aboriginal affairs always returned to racial mixture. For him, as for many of his time, "'breed' was assumed...to determine competence.

Bleakley's Report ran to 43 pages of text with an additional 19 pages of photographs and two pages of plans and maps. The series of photographs attached to the Report warrant some comment in passing. The images are generally very ordered in their composition, with the subjects most often lined in rows, facing the camera. As McGregor notes, this illustrated Bleakley's practical, bureaucratic leanings. The neat and tidy appearance of the missions pictured could possibly
have been used to support Bleakely’s pro-mission policy directives, and the page of pictures of diseased people might have served to show the ‘desperate’ plight of the ‘nomadic’ people, but there is little or no hint as to the way in which the photographs were meant to be used. They look more like illustrations to a ‘travels through wild Australia’ lecture than evidence in an official Report. Apart from their exotic undertones, it is hard to justify pictures of groups of apparently ‘tribal’ people merely standing around, but Bleakley gives us (and gave the Commonwealth government) numbers of them. They did, however, fit into what McGregor has called ‘a distinctive category of public service photography’, which we shall meet again in later chapters.

In more practical matters, Bleakley suggested numerous alterations to the Aboriginal Ordinances in the Territory, and made a series of general policy suggestions. In these he adopted what Larbalestier has called ‘a tripartite formula of protection, segregation and education.’ This formula was predicated as much upon biologically understood racial make-up as any socio-economic realities. ‘Nomadic Tribes’ should be free of any ‘unnecessary interference’, but kept under ‘benevolent supervision’. This would best be achieved by ‘reserving suitable areas, where these primitive people are most numerous, and establishing missions from which benevolent supervision can be exercised.’ To this end, he recommended that all of Arnhem Land, as well as other lands, should be reserved for Aborigines. This ‘nomadic’ group is best understood as comprising ‘full-
blood' Aborigines only; but the categorisation was not made on biological grounds alone. For those people who were full-blooded but 'Semi-civilized', 'whose tribal life has already been destroyed by white civilization', Bleakley had another plan. These people should be 'uplifted', receive 'fair payment', improved social conditions, and the government should work to foster 'a more humane attitude' towards them.\(^{35}\) Here we see a differentiation made along social grounds, although racial categorisation still underpins the grouping. The third and final category of people was the 'Crossbreeds'. Bleakley saw this group, defined in purely biological terms, as posing '[p]erhaps the most difficult problem of all to deal with is that of the half-caste\(^{36}\). His suggested solutions were clear:

Check in every way possible the breeding of half-castes. Discountenance marriage or interbreeding of whites or Asiatics and blacks. 
Rescue all crossbreeds from camps and have educated in institutions, viz:-
- (a) those of aboriginal inclinations with aboriginals;
- (b) those with preponderance of white blood with Europeans.
Education to be on rural school lines, to fit them to fill a useful place in development of the Territory.
Encourage marriage of half-castes and civilized fullbloods.
Give half-castes proving superior a chance to better themselves.
Separate the quadroons and octroon types, at an early age from the aboriginal, and give special care to training for future reception into white races.\(^{37}\)

In response to the Bleakley Report, on 1 March 1929 the Federal Minister for Home Affairs, C. L. A. Abbott, invited a number of groups and individuals to attend a conference in Melbourne on April 12.\(^{38}\) The meeting was initially instigated to discuss issues raised at a Board of inquiry into Aboriginal deaths in the Territory. In
the meantime, however, the Bleakley Report was released, and it became the topic for discussion. In the end, 33 representatives of mission groups, various Aborigines’ friends and protection associations, church organisations, and a Northern Territory pastoralists’ group, as well as four representatives from the Department of Home Affairs, met at the Masonic Hall in Melbourne to discuss Bleakley’s report. A 45 page type-written report of the Conference was subsequently produced. One participant warrants mention: J. A. Carrodus, then Chief Clerk of the Department of Home Affairs, who was to play a central role in the 1937 Conference, was present. In welcoming the participants to the conference, Abbott stated that he thought it was ‘the first conference ever called in Australia by the Minister in charge of Home Affairs in regard to North and Central Australia, to discuss the welfare of the aboriginals.’

As Rowley rightly points out, the Melbourne conference produced ‘no questioning of Bleakley’s assumption of the need to base policy on racial origin.’ Nor did it seriously contradict of Bleakley’s recommendations. The first successful motion called for the creation of a giant central Australian reserve, to be made from the three extant reserves in different jurisdictions. The next two successful motions merely agreed to some of Bleakley’s proposals. The next big issue raised was that of national control of Aboriginal affairs. This was not to be found in Bleakley’s Report, but nor would we expect to find it there; he was reporting on and suggesting solutions to a particular government, and the Federal Government at that. The Melbourne meeting came to no agreement on the matter.
If there was one area of contention, it came from the pastoral industry representatives, who were unhappy with Bleakley’s suggested wages for Aborigines. H. E. Thonemann, of the Northern Territory Lessee’s Association, moved

That this conference agree with the principle of the payment of aboriginals employed, but considers it desirable that payments should usually be otherwise than in cash, and that due regard be given to the economic position of the white settlers.\textsuperscript{46}

J. S. Needham, representing the Australian Board of Missions, seconded the motion.\textsuperscript{47} This might initially seem surprising, but, as McGregor points out, the ‘various philanthropic groups were in no way dismayed by Bleakley’s attribution of racial deficiencies to the Aboriginals.’\textsuperscript{48} Further, given Bleakley’s support of missions in Aboriginal affairs, perhaps there was some in-principle support for his findings. Still further, non-cash payments no doubt would suit the historically cash-strapped mission movement as much as the pastoralists. Thonemann’s main concern was Bleakley’s ‘definite scale of wages’\textsuperscript{49} Discussion on this motion takes up eight pages of the Report. The motion was eventually carried, but only after reference to the economic position of whites was removed.\textsuperscript{50} Immediately thereafter, Abbott successfully proposed that the conference approve of Bleakley’s recommendations regarding wages. If the two motions seem incompatible, Abbott correctly pointed out that Bleakley recommended that ‘as far as possible, cash payments direct to natives be discontinued, and wages be drawn in goods’.\textsuperscript{51} So even ‘the most contentious issue’\textsuperscript{52} raised in Melbourne that Friday was more about
sectional muscle-flexing than disagreement with Bleakley’s actual recommendations. It is hard to disagree with Rowley’s summation of the nature of this conference: it was called ‘so that it could be argued that the issues raised and recommendations made had been “considered”’.53 As we shall see, this sort of behaviour was common across time in Aboriginal affairs.

Following the 1929 Conference, Aboriginal affairs did not fall altogether from view, but other factors, especially the Depression, outstripped them in importance. Even given that, however, further such meetings were deemed to be unworkable. A 1933 Department of the Interior memorandum entitled ‘Control of Aboriginals’ covered many issues, and came at a time when Aboriginal affairs had resurfaced in the public arena. Markus has noted that harsh judicial treatment of Aborigines in the Northern Territory in 1933-34 led to increased coverage in the Press.54 In 1933 the Department was under pressure from other movements as well, no doubt linked to this increasing publicity. The Australian Federation of Women Voters had met and passed resolutions calling for a Federal Department to be created to deal with all Aboriginal matters and, among other things, that the

Commonwealth Government, in co-operation with the State Governments, should appoint a national commission of men and women, which, amongst others, shall include trained social anthropologists and educated full-blood and half-caste aborigines.55

The Aborigines’ Friends’ Association of Adelaide had proposed that a ‘Commonwealth Advisory Council of Aborigines’ be created, made up of three appointees from each state plus three from ‘North Australia’ and three from
In his comments upon this proposal, Carrodus, then still Chief Clerk of the Department, outlined his main problems with the proposals:

In the first place, it is highly improbable that the States will agree to the Commonwealth assuming control of the whole of the aboriginals in Australia. The States will maintain, and with every justification, that they are fully competent to attend to the welfare of aboriginals coming within their jurisdiction, and that Commonwealth control would not improve the position.\textsuperscript{57}

Carrodus went on to point out that Constitutional limitations would in any case make such a task extremely difficult and expensive, and that in his mind the ‘better plan would be to strive for uniformity as far as possible through the medium of conferences of Chief Protectors.’\textsuperscript{58} The memorandum also noted that C. E. Cook, the Chief Protector of the Northern Territory, was

strongly opposed to the establishment of any Council on which there are representatives of Societies and Institutions interested in aboriginals. He is of the opinion, however, that the establishment of a Council, consisting of the Chief Protectors of Aboriginals in the various States and the Chief Protector of the Northern Territory, would be...most satisfactory.\textsuperscript{59}

Cook explained his reasoning in a note to the Territorial Administrator:

It does not seem to be recognised that the persons best informed in aboriginal affairs are the Chief Protectors in the States and Territory. Territory experience is that important modifications of aboriginal policy and vital amendments to aboriginal legislations are subject to prolonged delay owing to the interference and verbosity of representatives of so-called Aborigines Protection Societies who, however well-intentioned, are handicapped by a propensity to speak volubly on subjects of which they are completely ignorant or actually misinformed.\textsuperscript{60}

Cecil Evelyn Aufrree Cook had become Chief Protector of Aborigines in the Northern Territory in 1927, and would hold the position until 1939.\textsuperscript{61} Born in
1897, the same year Neville entered the Western Australian Public Service and three years before Bleakley joined Queensland's, he was only 29 years of age when he became Chief Protector. Like his Western Australian and Queensland counterparts, he was born in England. Unlike those other bureaucrats, Cook had medical training; he graduated from Sydney University in 1920, and then spent three years as a Research Fellow at the London School of Hygiene and Tropical Medicine. In 1925 he investigated the epidemiology of leprosy in the Territory and Western Australia. This work in part led to his appointment as both the Territory's Chief Protector of Aborigines and its Chief Medical Officer.

H. C. Brown, Secretary of the Interior, agreed with the tenor of Cook's comments. In a note on the Carrodus Memorandum, he wrote that while

many Societies with the very best intentions make suggestions for the betterment of the Australian Aboriginal, it is perfectly obvious to those who have had experience amongst the native race that most of the suggestions are unsound or impractical.

In November of 1933, Carrodus wrote that the experience of the 1929 Conference did not 'justify confidence in any success being achieved by a similar assembly of representatives.' If a Conference was desired, he believed that the 'best results will be obtained by holding a Conference of the Chief Protectors of Aboriginals in the States and the Northern Territory, and a few anthropologists, say Dr Elkin..., possibly Mr Kenyon of Melbourne, and Dr Cleland of Adelaide.'
The question of a Conference of Chief Protectors seems to have lain dormant until the 1936 Ministers Conference in Adelaide. In preparation for that Conference, the ‘Control of Aboriginals’ memorandum resurfaced, and was sent to the Prime Minister’s Department in July, 1936.66 By this time Carrodus had risen to Secretary of the Department of the Interior, a position he was to hold until 1949.67 A covering memorandum reprises the arguments within the earlier document, and closes with the statement that a recommendation might ‘be made to the Premiers’ Conference for the establishment of a “Council” of Chief Protectors.'68 As we have seen, such a recommendation was made, and such a resolution passed at the Premiers’ Conference.

In Western Australia, Neville wrote to W. H. Kitson, Minister in charge of Aboriginal affairs, that he was pleased to hear of the proposed Chief Protectors Conference. Auber Octavius Neville was the the last of eight sons of a Northumberland Anglican Rector, born in October 1875, and after the death of a sister the youngest in his family.69 After a brief unhappy time in banking, he travelled to Western Australia in early 1897, the third Neville son to make the journey.70 By August of that year he had joined the colonial Public Service,71 and there he would stay until his retirement in 1940. Initially a clerk in the Department of Works, he moved to the Premier’s Office, and in 1902 was made Registrar of the new Colonial Secretary’s Department.72 By 1908 he had reached what Jacobs calls ‘a high point in the Civil Service’: he was made Secretary for Immigration,73 but
the outbreak of war in 1914 made the Immigration Department something of a dead letter.

During a 1915 a trip to Japan, the then Chief Protector of Aborigines was removed from the position. The responsible Minister, Underwood, had long had long wanted to remove the Chief Protector, had little respect for him, and disagreed with his general aims in the post. Neville replaced him in May and found himself the head of a department with a budget one quarter the size of Immigration. Initially unhappy about the posting, he was to remain in the position until his retirement in 1940, although, from 1920 to 1926, his authority over Aborigines was restricted to those in the north of the state. From the reunification of Aboriginal affairs in 1926 until his retirement fourteen years later, Neville was in reality the final, and often the only, word in matters of administration. We will see that his position was so strong that he held sway in the construction of legislation. Beyond being a skillful and energetic administrator, however, Neville was completely unprepared and unqualified at the time to head Aboriginal administration. Indeed, Haebich states that he had 'no experience of Aboriginal people whatsoever' until his appointment to the position. He did, however, become extremely interested in his charges, and certainly saw himself in later life as an informed amateur anthropologist.

Kitson, nine years Neville’s junior, had also been born in England, and had emigrated in 1910. A member of the Legislative Council from 1924, he had been made Minister without portfolio in 1928, becoming Chief Secretary in 1936.
Neville informed him in 1936 that 'although one or two of the Chief Protectors (including myself) have discussed the matter of periodical conferences, it seems strange to me that one has never been held'.

(This claim is supported in part by a 1933 Cook note, which states that Bleakley had ‘frequently sought’ such meetings.)

Further, Neville believed that, in 'view of the divergence in policies in the past, it seems to me that this is a matter more deserving of the calling of periodical conferences than perhaps are other subjects to which conferences have been held.'

This might just have been a case of Neville trumpeting the importance of his own field, but he did see a chance for improvement through such a conference.

Neville told Kitson that 'the time is now ripe for the Commonwealth to grant pound for pound to the state for the care of the native people, either on a per capita basis or on the basis of money actually spent.' Only a few months prior to this correspondence, Neville's views on Commonwealth control had been brought to the attention of the Prime Minister. Helen Baillie, Secretary of the Aboriginal Fellowship Group in Melbourne, had written to Lyons with regard to the Premiers' Conference, and in passing had stated that Neville had told her 'recently that in his opinion Western Australia would welcome Federal Control of Aboriginal Administration and that the original proposal for a Department of native affairs came from him.'

Leaving aside for the moment the typical Neville trait of claiming the invention of everything to do with native administration, it does seem that in 1936 he viewed national control positively. As early as 1927, when giving
evidence before the Royal Commission on the Commonwealth, Neville had announced that he believed in the ‘desirability of Federal control’ of Aboriginal affairs. We will see in later chapters Neville’s opposition to increased bureaucracy makes this acceptance of external control difficult to envisage, but even ten years after the 1937 Conference, he devoted almost one quarter of Australia’s Coloured Minority to a chapter entitled ‘National Control’. While the execution of such a policy would seem to have been anathema to him, he does seem to have supported it consistently over time.

**Composition of the Conference**

Once the conference was agreed to, the nature of its make-up became an issue. It was one thing to agree to a conference of state and territory authorities; it was another thing altogether to decide who was an ‘Authority’ and who was not. The matter of Ministerial representation was one part of this issue. There was a long period of discussion amongst those involved as to whether Ministers should be a part of the group of authorities. In Western Australia the matter was simple – Neville, as head bureaucrat, was the sole authority and Kitson was his Minister. In other places things were not so clear cut. New South Wales Aboriginal affairs were controlled by the Aborigines Protection Board; a similar body controlled Victorian Aborigines. In South Australia there was a Chief Protector, but he was informed by an Advisory Council. The Northern Territory had a Chief Protector, but the Department of the Interior also had governance over Aborigines. In some cases,
people sat in more than one position. The Chairman of the Board for the Protection of Aborigines in Victoria, H. S. Bailey, was also the Chief Secretary. The existence of the Boards of Victoria and New South Wales must also have raised the question of exactly how many members of those Boards would or should take part in the conference.

Rev J. H. Sexton was Secretary of the South Australian Advisory Council, and desired to take part in the Conference, but he was also Secretary of the Aborigines’ Friends’ Association of South Australia. He had taken part in the 1929 Melbourne Conference and wanted to know if the Aborigines’ Friends’ Association would be invited to take part in the new conference. Writing to Paterson, Sexton agreed with Departmental views when he stated that at the 1929 Conference ‘representation had been too wide to achieve any practical purpose.’ (A year earlier, J. S. Needham had written that the 1929 meeting had been ‘rather large in membership and was too hurried to be of any real value.’88) Still, Sexton wanted to instigate a version of the South Australian system, with an Advisory Board, ‘composed of a few really good minds, partly official, partly unofficial.’89 It was later decided that the South Australian Council would be represented by its Chairman, Professor J. B. Cleland, a decision that would have an important effect on the ideas generated and espoused in Canberra.

On 15 October the Prime Minister’s Office advised the state governments of the holding of the Conference, and proposed that it should take place in February
1937.90 (We must remember in all this that Tasmania was excluded from these proceedings because it was held to have no ‘Aboriginal problem’.)91 The Western Australian Cabinet agreed to the proposal on 3 November,92 and two days later the Premier, J. C. Willcock, advised Lyons of the decision.93 In late January of the new year, Neville and Bleakley corresponded about matters ministerial. Bleakley wanted to know if Neville’s Minister intended attending the conference, and also if Mrs Neville was going to attend. Neville replied that Kitson was keen to come, but that his own wife would not be attending.94 After the conference was put back from February until 21 April, at South Australian insistence,95 Neville sent telegrams to the Queensland and South Australian Chief Protectors, desiring to know if their ministers would be attending.96 They both replied in the negative.97 In early April, Neville was still concerned about the matter of ministerial attendance, and telegraphed the Secretary of the Department of the Interior asking the same question. He was told in reply that the Queensland Minister for Health and Home Affairs was going to attend, and that the Victorian minister might be coming.98 The Queensland minister did not, in the end, appear, but Bailey did. This reminds us of the fluid nature of this event, or perhaps of the relatively uninformed position of the Commonwealth department. Also, as we have seen, Bailey held an unusual confluence of positions, and is a special case. Neville eventually followed the rest of the country, and on 13 April informed the Secretary of the Interior that he would be attending alone.99
Neville’s interest in the possibility of ministerial attendance at the Conference raises at least a couple of issues. The first can be dealt with simply. The Canberra Conference was intended to be a meeting of those with practical administrative experience in Aboriginal affairs, not a meeting of politicians. Therefore, it is not surprising that, in the end, only administrators and advisers attended. There is an element of the club in all this that we should not ignore. The bureaucrats regularly spoke of the need to focus on practical experience, and believed that their own experience gave them the edge in the field. This edge covered not only ‘do-gooders’ and ‘academic types’, but politicians as well. By their own lights, the assembled Chief Protectors, as well as the various Boards, were the best qualified to sort out the relevant issues in Canberra. If the authorities were to achieve anything, it is likely that they thought they would best achieve it on their own.

If a meeting devoid of ministerial interference suited the authorities best, it could also be seen to have had advantages for the politicians. It could in some ways circumvent the perceived interference from those ‘Societies and Associations’ mentioned above. Whatever responsibility ministers may have had to bring the views of their various constituents to the conference table (and this is moot, of course), bureaucrats and administrators would be less bound to do so, for they were not responsible to the public. They could still claim to have taken submissions from the public, but they were not obliged to deal with them. Political figures could then plausibly remove themselves from any negative outcomes from the Conference, while still basking in any available glory. And both groups could argue that the
meeting would be one step removed from public clamouring and, in this more liberated atmosphere, might cut to the quick of the problem and provide better and less restricted solutions.

Given the non-governmental nature of the proposed conference, Kitson was still keen on attending, and we must at least wonder why in the end he did not attend. Perhaps it was a case of not wanting to be the only Minister there (if we exclude the special case of the Victorian Minister/Chairman). There is also the more prosaic matter of travel, distance, and time away from his post. (The matter was so real in 1937 that the Federal Minister expressly noted it in his opening address to the Conference, when he especially thanked those from Western Australia and the Northern Territory for their attendance.)

Neville estimated that it would take a week to travel to Canberra if the Conference was to be held on the 16 February. The best the pair could hope for involved moving the Conference back a day, to 17 February. If that were done, they could leave on February 12, and arrive in Canberra at noon five days later. We can assume that it would have taken a similar amount of time for the return trip, which means that even the best scenario would require a two week absence for a two day conference. Given that Kitson was also Chief Secretary, perhaps he could not justify being away so long if he was going to be the only minister of his kind there. That might explain why Neville continually inquired as to other ministerial movements; Kitson needed to know if it was going to be necessary for him to go. Of course, the time involved might finally have convinced Kitson that he could not justify such a prolonged absence no matter who would be
in attendance. Given that no other individual would was taking part in the Conference solely as a minister, we can assume that whatever Kitson's reasons, they were widely held. In the Western Australian case, the 'tyranny of distance' might have been just another factor mitigating against ministerial attendance.

Whatever the reasons for attendance and non-attendance, the Conference of Commonwealth and State Authorities met in Canberra on 21 April. Eleven men represented the five mainland states and the Commonwealth, and H. A. Barrenger, from the Department of the Interior, 'acted as Secretary to the Conference'. New South Wales was represented by three members of the Aborigines Protection Board: its Secretary, A. C. Pettit, and two other members, E. S. Morris and B. S. Harkness; Victoria by Bailey and L. L. Chapman, Under Secretary and Vice-Chairman of the Board for the Protection of Aborigines; South Australia by Chief Protector McLean and Cleland; Queensland by Bleakley; and Western Australia by Neville; the Commonwealth was represented by Cook and Carrodus. They met in Parliament House, and while there were afforded the 'usual refreshments...morning tea, liquors, cigars, cigarettes' that would be offered to the usual inhabitants of that place. In this convivial setting the eleven participants set about attempting to resolve the vexed 'Aboriginal problem'.

3 Rowley, Destruction, pp. 319-328.
5 Haebich, For Their Own Good, p. 352.
6 Jacobs, Mister Neville, pp. 252-257; p. 257.
7Ibid., p. 255.
9McGregor, Imagined Destinies, pp. 177-9.
10Beresford and Omaji, op. cit., pp. 28-9, 30, 45, 47-8, 53-4.
11National Australian Archives [hereafter 'NAA'] CRS A461 AO 326/1/3 pt 1.
12PM's Office to Interior 29/5/36, NAA CRS A659 1942/1/8104.
13PM to WA Premier 18/8/36, State Records Office of Western Australia [hereafter SRO] ACC 1496 268/36.
14Lettergram WA Premier to PM, SRO ACC 1496 268/36.
15s. 122, Australian Constitution.
16NAA CRS A461 AO 326/1/3 pt 1.
17Rowley, Destruction, p. 319.
18Pearce to WA Prem, 20/6/37, SRO ACC 993 238/27.
19Neville to Under Sec, 6/7/27, SRO ACC 993 238/27
20Neville note, 11/7/27, SRO ACC 993 238/27.
21WA Prem to PM, 20/7/27, SRO ACC 993 238/27.
22West Australian, 7/12/27.
23Rowley, Destruction, pp. 259-60.
25Australian Dictionary of Biography, 1891-1939, eds Bede Nairn and Geoffrey Serle, Carlton South, Melbourne University Press, 1979, p. 325. There is some confusion as to Bleakley's service dates. Rowley, Destruction, p. 247, makes him Chief Protector from 1913-1940; Haebich, Broken Circles, p. 175, gives two sets of dates on the one page: 1913-1942 and 1914-1941; Jacobs, Mister Neville, p. 254, has him achieve the post in 1914.
28Rowley, Destruction, p. 265.
30Ibid., p. 152.
31Jan Larbalestier, "...For the betterment of these people": The Bleakley Report and Aboriginal Workers', Social Analysis, 24, 1988, p. 22.
32Bleakley Report, p. 39.
33Ibid., p. 33.
34Ibid., p. 35.
36Ibid., p. 27.
37Ibid., p. 40.
38NAA A659/1 44/1/3148.
40'Conference of Representatives of missions, societies, and associations interested in the welfare of Aboriginals to consider the Report and Recommendations submitted to the Commonwealth government by JW Bleakley, Esq.', NAA A659/1 44/1/3148.
41'Conference of Representatives', p. 2.
42Rowley, Destruction, p. 275.
43'Conference of Representatives', pp. 7-10
44Ibid., pp. 13-4.
46 Ibid., p. 20.
48 McGregor, Imagined Destinies, p. 118.
49 'Conference of Representatives', p. 23.
50 Ibid., p. 28.
53 Ibid., p. 275.
55 'Control of Aboriginals', 9/5/33, NAA CRS A659 1942/1/8104.
56 Ibid.
57 Ibid.
58 Ibid.
59 Ibid.
60 Cook to Administrator, 10/7/33, NAA CRS A659 1942/1/8104
64 Brown to Minister, on 'Control of Aborigines', 9/8/33, NAA CRS A659 1942/1/8104.
66 NAA CRS A659 1942/1/8104.
67 Markus, Savages, p. 122.
68 26/6/36, NAA CRS A461/7 AO326/1/3 pt1.
69 Jacobs, Mister Neville, pp. 15, 18.
70 Ibid., 23-5.
71 Ibid., pp. 26-7.
72 Ibid., pp. 27-30.
73 Ibid., p. 35.
74 Jacobs, Mister Neville, pp. 53-9; Haebich, For Their Own Good, pp. 149-55.
75 Jacobs, Mister Neville, p. 54; Haebich, For Their Own Good, p. 155.
76 Haebich, For Their Own Good, p. 154; Biskup, op.cit., pp. 72-4.
77 see Haebich, For Their Own Good, pp. 276-280; 344-8; Biskup, op. cit., p. 161; Jacobs, Mister Neville, p. 245; Beresford and Omaji, op. cit., p. 54.
78 Haebich, For Their Own Good, pp. 153-4; Biskup, op. cit., p. 69-70.
79 Haebich, For Their Own Good, p. 153.
81 Neville to Kitson, 29/6/36, SRO ACC 993 425/36.
82 Cook to Administrator NT, 10/7/33, NAA CRS A659 1942/1/8104.
83 Neville to Kitson, 29/6/36, SRO ACC 993 425/36.
84 Neville to Kitson, 29/6/36, SRO ACC 993 425/36.
85 Baillie to Lyons, 30/7/36, NAA CRS A659 1942/1/8104.
89 Sexton to Paterson, 23/10/36, NAA CRS A659 1942/1/8104.
90 PM to WA Premier, 15/10/36, SRO ACC 993 425/36.
91 Covering Memorandum, 26/6/36, NAA CRS A461/7 AO326/1/3 pt1.
92 Cabinet Minute, 3/1/36, SRO ACC 993 425/36.
93 Willcock to Lyons, 5/11/36, SRO ACC 993 425/36.
94 Bleakley to Neville, 28/1/37; Neville to Bleakley, 29/1/37, SRO ACC 993 425/36.
95 PM to WA Premier, 4/2/37, SRO ACC 993 425/36.
96 12/2/37, SRO ACC 993 425/36.
97 McLean to Neville, 3/4/37; Bleakley to Neville, 3/4/37, SRO ACC 993 425/36.
98 Neville to Sec Int, 5/4/37; Sec Int to Neville, 7/4/37, SRO ACC 993 425/36.
99 Neville to Sec Int, 13/4/37, SRO ACC 993 425/36.
100 Aboriginal Welfare, p. 5.
101 Neville to Kitson, 18/1/37, SRO ACC 993 425/36.
102 Aboriginal Welfare, p. 3.
103 Minute from Conference organiser, 12/4/37, NAA CRS A659 1942/1/8104.
Chapter 2:

The 1937 Aboriginal Authorities Conference.

As we saw in the previous chapter, the 1937 Canberra Conference of Commonwealth and State Aboriginal Authorities was the first such meeting ever held in the nation. Analysis of the Conference proceedings will show that while those present made seemingly unanimous resolutions regarding the future of Aboriginal administration, there was no real consensus, certainly not in areas of fine detail. In this chapter we will see that the aims espoused by the Conference, the methods it adopted, and the substance of the debate, all mitigated against the continuation of such an administrative forum. What appears to be the delegates' desire to present a united front in the end limited the types of resolutions available to the Conference, thus weakening its hold on the future. We will also see the importance and varied nature of the race thinking on display in Canberra that week.
Wednesday 21 April

The first day of the Conference is best seen as a day of information distribution. No policy resolutions were made. Each delegate – with the exception of Morris¹ – stated the position in his own state or territory and raised issues he wanted to cover during the Conference. This included, almost inevitably, the claims that each state had produced the best possible solution to the ‘Aboriginal problem’. Sometimes this took the form of already existing policy and practice; sometimes it was a blueprint for the future. There was some ‘general discussion’ as well, but this amounted predominantly to further clarification of positions already stated.

The Conference was officially opened by the Minister for the Interior, T. Paterson. He gave a brief history of the background of the Conference, noting that there had been many calls for Commonwealth control of Aboriginal affairs. This short historical preamble was then followed by an exhortation to those assembled:

This Conference is an epoch-making event. It is the first conference of all the governmental authorities in Australia controlling natives. The public has taken the greatest interest in this meeting, and some decisions of a concrete nature are expected to result from your deliberations.²

He went on to point them in what he thought was the right direction. The Aboriginal question was above politics, and although there might be differences of opinion regarding policy, there was ‘only one consideration where aborigines are concerned and that is: What is best for their welfare?’ If those in attendance had not
felt under pressure before, no doubt they did now. Paterson praised the experience of those gathered, and closed by stating that 'I feel sure that something constructive in the interest of the aborigines of Australia will be forthcoming.'

The first action of the Conference was to elect a Chairman. Bailey was proposed by Carrodus and the Conference agreed. Bailey then highlighted one of the problems that would work against the holding of further such conferences. In accepting the nomination, he said that the 'problems relating to aborigines are not acute in Victoria', and added that questions 'relating to aborigines affect States like Queensland, South Australia, and Western Australia more than Victoria and probably New South Wales'. Finally, he said that he had come to Canberra 'principally as an onlooker.'

Carrodus then informed the Conference that while the Press was 'not particularly anxious to be present' at the meeting, it would appreciate reports of the proceedings twice daily. The members agreed, resolving that 'the press would not be admitted to the Conference, but that reports be prepared by the secretary and issued to the press.' In the last organisational matter before discussions began in earnest, the delegates agreed that each state and territory would be entitled to one vote.
J. W. Bleakley

Bleakley made the first long speech of the Conference, from a prepared memorandum that ran to eight typed pages, and fills just over four pages of the Conference report. In it he explained a detailed scheme for the future of Aborigines in general. Bleakley started with the statement that ‘it will be generally agreed that the care of the aboriginal races should be considered from a nation-wide, rather than from the individual State point of view.’ While he admitted that the Premiers’ Conference had decided that centralised control was not ‘practicable[sic] or desirable’, he still felt that ‘co-operation and unity’ was necessary between the various states and territories. He stated that each could deal with the problem more economically than through a central bureaucracy.

In a style similar to his 1929 Report, Bleakley divided the Aboriginal population into four main groups, and proposed different solutions and practical aims for each. In the intervening years he had apparently delimited a new category. The four main groupings he identified were:

- ‘primitive nomads still free to live their own life’,
- those ‘still living a precarious existence on their own country, but whose lands have been selected for pastoral occupations’,
- the ‘detribalized, whose country has been usurped by settlement’,
- and what he termed the ‘crossbreeds’. This last group he broke into four sub-groups, ‘each requiring special treatment’:
1. Those with a preponderance of aboriginal blood and entirely aboriginal in character and leanings.
2. The cross with lower types of alien races, such as Pacific Islanders, Malays, Africans.
3. The European-aboriginal cross or those with higher Asiatic types.
4. The quadroon and octofoon with preponderance of European blood.9

With regard to the ‘primitive nomads’, Bleakley stated that the best practice was protection, under ‘benevolent supervision’, within inviolable reservations. The people living within these reserves would be protected ‘not only from the trespasser, but also from the temptation calling at the gate.’ The main aim of this system ‘should be the gradual adaptation of these nomadic people to the inevitable change to the settled life’, and education in subsistence farming. Six million acres, mainly on the Cape York Peninsula, had been set aside for this process. Supervision of these reserves was provided by ‘a chain of mission stations’, all of a religious nature, which Bleakley considered carried out their tasks ‘economically and successfully’.10 These missions offered medical care and care for ‘foundlings’; beyond that, ‘mission life with its regular food, shelter, comfort and companionship soon attracts others.’ Through this system, there was evidence that ‘the primitive aboriginal is beginning to understand and appreciate the benefits of the settled village life’. One example of this was that native police on some missions had ‘frequently given valuable assistance in the capture of desperate native characters’. Certainly Bleakley gave other economically-based examples of success in this transition to ‘civilisation’, but in using the police, he hinted that such activities are a definite sign of civilised behaviour. The Torres Strait Islander peoples were different from and superior to the mainland Aborigines, and had been granted their
own self-elected councils and police forces. In a paradoxical turn, the segregation imposed upon these Islanders had assisted their progress towards civilisation. Bleakley viewed this progress very positively, and applauded the ‘fact’ that it had been achieved ‘on improved native lines and not as poor imitation whites, for they still retain their native customs, arts, crafts and music.’ This picture of things underlines some of the hurdles placed before Aboriginal society in this period. Although every administrator expected that Aboriginal people should become more ‘civilised’, there was distrust of mere ‘imitation’; there was also, of course, a danger in clinging to the old ways, of degenerating or relapsing back to the ‘Aboriginal’ way of things.

The second general group in Bleakley’s schema was the new addition since 1929. It comprised ‘those still living a precarious existence on their own country’, and presents another glimpse of the general dilemmas involved in attempting to solve the ‘problem’. He stated that this ‘class probably present the most difficult problem’. Even so, he afforded them the least coverage in his plan. Their case is seemingly almost intractable:

The usurpation of their hunting grounds has resulted in the destruction of their native culture, and contamination from contact with the alien race. Their helpless position exposes them to temptations and vices to which they easily fall prey, mainly because of...food poverty..."}

This statement reveals much of the complexity of racial thinking of the period. The notion that culture is dependent upon its economic bases, in this case hunting grounds, is quite sophisticated. As Russell McGregor has written concerning A. P.
Elkin, 'an economic determinist interpretation of Aboriginal culture' allows the protagonist to 'marginalise the significance of racial attributes.' While it might allow for such a thing, an economic interpretation does not of itself ensure that racial attributes will be marginalised, as Bleakley's invocation of racial/cultural contamination reminds us. Still, he did link economic poverty to cultural deterioration, rather than merely to racial/cultural inferiority.

There was in Bleakley's view an 'obvious and eventual solution' to the problem posed by this group: 'to transfer all such people to institutions where the desired care, control and education could be given'. He realised that such 'wholesale herding of tribes to strange country cannot be done without hardship.' However, he was at least as concerned with the hardship such a move would cause the pastoral industry, through the loss of an important labour source, as he was with that of Aborigines. In the end, however, he felt that until 'these dispossessed people can be provided for and gradually absorbed into suitable reservations, it is essential that effective legal and supervisory machinery be provided to protect them from privation and disease.'

Next, Bleakley dealt with his third category, the 'detribalized'. These were to be found 'mostly on the outskirts of country towns and mining camps.' These people had lost the skills necessary to support themselves in traditional ways, but 'invariably' could not survive in western society without 'protection from their own ignorance and improvidence.' This category was not delineated distinctly from
Bleakley’s last group, the ‘cross-breeds’. The one slid unannounced into the other, and fitted neatly into his analysis of the generation of the ‘crossbreed’. Within the detribalised camps the ‘moral tone’ was low. Indeed, it was often lower than that of the more primitive classes, as this type of people is usually too sophisticated to be controlled by the native laws and the moral code of the superior race. Consequently, the majority of the inmates are of mixed breed, many of the children are illegitimate, being lucky if their parents are of the same nationality and are living together.16

Here Bleakley substituted ‘nationality’ for ‘race’, but the intent seems the same: to emphasise that there was some degree of inherent danger in crossing national/racial boundaries. Further, the detribalised people, whatever their racial composition, were culturally adrift, as if falling between the two stools of white culture and ‘proper’ Aboriginal culture meant that they possessed no culture at all. This concept was common at the time and had long been so; anthropologists, accordingly, were loath to consider non-tribal, ‘unauthentic’ Aborigines worthy of study.17 The solution to the problem of the detribalised Aborigines was ‘effective protection and supervision’. This should take the form of:

1. Sanitary living conditions.
2. Protection from abuse.
3. Moral control.
4. Support of their dependents by the able-bodied.
5. Proper upbringing of the children.18
Apart from the fourth clause, which laid some responsibility on the people themselves for the care of dependents, this formula seems almost identical to that proposed for the 'primitive' people.

The most important aspect of the scheme was that concerning 'moral control'. In a statement that will become important when we deal with the most famous resolution passed by the Conference, Bleakley stated that in Queensland 'for a quarter of a century, the marriage of whites and blacks has been rigidly restricted, and every encouragement has been given to marriage of crossbreed aboriginals amongst their own race'. He claimed that due to this policy, some 95 per cent of crossbreed children were the result of 'purely native unions', and 80 per cent came from legal marriages (which contradicted his statement concerning detribalized camps). Bleakley hinted at the dangers he felt to be prevalent in miscegenation when he added that 'not every half-breed is the child of a white father.' Further, some were of 'half aboriginal blood, but [were] wholly aboriginal in nature and leanings.' Such individuals would gravitate to their 'mother's people', which of course meant Aborigines. Still, even given this depiction of the nature of some half-castes, Bleakley's understanding ran to the concept of the 'superior type of half-breed, with the intelligence and ambition for the higher civilized life', and it was no doubt those people he had in mind when he introduced the new trial scheme soon to be instigated by his department, that of 'a half-caste industrial colony'. This brought together the ideas of segregation of half-castes so long popular in Queensland, education, moral uplift, and controlled breeding.
Having outlined a plan based entirely on biological and racial criteria, Bleakley immediately moved on to contradict their importance. He ignored all his racial groupings and stated that, in the end, the 'care of the aboriginal, no matter what the breed, is, to a large extent, a health problem', based in large upon inadequate diet. He briefly noted the need to acknowledge the influence that 'native code' may have on people, and raised the issue of native courts and uniform legislation. As he wound up his speech, Bleakley then came to a delicate political issue: the aboriginal problem was like 'other social questions, the effectiveness of the measures for the betterment of races was largely dependent upon finance'. He suggested that the Commonwealth was the 'parent government of this continent', the body 'looked to by the people overseas as responsible for the proper treatment of the aboriginal races', and that it should in effect bite the bullet and provide the States with sufficient funds towards the problem.\textsuperscript{21} Finally, he supplied a 'Summary of Past Aboriginal Policy' in his State, which was remarkably similar to what he proposed as the way forward.\textsuperscript{22}

\textbf{J. B. Cleland}

John Burton Cleland spoke next, also from a prepared memorandum. Born in South Australia in 1878, the son of an influential medical academic, Cleland was the foundation Professor of Pathology at Adelaide University.\textsuperscript{23} By the 1930s he was the 'most committed advocate of assimilation' at the University,\textsuperscript{24} and he proposed
to the Conference that ‘the whole question of the half-caste should be thoroughly investigated by some person specially trained in the study of social and economic problems.’ This was needed, he claimed, to better allow the execution of what he called the ‘one satisfactory solution to the half-caste problem.’ His next phrase is one of the rare snippets from the Conference that have made regular appearances in the literature. The one solution was ‘the ultimate absorption of these persons in the white population.’ Importantly, Cleland believed this move would be racially safe, that the absorption would not ‘necessarily lead in any way to a deterioration of type, inasmuch as racial intermixtures seem, in most cases, to lead to an increased virility.’ This notion of increased virility is best understood as a renamed ‘hybrid vigour’, which came from the world of Mendelian genetics and was well known in the period. When pure lines were interbred, the first generation of crossing, the ‘true’ half-caste, would be ‘considerably more vigorous than either of the lines’, or that of its descendants.25 Hybrid vigour might have been part of his explanation, but it was not the whole. Cleland held that in some parts of Australia at least, the increasing number of half-castes was due to ‘intermarriage amongst themselves.’26 If second generations of half-castes were more vigorous than ‘normal’, Cleland did not bother to explain why that might be the case.

The survey Cleland proposed would not only help find the ‘best method for the gradual absorption of the half-caste into the community’, it would also help answer the rather paradoxical question of whether or not this absorption was really possible. Cleland was at least open to the possibility that the half-caste might
‘always prove to be only a grown-up child who will have to be protected and nursed.’ If this seems contradictory to the concept of ultimate absorption, it did not occur to Cleland or anyone else in Canberra that week. Nor did the other unusual aspect of his speech. Cleland saw racial safety in the increased fertility of those being absorbed into the general population, yet it was precisely that possibility which most at the Conference held to be the problem. Perhaps, and this is obviously drawing a very long bow, the increased fertility brought into white society by Aborigines would be a salve to the contemporary Australian fear of falling population rates.

A. O. Neville

Neville was the next to speak, and he wanted to look at the ‘big picture’. The task, he claimed, was to ‘ask ourselves what will be the position, say, 50 years hence; it is not so much the position to-day that has to be considered.’ This could be achieved by following the example of Western Australia, in particular by adopting legislation akin to its 1936 Native Administration Act. He proudly claimed that his state had ‘gone further than has any other state, by accepting the view that ultimately the natives must be absorbed into the white population of Australia’, which was ‘the principle objective’ of the recent legislation.

The presumption upon which the Western Australian government had based its legislation was the ‘fact’ that ‘the Aborigines of Australia sprang from the same
stock as we did ourselves, that is to say, they are not negroid, but give evidence of Caucasian origin.’ Neville cited the Adelaide Anthropological Board, of which Cleland was an important member, and Dr R. W. Cilento, Chief Federal Quarantine Officer in Queensland. Neville had anxiously sought and received an edited version of Cilento’s 1933 ‘Survey of Aboriginal Natives of North Queensland’, which contained the idea of ‘absorption’ of certain Aborigines as one way of ensuring that the ‘problem’ be ‘eliminated’. Neville’s belief in the safety of biological absorption via the proto-Caucasian linkage between Aborigines and Europeans had a long heritage. The idea originated with T. H. Huxley in 1869, and gained acceptance in Darwin’s Descent of Man. It gained added impetus from the writings of A. R. Wallace, who in 1893 claimed to have solved the problem of Aboriginal-European intermixture once and for all by declaring unilaterally that the two groups were prehistorically, archaeologically, and racially co-terminus. In the scientific community at least, the concept of Aborigines as archaic or proto-Caucasians was broadly accepted in this period.

Neville went on to extol the recent legislative efforts in his state, starting with the reclassification within the 1936 Act whereby all ‘aborigines’ had been made ‘natives’ with a stroke of a pen. His main concerns at the time, however, were with the role played by missions, the control of breeding, education, and cost. Mission activity was ‘in direct contrast to that of the department’ and was leading to ‘an increase in the number of coloured people, that is, half-castes’. This occurred because missions encouraged intermarriage between half-castes. As Rowley
points out, such criticism of the missions, on the ground that their work had led to an increasing population, did them credit.\textsuperscript{37}

Education, according to Neville, could make coloured people absorbable, but control of breeding and children were his main concerns. It was necessary to separate the children by the age of six, he said, to which end the department had 'power under the act to take any child from its mother at any stage of its life, no matter whether the mother be legally married or not.' To control the type of people coming into being, and to lessen the danger of racially unsuitable crosses, specifically to prevent people returning 'to the black', the Act had powers over the marriages of half-castes. For those who had reached a certain stage of development, a kind of freedom was available, although we must remember that this was rarely applied and almost infinitely revocable. Neville was technically right when he stated that an individual Aborigine could be exempted from the Act, but he reminded his audience of the reality when he went on to say that this would happen only 'so long as he does certain things.'\textsuperscript{38}

In a schema similar to that devised by Bleakley, Neville outlined three different 'types' of Aborigine that he believed existed in Western Australia: the 'full-blooded aborigines, half-castes from detribalized blacks, and half-castes producing their own children.' Half-castes in the south-west of the State were 'approaching the stage' when they would become assimilable, but he believed that this would not be the case in the 'middle north' for another 25 years, and that it would take perhaps
50 years before those in the far north reached the same stage. The two different kinds of half-caste delineated by Neville must be noted. There is a hint of essentialism here, plus another racial theory – mixed-blood degeneration. The ‘new’ half-castes, products of the detribalised Aborigines of the north, were by implication different in some important respects from those produced from within the half-caste population of the south-west. In his book published in the late 1940s, Neville made this distinction explicit when he described the southern group as not being the ‘robust, meat-eating people’ that their ancestors were. Breeding within the half-caste group was enough, apparently, to weaken the type.

If degeneration was not worrying enough, Neville also raised the spectre of racial inundation. In the third regularly-noted snippet from the Conference, he asked the delegates the rhetorical question:

Are we going to have a population of 1,000,000 blacks in the Commonwealth, or are we going to merge them into our white community and eventually forget that there ever were any Aborigines in Australia?

The figures Neville gave to support his dramatic question might be risible to the modern reader, but they were not thought so at the time, at least not at this gathering. Having raised the prospect of a million blacks in the future, he claimed that 25 years of unchecked growth in the south-west of Western Australia would give rise to 15,000 individuals, double the number in 1937. Even if the delegates accepted the concept of the half-caste population doubling every quarter-century, coming from a base of around 60,000 individuals (which was in fact the accepted
estimate at the time for all Aborigines, of whatever degree) it would still take another two centuries for the population to reach Neville’s worst-case scenario. Still, he was not picked up for his mathematical shortcomings, nor for his aims. The other delegates no doubt recognised the rhetorical flourish of the ‘million Aborigines’ concept, and were not worried about the detail. It is difficult, however, to explain how this neo-Malthusian nightmare of half-caste inbreeding could coexist with his citing of Cleland as an authority for absorption, given Cleland’s belief in the increased virility of half-castes.

The only possible solution to the potential part-Aborigine population explosion was, in Neville’s view, to facilitate their ‘ultimate absorption into our own race’. This would require ensuring that the health and training of half-caste children was up to the standards accepted by whites. Added to this, ‘the stigma at present attaching to half-castes must be banished.’ Neville gave no indication as to how any of these things might be accomplished, but he did claim that ‘we in Western Australia have put our hearts’ into them, and that a prerequisite to their solution was ‘much greater expenditure’.

If Bleakley thought the issue was primarily a matter of health, Neville believed it was monetary. He illustrated the nature of his state’s financial plight by comparing expenditure elsewhere. Western Australia spent £1/10/2 per annum per Aborigine; Queensland, £2/10/7; New South Wales, £5/5/-; South Australia, £5/10/10; and Victoria, £13/4/4. Admitting that the level of Western Australian spending was
'ridiculous', it is not surprising that he supported Bleakley's suggestion concerning Commonwealth assistance. If Jacobs is right and Neville forgot that a copy of the proceedings would make its way to Perth, this admission on spending is the best evidence. It is naive, however, to ascribe this politically painful exposé of Western Australia's low levels of expenditure to some sort of temporary amnesia on Neville's behalf. Although clarity of thought was not his strongest suit, Rowley has rightly written that Neville was no fool. A much more likely explanation is that he was using the opportunity offered by the Conference to chivvy his political masters into embarrassed action. Whatever his reasoning, however, he did support the notion of increased Commonwealth financial support. Indeed, like Bleakley, Neville closed his speech on the issue, and emphasised the point, stating 'that Western Australia has no native problem. Its problem is a financial one.'

H. S. Bailey

Bailey was the next speaker and, in contrast to Neville, offered a very 'small picture' view of things. He also added a slightly discordant note to proceedings. He wondered about the 'difficulty of absorbing this class of people amongst the whites in areas where there are large white populations.' We have to wonder if the matter could possibly have been simpler with a small white population. The 'principal difficulty' faced by Victorian authorities was Aboriginal girls going out to work as domestics and returning 'pregnant, or worse still, with two or three little children.' This exemplified the underlying problem with absorption, according to Bailey. He
explained the situation in terms that belittled everyone, and he also invoked eugenicist notions: the problem was that ‘half-castes get into the hand of degenerate whites, and that is the end; they go on breeding in the same way.’ Along with Bleakley, Bailey was obviously ill at ease with some aspects of absorption, and concerned at the prospective outcomes of interbreeding between ‘lower types’ of whites and half-caste Aborigines.

It is notable that he raised concerns about the suitability of the whites involved, rather than just the fitness of Aborigines. There is a sense, however, that Bailey was perhaps worried more about the implementation of such a scheme than its desirability; that if the ‘lower types’ problem could be overcome he would view absorption with more equanimity. Neville, ever eager to promote his cause, believed that this was not really a problem. In Western Australia, such children were just ‘taken away from the mother and sometimes never see her again’, and were raised as whites. Obviously, Neville saw these children as fit for further absorption, especially given that they were fathered by white men. However, the remarkable contradictions within the Western Australian position become immediately obvious to the modern reader when Neville pointed out that it had become ‘an offence for a white man to have sexual intercourse with a coloured girl’. Biological absorption was the only way forward in Neville’s eyes, and yet it seems that no type of half-caste was fit to breed with white men.
Bleakley

Bleakley then spoke again, offering five ‘suggestions for consideration by the conference’. Three of these concerned the matter of Aboriginal wages and remuneration. First, he called for a ‘basic living wage for all male and female aborigines and half-castes throughout Australia’, with a sliding scale below this for ‘old and inefficient workers’. Second, if Aboriginal women were not receiving state aid they should receive Commonwealth maternity allowances on a pro rata basis in line with the basic wage mentioned in the first suggestion. This mattered because Aboriginal women were excluded from the maternity allowance that had been introduced for white women in 1912. Third, Aborigines of the appropriate age should qualify for old age pensions with similar conditions to the maternity allowance. The fourth suggestion called for measures to be taken by the Commonwealth Government to prevent unlicensed foreign fishing vessels working in Australian territorial waters to the detriment of aboriginal seamen; also to prevent abuse of aboriginal women by foreign indents by establishing an effective armed patrol for Northern Australia.

All these issues were on the agenda for the meeting, but raising the matter of a northern patrol on the first day of the Conference was an interesting move by Bleakley. The day before, Paterson had informed the delegates that a new Ordinance was to be proclaimed, banning foreign fishing for three miles off all Aboriginal reserves. Paterson stated that these steps would be enforced ‘immediately’, ‘so that a menace to aborigines would be removed’. Perhaps
Bleakley wanted to keep pressure on the Commonwealth government with regard to the issue of a permanent Northern Australian patrol, beyond coverage of the Northern Territory. Perhaps he just wanted to raise an issue that was certain to be dealt with by his federal counterparts. Or perhaps he merely wanted to get the new decision on to the record. His last suggestion was for the creation of a leprosarium in ‘Northern Australia’. In conclusion, Bleakley stated that while Queensland already had the wage scheme mentioned, a problem arose when Aborigines were imported from elsewhere to work in the state.\textsuperscript{52} He did not explain this problem, but it no doubt surrounded differing wage or payment expectations. We can only wonder whether it was white employers facing a mandatory wage system whose concerns lay behind this.

\textbf{Cleland}

Cleland next took the floor in the minutes before lunch, and again raised the matter of segregating ‘fully tribalized natives who have not come into contact with the white man.’ He felt these people should be ‘kept intact’, and argued the case from an economic perspective. Putting it bluntly, he believed that ‘it does not pay to have these people detribalized.’ Detribalisation via the method of the ‘admixture of white blood would increase the expenditure of the State’.\textsuperscript{53} There are a number of aspects to this argument that need to be disentangled. First, it probably was cheaper to keep this class of person isolated, although there was a paradoxical (if not absurd) element to the notion of creating reserves for people who had yet to come
into contact with white civilisation. For the moment at least we will ignore this oddity, though we would do well not to forget it, for it was not unique to Cleland. The Annual Reports of the Western Australian Department, for example, regularly contained similar ideas. Ever keen to enumerate whatever he could, Neville had for many years listed 10,000 Aborigines as being 'beyond the influence of civilisation'. In the 1937 Report, he was moved to comment that this figure was 'somewhat nebulous' and probably an overestimate.\textsuperscript{54} By 1948 he thought both the figure and the people involved to be 'mythical'.\textsuperscript{55} 

If it would initially be cheaper to segregate such people, there would still be a cost. Cleland spoke of what we can only interpret as absolute isolation, not the guiding hand that Bleakley understood reserves to entail. The uncontaminated people would be left as they were; it would 'pay us better to keep these people intact, than to try to improve them and help them socially.'\textsuperscript{56} Given the focus of anthropologists in the period, this idea also indicates a possible level of self-interest on Cleland's behalf. How better to provide a supply of subjects for study than to permanently isolate them?

Cleland was not only interested in the economics of segregation; he also cared about counting. If it was cheaper to isolate tribal Aborigines, Cleland did not believe it was cheaper to ignore their existence totally. He wanted to see all Aborigines, both full-blood and half-caste, included in a census of the Australian population. No doubt this would serve to create a better pool of pure knowledge,
but there was again more on Cleland’s mind. Such a census would give the lie to
the notion that northern Australia was only inhabited ‘with a few thousand people’.
Counting Aborigines would prove that the north was ‘incapable of maintaining a
higher number of persons than are now already there.’\textsuperscript{57} This scheme might have helped to stop Australian complaints about the ‘empty north’, and also to have forewarned any potential invaders that there was no room at the inn.

\textbf{Cecil Cook}

After lunch on the first day, Cook put forward the position in the Northern Territory. He stated that since 1929 the Commonwealth had ‘committed itself to a policy of lifting the half-castes to the standard of the whites’, and that this policy had later been followed by Western Australia and Queensland – another almost obligatory instance of one-upmanship. Like Neville, Cook was worried about the numbers of part-Aborigines. The number of whites in the Territory was low, and unless ‘some unforeseen event’ such as the discovery of oil or minerals was to occur, could not be expected to rise above 10-12,000 in the next fifty years. As things stood, the white population was decreasing, while half-caste numbers were comparatively high and were increasing. In his opinion it was ‘only a matter of a few years’ before half-castes would equal whites numerically.\textsuperscript{58}

Cook followed this managerial-sounding statement with an explanation of the Commonwealth’s Northern Territory policy. On first appearances it is banal,
functional, and what we might now term economically rational, if also marked by the race-based commonplaces we should by now expect. Closer consideration, however, reveals a plan that links socio-economic absorption with biological absorption, and which would logically culminate in a form of (perhaps partial) genocide. Cook stated that the Northern Territory could not ‘absorb all those people in employment, and, consequently, the question of disposing of the half-caste population arises’.59 The policy of the Commonwealth was ‘to do everything possible to convert the half-caste into a white citizen’.60 This was no simple humanitarian decision by the Commonwealth, however. An ever-increasing half-caste population would lead to one of three possibilities. The first was a half-caste revolt, or at least racial conflict, which would come about if half-castes were kept in their present inferior status. The second possibility was that, by confining them as a ‘subject race’, whites would eventually have to leave, not being able to compete for work. The final option was to treat half-castes and whites equally in employment, to raise the half-caste ‘to the level of the whites’. Once this was done, half-castes could and would eventually have to move elsewhere to find work, especially given their increasing population. This, said Cook, ‘would relieve the tension in the territory.’61 No doubt it would – at least the tension felt by whites. It would also continually deplete the part-Aboriginal population of the Territory, with the aim of permanently controlling the numbers of that population. This seems to be indistinguishable from attempting to ‘ensure the elimination, in whole or in part, of a racial group’, and thereby qualifying as some sort of genocidal policy.62
Cook believed that the policy of raising to white levels should also be adopted towards the Aboriginal population (by which he meant the so-called ‘full-blood people’). This would provide the best solution to the increasingly serious Aboriginal problem. To do nothing, to ‘adopt a policy of laissez faire’, would be ‘repugnant’; ‘the aborigines would probably be extinct in Australia within 50 years.’ But to ‘develop an enlightened elaborate system of protection [would] produce an aboriginal population that is likely to swamp the white’. The only option was to follow a policy which would produce an aboriginal population that could be ‘absorbed into the white population.’ In closing, Cook reiterated the threat to white society, and stated that

unless the black population is speedily absorbed into the white, the process will soon be reversed, and in 50 years, or a little later, the white population of the Northern Territory will be absorbed into the black.63

B. S. Harkness

The first New South Wales speaker brought a different slant to things. Unlike Bleakley, Neville, and Cook, Harkness did not claim any expertise in the field. He announced that he was ‘an inspector of schools, not an expert on aborigines.’ Pettit, another member of the New South Wales Board, was knowledgeable on administrative matters, while Harkness had ‘visited quite a number of our stations’.64 In passing, it is worth noting how this positioning fits into the general picture of Aboriginal administration. Harkness was no ‘expert’, but he had ‘experience’; for a long time academic expertise had been considered
unenthusiastically at best by those charged with dealing with Aboriginal affairs in Australia.\(^{65}\) Harkness' basic premise was that the position in his state 'was not so difficult as that of other states, excepting Victoria, where it is almost negligible.' Unlike preceding speakers, Harkness thought the issue was 'not primarily one of finance'. If that strikes us as an odd remark from a bureaucrat, normality was resumed when he added that funding had always been short. New South Wales had a changing demographic structure, with full-bloods diminishing in number and with 10,000 half-castes on the increase. All efforts had to be made to 'merge these people'; Australia could not have 'the collateral growth of an untouchable population.' Harkness stated that the administration in his state assumed that half-castes did 'not have the ability of the ordinary white child,' and that a special educational syllabus had been set up accordingly.\(^{66}\) Having made such a definite statement, however, Harkness went on to give a shifting picture of Aborigines and half-castes on the broader scale. He believed that, whatever their state at present, these people had very great 'potentialities'.\(^{67}\) This, however, was further complicated, or perhaps contradicted, by what he termed their 'leaning towards gambling'.\(^{68}\)

Harkness thought it awful 'that the white race in the Northern Territory is liable to be submerged, notwithstanding that on this continent 98 per cent of the population is of British nationality.' Given this understanding of the demographic reality, perhaps we might have expected Harkness to realised the absurdity of the danger as posed by Cook and Neville. Such was not the case, however, and Harkness was
spurred by this awful thought to call for the assimilation of ‘these people’, rather than succumbing to the ‘historical appeal’ of ‘preserving a vanishing race’. In a familiar refrain, he stated that if ‘we remain callous we shall undoubtedly see the black race vanish.’ Like all the previous speakers, he believed it was their collective task to work ‘for the next generation’. Finally, Harkness stated:

I am sure that if we can put into operation some improved technique in the handling of these people we shall be able to alter their attitude to life, and make it possible for them to be assimilated into the community, and become good citizens.69

M. T. McLean

McLean agreed with Cleland’s remarks on virility, if less scientifically, when he stated that people ‘who are protected, especially those who are less than full-blooded aborigines, multiply very quickly.’ He also agreed with the general tone of the debate on the first day when he said that the half-castes and those of lesser degree of aboriginal blood should ultimately be absorbed into the white community. However, he stated that ‘Colour is lost fairly rapidly when there is a mixture of white blood with the aboriginal, but unfortunately racial [which we must take to mean behavioural] characteristics are not so easily laid aside.’70 That said, however, the social organisation of the family or its analogue was also important. In the matter of control and/or separation from family, McLean was at odds with Neville, and perhaps more in line with Bleakley and Cook. Institutionalised half-castes were less likely to take their ‘place as a workman’ than those who had ‘grown up in the
bush’. Therefore, ‘half-castes should be encouraged to leave institutions and mingle more freely with the general public.’\textsuperscript{71}

Even McLean himself realised that his solution thus stated was too Pollyanna-ish to be helpful, and that there would be ‘many practical difficulties with this progressive step.’ These difficulties arose from the fact that ‘the half-castes in institutions had inherited their lack of ambition from the full-bloods.’ McLean did not intend this statement in depreciation of the full-bloods, he said, but as an indication of what happened to people who had been institutionalised. They resented interference over hygiene, would not protect themselves, caused problems if they left institutions, where they mingled with those familiar trouble-makers, ‘the lower order of whites’, and their settlements became hotbeds of immorality. Therefore, and unlike many in his day, McLean held that Aboriginal parental control, ‘even though it may be doubtful, is better, in the end, for a child than institutional control.’ That said, however, there would be no freedom from control. Upon marriage, half-caste couples should be removed from institutionalised care, placed in country towns, and provided with employment. There, through the education of their children alongside white children, they would be availed of a ‘better opportunity.’\textsuperscript{72}

\textbf{A. C. Pettit}

Pettit, the Secretary of the New South Wales Aborigines Protection Board, agreed with the other speakers and stated that the ‘crux of this problem is the adoption of
some means of merging the half-castes into the general community." He favoured settlements where some level of supervision could be enforced. Experience had shown that 'when these people are put to it to paddle their own canoe they have not made much of a success of it.' Individual families should be selected to live outside institutions, perhaps in controlled settlements similar to the one started by Canon Hammond near Liverpool on the outskirts of Sydney. Although it had attracted some criticism for creating a 'community of an undesirable character', Pettit thought it had some merit.

Pettit was the first speaker to seriously raise the issue of colour prejudice as a central factor in the Aboriginal problem. Others had mentioned the rapidity with which colour could be bred out of Aborigines, but none had wondered why this was necessary. Pettit was strong on this:

There is a good deal of mealy-mouthed hypocrisy about this business. Even some church people who should support us and who, in the abstract, agree that something should be done for them, often say, when it comes to the practical application of the principle: 'For God's sake do something for these people, but do it alongside other men and not alongside us.'

Pettit also raised the matter of citizenship rights for Aborigines. Every Aborigine in New South Wales, he stated, of whatever degree, possessed the State vote; all half-castes had the Federal vote. Within his State, all Aborigines had 'all the rights and privileges of the white people', except, of course, 'when they are on the reserves, and except that they are not allowed to obtain liquor'. These limitations meant that, in 1922, only 175 'aboriginal natives' were on the Federal Electoral Roll in
and we must remember that even at the end of World War II, most Aborigines in Western Australia, Queensland and the Northern Territory were disenfranchised.

Following these comments, and others on the political and union involvement of some Aborigines, Pettit moved on to the question of pregnant Aboriginal domestic servants. This subject further highlighted the limits of the political rights and citizenship available to Aborigines. Pettit claimed that 'the number of girls who get into trouble is negligible.' One of the aims of the Board was to 'keep them away from the dangers of camp life until they reach years of discretion'; the inexact and arcane phrasing implies something other than mere legal majority. Answering a question from his fellow Board member, Morris, Pettit gave the lie to the degree of liberty these young women enjoyed. Asked what chances the girls had of marrying, Pettit replied that the Board made 'provision for that by allowing them to return to their own homes for a holiday after a number of years. There they generally meet some young fellow of their own colour', whom they would marry. The only problem that arose out of this marriage of half-castes was that there was a tendency, although not an overwhelming one, for such couples to 'harbour other blacks', as Bailey put it.

The regimented match-making of the New South Wales Board, to put it in its most favourable light, does not speak of individual freedom. (Nor, it must be added, does a job where holidays seem only to appear 'after a number of years'.) The Board’s
marriage-broking scheme does not hint at biological absorption into white society, 
either; bringing young women back to their homes so they might meet men of ‘their 
own colour’ seems to fit Bleakley’s scheme more than Neville’s. Unusually for the 
delegates at the Conference, this oblique reference to breeding was the only time 
Pettit touched on the subject.

**Neville**

Neville was the next speaker, in a section denoted ‘General Discussion’, and he 
wanted to comment on aspects of the previous speeches. Essentially, he wanted to 
put them right. With regard to Cook, Neville stated that full-blooded Aborigines 
were not the issue, that the future was ‘with the coloured people of various 
degrees.’ The ‘natural’ habits of tribal Aborigines were, he said, decimating the 
population: ‘Infanticide and abortion are extensively practised amongst the bush 
people’. When asked by Pettit whether they actually killed children, Neville replied, 
‘Yes, they just knock them on the head if they cannot feed them.’ He added 
immediately that they doted on children when they could afford to feed them, but 
the image was struck. Society had to decide ‘whether we allow any race living 
amongst us to practice the abominations which are prevalent among these people’. 
In the long run, of course, it would be immaterial: ‘Whatever we do, they will die 
out.’

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And no matter all the apparent affection that Aboriginal mothers felt for their babies; in Western Australia it had been decreed (by Neville, presumably) that this made no difference. In almost biblical tones, he stated that

It is infinitely better to take a child from its mother, and put it in an institution where it will be looked after, than to allow it to be brought up subject to the influence of such camps.

With this, we can only assume that Neville felt that he had put McLean in his place. As if to somehow support this a priori comment, Neville claimed that the mothers from whom the children were taken were, eventually, ‘content to leave them there, and some eventually forgot about them.’\(^{81}\) This would seem to negate the ‘tremendous affection’ he had just mentioned, but perhaps it helps to clarify his conception of such affection. There is a strand of racial thought that ‘inferior’ peoples had the wrong kind of emotional attachments: they were too emotional, and therefore in some kind of opposition to ‘rational’ Europeans, or they lacked ‘proper’ human emotions, and were therefore somehow less than human.\(^{82}\) In an odd way, Neville seems to imply that Aboriginal women, whether of full- or part-descent, were guilty of both these faults: they felt too much, but could forget more easily than ‘whites’ could.

**L. L. Chapman**

Chapman invoked much the same philosophy as previous speakers when he spoke, although he applied it to a slightly different part of the Aboriginal population. He thought (and believed that ‘all agreed’ with him) that the ‘most urgent problem is
the absorption of the quadroons and octoroons into the white community.' If he seemed slightly more restrictive in who should be absorbed than some of the others at Canberra – and the difference is actually in his specificity rather than his restriction – there was a broad agreement upon the basic plan of action. However, he was again clear that the differing situations across the states and territories made for difficulties. He noted that Neville had 'practically unfettered control' in Western Australia, whereas the Victorian Board could only control those Aborigines living on government stations. Further, many Victorian half-castes had lived under 'civilized conditions for five generations' and excessive control of them would 'raise an outcry' from Aborigines and whites alike.\(^83\)

These factors seemed to make no real difference in any racial sense, however. Chapman stated that 'half-castes will do work under supervision, but they cannot be trusted alone'. If this were true after five generations of self-support, we must assume that essential racial characteristics were the explanation. Here we see the 'lose-lose' attitudes so common with regard to Aborigines. Having stated that half-castes could not be trusted to work under their own cognisance, Chapman then castigated one individual for fencing 70 acres of land and running cattle on it. Certainly, it was Crown land, but even if the act was illegal, Chapman failed to notice that it refuted his assertions about the half-caste 'type'. He did admit that there were 'individual families who are able to, and who do, take care of themselves.' However, 'invariably the majority' failed to do so.\(^84\)
Cleland and Bleakley

The final discussion on the Wednesday afternoon saw Cleland seek ‘some elucidation of Dr Cook’s statement’, and then another statement by Bleakley. Cleland wondered if Cook foresaw a massive increase in full-blood numbers, stating that his experience of the Musgrave Ranges countered such an idea. Cook admitted that his initial speech may have confused listeners by shifting from the half-caste to the full-blood, but he restated his position that half-caste numbers were on the increase, and could only be controlled by allowing half-caste males to enter the white work force and, most importantly, that ‘the female be accepted as the wife of a white man.’ Regarding full-bloods, he reiterated his idea that through any attempt to ‘meddle with them, bring them into reservations, attempt to eradicate their bad habits, and give them a white outlook, we shall be raising another colour problem.’

Bleakley then spoke, and again tried to claim primacy for his vision of both the Aboriginal problem and its solution. He was ‘satisfied’ that the Western Australian, Queensland, and Northern Territorial situations were similar to each other but different from those in the other states. But he worried that the delegates had not ‘exactly grasped what we have in prospect in Queensland.’ The ambiguity of this phrase is apparent, whether he meant the prospect for solution or problems; what is unambiguous is Bleakley’s certainty of vision. Given that there were almost no Aborigines who had not come into contact with white civilisation in some way, and
that at least some of the remaining traditional practices were harmful, even the nomadic people needed supervision.

Here we come to the great paradox central to Bleakley's vision, and indeed to most white authorities in the period. All full-blooded Aborigines might need supervision, but it was

essential...to realise that we have no right to attempt to destroy their national life. Like ourselves, they are entitled to retain their racial entity and racial pride. But it is evident that they cannot be left to work out their salvation without some benevolent supervision. It is also evident that the encroachment of white settlement is gradually destroying the native's natural means of subsistence.\textsuperscript{87}

We can see from this statement that Bleakley was edging, probably unconsciously, towards a more subtle picture of the problems involved in 'cultural clashes'. He did not get to a full understanding of what this might mean for his plan – his fear of miscegenation would not allow it. However, he was using terms and concepts that differentiated between some of the various aspects involved: loss of economic resources, what we might now call pride in cultural identity, and even the 'nation' concept, implying perhaps some naïve or unintended recognition of claims to land. Of course, we must not take this final linguistic example too far or too seriously. As Mosse has noted, by the late nineteenth century, and we can extrapolate this to the mid-twentieth century, the terms 'people', 'nation', and 'race' became identical for many people.\textsuperscript{88}
Whatever slight indication of conceptual breadth Bleakley might have given, his solution to the problem was narrowly defined. In the final analysis, the Aborigines had ‘no chance whatsoever in competition with white races’, and supervision was the only method to ensure their survival. Even ‘half-breeds’, which Bleakley considered to be often ‘fathered by a low type of white man’, ‘must be protected.’ Although the dysgenic quality of their heritage was vital to him, the first problem Bleakley mentioned was that Aborigines were voteless. That said, their breeding and their ‘leanings’ were given more attention than this political/citizenship dilemma. Bleakley also spoke of the pastoral industry as a major employer of Aborigines, and one to which they were well suited. Unlike many people of his time, he did not in this instance at least contend that Aborigines were ‘naturally’ suited to such employment; he thought their ‘tracking ability and knowledge of the country’ which provided the skills necessary were learnt. But still Aborigines needed control, lest ‘they become a menace to the white race by reason of their low social conditions, and their susceptibility to disease and illness’. This last defies logic, except in racially understood terms, and even then it is an excuse for segregation rather than a reason. If Aborigines qua Aborigines were differently susceptible to disease than whites, that would have no effect on white illness rates and could not be a basis for segregation or control. If the disease rates were linked to social conditions, for instance, then changing those conditions would be the answer, and could be dealt with without reference to race. Another basis for control that Bleakley raised is equally odd. It was necessary to control Aborigines because they could not demand a fair wage from their employers. The government had to do
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this for them. This may have been true, and certainly Aborigines working across Australia were underpaid compared to white workers, but if so, the argument is a case for controlling the employers, not the underpaid employees.

Penultimately, Bleakley spoke of the control of half-castes in general, and women in particular. In the settlements, ‘native girls’ — a phrase which seems to have included all Aboriginal women not in their dotage — were housed in dormitories. Speaking of the removal of children from their mothers, he stated that not ‘every child has to be handed over to the dormitory system.’ Some mothers would be allowed to keep their children, if they were deemed able to take care of them. With regard to segregated half-caste settlements, he claimed these were only for those thought to be ‘incapable of holding their own with whites’. Further, to show that he was not ‘out of sympathy’ with Neville and Cook, he spoke of the exemption system in Queensland. For a quarter of a century, half-castes had been able to gain exemption from control. These grantees were normally men, because ‘as the Conference knows, it is so easy for the women to drift into circumstances not good for them.’ No matter who had gained these exemptions, the results were not always encouraging. Often, he said, sometimes after many years of working hard and having savings enforced upon them, the results of those savings were granted to the worker. In most cases ‘they squandered it all within six months.’ This fact, in Bleakley’s opinion, demonstrated the ‘need for benevolent supervision.’ It was not intended, apparently, to indicate that people given no experience in managing their finances might come unstuck when granted access to relatively large sums of
money. Nor was it meant to show the antithetical nature of exemption, whereby a person exempted from government control was still tied to the department’s financial apron strings. Nor was it seen as an example of the perception that Aborigines were somehow generically incapable of normal dealings.

Finally, Bleakley gave the Conference the experience of his travels in Australia and beyond. This evidence is best understood as support for his plan for Aborigines, especially those of less than full-blood. In Ceylon and Noumea, Bleakley had studied the treatment of half-castes. The two choices are interesting. Ceylon was home to the Vedda people, considered to the forebears of Australian Aborigines.\textsuperscript{91} We should assume that any conclusion Bleakley made concerning these people would be considered transferable to the Australian situation. Noumea, the major town in New Caledonia, was a place from which so-called Kanaka labour had been introduced into Queensland and NSW in the late nineteenth and early twentieth centuries.\textsuperscript{92} That New Caledonia had been an importer of other Pacific Island labourers rather than their source seems to have passed Bleakley by.\textsuperscript{93} We can safely take it he intended that his Noumean conclusions could be applied to Australia as much as those made in Ceylon. The third area Bleakley spoke of was South Australia.

Of the Ceylonese and Noumean cases, Bleakley stated that everyone would admit ‘that a half-caste with 50 per cent of European blood has the right to be given a chance to make good.’ An individual with up to 75 per cent European ‘blood’
'should be able to hold his own in a community', but to do so would require a trade, to allow him to make a living. South Australia had tried something akin to this, according to Bleakley, but the exercise had failed for four reasons. Perhaps the most interesting thing about these reasons is that they do not include racial characteristics; the scheme, however, seemingly only dealt with those who had passed the 50 per cent mark, and therefore could be assumed to be racially safe. This is the case even though we know that he rated Pacific Islander half-castes only slightly above 'those with a preponderance of aboriginal blood' The reasons for the failure were:

1. colour prejudice, which led to not being employed;
2. an inferiority complex; the well accepted idea that half-castes 'keenly felt their half-caste position, which made it difficult for them to hold their heads up.'
3. lack of education; not illiteracy or innumeracy, but lack of basic business skills; and
4. lack of technical equipment.

Colour prejudice is race-based, but concerns the reactions of whites, not Aborigines. The 'inferiority complex' was more a reaction to (supposed) shortcomings rather than a race-based shortcoming per se. The last two reasons are obviously not racially derived, but statements of what Bleakley took to be matters of fact.
If we are surprised that Bleakley's last words on the Wednesday afternoon were not underpinned by race thinking, there is a greater surprise in store, and one that Bleakley was obviously unaware of. It is the fact that his final expedition into anthropological knowledge should destroy his previously outlined plans and schemes for the solution of the Aboriginal problem. Bleakley spent much time telling the delegates that half-castes must not be bred into the white population, that both they and white society would be best served by breeding amongst themselves – arguing an Appiahan intrinsic line. It is difficult almost to the point of impossibility to understand how this idea can be reconciled with the idea of a better class of half-caste with 50 to 75 per cent European blood. Perhaps Bleakley was lucky this slip came at 4.30pm, when the Conference was about to be adjourned. Then again, perhaps we should not be surprised that it was not remarked upon; after all, picking up on lapses in logic could not be considered the strong suit in 1930s Aboriginal administration.

Thursday 22 April

If Wednesday had been a day of information and ground-laying, Thursday was a day of action. It was on the second day of the Conference, during which the delegates met for longer than either the Wednesday or the Friday, that most of the resolutions were made. Before the meeting moved on to the matter of making resolutions, those 'decisions of a concrete nature' to which they had been exhorted
the day before, there was still time for more General Discussion. As was becoming usual, it was led by the Queensland Chief Protector.

**Bleakley**

Bleakley wanted clarification from Cook over the claims he had made the previous day. In many ways this matched Neville’s rebuttal of earlier speakers; Bleakley seems to have been as interested in supporting his own position as in clarifying Cook’s position. He could argue from a position of some strength when it came to the Northern Territory, of course. Having written his Report on the Territory for the Commonwealth Government, he was well aware of much that had happened there. In 1928, he said, when he had been in the Territory, the Aboriginal population was 21,000, including 800 half-castes. Cook had stated that the present figures were 20,000 and 900. This, Bleakley pointed out, indicated a decrease in numbers rather than the massive potential increase alluded to by Cook. He was more concerned, however, with the overall direction of Cook’s argument. He asked how it was that an uncontrolled population of Aborigines could be considered safer to the white population than one which was controlled. Would not lack of control accentuate the problem? We must note at this point that, as with Neville’s speech on the Wednesday, Bleakley offered no intimation that he sought any actual answers to these questions; certainly, none are recorded. Bleakley then went on to stake another familiar type of claim. This time he stated that Western Australian and Territorian policies were, in general, ‘in accord with that of Queensland’, giving us
another example of the ‘we do it better/we did it first’ line so popular at this Conference. He then reiterated that Queensland differentiated between ‘cross-breeds of aboriginal leanings, and those of civilized leanings’.96

This differentiation had taken place on three bases: even ambitious and intelligent half-castes had been found to be ‘sorely at a disadvantage by reason of racial, educational, and temperamental disabilities’.97 He then explained that removing young half-castes from their families between the ages of fourteen and sixteen for rural training was the answer. These rural schools were ‘provided in almost every country district of Queensland’, and a new scheme was in the pipeline, to ‘establish a superior half-caste colony’. This would be ‘a sort of clearing house’ to educate half-castes into the ways of white society. Chapman chimed in and stated that this was exactly what Victoria and New South Wales were already doing, and that Queensland was only now reaching the stage where this was possible. Rather than focus on specifics, Chapman wanted the Conference to move on to affirming ‘a general principle’.98

Bleakley then made his last ‘general’ statement, and explicitly stated his State’s opposition to the idea of absorption through intermarriage of half-caste women and white men:

(1) None but the lowest type of white man will be willing to marry a half-caste girl, and, as the half-caste women married are likely to gravitate to aboriginal associations such marriages have very little chance of being successful;
(2) there is the danger of blood transmission or ‘throw back’ as it is called, especially as the introduced blood, as in many Latin races, has already a taint of white blood; (3) such a scheme makes no provision for other wives of young men of the same breed.99

If Bailey was uncertain about absorption, Bleakley was sure, and unimpressed by what it held in store. There was nothing new in Bleakley’s dislike of racial intermixture. Raymond Evans has argued that from his promotion to the position of Chief Protector in 1914, Bleakley had stressed the need for racial segregation, from 1919 on calling for complete segregation.100 In his 1928 Report he wrote that miscegenation was an evil that would always be present and he recommended that the Northern Territory government should ‘check as far as possible the breeding of half-castes’.101 In 1930, he wrote that measures ‘to check the increase of them[crossbreeds] are just as important as actions for the care of those now with us.’102 Bleakley’s fear of the lower types echoed Bailey’s concerns, and fits neatly with general eugenicist thinking of the time. A pair of Queensland medical professionals wrote in 1934 (so successfully that their book was reprinted in 1936) of the dangers that the unfit and the poor posed to Australian society.103 Bleakley seemingly shared their fears, and overlaid it with a fear of racial intermixture. Following this line of argument, it seems that if lower types were bad, mixing them with Aborigines of any degree was dangerous.

Bleakley went against the trend of the Conference when he spoke of the dangers of the ‘throw back’. His focus here was unusual, in that he seemed more worried about
the European side of the equation than the Aboriginal. The notion that ‘many Latin races ha[d] already a taint of blood’ initially seems odd, and perhaps just clumsy language. However, he had stated in 1919 that European contamination was already ‘sufficient to warrant serious reflection.’104 Perhaps he was also worried about the racial attributes of the Pacific Islander population in Queensland, and how they might have interacted with Aborigines. Whatever the reasons, he stated that those who would intermix with Aborigines were unsuitable because their blood was already tainted, no doubt with Negro blood. This would lead to atavism, to throwing ‘back to the black’, as it was termed in the period. Bleakley had been active in attempting to end the intermixture of whites and Aborigines. In 1933 he rejected the idea of biological absorption.105 In 1934, no ‘mixed marriages’ were allowed by his office.106 Worried as he obviously was about some general danger of throwback in Aboriginal-white unions, he alone at the Conference voiced such concerns.

THE RESOLUTIONS

Destiny of the Race

The first resolution to be reached was that concerning the ‘Natives not of Full Blood’. Although we have noted the perhaps undue attention that this resolution has
received, it is of vital importance and cannot reasonably be ignored. Moreover, this first resolution was central to the national understanding of the Aboriginal problem.

Given the attention that this resolution has received, we might be forgiven for assuming that it arose from a long debate, but in fact the opposite is the case. A very short passage of debate is recorded, ending with Neville proposing, and the Conference accepting, that the resolution should read:

That this Conference believes that the destiny of the natives of aboriginal origin, but not of the full-blood, lies in their ultimate absorption by the people of the Commonwealth and it therefore recommends that all efforts be directed to this end.¹⁰⁷

As chairman, Bailey steered the Conference towards its first resolution and proposed that they focus on ‘the natives of other than full blood’. This group was chosen because they were ‘of concern to us all’, unlike full-bloods who were ‘not of much concern, really, in New South Wales and Victoria, or in South Australia, for they are so few in number’. Having made a decision regarding these people, the Conference could then ‘go back to the very important and serious position in the Northern Territory’.¹⁰⁸ Cleland was keen that the decision should not hint at any lack of concern for full-blood natives, and that there was no intention to hasten their detrabalisation.¹⁰⁹ If this sounds a reasonable enough concern, it was by no means altruistic. While he may have been concerned on humanitarian grounds, Cleland did not voice such cares. He was worried that his disciplinary and professional territory might be harmed by such action, and stated that
vigorou s objections would be taken by scientists to any attempt to hasten the detribilization of the full-blooded aborigines, for they are unique and one of the wonders of the world. ¹¹⁰

Given such reasons for concern, we might well say, with apologies to W. E. H. Stanner, that the history of self interest thus continued well into the 1930s. ¹¹¹ The only other discussion before the resolution was passed agreed with the notion of applying a general term to those not of the full descent.

It is only logical to say that the Conference as an entity agreed with the underlying assumption of this resolution. If not, the meeting would have come to a different conclusion. As we have seen, the majority of the speakers agreed either in whole or in part with the ideas that supported the resolution. If little debate occurred when the resolution was put and passed, there had already been considerable evidence of delegates’ views in their opening remarks.

The ‘Destiny’ resolution was carried by the vote of the Conference, as we would expect. Equally unsurprising is the fact that a Department of the Interior discussion of the Conference Resolutions found it unremarkable. After all, Cook was the Chief Protector for the Commonwealth, and administered its policies, and he supported the concept. In a five page analysis of the resolutions, Carrodus wrote later that the ‘Destiny’ resolution required no further action by the Department because it conformed ‘to the present policy of the Commonwealth Government’. ¹¹² And yet, as we have seen, one of the major players in the field believed that such a policy was flawed.
We have to ask what this apparently contradictory result means. Is it important that diametrically opposed views, such as those of Bleakley and Neville, could apparently be balanced in a response such as the ‘Destiny’ resolution? Or were their differences in fact unresolved, and the resolution merely carried by the numbers on the Conference floor? And what might such an explanation have for our understanding of the broader meaning of the Conference?

The first issue here is that of the resolution itself, and how it might be seen as a method of reconciling disparate views. Although there is a general consensus in the literature that the ‘Destiny’ resolution dealt with biological absorption, we must not ignore the linguistic elasticity of the term, and its power to lash together a broad raft of opinion. Neville, Cleland, and Cook seemed sure that absorption was a biologically valid principle and practice, and that it was an unalloyed good. Chapman, McLean, and Pettit agreed in more general terms to the proposal, although they were less assertive when they mentioned absorption. Bailey was unsure of the suitability of the biological solution. Bleakley was certain that biological absorption was no answer to the problem, or at least no suitable answer. The very fact that the term ‘absorption’ was undefined in the Conference proceedings left open the possibility that it could be widely interpreted in each jurisdiction. Regarding the voting pattern on this and other resolutions, regrettably no record exists.
Uniformity of legislation

The uncertain meaning of the ‘Destiny’ resolution was recognised by the Conference. Bailey, as Chairman, stated as much when he said that the ‘next question is to consider how this state of affairs is to be brought about.’ This is where we would expect to see the meat put on the conceptual bones, where actual plans might be revealed to bring about the absorption of the part-descent peoples, if such a thing was going to occur. Rather than any decisions of a ‘concrete nature’, however, the Conference took the easy and to some degree inevitable road. The authorities backed off at this point, and sought refuge in the safety of states’ rights. They had little choice, of course. As Carrodus reminded them, the Premiers’ Conference had recently decided that national control was ‘impracticable and undesired’. Although Neville had proposed that Commonwealth financial assistance should be provided to the individual states, Carrodus suggested that matters of finance be dealt with separately. This was agreed, and the Conference resolved:

That the details of administration, in accordance with the general principles agreed upon, be left to the individual States, but there shall be uniformity of legislation as far as possible.

‘As far as possible’, of course, left almost infinite room for each state and its authorities to act as they felt, without any real limitation. This exemplifies a weak and tenuous organisation, attempting to make catch-all resolutions that in fact were so broad as to be almost meaningless.
Education and employment

The next resolution did work towards some level of absorption, but in this instance the term is best understood in social rather than biological terms. There is no recorded debate on this resolution until after it was passed. The Conference resolved that,

subject to the previous resolutions, efforts of all State authorities should be directed towards the education of children of mixed aboriginal blood at the white standards, and their subsequent employment under the same conditions of whites with a view to taking their place in the white community on an equal footing with the whites.

Harkness declared that New South Wales believed half-castes were not educable to white standards. Cook weighed in with another theory about Aborigines and education. He initially stated that ‘given equal chances, the average half-caste is not inferior in mental ability to the average white child.’ This obviously placed that never-defined quality, ‘mental ability’, in a socially rather than biologically constrained continuum. Equality of chances, which we can take in a shorthand sense to mean socio-economic standing, was the issue, not racial/biological qualities. He went on to say that in the Territory half-castes were educated up to the level of twelve year old white children; he even added that ‘experience has shown us that they are capable of going beyond that.’ Just when we might think that the biological explanation had been dropped, though, it reappeared. Half-caste children had ‘the right to demand equal opportunity’, even though there would be more white children of ‘outstanding ability’ than in the half-caste group.¹¹⁵ Taking
these reservations in hand, the resolution seems slightly surprising, given comments previously made at the Conference. Looking at the general programme for part-Aboriginal absorption favoured by those at the Conference, however, this aim is less perplexing. The education of half-castes fit well with the idea of social preparation for biological absorption, and was made overt in the other parts of the resolution. By being educated to a certain standard, and learning to work to white levels (although the fraught matter of ‘same conditions’ is ignored), Aborigines would be made ready to merge into the white community. Again, however, no binding commitment was entailed by its passage.

**Definition of ‘Native’**

The first three resolutions can be seen as a broad overview of the Conference’s agreed aims. The fourth resolution completed the theoretical structure within which the intended policy would be applied. It brings into clear focus the intricacies of the race thinking at work in the Conference. The previous motions had concerned natives not of the full blood; the next attempted to define all ‘natives’. Neville pushed for the adoption of the definition contained within the Western Australian *Native Administration Act* of 1936. He read the relevant section to the Conference. This defined a native as ‘any person of full-blood descended from the original inhabitants of Australia’, and, with a few revocable exceptions, ‘any person of less than full-blood who is descended from the original inhabitants’. The Act would be applied to all, unless the Minister thought an individual should not be brought
under its control. The exceptions listed in the Act refer to biologically derived categories only: quadroons were to be exempted. Unlike the previous resolution, where social factors might have ameliorated their treatment, in this case the social and the biological worked in tandem against Aborigines. Quadroons seemed to have passed some safety point and posed no biological/racial threat to white society. McLean noted that under this definition, ‘after five or six generations, the progeny of the continued marriages of half-castes will still be half-castes’, which cut to the nub of the biological argument. Neville agreed that this would be the case, but that the Minister had the power to exempt such persons from the Act, and that revocation of these exemptions could be appealed. Bleakley added that Queensland had the exemption power, but it did not apply to full-bloods and could not be appealed. The delegates resolved

That the definition of ‘native’ in any uniform legislation adopted by other States or the Commonwealth be based on the definition contained in the Native Administration Act, 1905-1936 of the State of Western Australia.\(^{116}\)

Three matters immediately arise from this resolution. First, no one at the time seemed to notice the absurdity inherent in accepting such a definition. The Western Australian definition attempted to bring all Aborigines under the one rubric. The avowed policy of the Conference was to treat different groups of biologically (and socially) categorised Aborigines in different ways. It is impossible to understand how the two could possibly work together.\(^{117}\) The second issue is the by now expected confrontation between rhetoric and implementation. Again, the seemingly bold resolution degenerates into rhetoric when closely read. Rather than creating a
nationally uniform definition of those being discussed, the resolution only calls for future uniform legislation to be based upon the Western Australian example. In this case the freedom to individualise and alter the resolution on a state-by-state basis was merely implied, but it was as real as in the earlier resolutions and had the same effect. If future legislation was not ‘uniform’, then the matter of definition could be left moot.

The last matter that arises is the very need for such a definition. In modern times self-identification is the method by which people are defined; given the increasingly authoritarian policies and practices in vogue in Aboriginal affairs in the 1930s, and the increasingly evident lack of desire on the part of Aborigines to willingly place themselves within the reach of bureaucrats, those in positions of power perhaps needed to define it themselves. And Neville was proud of his legislation; it had taken him two decades to get it passed. Getting his definition accepted by his peers would show that Neville was leading the Conference (no matter that it was going nowhere). Finally, there is the nature of the men in Canberra that week. Legislation and bureaucracy both delight in definition, and those at the Conference were creatures of both worlds. It is thus no surprise that a definition was sought – defining the problem is part of seeking the solution, after all. And, given the inherent problems in defining race in terms that are both broadly coherent and practically useful, neither should the intricate and self-serving nature of the definition surprise.
The first four resolutions passed by the Conference give us the broad policy outline: a section of a defined group was to be aided towards eventual absorption by the white population. The terms of these had been agreed to broadly but shallowly by the various States and Territories. The next group of resolutions are much more particular in their focus.

**Return of natives to home State**

On a proposal by Chapman, the Conference next resolved:

That provision be made to give discretionary power to return to his home State any aboriginal resident in another State.

This move was necessary, Chapman said, because Aborigines from New South Wales had been known to cross the border into Victoria, and could not be returned to their home state 'unless they happen to be vagrants.' He then broadened the case, and stated that such people could only be 'forcibly returned to their place of origin' if they had committed a crime. Bleakley admitted to a similar problem in Queensland. Neville claimed that, while Aborigines might enter the Western Australia from elsewhere, his department could 'always put them out of the State if we desire to.' Cook obliquely made the point that definition could solve the problem; he stated that in the Territory the definition of 'native' did not mention where the person came from. From this we can assume that he considered that every Aborigine in the Territory came under his jurisdiction. No one raised the question of the definition the Conference had just agreed to. If the delegates had
seriously considered it as a push to uniformity, they could not have ignored its implications in this case. That they did not indicates that these resolutions, or the definition in any case, carried little real weight in the minds of the participants.

Morris raised the obvious concern, and asked whether this new power would be intended to ‘prevent bona fide migration of natives’. Chapman replied that he only desired the power to ‘deal with undesirables.’ Neville was moved to raise the constitutional problems such a system would pose. It was, he noted, ‘a fundamental principle of the Constitution that there shall be free intercourse between the States.’¹²¹ We cannot be sure what drove him to raise this topic; only minutes before he had touted his ability to remove persons his administration did not favour, and we know he spent many years attempting to have individuals reclaimed from other states.¹²² Perhaps he was making the point that certain activities are best dealt with administratively rather than through legislation and policy statements, which comes as no shock, given the extraordinary powers at his disposal.

Pettit stated that New South Wales had legislation that brought all Aborigines within its boundaries under its jurisdiction. Chapman was happy for that state, but desired similar legislation for the other states and territories. He then provided a bizarre example of why this move was necessary. During recent centenary celebrations in Melbourne, the powers-that-be in Victoria had been unable to prevent a ‘troupe of aboriginal minstrels from New South Wales’ from attending. Chapman had been able to stop a group of Aborigines from the Lake Tyers station
from attending, 'solely in the interests of the aborigines'. While in Melbourne the New South Wales group had been part of a 'drunken melee', yet he had been powerless to remove them to their home state.\textsuperscript{123} This, again, almost defies analysis. First, it seems he wanted the power to refuse entry to any group of Aborigines, which was outside the resolution he proposed (unless minstrel groups \textit{qua} minstrel groups were undesirable). Secondly, it is hard to imagine an Aboriginal administration in the 1930s that did not consider 'drunken melees' illegal. That being the case, no new powers were necessary. It seems more likely that Chapman merely wanted to be able to control the movements of all Aborigines within his jurisdiction. Nevertheless, the resolution was passed, which only proves that the majority of those present thought the idea was worthwhile or at least inoffensive.

\textbf{The Western Australian Act}

The next action of the Conference was of little practical importance, but it indicated the steely confidence of the Western Australian administrator. Neville proposed that the Conference adopt section 4 of the Western Australian \textit{Native Administration Act}, 'in the interests of the natives of Australia'.\textsuperscript{124} There is nothing unusual in general about such an attempt; Neville clearly thought that his new \textit{Act} held great powers of moral and administrative suasion. And he had gained general support for the \textit{Act} in the matter of definition. It is the particular aspect of the \textit{Act} he
wanted adopted that is surprising. Section 4 of the Act dealt with little more than a change of nomenclature:

There shall be a department under the Minister to be called the Department of Native Affairs, and to be charged with the duty of promoting the welfare of the natives, providing them with food, clothing, medicine and medical attendance, when they would otherwise be destitute, providing for the education of native children, and generally assisting in the preservation and well-being of the natives.\textsuperscript{125}

The only difference between the relevant sections of the 1905 Act and the 1936 version was the change from ‘aborigines’ to ‘natives’ and from ‘Aborigines Department’ to ‘Department of Native Affairs’. We will see in later chapters that Neville was almost obsessive about this change, but the motion lapsed in Canberra for want of a seconder. The proceedings note that this occurred because ‘several delegates had pointed out that each state already had similar legislation.’\textsuperscript{126} While they might have had the legislation, the terminology was important to Neville; he believed that use of ‘native’ would assist in the marriage of such women to white men.\textsuperscript{127}

\textbf{Intoxicating liquor}

Next on the agenda at Canberra was the question of liquor and drugs. Not surprisingly, this topic drew a fair amount of discussion. Chapman moved that it be made illegal to supply ‘intoxicating liquor or drugs to any native’. Neville seconded the motion, and took the opportunity to further espouse the wonders of his state’s legislation. Section 48 of the new Act, he stated, had ‘improved the situation
considerably', making it illegal for any natives to obtain alcohol unless they had 'been definitely exempted by the Minister.' Cook announced that Territorian half-castes could be specifically exempted from the alcohol aspects of the legislation. This allowed 'half-castes of a superior type' to drink with their friends, although the government could still 'manage their estates'. He added that the drinking of methylated spirits was a problem in some places, and that a separate ordinance had been passed to control it.\footnote{Bleakley outlined the position in Queensland, and listed the fines applicable to those who sold liquor to Aborigines. These covered the supply of liquor, opium, and also 'other poisons, such as morphia, cocaine, and chlorodyne.' Half-castes granted an exemption could, however, 'obtain a drink'.}{129} Pettit and Morris then spoke to the New South Wales Act, Morris declaring its alcohol provisions 'the most far-reaching'; Chapman countered that the 'control of poisons in Victoria is most stringent.'\footnote{Again we can see the one-upmanship of interstate relations at work; more importantly, however, we can also see that the solution was seen only in terms of more complete control, and that it was biologically/racially based. Half-castes could be exempted in specific and revocable cases; generally, however, no person with a given amount of Aboriginal 'blood' could legally drink, or even be in the possession of, alcohol and other substances. The obvious implication was that no full-blood could ever gain the right to such an exemption.}{130} Again, the matter of definition arose. Pettit stated that the New South Wales legislation defined those who came under its powers as being anyone 'having
apparently any admixture of aboriginal blood’, and that this seemed a good thing. It was not perfect, perhaps, but few people had slipped the net, although he wondered if the legislation should be tightened to include punishing Aborigines found in possession of alcohol as well as those supplying it. Neville gave an example of the dangers of loose definition. Western Australia had tightened its definition after one man ‘claimed that he was the offspring of two half-castes’ and successfully contested a prosecution.\textsuperscript{131} It was cases such as this that had driven Neville’s desire for new legislation in Western Australia; the 1905 \textit{Aborigines Act} had declared that half-castes were the ‘offspring of an aboriginal mother and other than aboriginal father’.\textsuperscript{132}

Neville moved on to the matter of poisons, and explained that strychnine, used to bait vermin, needed to be controlled. On two occasions, he noted with unintentional irony, Aborigines had mistaken the poison for flour, occasioning the deaths of 30-40 individuals. To be fair, he did at least mention that there had been other cases where ‘deliberate poisoning had been suspected.’ McLean brought the meeting back to the matter of alcohol, and stated that in South Australia it was dealt with under the Licensing Act. This passed uncommented; whether it was because no one wished to countenance giving up powers, or because they were aware that passing the buck was no solution, we shall never know. The group did pass an unusually strong resolution in this instance, however:

That uniform legislation be adopted to provide that the supply of intoxicating liquors (including methylated spirits) to natives, as defined in the new definition, shall be an offence.\textsuperscript{133}
For once the Conference allowed no apparent space for states and territories to weasel out of the resolution. If they accepted the resolution, they were at least in theory supporting an actual legislative shift. This was easy to support, of course, because every jurisdiction already had this kind of power.

**Opium dross**

The next matter discussed was that of the opium trade. Raised by Cook, it engendered arguments all too familiar to modern readers. Further, and of more interest to us here, the discussion and outcomes surrounding the opium trade present the entire Conference, and perhaps Aboriginal affairs at the time, in microcosm. We see historical resonances, verbal gymnastics, racial stereotyping, special pleading, political gamesmanship, and meaningless rhetoric, all played before us in a tightly bound example.

Cook wished to embark upon a scheme to control and regulate the importation of opium in an effort to limit the social damage posed by opium addicts, and to make the smuggling of opium unprofitable. Specifically, he wanted ‘to control the consumption of opium on a scientific basis.’\(^\text{134}\) Opium control has a very long history in Aboriginal affairs; Queensland’s *Aboriginals Protection and Restriction of the Sale of Opium Act* of 1897 became the foundation for many later Acts in many jurisdictions, most notably the 1905 Western Australian *Aborigines Act*.\(^\text{135}\)
Cook’s proposal was another case of trying to ‘protect’ Aborigines from dangers they were believed to be incapable of dealing with. The problem, as Cook saw it, was that opium was too expensive for addicts easily to afford. Thus opium dross, the less potent but still affective residue from smoking the drug, was onsold to Aborigines by the initial users. Cook wanted to short-circuit this practice by importing cheap opium and having medical officers issue it to certified addicts, with new supplies dependent on the addict returning the dross. Aborigines affected by the loss of their drug could be treated in institutions to cure them of their habit. Unfortunately for Cook, the Customs Department had twice already rejected his proposal.\textsuperscript{136} He gave no figures concerning the number of Aborigines involved, but stated that there were ‘about 50 or 60 persons in the Northern Territory who would come within the definition of certified.’ He went on to inform the conference that these addicts were all Chinese, ‘of course’.\textsuperscript{137}

Both the arguments in support of the proposal and those lined up against it will be familiar to modern readers. Those in favour stated, in general, that the problem was so bad and present policies so obviously failing that new tactics and ideas must be implemented. Bleakley was cautiously supportive of Cook’s proposal, admitting that Queensland Aborigines would ‘pay almost any price’ for opium dross. Cleland supported the scheme on the grounds that, no matter how radical it may have seemed, it was the only plan which would have ‘the desired effect.’\textsuperscript{138}
The arguments aligned against the proposal are equally familiar. Carrodus stated that, while his Department ‘was in sympathy’ with Cook’s proposal, it was helpless in this matter. It rested with Customs, and that Department had stated that such a plan was impossible given Australia’s international obligations. Bailey cut to the chase when he asked whether or not the adoption of such a scheme would encourage the smoking of opium. Neville also assumed such a plan would lead to increased opium smoking. He did ‘not want the evil associated with the dross to spread. We have had no trouble of this kind in our north-west.’ Cook drolly replied that if ‘Western Australia is not affected by the problem it will not be affected by the solution.’ Morris stated that he sympathised

entirely with Dr Cook’s views, but I do not think we should take the drastic step of urging the Government to do something that is not only wrong in the eyes of the world, but is also illegal for signatories to the International Convention.

Rather, he thought that the nation would be better served if all addicts, ‘regardless of colour, [were] placed under medical control.’ Chapman tried to remove himself from the argument, wondering whether it was his business ‘as a representative of Victoria, to tell the Commonwealth what it ought to do in the Northern Territory’, especially when the problem seemed localised in Darwin. Cook disagreed, stating that the matter also affected Queensland and Western Australia, although he seems to have had an each-way bet on the latter. He was willing to accept Neville’s claim that there was no problem when attempting to assuage his fears over the scheme, but did not mind suggesting that excess opium might already be finding its way into Neville’s realm when he needed to up the ante. Still, Cook was
able to gain ‘more support for this proposal round the table than I expected’, and a resolution was passed:

That this Conference is of the opinion that, in order to prevent the smoking of opium dross by aborigines, the Commonwealth should give consideration to a scheme to place all opium addicts in Northern Australia, of whatever nationality, under strict medical supervision, in order to control the supply of the drug, with a view to effecting the cure of the individual, the reduction of the number of addicts in the future, and especially for the purpose of preventing any trade in opium dross.\textsuperscript{143}

Again we see a weakly worded resolution, that only requests that ‘the Commonwealth Government should give consideration’ to Cook’s scheme.\textsuperscript{144} Thus the Conference allowed Cook to place his special interest before the Commonwealth and the public, appearing all the while to support him in his aims, without asking anything of the several governments in return in the shape of actual policy or practical implications. Carrodus, in his comments on the Conference resolutions, noted that the Minister for Trade and Customs had not approved the scheme, but added limply that Cook ‘might be asked to submit his views’ on the subject.\textsuperscript{145}

The issue of essentialism again arises out of this discussion. Cook’s acceptance that the addicts in Darwin would ‘of course’ be Chinese points to such a line of thought. A stronger example came when Harkness questioned Cook, wondering how opium affected Aborigines. Now, Harkness may have focused on Aborigines because the conference was concerned with Aborigines, but there was some hint in his question that there might be an Aborigines-specific answer. In this instance Cook provided
no such answer; Aborigines were affected, he stated, the same as the Chinese. Which is as we would expect. Except that he did not quite mean it. Aborigines affected by opium, he stated, become indolent and lazy. They crave for opium and hang around Chinatown in the hope of getting it. They prostitute their women and are guilty of every vice in the calendar in order to obtain money to purchase dross.\textsuperscript{146}

This might seem a reasonable and factual description of the habits of any opium addict, but all is not as it seems. He did not mention what effects opium had upon Chinese addicts, but we do know that they were to be certified and then supplied with the drug, while Aborigines were to have their source removed by stealth. We can only assume that this different approach to Chinese and Aboriginal addicts came about because of some perceived different reaction to the drug, or to addiction. Thus, while Cook claimed that Chinese and Aboriginal addicts reacted similarly to the drug, he believed that enough difference existed to justify separate and different treatment for the two groups.

\textbf{Cleland's investigation}

Cleland spoke next, returning to the point he had raised the previous morning. He moved:

That this Conference support the suggestions that a socio-economic investigation of the half-caste people be commenced in South Australia; under the direction of the of Department Economics of the University, with the co-operation of the Protector, and recommends that Commonwealth financial assistance for approved purposes, not to exceed £2,000, spread over a period of two years, be made available to
enable this survey to be made. A report should be submitted to a later Conference with a view to the extension of the work to other States.\textsuperscript{147}

Such a survey would ‘enable us to assess the capacity of the half-castes to take their place in the ordinary economic life of the white community’, and might be extended to other parts if it was found to be useful.\textsuperscript{148}

Harkness thought that the collection of more information could do ‘no harm, and it ought to do a great deal of good.’ Morris, making a rare appearance in the Proceedings, wondered if such an expense was warranted. He doubted that an academic investigation could offer anything new or useful. Neville joined in, adding that departmental heads already knew all there was to know, and that no sort of investigation, Royal Commission or otherwise, could add to it, even if their recommendations carried more weight than those proposed by the seemingly omniscient heads. We can only assume that Neville had not enjoyed the experience of the Moseley Commission, to which we turn in the next chapter. Harkness was concerned that funding such a study might make it more difficult to request ‘further assistance’ from the Commonwealth. Morris then stated that the amount might be spent better in other areas, and Bailey added that the expenditure of Commonwealth funds should be left to the states’ own determinations. The motion failed.\textsuperscript{149}
Pensions and maternity allowances

Having raised the issue of Commonwealth funds, the Conference moved on to discuss pensions and maternity allowances. The *Invalid and Old-Age Pensions Act* of 1908 and the *Maternity Allowance Act* of 1912 debarred Aborigines from receipt of those Commonwealth benefits.\(^{150}\) By 1937 Aborigines were in the main still ineligible.\(^{151}\) Bailey introduced the topic and wondered whether the maternity allowance 'should be payable, not to the mothers, but to the authorities which control aborigines'. Chapman wanted to discuss the general matter of Commonwealth assistance to the states, and thought that 'no useful service is performed' when some Aborigines were receiving maternity allowances while their neighbours were not. Harkness upped the ante, and spoke of reserves receiving in excess of £10,000 per year from the Commonwealth and the states.\(^{152}\)

Carrodus tried to douse the flames, and reminded the delegates that the 'Commissioner of Pensions is forced to abide by the law', and that it was 'doubtful whether the Commonwealth would agree to a proposal which would render natives eligible for pensions or maternity allowances.' Bailey accepted that amendments would be required, and wondered if the Commissioner of Pensions could not appear at the Conference. McLean and Bleakley repeated the request.\(^{153}\)

Alfred Metford, Commissioner of Pensions since 1935, and a career bureaucrat since 1893,\(^{154}\) then appeared and spoke to the Conference. He was the only non-
delegate to appear at the Conference. He explained that no Aboriginal woman ‘with a preponderance of aboriginal blood’ could receive the maternity allowance, adding that in nineteen amendments to the 1908 Act, no move had been made to remove the bar on ‘aboriginal’ people (and we must take this to mean full-bloods or those with a preponderance of Aboriginal blood). Further, he stated that the law provided that only the mother should be paid the sum in question. There was ‘nothing in the act to debar a half-caste mother from receiving the allowance, and it is paid to all such’; however, the Act did not define ‘half-caste’. The main point however, was that there was no provision for the money being made over to any other person or body. Neville worried that in ‘many cases the money is squandered’; further, the irregular habits of these people made it difficult to track them down. Therefore, he also thought the money should be made payable to the Protector as a trustee, ‘to guarantee that the right person received it, and that it was properly spent.’ The amounts being ‘squandered’ could not have been particularly high in national terms: Metford pointed out that no person living on a reserve could receive a pension because they were ‘regarded as already having received benefits provided by the States’.

In answer to a question from Cleland, Metford provided a remarkable example of the views on Aborigines at large at the time. Cleland wondered what the position regarding pensions was ‘in respect of a mother who is certified as insane’. Metford replied that in these cases, where there was no recovery, the money was paid to the ‘Master in Lunacy’. He added that it ‘would appear reasonable to do the same in the
case of aborigines', and that he would put the position before his Minister. No comment was made on this configuration of Aborigines. Terminological drift is a problem in this passage, but Metford's meaning was clear. While the difference in definition between 'aborigine' and 'half-caste' might have been fluid, the categorisation with the insane placed Aborigines on some lower racial plane.

Neville went back to the problem of definitions, as was his wont, to highlight the weakness of the existing system and to promote his cause. To the modern reader, all he achieved was proof that the notion of simple definitions was ludicrous and that he sought control at any opportunity. He raised the case of a man 'who claims that he is a half-caste, but is probably an exempt aboriginal.' Given Neville's espousal of the 'native' concept, it is bemusing that he was almost always loath to employ it, and this example proves its inadequacy in its own terms. If the generic 'native' was to be used, then there should be no need to differentiate between the various 'castes', but such differentiations were absolutely necessary under the first and central resolution made by the Conference. The second example also rested on the full-blood/half-caste dichotomy; the third dealt with 'misuse' of the pensions. In Neville's last example, the widow of a white soldier had her pension paid to Neville, from which three things arise. Firstly, Neville wondered why, as it could be done with a military pension, it could not be done with all pensions. The other matters arise in analysis. The woman in question's problem was not described in racial terms but in social ones: she lived 'among natives in the camp'. The other matter is that of the personalisation of bureaucracy or the creation of fiefdoms.
Neville did not say the pension was paid to his department or into a trust fund; rather, he said that ‘the military authorities paid her pension to me.’

Cleland also took up the question of definition, and gave an almost perfect example of the problems inherent in attempting to match biological and social concerns:

The act surely intended that the word ‘aboriginal’ should apply only to persons living in fera naturae to whom it would be ridiculous to pay the money. The term ‘aboriginal’ should be applied only to pure-blooded aborigines, and any one with an admixture of white blood should be eligible for a pension.

Cleland obviously wanted to ameliorate the position of half-castes, but he dealt with full-bloods very differently, in a way which would have to legitimised their exclusion from any future pensions.

The debate took the usual lines at this point, remembering that the delegates wanted to gain access to Commonwealth funds through pensions. Metford took a quasi-legalistic line, adding unhelpfully that the term ‘aboriginal’ implied only its ‘generally accepted meaning’. Bailey wanted the blood criterion to be kept, the ‘preponderance’ rule, but wanted it to be applied universally, without limitations based on residence in reserves. Pettit said that people were leaving institutions and living in ‘shocking conditions’ so as to receive the pension. McLean compared the treatment of Aborigines to general members of the population: white individuals living in government institutions could receive pensions, which were paid in part to the individual and in part to the institution for keep. Metford agreed that this was the case, but reiterated that by Commonwealth law this was not the case regarding
Aborigines, and that, though raised from time to time, the government had ‘not seen fit to change its policy.’

The Commonwealth may not have been appraised of the need to alter its policy, but the Conference was, and it resolved accordingly

That all natives of less than full blood be eligible to receive invalid and old-age pensions and maternity allowance on the recommendation of the State authority to whom the grant should be made in trust for the individual.

The Commonwealth was underwhelmed by the decision. In his comments on the resolutions, Carrodus dismissed it with the remark that it ‘might be referred to the Treasury for consideration.’

**Coast patrols, lepers, and the Trans-Line**

Next came discussion on coast patrols. It was brief, and dominated by Neville, but it highlighted the often unstated fears alive in Australian Aboriginal affairs. Neville was aware that action had recently been taken by the Commonwealth, but was unsure as to whether the new patrols would take in Western Australia. Isolated groups of Aborigines were potentially dangerous, according to Neville. Indeed, the ‘vast numbers of aborigines in the northern parts of Western Australia’ rendered it ‘imperative’ that patrols would reach into that state. The danger rested in part in the Aborigines themselves, it seems, and in part in the dangers of ‘foreign types’ stirring up trouble. Foreigners settling on the reserves would, in Neville’s opinion
'create havoc among the natives.' Without the patrols, there was 'reason to fear a
tremendous upheaval between the blacks and foreign visitors in the near future.'

Carrodus explained that the new boat obtained by the Commonwealth would indeed
patrol not only the Northern Territory, but also Western Australia and Queensland.
The exact details of how far into each state it would travel were unclear, but only
'experience' would show if one boat would suffice. Neville was happy with this;
he had only raised it, he said, at his Minister's insistence. Bleakley added that
Queensland had a similar problem to Western Australia. He even gave one instance
of a 'sampan' being chased off by a Queensland boat. This one example was
enough, apparently, for Bleakley to claim that at least to that extent the patrol was
worthwhile.

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Neville and Bleakley then mentioned to the Conference that they had listed the
topic of Lepers on the agenda for the Conference. Neville did not wish to speak to
the topic at that time. Bleakley, as we have seen, noted the issue on the first day of
proceedings; in this case all he added was the statement that it was 'very hard on
natives if they have to be shifted from their own district to a distant leprosarium.'
This is best seen as reading a question into the record. Perhaps they thought they
might get time to return to the topic, or perhaps they were happy to have it noted
that they were concerned, and that the subject would be addressed at subsequent conferences.

* * * *

The next issue raised centred on Western Australia and South Australia. It concerned the natives on the Trans-Australian Line, the railway line that crossed the country west to east. The discussion dealt with matters of finance, bad publicity, morality and, almost inevitably, control. Neville dominated the issue, and started by saying that the ‘presence of natives along the Trans-Australian line has been a source of great trouble for many years to Western Australia.’ The Commonwealth had done much to control the activities of the rail workers, he said. The ‘trouble’ came in the form of Aboriginal begging. The Commonwealth Commissioner of Railways had reported to the Minister for the Interior in October 1936 that ‘the condition of these aborigines has been a matter of concern for a number of years’, and that after consultation with the Chief Protector his department had decided to act in 1932. The Aborigines near the train line were, in his opinion, ‘filthy and decrepit, suffering to a very marked extent by comparison with their fellows living away from civilisation.’ In fact, the Commonwealth had altered its by-laws pertaining to the Trans-Line, and ordered that no employees should ‘sell, barter, exchange, give or otherwise make available either directly or indirectly any food, clothing, or money to any aboriginal native of Australia’.

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Part of the problem was what Neville called the adverse comments that arose in the British press about these things. Even though he could ‘absolutely deny that natives on the Western Australian section of the line are living under miserable conditions’, the story did get about. Only the previous year the tale had reached the Imperial centre when a journalist accompanying the English cricket team had reported the sorry state of events. The situation, according to Neville, was now under control, especially since two married couples had been installed along the track to run feeding depots.

On his trip to the Conference, Neville had gained first hand experience of the situation, and in familiar style, claimed there was no trouble in his state, but that matters were different across the South Australian border. There, over a hundred ‘very dirty natives of all sorts and conditions, dressed in filthy rags, crowded to the train.’ In his discussion of them, he raised what Rowse has called the ‘moral economy of rationing’, and further moral concerns. The first of these was the most remarkable, but one which we might find familiar even today. Neville claimed that ten years previously, there had been very few children along the Trans-Line; in 1937, there were thirty or forty in one spot alone. This was not greeted with delight by Neville. Far from it: ‘Knowing the natives as I do, I am quite sure that those children were bred for the purposes of begging.’

The only solution was felt to be the removal of these people from the railway line altogether, which was beyond the financial capabilities of either Western or South
Australia. Begging was not good for those involved, Neville claimed: ‘It is not charity to these people to give them money. It is actually pauperizing them’.\textsuperscript{172} Rowse has written that the concept of pauperism came from fourteenth century British poor law, and that the fear of ‘pauperisation’ ‘haunted the Commonwealth’s administration of Northern Territory Aboriginal people’ for sixty years. A pauper was ‘an able-bodied person who chose not to work but to subsist in dependent poverty.’ The too-easy receipt of rations could thus be seen to pauperise Aborigines.\textsuperscript{173} Neville’s thoughts in this matter match Rowse’s explanations almost exactly. In mid-1936, Neville had written to his representative at Karonie, a feeding depot on the Trans-Line, that

> Only indigents in the strict sense of the word should be rationed and clothed and I do not desire that able-bodied natives should give up employment or refuse employment for the sake of living at Karonie at our expense.\textsuperscript{174}

There is every reason to believe that begging, as spoken of along the Trans-Line, would carry similar moral dangers as rationing, at least as Neville saw it.

The Aborigines along the Trans-Line brought ‘only discredit to the Commonwealth’, said Neville, adding that the problem was similar in South Australia, and probably made worse there by the practice of ‘missionaries who encourage the people to come to the railway line.’ The only solution was financial aid, to the tune of £3-4,000 in capital costs, and approximately £1,000 per annum, to build and maintain proper accommodation for the train-line people. McLean agreed with Neville over the facts. The people had decent clothes but chose to wear
rags when begging; only a permanent police presence could keep people away from
the line.\textsuperscript{175} It is no surprise that the Western Australian and South Australian
delegates wished to discuss this topic; what is initially perplexing is that no
resolution was even proposed. One possible explanation is that the pair were
loading evidence in general support for the case for increased Commonwealth
funding without any specific desire to isolate the matter. Another, of course, is that
they realised that the other delegates cared not a jot about this matter.

**Future Conferences**

Next for discussion was the matter of future Conferences. It provided one instance
of complete unison, as far as can be ascertained, no doubt because it rested on the
notion of the superiority of knowledge and experience of those present in Canberra.
Carrodus wanted to know the meeting’s opinions on ‘the question of representation
at future conferences’ of this kind. We have already seen that many bodies were
interested in taking part in the 1937 Conference and Carrodus informed those
present that this was the case. He also noted that any future conference would meet
with similar requests. His own view was that the status quo should be preserved,
otherwise

we should have all sorts of warring factions present at the conference.
Some anthropologists may be in violent opposition to the missionaries,
and it would be impossible to achieve any unanimity.
He was happy for such bodies to make recommendations, but it was better that ‘the findings of the Conference should be those of Government representatives, so that they will be authoritative.’ Bleakley agreed; otherwise, he noted with no intended irony, they would be ‘swamped with armchair experts’. Neville agreed, but wished for a permanent secretariat to which submissions could be made, and Carrodus agreed. The resolution, ‘That future Conferences should consist of Protectors and representatives of Governmental Boards’, was passed.\textsuperscript{176}

\textbf{Development on Reserves}

Next, Carrodus raised the matter of economic development on Aboriginal reserves. The discussion raised some very modern-sounding concepts, even what sounds like a naïve recognition of some kind of native title, but in the end the matter was dismissed as being outside the proper remit of the Conference. The Commonwealth’s policy was that there should be no such development, but it was aware ‘that there are difficulties in enforcing such a policy.’ The discovery and mining of gold and other minerals were the main sticking points. People sought permission to hunt for gold and Carrodus wanted to know the Conference’s opinion on the matter. Bleakley said that all entries onto Queensland Aboriginal reserves required the permission of the Chief Protector, but that often these requests were specious, and those involved only wished to get ‘into touch with aboriginal women.’\textsuperscript{177}
Neville told the Conference that Western Australia had set aside twenty-four million acres of land as Aboriginal reserves, of which fourteen million were on the Western Australia-South Australia border. Permits were required to enter them. His department had placed a one hundred pound bond on entrance to reserve lands, which required those entering to observe certain rules. However, Neville believed that no rules or regulations would be effective if gold were found on an Aboriginal reserve and that the best method of dealing with such an event would be to excise the parcel of land affected from the reserve. In this way the resources could be ‘exploited partly for the benefit of the natives, to whom we consider they belong’. His plan called for a royalty on every ounce won from the land which would fall to Aborigines. The idea was not new for Neville; he had raised it with the Western Australian government in 1932 where, in the words of Biskup, it ‘never received a moment’s serious consideration’. New or old, the idea was an unusual one, and might be explained in a couple of ways. First, as we have seen, Neville was worried by the minimal funding which his department received. A royalty on mining would have eased the financial burden. The beauty of this plan would be that it would not cost the government anything; it would be financing itself in many ways and might even lessen the load on the normal government coffers. Further in the scheme’s favour, it would not ‘retard the development of the State’. Finally, such a scheme might even be seen as having some sort of generic ‘de-pauperising’ effect. This would at least explain the otherwise perplexing notion of Aborigines being the owners of the mineral deposits in their reserves.
Cook agreed in general with Neville but thought that only 'official parties' should be allowed to prospect in the central Australian reserves. Cleland thought it highly unlikely that any gold would be found there and that the only outcome would be harmful detribalisation of the people. Carrodus added that the Territory had much unreserved land that could be prospected before opening reserved lands. Morris then made another of his rare speeches, stating that the matter was 'purely a matter of policy', and that the Conference therefore need not make a resolution upon it. It is difficult to understand exactly why policy matters such as the absorption of a whole segment of the Aboriginal population could be deemed worthy of discussion and resolution while the opening of reserves to mining would not, but Morris found a way. Bailey said that the Commonwealth was free to do as it wished in its jurisdiction, and that the States were not 'called upon to take any action' in the matter. So nothing was resolved on the matter and the meeting adjourned for dinner.180

**Government and Missions**

Upon their return from dinner, the delegates spoke on an issue that was of great interest to all states and territories: missions. Unfortunately, there is no record of the debate. This is the only section of the Conference that was not reported. The discussion on missions occupied some two-and-a-quarter hours, yet all we are left with as a record are the two resolutions passed by the delegates. The first of these resolved:
That no subsidy be granted to any mission unless the mission body agrees to comply with any instruction of the authority in control of aboriginal affairs in respect of-
(a) the standard of education of natives on the mission;
(b) the measures to be taken for the treatment of sickness and the control of communicable diseases;¹⁸¹
(c) the diet of natives fully maintained on the mission;
(d) the measures to be taken to regulate the hygienic housing of the natives; and
(e) the maintenance of the mission in a sanitary condition, and that the mission be subjected to regular inspection by an officer of the authority.

The second resolution stated ran:

That governmental oversight of mission natives is desirable. To that end suitable regulations should be imposed covering such matters as inspection, housing, hygiene, feeding, medical attention and hospitalization, and education and training of inmates, with which missions should be compelled to conform.¹⁸²

Rowley suspected that ‘the closed session on missions provided an opportunity for the usual criticisms of those organisations’ to appear.¹⁸³ The Carrodus commentary confirms that suspicion. Carrodus wrote that there ‘was a good deal of criticism by delegates of the missions, so much so that I deemed it advisable’ to withhold it from the report of the proceedings.¹⁸⁴ We will never know what was said, but it was obviously strong enough to convince Carrodus that it would go better unread.

The second issue that arises from the resolutions on missions is the manner in which the Commonwealth handled them. While we have noted many instances of states’ representatives using the forum to gain some advantage either from the Commonwealth or over their colleagues, in this instance we can see the Commonwealth using the Conference to its own ends. Carrodus submitted the two
resolutions for Cabinet approval. The first he recommended to be formally adopted and added that it conformed 'in the main to the existing policy of the Commonwealth.' Commenting on the second, he submitted it for approval, but did not suggest immediate action. Rather, he counselled that 'legislation be not passed by the Commonwealth until one of the States gives a lead.' The idea was not a new one and Carrodus was aware of the sort of flak such a decision would generate. He mentioned that high ranking members of the Roman Catholic Church had years ago protested against similar legislation. By hanging fire on the issue, the Commonwealth could let the States wear the brunt of the reaction. We can assume that this would allow the Commonwealth to deflect some protest if it eventually adopted the proposal by claiming that it was only bringing its legislation into line with the State(s) that had led the way.

**Friday April 23**

At 9.30 on Friday morning, the Conference reconvened. If there was an overarching pattern to this last morning of discussion, it was that Carrodus sought to raise issues that concerned the Commonwealth. Of the nine issues discussed on Friday, Carrodus introduced five.
Compellability of witnesses

He started the debate on the resolution on the compellability of female Aboriginal witnesses in legal cases. The resolution stated that

in the opinion of this Conference any native woman who, at the time of the commission of the alleged offence, was living as the consort of the defendant and who may presumably be expected to continue in that association during and subsequent to the legal proceedings, should have the protection of law accorded to a legal wife.

Carrodus sought a definition of the term ‘wife’, so as to extend the protection afforded ‘the wives of white men’ to Aboriginal women. He noted that Western Australia’s new legislation had such a provision, but that the Territory had ‘difficulty in defining exactly the term “wife” in relation to aborigines.’ The Territory’s Supreme Court had always accepted the evidence of Aboriginal women against their husbands. Obviously unhappy with this situation, Carrodus was using the Conference as a tool to change the legal position and/or the practice in the Territory.

Harkness wondered if Carrodus was concerned with ‘legal’ wives, and was informed that a broader definition was sought, that would admit of different tribal practices. Bailey believed that the notion was proper, but seemed to miss the conceptual boat, and stated that ‘satisfactory evidence that a woman is the wife of an aboriginal’ should be sufficient. The problem was, of course, to work out how such satisfactory evidence might be understood. Neville explained the Western
Australian case, where they regarded ‘the tribal wife of a native as being legally married to him.’ In part at least this was because evidence gained from such women was ‘virtually useless’. Cook was all for the proposal, and declared that the legality of the marriage should not come into the matter. Like Neville, he raised the issue of intimidation, worried that Aboriginal women might be threatened or worse if they were compelled to give evidence against their spouses. Bleakley stated that, in Queensland, Aboriginal marriages were already granted this protection, although he agreed that a wider definition was necessary. As Carrodus pointed out, the Queensland legislation only referred to tribal marriages, and many people living together were outside tribal laws, but were not legally married. In the end Cook’s definition was accepted into the resolution and it was passed.¹⁸⁷

Much of the discussion on this issue seems at first glance sympathetic to the realities of Aboriginal life, and an attempt to ameliorate the treatment of female Aborigines within the law of the land. This was obviously the case, but there are aspects of the discussion that lie beneath the ameliorative surface. The first is one of tone. Most of the speakers seemed most willing to agree to non-compellability because the evidence gained from the women concerned would be of dubious quality. We can only wonder what the case would have been if these men were convinced that the women involved would have given correct evidence every time. They seem more concerned with the utility of the evidence than with jurisprudential concerns over spousal evidence. Secondly, and for our purpose perhaps more importantly, is what we might term legal relativity, the differing moral and legal
weight attached by those present in Canberra to ‘white’ and ‘native’ legal systems. No one will be surprised that the Aboriginal authorities considered their own legal framework superior to that of Aborigines. On one hand, the willingness to accept tribal marriages as ‘real’ was a progressive move. On the other, however, it seems that the combination of a perceived lack of utility of evidence gained from those in question, plus the incomprehensibility and general ‘weirdness’ of the ‘tribal laws’, meant that it was easier to accept anyone who looked married to white eyes as being married than to try and sort through the intricacies of the matter. Neville pointed in this direction when he claimed that under ‘some tribal laws even the unborn child of a woman is the tribal wife of a man sixty years of age. The infant child of another woman may also be his wife.’\textsuperscript{188} Unborn children could never give evidence, of course, but the example served to illustrate the oddness of Aboriginal ‘laws’, and thus make easier any attempt to ignore or by-pass them.

The final point on this subject is the linguistic knots that speakers could tie themselves in when discussing matters of law. Neville stated that ‘[o]ften coloured men are found to be living with women with whom, in the strictly legal sense, they should not be living.’\textsuperscript{189} It might only be semantics, but we cannot be sure which set of laws he referred to, white or Aboriginal. The Western Australian legislation imposed very strict controls on the marriage of Aborigines, but maybe he was referring to traditional Aboriginal matters. We will see in later chapters that he used the ‘problem’ of Aborigines marrying outside of traditional law as a reason to impose restrictions on the legality of marriages.
Native Courts

The matter of Native Courts was next on the agenda. Carrodus stated that representations had frequently been made to the Commonwealth that Aborigines not be dealt with by ordinary courts. The Commonwealth’s position was that this was feasible, but only for cases *inter se*, not where whites were involved. So far, however, no court had been initiated.\textsuperscript{190}

Bleakley informed the Conference that Queensland had decided against such a body. However, he also stated that his state ‘had provision for a native court, elected by inmates, to deal with minor offences between natives on a reserve’. More serious offences would be heard before a ‘Protector or a visiting justice.’ While the state had no (or only very minor) native courts, no Aborigine could plead guilty unless the Chief Protector agreed to such a plea.\textsuperscript{191}

Neville spoke next, and the topic was one he had a long interest in. Giving evidence before the 1927 Royal Commission on the Constitution of the Commonwealth, he offered the opinion that

\[\text{The old theory that our laws have equal effect in respect to white and black is long since out of date, and native courts should be set up under entirely different conditions, where tribal custom and practice can be admitted as evidence.}\textsuperscript{192}\]

This followed on ideas afoot since at least the 1840s.\textsuperscript{193} The 1935 Moseley Royal Commission recommended the creation of a native court, but only for crimes
concerning ‘bush natives’ and in 1936 the *Native Administration Act* made the idea law. Neville remained convinced in 1937 that all crimes between Aborigines should be dealt with by a separate court. Crimes between Aborigines and whites, however, should be dealt with by the ‘ordinary courts of the State’.

The Conference passed a long resolution on this topic, but it really only reiterated the different thoughts already mentioned:

That the jurisdiction of the Court for Native Affairs shall be confined to cases in which both parties are natives.
That mixed cases — those in which a native is involved with a white man or a man of another race — be dealt with by the ordinary courts of the State or Territory.
That natives not be allowed to plead guilty in any case, except with the approval of the Chief Protector.
That a native charged before a white man’s court shall have adequate representation by counsel or a protector, or both.
That no confession or statement before trial shall be sought or obtained, or, if obtained, it shall be disregarded by the court. (See section 60[1] of the *Native Administration Act, 1905-1936* of Western Australia)
That for the purposes of this resolution a native shall be a native as defined by this conference.

In his comments on the resolutions, Carrodus stated that he raised the issue because it had been contentious ‘for a number of years.’ This is another instance of the Commonwealth using the Conference to its own ends. The decision made by the Conference would ‘assist the Government in dealing with’ any future representation in the area, although he did not make it clear exactly what sort of assistance would be obtained.
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Chaining of Natives

Carrodus desired to clear up another area of public concern, or governmental concern over public concern, when he raised the chaining of Aboriginal prisoners. Prisoners were still being chained together around the neck as they were walked in from the bush and the Commonwealth had been ‘severely criticized’ for allowing the practice to continue. Bleakley’s department had also been criticised and had tried to negate it by ensuring that transport was found to offset the need to chain anyone. Neville spoke longest on the issue, noting that debate had raged for more than half a century. Moseley had investigated it in his Royal Commission, finding that chaining was often necessary for the safety of the police involved and was also the most humane system available. There was some discussion as to the manner in which the constraints were actually implemented, but the general tenor of discussion was that neck chaining was the most humane way for Aborigines to travel long distances through the bush in custody. Bailey, however, was happy to be able to distance himself from the debate; the matter should be dealt with by Queensland, Western Australia and the Northern Territory. ‘We should not’, he said, ‘drag in the other States, in which it is never necessary to use chains in the circumstances which have been described.’ One can hardly blame him for attempting to distance himself from this particular debate. Still, the Conference resolved that:

where, for the safety of the escort and the security of the prisoners, it is necessary to subject the prisoners to restraint, it is the opinion of the representatives from the States and Territories concerned that the use of
the neck chain while travelling through bush country is preferable to the use of handcuffs, for humanitarian reasons and having regard to the comfort of the prisoners.¹⁹⁹

**Protectors**

The next two points of discussion were closely linked, but received very different treatment. Both dealt with the question of the suitability of certain groups as protectors of Aborigines and both were introduced by Carrodus. The first was the matter the use of police as protectors. He stated that there had been much criticism of the practice of appointing police to this ‘dual role’. In this instance he seemed to follow the financial line of argument so often employed by the states. The Commonwealth believed that ‘as the financial position improves, the practice of appointing police as protectors should be discontinued’, but that it would be impossible to implement immediately. There is no record of debate beyond Carrodus putting the position and the resolution passed merely deferred discussion ‘until the next conference.’²⁰⁰

The second question was that of requests for women as protectors. This was one of very few instances where women were dealt with specifically at the Conferene. The discussion tells us much about general views on women and their suitability for certain tasks alive at the time.
Carroodus began this debate, telling the Conference that the Commonwealth was 'frequently being requested, chiefly by women's organizations, to appoint women protectors in the Northern Territory.' He was willing to countenance the idea for large settlements, but thought it 'practically impossible' to appoint women in remote areas, obviously believing that women in such positions would be in danger. Their appointment would necessitate appointing 'protectors for the women protectors.'¹²⁰¹

Neville offered the benefit of Western Australia's experience in this respect, declaring that the bodies calling for female protectors actually meant female inspectors, not protectors at all. Further, his state had previously employed women as inspectors and they had proved useless.¹²⁰² In many respects this is classic Neville. The people involved did not know what they were talking about, the idea was silly, and, anyway, Western Australia had already tried it and proved it to be useless. That the question this time involved women is perhaps not relevant – Neville treated most if not all detractors and complainers in this way. He did have a strong animus towards female activists, however. In *Australia's Coloured Minority*, he raised what he saw as the failure of women seriously to take up the cause of 'their less fortunate coloured sisters'. He thought it wrong that 'very few white women have ventured to speak out' against the 'contact' between white men and native women, adding that 'missionary ladies have scarcely dared to mention the subject.'¹²⁰³ Whenever any women did speak out on the treatment of Aborigines, though, as we will see in the case of Mary Montgomery Bennett, he was quick to
Carrodus began this debate, telling the Conference that the Commonwealth was 'frequently being requested, chiefly by women's organizations, to appoint women protectors in the Northern Territory.' He was willing to countenance the idea for large settlements, but thought it 'practically impossible' to appoint women in remote areas, obviously believing that women in such positions would be in danger. Their appointment would necessitate appointing 'protectors for the women protectors.'

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put them in their place. Still, Neville thought that female Aborigines should only be medically inspected by women and had made this policy in his state.\textsuperscript{204}

Harkness, with Bailey in agreement, then interposed the by now almost automatic position that such a thing ‘might be left to the discretion of the individual States.’ Carrodus for once stated that the purpose of raising such issues was to find out the thoughts in each state, rather than merely leaving it hang in the breeze; he did, however, reiterate the position that such appointments were not practicable. McLean thought that it might work if women ‘attached to stations were appointed protectors’, although he was adamant that women from the organisations promoting the idea should not be used. Bleakley told of the Queensland experience, where a woman had been appointed as an inspector. While this had worked out well relatively close to the main cities, ‘she was quite useless in regard to bush natives’.\textsuperscript{205} Eventually, the Conference resolved:

While the use of women protectors or inspectors for the supervision of female natives in populated areas may in places be desirable, the general appointment of women is not considered practicable, because of the very scattered nature of native camps, the difficulties of travel and the isolation.\textsuperscript{206}

The picture we get from these discussions of women as officials is not really surprising, perhaps, but it reminds us of the broader conceptual frameworks in place in the period. Women were seen in an essentialist light, with their own strengths and inadequacies; the resolution is redolent of this. While women protectors or inspectors ‘may in places be desirable’, the plan could not be adopted in general
because of the very scattered nature of native camps, the difficulties of travel and the isolation." More important was the nature of women, and that the rose of white womanhood was still considered too delicate for the harsh interior and north of Australia.

**Financial assistance from the Commonwealth**

If most of the resolutions made by the 1937 Conference were made ambiguous by the need to manufacture consensus, one received much greater support from the various authorities: the need for increased Commonwealth financial support to the states and territories. Whatever differences speakers had in defining the 'Aboriginal problem' and its solution, they agreed that more funding would be necessary. There was one member of the Conference who was silent on this matter. Having led the discussions on the Friday morning, Carrodus became silent when increased Commonwealth aid was raised. Indeed, in his comments on the proceedings, he wrote that the 'Commonwealth delegates to the Conference naturally refrained from discussing this subject or voting thereon.' Even given this almost unanimous support, however, the nature of the Conference led to the passing of an impressive-sounding but essentially hollow resolution.

We have already seen that Neville and Bleakley raised the issue in their opening addresses on the Wednesday and that the matter was raised obliquely throughout the debates. On the Friday, however, the issue took centre stage, at least for a short
while. We must not become obsessed with size in these things, but it cannot be an accident that this resolution was the longest of all those passed by the Conference. Over a page of the proceedings is devoted to the Commonwealth funding debate, nearly all of it taken up with Neville’s speech on the matter. If he said most on the topic, he was supported from all quarters; even the consistently reticent Chapman spoke to the resolution and indeed expanded upon it. 209

Neville stated the position clearly: the Conference should recommend that the Commonwealth government make financial assistance to the states ‘in proportion to their requirements.’ He reiterated the paucity of Western Australian spending. Given the Western Australian financial position, he said, it would be impossible to implement the resolutions of the Conference. Neville admitted that he was not proud of the rations available to Aborigines under his care, and that the Treasury in Perth would not give him any more funds. He noted that if the famous one per cent provision of the original Western Australian Constitution had been obeyed, he would be administering a department with a budget of over £80,000 per year, rather than the average of £30,000 per annum he was used to dealing with. He explained the financial shortfalls that prevented the implementation of the findings of the 1935 Moseley Royal Commission; an additional £15,000 in capital expenditure would be needed, plus £15,000 per annum in maintenance. These figures (which are supported by a report made by the Western Australian department)210 generally gave the impression of a financially strapped small state. In arguing for Commonwealth intervention, however, he also raised the issue of comparative
population. Western Australia had a very small white population, but had to assist the greatest number of Aborigines, and the cost per head per annum to the white population, at 15/-, was an ‘unfair imposition’.\textsuperscript{211}

In closing his address on the matter of financial assistance to the states, Neville raised the issue of international reputation. He stated that unless ‘the work of caring for the natives is greatly extended, Australia will be discredited.’ Although he considered it unjustified, he warned of ‘a vast body of public opinion in other parts of the world contending that we are not doing the right thing by our aborigines.’\textsuperscript{212}

This fitted neatly with Bleakley’s remarks on the Wednesday morning. Bleakley also supported Neville on Friday, adding that he had intended to move a similar motion. Harkness was fired by the notion on Friday, unlike his attitude on Wednesday, and reminded the delegates that ‘national pride demands that we do something more than we are doing. The Commonwealth government should assist those states which have small white, but large aboriginal populations’. Cleland pointed out that ‘the whole population of Australia contributes to the upkeep of natives in the Northern Territory’, and that it was thus ‘reasonable to urge that some expenditure of Commonwealth money should be devoted to the welfare of the natives in the States.’\textsuperscript{213}

Chapman went beyond the immediate proposal, that the Commonwealth should provide assistance to the states, by demanding that the reasons behind the proposal
be elucidated. This was agreed to, and the reasons were listed at the end of the resolution:

That the Commonwealth give financial assistance to the States most requiring it to assist them in the care, protection and education of natives which, unless extended, will bring discredit upon the whole of Australia. This resolution is put forward for the following reasons:

(1) That the principle adopted by this Conference of the ultimate absorption of the native race into the ordinary community can only be achieved by a considerably extended programme of development and education.

(2) That the work of the States is already saving to the Commonwealth a very considerable sum by reason of the fact that there is being maintained at the cost of the States a large number of people who would otherwise be in receipt of the invalid pension or old-age pension or other assistance directly from the Commonwealth for which they are now ineligible.

(3) That the people of all the States are already contributing the whole cost of the care of Aborigines in the Northern Territory, and it is only equitable that the people of Australia should also assist in other parts of the Commonwealth.

(4) That following the precedent in other British dominions, it is reasonable that the Commonwealth Government should bear a considerable part of the cost.²¹⁴

There was significant consensus in this matter. Speakers from each of the five states represented spoke at some time during the three days in favour of increased Commonwealth funding. That being the case, it might seem that it should be interpreted differently from the previously considered resolutions. Although it might initially appear counterintuitive, the 'Commonwealth funding' resolution is very similar to the 'Destiny' and 'Uniformity' resolutions. There are differences, of course, but in the end each amounted to nothing.
Where the ‘Commonwealth funding’ resolution is like the others is in what we might call the ‘hot air’ factor. The State authorities felt strongly that the Commonwealth should become more involved in the financial support of their activities. They were at liberty to do so. There was an enormous gulf, however, between feeling that the Commonwealth should become more involved and ensuring that it would do so. As with the matters of uniformity of legislation and the opium trade, so with Commonwealth funding. The Conference could make all the resolutions it desired, but it had no power to enforce them. The desires of the authorities could not of themselves force the Commonwealth (or any other government) into action it chose not to take. The international opinion that helped to inform the holding of the Conference, and which was used in support of Commonwealth funding, was not enough to force the issue. As we have seen, Carrodus commented later in a dismissive manner only that the resolution ‘might’ be referred to Cabinet.\textsuperscript{215} Thus the resolution, while passed by the Conference, would flounder in action.

**Supervision of Full-blood Natives**

After nearly three days of discussion, in what must have been the last hour or so of the Conference, a resolution was made concerning the ‘Supervision of Full-Blood Natives’. There is no better indication of the primary focus on people of mixed descent than this late concern with people of the full descent. Cook made the proposal, which he said was based on Northern Territory policy and also reflected
the policy in Western Australia. It was as if there was a realisation that, having declared the future of the people of less than the full blood so early in the piece, some decision had to be made concerning those of the full blood. The resolution declared:

That this Conference affirms the principle that the general policy in respect of full-blood natives should be-

(a) To educate to white standard, children of the detribalized living near centres of white population and subsequently to place them in employment in lucrative occupations, which will not bring them into economic or social conflict with the white community;

(b) To keep the semi civilized under a benevolent supervision in regard to employment, social and medical services in their own tribal areas. Small local reserves selected for tribal suitability should be provided in these tribal areas where unemployable natives may live as nearly as possible a normal tribal life, and unobjectionable tribal ceremonies may continue and to which employees may repair when unemployed. The ultimate destiny of these people should be their elevation to class (a);

(c) To preserve as far as possible the uncivilized native in his normal tribal state by the establishment of inviolable reserves; each State or Territory determining for itself whether mission activities should be conducted on these reserves and the condition under which they may be permitted.

The question of ‘unobjectionable’ tribal practices was introduced by Neville, as we would expect. Cleland wondered how that could be decided, but further muddied the waters by declaring that he had did not care so long as they ‘had no deleterious effect on the natives.’ Neville declared that the states should be their own judges on this matter and the resolution was passed.\(^\text{216}\)

There was no sense of a future for Aboriginal culture in this resolution. The inviolable reserves were, as we have seen, never taken to be really inviolable, and
those 'uncivilized' natives that survived were to have their cultural activities limited by departmental fiat until, we can only surmise, their disappearance, either into the white 'normal' community or until they simply 'died out'.

Racial problems

Cook again took the floor to introduce the next topic, returning to the preoccupation behind his opening remarks. He feared the possible development of a 'coloured race which would be a menace to the white population in the north.' Further, he felt that the decisions taken by the Conference 'may have just that result.' Care had to be taken in the implementation of the resolutions to avoid this. As 'evidence' of this extraordinary claim, Cook spoke of the racial problems faced in the United States of America. He spoke of lynchings, of the Civil War of 1860-65, and stated that these events occurred in a society 'not very different from our own.' There was no evidence of such attitudes in Australia, he admitted, rather a 'contemptuous tolerance' of Aborigines was the norm, but the resolutions passed in Canberra could give rise to just these problems. To counter them, he moved that

Realizing that the pursuit of this policy and its ultimate realization, unless subject to enlightened guidance, may result in racial conflict, disastrous to the happiness and welfare if the coloured people, this conference is of the opinion that the Commonwealth should take such steps as seem desirable to obtain full information upon racial problems in America and South Africa for submission to a further conference of Chief Protectors to be held within two years.
Neville seconded the motion, but thought Cook’s fears ungrounded. In an optimistic moment, especially where time was concerned, Neville stated that in effecting the policy adopted by the Conference ‘the absorption of the natives into the white race will take place before trouble is likely to occur.’\textsuperscript{217} We will see in the final chapter, however, that this optimism was not permanent. Carrodus recommended to his superiors that information be sought from the relevant governments.\textsuperscript{218}

**Corporal punishment**

In the penultimate policy resolution made by the Conference, Carrodus introduced the topic of corporal punishment. In a recent Northern Territory investigation into the shooting of an Aborigine, a ‘definite recommendation’ had been made that corporal punishment be allowed.\textsuperscript{219} A judge in the Territory had recommended that ‘sensible officers’ be permitted to ‘inflict whippings under certain conditions immediately after’ an offence had been committed by an Aborigine. Such practice was permissible in Kenya, Carrodus added. The idea was that immediate punishment would be more effective than anything imposed after a long delay. Further, corporal punishment was thought to be more effective than gaoling an Aborigine, ‘where he gets a taste of the white man’s food and probably causes more trouble later.’ We cannot be sure if this was the view held by Carrodus; perhaps as a senior public servant his distancing of himself was intentional; maybe it was

whites felt it. The main underlying concern in Cook’s argument, however, was his fear of an incipient Aboriginal uprising; self-defeating beatings might raise contempt for whites and belief that Aborigines were better than their masters. Hence, he called for punishment that would make ‘the offender look ridiculous in the eyes of the other natives.’ Ridicule would not, apparently, lead to contempt. Bailey spoke out again, repeating that a move to corporal punishment was dangerous and arguing that if a protector could order summary punishment, he would ‘soon cease to be regarded as a protector.’ When put to a vote, corporal punishment lost.

**Immoral intercourse**

In the last general policy issue discussed on the Friday, Carrodus drew the Conference back to one of its unstated but central concerns. He wanted to know if the delegates had any suggestions for the better control of ‘immoral intercourse with native women.’ The Territory’s ‘stringent provisions’ seemed complete, he said, but their application was fraught: ‘Unless he is caught red-handed, there is little chance of convicting an offender’. Bleakley and Neville both trumpeted their own legislative solutions to the problem, while admitting that the offence still occurred. Bleakley wanted to move that uniform legislation be adopted; Carrodus was happy to ‘record that the subject was discussed by the Conference’, and no motion was put forward.
The aftermath

This account has illuminated many of the contradictions that surrounded Aboriginal affairs in the 1930s, as well as the weaknesses inherent in the 1937 Conference. The Canberra meeting had made much of its resolution on people of mixed blood and the need to absorb them into the general population. This had been discussed overtly in biological as well as social terms. Yet, in the closing minutes of the Conference, methods of dissuading and controlling inter-racial sexual encounters were discussed. Importantly, no one spoke to the incompatibility of these two concerns.

The Canberra Conference met to make ‘concrete decisions’ on the way forward. A number of factors militated against success in that task. The first was the constitutional make-up of Australia. Aboriginal affairs had been a states’ concern since Federation in 1901 – and before then an individual colonial concern – and the representatives present in Canberra in 1937 were not going to relinquish their powers to the political centre, no matter that some of them might have thought the idea promising in the abstract. Each state and territory believed that to some extent or other it had found the best solution to the ‘Aboriginal problem’ and was therefore interested in promoting its own legislation and practice. Equally, they were unlikely to admit failure on their own behalf, or the need for massive restructuring or rethinking. What we might term professional courtesy would also have limited their activity: delegates were unlikely to contend that other states were
in desperate need of massive reform. The kinds of resolution that were available to the Conference were therefore limited before anyone arrived in Canberra. These factors led to a particular kind of result. With little chance for radical implementable decisions, the Conference made large, grand, but fundamentally empty decisions that were either unenforceable or so vague as to be meaningless. Because of this, Conference delegates could report back to their political masters that great things were in place, or that their own line had held the day.

The other issue that militated against the institutionalisation of the Conference was the indifference of the participants. As we have seen, the Victorian representatives were regularly ready to distance their state from either the problems described by other states or the solutions sought to those perceived problems. This reluctance did not cease with the conclusion of the 1937 Conference.

While the Conference was willing to make resolutions concerning future such meetings, not all of those involved were as enthusiastic as Neville and Bleakley. Of course, Neville believed that his ideas had carried the day. The dangers of extrapolating from telegraphic shorthand are very real, but Neville did seem proud of his achievements in Canberra. In a telegram to his Department the day after the Conference, he wrote that ‘proceedings conference interesting unanimous our ideas generally favoured’.

While we ponder the oxymoronic nature of qualified unanimity, we can sense that in some ways Neville thought he had ‘won’ the Conference. If so, it was a pyrrhic victory.
In the preparation of the proceedings and report of the Conference, the Victorian delegation provided what seems to have been the death knell for future meetings of administrators. In part, the document was to read that 'similar conferences should continue to be held annually', and that the venue be different each year, 'so that representatives might come into close contact with the actual problems as they arise in each part of the Commonwealth.'

In a letter to Barrenger, the Chief Secretary's Office advised that Victoria wanted to add: 'between the Commonwealth and those States where the stage of development of the natives is reasonably akin, and where there are common difficulties of administration to be solved.' The letter goes on to make clear why this position was taken:

although the visit would probably be educative and enjoyable, for any practical purposes it would be useless for a member of either the Victorian or New South Wales administrations to visit Western Australia or the Northern Territory to see conditions that will never again exist in their own State.

Barrenger forwarded this request to the other authorities, wanting comments. Bleakley was not opposed to the addition, but did not think it necessary. He believed that Victoria had missed the point, and that absorption was still a major issue for them. McLean believed that, while Victoria and New South Wales had 'but few difficulties' in the area, the other states could gain from an exchange of ideas with them. Cleland, perhaps surprisingly, agreed to Victoria's alteration.
Cook concurred with the amendment. Neville had no objection to the addendum, but believed that such a decision was misguided, 'except, possibly, in the case of Victoria'. Following his general argument concerning the Aboriginal problem, he stated that

New South Wales is up against the biggest colour problem of any of the States in Australia and that the State is likely to derive considerable benefit by being represented at any future Conferences... I think we all, more or less, agree that the most difficult aspect of Native Administration lies in the increasing number of coloured people whose future is in considerable doubt, and New South Wales includes a greater number of these people than any other State of the Commonwealth.  

New South Wales, perhaps predictably, agreed to the addendum. The amendment was made to the document, and appears in paragraph seven of the Proceedings. Most of the authorities were unconvinced of the Victorian proposal's merit, but none was sufficiently moved to oppose it outright. Without any real opposition, it was almost impossible that the amendment would fail.

The incorporation of this amendment laid one important foundation for the demise of the Conference as an ongoing event. If the aim was to seek some uniformity of law and practice amongst the States and the Territory, future meetings had to be comprehensive in nature. Victoria's amendment, however, allowed an easy escape route for any state at any time. It does not take much effort to imagine any of the states finding reasons for their non-attendance at future meetings, where they might claim that the agenda items were not relevant to their own experience. Even if the
states did not take this line, the lack of solid support for future Conferences evident in the Victorian amendment provided an easy option for letting the matter drop.

The members of the Conference had been careful not to tread on each other’s toes in the debates, to the extent of not reporting their discussions on mission activity. When it came to the matter of future meetings, this trait was again evident. In part this approach can be seen as a self-defence mechanism, an attempt to provide a united front to the world, as a method to decrease the chances of division from without. Ironically, it was this softly-softly approach that exacerbated the divisions within the group of administrators and, in the end, provided one reason for the demise of the Conference as an ongoing event.

The last word on the matter came from Victoria, and in many ways sums up the broad Australian vision of the ‘Aboriginal problem’ in 1937. In August of that year, Chapman wrote to Barrenger to acknowledge receipt of Victoria’s copies of the Report. He added that

I am sorry Victoria has been the cause of some dissent but you will appreciate that, as a State, we have no real problem insofar as aborigines are concerned, and only a minor one as to those people who have aboriginal blood in their veins. This being the position, the Minister feels that we would not be justified in proceeding to Queensland or Western Australia to attend a Conference where the major subjects for discussion would be upon problems which did not exist in this State and of which we had no first hand knowledge.²³⁵

At least for the time being, it seems that Victoria wished to be considered in the same light as Tasmania, as a place for all intents and purposes bereft of Aborigines.
Any real problem that existed in that State was historical in nature. If there was no real consensus amongst the delegates to the Conference in 1937 about the best way to deal with the Aboriginal problem, there was consensus on the preferred outcome. At whatever future time it may occur, however distant that prospect might seem, the aim of all the delegates was to be able to match Victoria, and claim that the Aboriginal problem was gone, and the Aborigines with it.

1 Carrods did not make a statement, but he was not responsible for a particular state or territory.
2 Aboriginal Welfare, p. 5.
3 Ibid.
4 Ibid.
5 Ibid.
6 'Motion by Queensland representative that a uniform policy and legislation should be adopted for aboriginal protection', SRO AC C 993 425/36; Aboriginal Welfare, pp. 6-10.
7 This term appears frequently in the Proceedings, and in the period in general. I shall not continue to mark it as I have here; the parenthetical comment should be taken as read in later examples.
8 Aboriginal Welfare, p. 6.
9 Ibid.
10 Ibid.
11 Ibid., p. 7.
12 Ibid.
13 Russell McGregor, 'Intelligent Parasitism: A. P. Elkin and the Rhetoric of Assimilation', Journal of Australian Studies, 50/51, 1996, p. 120. McGregor's point is made specifically about Elkin, but it holds for the sake of argument.
15 Ibid., p. 8.
16 Ibid.
17 McGregor, Imagined Destinies, p. 231.
19 Ibid.
20 Ibid., pp. 8-9.
21 Ibid., p. 9.
22 Ibid., pp. 9-10.
26 Aboriginal Welfare, p. 10.
27 Ibid.
28 e.g., see [John Bostock and L. Jarvis Nye] A Psychologist and A Physician, Whither Away? A study of race psychology and the factors leading to Australia's national decline, Angus & Robertson, 1936, p. 22ff.
29 Aboriginal Welfare, p. 10
30Ibid.
35Aboriginal Welfare, pp. 10-1.
36Ibid., p. 11.
37Rowley, Destruction, p. 326.
38Aboriginal Welfare, p. 11.
39Ibid.
40Neville, Australia’s Coloured Minority, p. 68.
41Aboriginal Welfare, p. 11.
42Ibid.
43Ibid., p. 12.
44Jacobs, Mister Neville, p. 257.
45Rowley, Destruction, p. 327.
46Aboriginal Welfare, p. 12.
47Ibid.
49Aboriginal Welfare, p. 12.
50Carrodo to Sec PM’s Dept, 30/3/37, NAA A659/1 42/1/8104.
51Herald, 21/4/37, SRO ACC 993 425/36.
52Aboriginal Welfare, p. 12.
53Ibid.
54Native Affairs Dept, AR, 1937, p. 5.
55Neville, ‘Contributory Causes’, p. 6
57Ibid.
58Ibid., p. 13.
59Ibid.
60Ibid., p. 14.
61Ibid., p. 13.
63Aboriginal Welfare, p. 14
64Ibid.
68Ibid., p. 18.
70Ibid., p. 15.
71Ibid.
72Ibid.
73Ibid.
74Ibid., p. 16.
75Ibid.
76Ibid.
77Chesterman and Galligan, op. cit., p. 135.
78Ibid., pp. 118-9.
Aboriginal Welfare, p. 16.
Ibid.
Ibid., p. 17.
Aboriginal Welfare, p. 17.
Ibid., pp. 17-18.
Ibid., p. 18.
Ibid.
Ibid.
Ibid.
Ibid., p. 45.
Aboriginal Welfare, p. 18.
Ibid., p. 19.
g Frederic Wood Jones, Australia's Vanishing Race, Sydney, Angus & Robertson, 1934, p. 11.
Aboriginal Welfare, p. 6.
Ibid., p. 19.
Ibid.
Ibid.
Ibid., pp. 19-20.
Ibid., p. 20.
Raymond Evans, Fighting Words: Writing about Race, St Lucia, University of Queensland Press, 1999, p. 151.
Bleakley Report, pp. 27, 29.
J. W. Bleakley, 'Can Our Aborigines be Preserved?', Australian Quarterly, 7, 1930, p. 72
Bostock and Nye, op. cit.
Ibid., p. 161.
Ibid., p. 154.
Ibid., p. 20.
Ibid., pp. 20-1.
Ibid., p. 21.
Resolution Recommendations and Remarks', 24/8/37, NAA CRS A659 1942/1/8104.
Ibid.
Ibid.
Ibid.
Haebich points out that this dichotomy hardened the divide between black and white in Western Australia rather than allowing the two to merge. In Haebich, For Their Own Good, p. 352.
Chesterman and Galligan, op. cit., p. 121.
Jacobs, Mister Neville, p. 240.
Aboriginal Welfare, p. 22.
Ibid.
Ibid.
see Rajkowski, op. cit., for one extreme example of this.
Aboriginal Welfare, p. 22.
Ibid.
Native Administration Act, 1936, s.4.
126 Aboriginal Welfare, p. 22.
127 Neville, Australia’s Coloured Minority, pp. 247-8.
128 Aboriginal Welfare, p. 22.
129 Ibid., pp. 22-3. Bleakley speaks of the ‘Western Australian’ legislation, but this seems to be a typographical or recording error.
130 Ibid., p. 23.
131 Ibid.
132 Aborigines Act 1905, s.2.
133 Aboriginal Welfare, p. 23.
134 Ibid., p. 24.
136 Aboriginal Welfare, p. 23.
137 Ibid., p. 24.
138 Ibid., p. 23.
139 Ibid., pp. 23-4.
141 Ibid.
142 Ibid., p. 25.
143 Ibid., p. 24.
144 Ibid., p. 25.
145 ‘Resolution, Recommendation and Remarks’, NAA A659/1 41/1/8104.
147 Ibid., p. 25.
148 Ibid.
149 Ibid.
151 Ibid., p. 153.
152 Aboriginal Welfare, p. 25.
153 Ibid., pp. 25-6.
156 Ibid.
157 Aboriginal Welfare, p. 27.
158 Ibid.
159 Ibid.
160 Resolutions, Recommendation and Remarks’, NAA A659/1 41/1/8104.
161 Aboriginal Welfare, p. 27.
162 Ibid., pp. 27-8.
163 Ibid., p. 28.
164 Ibid.
165 Commissioner to Paterson, 27/10/36, SRO ACC 1496 419/36.
167 Aboriginal Welfare, p. 28.
168 Commissioner to Paterson, 27/10/36, SRO ACC 1496 419/36.
169 Aboriginal Welfare, p. 28.
170 Rowse, ‘Rationing’s Moral Economy’, pp. 95-123.
171 Aboriginal Welfare, p. 28.
172 Ibid.
174 Neville to Lockett, 22/5/36, SRO ACC 993 139/35.
175 Aboriginal Welfare, p. 28.
176 Ibid., p. 29.
177 Ibid.
178 Biskup, op. cit., p. 105.
Aboriginal Welfare, p. 29.

Ibid.

Ibid., pp. 29-30.

Ibid.


"Resolution, Recommendation and Remarks", NAA A659/1 41/1/8104.

Ibid.


Ibid.

Ibid.

Ibid.

Ibid.

SRO ACC993 412/27.


MRC, p. 20.

Native Administration Act, 1905-1936, s.63.

Aboriginal Welfare, p. 31.

Ibid.

"Resolution, Recommendation and Remarks", NAA A659/1 41/1/8104.

Aboriginal Welfare, pp. 31-2.

Ibid., p. 32.

Ibid.

Ibid.


Aboriginal Welfare, p. 32.

Ibid.

Ibid., p. 33

Ibid.

"Resolution Recommendation and Remarks", NAA CRS A659/1 1941/1/8104.


SRO ACC 993 131/35

Aboriginal Welfare, p. 33.

Ibid., pp.33-4.

Ibid., p. 34.

Ibid.

"Resolution Recommendation and Remarks", NAA CRS A659/1 1941/1/8104.

Aboriginal Welfare, p. 34.

Ibid., pp. 34-5.

Resolution, Recommendation and Remarks", NAA A659/1 41/1/8104.

Ibid.

Aboriginal Welfare, p. 35.


Anderson, *op. cit.*, p. 209, covers some of the scientific endeavours in this area.

Aboriginal Welfare, p. 35.

Ibid., pp. 35-6.

Neville to Native Affairs Department, 24/4/37, SRO ACC 993 425/36.

Aboriginal Welfare, p. 4.

Victorian Chief Secretary’s Office to Barrenge, 20/5/37, NAA CRS A659 1942/1/8104.

Barrenge to various Chief Protectors and Boards, 27/5/37, NAA A659 1942/1/8104.

Bleakley to Barrenge, 31/5/37, NAA CRS A659 1942/1/8104.

McLean to Barrenge, 31/5/37, NAA CRS A659 1942/1/8104.

McLean to Barrenge, 9/6/37, NAA CRS A659 1942/1/8104.

Cook to Barrenge, n. d., NAA CRS A659 1942/1/8104.
233 Neville to Barrenge, 3/6/37, SRO ACC 993 435/36.
234 NSW Board to Barrenge, 16/6/37, NAA CRS A659 1942/1/8104.
235 Chapman to Barrenge, 18/8/37, NAA CRS A659 1942/1/8104.
Chapter 3:

The Moseley Royal Commission

In the last chapter we analysed the discussions at the 1937 Canberra Conference on Aboriginal Welfare. We saw the pride Neville took in the Western Australian *Native Administration Act* of 1936. He trumpeted its value at every opportunity in Canberra, and well he might. With the passage of the 1936 Act, Neville had gained ‘unprecedented powers over the daily lives of Western Australian aborigines.’¹ He had new powers of guardianship over all legally-defined Aboriginal children under the age of twenty-one years, irrespective of the marital status of their parents. He also had the power to control marriages, and sexual contact between natives and non-natives was newly illegal. Additionally, Aborigines could still be removed to any area on departmental orders. Most importantly, practically all Aborigines could be brought under the *Act.*² Haebich has written that these powers condemned Aborigines in the south of the state to ‘rigid government control, segregated from the wider community in accordance with the whims of the government and the
general public’, while also giving Neville the power to implement ‘the policy of biological absorption.'

In the next three chapters, we will investigate the history of the 1936 Act. First, we will focus on the oft-cited proximal cause of the legislation, the Moseley Royal Commission. In the Chapter 4 we will look at the recommendations of the Moseley inquiry, before moving on in Chapter 5 to discuss the 1936 Act and its legislative precursor. Although the Commission had less effect upon the legislation than is usually stated, it warrants considerable analysis on at least two counts. First, the evidence and Report provide deep insights into the nature of the Aboriginal ‘problem’ as conceived at the time; second, the Commission, more than any other event, gave the necessary broad political push to Do Something regarding Aboriginal affairs.

The Moseley Royal Commission into the Condition and Treatment of Aborigines in Western Australia made its final report in early 1935. In this chapter we will investigate the creation of the Commission – including the Parliamentary debates on the topic – the Report of the Commission, and, most importantly, the evidence given before the Commission. In doing so, we will see the various pragmatic and ideological strands that ran through Western Australian conceptions of the Aboriginal ‘problem’ in the early 1930s. Looking at the evidence, we will focus upon a subset of the many witnesses who played the most important roles in the Commission hearings. While the previous chapter looked at the views held by
bureaucrats in the field, the evidence provided at the Royal Commission will give us a broader picture of the range of ideas on Aborigines that existed in Western Australia in 1934.

Creating the Commission

On 30 August 1933, the Western Australian Legislative Assembly debated the creation of a Royal Commission into Aboriginal affairs. Led by A. A. M. Coverley, Labor member for the Kimberley, the debate ran nearly four hours. Coverley wanted a commission to ‘inquire into allegations of maltreatment of aborigines generally (including that recently instanced through the columns of the “Press”)[sic], and the administration of the Aborigines Department generally.’ The matter of allegations in the press about the treatment of Aborigines was prominent in Western Australian society at the time; one writer has estimated that between 1930 and 1934 approximately 600 articles and letters appeared in the Perth press, and that between July and August 1933 the Government received 150 representations on the subject. If Coverley worried about misrepresentation in the press, the press sometimes had similar concerns. A *West Australian* editorial dealing with the appointment of the Commission declared that there seemed ‘to be a need to vindicate settlers in the Kimberleys from irresponsible slanders directed against them from time to time.’ We must note that Coverley seemed more interested in allegations of maltreatment than maltreatment itself; the honour of his constituents was his highest concern. ‘Having the honour to represent the
Kimberley electorate’, he told Parliament, ‘one of the districts inferentially referred to in the Press reports, I deem it my duty to provide an opportunity by which the allegations can be proved or disproved.’ He went on to cite numerous press clippings that raised serious allegations of maltreatment of Aborigines, especially women, by white men in the north of the state. His greatest desire, he said, was that ‘the police officials, the honorary protectors of aborigines, and the paid officials of the department, whose characters have been besmirched, may have an opportunity to clear their names.’ If that group was not inclusive enough, he went on to increase his scope. It was, he said, his sincere desire ‘to have the names of residents of the North cleared from stigma.’

F. Wise, Minister for Agriculture in the Collier Labor Government and representative for the Gascoyne, seconded the proposal. Wise had been born in Queensland in 1897, worked for that state’s agriculture department, travelled to Western Australia in 1923 and took up a similar position. Elected to the Assembly in 1933, he would be appointed Minister for Agriculture in 1935, and later became premier in 1945. In the Assembly in late August 1933, however, he wanted to broaden the debate. Although he too worried about the impressions made by such allegation in ‘the newspapers of the Empire’, he thought there were more ‘far-reaching matters’ than those raised by Coverley. He worried about the activities of anthropologists, for example.
Wise did not refer directly to any specific cases, but merely wondered at the quality of anthropological investigations. In his opinion, the deliberations of anthropologists, 'even though they be justified from their point of view, will not get them very far in a practical way.' Wise was gently dismissive of the efforts of anthropologists; he spoke of their 'card index systems and all sorts of paraphernalia', and of their habit of taking X-ray photos and casts of the skulls of Aborigines, as well as seeking genealogical information from them. He seemed unaware of the irony in his statement, given the focus Neville placed upon the genealogical information held in his own index card system.

**The ‘Menace’, the AAAA, and Mary Bennet**

In the parliamentary debate on the Commission, Wise raised the question of an Aboriginal 'menace'. He did not hold to one single form of this menace, and delineated between the question in the north and south, a common distinction of the day. Disease was central to the northern 'problem', specifically leprosy. The affliction was apparently so widespread among Aborigines in the north that it represented 'a menace to the whole of the community there'. Wise went on to give particular emphasis to the menace this posed to the 'white children and the women, too, who accompany the settlers in their endeavour to carve out a home for themselves in what is certainly not very inviting country.' Others were more insistent about the matter of leprosy. Coverley mistakenly (or mischievously) misquoted C. E. Cook’s report on venereal diseases in the north of the state, stating
Wise did not refer directly to any specific cases,\textsuperscript{13} but merely wondered at the quality of anthropological investigations. In his opinion, the deliberations of anthropologists, ‘even though they be justified from their point of view, will not get them very far in a practical way.’ Wise was gently dismissive of the efforts of anthropologists; he spoke of their ‘card index systems and all sorts of paraphernalia’, and of their habit of taking X-ray photos and casts of the skulls of Aborigines, as well as seeking genealogical information from them.\textsuperscript{14} He seemed unaware of the irony in his statement, given the focus Neville placed upon the genealogical information held in his own index card system.\textsuperscript{15}

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that he had found leprosy in 40% of tribal Aborigines in the north. The error was corrected when the debate next reached the floor of the Assembly. On 6 September, Premier Philip Collier introduced Cook’s real figure of 4 individual cases, Coverley’s error apparently arising from a misquotation in the press. Cook had undertaken his survey in 1924, and of 2,340 Aborigines he had inspected, only four suffered from leprosy. Having had his figures completely undercut, Coverley then tried to use the mistaken nature of the claim as further reason for investigation: ‘Of course that was not my statement. I was merely referring to rumours that had gained currency in the northern parts of the State’. This was also mendacious. More importantly, he hinted at some secretive action by the Commonwealth in keeping the report under wraps. And even if the Aborigines of the north did not have leprosy, Coverley left nothing to the imagination in his remarks about their state of health: ‘In my opinion the majority of the natives between the ports of Derby and Wyndham are reeking with disease’. Charles Latham, leader of the Opposition, attempted to introduce a semblance of reason into the leprosy debate on 6 September, stating that the disease was not highly infectious, although he believed that ‘one must come directly in contact with a patient’s nostrils before one can be infected’. (He added that the economic value of northern Aborigines might be increased due to their apparent immunity to malaria and dengue fever). In the last remarks made before the Assembly unanimously voted the Commission into existence, Coverley returned again to leprosy, and his obsession is worth devoting some space to:
COVERLEY: ...It is asserted by medical officers that leprosy is not quite as contagious as some people believe.
PIESSE: That is largely on account of proper nursing.
COVERLEY: That may be so. From conversations I have had with the medical practitioners in the Kimberley areas, I have been led to believe that the cause of leprosy in each instance I have heard of can be traced to heredity. Recently in Broome a quarter-caste girl, who was working for a private resident, contracted the disease. The complaint was traced back to an old shanty where her mother lived. The shanty was never destroyed; in fact, additions were made to it.
LATHAM: The disease takes seven years to develop.
COVERLEY: I have pointed out that in the course of time two daughters were born there and they developed the disease. I can quote other instances and particularly one regarding a white man who was referred to in Dr Cook's report. In that case the disease could be traced to the fact that the white man worked with a half-caste boy whose mother had died of leprosy in the Hall's Creek district some years before. The man had a contract for some fencing in the district and had the boy as his offsider. The boy contracted the disease and later on the man became a victim. From what I have learned, the danger is too great for me to take any risks with the disease.  

Coverley ignored any 'expert' opinion that the disease was not as easily spread as he thought.

Wise also invoked a view of the putative menace in the southern parts of the state. There were, he said, 'natives roaming in their hundreds in the aggregate, and, certainly, in bands of dozens in particular districts.' Whereas Aborigines in the north were a danger to white women, in the south it was Aboriginal women who were the risk. 'It is quite definite that from 60 to 70 per cent of them are young females without home, without clothing, without control and with no education whatsoever.' No one could miss the implication raised by the existence of such a group, naked and uneducated, roaming the state.
Wise and Coverley were not the only speakers in the Assembly on the night of 30 August. C. Cross, member for the outer suburban seat of Canning, raised the issue that was often at the heart of the perceived ‘problem’: the increasing number of half-castes. Their very existence in many cases constituted the ‘problem’ and provoked calls for solutions. Cross cited the 1932 Aborigines Department Annual Report in this matter. He noted the high reproductive rates of half-castes in the southern portions of the states; whereas only nineteen per cent of the full-blood population (predominantly situated in the north) were under the age of twelve, in the predominantly southern half-caste population the figure was forty-six per cent. ‘That’, he said, ‘shows the serious nature of the problem we have to face.’\textsuperscript{27} He went on to quote Neville from the same Report: ‘Unwise mating and sex relationships, incest, gambling and suchlike evils are prevalent, and are leading to undesirable results, the effects of which will become more apparent as time goes on.’ Worse, the dangers were contagious: it ‘would not matter so much were they dying out, but they are not, and their inherent weaknesses and taints will inevitably affect the whites as miscegenation proceeds.’\textsuperscript{28} Here we see an unambiguously eugenicist leaning to debates about Aborigines. The inheritance of ‘weakness’ and its transmission from the ‘weaker’ group to the ‘stronger’ was a common thread through eugenicist writings of the interwar years. Lothrop Stoddard, for example, wrote of exactly this danger in 1922, but commented on the ‘fortunate’ fact that Australian Aborigines were ‘on the verge of extinction’.\textsuperscript{29} Cross’s words were also a prime example of the fear of strange, primitive Aborigines somehow infecting the
notionally stronger and superior white folk of Australia, a paradox that never totally disappeared in this period.

The Australian Aborigines Amelioration Association (commonly referred to as the ‘AAAA’ or the ‘four As’) caused something of a sensation in the press in the months preceding the announcement of the Royal Commission. Created on 10 October 1932, the Western Australian branch of the Association led a deputation to the Government in May 1933. The deputation met with Kitson in his role as Honorary Minister, and Neville also attended. Rev A. Muriel, of the Congregational Church and later a witness to the Royal Commission, explained the nature of the problem:

All educationalists were agreed that the treatment for sub-normals should be mainly manual training and vocational education. If three or four thousand white people, sub-normals, were allowed to be neglected and untrained, they would constitute a tremendous menace to the welfare of the state, and that was what was actually happening in regard to the half-caste children of this state. They should be trained, and they would eventually become the hewers of wood and drawers of water for the white people, and in two or three generations the problem of the natives would be solved.

Given the dramatic nature of Muriel’s comments, it is no surprise that the Perth press picked up on this story – although how reporters were made aware of the details of the deputation is moot. Nevertheless, the Daily News ran an editorial the next day entitled ‘The Half-Caste Menace’, which in part stated:

Herein is the menace to the community. With a host of aborigines wandering uncontrolled in populated districts the fast-growing half-caste section, ill-nourished and untaught, and with the animal instincts
of the pariah, may one day make us rue our neglect in so long delaying the betterment of the position of the natives.

The terminology used here is of the kind we will see more of in the Commission proper, but it warrants discussion of itself. The language hovers on the brink of two kinds of description of events and problems. On the one hand, the evanescent ‘problem’ is described in terms of hunger and lack of education; however, the ‘animal instincts’ of the people concerned linger just below the surface, as if ready to ambush white society. The notion was repeated, as we have seen, by Wise in the Royal Commission debate. If this extreme and inflammatory description was not enough to alert readers to the dangers awaiting them, there was a more earthy and vulgar expression of the problem that would appeal to readers in a state that valued its rural heritage. According to Rev Boxall of Narrogin, ‘the full-blooded aborigines are dying out, but the half-castes are breeding like rabbits.’

While the AAAA played its role in creating press coverage of the Aboriginal ‘problem’, the most important press controversies were those based on the efforts of Mary Montgomery Bennett. Born in London, but growing up on a station in north Queensland, Bennett returned to England upon her marriage in 1914. She returned to Australia after her husband’s death and the publication of her book *The Australian Aboriginal as a Human Being* in 1930. Her interest in Aboriginal affairs was initially aroused by her father’s concerns. Such was her prominence that when Coverley first called for the Commission in the Legislative Assembly he referred to her efforts in Aboriginal matters, albeit inaccurately. He mistakenly
described her as the wife of a Western Australian missionary, rather than the widow of a P&O sea captain,35 and called her ‘Mrs W. W. Bennett’ rather than M. M. Bennett, but he correctly noted the paper she had sent to the British Commonwealth League (BCL) Conference in Britain in June of that year, and the publicity it had engendered. The BCL worked for women’s equality throughout the Commonwealth,36 the paper was ‘The Aboriginal Mother in Western Australia in 1933’, and it was delivered in Bennett’s stead by New South Wales feminist Ruby Rich.37 On Saturday June 16 the Daily News ran a front page story on Bennett’s paper; on the following Tuesday it ran a reiteration of Bennett’s claims, along with a rebuttal from Kitson; on Saturday 24 June it ran what it called the ‘Full Text of Mrs Bennett’s Paper’, although it had slightly edited and reorganised the text.38 This last article was entitled ‘Does Australia Maltreat Aborigines?’ and was a fair synopsis of Bennett’s arguments.

This was not Bennett’s first foray into the press on such matters. In May 1932 she had made allegations of slavery in the Kimberleys and these had gained an airing in the West Australian.39 Using terms we will see again in her Commission evidence, she spoke of white settlers ‘commercialising for their own advantage the native patriarchal system’.40 Neville responded immediately to this intrusion upon his bailiwick41 and the two pieces engendered a run of letters to the editor from across society. Haebich notes that those involved in the press debates included ‘missionaries, pastoralists, government officers and residents from northern towns’,
and implies that Neville’s dislike of Bennett stemmed from her accusations at this time.  

Bennett continued to gain press coverage; in January 1934 the *Mirror*, a resolutely tabloid Saturday evening paper, ran an article of hers entitled ‘There Are No Slaves in W.A. But What of the Niggers? A State of Affairs That Demands Attention’. We can probably dismiss the first subtitle as an editorial addition. Even though the term ‘niggers’ appeared in the text, it was a semi-quotation from a northern pastoralist, not Bennett speaking. She described the present place of Aborigines in employment as ‘profit-fodder’, and wondered if the Australian Workers’ Union would allow its members to be treated in a similar way.  

If, as Haebich observes, Bennett’s London paper of 1933 was the major spur to the Royal Commission, the four page pamphlet must rate as one of the most effective tools in Western Australian political history. We shall return to Bennett and her arguments when we discuss her appearance before the Commission. 

**Choosing the Commissioner** 

On September 6, the Royal Commission motion was carried in the Legislative Assembly without opposition. Five months later, on 23 February 1934, the Commission was officially Gazetted, with Harold Moseley commissioned to inquire into Aboriginal affairs in Western Australia. He had something of a public
persona before his appointment: he was well known to sections of the Perth press at the time, being something of a regular in the pages of the Saturday Mirror. Three times in early 1934 the paper covered his dealings with professional wrestling escapades, and previously had referred to him in a slightly satirical column. Moseley had some of the prerequisites for heading the Aborigines Commission, but not all that might be needed. On the positive side, his reputation was that of ‘a competent magistrate’, and he had previous experience in Royal Commissions, having conducted an inquiry into psychiatric hospitals in the state. On the negative side was his inexperience in Aboriginal matters. His interaction with Aboriginal society had been limited to his magisterial positions in Northam and Carnarvon. In fairness, he had been a magistrate for a decade upon his appointment to the inquiry and previously had spent nine years as an associate to the Supreme Court. Bolton sums him up best as ‘decent, experienced, [and] unimaginative’. The question of Moseley’s relevant Aboriginal experience might be considered unimportant, except for his later pronouncements upon the issue, which are dealt with below.

Although Moseley was eventually appointed sole commissioner, many people either sought the position or sought to influence the final shape of the inquiry. Indeed, immediately the issue was raised in Parliament, opinions on the composition of the inquiry began to appear in in-trays throughout the government and public service. On 5 September the Women’s Christian Temperance Union of WA (WCTU) wrote to Kitson, requesting that a woman be made a member of the
Commission. That same day the Women's Service Guilds of WA (WSG) urged Collier in the same direction. Two days later the Pastoralists Association of WA wrote to Collier offering to 'do everything possible to assist the Commission in its investigation', and requesting that the Commissioner be a qualified medical officer.

On the 8th, Collier received another application. Cyril Bryan, on Harley Street stationary, wrote to the premier in very unofficial terms:

My dear Phil -
I want that appointment as Royal Commissioner to enquire into the Aboriginal problem.
I have every qualification. I am a West Australian with a very good record of public service. Have [sic] spent ten years of my life in native countries. And I am a medical man who has not been content merely to earn my living at my profession, but one who has always put public health, research, and study in the forefront. The work will appeal to me intensely, and I would regard it as a patriotic duty to perform it.
Additionally I had the privilege of working under Professor Elliot Smith at University College, London, the most eminent anthropologist in the world today, who endorsed my studies to the extent of writing a 23-page Introduction to my book, The Papyrus Ebers, which was the first translation into the English tongue of the most ancient book in the world.
I write this personally and in a hurry, having just noted in the paper that you had accepted the motion for a Commission.
Yours sincerely,
Cyril Bryan, MB etc.51

As we shall see, Bryan was to play a pivotal part in the proceedings of the Moseley Commission. But he was not alone in seeking the position, and nor was he the last to play the personal card in the attempt.

On the same day that Bryan wrote to Collier, Kitson provided a government perspective on the role of the Commission. In the West Australian he was quoted as saying that 'The inquiry will be productive of good if it does no more than set at
rest contentious views so often expressed on aborigines and half-castes' problems. Such an inquiry, I think, will disprove many wild statements which have been made in recent years. So much, perhaps, for an open-minded inquiry. Such comments speak of the real political push to investigate the matter, and hint at the sort of decision that would be made concerning the person or people that would eventually undertake the Royal Commission. And still the offers came in.

A. N. Piesse offered his services on 9 September. Piesse was born in Western Australia in 1866, and had been a parliamentarian from 1911 until 1924. One of eight brothers in a family that had ‘long been squires’ of their district, he wrote from Kendenup in the south of the state, wondering if he ‘might be permitted to offer myself’ as commissioner. He considered himself ‘well acquainted with the matter of such an inquiry’ due to his ‘life long experience with the Aborigines of this State’, most of which was due, he wrote, to his eight years as Resident Magistrate in Toodyay. If Collier was concerned with the notion of a man well into his seventh decade running such an exercise, Piesse was confident in his health and abilities. Bryan had used his apparent personal connections with his ‘dear Phil’; Piesse attempted to use the parliamentary old boys’ network to bolster his position. In a tone redolent of the correct passage of the port decanter, Piesse wrote to the Leader of the Opposition and Country Party asking ‘Dear Latham’ for assistance. Again he stated that he was in excellent health and was ‘confident I could stand the stress of carrying out an exhaustive inquiry even if it extended far afield.’ Latham acquiesced, and on the 16th wrote to the premier that there was ‘no one I know of
who would be more capable of conducting an exhaustive inquiry into this matter than Mr Piesse.56

Others wanted the position of commissioner, whether alone or on a panel of commissioners. L. M. Hungerford offered himself for the task and also used personal connections to at least make the initial proposal. He wrote to J. C. Willcock, Minister for Justice, stating that ‘You know me so well that it is unnecessary for me to go into minute details. But I had better mention that I have had years of magisterial experience and during that time had a good deal to do with natives as also[sic] in the capacity of medical officer.’ He had spent time in Geraldton, Wyndham and Broome, and would have tried to see the Premier himself except that he was sailing to Derby on the 12th.57 W. Richardson wrote to Collier on the 11th and he too invoked personal connections to seek the role of commissioner. In this case, the Premier was reminded of a recent conversation, in which he had suggested that Richardson offer himself directly to Collier if a suitable position arose. Richardson had long experience in South Australia and Queensland droving cattle, and believed he could ‘claim to have a good knowledge of [Aborigines’] methods, habits and tribal customs, and these are approximately the same throughout Australia’. Also, he had ‘served on numerous Select Committees and Royal Commissions and therefore underst[oo]d their procedure thoroughly’.58

Another to apply for the role of commissioner was J. Lyon Johnston, who wrote confidentially to Collier:
From what I have read in the Press of the scope of the proposed Commission it seems to me that little expert knowledge will be necessary on the part of the Members, but rather ability to extract and weigh up the evidence submitted to it and to arrive at definite conclusions based on such evidence, and this qualification I may reasonably claim in view of my long experience as a Magistrate.  

Colonel James Lyon Johnston, commander of the first troops to leave Western Australia during the Great War, did have extensive magisterial experience, but sixteen years on the Licensing Bench could only prepare him for the Commission if Aboriginal expertise was not essential. That said, perhaps his chairmanship of that bench since 1923 would have made him no less 'experienced' than a police Magistrate with ten years up his sleeve, if magisterial experience was all that the Commissioner required.

More submissions from women's groups reached the Premier. The Western Australian National Council of Women informed the him on the 14th that it was firmly behind the Commission and urged that at least one woman be made a Commissioner. On the 18th, in a letter signed by Mary (May) Holman, the Western Australian ALP Labor Women's Central Executive called for equal numbers of men and women on the Commission. In the first week of October several women's and other groups in Perth combined to present their case in a letter to the West Australian. Signed by the leadership of the WSG, WCTU, National Council of Women, Labor Women's Organisation, Women's Justice Association, the Women's Section of the Primary Producers' Association, the Mothers' Union, the
United Aborigines’ Mission, and the AAAA, the letter called again for the presence of ‘at least one woman’ on the Commission. In those bodies’ collective view:

The importance of this request is apparent from the very nature of one of the main problems which must be solved – the half-caste problem. The solution of this undoubtedly rests with the aboriginal woman, and, psychologically, it is only women who can measure up to the needs of the native women who are the key to the position... 62

We shall see more of this sort of analysis of the ‘problem’ when we reach the evidence given by Mary Bennett. Some of the signatory bodies to the joint letter made more specific suggestions. The West Australian reported that the AAAA annual general meeting decided that three individuals, E. C. Mitchell, Miss A. Bromham and Mrs M. B. Vallance should ‘be included in the personnel of the Commission. 63 They were not, but all appeared before the Commission, Mitchell proving problematic to Neville. Beyond the calls for representation on the Commission, other groups wrote to support the very existence of the inquiry. The Victorian Aboriginal Group wrote to the Premier in September of the motion passed at a public meeting congratulating the Government for initiating the inquiry. The Anti-Slavery and Aborigines Protection Society in London also sent its congratulations. 64 The BCL wrote of their ‘satisfaction on hearing the decision’ to appoint the Commission. 65

The Cabinet seems to have ignored all those who offered themselves for the position of Commissioner and disregarded calls for a panel to oversee the investigation. This is another example of the pattern that we saw with the creation
of the 1937 Commonwealth Conference on Aboriginal Welfare, and we might well assume that the reasoning was similar in both instances. There is no correspondence available in the Western Australian example (Cabinet documents from the 1930s not being extant), but some explanations may be posed. As with the creation of the national conference, it seems reasonable to assume that the government in Perth feared an unwieldy Commission, both in size and what we might call ideological outcome. Certainly, the potential costs involved were well to the fore in government thinking; the Secretary of the Premier's Department, L. E. Shapcott, noted within the first month of sittings that 'this Commission threatens to be frightfully ponderous and expensive unless we keep our fingers well upon it.'\textsuperscript{66} With twenty years experience heading up the Premier's Department,\textsuperscript{67} Shapcott may just have had a good nose for potentially expensive and problematic exercises. We might also wonder whether the Secretary was thinking in terms of political as well as financial cost. We cannot be sure, and another official note does not help our decision. The Premier's Department sent a general internal missive that day, noting that the Aborigines Commission report would be printed, but not the evidence, and that the same fate was to be the lot of the Wheat Commission running concurrently.\textsuperscript{68}

Keeping the Commission small, by placing it in the hands of one individual rather than a panel, might just have been a pragmatic solution to what seemed a potentially volatile set of hearings. And penny-pinching was often evident in the running of the inquiry. This was no doubt due in part to the residual effects of the
Depression. Although the Western Australian economy was rapidly recovering by 1933-34, money was still tight, especially for anything vaguely linked to Aboriginal affairs. We can see this in the ongoing internal public service debates about who should assist Moseley in his task. Moseley wanted H. B. Hayles from the Police Court to record the hearings. The Public Service Commissioner, G. W. Simpson, was willing to release him for this task, but only ‘on the understanding that Mr Hayles will be able to carry on his ordinary duties’. Accordingly, Hayles would be allowed to join Moseley on short trips into the countryside, but any journey to the North-West (which would obviously be part of Moseley’s work) would be a doubtful proposition. Simpson suggested taking a parliamentary Hansard reporter. Shapcott thought the suggestion raised more problems than it solved – what if Parliament was sitting at the time? Was such a specialised and ‘expensive man’ required for the simpler task of Royal Commission hearings? He told the Public Service Commissioner that Hayles would be a much better solution. In the end, Moseley and Shapcott got their way, and Hayles was attached to the Commission in all its travels.

Another probable major influence on the choice of Moseley to head the Commission was the State’s previous experience. In 1905, a Royal Commission into Aborigines was headed by Dr W. E. Roth and led to the Aborigines Act which in turn had, according to many, led to the half-caste ‘problem’ apparently facing the state in 1933. Roth, unlike Moseley, was an outsider; indeed, he was that historically untrustworthy thing, a ‘t’othersider’, hailing from Queensland. Roth
was also an 'expert' on matters Aboriginal – he had eight years experience as Assistant Chief Protector in Queensland, was an Oxford-trained surgeon, and a noted ethnologist.\textsuperscript{73} Roth's expertise and outsider status were seen in a positive light in 1904,\textsuperscript{74} whereas we can only assume that no such traits were considered desirable in 1933. Roth's Report resulted in greater controls over both Aborigines and their administration\textsuperscript{75} and was perhaps the greatest single spur to action thus far in the history of Aboriginal affairs in the West. Finally, Moseley had connections with the pastoral industry: his brother owned 'Mardoo station' in the north-west of the state.\textsuperscript{76} When we add this fact to the comments made by Kitson, the expected trajectory of the Commission becomes apparent. We shall look at the outcomes of the Moseley Commission in the next chapter, but in the interim it suffices to state that although its effects were dramatic, it is difficult to disagree with Haebich's conclusion that its report 'simply reiterated and accelerated existing policies'.\textsuperscript{77} It is difficult not to conclude that the choice of Moseley, without any significant experience in Aboriginal affairs, but with a solid magisterial background, was fuelled at least in part by the desire to minimise the chance of unexpected decisions.

And so it was that, on the day the Public Service was bickering about the release of a minor officer to keep notes of proceedings, Harold Moseley was appointed Royal Commissioner to investigate into the treatment and condition of Aborigines in Western Australia.
Aims of the Commission

In the words of the Royal Commission, Gazetted on 23 February 1934, Moseley was appointed to

investigate, report, and advise upon the following matters:-
(1) The social and economic conditions of aboriginals and persons of aboriginal origin, with special reference to –
(a) the inclusion or exclusion of different classes of persons of aboriginal origin in or from native camps;
(b) proximity of native camps to towns;
(c) physical well-being of aboriginals, and any suggested measures for amelioration;
(d) disease amongst aboriginals and measures for their treatment;
(e) native settlements;
(f) employment of aboriginals and persons of aboriginal origin;
(g) missions;
(h) trial of aboriginal offenders;
(2) Laws relating to aboriginals and persons of aboriginal origin and suggested amendments.
(3) The administration of the Aborigines Department generally.
(4) Allegations which have appeared in the Press since the 1st day of July, 1930, relative to the ill-treatment of aboriginals in Western Australia.\(^\text{78}\)

It is an illuminating exercise to examine the different parts of the Commission and the different tasks imposed upon Moseley. The focus of the warrant, on the basis of normal parliamentary practice, should point to the kind of solutions foreseen, or at least to the working definition of the ‘problem’ that vexed the parliament.

On initial inspection, the tasks laid before Moseley are both obvious and uncontroversial. He was first charged to investigate the ‘social and economic conditions’ of Aborigines; then to look at existing and needed laws in the area; then to the administration of the Act through the department; and finally to the
allegations in the press concerning the treatment of Aborigines. It is difficult to imagine any other set of tasks that could have been set. Indeed, in many respects the Moseley warrant resembled very closely the task set before Roth in 1904. Roth was appointed to inquire into and report upon:

1. The administration of the Aborigines Department;
2. The employment of aboriginal natives and contracts of service and indentures of apprenticeship;
3. Employment of aboriginal natives in the pearl shell fishery and otherwise on boats;
4. The native police system;
5. The treatment of aboriginal prisoners;
6. The distribution of relief; and
7. Generally into the treatment of the aboriginal and half-caste inhabitants of the State.\textsuperscript{79}

Although Roth had been charged with the investigation of quite specific aspects of Aboriginal life in Western Australia, the general tenor of the two documents is remarkably similar.

Looking more closely, however, we are drawn to the specifics, and also the structure of the 1934 document. Taking the second issue first, there is always danger in attaching respective importance to listed tasks merely on the basis of their order of appearance on a list,\textsuperscript{80} but the lay-out of Moseley's brief does warrant comment. It must say something about official concerns that the first two detailed aspects of the inquiry were to concern the racial classifications involved in Aboriginal living arrangements, and concerns over their proximity to white settlements. This would seem to be a positive reinforcement of the kinds of fears previously raised by the \textit{Daily News} and the Revs Muriel and Boxall. Further, when
compared to the Roth document, it indicates an important shift in the construction of the 'problem'. In 1904 the main focus was on employment, but in 1934 matters of racial mixing and habitation seemed more pressing. The Depression had decimated employment, with only 100 Aborigines employed in the south-west of the state in 1932.\textsuperscript{81} The pressure upon the Government to cope with increasing numbers reliant on rations, and the movement of people into town camps, no doubt raised the visibility of the 'problem', and might go some way to explain the new focus on proximity.\textsuperscript{82} If the racial/social/proximity question was the most immediately vital in 1933, then, what of the press?

The matter of press allegations appeared last in the list of topics for investigation. In many ways it was press coverage and reportage that led to the creation of the Commission; was the fourth part of the Commission warrant merely a sop to those who had created the public fuss in the first place? Or, conversely, was it there to hush the strident voices from the north who were the butt of the complaints? It is impossible to reach any definite conclusions on this, but the questions should not be ignored merely because we cannot satisfactorily answer them. It seems reasonable to conclude that the press allegations were introduced into the Commission to appease both sides of the argument. Those living in the distant north, who were the focus of most of the allegations, would be given their chance to rebut all such claims; similarly, those making the claims would be called upon to prove them more substantially than newspaper reportage allowed or required. That said, however, the tone of the relevant clause of the Commission placed stricter
requirements upon those making claims than those refuting them. It is difficult to imagine the matter being constructed in any other way, especially when we remember that it was Coverley, a representative of those ‘fine men’ from the north, who called for the Commission in the first place.

The evidence

On 12 March 1934, H. D. Moseley began hearing evidence. In the following nine months he heard 145 witnesses and travelled the length and breadth of Western Australia; in his own estimation he traversed 14,000 miles conducting the Commission. The transcripts of the verbal evidence run to some 900 typed pages, and their very size proscribes detailed comment on the contents. It better suits the aims of this study to seek thematic streams that exist within the evidence provided to Moseley, and to comment upon those themes and matters arising from the conclusions drawn by the Commissioner. As we shall see, at least in some minor ways the evidence fulfils the McLuhan dictum that the medium is the message: the construction of the Commission document inevitably shaped the evidence given, even at times down to wording. Rather than look at all witnesses, we shall first focus on three of the major players at the Commission. In the evidence of Neville, Bennett, and Bryan, we can see strands of some common lines of argument in the period, as well as some unusual patterns. Then we shall look at broader themes that arise from the bulk of the evidence.
Neville

Neville was the first witness to appear before Moseley. He presented himself at Parliament House on March 12, began giving evidence at 10.30am, and concluded at 11.45am on the 14th. His evidence was certainly comprehensive, and all but literally swamped the Commissioner with facts, figures, and Departmental files – he deposited 36 such files with the Commissioner. Neville attempted to claim a position of strength from the beginning, and we will return to some of the specifics of his evidence. For the present, however, we will focus on those sections of his evidence which illustrate his understanding of the racial configuration of the ‘problem’.

Jacobs notes that the final draft of his prepared evidence differed little from the first, and that years of speaking and lecturing to the subject had finely honed his discourse. That may be so, but it cannot be said that those many years had made his position consistent. In the first few paragraphs of his evidence, we can see the intractable contradictions that were constant throughout Neville’s official life.

In describing the demographics of the Western Australian Aboriginal population, Neville spoke of the differing positions in the north and south. This was an almost universally agreed bifurcation point in the Commission, but within it lay dramatic race concepts that we can only ignore at some cost:
On reaching the South-West we find only 500 or 600 true aborigines left. There we have a nameless, unclassified outcast race, increasing in number but decreasing in vitality and stamina, and largely unemployable. The fathers are better men than the sons, and the grandfathers better than either. It is my firm conviction that as things are in the South so they will become in the North unless preventative measures are taken. Under present conditions the splendid virile men of the North will become like the useless coloured people in the South...  

Here we see the elements that were constants in Neville’s understanding: racial degeneration that came from continued breeding within half-caste groups, and biological/racial differentiation between tribal and therefore ‘real’ Aborigines, and their ‘useless’ mixed-race and detribalised counterparts. But the introduction of white blood was no panacea, either; it could have deleterious effects. Neville told Moseley that Aboriginal women had ‘lost all the old stamina of the black and they have considerable difficulty bringing children into the world, possibly because of their mixed blood.’ It was rare that Neville ‘admitted’ of some negative outcome from interracial breeding. This instance is also particularly unusual in that becoming more like white people – finding childbirth difficult – was deemed to be less than ideal. It exemplifies a common trend of the time, however, where any kind of Aboriginal adaptation, whether real or imaginary, could be turned to either positive or negative uses seemingly at will.

The other point of note in this passage is Neville’s tacit belief in classification. One of the problems facing society at the time seems to have been that the half-caste group were unclassified. It was as if he believed that the very act of classification could in and of itself provide some solution to the ‘problem’. He was not alone in
this – eight years later, for instance, Norman Tindale also subscribed to this notion in his ‘Survey of the Half-caste problem in South Australia’.\textsuperscript{87} The concern with classification and categorisation were constants in Neville’s career although, as we shall see in later chapters, these activities could lead to counterintuitive results. In his Commission evidence, however, Neville’s conception of ‘classification’ seems to have meant little more than whether or not a person would ‘come under the Act’:

Some difficulty is experienced regarding permits owing to the fact that there are so many unclassified natives in the country areas at present. We have half-castes in blood who claim that they do not come under the Act, yet they consort with natives. They run with the hares and hunt with the hounds as they please. No one can stop them. Then we have the young ladies who are beyond guardianship age who snap their fingers at the department in the same way.\textsuperscript{88}

We will return to the ‘finger snappers’ in Chapter 5. Having outlined the types of people he believed to be in existence, Neville then outlined the possible alternatives for action, as well as a further description of the ‘danger’ posed by the very existence of those people:

We have to decide whether we shall make [the half-castes of the South] a good, law-abiding, self-respecting people, or leave them as an outcast race, rapidly increasing in number and constituting an incubus and danger to the community. They have been spoilt in many ways. They have suffered the good-humoured toleration of the whites, and been allowed to live their own lives to their own detriment...Yet above all things they have to be protected against themselves, and they cannot be allowed to remain as they are. The sore spot must be cut out for the good of the community as well as the patient, and probably against the will of the patient.\textsuperscript{89}

The ‘spoiling’ of Aborigines by soft treatment was another recurring aspect of the debate. Neville outlined the basic general concern with the existence of half-caste
people and his preferred solution: 'There are growing up in the native camps and on stations a considerable class of people who are too white to be regarded as aborigines at all, and who ought to have the benefit of white education and training, with complete separation from the native after they reach mature years, say 21.'

The idea that someone could be 'too white' to be 'left an Aboriginal' was central to much of Neville's thinking on the matter. The problems came when he tried to tease out what entailed from such assumptions.

Having outlined the major cause of the 'problem', Neville then made the next crucial delineation in his schema – interracial mixture. We have already seen that the proto-Caucasian theory of Aboriginal origins was alive in this period. Neville made his belief in the safety of white-Aboriginal interbreeding explicit:

The negro and the Asiatic should be kept strictly apart if the race is destined to be absorbed in the whites, as I believe it is, and as is the natural course of events. Ethnologically the aborigines are of Caucasian derivation, and when you introduce coloured blood of a race which is negroid you perpetuate the strain of colour instead of eliminating it.

The danger of 'throwing back to the black' that supposedly came with the introduction of negroid blood, as opposed to the safety of Aboriginal/white unions, is proof positive, if such be needed, that the absorption that Neville spoke of throughout his career was biologically based. It is one thing to accept that racial intermixture would 'naturally' occur; it is another thing altogether to see the disappearance of one group into the other in the same light. Neville's belief that the absorption and disappearance of Aborigines into white society was 'natural' is an
indication of the strength of the cruder forms of social Darwinism, for it can only be based upon some version of the ‘survival of the fittest’. That Neville’s version required significant social engineering allied him with the ‘progressive spirit’ of the early part of the twentieth century, and does not remove its social Darwinian edge.\textsuperscript{92}

Although Neville did not elaborate in the last passage upon the specific dangers posed by ‘Asiatics’, he gave a full account of them elsewhere. If breeding with negroes led to a sustained coloured strain, the Asiatic influence was more immediately dangerous, and that danger was based in disease. There had long been contact between Aborigines and Asiatics along the northern coast of Australia and Western Australia during which they had ‘introduced Asiatic diseases, and altogether their association with the natives has been most undesirable’.\textsuperscript{93}

Neville gave more concrete policy and administration options throughout his evidence, and basically took Moseley clause by clause through the proposed amendments to the \textit{Aborigines Act}.\textsuperscript{94} The new Bill, Neville said, had been prepared the previous year.\textsuperscript{95} Central was the idea that the ‘half-caste is bound up with the aboriginal; he is living the life of an aboriginal and it would be impossible to separate the two at present.’\textsuperscript{96} This implied that there would be no differentiation between the ‘types’ of Aborigines in the state. Making things almost immediately obscure, however, was his statement that many ‘half-castes should not be called aborigines. They are above that, quite. They have passed along the road to a certain extent, and they naturally object.’ This apparently supported his desire to alter the
nomenclature of Indigenous Western Australians, from half-castes and Aborigines to ‘natives’. A further reason arose from the existing definition of half-castes. The 1905 Act so tightly defined ‘half-caste’ that hundreds of second and third generation half-castes were now outside the Act; worse, ‘they can defy us, and do defy us.’ This tied in with Neville’s general beliefs: ‘Pending his complete emancipation and absorption into the community on equal terms, the native, whether he likes it or not, needs some agency to guide him, safeguard his interests and encourage him to be thrifty.’

Aborigines also needed to have their sexual and marital endeavours controlled. Neville wanted the power to ‘prohibit unsuitable marriages, particularly nowadays when such marriages are very much on the increase’, and he blamed missionaries for much of this increase. He also worried that the 1905 Act ‘did not exclude the rights of persons legally married, many of whom have no more idea of how to look after their children than has the mother of an illegitimate child.’ Seemingly the legitimacy of a child affected the parental skills of mothers. Also, he wanted to make sexual intercourse between non-Aborigines and half-castes illegal; as it was, the legislation meant that ‘we cannot protect the girls.’

The further changes that Neville wished to make to the Act, and Moseley’s reaction to them, will be dealt with below. There was a policy thread that ran through Neville’s proposals, however, and it is best summed up in his desires for compulsory medical examinations and treatment: ‘It is necessary that the
department should have the power to treat a native and convey him to hospital willy-nilly.103 If there was another through-line to his evidence, it was the matter of funding. Generally speaking, Neville was the soul of Public Service tact when it came his political masters, but the Commission was a special chance to let everyone know the real problems facing his department.104 And funding was central to both his administrative dilemmas and their solution.

He pointed out the paucity of funding: the cost per inmate at the Moore River Native Settlement was 3/6 per week, but the Old Men's Home ran at 3/10 per day. Departmental funding had dropped from £26,000 in 1911 to £23,000 in 1933, while there was, he said, 'no parallel between the necessity then and the necessity now'.105 The question of funding and equal treatment was malleable, however. Having intimated that his department was running on an unfairly tight budget, Neville was not immune from defending short rations. Mary Bennett at one point compared the rations delivered to white prisoners in Broome with those delivered at Moore River. The prisoners of Broome received more in a day than Moore River inmates received in a week (except for flour).106 Neville stated that he had requested more food for the Native Settlement, but also added that if the Aborigines received as much as the Broome prisoners: 'I fear that we should have a community of idle natives. What we need is a well-balance diet not in excess of requirements.'107 We can only assume that Neville believed prison rations were somehow excessive and beyond requirements; or that he would support any action of his department at any cost to logic and common sense. The matter of 'idle
natives’ brings us back to one of Neville’s continuing concerns. He agreed with Moseley that it was his ‘primary objective’ to make ‘these people of some use’.

Mary Bennett

On Monday 19 March 1934, Mary Bennett became the fifth witness, and first woman, to appear before the Moseley Royal Commission. Given her role in the creation of the Commission, it was no surprise that she would give evidence, nor that it would take her a day-and-a-half to do so. Hers was the second longest testimony that Moseley received, behind Neville’s.

When Bennett appeared at the Commission, Neville was present and, as was his wont, questioned the witness. We will return to the extraordinary powers Neville apparently had under Moseley’s Commission, or at least the enormous leeway Moseley allowed him. Neville dismissed Bennett as ‘something of an idealist, [who] wish[ed] to bring about an ideal system all at once.’ On one hand this merely rejected simplistic hopefulness, but there was more to it than that. It is also an example of Neville’s belief in ‘practical knowledge’ as opposed to ‘ideas’. Neville was uncomfortable at best with what he saw as intellectually-driven arguments about Aborigines, and it is tempting to think he believed that the only experience that qualified anyone for the task of administering Aboriginal affairs was experience in administering Aboriginal affairs. Whatever clout Bennett may have achieved over the years through the media, she also seems to have been
arriving, however naïvely, at an increasingly complex theoretical position regarding the position and treatment of Aborigines in Western Australia and beyond. This would have been enough to put Neville off, but there were already many things Neville disliked about Bennett.

She supported missionary activity, openly criticised the Department, and made inflammatory comments in public – especially in London. A level of intellectual rigour in her argument would merely have added another item to the list. Neville certainly took a deal of effort in refuting Bennett’s evidence; after her appearance he produced eighteen typed pages of comments. \(^\text{110}\) This became the basis of comments he made on her evidence when he returned as a witness himself on 3 May. At that time he stated that Bennett was “‘one-eyed’ and can only see the question from one point of view without having sufficient knowledge of the subject generally to enable her to take the wide view which is necessary in the interests of the people and the whites.” \(^\text{111}\) As was so often the case, the irony of the statement was lost on Neville.

It is interesting to note in passing that, by Neville’s ‘experience’ standards, Bennett should have been considered more qualified to make comment and judge matters than the Royal Commissioner. She had taught for the previous two years at the Mount Margaret Mission, had previously spent time visiting missions in both the south-west and the far north of the state, \(^\text{112}\) and had grown up among Aborigines. This was exactly the kind of ‘practical experience’ that Neville believed in, and that
Moseley lacked. Thus, ironically, Bennett should have been the kind of witness that Neville supported. And no doubt he would have, had she agreed with him.

The central tenet of Bennett’s BCL paper was that Aboriginal women were ‘first and last, just “property” at patriarchal disposal’ in traditional society. Before the Commission, she made the same claim:

The deplorable social and economic position of aborigines and people of aboriginal origin is caused and conditioned by the victimisation of the aboriginal women. This victimisation is the open sore which must be healed so that progress can be made. The native women in the wild tribes suffered the “property status” which cased great suffering for the women and also most of the troubles in the tribes. Bad as this was, the conditions have been made immeasurably worse since white occupation added to the “property status” of the women and young people the new “merchandise status”.

There is a subtle change here from her earlier position, although ‘property status’ was evident in both. In 1930 she described the practice of infant betrothal sympathetically, seeing it as one means by which in-breeding could be controlled. If this anthropological view of marriage practices among Aborigines consoled her in 1930, at the Commission she was less amenable to it:

The desert tribes of Western Australia are known above the others for having worked out the most complete rules for maintaining the supremacy of a patriarchal oligarchy by compelling the women and young people to accept the property status, which is just slavery, property in human flesh. The old men polygamists assign the female children at birth amongst themselves, and every female child, be she full-blood aboriginal or be she half-white, is the property of some old polygamist.
This description matches her position in the London paper, where she wrote that ‘Aboriginal girls are bespoken and apportioned in their infancy – sometimes even before their birth...Thus the “property status” causes women and children to suffer also the evils of infant betrothal, child marriage, polygamy, and wife-lending’ [italics in original].

On this issue, Bennett and Neville found common ground. Neville held no brief for Aboriginal polygamy. He had stated on the first sitting day of the Commission that one ‘practice which has the worst effect of all is that of promising infant girls as wives to elders. They are even promised before they are born...You can trace practically every native murder to that cause.’ Indeed, Neville saw greater danger in the practice than Bennett. While she was concerned with the inequity of polygamy, Neville apparently believed it to have genocidal potential: he stated that the practice had ‘more to do with the decimation of the native races than anything else.’ He had long thought this. In 1924 he had written to Daisy Bates asking for information on the causes of Aboriginal population decline; ‘presumably’, he wrote, ‘the child wives failed to procreate children’. He apparently ignored the obvious possibility that ‘child wives’ might grow up and later have children, whether to their original husbands or to younger men.

For Bennett the treatment of women within traditional society was inequitable and even iniquitous, but at least it came with a sense of permanence and tenure. In post-contact society, Aboriginal women had become mere items of merchandise to be
exploited for their short-term value and then, importantly, discarded by their white exploiters. Even though women had been badly dealt with before the arrival of whites, they were worse off since their arrival. This explains her comments on pastoralists and their attitudes to Aboriginal customs:

The squatters say, ‘Don’t interfere with native customs’, but they do not mean the very strong and indeed vital bond that correlates the natives to their territory which is their livelihood; no, the native customs which the squatters choose to support are comprised in the property status of women and young people under the patriarchal system, which the squatters have commercialised, bartering with the old men for the old man’s surplus property in wives, and for the unpaid labour of the young men.120

Exploitation and control were the two points upon which Bennett’s arguments hung, but they took a number of forms. Sexual exploitation was the most obvious kind, but there were others. Loss of land, for example, had resulted in a form of slavery, or at least feudal arrangement in the north, where Aborigines were ‘serfs, adscripti glebae, to be used up and spent.’121 She even cited the international Slavery Convention: Section 9, Article 5 stated that ‘Compulsory or enforced labour for other than public purposes...shall invariably be of an exceptional character...and shall not involve the removal of the labourers from their usual place of residence.’ Further to this end, she argued: ‘The settlers are highly organised and they are represented, while the natives are neither organised nor represented; they are just “serfs” at the disposal of an oligarchy of settlers and police.’122

If exploitation was the curse, freedom was the cure. Unlike Neville, Bennett was at heart a libertarian. While her middle-class Christianity drew boundaries around her
notions of liberty, she was certain that affairs of the heart should be unencumbered by Departmental fiat, as we shall see below.

Cyril Phillips Bryan

The third important witness to the Moseley Commission was Cyril Phillips Bryan. As we have seen, he was eager for the position of Commissioner, and as we will see his evidence was highlighted by Moseley in his Report. Bennett and Bryan are the non-official figures most regularly referred to in discussions of the Commission, so they are of interest both historically and historiographically.\textsuperscript{123} Jacobs has called Bryan a catalyst, who swept ‘the stage with a new daring rhetoric of wit and irony’.\textsuperscript{124} This goes too far, and ignores the previous and equally acerbic and witty evidence given by Bennett. The most often cited example of Bennett’s wit came in answer to questioning by Moseley. Asked if she could not ‘imagine different mental planes amongst races’, she replied that she supposed so: had not ‘Atticus said that Cicero could not get his slaves in Britain because all were too ugly and stupid.’\textsuperscript{125} If not the sole font of wit at the proceedings then, Bryan was one of a very few witnesses whose evidence rose above the mundane. His tone was lighter, if no less serious, than that of most other witnesses to the Commission, and he took pleasure in deflating some common perceptions of the period. However, as with most commentators on the subject, he was himself riddled with contradictions. What differentiated Bryan from the great majority of witnesses before Moseley was that he attempted to bring some level of scientific understanding to the ‘half-caste

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question'. As we shall see, he was not completely successful in that endeavour, but the effort is notable for its almost unique place in the Commission.

Bryan appeared before Moseley on March 22, and gave evidence for 2½ hours.\textsuperscript{126} He had had an intriguing career. At one time or another he was a soldier, public servant in India, union official, Perth city councillor, unsuccessful federal political candidate, doctor, historian, newspaper columnist, medical librarian, and suspected agent for Irish extremists\textsuperscript{127} – none of which afforded him any specific knowledge of Aborigines or their 'problem'. He was a successful clinical pathologist and had worked as a Demonstrator of Anatomy at University College, London; he had also, as we saw in his application for the position of Commissioner, translated an ancient Egyptian text from German into English.\textsuperscript{128} His only claim to fame or expertise regarding Aboriginal affairs seems to have come from his journalism. Between 1933 and 1935 Bryan contributed a regular column to the \textit{West Australian} on matters medical.\textsuperscript{129} His 'Physicus' column of 22 July 1933 was entitled 'The Half-Caste. Means of Disappearance',\textsuperscript{130} and provides a draft of the evidence he would present before Moseley exactly eight months later. On 17 November 1934, he also published an article on the merits of sterilisation of the 'unfit'.\textsuperscript{131} In the period before the Moseley Report was published, however, of nearly one hundred articles Bryan published as 'Physicus', only these two could be taken to deal with treatment of Aborigines. Even then, the latter article makes no comment upon Aboriginality at all, but confines itself to intra-racial deterioration and concludes that great caution should be exercised in the introduction of any compulsory sterilisation.\textsuperscript{132} A
third piece that has been referred to in the literature on Bryan, on 'Birth Control: the new Morality', was published in March 1935, and therefore could not have affected the Commission findings and anyway is only tangentially associated with Aboriginal matters. 133

From his first words at the Commission, Bryan made clear his angle on the 'problem'. 'I wish', he said, 'to speak of the half-caste and the breeding out of the half-caste'. 134 His summation of matters was more complete than most of the time, and acknowledged one considerable irony of the 'problem':

If the black Australians are not dying out, we are faced with the presence of a large black population in a country which stands for 'a white Australia'. It is a ridiculous position which seems to have escaped everybody, but can only be explained - I do not say excused - by the fact that our leaders of thought have been so vehemently 'wishing' our black fellows away that they were led to think they had actually succeeded with their 'wishing'. 135

The position might be ludicrous, but it was serious, nonetheless. Australians were seeking to better their own positions, while ignoring 'the black man whose presence irritates us - disguise the fact as we may - and whose colour offends our susceptibilities and is now in addition a standing menace to our dreams of a white Australia.' 136 Though the problem be serious, however, the remedy was not difficult:

If only a tithe of the thinking and planning, especially the writing and preaching, that is expended on the keeping of Australia "white" were to be concentrated on the making of a present Australia "white", it would not only be a step in the right direction, it would land us there in almost the one stride. 137
Aborigines were not dying out, and confinement upon reservations, no matter how big, was not the answer in Bryan's opinion. They could never be big enough, 'and in the meantime a big black population in the interior will give the "white Australia" banner a distinctly piebald appearance, adding to the gaiety of nations.'

Bryan went to unusual lengths to explain contemporary racial terminology. He explained that the term 'Half-caste' generally referred to an individual 'born of parents one of whom was white and the other black, brown, red, or yellow'. He then went further into the racial lexicon:

Mulatto (from the Spanish word for mule) appears to have become the official designation of a half-caste born of a white and a black parent. A quadroon, that is, a quarter black blood, is the offspring of a white parent and a mulatto. An octroon, that is, an eighth black blood, is the offspring of a white parent and a quadroon. A sambo (the Spaniards also give us this term) is the offspring of a black parent and a mulatto. Mixed bloods have also put up with other and offensive designations which have become official. Thus a mongrel may be the offspring of two half-caste parents, or of parents in whom there is a mixture of various colours. In South Africa the Dutch authorities lump half-caste and all mixed-bloods together and officially call them bastards.

The heart of the matter, as is obvious from this last passage, was colour. What is not immediately obvious was the claim that apparently it was the 'greatest wish of the half-caste is to shed the last remnant of his colour and become wholly white.' That was, Bryan admitted, impossible for the individual. 'But it is not impossible for his children.' And here Bryan came to the nub of his argument. He had appeared before the Commission
to ask that steps be taken to breed out the half-caste, not in a moment but in a few generations, and not by force but by science, good-will, and common sense. By science I mean the application of the principles of the Mendelian law which we are ever ready and are every day applying to animals and plants but have never bothered to apply to the human species...

There are few better examples of classic eugenicist arguments in the realm of Aboriginal affairs in the pre-war years. Bryan would quote Leonard Darwin, past president of the Eugenics Society, later in his evidence. He could well have been quoting him here. In 1932, Darwin, fourth son of Charles, wondered: 'should we not ask ourselves why we should not try to improve mankind by somewhat the same methods as those which have worked such wonders with domestic animals?' Whatever else we might say about Bryan, he obviously agreed with this sentiment.

Bryan then continued his explanation: 'By good-will I mean the broadcasting of the details of the law of Mendel and the explanation of all classes of its implications. By common sense I mean the bringing together of those human units whose amelioration, in the shape of their progeny, we are striving for.' The dehumanised and commodified language continued when he explained the workings of Mendel's 'law'. It was 'one of the most powerful weapons in the arsenal of the stock-breeder and agriculturalist, whether they know it or not.' The great time involved had precluded experimentation in 'the human stock', as well as the 'unreasonable' proscriptions that would be entailed, but it had 'been proved, for all that'.
After reiterating the origins of ‘mulattos’ or half-castes, and adding that he meant no slur by using the scientifically definite term ‘mongrel’, he provided a rare explanation of what Mendel’s law entailed. If two ‘true’ half-castes were to marry (and it is notable that marriage was always a prelude to such hypothetical expositions):

the result is invariably this: In a family of four children, two of them will be half-caste in colour and appearance just as their half-caste parents, and they will continue to breed in the very same way as if they were true half-castes; the third will be a black, reverting to his all-black grandparents, and will breed in the very same way as if he were a true black. The fourth will be a white, or rather in actuality he is a white splashed with black who, on the whole, breeds white children if mated either with another white, bred like himself from half-caste parents, or with a true white. The result of a half-caste with half-caste union is to perpetuate the half-caste strain in the proportion of one black and two half-castes to one white. That is, the white strain only has one-fourth chance of survival. Of course, it may happen that the first and only child born of the union is the white one, but it is a risky chance to take.\textsuperscript{146}

There is much to analyse in this brief passage. First, as already stated, it was an extremely rare instance of ‘Mendelism’ being explained in any depth. And, broadly speaking, Bryan gave an accurate account of second-generation patterns of Mendelian genetics. The 1:2:1 ratio was central to a Mendelian understanding of breeding.\textsuperscript{147} Of course, Mendel’s work rested on a singular gene-character interplay, which was increasingly accepted by the 1930s, but Bryan was on a familiar path with his explanation. Even if we are willing to accept that the 1:2:1 outcome was correct, however, or at least considered so at the time, there were still odd wrinkles in Bryan’s evidence.
Bryan went to some length to appear scientifically literate before the Commission, and to speak with a proper scientific detachment. He gave countervailing opinions on the results of interracial breeding. ‘Professor Gregory’ warned that where ‘two widely differing races are in contact, the inferior qualities are not bred out but may be emphasised in the progeny.’\(^{148}\) It is likely that he was referring to J. W. Gregory, professor of geology at Melbourne University, who had written *The Menace of Colour* in 1925, and warned of the risks to the health of whites posed by ‘disease-dealing coloured races’\(^ {149}\). Professor Earl Finch, however, disagreed: ‘While race-blending is not everywhere desirable, yet the crossing of distinct races, especially when it occurs with social sanction, often produces a superior type.’\(^ {150}\) Bryan also spoke of those who believed that Pitcairn Island hybrids were superior types and that in Brazil racial intermixture had not brought about inferiority.\(^ {151}\) He quoted Leonard Darwin, who had warned those at the Imperial Conference of 1923 of the dangers to racial type inherent in miscegenation, as well as referring to Professor Griffith Taylor’s 1923 speech to the Australasian Association for the Advancement of Science, which advocated the introduction of Chinese blood into the Australian mix, to ‘lift the Australian people to a higher level.’\(^ {152}\) Taylor, a geographer, believed the tropics were inhospitable to whites.\(^ {153}\)

Although he delivered his evidence in apparently calm, scientific, and disinterested terms, Bryan also added a layer of social explanation. In his figuring of the biological realities of the ‘problem’, Bryan generally sat with the majority opinion.
of his time, although he had a greater knowledge of the ‘laws’ involved. But like so many people he seemed unwilling or unable to follow that knowledge to logical conclusions; or perhaps he was unwilling to let that ‘scientific’ knowledge completely override his ‘common-sense’ knowledge. In the passage dealing with the 1:2:1 ration, Bryan countered the simple Mendelian formula with socially constructed add-ons that in effect denied Mendel’s work. He found some apparent difference between the ‘white’ offspring of two half-caste parents and the ‘black’ offspring. The latter was to all intents and purposes actually black, and would breed as such. The ‘white’ progeny was not really white, however, being ‘in actuality’ a ‘white splashed with black’.\textsuperscript{154} This differentiation implied some no doubt comforting space between these Mendelian/phenotypical whites and the ‘real’ whites present in Parliament House that day in March.

When he spoke of the risk in hoping the first child would be ‘the white one’, Bryan displayed another common failing in the understanding of genetics then (and one that is still with us). Perhaps it was a throwaway line, and as such does not warrant comment, but the statement ignored the statistical nature of Mendel’s work, and of genetics generally. The 1:2:1 ratio is not a regularly occurring result. It describes what happens across a population. Just as Rosencrantz and Guildenstern found that heads and tails need not appear turn and turn about,\textsuperscript{155} neither must the 1:2:1 ratio appear in every group of four offspring. Finally, Bryan was dealing (as did most non-specialists and some specialists as well) with colour as a monogenetic character. It is perhaps no surprise that Bryan got these things wrong: J. B. S.
Haldane, a noted geneticist of the time, wrote a few years later that medical practitioners who had received three lectures on the subject during their training would be ‘unusually well informed’.

While Bryan was certain that (somehow) controlled miscegenation was the perfect solution to the problem posed by half-castes, and attempted to give every indication of his scientific authority in that regard, he was equally given to odd notions about the nature of Aborigines and the ‘problem’ in general. As with most other commentators of the time, he was torn between humanitarian concern for the treatment received by Aborigines, and the inherent dangers they posed to white society.

The much-believed uneducability of Aborigines was, according to Bryan, a side effect of whites failing to note that ‘both the black and the half-caste have suddenly realised what faces them – a life of obloquy for the most part’. Further, this obloquy was caused by the treatment doled out to Aborigines by the white population. This was particularly true of the half-caste:

We push the half-caste back in the gutter every time he essays to crawl out of it. We lock him out of all society, we choke in his throat all ambitions, all urge to nobler things; we deny him any tradition...No wonder his outlook becomes warped. The wonder is that he does not do more violence to his oppressor.

He had a specific target in mind regarding this ill-treatment:

One of the greatest drawbacks to any bettering of the status and conditions of the blacks and half-castes is the ridicule which is forever being poured on these people. Our blacks and coloured Australians only
seem to exist in the minds of some people as a butt of joke and ridicule. It is deplorable, and I do not hesitate to use the word coward in the extreme. One particular paper simply lives on its aboriginal jokes. The black and the half-caste are never represented in that particular paper as a responsible, respectable creature. They are always represented as low and degraded, their ugliness intensified, their features and frame ridiculed, together with their speech and action. The black is shown as a cunning rascal or a silly fool. That sort of thing will not do any good to the native. It will not raise a half-caste in his own estimation. It will not arouse any feeling of tradition in him.159

These sentiments were very sympathetic to the cause of Aborigines, both ‘black’ and ‘half-caste’. Bryan went further than merely decrying such treatment, and urged ‘that the half-caste be allowed to call himself white, and be officially designated a white...They should be officially allowed to call themselves not only white but British.’ Such a course of action had worked with Anglo-Indians, and he further urged that these newly ‘white’ half-castes ‘and other coloured people be given the vote.’160 If we allow for the differentiation between ‘black’ and ‘half-caste’ in this formulation, Bryan exhibited the very essence of liberal, humanitarian concern for the Aboriginal people. However, there was another side to this thinking, and some clues appear even in this sample.

The delineation between black and half-caste cannot, of course, be simply overlooked in understanding the racial thinking of Bryan. Having made much of the socially imposed conditioning that detracted from the life of Aborigines, it is vital to note that his own conceptualisation imposed biological strictures. In other parts of his evidence, Bryan was much more explicit on this point.
He warned at one juncture (a warning that he failed to heed himself) that there was ‘no more slippery surface on which to slip than the slippery surface of heredity.’

He had just finished telling the Commission that society faced this position: ‘we can mate half-caste to half-caste and perpetuate a mongrel breed[; we] can let the half-caste marry into the black fold, a retrograde, foolish and dangerous step...or we can...absorb the half-caste into our ranks.’ When asked by Neville if it was unwise to ‘mate the half-caste with the full-blooded black’, Bryan replied that in the United States ‘many of the criminal blacks are getting their criminal brains that way.’

We can only assume that the same would occur in Australia if the same process was allowed, thus explaining the ‘danger’ inherent in such ‘retrograde’ actions.

Bryan believed that those people who were one step away from genetic ‘criminality’ were fit to marry whites. But unlike so many of his contemporaries, he did not fall back on proto-Caucasianism to bolster his arguments:

The Australian aborigines are a ‘fixed’ race, just as are the Zulus, Swazis or Bantu tribes in Africa. In fact they are even more ‘fixed’ than the Bantu tribes who simply moved from above the Zambesi to below the Zambesi 150 years ago, whereas the Australian aborigines have been here certainly for many centuries. They are a ‘fixed’ race and we can regard them as being as ‘fixed’ as an Andelusian black or white fowl.

It is notable that Bryan mentions those other well-known ‘primitive’ peoples of the time, the Bantus and Zulus, rather than, say, the English and Welsh. And again we see the stock-farming aspect of racial discussions in Australia. The Andelusian
white and black fowl were common to genetic discussions and experimentation in the period, but comparing Aborigines to any kind of fowl cannot be described as positive for the Aborigines. On racial matters Bryan was like so many others of his time. He held complicated notions dealing with the importance and function of race; at once a fervid and prescriptive miscegenist, socially liberal, and fearful of unintended outcomes. Unlike nearly everyone else at the Commission, he attempted to give a scientific authority to his evidence.

Bryan’s supporter

(and some contrary positions)

Although Bryan has most often been referred to when the subject of absorption and miscegenation arises in relation to the Moseley Commission, his was not the only evidence presented on the topic. Bryan may have given a reasonable account of the role of genetics in miscegenation, but his was not the most specific or best informed discussion. On April 18, some three weeks after Bryan appeared before Moseley, the similarly named Cyril Bryan Palmer took the stand. One of fourteen witnesses that day, the farmer’s aim was to provide a ‘supplementary to the evidence given by Dr Bryan on the effect of miscegenation.’ His evidence is worth quoting in its entirety:

The problem of the aborigines must be solved in one of three ways-- (1) extermination, which is unthinkable; (2) segregation, which is difficult in practise, or (3) miscegenation, which has already begun and is probably what will ultimately happen as far as can be foreseen. Assuming that it is desirable to hasten the process, selective breeding is
essential. There is every reason to think that human characteristics, such as colour, features, intellect, and so on, are inherited on Mendelian lines, because there is diversity in the second cross-bred generation. Research in human inheritance is difficult, as experimentation is impossible and the data is unreliable, but by analogy with animal genetics, we know that Mendelian elimination is possible. We must study, not individuals, but genes, the units of inheritance which are carried on the chromosomes of the germ cells. They can be carried on through a number of generations without being altered in character or diminished in potency, but there is a 50 per cent chance of each being lost in each generation. The swamping of the blacks in the whites, without preferential breeding, results in the genes being carried by a much larger population. Many are likely to be complementary or recessive genes, not having any effect on the phenotypes. Hence the theoretical possibility of two apparently white persons marrying, in ignorance of a remote black ancestry, and producing a child with some aboriginal characteristics. The large excess of white population makes this less likely and equals selective breeding to some extent. Against this is the fact that only a small proportion of the whites would mate with those having coloured ancestry, but they would be the most likely ones to have large families. Probably none of the main characteristics is of one factor. Multiple factors give an apparent blending effect, but for each gene an individual can only be duplex, simplex, or multiplex. In the crossing of distinct varieties of animals, there is sometimes the phenomenon of heterosis, or hybrid vigour, when the cross-breed is better than either parent. Authorities differ as to whether this occurs with human beings, but in any case it does not seem to extend beyond the first cross. If pure aborigines are decreasing, that will cause preferential breeding towards the whites. Sterilisation is out of the question, and it is doubtful whether natives would use contraceptives, even if they knew of them. I cannot suggest that much can be done beyond what the Aborigines Department is doing. It would expedite miscegenation, presuming the full-blood natives are decreasing, to take all steps to prevent whites mating with blacks or near-blacks. On the other hand, if it is desirable to absorb half-castes and higher grades into the white population, it is better for them to marry pure whites if possible, rather than mate with those having any trace of black blood. There should be a more tolerant attitude towards persons having some black ancestry who may not be in any way inferior. For instance, it is possible for a person to have aboriginal features and yet have a mentality entirely white.\textsuperscript{169}
Palmer provides something of an encapsulation of the absorptionist position, in all its complexity. In the first instance, he has left us with an extremely rare example of any solidly based scientific discussion in Aboriginal affairs during this period. His dissection of the nature of inheritance is the clearest we will come across in this investigation, and for the first time we can see how some of the new assimilationist truisms of the time may have come about. Unlike most in the field, Palmer distinguished between individuals and characteristics, between the person and the gene (or, more exactly, the expression of the gene). He explained why it might seem that colour was bred out so quickly—through the 50 per cent chance of elimination of genes at each generation, added to the fact that most characteristics were likely to be due to numbers of genes rather than just one. Then again, he also explained that the dreaded effects of atavism were not eliminated in Aborigine-white unions; such occurrences were possible, but unlikely due to the probable multi-genetic nature of the characteristics involved, and the overwhelming imbalance between the sizes of the two gene pools.

It is ironic, of course, that it took a farmer to provide some solid explanation of the course of absorption, but in truth the matter was never far from the breeding yards, at least in rhetorical terms. We are lucky, of course, that Palmer, or someone like him, turned up at the Commission and gave a clear exposition of genetics and absorption; it provides an important point of reference. That it took a farmer to provide such clarity again points to the absence of any expert or scientific witnesses before the Commission. The *Sunday Times* called for the Commission to ‘seek out’
certain expert witnesses, Daisy Bates in particular. In the paper’s opinion, ‘an inquiry without Mrs Bates would only be half done.’ Nothing came of the call.

If Palmer was clear on one matter, in others he was less helpful. Even though he called upon those present to see the gene rather than the individual, Palmer fell at that very hurdle. In his closing words, he warned that a person with Aboriginal features could have an entirely white mentality. This warning to see beyond the mere physicality of people obviously has a humanitarian intent, but it carries a less friendly corollary. If such people could exist, white people with Aboriginal mentalities might be equally possible. In the 1930s, this was one cause of much of the perceived ‘menace’ facing society. Palmer had failed to isolate the person from the characteristic, maybe through not thinking it through, or wanting to make a point about not judging the book by its cover, but he also evoked the racial norms of the time.

Palmer like Bryan noted the near impossibility of experimentation on humans, adding that animal genetics was only analogous to human. This important distinction was rarely made at the time; too often animal breeding was seen as directly applicable to humans. However, he invoked notions that were contradictory to such caveats. He commented on ‘pure’ Aborigines, for example. Also, he stated that the portions of white society that would breed with Aborigines were likely to have larger families than the norm, implying that ‘lower’ types of whites would weaken the mix.
Finally, Palmer was like so many other commentators and interested parties in Aboriginal affairs in the period in his attempt to meld a kind of realpolitik with both control and humanitarianism. The Aboriginal people were there, Something Must Be Done, but equally Some Things Must Not Be Done, and this led to a particular solution that would be accepted whatever its inherent contradictions. The great strength of the absorptionist solution in its supporters' minds was that it merely extended existing activities and trends, while allowing for increased control over the people involved.

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Palmer was the most dedicated supporter of Bryan's ideas on absorption, but he was not the only other voice on the subject. We know that Neville was a strong advocate of the idea, and other witnesses also raised it. N. M. Morley, representing the AAAAA, stated that separation of full-bloods from half-castes was essential to 'the aim of their final absorption into the white population.'\textsuperscript{171} Mrs Violet May Landon, an employment broker who described herself as an 'old suffragist'\textsuperscript{172} and fan of the underdog,\textsuperscript{173} believed that 'the only solution of this question is a natural absorption into the white race', via the marriage of part-descent girls to white men.\textsuperscript{174} Father Otto Raible, Catholic Bishop of the Kimberley region from 1927 to 1950,\textsuperscript{175} held that the 'absorption of the natives into our European civilisation seems to be inevitable if at all [they were] meant to survive.'\textsuperscript{176} Another religious
leader had a more straightforward opinion: Rev J. F. Whittle of Brookton thought 'the best scheme for the present half-castes is, if practicable, breeding out.' The former chairman of the Gnowangerup Road Board, a centre of Aboriginal population in the Great Southern of the state, sounded a less dramatic tone, if his solution was similar. 'I regard the native question', he said, 'as a big one, but strangely enough, like a lot of big problems, it can be solved in a simple way'. That solution was 'simply that we should absorb the native race into our own.'

Of course, not all witnesses to the Commission were enamoured of the absorptionist solution. Isabel May Schenk, wife of the Superintendent of the Mt Margaret Mission, spoke against the idea. 'In spite of all the arguments for Mendel[ls]m, they are not wanted by the white race', she said. The great desire at Mt Margaret was 'to mate half-caste with half-caste', with 'real love matches' the desired route. Nor was Mary Bennett supportive of absorption. When Neville told her that Cilento, whom she had cited, was for the idea, she replied that 'it must be a matter for whites and native individually to decide.' This was one of her central ideas on Aborigines: that as a rule they should be left to their own devices. Neville informed her that Bleakley was against half-castes marrying other half-castes. This was another attempt by Neville to 'prove' her inconsistent – she cited Cilento and the Queensland Chief Protector, but they did not agree with each other. Bennett merely replied that she was with Bleakley on this: 'Very few half-castes desire anything but marriage with half-castes or full-bloods. Very seldom do they
desire to be absorbed by the white community.\textsuperscript{181} Earlier in her evidence, Neville asked:

AON: ...do you consider it right to marry a half-caste girl to a full-blooded native?
BENNETT: That is entirely a matter for individuals to decide. It is not a matter for anyone else.
AON: You would not regard it from the ethnological point of view at all?
BENNETT: We do not ask the whites to marry ethnologically and why ask the blacks. It is entirely a matter for the men and women concerned. Any interference would be against the liberty of the subject.\textsuperscript{182}

These exchanges are rare in the hearings of the Commission, and Bennett was practically the only non-Aboriginal who raised the matter of Aboriginal concerns, of what Aborigines themselves might think about the subject. Where marriage between Aborigines of differing ‘types’ was concerned, Bennett thought it infinitely preferable to them starting ‘promiscuous relationships with white people...I do not think there is anything revolting in a half-caste girl marrying a full-blooded aboriginal. If they are in love with one another, I see nothing against it.’\textsuperscript{183} She then went further, and stated that ‘Some of the men [and here she meant full-blooded men] are fine fellows.’\textsuperscript{184}

Others were clearly against miscegenation. The most strident counter to ideas of absorption came when Moseley was in the north-west of the state. On Sunday 12 August, he sat at Coongan Station, and heard evidence from station manager Vivian Albert Robinson. Robinson was, perhaps, technically an absorptionist, but his angle
on the matter was the obverse of that of most others who appeared before the Commission:

All natives should be assisted in every way to keep their present or rather their past social system intact. This system should be assisted to absorb the half-caste back to the black rather than try to get the half-caste absorbed by the white. Half-castes marrying whites gives us a low standard, whereas half-castes going back to the pure blacks does no harm to our racial purity.\(^\text{185}\)

He went on to elaborate, and gave the Commissioner his views on the scientific debate of the time:

I disagree with the Chief Medical Officer of the Northern Territory, Dr Cook, who alleges that anthropologists have discovered that the Australian aboriginal is the only species of the human race that will not throw back. If the Aborigines and Medical Departments popularise the marriage of whites with half-castes, then it is a bad day for the whites. If we must have a hybrid, then let it be a black one, and stay black; but to try and breed it white would soon double the number of half-castes in the country. Where then would come in our race purity.\(^\text{186}\)

This gives us perhaps the clearest example so far of Appiah’s extrinsic racism: keeping the races apart was the main thing on Robinson’s mind. Ignoring for the moment the idea that apparently there were numerous ‘species’ of humans at large, an argument that was generally considered buried by Darwin’s *Descent of Man*,\(^\text{187}\) Robinson provided the clearest and most overt case of ‘old fashioned’ racism to appear at the Commission. But even this apparently simple version of racism was convoluted. The simple desire to keep races apart was merged somehow with controllable breeding that would leave only dark-skinned ‘hybrids’.
The ‘nature’ of Aborigines

One of the central matters raised by witnesses at the Moseley Commission was the nature, mentality and the closely related subject of educability of Aborigines. In many respects this discussion cut to the core of the question of essentialism: if Aborigines were deemed to have a specific and different mentality or educability, then they could be fairly dealt with in a special and different manner. Witnesses almost universally gave evidence on this topic, in most cases doing no more than stating their own opinions, and the opinions ranged as widely as we might imagine.

James Aubrey Withnell, a retired pastoralist born in Roeburne in 1869 and who claimed a lifelong experience with Aborigines, stated the classic colonial view that ‘education is more than useless to the full-blooded native. It makes him cunning, worthless, and generally speaking a breaker of the old men’s rules. He thus becomes quite a misfit.’\textsuperscript{188} At another time, Moseley declared quite out of the blue that he did ‘not like the half-educated native’.\textsuperscript{189} Such statements were, of course, more about the suitability of the outcomes of education than they were about the possibility of the education of Aborigines, and were linked to the ‘trouble’ that educated Aborigines might cause. This was made very obvious when the Commission sat in pastoral districts.

In the northern and eastern districts of Western Australia, missions were the most likely source of education, and so became linked with more general questions of
educating Aborigines. William McLeod, station manager at Glenoran, south of Laverton, perhaps best summed up the complaints of the pastoralists:

it is very hard to co-operate with the work of the missions. Their ideas appear to be that the natives are equal to the white races. I gathered this from conversations I had with the mission superintendent. He contends that natives should eat with white men when working for us...The result is that it is difficult to keep the natives working for station owners; they become discontented...I would rather take natives straight from the bush than the mission boys for employment.\(^{190}\)

Many others spoke of native insolence and poor training.\(^{191}\) Others, however, spoke to the fundamentals of the issue. Ethel Stoneman, Western Australian State Psychologist from 1926-1930, appeared the day after Bryan, and spoke longest on the educability and mentality of Aborigines. She had been ‘trained in primitive and comparative psychology’ in the US and London and had studied the records of professor S. D. Porteus in Hawaii.\(^{192}\) Porteus had published an investigation into the psychology of Aborigines in 1931 and in reviewing the work A. P. Elkin had disagreed with the thesis that Aborigines were ‘unadaptable to a civilized environment.’\(^{193}\) Stoneman held a similar view to Porteus, although there were differences. First, and no doubt of great importance in her own mind, Stoneman’s work dealt with children studied at the Moore River Native Settlement rather than with full-blooded Aboriginal children. Apart from the one survey conducted at Moore River, Stoneman admitted that she had no other contact with large numbers of Aborigines.\(^{194}\) At Moore River she had studied 100 subjects, among whom she found only 26 ‘who earned the average white grade.’\(^{195}\) She stated:

The educability is of three levels. The first group can be educated to about average white standard. I found that 31 per cent of those
examined could attempt written tests. The second grade was educable up the standard of dull whites, 47 per cent being of that grade. The third group are educable only as feeble minded individuals. They comprise 22 per cent.\textsuperscript{196}

In an average white class, according to Stoneman, one would expect to find 1.6\% of the group to be 'deficient'.\textsuperscript{197} Stoneman had a long interest in 'deficiency', and had drafted a Mental Deficiency Bill that failed in the Western Australian Parliament in 1929.\textsuperscript{198} At the Commission she conceded that the 22\% figure that arose from her Moore River study was 'unfair to the coloured people as a whole.'\textsuperscript{199} There was 'reason to regard the group at Moore River as a selected group. It probably contained a much larger percentage of defectives than we may assume exists amongst the coloured people as a whole.'\textsuperscript{200} Why? Because these people had failed to survive outside the Settlement, and were therefore less 'efficient' than their counterparts: 'Their inefficiency in part explains their presence at the settlement.'\textsuperscript{201} This is another of the times that we can fairly and easily use the term 'eugenicist' in this field, although Stoneman was no genetic absolutist, as is evidenced by her focus on education. Further, she 'asked for a recognition of the fact that the native children have the same bodily organisation as ourselves. They have the same alimentary system, the same nervous system, and so on. They should be treated just as our children should be.'\textsuperscript{202} Her views on the size of the mentally deficient portion of Aboriginal society still seemed to fit within the Porteous framework, however. And in a final note, Stoneman exhibited a common trait in this field of basing extraordinary claims upon very small samples. We might thank that the 100 children she examined at Moore River was not a big sample to base broad
comments upon, but it was more than enough for Stoneman. Indeed, she was willing to extrapolate from far smaller bodies of evidence than that. She admitted that she had not seen more than fifteen other Aboriginal children in the South-West of the State, but that number was ‘sufficient to enable to arrive at an opinion regarding them [as a whole].’\textsuperscript{203} We can only wonder whether it was genius or divine inspiration that gave her such confidence.

Most other witnesses were sure that Aborigines were not imbued with the same mental capacities as white Australians, and not all those who made such statements were antipathetic to Aboriginal causes. J. R. B. Love, Superintendent of the Kunmunya Mission in the Kimberleys, thought that it ‘would be foolish to say that they have the same mental capacities as the white man’.\textsuperscript{204} Doctor John Maunsell, responsible for the care of Aborigines at the New Norcia Mission and the Moore River Settlement, thought it best ‘to regard them as overgrown children, for their mentality is not that of white people.’\textsuperscript{205} Rupert Monger, from Liveringa Station between Derby and Fitzroy Crossing, was definite in his opinion, and was a Social Darwinist of the first order: ‘My belief is that the Australian aborigine is a dying race. It is also of low mentality.’\textsuperscript{206}

Some witnesses at the Commission failed to mention the matter of ‘intelligence’, but were willing to comment more generally upon the ‘nature’ of Aborigines. Charles Eric Willing, the District Medical Officer for the Gnowangerup area, declared that half-castes were ‘naturally lazy’.\textsuperscript{207} Neville commented upon the
‘useless coloured people in the South’, Stoneman believed that ‘some are not able to learn what is necessary to keep our laws’, but she no doubt felt the same about sections of white society. Arthur Frederick Watts, Vice-Chairman of the Katanning Road Board, raised another commonly held idea when he said that he took it as granted ‘that cunning is definitely a part of the native’s mental make up.’

Finally, there were some witnesses to the Commission who spoke glowingly of the mental powers and attributes of Aborigines. Mary Bennett spoke of the ‘thousands of intelligent aboriginal and half-caste children [who were] growing up without any teaching or training whatever’ in Western Australia. She pointed out to the Commission the difficulties faced by Aborigines learning in English; it was, she said, ‘as if we had to learn to read and write and do sums in Russian or Japanese’. The educability or otherwise of Aborigines had been mischievously and dishonestly used by whites to their own advantage, she said. When white numbers were low, Aborigines were admitted to schools to ensure government funding; when white numbers had grown sufficiently, whites then declared the Aboriginal children did not have the ‘capacity to profit by teaching.’ More fundamentally, she stated that ‘Human beings are all capable of the best if it is given to them.’

Mabel Agnes Tatlock Brown, a missionary, stated that in her ‘sojourn amongst the nomadic raw tribes’, she remembered ‘many instances which proved that the
aboriginal mind can not only receive and understand what it hears, but also retain those things.²¹⁵ Faint praise, perhaps, but praise nonetheless. Rudolph Samuel Schenk, Superintendent of the Mt Margaret Mission in the goldfields, stated the case unambiguously. ‘All this talk of the native not being capable of this or that, is not true. The native has the same brain as we have, they only need education and practice.’²¹⁶ Rev Arthur Muriel wished to speak ‘from the scientific standpoint’, and brought to the Commissioner’s notice linguistic work done by J. R. B. Love. The Woorroora language contained 444 forms of the verb ‘to be’, and 1,383 of ‘to kill’, which should, he said, help to ‘disabuse our minds of the idea that the native is of low mentality.’²¹⁷ John Griffiths, the former Chairman of the Gnowangerup Road Board, gave perhaps the most glowing assessment of Aboriginal intelligence and capabilities of all witnesses. Giving evidence on 24 October, he said that there was ‘plenty of evidence locally that in brain power the average aboriginal camp with its people of mixed blood, would compare very favourably with any average white camp, allowing for the difference in opportunities’, and that, with a reasonable level of funding and education, he was ‘sure that very soon there will be a friendly rivalry, and, judging by what I have seen, the darkies will give our kids a run.’²¹⁸

The Ill-treatment of Aborigines

Section 1(d)(4) of the Commission required that Moseley investigate ‘Allegations which have appeared in the Press since the 1st day of July, 1930, relative to the ill-
treatment of aboriginals in Western Australia.' The most notable aspect of comments on the question of ill-treatment is that they often follow an almost identical form. A great majority of those who commented upon cruelty or ill-treatment denied its existence, and parroted the wording of the Commission document. Another feature is that, in general, the further Moseley travelled from Perth, the more certain people became that there was no ill-treatment of Aborigines. Finally, the vexed matter of chaining Aboriginal prisoners was the focus of much of the discussion.

Of the 25 witnesses who spoke on the related matters of chaining and ill-treatment, many claimed the former to be either necessary or neutral, and 16 declared that the latter did not exist. The first witness to raise the matter was A. W. Canning, famed surveyor and explorer. He declared that in his extensive travels he had 'seen very little ill-treatment of aborigines; indeed, practically none'. Adopting the commonly argued line at the Commission, and repreating what he had told Roth twenty years earlier, Canning stated that neck chaining caused neither hardship nor indignity to natives. Even the Commissioner declared a position: 'the opinion of North-West witnesses who know what they are talking about is that it is not cruel to chain natives'. Bromham argued that 'Other nations would not allow it. It would not be allowed in Africa, for instance, for the world would look on in horror'. But Moseley held firm. Many 'extravagant statements have been made about the chaining of natives, but so far my mind inclines to the views which have been expressed by men of honour who are well acquainted with the natives.'
Patrick Durack, of Argyle Station, gave an authoritative opinion: he ‘knew of no instances of cruelty to natives in the Kimberleys.’\textsuperscript{223} Harold Reid, manager of the Munja Government Native Station, took the matter personally:

It fills me with disgust to read from time to time the many ignorant, false and filthy accusations published in the Press by irresponsible trippers of the notoriety-seeking types...It is nearly time a stop was put to this sort of trash. The upright straight and free-handed bush people have been lied about and slandered enough by these casual trippers, who never fail to accept their hospitality unflinchingly.\textsuperscript{224}

Others were less certain. Raible raised an unusual and intriguing point. He had no evidence of ill-treatment on stations, but he wondered about the reality of things. In his opinion, ‘a number of white men view the aborigines as being just a little above the animal. This may indicate that they treat them accordingly.’\textsuperscript{225} Bennett, as we have seen, was sure of ill-treatment. E. C. Mitchell, one-time manager of Carrolup and Moore River Native Settlements and northern inspector,\textsuperscript{226} was aware of a different kind of ill-treatment:

There are stations, I am sorry to say, mostly owned by newcomers, on which no native should be allowed to work, not because of the cruelty – they can resist that – but because of the enslaving of their wills and the breaking down of their sacred tenets and wonderful patriarchal systems, and keeping them repressed and humiliated through fear.\textsuperscript{227}

It is notable in passing that Mitchell and Bennett viewed Aboriginal ‘patriarchy’ so divergently.\textsuperscript{228} The main point, however, is that Mitchell differentiated between physical and mental ill-treatment. He did not worry over physical cruelty; Aborigines could ‘endure physical suffering and live under hurts that would kill any European’.\textsuperscript{229} Their ability to survive mental suffering, however illogical he found
it himself, was another thing altogether. Countering their physical toughness was the fact that 'the natives die like toxic animals under magic'. This was a rare instance of a witness at the Commission taking seriously the 'outstanding' Aboriginal preference for home country that Neville had mentioned in the first hours of evidence.

Controlling the hearings

Haebich has noted that Neville frequently cross-examined witnesses, 'apparently without prior consultation with the Commissioner'. Indeed, Neville 'was an ever-present fixture at the Royal Commission hearings, asking questions alongside the Commissioner and doing his best to intimidate witnesses critical of his administration.' While it is reasonable that the chief bureaucrat responsible for the area under investigation appear before the Commissioner, and even reappear to refute certain comments made in evidence, the apparent freedom Neville had in questioning witnesses was remarkable. Only once did Moseley indicate that there might be any limit to Neville's special status at the Commission. On the fourth day of sitting, he told Neville that N. M. Morley, the witness in the stand, was 'at your disposal for the purpose of answering questions you may put to him, but I do not want you to deal with controversial matters and enter into arguments with him.'

The subject of 'experience' also arose in Neville's questioning of witnesses, and lack of it was synonymous for him with lack of credibility. This was a continuing
tactic employed by Neville over the years, a kind of *ad hominem* attack upon his detractors. It is only fair to add, however, that Neville often had to point out to people who might have been expected to know better, the limitations of his powers. Thus, when being questioned, Coverley had to admit that he did not know that the Medical Department, not the Aborigines Department, was responsible for lepers, and that this had been the case for some years.  

Neville certainly seemed to enjoy putting Coverley to rights when he appeared before Moseley. Coverley, described by Jacobs as Neville’s ‘old enemy’, had sabotaged previous attempts by Neville to alter the *Act*. In 1927 a discussion between Coverley and the minister saw legislation dropped before it reached Cabinet, and he worked against the 1929 Bill, as we will see in Chapter 5. Moving the Commission in Parliament, Coverley had closed with a challenge: ‘If Mr Neville is as sincere in his desire to have something done for the aborigines as I am to have the names or residents of the North cleared from stigma, he will agree to the proposed investigation.’ Neville would have been positively saintly if he had not cherished the chance to deal with Coverley at the Royal Commission. Mainly, he chose to prove Coverley’s incomprehension of the workings of government and administration. He forced Coverley, with some apparent relish, to admit that most of what he called for had long been on Neville’s agenda. Even the questioning by Moseley must have pleased Neville, in that it suggested that claims made be Coverley had no basis in fact.
COMMISSIONER- Would you say that, as a general rule, the natives are paid on stations in the North-West?
COVERLEY- Yes.
COMMISSIONER- Can you mention the names of some stations where they are paid?
COVERLEY- I understand the natives are paid right throughout the stations in the North-West.
COMMISSIONER- That is the point. You understand they are paid; I understand to the contrary. I want to find out the position.
COVERLEY- I cannot name any station where it is done.\textsuperscript{240}

When questioning Aboriginal witnesses, Neville was at his most imperious, and often at his most dismissive and heartless. The third witness to the Commission was Norman Cleaver Harris, an Aborigine living 45 miles from Wubin. Harris had been part of the famous 1928 deputation to the Minister, led by his uncle, William Harris.\textsuperscript{241} If this heritage might speak to the Commissioner of a certain worthiness, Neville was keen to correct the image. For no discernible reason other than to demean his standing before the Commissioner, Neville asked Harris how many of his mother-in-law’s daughters had been sent to the Claremont asylum. Only one, was the answer,\textsuperscript{242} but the request seems to have had no material place in the Commission’s endeavours. In another classic Neville move, he used figures to his own advantage. Early in Harris’ evidence, Neville suggested that a distance of 45 miles was a sufficiently large distance to make communication difficult; later on, the 65 miles between Harris’ residence and the mining town of Payne’s Find was too close for Departmental comfort.\textsuperscript{243} These comments were on the subtler end of the spectrum; with other witnesses, Neville was much more blunt.
The most intense character assassination of the hearings was dealt out to an old colleague turned adversary. E. C. Mitchell had been the first manager of the Moore River Settlement, and the last manager of Carrolup. After 1924 he was an Inspector of Aborigines. An early supporter of Neville against critics of his appointment to the Aborigines Department, Mitchell had been retrenched when the Depression hit in 1930. According to Jacobs, Mitchell had 'a well-developed sense of his superior ability to oversee the welfare of Aborigines.' This was, she notes, 'a common manifestation of those who developed an interest in Aboriginal affairs. Everyone claimed to understand the problem and to have the solution.' What distinguished Mitchell from the rest was that no one '(except perhaps Mitchell) wanted Neville’s job, but everyone could tell him how it should be done.' Of course, Neville was not immune from this self-belief in matters Aboriginal, and it is not surprising, therefore, that he set his sights on Mitchell. It is even less surprising given the comments made by Mitchell.

In his first appearance before Moseley on Thursday 5 April, Mitchell challenged Neville’s experience. The great problem was that, under ‘the present system, the care of those savage, indigenous people is handed over to gentlemen in the city of Perth whose greatest misadventure is to miss a suburban train.’ The great weakness of the Department was that it was run ‘according to Hoyle, or precedent. Every difficulty can be met by routine, and or more money, or an amendment of the Act giving more power to the department.’ When he reappeared the next day, Mitchell was at pains to state that he meant no criticism of Neville personally. He
even wanted to give his evidence in private, with only the Commissioner and Neville in attendance. Moseley declined the offer, pointing out that such an action would reek of the star chamber, and not be appropriate. Mitchell then reiterated his main point: ‘The Aborigines Department today is a department controlled by a civil servant without any practical experience of the natives.’ He was willing to ‘admit that from the Chief Protector downwards, their intentions are good, but they sometimes have an unhappy fate.’

On 3 May, Neville appeared before the Commission, ‘embodying replies to the evidence given by some witnesses.’ He responded to Mitchell in kind. ‘The witness seems to claim a monopoly of knowledge of the natives, but I have men in my department in the field with as much knowledge of the subject as Mr Mitchell, and a good deal more practical experience’. He did not name these individuals, but Mitchell in principle seems the kind of witness Neville would favour: years ‘in the field’, plus governmental station administration. In a classic move, Neville then said: ‘when he infers that the head of the department has no practical knowledge of this subject, I can only remark that his statement is deliberately calculated to mislead.’ Neville did not need practical knowledge; as with all bureaucrats, he had advisors ‘so to speak’. These were usual areas of concern for Neville; the need for knowledge, and the sort of knowledge to be taken seriously were constants in his writing and commentaries. There were too few anthropologists with practical experience for them to play any important part in administration, for example. But then Neville turned particularly nasty:
Half-caste women of any age are subject to the employment provisions of the Act. I know there are employers who would like it to be otherwise. Mr Mitchell was himself an employer of native labour, especially domestic servants. His household, in the matter of such employment, was an excellent example of the necessity for departmental control of affairs of such girls as regards master and servant.\textsuperscript{255}

A better piece of character assassination would be difficult to imagine; it implies much that is distasteful and alarming, but in fact says nothing at all. Even better, Mitchell was not present when the attack came, and could not reply.

**The Moseley Report**

After the months of hearings and associated travel, Moseley retired to compile his Report. The press retained an interest: on 4 October the *Daily News* noted that it was expected by the end of the year; on 3 December the same paper reported that Minister Willcock expected its release before the new year; and in the first week of 1935 the paper wondered if would be released within the week.\textsuperscript{256} Moseley eventually presented it to the Lieutenant-Governor on January 25, 1935, together with the volumes of evidence garnered from the hearings.\textsuperscript{257} On the 30\textsuperscript{th}, Shapcott requested that Neville provide a 'considerably' abridged version of the report for ministerial study, which the ministers received on the February 22.\textsuperscript{258} On March 13 the *West Australian* covered the Report at length, quoting from it in detail, but, as was customary at the time, merely reported the facts of the Report.\textsuperscript{259} The next day, however, the paper devoted the main part of its Editorial to the Report.\textsuperscript{260} The changes in population since the Roth Report meant that a 'comprehensive inquiry
by an independent authority was long overdue’. The main regret the paper had was that ‘the Commission was not strengthened by the addition of a medical man and anthropologist or one who combined both interests.’ The editor was quick to find the cause of this oversight, and noted astringently: ‘Presumably, however, the Government decided that the extra precision in diagnosis would not worth the extra cost.’  

The principal feature of the Moseley Report is that, having travelled so far, and heard the opinions of so many individuals, Moseley decided to ignore them, and chose not to refer to evidence in any detail in his report. He wrote:

I have listened to views most divergent in nature, and in many cases my conclusions have been formed as a result of my own observation. I have not followed the precedent set by many Royal Commissions of supporting my findings by frequent references to the notes of evidence, because I think in a matter of the kind before me more can be gained from personal inspection and observation than from listening to views – many of which are academic to a degree.

This amounted to a decision to ignore most of the evidence placed before the Commission, and requires interrogation. Taking his last issue first, the ‘academic’ quality of those who gave evidence before the Commission, and of the evidence they provided, was dubious at best. Of the 140 or so witnesses that appeared before him, very few could seriously be called ‘academic’. Ethel Stoneman was a psychologist, certainly. Cyril Bryan was a professional who had experience at University. A number of medical practitioners appeared before the Commission, but with rare exceptions their evidence was not scientific, and thus even less
‘academic’. Apart from Stoneman, the lack of any ‘academic’ witnesses, of anything like an anthropologist, for example, is one of the striking aspects of the Royal Commission. So, we must conclude that ‘academic’, in Moseley’s mind, did not mean academic as we would commonly use it today.

The best explanation of Moseley’s understanding of ‘academic’ helps to clarify why he chose in some senses to ignore the evidence presented to him, but it also raises some inconsistencies in that choice. ‘Academic’ here is best understood as meaning something like ‘not personal experience’, or, more bluntly, ‘book-learning’. This is not an exact definition, of course; Moseley’s writing does not avail itself of such precision. But when we look at the evidence to which he gave most credence, it becomes obvious that ‘practical experience’ was highest on his list of preferences, and that second-hand and other information came a distant last. Thus, for example, he readily believed the opinions of pastoralists and other northern residents above those of southern activists like Mrs Bennett. Such a position was by no means unusual in the 1930s, and was certainly held by Neville and others in Western Australia – while ‘academic’ knowledge of Aborigines could have ‘its place’ in their administration, for example, ‘real experience’ was taken far more seriously. In light of this, we can more easily understand Moseley’s desire to come to his own decisions on Aboriginal matters rather than take some kind of measured view of the evidence placed before him.
Moseley seems to have had this plan in mind from the beginning. In the first week of sitting, he stated ‘I am not facing this task of mine with any preconceived ideas, but I am facing it with a certain amount of my own personal knowledge’. There is an irony in Moseley’s decision, of course. He was going to favour his own ‘experience’ above the evidence laid before him, yet, as we have seen, that experience was slight.

At one level, it does not matter that Moseley had little ‘real experience’ or ‘knowledge’ of Aboriginal affairs outside what he gathered in the execution of his Commission. The other obvious choice would have been to commission someone with a great deal of such experience, which would have raised questions of impartiality. Still, it is intriguing that Moseley barely mentioned any witnesses that appeared before him. Apart from some brief mentions of individuals and their evidence, Bennett and Bryan are the only names mentioned in Moseley’s Report. Bennett’s evidence was dismissed as providing ‘nothing specific into which I could inquire’, and her actions in promoting her views in London were ‘to be regretted’. We shall return to the use of Bryan’s evidence below.

**Elkin and Wilkins**

If the people who appeared before Moseley were unlikely to make it into the Report, two individuals who were not witnesses did, and their very different levels of ‘experience’ are worthy of note. A. P. Elkin was the most highly regarded
'academic' expert on Aborigines in the 1930s, so it is not surprising that a Royal Commissioner might refer to his work. However, he used Elkin as a means to sidestep a perplexing problem. Under Sections 1(h) and 2 of his Commission, Moseley had been called to 'investigate, report, and advise upon' the trial of Aboriginal offenders and laws relating to Aborigines. In the introduction to his Report, he wrote:

Some evidence has been given on the question of the native marriage customs and the desirability of preventing polygamy and the marriage of young girls with old men. In so far as bush natives are concerned, this is a matter which must of necessity be left to the natives themselves. In the case of those natives who are under some form of civilising influence, this question should be most carefully considered by those who desire reform. I do not profess to understand the basic principle underlying native marriages. It is complicated but, I am led to believe, very definite and based on the law of kinship. To attempt to alter the system, without proper understanding of all it represents, would be, in my view, very dangerous. It might possibly strike at the foundations of the natives' social life.

I express no definite opinion. I am content to quote from Dr Elkin, professor of Anthropology at the University of Sydney.265

This is a case where Moseley came to the weakness of 'observation' and 'experience'. Aboriginal customs might be dangerous, but he did not know for sure, so he could not make a pronouncement. Again, this might just be common sense — not being sure of the position or the probable results of reform, he advocated nothing. Equally possibly, however, is that this was an example of the weakness that comes from taking limited and second-hand 'expert' advice.
The other individual quoted by Moseley is of an altogether different stripe, and leads us back to the privileging of experience over knowledge. In dealing with the question of missions, Moseley quoted ‘Sir Hubert Wilkins in his book *Undiscovered Australia*, in which Wilkins wrote of a successful and practical mission arrangement on Cape York Peninsula. The appropriation of the Wilkins text is interesting in a number of respects. Firstly, Wilkins was not an ‘academic’. He was an aviator, photographer, and explorer, especially of polar regions. Little known today, he was as late as the mid-1940s well-enough known to gain a place in a list of notable Australians.

Secondly, Wilkins was not primarily concerned with Aborigines. *Undiscovered Australia* was, as its full title indicates, an account of an expedition to tropical Australia to collect specimens of the rarer native fauna for the British Museum, 1923-1925. Wilkins’ task on that trip had been to fill the ‘many gaps’ that existed in the Museum’s collection, and represented the none-too-subtle irony of 1920s museology – he searched for ‘rarer’ fauna, killed it, and took the remains to London. Of course, on an extended journey in tropical Australia, Wilkins and his party came into contact with Aborigines. He was particularly taken with the ‘native settlement’ he found at Cowal Creek on the Cape York Peninsula, and it is this experience that Moseley utilised.

Although the use of Wilkins as an expert witness is intriguing in itself, more important is the way Moseley tailored the ‘evidence’ to his own ends. So
comprehensive were the changes in meaning that arose from Moseley’s editing that it deserves quotation at length. In what follows, I have reinserted Moseley’s excisions (in italics):

The native settlement at this place was rather interesting, because there the aborigines, under the guidance of a mission-trained Torres Strait islander, maintained a village in a most respectable manner, and they carried on agricultural pursuits. The aborigines of this area are quite different in their culture from the islanders who live in Torres Strait. The distance that separates them is not great, but the difference is the fertility of the soil has in part led to a great difference in development, culture, and attitude of mind. Although there is perhaps a slight racial difference between these two peoples, it appears that food has played a great part in the development of the minds of these primitive people. The islanders, with little food to be obtained by hunting, have been forced to adopt agricultural methods, and owing to the fertility of the soil they now have food in abundance. They have developed a cheerfulness in their mental outlook, and with fixed abodes they have more leisure and have acquired a certain amount of culture, but this rather tends towards the material and things of the flesh. The mainlanders have been denied this leisure, for they have remained nomadic, and live in constant fear of inadequate food supplies. They have often been hungry, but I found that if uncontaminated by civilization, and given leisure and sufficient food, these people soon reached a higher state of mental development than the islanders.  

Moseley’s editing completely altered the meaning of the passage. In the original, mainland Aborigines had not developed the agricultural impulse of their Islander neighbours, perhaps due to resource/economic reasons, perhaps to racial difference. Wilkins expressly wrote that the mainland Aborigines had not made the conceptual leap to agricultural activities. In Moseley’s Report we find that it was the mainland Aborigines who have been forced, due to economic scarcity allied to the fertility of their region, to successfully adopt the life of the agriculturalist.
We can only wonder why Moseley chose such an obscure ‘authority’ for his report, and then treated his ‘evidence’ in such a cavalier fashion. The Queensland Chief Protector was not silent on this subject – apart from his 1929 Report, Bleakley wrote elsewhere of the successes in the Torres Strait area, stating that tribal Aborigines could ‘become self-dependent members of a settled community’. Rather than look to this type of evidence, Moseley accepted Wilkins’ opinion ‘as one well worth having, that much can be done with proper methods.’ And Wilkins was not the only individual to have his ‘evidence’ altered.

Bryan

‘Doctor C. P. Bryan’ was one of the few witnesses mentioned by name in Moseley’s Report, and some weight was given to his evidence. Biskup has commented that Moseley seemed to have misunderstood Bryan’s meaning, but it is more correct to say he got it totally wrong:

He [Bryan] is not an advocate of miscegenation – the mingling of the blacks and whites by intermating – but he does predict that it will certainly proceed, ‘even if it only means the production of a few half-castes’. I am relieved that Doctor Bryan is not an advocate of the policy. In the circumstances I am not called upon to join issue with him. Indeed I agree that whatever laws are introduced on the subject in an endeavour to check the increase, however successful those laws may be, they will not succeed in preventing completely the birth of half-castes. But it is encouraging to hear from Doctor Bryan that miscegenation had practically ceased in the United States, partly because of the stringent laws against it, but chiefly because of the public attitude against cohabitation of the whites and blacks. And in this State I am inclined to think that more can be done by public opinion than by laws. I have advocated the amending of existing legislation and the drastic administration of the law, but it is one thing
to know the practice is going on – it is very often quite a different thing to prove it to the satisfaction of a Court. I am not concerned whether the person who cohabits with natives is degraded in nature or is a so-called gentleman. The case from Africa of the scions of stately English homes and their harems, and of the very brave soldier who had 45 wives (he was apparently brave in other ventures than war), do not influence my mind in condonation of the practice. The cases were not quoted in order to condone the system. They were mentioned to emphasise that fact that white people living in native countries in time lose any feeling or repulsion for colour. I do not know that such a feeling of repulsion has ever existed in this State; it certainly does not exist amongst those who have lived among the blacks, and I hope it never will. On the other hand, if a feeling of repulsion against this practice of cohabiting with native women can properly be exhibited, then I think those who otherwise would have followed the lead may be deterred from contributing to the increase of half-castes.274

As we have seen, Bryan was certain that slow absorption into the white ranks was the only solution to the 'problem' posed by half-castes, and that this would be a regulated biological project, not merely a social activity.275 Moseley, however, declared the opposite to be the case. Moseley’s rewriting of Bryan had the same effect as his tinkering with Wilkins. In both cases he actively reversed the conclusions made by the original, no doubt to support his own findings and beliefs. We cannot say precisely how these misinterpretations came about (although the spectrum of reasons might run from laziness and carelessness through to a conscious rewriting to support his own views). Perhaps the chances of anyone seeking out the Wilkins text were so low as not to matter. And the evidence given to the Commission was not being reprinted, so that avenue to a better understanding was unavailable. The *West Australian* had reported Bryan’s evidence in some detail,276 but the chances of it reappearing to refute Moseley’s Report version

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would have been slight. So Moseley’s revised version of Bryan’s evidence could quite safely be used to promote whatever Moseley had in mind.

To confuse matters even further, Moseley wrote later in the Report of the positive aspect to breeding up the colour line, again using Bryan as support:

Dr Bryan has spoken strongly against the mating of half-castes with half-castes, on the ground that it will perpetuate the black and coloured elements. And still, without advocating the marriage of whites and half-castes, he does support the mating of a half-caste with a coloured person higher in the white scale.²⁷⁷

Moseley was not sure whether such practices could be imposed, but he believed everything should be done to assist, and agreed with the broad trend of Bryan’s evidence:

he says [that] we should do all in our power to prevent a half-caste marrying another half-caste, and to encourage him or her to look higher. This, of course, can only be done by throwing these people together and hoping for the best, and this is just what in other words, I have been advocating when suggesting the Communist Settlements where these coloured people, or half-castes as I have called them (without reference to the degree of colour in them), will live their lives together under proper supervision. If this scheme of breeding out the colour is really effective, and if these people assist in the policy by choosing the appropriate partners, well and good. If, on the other hand, a half-caste chooses to marry a half-caste, then I would not be a party to interfering with such a choice, hoping always that, as the coloured race multiplied, effective administration might be the means of raising them in habits if not in colour.²⁷⁸

The hierarchy of solutions seems clear from this passage: breeding out of the colour was the final goal, through social engineering and lack of real choice, with the
ameliorative effects of administration a slower back-up on the social front. And such actions and plans were necessary.

Like many of his witnesses, Moseley was fearful of the dangerous potential in an increasing half-caste population, especially in the south of the state. Without real education, 'I say without hesitation that, at the present rate of increase, the time is not far distant when these half-castes, or a great majority of them, will become a positive menace to the community: the men useless and vicious, and the women a tribe of harlots.' Two years after Wise worried about naked roaming females, Moseley presented an almost identical picture.

Like many of the residents in the Kimberleys, he did not believe that Aborigines could be educated or could significantly change: 'I doubt if (generally speaking) he will ever acquire...any real sense of property'. Even when Aborigines (and here he spoke of full-blooded Aborigines, with all the essentialism he could muster in tow) did begin to change their habits, it was not real progress. Writing of the north-west situation, where station workers would be released from work to go 'pink-eye' (the nor'-west version of 'walkabout') [and thus free the station of the cost of rations and the like], what looks like assimilation in action is deemed unworthy:

Instead of discarding his clothes and starting out with his spear to hunt game, it is often found that this North-Western native packs his suit case and, having padlocked the front door of his hut, gets into his turnout (and in a few cases even a motor car) and sets out on a holiday vastly different from that of his former days. It is I think without doubt merely an imitation of the white man. It cannot be regarded as an indication that he is really trying to improve his method of living.
He also believed that 'the native is naturally lazy and it is wrong that he should be fed without giving something in return.' How this laziness fits with Aboriginal workers saving enough to by a car, especially when cash wages were so rare, is difficult to explicate. But, a 'native will not work unless he is forced to do so. To allow him to sit down and obtain his food, doing nothing in return for it, is to do the native great harm.' Missions were wont to fall at this hurdle, encouraging 'the element of laziness...which is inherent in him.' And if letting 'him' get free food was dangerous, the problem 'she' posed was never far away: 'I have pointed out what are in my opinion the dangers of bringing a certain type of highly-sexed half-caste girl to the city.'

Moseley concluded that he had 'attempted to steer somewhat of a middle course, hoping that moderation will prevail in those who genuinely have the interests of the native at heart.' In many ways, this is exactly what he did, although he never clearly outlined exactly what he was steering between. But rather than digesting the evidence placed before him, and then coming to some synthesis of the 'middle way', he apparently accepted most that was put to him, and then advocated versions of both extremes, leaving the reader to find the meaning in the muddle. Thus, half-castes were sexually dangerous, yet some in Broome and Derby gave great hope to the 'experiment' of closer living and [perhaps] interbreeding. He also subsumed the words of those both near and far to his own ends, in either cavalier or incompetent fashion, using them with scant regard to their original meanings and
intentions. Moseley was just out of his depth in making a broad and synoptic report on the situation of Aborigines in the state, which is why he stuck to his strength: legislative/administrative alterations to the practice of Aboriginal affairs. This is the focus of the next chapter.

1Biskup, op. cit., p. 170.
2Jacobs, Mister Neville, p. 240; Chesterman and Galligan, op. cit., p. 131; Haebich, For Their Own Good, p. 349.
3Haebich, For Their Own Good, p. 349.
4WAPD, 190, 1933, pp. 639-56.
5Ibid., p. 639.
6Haebich, For Their Own Good, p. 315.
7West Australian, n.d. [78/9/33], SRO ACC 1496 427/33.
8WAPD, 190, 1933, p. 639.
9Ibid., p. 644.
10Ibid., p. 647.
11G. S. Reid and M. R. Oliver, The Premiers of Western Australia, 1890-1982, Nedlands, University of Western Australia Press, 1982, p. 77.
12WAPD, 190, 1933, p. 648.
13The most obvious recent example was the Piddington affair. Ralph Piddington, a young anthropologist, had created a furore in Western Australia and abroad when he published claims in 1931 that Aborigines in WA’s north were ill-treated. For a general coverage of this incident, see Geoffrey Gray, “Piddington’s Indiscretion”: Ralph Piddington, The Australian National Research Council and Academic Freedom, Oceania, 64, 3, 1994, pp. 217-245. Neville was so incensed by the affair that future anthropologists were refrained from making comments to the press without government approval.
14WAPD, 190, 1933, p. 648.
15Haebich, Broken Circles, p. 260.
16WAPD, 190, 1933, p. 650
17Ibid., p. 646.
18Ibid., p. 750.
19Biskup, op. cit., p. 115.
20WAPD, 90, 1933, p. 756.
21Ibid., p. 646.
22Ibid., p. 644.
23Ibid., pp. 754-5.
24Biskup, op. cit., p. 95.
25WAPD, 90, 1933, pp. 757-8.
26Ibid., p. 650.
27Ibid., p. 655.
28Ibid.

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30Neville was present at the creation of the organisation, but informed those present that he 'could not become a member', note from Neville, 11/10/32, SRO ACC 993 304/32.
31Deputation to Honorary Minister for Australian Aborigines' Amelioration Association, 30/5/33, SRO ACC 993 304/32 [p.7].
32Daily News, 31/5/33.
33Dianne Davidson, Women on the Warpath: Feminists of the First Wave, Nedlands, University of Western Australia Press, 1997, p. 150, Haebich, For Their Own Good, p. 322.
35WAPD, 190, 1933, p. 640; Haebich, For Their Own Good, p. 322.
36Lake, Getting Equal, p. 113.
38Daily News, 16/6/33, 20/6/33, 24/6/33.
39West Australian, 17/5/32.
40Ibid.
41Ibid., 19/5/32.
42Haebich, For Their Own Good, p. 323.
43Mirror, 20/1/34.
44Haebich, Broken Circles, p. 333.
45WAPD, 190, 1933, pp. 749-58.
46Mirror 13/1/34, 3/2/34, 10/2/34 (wrestling matters); on 2/9/33 and 16/9/33 he was named as 'author' of two 'Books That Were Never Written': 'The Way of the Transgressor' and 'Day of Judgement'.
47Jacobs, Mister Neville, p.214; Haebich, For Their Own Good, p. 328.
48Jacobs, Mister Neville, p. 214. Haebich, For Their Own Good, p. 328, asserts his experience ran to Moora rather than Northam, but the West Australian, 24/1/34, lists Northam and Carnarvon but not Moora.
49West Australian, 24/1/34.
51This correspondence all appear in SRO ACC 1496 427/1933.
52West Australian, 8/9/33.
53Bolton and Mozley, op. cit., p. 152.
55Piesse to Premier, 9/9/33, SRO ACC 1496 427/1933.
56Piesse to Latham, 9/9/33, Latham to Premier, 16/9/33, SRO ACC 1496 427/1933.
57Hungerford to Willcock, 10/9/33, SRO ACC 1496 427/1933.
58Richardson to Premier, 11/9/33, SRO ACC 1496 427/1933.
59Johnston to Collier, 11/9/33, SRO ACC 1496 427/1933.
61Again, this correspondence appears in SRO ACC 1496 427/1933.
62West Australian, 4/10/33.
63Ibid., 28/10/33, 14/11/33.
64Victorian Aboriginal Group to Premier, 23/9/33, Anti-Slavery and Aborigines Protection Society to Premier, 8/12/33, SRO ACC 993 333/33 vol. 1.
65BCL to Premier, 30/11/33, SRO ACC 993 333/33 vol. 1.
66Sec Premier’s Dept to Premier, 23/2/34, SRO ACC 1496 427/1933.
67Men of Western Australia, Perth, V. H. Colless, 1937, plate 51.
68Sec Premier’s Dept to 'Whom It May Concern', 23/3/34, SRO ACC 1496 427/1933.
G. D. Snooks, Depression and Recovery in Western Australia, 1928-9-1938-9: A study in cyclical and structural change, Nedlands, University of Western Australia Press, 1974, p. 123.

Sec Premier’s Dept to Premier, 23/3/34, SRO ACC 1496 427/1933.

PS Commissioner to Sec Premier’s Dept, 21/2/34, SRO ACC 1496 427/1933.

Sec Premier’s Dept to Moseley, 22/2/34, Sec Premier’s Dept to P S Commissioner, 22/2/34, SRO ACC 1496 427/1933.

Biskup, op. cit., p. 58, Jacobs, Mister Neville, p. 215.

Haebich, For Their Own Good, p. 77.

Ibid.

Jacobs, Mister Neville, pp. 214-5.

Haebich, For Their Own Good, p. 337.


Government Gazette of Western Australia, 51, 2/9/1904.

the controversies over the various aspects of the ‘Heads of a Plan’ and the foundation of British settlement in Australia spring to mind in this context. See Ged Martin, ed., The Founding of Australia: the arguments about Australia's origins, Sydney, Hale & Iremonger, 1978.

Biskup, op. cit., p. 163, Haebich, For Their Own Good, p. 285.

See Haebich, For Their Own Good, chapter 9, for more on this demographic change.

Moseley Report, p. 3.

Jacobs, Mister Neville, p. 220.

Moseley Royal Commission evidence, SRO ACC 2922/1, para 1 (hereafter referred to as ‘MRC evidence, 1,...).

Ibid., 11.


MRC evidence, 1, 31.

Ibid., 1.

Ibid., 2.

Ibid., 3.


Ibid., 25.

This part of Neville’s evidence fills some 50 pages of transcript on its own.

MRC evidence, 1, 57.

Ibid., 1, 1.

Ibid.

Ibid., 55.

Ibid., 31.

Ibid., 65, 77.

Ibid., 60.

Ibid., 68.

Ibid., 60.

Jacobs, Mister Neville, p. 215.

MRC evidence, 1, 102.

Ibid., 615.

Ibid., 1786, Q. 616.

Ibid., 218.

Ibid., 712.
Evidence by Mrs Bennett', SRO ACC 993 333/33 vol. 2.

MRC evidence, 1, 1786 (Q608).

Ibid., 588; Haebich, Broken Circles, p. 330; Davidson, Women on the Warpath, p. 151.


MRC evidence, 1, 589.


MRC evidence, 1, 591.

MRC evidence, 1, 49.

Neville to Bates, 9/12/24, Neville Collection, Berndt Museum.

MRC evidence, 1, 590.

Ibid., 651.

Ibid., 665.

E.g. Haebich, For Their Own Good, p. 320 (although there misnamed 'Cecil' Bryan); Jacobs, Mister Neville, pp. 236-8; Biskup, op. cit., p. 188; Beresford and Omaji, op. cit., p. 42 (although there named 'H. C.' Bryan). The indecision over Bryan's name hints that he has sometimes been dealt with via secondary sources rather than in the archives, perhaps, but he has been mentioned in most accounts of the Commission. Similarly, Bennett is discussed at some length in Haebich, For Their Own Good, pp. 322-30; Haebich, Broken Circles, pp. 329-40; Biskup, op. cit., (in less detail), pp. 94-5, 132-3.

Jacobs, Mister Neville, p. 237.

MRC evidence, 1, 891.

Diary of Commission sittings, SRO ACC 987/1.

David Paul, "A Man of Many Parts": Cyril Phillips Bryan and Western Australian Aboriginal Affairs Policy in the 1930s, in Martin Crotty, John Germov, Grant Rodwell, eds, "A Race for a Place": Eugenics, Darwinism and Social Thought and Practice in Australia. Proceedings of the History & Sociology of Eugenics Conference, University of Newcastle, 27-28 April 2000, Callaghan, Faculty of Arts and Social Science, University of Newcastle, 2000, p. 93. Paul has mistaken comments Bryan made about language used to describe Aborigines for comments by Bryan about Aborigines (p. 95). Bryan made enough controversial statements without tarring him unnecessarily.


Paul, "A Man of Many Parts", p. 94.

West Australian, 22/7/33.

Ibid., 17/11/34.

Ibid.

Ibid., 16/3/35.

MRC evidence, I, 1015.

Ibid., 1018.

Ibid., 1015.

Ibid., 1016.

Ibid., 1019.

Ibid., 1023.

Ibid.

Ibid., 1031.

Ibid.


MRC evidence, I, 1031.

Ibid.

MRC evidence, 1, 1039


MRC evidence, 1, 1040.


MRC evidence, 1, 1031.


MRC evidence, 1, 1038.


*Ibid.*, 1049. The newspaper to which he refers remains somewhat elusive. Searches of the *West, Daily News, Mirror,* reveal no cartoons or jokes at all. The *Bulletin* presents as a possible candidate: it regularly featured at least one 'Aboriginal' cartoon per issue. These did depict Aborigines as having large feet and coarse features, and as being generally dim-witted, but they do not seem particularly extreme points in case. 'Modern' girls received similarly dismissive treatment, and appeared in about as many cartoons.

MRC evidence, 1, 1030.


Diary of Commission sittings, SRO ACC 987/1.

There is a hint that Palmer was no 'simple farmer'; a C. Palmer, ex-farmer from the Blackwood area became State President of the Liberal Party in later life (see *Leading Personalities of Western Australia*, Perth, Paterson Brokensha, 1950, p. 217.)

MRC evidence, 1, 1682.


*Sunday Times*, 25/3/34.

MRC evidence, 1, 266.


MRC evidence, 2, 226A.


*Ibid.*, 136. The transcript mentions 'Mendenism', which is likely a typographic error. 'Mendelism' seems the best replacement.


MRC evidence, 1, 987.


See evidence of Bateman, *Ibid.*, 130, Harris, 132, Raven, 175, *e.g.*

MRC evidence, 1, 1073.


MRC evidence, 1, 1073.


This Act has been described as one of three definitively eugenics pieces of legislation introduced into the Western Australian parliament. Moira Fitzpatrick, *Preventing the Unfit from Breeding: The Mental Deficiency Bill in Western Australia, 1929*, in Penelope Hetherington, ed., *Childhood and Society in Western Australia*, Nedlands, University of Western Australia Press, 1988, p.151.

MRC evidence, 1, 1098.


*Ibid.*, 2, 99


*Ibid.*, 1088


*Ibid.*, 1, 618.


MRC evidence, 1, 1645.


MRC evidence, 1, 1429.

It is hard to resist the thought that Mitchell as a male saw nothing wrong with the male domination that Bennett so loathed, although the matter is no doubt more complex.

MRC evidence, 1, 1427.


*Ibid.*, 22

Haebich, *For Their Own Good*, p. 328.


MRC evidence, 1, 298.


*WAPD*, 190, 1933, p. 647.

MRC evidence, 1, 1133-5

241
Ibid., 1156-8.
Haebich, For Their Own Good, pp. 273, 270.
MRC evidence, 1, 458.
Ibid., 478.
Jacobs, Mister Neville, p. 134.
Ibid., p. 186.
Ibid., pp. 186-7.
Ibid., p. 234.
MRC evidence, 1, 1428.
Ibid., 1434.
Ibid., 1538-44.
Ibid., 1544.
Ibid., 1786.
Ibid.
Ibid.
Ibid., Q515.
Daily News, 4/10/34, 3/12/34, 5/1/35.
SRO ACC 1496 427/33.
Ibid.
West Australian, 13/3/35.
Ibid., 14/3/35. The editorial declared that, at 92 pages, the Report was the 'largest document ever prepared on the subject in the State'. As published in the WAV&P, the Report only comes to 24 pages of text and four pages of photographs. Whether the comment on 92 pages is a typo or refers to another version of the Report is unclear.
Ibid.
Moseley Report, p. 3.
MRC evidence, 1, 907.
Moseley Report, p. 22.
Ibid., p. 6.
Capt. Sir G. H. Wilkins, Undiscovered Australia, being an account of an expedition to tropical Australia to collect specimens of the rarer native fauna for the British Museum, 1923-1925, 2nd Impression, London, Ernest Benn Limited, 1928.
Ibid., p. 10.
Ibid.; Wilkins, Undiscovered Australia, pp. 122-3.
Wilkins, Ibid., is inconsistent on these matters: the Islanders were forced into a sort of agriculture by the scarcity of familiar foods, he says, while the mainlanders failed to make a similar step for the same reason.
Bleakley, 'Can Our Aborigines be Preserved', p. 74.
Biskup, op. cit., p. 188.
Moseley Report, pp. 5-6.
MRC evidence, 1, 1035.
West Australian, 23/3/34. Reports of evidence from the Commission were a staple of the paper throughout its sittings. Paul Hasluck notably travelled with Moseley, and reported from the northern parts of the state (Haebich, Broken Circles, p. 234).
Ibid.
Ibid.
Ibid., p. 4.
Ibid., p. 6.
Ibid., p. 4.
Ibid., p. 17.
285 Ibid., p. 15.
286 Ibid., p. 24.
287 Ibid., p. 9.
Chapter 4

Moseley’s recommendations.

The last chapter focused on the deliberations at the Moseley Royal Commission. In this chapter we shall discuss the recommendations made in his Report. Moseley declared that he had ‘endeavoured to find some practical solution to some of the problems as they appeared to me’\(^1\) and, as Bolton suggests, he felt most confident with legislative and administrative tools.\(^2\) Thus, he made twenty-six general ‘Recommendations’ with eleven legislative moves necessary for their implementation.\(^3\)

Moseley’s recommendations were based upon many common assumptions of the time. He agreed that ‘the great problem confronting the community today is that of the half-caste.’ The solution to this problem was made easier ‘by reason of the fact that [the half-castes] are not scattered to any very great extent over the State, but are to be found chiefly in the Southern portion’,\(^4\) the few half-castes to be found in the north of the state could be dealt with separately.\(^5\) For the Aborigines in the north, life on pastoral stations created conditions that ‘as nearly as possible, approach their natural life’.\(^6\) Moseley warned that ‘any
scheme for bringing them under our code of civilisation will react to their disadvantage.\textsuperscript{17} Kimberley Aborigines were not paid for their work, and this was ‘of no great disadvantage to the native: he has not acquired, and I doubt if (generally speaking) he ever will acquire, any real sense of property’.\textsuperscript{8} Having split the ‘problem’ into pairs of overlapping segments – south and north, half-caste and full-blood – Moseley then made his recommendations.

\textbf{Administration of the Department}

The first recommendation\textsuperscript{9} Moseley made was the central plank of the reforms he envisioned. Rather then a change in law or action, Moseley thought the most important alteration would be to Departmental structure. Western Australia was ‘too large to enable native problems to be dealt with satisfactorily’ by a single Chief Protector based in Perth. The only solution was the introduction of Divisional Protectors, each solely devoted to their own area, one responsible for the Kimberleys and North-West, the other for the more southern parts.\textsuperscript{10} The Divisional Protectors would be responsible to a Minister, and a permanent secretary would be appointed to manage the ‘accounts and records’ from Perth.\textsuperscript{11} While he was not critical of Department personnel, and admitted that there was a ‘continuing unsatisfactory state of finance’ which limited the Department,\textsuperscript{12} the change was vital: ‘without Divisional control, the administration will never prove successful’.\textsuperscript{13}
Not surprisingly, Neville was unimpressed by this (and some other) recommendations. In a fifteen page commentary prepared for Kitson, Neville took the Commissioner to task. (Neville’s public profile was such that a fundamentally unchanged version of this document appeared in the *West Australian* of Saturday March 16.)\(^\text{14}\) He began in familiar style: ‘the views expressed by [the] Royal Commissioner so nearly approach my own as generally tendered in evidence before him that so far as its general tenor is concerned it would seem superfluous on my part to traverse the entire report.’\(^\text{15}\) Having thus claimed the majority of the Report as in some way his own, he felt free to take to those aspects where Moseley had disagreed with him.

Of Divisional separation, he wrote that while the idea was ‘and must be regarded as a matter of policy to be discussed by me in an entirely impersonal sense, having been requested to do so I desire to point out what I consider to be weaknesses in the proposal.’\(^\text{16}\) These criticisms were well rehearsed: the plan would not improve matters; so-called Divisional Protectors should be responsible to the Chief Protector; it would cost too much in money and extra staff. Further, and we can imagine that this really stuck in Neville’s craw, the state had already experimented with two separate administrations for Aboriginal affairs. Of this, Neville was ‘bound to confess that in many respects it was not a success.’\(^\text{17}\) Aboriginal administration had been split between 1920 and 1926, with the Department for the North-West controlling matters in that part of the state (with Neville in charge) while the Department of Fisheries controlled Aboriginal affairs elsewhere. During this division, the Carrolup settlement was closed without any reference to Neville as Chief Protector.\(^\text{18}\) Personally, Neville
lost prestige with the reunification of the Department – he had been Departmental Secretary for the North-West but became again the head of a sub-Ministry in Aborigines – and much damage had been done to administrative practices during the split.\textsuperscript{19} Having worked so hard to rebuild the department, and to reclaim whatever power and prestige he could, he was unlikely to enthuse over new plans to tear his empire apart. The \textit{West Australian} provided some support for Neville in this issue. Two days before Neville’s own comments appeared, an editorial stated that it was ‘difficult to see how a co-ordinated and continuous policy, or even a smooth working arrangement could be carried out with what would virtually be three Chief Protectors running their own affairs like so many separate departments of State.’\textsuperscript{20}

Having dismissed Moseley’s Divisional recommendation, Neville then reminded the Minister of his own plan, which he had so volubly explained at the Commission hearings. The department should be re-made as the Department of Native Affairs, his own post should be renamed the Commissioner of Native Affairs, ‘and there should be District Commissioners and so on, as in Native Administrations in other parts of the empire.’\textsuperscript{21} The removal of the word ‘Aborigines’ ‘would have an excellent psychological effect upon the people’, who ‘often strongly object to being classed as “aborigines”.’\textsuperscript{22}

The second recommendation made in the Moseley Report was not as dramatic in its re-conception of the administration of Aboriginal affairs, perhaps, but Moseley held it to be the baseline of effectiveness for his Report. In short form it called for ‘Reduction in number of honorary protectors and abolition of police
protectors.23 Moseley accepted that some honorary protectors would remain necessary, but added that the new Divisional reforms would greatly reduce their numbers. Police protectors, however, had to go. This was, and his logic is unassailable, because ‘when called upon to take police action against a native, a constable cannot satisfactorily at the same time act as his Protector. It must necessarily occur that the constable will be confronted with two conflicting sets of instruction’.24 So important was this change in Moseley’s mind that ‘[i]f the present system is to be continued, then this report may I think be regarded as valueless’.25 In this case, Neville gave Moseley qualified support: ‘It is inevitable that we should have Police as Protectors, though my views are somewhat synonymous with those of the Commissioner’.26 The West Australian also hoped that the ‘reliance on police as protectors will be discontinued.’27

The matter of protectors had always been vexed. The Roth Commission of 1904 had recommended that an honorarium be paid, but this had never occurred.28 From the late 1920s, Neville had become unsure of the suitability of police in the protector role. Although nominally representatives of both Aborigines and Police Departments, the officers involved increasingly reported through their Police superiors rather than directly to Neville, which he felt threatened the operation of his department. According to Jacobs, thereafter he privately distrusted the system, but financial realities ensured its survival, and his public utterances were normally muted on the subject.29 At the Moseley Commission he was clear in his dislike for the system: ‘[i]n principle there is no doubt about it, the thing is wrong...I think the system is unfair to the police and unfair to the blacks and to the whites, particularly in the North.’ Indeed, as he often did at the
Commission, he spoke at length about the weaknesses that he saw in the practice. It would be difficult to change matters, however, even had Moseley’s changes been introduced, for in his evidence Neville told Moseley that 53 of the 103 protectors across the state were police officers. Nor did things change; the year after the new Act was passed, another 26 police were made protectors in the south-west alone.

These first two recommendations made by Moseley are perhaps best seen as his ‘perfect world’ wish list. Both would require increased expenditure, great effort, and interest from the administration and the government. Given the historical realities of the interest in Aboriginal affairs in Western Australia, especially when added to the institutional and personal aversion to change apparent in the department, it is not difficult to guess the outcome of such a scenario. It is easier in such circumstances, perhaps, to forgive Moseley (if such be necessary) for what Biskup called the ‘remarkably pragmatic’ nature of the majority of his Report. The rest of his recommendations were simple and practical. Of course, simple does not mean easy or unproblematic, but generally they were extensions of existing practice or thought rather than radical innovations, with perhaps one exception.

Reserves and medical matters

The remaining 24 recommendations in the Moseley Report generally called for increased surveillance and control of Aborigines. Numbers three and four called
for new reserves to be named and for all reserves to be ‘permanent reserves exclusively for aborigines.’\textsuperscript{34} There had been much comment made over the years about the permeability of reserve boundaries, and of the difficulty in making them permanent and unchanging. Appearing before the Commission, for instance, Neville provided an unusual perspective on things. While perhaps believing that permanence was important, he was enough of a realist to know that incursions would occur, especially if the reserves became economically significant. The great central native reserve, which bordered South Australia, promised gold, and no regulations would keep gold-hunters away, especially after the hard years of the Depression. A new tack would be necessary: ‘Rather than forbid people to enter upon a reserve it is possible that natives could be excluded from entering what was originally intended to be their own reserve.’\textsuperscript{35} We can only wonder exactly whose interests were being preserved in this instance. At the Commission, WCTU representative Jessie Reid had called for more adequate reserves.\textsuperscript{36} Morley also tried to convince the Commissioner that reserves needed to be ‘kept for the natives for all time.’\textsuperscript{37}

The idea had been aired well before the 1934 Commission. At the Australasian Association for the Advancement of Science meeting held in Perth in 1926, Frederic Wood Jones concluded in his Presidential Address to the Anthropology Section that to ‘pay our debt to the aborigines we must see that the Governments of Australia be induced to create and organize proper reserves where he may continue to lead his own life and carry on his traditions.’\textsuperscript{38} Moseley obviously agreed with the sentiment, although he did not specify any legislative moves in the matter, or any other way of ensuring the permanence of such reserves.
Recommendations five to eleven of the Moseley Report all dealt with matters medical, especially the inspection and treatment of leprosy. As we have seen, the reality of leprosy and more importantly the fear of the disease had played a large part in the creation of the Commission and the evidence presented before it.  

Neville had given evidence about Cook’s report on leprosy and venereal diseases in the north. There was a great need for scientific investigation of the problem, if only to refute the misunderstandings and folklore at large.

Moseley heard a range of evidence on the matter of leprosy. Cyril Bryan, who had been trained in tropical medicine, was appalled by the treatment of leprosy sufferers in the state. The disease, he told the Commission, is not the loathsome thing that people have been led to understand. It will become loathsome, like many other diseases, if it is neglected. It is rubbish to talk of a disease which causes fingers to drop off and so forth...I am horrified to learn that lepers in this State are locked up. That is not so in India and elsewhere nowadays...The worst thing to do is to segregate lepers in the early stages. That only frightens others from reporting it in the early stages.

There were two types of the disease, and the most common was not contagious, he added. The disease could only be contracted via contact with a sufferer. He mentioned neither housing nor nostrils. Further, he added that ‘in the early days segregation is useless [and in] the latter stages the disease cannot be contracted.’ Coverly disagreed with these contentions, of course. Holding to the ground he had prepared in the Assembly in the previous year, he told Moseley that the ‘disease is fast killing out the race.’ And he repeated the point: ‘Events have proved that leprosy is gaining ground considerably in the Kimberley’, and very little progress was being made to defeat it.
The most comprehensive evidence given on medical matters came from V. H. Walker, District Medical Officer and Resident Magistrate at Wyndham. These qualifications should have made him exactly the kind of person Coverley would have listened to: he was one of the medical practitioners to whom he referred in parliament. Perhaps his recent tenure – only four years in the region – made him too much of a ‘new chum’ for Coverley’s liking. Whatever the reason, his evidence would not have endeared him to Coverley. ‘Apart from venereal disease,’ he told Moseley, ‘I know of no serious health problems among the aboriginal population.’ That said, V.D. was serious: in the only bacteriological tests conducted, 36% of aboriginal women had gonorrhea. He was convinced that the disease was common among the white population in the region as well, and that ‘the source of the infection is practically always aboriginal women for the excellent reason that there are no others.’ He also spoke of the level of contact between black and white in his area, and of its consequences:

To say that the majority of the men in this country habitually live with native women, and to say that the majority of men in this country are infected or have been infected with venereal disease may seem fantastic, but these are statements which anybody who knows anything about the country will admit are quite true.45

Nobody else knew anything about the country, apparently, because no one else admitted anything of the kind.

In the end Moseley recommended a complete examination for leprosy and venereal disease amongst Aborigines in the north and north-west, as well as compulsory treatment, a new lepersarium somewhere off-shore or isolated, making medical treatment available for Aborigines at all hospitals, and the
establishment of a new clinic at the Moola Bulla station. Again, no legislative remedies were sought. Recommendations twelve and thirteen called for the upgrading of training at the government-controlled stations of Moola Bulla and Munja.

Half-castes in Broome

Recommendation number fourteen called for the ‘organisation of employment of half-caste youths in Broome in the pearling industry’ and marks the first appearance in Moseley’s collection of the term ‘half-caste’. It was also the first that realistically would have affected half-castes in any numbers. More than anything, the recommendation calls to mind the Roth Royal Commission, and reminds us how slowly events moved in Aboriginal affairs. As we have seen, the Roth Commission explicitly focused on this issue; it speaks volumes that three decades later such an open-ended recommendation could still be seen as adding anything of value to the matter.

The situation in Broome offers a neat example both of the ‘problem’ and the problem of finding its solution. Moseley wrote that the town presented ‘peculiar difficulties’. One such difficulty came from the contact between natives and Asiatics, ‘who in some number are always to be found in the town’. In part the problem arose from the associations between these Asiatics and half-caste women, which enabled many of the latter ‘to live a life of ease, if not of virtue.’ This is as we would expect: the commingling of ‘Asiatics’ and natives was a
constant cause of concern in the period. The other matter in Broome was also of a piece with the prevailing attitudes, but its construction highlights the thinking on these matters:

I have already said that some of the half-castes of Broome lead decent lives. They may well be left where they are. The others in my opinion should be kept out of town, only allowed in on permit and the greatest supervision exercised over their reserve to prevent contact with white men and, of course, Asiatics.  

Moseley made a distinction based on behaviour, but then compounded it with segregation; and in so doing seems to have made the split permanent. How anybody could graduate from the excluded, rigorously guarded and supervised group living in reserves to the group who lived 'decently' is almost beyond imagination. But the young half-caste men needed to work, and the pearling luggers were the obvious place. Pearling had been part of the distant north since the 1860s, and Asians had been involved since the beginning. By the turn of the century, Broome was the centre of the industry, and Aborigines were so regularly working in the industry that Roth recommended fixing the wages of those working on luggers.

On the topic of half-caste employment, however, Moseley again prevaricated: he did not want to limit the chances of employment by making absolute the notion that only white-mastered boats could employ natives, but neither did he wish to 'alter the existing legislation to enable Asiatics to obtain permits to employ.' Rather, he would leave the matter to the administrative capabilities and local knowledge of his Divisional Protector. Of course, this skirted the issue, and leaving such matters in administrative hands might cause more
trouble than it would solve. But it did have the advantage, perhaps, of keeping the administrators onside. As Rowley has noted, ‘[w]here there is a special branch of government involved, there will be a tendency for it to magnify its tasks.’ A corollary might be that proposing increased powers and tasks might endear the proposer to that branch of government.

Rations, camps, and settlements

The next group of recommendations dealt with native camps, settlements, and rationing depots. These last were to be only for ‘natives not employable’, and a new depot was called for at Karonie on the Trans-Line. Next, Moseley called for the improvement of existing native settlements, and the creation of new ones in the southern districts ‘for care, education and training of coloured children now in camps near Great Southern Railway towns.’ The ‘not employable’ qualification was almost redundant in most instances. The very fact of being an Aborigine near Karonie in the far east of the state must almost automatically have made an individual unemployable. When the depot was founded, the only individuals employed in the area were the depot manager and his wife, plus a white woodcutter, working for the railway. The woodcutter had no permit to employ Aborigines, and indeed his actions in actually employing a few Aborigines saw him threatened with legal action by a visiting inspector. So employment was always difficult. That said, Neville was hard on the matter. During a bad season at Karonie, when the Depot manager wrote that there was no work available, Neville replied that he saw ‘no reason why we should feed
able-bodied natives who should be living in their own districts'.\textsuperscript{55} As we saw in Chapter 2, it seems that Neville, and perhaps Moseley before him, thought that 'able-bodied' was the same thing as 'employable', and that being employable meant one would be employed (or at least find ways of sustaining oneself).

The broader issue of Aborigines on the railway lines had long been contentious, and, as we saw in Chapter 2, would continue to exercise administrators and politicians. In 1929 the matter had been raised in Estimates debates in the Assembly. E. H. Angelo (Indian-born, Tasmanian and Perth educated,\textsuperscript{56} and representing the Gascoyne) spoke of the 'uncomplimentary remarks' tourists from abroad had made about the presence of such people, and added that it was 'not a credit to the State, or a good advertisement for the State; neither is it beneficial to the natives themselves.' It would be better for all concerned, he said, if 'they could be collected and put into a home', thus 'removing an eyesore to the travelling public'.\textsuperscript{57} A year later, Latham, as acting Premier, wrote to the Prime Minister that the habit of 'aborigines frequenting the Railway Stations on the Trans Australia Line' was 'undoubtedly undesirable'.\textsuperscript{58} In the debate that led to the Moseley Commission, Neville's request for a new depot on the Great Southern Railway was mentioned.\textsuperscript{59} Latham, however, stated then that he believed Aborigines on the Trans-Line earned more than white workers there, from the sale of artefacts.\textsuperscript{60} During the Commission, Bessie Rischbieth, President of the Australian Federation of Women Voters, stated that the group 'strongly urge[d] that all aborigines be removed from the trans-Australian railway.'\textsuperscript{61}
Karonie was not the only new depot or reserve on Moseley’s list. The re-opening of the Carrolup settlement, or the creation of at least one similar settlement, was also a high priority. In 1930 the Government had decided to resume land at Carrolup, but local white resistance weakened the move, and a year later lack of finance killed it off. Neville had told Moseley that another settlement was needed at Tone River, in the state’s south-west. In his comments to Kitson, Neville went further:

That additional settlements are necessary in the South-West is the conclusion reached long ago by the Department, and I can see no better and cheaper plan than the re-acquisition of the original Carrolup property although the Commissioner does not altogether favour this. I do not regard his views as conclusive, especially as every argument for and against has already been carefully examined by the Department. We must have settlements, and surely the Department which has considered the matters for years is in the best position to say were they should be.

It never occurred to Neville that long consideration did not necessarily make for the best decisions. If such was the case, of course, there would be little need for Royal Commissions. And as we have repeatedly seen, it was unlikely that Neville would consider anyone’s views as conclusive unless they concurred with his own.

As well as new settlements of the existing kind, Moseley desired the creation of ‘an island settlement for delinquent natives’. In the body of the Report he wrote that several times one question had arisen:

the question of dealing with the types of native who exercises a bad influence over the others. He is a difficult problem. He belongs really nowhere; he is a nomad, a loafer and often criminally inclined. A term of imprisonment has no good effect on him. There should undoubtedly be a settlement for these people corresponding to Palm Island in Queensland. There are many islands off the coast of this State to enable a selection to be made without difficulty.
The qualities attributed by Moseley to these ‘trouble makers’ are remarkably similar to the general descriptions of full-bloods and half-castes made by many in evidence at the Commission. Nomadism was one of the core qualities of traditional Aboriginal life, and was often referred to as an ‘instinctive’ trait that Aborigines were powerless to control; ‘loafing’ was also seen by many witnesses (and many others in society) as an equally central behavioural trait of all Aborigines. The passage also borrowed heavily from Neville’s evidence. He had spoken of the need for a Palm Island-style institution, ‘for delinquent and criminally-minded, chronically diseased natives’. Interestingly, he seems to have been at least as concerned with those who refused medical treatment as with any other form of delinquency. The actual nature of the Palm Island reserve was never investigated at the Commission, but it warrants some discussion. Created in 1918 after the destruction of another facility by cyclone, it was conceived with the impossibility of escape in mind. It became the reserve of first call for any ‘refractory’ Aborigines, and at times more individuals were sent there than to all other Queensland institutions combined. Eventually, satellite reserves on other islands were created to cope with the worst of those sentenced to Palm Island.

The last recommendation in this group called for: ‘Addition of area adjoining Moore River Native Settlement (if suitable land) to make settlement more self-supporting and more appropriate for the training of half-castes; otherwise the location to be changed.’ Moseley had already released a damning interim report on Moore River on April 19 1934, and he added in his final Report that,
without the addition of new lands, he could 'see no hope of success' for the settlement.\textsuperscript{70} Conditions there were Dickensian: the 'dormitories are vermin ridden to an extent which I suspect makes eradication impossible', and the facilities in general were insufficient at best.\textsuperscript{71} Neville tried to put the best gloss on things in his comments to the Minister, and Sir Humphrey himself would be proud of his efforts: 'The Commissioner's somewhat severe criticism of the conditions he found at Moore River Native Settlement were no doubt at the time in many respects not undeserved.'\textsuperscript{72} Neville then adopted familiar tactics. These problems were temporary and were already 'well known to the Department'. Further, they were merely financial, and, in any case, had been alleviated since Moseley made his interim report.\textsuperscript{73} This last aspect is a remarkable attempt to salvage the situation: Moseley's remarks were unnecessary because, since he had made them, the government had released an extra £500, and the Lotteries Commission had also stumped up some cash. Regarding the rest of the Commissioner's comments on Moore River, in Neville's opinion it generally came down to inadequate funding.\textsuperscript{74}

**Native courts**

Recommendation 22 was the first novel idea introduced by Moseley, and even then it had a long history as a proposal. He called for 'Establishment of special Courts for trial of certain natives.'\textsuperscript{75} Moseley's terms of reference had
demanded that the ‘trial of aboriginal offenders’ be part of his focus, so it is no surprise that he made a recommendation upon it. Neville had given evidence on the subject: ‘In every dependency or country where there are natives and in some of the Australian States, special courts have been established to deal with native tribal cases. We propose that special courts shall be established in Western Australia for a similar purpose.’ He then informed the Commissioner that he had raised the matter at the 1927 Royal Commission on the Constitution: ‘I was the first to make that suggestion in the interests of the aborigines.’

Certainly, in 1932 the Daily News reported that he supported native courts for tribal offences. Normal courts would deal with crimes against ‘British’ law, however. The time had ‘long since passed’, Neville told Moseley, when tribal crimes should be dealt with via such a court. Further positive outcomes from such a scheme would be that it would save money (which could never hurt an administrator’s argument) and ‘enable the natives to have a hand in the administration of justice, which I consider very necessary.’ So confident was he that he felt ‘sure that after a very few years the effect of the establishment of native courts would be the complete cessation of the vendetta system that prevails among the natives.’

There was support for the idea across a wide range of witnesses. Canning, when not regaling Moseley with tales of chaining natives, stated that another form of trying natives was necessary, perhaps ‘a differently constituted tribunal’. This was necessary because there was ‘a lot of killing done in accordance with their tribal laws and which they do not regard as wrong.’ Similarly, Coverley held that ‘tribal law for tribal offences should suffice.’ Vallance also thought that
inter- and intra-tribal affairs should be dealt with by native courts. Withnell gave a concise and considered version of the case:

English laws have done much for the civilised natives during the last century, with the result that they begin to know what they may and may not do. But where their tribal customs come into contact with our laws, especially regarding marriage by betrothal, then every consideration should be given to them. The trial would be much better by a tribunal than by a jury, because men on the bench would give much thought and study and consideration before giving judgement in such cases.

Moseley wrote that the

matter has recently been the cause of a good deal of comment, the system of bringing all aboriginal offenders before our ordinary Courts of Justice, no matter the nature of the charge, has been the subject of judicial criticism for many years; but the system has continued.

His own experience as a Police Magistrate would likely have given him experience of this. He did not expect that all Aborigines would be have access to the proposed new courts, however. There were many, he wrote, ‘who have been born and brought up in civilised communities who have little of the tribal instinct in them’, and such people should remain within white jurisdiction.

There was, however,

another class of native against whom our laws would seem to operate unfairly – the bush native who commits what under our law would be a crime, but which is perfectly in order according to his tribal customs. In such a case, the whole procedure, from the moment of arrest, seems inappropriate.

Such people did not grasp the white law, and a new system was needed. This new tribunal would be ‘one that will really enable the native to understand what is going on and the proceedings of which can be listened to and understood by others of the tribe.’ These liberal and humanitarian intentions remind us how
truly inappropriate was the legal mechanism that dealt with Aborigines: the idea of introducing a system that could literally be understood by its participants was daring and new.

This juridical humanitarianism was far from all-encompassing, however. A ‘summary’ form of punishment would also be necessary, according to Moseley, because imprisonment ‘acts neither as a punishment nor as a deterrent.’ This was another commonplace of the time, and we have already seen similar comments made before the Commission. Moseley thought that whipping, when ‘carried out without undue severity in the presence of as many of the tribe as possible, would be more appropriate to the natives than a term in prison.’

In general terms, Neville agreed with Moseley on the issue of native courts. However, he had taken the opportunity while giving evidence to cast a little doubt over the ‘fine northern pioneers’ of the state, and added a realist’s reason for the proposed new legal system:

I am quite satisfied that a jury in the North will not convict a white man for an offence on a black, particularly in the Kimberleys. In the Kimberleys they boast about it...there are not enough jurors in the North to constitute a panel which will be entirely unbiased...I am quite satisfied that we shall never get justice for the blacks so long as such cases are heard in the North.

If the Chief Protector and Commissioner agreed about the need for a new native court, however, they differed over its constitution. Moseley dismissed Neville’s proposal, while acknowledging that the matter was not simple:

The form the tribunal should take requires consideration: I am not favourably inclined towards a court as suggested by the Chief Protector, the personnel being in my opinion too cumbersome for
effective work. The proposal was that the court should comprise a resident magistrate (as chairman), the Chief Protector, or his nominee, some person to be nominated by the Minister, and the head man of the tribe to which the accused belonged.\textsuperscript{91}

Rowley has noted that the idea of a ‘head man’ indicated ‘how far out of touch’ its proponent was with Aboriginal life, while at least indicating some sympathy to the idea of an ‘Aboriginal assessor’ for Aboriginal cases. (This is also a rare example of Rowley getting it wrong: he has Moseley making the proposal, rather than merely commenting on it.)\textsuperscript{92} This suggestion was one of the few that Moseley backed with a legislative corrective. On the matter of personnel, Moseley’s proposal merely ran: ‘That the court be constituted of some person to be appointed by the Governor who has a knowledge of native lore and custom.’\textsuperscript{93} Rowley’s confusion likely came through mistaking Moseley’s ideas for the those found in the \textit{Aborigines Act Amending Act}, which became the \textit{Native Administration Act}, and which is the focus of the next chapter.

Neville wrote (as by now we should expect) that there was ‘little divergence of view between the Commissioner and myself’ about native courts, even though they disagreed over their composition. Neville’s ‘main object’ had been, he said, ‘to permit of native representation, and I have since been strengthened in that view by learning that in Queensland the authorities go to far greater lengths in that direction than we have even contemplated’. (As we have seen, however, Bleakley’s 1937 comments suggest that Neville was mistaken in this.) So, even though his self-proclaimed main object had been thwarted, he was glad that Moseley agreed with him over the ‘undesirability of obtaining admissions of guilt from natives before trial’.\textsuperscript{94}
Missions, and more accommodation

In some of his final recommendations, Moseley came to the subject of missions. He called for Sunday Island, Mt Margaret, and Gnowangerup missions to be moved.\textsuperscript{95} In the body of his report he noted that the subject was ‘already very controversial’, and that he hoped to add nothing to this level of controversy. He wondered about the practice of introducing Christianity holus-bolus to Aborigines with no previous knowledge of Western society, and thought that more practical instruction might serve the cause better.\textsuperscript{96} It was here that Moseley cited Sir Hubert Wilkins. On the strength of Wilkins’ edited evidence, Moseley accepted that missions were ‘well worth having’, even if they were always lacking in funds. He was, however, unconvinced that the teaching of Christian ‘brotherhood’ was the best way forward: ‘The danger of adopting that principle with the natives is that by familiarity he will be spoilt.’\textsuperscript{97}

Given his land-holding connections, it is no shock that Moseley was ‘inclined to discount’ statements concerning slavery made by missionaries. The surprise is that he also discounted ‘many of the statements made both by this [Mt Margaret] missionary and by his neighbours, the pastoralists.’ Beyond noting that the rivalry between the two parties made their evidence less than convincing, his main concern was the lack of land to make the mission worthwhile – as it was, the natives received rations without having to work.\textsuperscript{98} Sunday Island had the same shortcomings, although it might prove a successful
site for a leprosarium. The Gnowangerup position was similar: poor land, too close to the rubbish dump, and not fit for a mission.⁹⁹

Concluding his discussion on missions, Moseley reminded the missionaries that their task ran beyond education and removing natives from the ‘influence of undesirable whites’. Missions must keep in mind ‘the necessity always of making the native a useful person.’ Further, they would do well to ‘remember that a Christian outlook (if such a thing may with reason be anticipated) will not of itself fit the native for the life to which missionaries say he is entitled.’¹⁰⁰ This configuration of the abilities of Aborigines conforms with much we have already seen. Moseley seems to have wondered if Aborigines had the capability of achieving a ‘Christian’ outlook on life. Beyond the religious specifics, however, the utilitarian view of life dominated. It was not just that life had to be useful, but also that the lives of Aborigines had to be altered, in order to be made useful.

Neville made no comment upon missions in his note to Kitson, but his views were well known. In his evidence to the Commission he had stated that they ‘should be subject to departmental supervision’ and have licences, revocable by the Minister.¹⁰¹ Neville also raised the matter of religious content in the various missions. In a revolutionary and almost certainly unconstitutional line of argument, he told Moseley that the ‘multiplicity of denominations confuse the religious issue in the mind of the natives. There are seven or eight denominations doing missionary work here and the position might be improved by adopting a standard method of imparting the tenets of Christian faith as
approved by the State, and using that standard throughout.\textsuperscript{102} If Neville thought he had a hard time getting his own way controlling Aborigines, we can only add that he was lucky he never seriously attempted this theological homogenisation of the different Christian denominations.

The other recommendations in this sequence, numbers twenty-three and twenty-four, dealt with increasing finance. Moseley wanted more land made available to the Girls’ Home in East Perth, so that more accommodation could be supplied; similarly, he called for increased funding for Sister Kate’s Home for quarter-caste children in Queen’s Park. These fit with the general picture of Moseley attempting to induce the government to pay more attention to the ‘problem’. Regarding Sister Kate’s Home, the Queen’s Park institution had only opened in June 1934, and by April the following year housed twenty-seven children.\textsuperscript{103} It is worth noting that apart from the half-castes in Broome, the only other mention of ‘blood’ fractions comes in the reference to these quarter-castes under the care of Sister Kate.

\textbf{Permits and the Medical Fund}

The final two recommendations in the Moseley Report are linked, and deal broadly with the employment and treatment of Aborigines, specifically those in the northern parts of the state. Number twenty-five calls for ‘Further particulars to be contained in permits to employ natives.’\textsuperscript{104} The Aborigines Act of 1905, after the work of the Roth Commission, had introduced the permit system of
Aboriginal employment. Pastoral employers were granted (and rarely refused) permits to employ Aborigines, either singly or en masse, with the details at the local Protector's discretion. After 1930, when the Depression hit departmental expenditure, there had been no inspection of pastoral employment conditions. Perhaps a re-think was necessary, but as Biskup notes, Moseley merely sought better information about who was employed. Moseley contended, and quite rightly, that the 'interests of a native under employment cannot be properly guarded unless the identity of the native is known to the Department.' He did have more in mind than just increased surveillance of Aborigines, although that would be one consequence of his proposal.

An employer who had been granted a permit was required to provide 'substantial, good and sufficient rations, clothing and blankets, and also medicines and medical attendance where practicable and necessary.' It was on medical matters that Moseley made perhaps his only radical proposal, and even then he was following precedent from another jurisdiction. He wrote that arguments about the treatment of Aboriginal workers had created 'confusion, and voluminous correspondence' that his interviews had not been able to clarify. It was necessary, therefore, to make 'a clear definition of the employer's obligation', which would work to ameliorate the antagonism between employers and the department. The means to this end was to be a Medical Fund, whereby permit holders would pay a certain fee per employee, as a kind of specific insurance fund. The idea came from the Northern Territory, whose Chief Protector, Dr Cook, had assured Moseley of its suitability and practicality.
Neville informed his minister that the idea was his,113 and indeed he had called for such a thing in his evidence at the Commission. Or, at least, he had informed Moseley that he had recently called for such a fund.114 He then outlined his current preferred option. Aborigines were workers 'within the meaning of the Compensation Act', although they would not be recompensed to the same levels as white workers. His thinking on the matter in 1934 was that he preferred 'the Queensland system. It is that natives all being workers under the Workers' Compensation Act, the Chief Protector acts as their agent and any compensation payable is paid to him for the benefit of the natives'.115 In the note to Kitson, Neville stated that he introduced the idea of the Fund so that 'the existing position might be terminated'. He then gave a potted history of the matter, which had arisen largely because it is apparently not considered that natives should enjoy the same privileges as the rest of the community in this connection. Years ago when the matter was covered only by the permit issued by the Department, we experienced little difficulty in inducing employers to fully meet their obligations, indeed they often did more than was strictly required. A change, however, came about when the Workers' Compensation Act was amended in 1924, and it was ruled that natives were deemed to be workers within the meaning of that Act, and later the depression accentuated the position...not that I believe for a moment that the Act was ever intended to apply to aborigines, who by some oversight were evidently not considered in its framing...The establishment of a fund will clarify the position, but the time, I think, will come when natives will demand the fuller rights of whites in these respects.116

Thus Neville believed that it was an oversight that Aborigines had not been excluded from the Workers' Compensation Act. We shall see in the next chapter that the place of Aborigines within that Act had exercised the parliament in 1929, and it obviously continued to pose problems. Neville realised that
eventually they would have to be accepted within the broader compensation regime, which shows a sense of hope in the future for certain kinds of Aborigine, but he was equally certain that their acceptance in 1935 was outside the spirit of the Act.

Having stated in his introduction that the main aspect of the 'problem' resided in the part-Aboriginal population of the south, we can but wonder why the majority of Moseley's recommendations concerned those Aborigines living in the northern or distant parts of the state, where the numbers of Aborigines of 'part’ descent were much lower than in the south. One answer to this conundrum lies in the focus of those recommendations: in the main they dealt with the administrative side of affairs, with what ought to be done. On the other hand, the most important aspect concerning part-Aborigines in the south, perhaps, was not so much what would be done, but to whom it could be done. And this came down to the breadth of definition within the Act, which of course rested in legislative amendment.

**Moseley's legislative suggestions**

Moseley suggested eleven alterations to the *Aborigines Act* 'in order to give effect to the recommendations of this report', which went beyond those in the new Act as presented to him in evidence. As Neville wrote to Kitson, Moseley apparently accepted the rest of the provisions in the draft Act. The suggested amendments were numerically dominated by matters concerning the
outlying parts of Western Australia, as the case had been with his general suggestions. These dealt with specific matters, however, and their import was limited. One suggested amendment alone had the greatest potential effect, and it dealt with definitional matters. This is the real support to Moseley's contention that the people of part descent posed the greatest problem for the state.

**Administration**

As with his more general recommendations, Moseley started on his amendments with what he saw as the central issue. His first suggested amendment concerned the restructuring of the department, with his divisional structure to replace the centralised situation within the Act.\(^{119}\) In his comments, Neville held fire on this, although he went on to dismiss it when he dealt with the administration of the department. The second amendment followed logically from the first, and from his general comments, and called for the appointment of a permanent secretary to the department. This position would be the chief accounting and record-keeping arm of the department.\(^{120}\) It is easy to think that Moseley was offering this as some sort of sop to Neville; he might lose his position of complete control, but he could be moved up the Public Service ladder as recompense. Also, he would be charged with keeping his beloved files up to date. Again, Neville made no specific comment.
Definition and control of ‘half-castes’

Moseley’s next amendment is the most important in general terms, for it would probably have affected more people than the rest combined. It dealt with the issue of definition. He wished to alter s.2 of the parent Act so that the definitions therein would ‘include persons of aboriginal origin in a remote degree’ \(^{121}\). This was the central administrative issue that weighed on Neville’s mind, and had done so over a decade, and it would continue to exercise him into his retirement. In his comments to Kitson, Neville wrote that Moseley’s amendment ‘goes further than anything I have hitherto suggested, and in my opinion further than it need.’ He did add that Moseley provided ‘safeguarding clauses’ on the matter.\(^{122}\) These would ensure that ‘persons within this category who are properly cared for will not be brought within the ambit of this definition’; thus, ‘an application should be made to a magistrate’ to decide the issue.\(^{123}\)

Neville was not being honest with his Minister on this point, however. Rather than going beyond anything he had ‘hitherto suggested’, Moseley was in fact merely repeating almost verbatim what Neville had suggested at the Commission hearings. There he had bemoaned the restrictive nature of the definitional clause in the existing Act; it was so tightly written, he said, that ‘it is simply impossible to define a half-caste’.\(^{124}\) This was stretching the point almost to breaking. It was no doubt legally difficult to bring within the Act people who logically seemed to be part-Aboriginal, but it was not impossible to find the ‘offspring of an aboriginal mother and other than an aboriginal father’, as the
The new draft Act redefined ‘half-caste’, he said, as ‘(a) any person being the offspring of aboriginal parents on either side and (b) half-blood descendants of such persons and any child one of whose parents is half-caste as herein defined’. But did this go far enough, and encompass enough ‘coloured’ people? ‘Personally,’ said Neville, ‘I do not think it does and it may be subject to further amendment.’ And rather than leave Moseley wondering, he then provided that further amendment: ‘we add...“and includes any person of aboriginal blood in any degree deemed by the Minister to come within the meaning of this section.”’ If Moseley was still unsure of his intentions, Neville spelled it out for him. ‘The Minister can decide that any coloured person shall be deemed to be an aboriginal if he has aboriginal blood in him. That is the only provision which enables us to get over the whole of the coloured difficulty.’

It is impossible to understand in what way Moseley had exceeded Neville’s definition in his proposed amendment. It is perhaps possible, if unlikely, that Neville had wanted to reserve the catch-all definition for some kind of ambit proposition, allowing him to fall back to his actual preferred definition; given the rest of his evidence, however, it is more likely that Neville was seeding an idea. Whatever the case, it is apparent that either Neville’s evidence to Moseley or his submission to Kitson was less than candid.

Moseley’s fourth legislative suggestion was that ‘greater control be given over half-caste minors’, and thus that the Minister be made guardian over every half-caste until the age of sixteen; that the Minister delegate his responsibility to the relevant divisional protector; and that upon application a magisterial order could
extend this guardianship until the age of twenty-one. Neville responded by asking why a magistrate should have 'more authority than the Minister', adding: 'In any case I am afraid the Minister would find the position untenable.' Neville’s solution was to extend the period of guardianship until twenty-one years. The other notable difference was that in Neville’s version the Chief Protector would be guardian, not the Minister. Any concern over this would apparently be eased by the fact that under the Act, 'the Chief Protector shall under the Minister administer it.'

At the Commission, Neville had been very clear about the maximum age of guardianship. It was 'very necessary' that it be increased to twenty-one. He mentioned that the Child Welfare Act had a limit of eighteen years, and that the Northern Territory Ordinance ran to twenty-one years. His main concern seems to have been the attitude of those who had outgrown guardianship: 'We train our youngsters and send them out to employment, and when they have attained the age of 16, except in the matter of permits, they can snap their fingers at us...[sic] and they do.' The snapping of fingers obviously concerned him deeply. When speaking of the need to extend the definition of half-castes, he told Moseley that there were

half-castes in blood who claim that they do not come under the Act, yet they consort with natives. They run with the hares and hunt with the hounds as they please. No one can stop them. Then we have young ladies who are beyond the guardianship age who snap their fingers at the department in the same way.

It is hard to avoid the impression that Neville was as worried that some of 'his' charges could escape his control as he was over their behaviour – that they could snap their fingers at him as much as that they did.
Section 43

The only other suggested amendment that drew comment from Neville concerned s.43 of the parent Act. This dealt with the issue of 'cohabitation' and had long been the bane of Neville's administration. The courts had ruled in 1924 that under the Act 'cohabitation' required more than sexual liaison, much to Neville's chagrin. The relevant part of the Act ran: 'Every person other than an aboriginal who habitually lives with aborigines, and every male person other than an aboriginal who cohabits with any female aboriginal, not being his wife, shall be guilty of an offence against this Act.'

Moseley wished to introduce a more explicit explanation of the matter, substituting sexual intercourse for the more ambiguous idea of cohabitation, although that would still be illegal. He stated that the penalty for these offences should be 'imprisonment for a period not less than six months, and not more than two years.' Neville noted that, except for the penalty, Moseley's version coincided with the draft Act. (This was where Moseley came unstuck attempting to use Bryan's evidence, and apparently wanted to create a repulsion for cohabitation, without a concomitant repulsion of whites for blacks.) While he did not 'wish to be intolerant on such a subject', Moseley was clearly against interracial unions: 'The law in its present form must be amended, and the amended law administered with the greatest severity in order to minimise, if not eradicate, this lamentable feature of the North.' He did not ignore the possibility of such activities happening elsewhere in the state, but believed the
lower numbers of Aborigines, and especially the presence of greater numbers of white women, made the matter more easily checked. Neville cited the ‘severity’ passage, adding:

I have often pointed out our limited powers in this direction, and believe that while an amendment to the law as suggested will not accomplish everything, it will at all events go a long way towards it, and will not leave the Department in the foolish position it has always been in this respect.

We will see the response this met when the legislation reached the Parliament in the next Chapter.

The remaining parts of Moseley’s legislative agenda consisted merely of adding law to his recommendations. Thus, number four called for the creation of a Medical Fund, based upon an unspecified fee per employment permit, to be controlled by the Minister. Membership of the Fund would absolve the employer from ‘any liability under the Workers’ Compensation Act.’ Number six would establish the native court system. This would ‘deal with offenders whose offences arise out of tribal customs, including capital offences.’ The cases would be heard by ‘some person appointed by the Governor who has a knowledge of native lore and customs.’ Moseley did not differentiate between cases involving only Aborigines and those where whites were also involved. He did specify ‘bush’ Aborigines, however. Clause seven of Moseley’s amendments would have written into law that no admission of guilt made before a trial would be accepted as evidence. Number nine dealt with compulsory medical examinations and treatment. Number ten would have made it illegal for any unexempted Aborigines to remain on licensed premises in any capacity.
Neville made no comment on any of these suggestions, apart from stating that numbers nine and ten were part of the draft Act. The last amendment was not part of Neville’s legislative plan, but he did not comment upon it.\textsuperscript{140} It was that a new provision be added, enabling an Aborigine to appeal to a magistrate against any decision to refuse exemption, and for any would-be employer to appeal against a refused permit.\textsuperscript{141}

These, then, were the recommendations and legislative measures offered by Moseley after the best part of a year of hearing, viewing, and considering the evidence placed before him. Moseley had laid down the law regarding his suggestions, declaring some to be so vital that failure to implement them would completely invalidate the existence of his Commission. Some would require massive structural change of the Department, and would obviously also require the assistance of the Department in such a change. Whatever he might have thought about the importance of his suggestions on the subject, the proof would come in any actual alterations to the legislation and administration of the Act. These changes are the focus of the next chapter.

\textsuperscript{1}Moseley Report, p. 24.
\textsuperscript{2}Bolton, ‘Black and White after 1897’, p. 148.
\textsuperscript{3}Moseley Report, pp. 23, 19-20.
\textsuperscript{4}Ibid., p. 3.
\textsuperscript{5}Ibid., p. 5.
\textsuperscript{6}Ibid., p. 4.
\textsuperscript{7}Ibid., p. 5.
\textsuperscript{8}Ibid., p. 4.
\textsuperscript{9}Ibid.; the Recommendations appear on p. 23.
\textsuperscript{10}Ibid., pp. 20-1.
\textsuperscript{11}Ibid., p. 19.
\textsuperscript{12}Ibid., p. 24.
\textsuperscript{13}Ibid., p. 21.
\textsuperscript{14}West Australian, 26/3/35.
\textsuperscript{15}Neville to Kitson, 13/5/35, p. 1, SRO ACC 993 333/33 vol. 2
\textsuperscript{16}Ibid., pp. 11-2.
\textsuperscript{17}Ibid., p. 12-3.
131 MRC evidence, 1, 60.
132 Ibid., 31.
133 Aborigines Act 1905, s. 43.
134 Moseley Report, p. 20.
136 Moseley Report, pp. 5-6.
137 Ibid., p. 5.
139 Moseley Report, p. 20.
140 Neville to Kitson, 13/3/35, p. 11, SRO ACC 993 333/33, vol. 2.
141 Moseley Report, p. 20.
Chapter 5

The *Native Administration Act* of 1936 and its antecedents\(^1\)

In previous chapters we have looked at various discussions and musings by interested groups and individuals about the perceived problems posed by Aborigines to the broader white society. The last two chapters focused on the discussions and recommendations of the Moseley Royal Commission; earlier we focused on the 1937 national Conference. Participants in those discussions were almost unanimous in their search for 'practical solutions' to the 'problems', and in most cases that search ended in proposed alterations to the legislative framework that encompassed Aborigines.

In this chapter we shall concern ourselves with attempts to alter the legislative and practical administrative methods and systems controlling Aborigines in Western Australia that followed the Moseley Commission. Rather than just looking at the 1936 Act, however, we shall also look at the 1929 precursor to the 1936 Act to trace the genealogy of the legislation. That done, we will inevitably be drawn to the discussions entailed by the legislative project, the parliamentary
debates and departmental comments on it. Legislation cannot exist in an ideological and conceptual vacuum, and we will see that the various concepts of race that were abroad at the time, whether compatible or not, were enshrined in the new Act.

The 1936 Native Administration Act, as has often been noted, was the most dramatic alteration to the legislative and social position of Aborigines in Western Australia since the 1905 Act. It created a system of governance that still resonates in its effects and outcomes, and which Paul Hasluck famously described as confining 'natives within a legal status that has more in common with that of a born idiot than of any other class of British subject'. Although the Act appeared after Moseley handed down his Report, it is wrong to assume that it was a response to the Royal Commission per se. Moseley noted that an amending Bill had failed to pass Parliament in 1929, and that another had been drafted in 1933, commenting that this last piece of legislation was no doubt held over when the Commission was appointed. This legislative history provides us with a strong clue as to the type of Act to be expected in 1936. There had been moves to alter the Act for years, and the Commissioner's recommendations would be made to fit within the departmental scheme for its improvement, rather than forming the basis of the changes. The most obvious conclusion is that the general public indifference surrounding Aboriginal affairs, which sharpened as potential expense increased, meant that Neville and his department would continue to define the outlook for Western Australian Aborigines.
The 1936 Native Administration Act was in many ways a dramatic shift from the parent 1905 Aborigines Act. Much of this was due to the long delay in major alteration of the Act. Although there had been tinkering around the edges of the legislation, the Act remained effectively unaltered for nearly a third of a century. After such a long absence of substantial amendment, it is no surprise that the amending Act seemed (and, indeed, was) radical. When we look below the surface effects of the actual legislative success of 1936, and include the failed 1929 Bill, we see evidence of an evolution and expansion of ideas, rather than a sudden change of departmental plan. The changes suggested by the Moseley Report can be seen as one set of suggestions received by the department. What really mattered was that Neville was the constant in all attempts to change the Act, and that all other suggestions were either ignored or, more rarely, adopted by him in his search for solutions to the ‘problem’.

The 1936 Western Australian Act was not the only new piece of Aboriginal legislation in Australia in the 1930s, either, which likely added increased impetus to its adoption. Queensland passed an important amending Act in 1934, the first there since 1901; a series of new Northern Territory Ordinances came into being after 1928; and in South Australia an Act passed in 1934. It is likely that these successes moved Neville to action and raised his hopes for success. In this light, the primary importance of the Moseley Commission resides in the impetus it provided to a general realisation that Something Must Be Done.

There are a number of aspects to the study of these two pieces of legislation that make comparison simpler than might otherwise be the case. The Parliaments
which dealt with the two cases were remarkably similar. In both instances there was a Labor Government in place, although in Western Australia during the inter-war years and beyond this was the almost the norm: from 1924 to 1947 Labor was continually in power except for the Depression period 1930-1933. Both pieces of legislation were introduced into the Legislative Council by the same Minister, W. H. Kitson (MLC, West). Philip Collier was Premier in 1929, re-elected to the position in 1933, only to be ousted by J. C. Willcock in August 1936, one month before the second reading of the Act. In both cases, the Government held an identical majority in the Lower House of 27-23, and was massively outnumbered in the Upper House. Both pieces of legislation were introduced late in the parliamentary session. In 1929 the second reading was moved on October 30, and was eventually voted down in the Assembly on December 12. The 1936 exercise occurred from 22 September to 10 December, being assented to on the 12th.

While much has rightly been made of the 1936 Act, relatively little has been written on the 1929 Bill. The literature universally agrees that the 1936 Act was largely a response to the Moseley Commission. However, the earlier Bill prefigures practically every aspect of the later Act. Fundamentally, the 1936 Act is an expanded form of the 1929 Bill, with only one or two new additions. These additions were invoked by Moseley, but they were ideas at large at the time, and there were special factors that worked for their introduction into the legislation. Apart from these specifics, it is vital to realise that although the 1936 Act seems radical, indeed revolutionary, in its sweep it is in some ways a logical extension upon previously held ideas. The extension might be considered questionable by
modern observers, but within the strange amalgam of theories in play in the 1930s, there was a logic to it.

In 1928, Neville received ‘permission’ from Premier Collier to prepare a new amending Bill to the *Aborigines Act*.

No hard evidence has come to hand concerning the authorship of the later amending bills. As we shall see, however, given the genesis of the 1929 Bill, it is almost certain that Neville was also the guiding light, if not the draughtsman, of the 1933 proposed bill and the actual 1936 *Act*.

Although the two Bills were remarkably similar, those involved with putting them through parliament went to some lengths to attempt to differentiate the two. Introducing the 1936 *Act* into the Legislative Assembly, F. J. Wise, Minister for Agriculture (Gascoyne), stated that the new *Act* was ‘not a counterpart of that [1929] Bill, but it may be said to embody the better features of the 1929 Bill, as well as other features found necessary as a result of’ the Moseley Commission.

Speaking earlier, Kitson was nearer the truth. He told the Council that, ‘[i]n the main, the amendment Bill...contains the amendments that appeared in the 1929 Bill’, adding that the 1929 Bill had ‘proved acceptable to members of this House.’

Comparing the amendments in each new measure, however, we will see that they almost always deal with the same parts of the original 1905 *Act*. Despite the protestations of Wise, this was to be expected. In both cases, the Department was under the control of the same chief bureaucrat who had long called for increased powers of control over half-castes, and whose ideas about the ‘right thing to do’ had not changed noticeably in seven years.
Neville wrote in retirement that it had taken him twelve years to get the Act amended.\textsuperscript{14} It seems obvious that he was pushing for a particular sort of amending legislation in both instances. Certainly, he was happy with the final outcome, as evidenced by his promotion of the Act in Canberra in 1937. His biographer, Jacobs, may believe that the 1936 Act left Neville 'legally empowered beyond any expectation', but such power was, as even she notes, his 'key objective'.\textsuperscript{15} When introducing the second reading debate in the Legislative Council in September 1936, Kitson stated that Neville had been pointing out the need for new legislation to various Governments for seventeen years.\textsuperscript{16} Whichever timescale we choose to accept, it is certain that Neville had long desired new legislation.

\textbf{Necessity}

(1) \textbf{Danger}

The most obvious difference between the 1929 and 1936 legislative attempts was that one failed while the other succeeded. That difference implies that either the pieces of legislation themselves or the perception of the 'problem' they aimed to rectify were differently received. Both parliaments, certainly, accepted that there was a need for action. In both cases members spoke of the 'danger' posed by the increasing half-caste population, especially in the southern part of the state.
Kitson told the 1929 Council that there was a ‘menace’ posed by ‘certain half-castes’;\(^{17}\) further, ‘Members conversant with the South-West in particular will agree that there is quite a big problem growing up in that part, and sooner or later it will have to be faced’\(^{18}\). Introducing the Bill into the Assembly, the Adelaide-born H. Millington, Minister for Agriculture and member for Leederville,\(^{19}\) toed the same line: a ‘large section of the half-caste population is getting out of hand.’\(^{20}\) The problem was increased numbers: Kitson informed the House that while the absolute numbers of Aborigines of any degree had not grown in a decade, the proportion of half-caste to full-blood had increased dramatically.\(^{21}\) There was little other mention of any perceived danger in the 1929 debates.

The case was very different in 1936. Kitson again spoke of the dangers posed by half-castes, but other members were also alive to the ‘danger’. L. Craig (MLC, Nat, South-West) believed that the half-castes constituted ‘a colossal menace to the State.’\(^{22}\) G. B. Wood (MLC, CP, East) spoke of an ‘ever-increasing menace’;\(^{23}\) W. J. Mann (MLC, Nat, S-W), the Ballarat-born editor and owner of the *South-Western News*, perceived a ‘situation full of menace and danger’;\(^{24}\) Scottish lawyer J. Nicholson (MLC, Nat, Metro) feared that a ‘far more serious position than exists at present’ would arise unless ‘we tackle the problem with the utmost seriousness now.’\(^{25}\)

Other members agreed that something, almost anything, had to be done, either to repair the reputation of the State, or simply because the parent *Act* was so old and out of date. E. H. Angelo (MLC, Nat, North) thought the new *Act*
'important to the good name of Western Australia', and would help to end 'the slurs occasionally cast on our good name'. The Mancunian electrical engineer H. Seddon (MLC, Nat, N-E) thought the Act had 'been prepared by the department from an entirely sympathetic aspect towards the native' and was 'a distinct attempt to improve the conditions of the natives'. A. Thomson (MLC, CP, S-E), English-born and Victorian-educated shopkeeper and builder, congratulated the government 'upon their decision to give legislative effect to a considerable portion of the findings of the Royal Commissioner', but thought neither the Commissioner nor the Act went far enough. A. E. Piesse (Ind, Katanning), a Guildford-born grazier, said that the Act was 'long overdue'. Mann agreed: 'For too long the position regarding aborigines has been allowed to drift', and the Act was therefore 'one of the most important that has been before the House for a long time.'

(2) Moral imperative

One spur to action in the Parliaments of 1929 and 1936 was a common belief in the danger posed by the increasing part-Aboriginal population 'problem'. Another came in the sense of moral responsibility for the plight of Aborigines that the speakers were willing to admit. Although this appeared in both parliaments, the politicians of 1936 were more than willing to accept a level of blame for the plight of the Aborigines than their earlier counterparts.

In the Council in 1929, Kitson stated that it was the State's 'bounden duty to look after and protect' its Aboriginal people. The sense we get is that he
referred to more than the mere legal requirement that comes with responsible government. Others spoke in similar vein. Angelo\textsuperscript{32} stated that the Aboriginal people were 'a legacy, left to us by the Motherland'.\textsuperscript{33} G.W. Miles (MLC, Nat, North) claimed it was the State's 'duty to see that they are provided for'.\textsuperscript{34} Nicholson, who was active in both the 1929 and 1936 debates, recognised the Aborigines as the 'direct responsibility of the State.'\textsuperscript{35} However, he also saw the matter in less legalistic terms, believing that '[w]e as a race believe in recognising our obligation to the native people who are not possessed of the strength of character which shows itself in the white population.'\textsuperscript{36} Similarly, but more specifically, H. Stewart (MLC, CP, South-East), a sixty-five year-old engineer and grazier,\textsuperscript{37} claimed it was 'a recognised obligation of the British people to look after the subordinate people.'\textsuperscript{38} Finally, and also in the Council, J. J. Holmes (Ind, North) covered most of the moral and ideological territory of the time when he stated that 'in dealing with these people, who represent a dying race, we are all agreed that they are entitled to our sympathy, and the best consideration and support we can give them.'\textsuperscript{39}

While the 1929 debates carried much mention of generic duty, in 1936 there was an acceptance of blame for the plight of the Aborigines. While the term 'blame' is problematic and provocative, it seems to cover the feelings of many in the Parliament. The root cause of the moral onus was then recognised as being that White Australia had stolen or at least taken away the Aborigines' land. Eleven politicians made statements to that effect.
Craig stated that the Council 'must remember that the natives owned this country, and we took it from them.' Holmes, who was also involved in both sets of debates, said that the Aboriginal people 'originally owned the country.' Thomson continued the theme when he said that '[w]e have occupied lands that rightly belong to the aborigines.' Seddon believed that '[w]e have taken his country from him.' The Leader of the Opposition, Charles Latham (CP, York), seemed to have come to the idea late in the piece, but he offered perhaps the most detailed exposition: 'It occurs to me now that we white people took possession of this territory. We did not ask the black-skinned inhabitants of the territory whether they would allow us to land or not. We took possession of the land. To-day we still hold it.' V. Hamersley (MLC, CP, East) was less certain than many others, and had some bizarre notions about the general improvement in Aboriginal life since and due to White settlement of Western Australia. He believed that 'from one end of the state to the other their conditions have been very much improved because of the development that has been brought about by white people.' Still, even he admitted to having 'a little sympathy with the remarks made by many members that since we took the country away from the aborigines we should do more for them.'

We can fairly argue, then, that the failure of the 1929 Bill, and the success of the 1936 Act, were based upon an increased sense of urgency. Many in 1929 spoke of improper haste in the process, and that the Bill had appeared too late for its fair treatment. One member even called repeatedly for a Royal Commission to clearly illuminate the depth of the 'problem'. The Labor Party lost power early in 1930, and nothing came of the Commission call. Of course, the Depression
may have ended the chances of such activities; but the Labor Party did bring the matter on early in its next term, after the elections of 1933. Given the brief and extraordinary period the conservatives were in power, it is difficult to make any definite appraisals of their term; the inkling remains, however, that the left was more likely to introduce legislation of a more social-engineering kind than their opponents.

Aborigines, race, and Maoris

If the need to act was accepted to greater or lesser extent in both parliaments, we must ask what was the root cause. The two most obvious answers were the decreased economic possibilities facing Aborigines, and their perceived racial frailties. Neither the 1929 Bill nor the 1936 Act made any explicit statements about concepts of race, but the debates surrounding them are redolent with it. In both cases members spoke of the differences between Australia’s Indigenous peoples and those to be found across the Tasman, and not surprisingly Aborigines were found wanting in the comparison. In 1929, J. Cornell (MLC, Nat, South) interjected at one point: ‘Why cannot we do as New Zealand does and give our natives representation in Parliament?’ Miles answered: ‘Unfortunately our natives do not have the brain capacity of the Maoris; otherwise they would not tolerate the treatment handed out to them by the department.’

Nicholson aired the range of commonly accepted racial stereotyping on this issue:

aborigines cannot be classed as equal to, say, the Maoris, a fine race among whom are to found many highly educated men, who may
reasonably claim the same rights as members of our own race. Knowing the habits of aborigines, we have to be sensible in regard to these matters.47

Other aspects of race thinking were raised in both Houses in 1929. Nicholson commented: ‘Generally speaking, the aborigines or half-castes can hardly be classed as persons possessed of a high mentality of a high moral sense.’48 Holmes held that ‘natives matured earlier than white people’;49 Baxter agreed: ‘The female aboriginal, at the age of 26 or 28 years, is really comparable with a white woman of the age of 40.’50 He did not explain in what sense the two might be comparable, however. One of the most extraordinary contributions came from the Country Party MLC for the South-East division, W. T. Glasheen. A Victorian-born but locally educated farmer from the wheat belt,51 Glasheen started by declaring that he was ‘not overburdened with knowledge of the aboriginal question.’52 Ignoring his own implied suggestion to thus hold his tongue, he made a speech extolling a remarkable array of race-based ideas about Aborigines:

My opinion is that the poor native in his crude mind is not capable of assimilating the ideals, or appreciating, or even understanding in the slightest degree the ideals of Christianity as it is understood by higher mentalities...I just think that the poor native, with his crude brain, is far better and happier with his own devil or ‘Jinky Jinky’, or his own little god, whatever it may be, that has been created in his own imagination; and when we attempt to make him appreciate the higher ideals of Christianity, we are attempting to do that which will make him unhappier than he was.53

Seven years later, similar comparisons were made more often, although to differing ends. Kitson raised New Zealand in an administrative and legislative capacity, and as an example of similarity. There was a full Department in New Zealand, with an Under Secretary and other officials; only 50% of Maoris were
full-bloody; and their population was falling. Thomson also thought Western Australia could learn from the Kiwis: the 'Government, and certainly the Maoris themselves, were more far-seeing' than those in Western Australia. There were valuable lessons to be learned. However, he also 'frankly admit[ted] there is no comparison between the Maori and the Western Australian aboriginal'. H. S. Seward (CP, Pingelly) told the Assembly that Maoris were 'far superior to...the Australian native.' Indeed, there were now two Maori representatives in Parliament. Both were 'very well educated men', one having raised to the lofty level of being a solicitor.

Other racial comparisons were made in 1936, again with the Aborigines coming a long second. Speaking of the situation on Broome, Wise and Latham both conjectured about the prowess of different races:

WISE: The aborigines would not make divers.
LATHAM: Perhaps not; Japanese seem to be the only race who make divers.

A moment later, Latham extolled the virtues of another group: 'The black people on the boats are much more intelligent than our natives, and are a very religious people...many of them come from a part of India where there is scarcely one who does not belong to the orthodox church. They are very intelligent people.'
Increased control and broader definitions

Although there were differing emphases on the need for legislative amendment in 1929 and 1936, there was one unifying thread to the attempts, and that was the push towards increased control over Aborigines of the part descent. The 1905 Act was concerned with full-blooded Aborigines and half-castes, with the latter being defined as the issue of Aboriginal women and non-Aboriginal men, as we have already seen. In the 1929 debates, Kitson stated that two of the greatest weaknesses of the existing legislation were its failure to define ‘Aboriginal’, and its over-definition of ‘half-caste’. Legal precedent since 1922 had meant that the definition of ‘half-caste’ excluded the children of half-castes. The 1929 Bill defined an Aboriginal as being ‘any person being either of full blood or of not less than three-quarters blood of the aboriginal race of Australia.’ Further, the Chief Protector could make a male half-caste over the age of 21 an ‘aboriginal’ under the Bill if he was declared ‘incapable of managing his own affairs’. We can only conclude (and this is born out by examination of the rest of the Bill) that female half-castes would always remain under the Act. The ‘blood’ range of ‘Aboriginals’ would thus have been increased, and the Bill went further with the other major category. ‘Half-caste’ was re-defined to include the offspring of ‘an aboriginal parent on either side, and includes the lineal half-blood descendants of such person’.
Under the 1929 Bill, nearly all Aborigines would have been brought within the ambit of the Department. This was the basic thrust of the Bill; as Kitson said in his second reading speech,

our further experience [since 1905] of the native race indicates that there is need for additional legislative authority, especially as regards safeguarding native women and children who are an increasing responsibility, more particularly in view of the growing half-caste population.63

The changed demographic realities since 1905 made this even more important. In the Council, Kitson stated that the parent Act ‘never contemplated the legal marriage of aborigines and half-castes’.64 Leading the Bill through the Assembly, Millington agreed that the framers had not seemed to have taken the possibility of such unions into consideration.65 The racial blood question was high on the government’s list of reasons for the new Bill: ‘There are three-quarter blacks and others of mixed blood, but still with aboriginal blood predominating, and it is necessary that they should be brought in[to the Act].66 Not only did such people exist, but due to the vagaries of the 1905 definition, ‘some of them have become an absolute menace to the community, and yet the department is powerless to act.’67

The official line on the expanded definition did not go uncontested in 1929. Hamersley, Western Australian-born grazier and Father of the House,68 viewed ‘with horror...the idea of treating all half-castes as aborigines. It is rather a cruel thing to do. Many of the half-castes are excellent citizens, and the one thing they hate is to be classed as aborigines.’69 W. D. Johnson (ALP, Guilford), a New Zealand-born trade unionist,70 urged the Assembly to ‘recognise that there are educated and intelligent half-castes.’71 Thomson, in a turn of phrase remarkable
to modern readers, told the Parliament that ‘[m]any of these half-castes are just as human as we are ourselves.’

Still others were uncertain on the matter. B. Sleeman, the Labor member for Fremantle, stated that ‘a number of half-castes, although they have black blood in their veins, are whites as regards their habits, but there are other half-castes living practically the lives of blackfellows, and the Bill does not differentiate between the two.’ Millington went even further: ‘The half-caste has not, as a rule, really evolved beyond the aboriginal stage. In many cases he is a less desirable person than his aboriginal forebear’.

The 1936 Act followed a similar pattern to the 1929 Bill, but extended upon it. The intention was still to bring more people within its remit, but the Act went significantly further than its unsuccessful predecessor. Again, re-definition was the basic measure. This time, though, the redefinition was all-encompassing. The Aboriginal/half-caste divide was done away with; now there was the cover-all description, ‘native’. ‘Native’ included all those of full blood, plus, ‘subject to the exceptions stated in this definition any person of less than full blood who is descended from the original inhabitants of Australia or from their full blood descendants.’ Those explicitly exempted from the Act were quadroons under twenty-one years of age not living with or associating with those already mentioned, quadroons over twenty-one, unless ordered by a magistrate to come under the Act, and those of less than quadroon blood born before the last day of 1936, again unless by magistrate’s order.
We saw in the last chapter that Neville claimed Moseley wanted to go too far in collecting people within the Act. It is almost impossible to reconcile the legislative aims of the 1936 Act with that claim. He may not have liked the open and clear version of things given by Moseley — people of 'aboriginal origin in a remote degree' — but the effect was same. As mentioned above, the 1936 Act was not the only one of its kind in the country at the time, and other jurisdictions had introduced similar expansions to the definitional range of their legislation. The 1934 Queensland Act brought some people within its grasp for the first time, and increased administrative powers over definition, especially in the area of half-castes. The South Australian position by 1934 also increased the powers of definition, this time by judicial officers. In the Northern Territory, wider definitions were being used to exclude half-castes from the Ordinance. This was due to the numerical imbalance between whites and Aborigines in that jurisdiction, and reminds us of Bleakley's plan discussed in Chapter 2. Given all these contemporary examples, it is no surprise that Neville sought such powers in Western Australia, but then he had already sought them seven years earlier.

When the 1936 Act was before the Western Australian parliament, a very similar array of attitudes appeared to 1929. If anything, those who spoke to the Act in 1936 were more apparently sympathetic to the cause of Aborigines than the earlier parliament. Kitson, in Committee, stated the government's definitional case most clearly: 'The object of the Bill is to provide that all those people with coloured blood in their veins shall be classified as natives, liberal provision being made for the exemption of those who are entitled to it.' Quairading
farmer, C. F. Baxter (MLC, CP, East), agreed with the general direction of the new definition because ‘some of the half-castes are no better than the natives’. Wood, of the same party and representing the same region, thought that half-castes in camps were ‘only breeding up a race of rotten loafers, good for nothing and nobody.’ Thomson thought it a good thing that ‘many young half-caste men should be taken away from their present surroundings and trained to be useful citizens.’ Craig thought it undesirable that ‘[h]alf-castes are breeding quickly, and being allowed to live as natives live.’

Although many members agreed with the general thrust of the 1936 Act, a larger number voiced fundamental concerns with it. Some members who supported change did not support the Act. Holmes, a Mandurah-born butcher and pastoralist, thought the framers had Aboriginal betterment in mind, but was unsure whether the Act would assist. Nicholson was equally unsure whether the legislation would achieve ‘the essential thing in order to combat the threatened evil.’

Other parliamentarians had more fundamental concerns with the legislation. W. M. Marshall (ALP, Murchison) thought that the Act was ‘based on entirely the wrong premises. It seems to me the guiding factor of the measure is the colour rather than the intelligence, ambition and self-reliance of the individual.’ He went so far as to ‘suggest that there are even full-bloods who could well be exempt from this measure.’ In the Committee stage of the legislative process, Marshall honed his criticism:
The Bill provides for roping in a native and then leaving it to him to get out. That is not calculated to enable him to become a good citizen. The native should be released and, when occasion warrants his being roped in, then action should be taken. Under the Bill the native is deemed to be guilty at birth. That principle is abhorrent.\textsuperscript{88}

Others had more pragmatic reasons for disagreeing with the \textit{Act}. After informing the House about a 'very well educated' half-caste in his electorate, Latham asked the Assembly: 'Are we going to make natives of such people? We shall do so if we pass this Bill'. 'Instead of uplifting the half-castes', he said, 'it will be the means of forcing them back into native conditions.'\textsuperscript{89} He seemed unaware of the convolutions implied by using the term 'native' when speaking of the \textit{Act}: under the new definition, a half-caste would indeed become a 'native'. Angelo knew of half-castes who were 'perfectly independent and capable of looking after their own affairs'.\textsuperscript{90} Piesse had 'hundreds' of half-castes in his district, 'and they are here to stay.' Some were educated, and none liked the idea of 'being classed with the natives.'\textsuperscript{91} Thomson was aware of 'some decent-living half-castes' in the south-west, 'who are just as keen as white men on the proper bringing-up of their children' and who did not deserve to be brought within the \textit{Act}.\textsuperscript{92} Hamersley stated that there were many half-castes who were 'really good citizens, paying rates and so forth. Many of them have ideals, and are living good lives under white conditions', and objected to departmental intrusion.\textsuperscript{93} Coverley was fired up against the \textit{Act}, stating his belief that 'any law this House may pass will not improve the condition of natives one iota.'\textsuperscript{94} He, like 'most other members...could quote many instances where there are half-castes married and living under decent conditions. Of course they should not be interfered with.'\textsuperscript{95}
Given that the 1936 Act successfully passed through parliament, when the 1929 Bill failed, it is intriguing that so many politicians spoke out against its central tenet. But matters of definition were not the only area of expansion in the department’s sights. In both 1929 and 1936, the proposed legislation attempted to expand control of Aborigines in the temporal scale. The 1929 Bill called for the legal guardianship of the Chief Protector over his wards to be extended from the age of sixteen years to eighteen years.\(^6\) Section 8 of the 1905 Act made the Chief Protector guardian of ‘every aboriginal and half-caste until such child attains the age of sixteen years, to the exclusion of the rights of the mother of an illegitimate child.’\(^7\) The 1929 Bill called for refinement of the section. Beyond the raise in age of guardianship, the Chief Protector would be guardian of such half-caste children ‘notwithstanding that the child has a parent or other relative living’.\(^8\)

The technicalities of the Bill and the later views of Moseley on the matter notwithstanding, the expansion of minority from the age of sixteen was central to the 1929 Bill, but the upper age limit was actually twenty-one years, rather than the suggested eighteen. Kitson mentioned the higher position a number of times, thus eliminating accident or slips of the tongue as possible explanations. Commenting on events at Moore River and presaging his comments of seven years later, he said that the Department desired to control boys trained at the Native Settlement ‘until the age of 21, knowing from bitter experience that otherwise many of the young fellows will come to grief.’\(^9\) He later noted that, according to the Bill, ‘a half-caste will include a male up to the age of 21. An aboriginal’, he added, ‘will remain one no matter how old he is.’\(^10\)
The 1936 Act moved in almost identical fashion to its predecessor but this time the age increase was more above board; the newly coined Commissioner of Native Affairs’ period of guardianship would increase from the original sixteen years to twenty-one years.101 The ‘notwithstanding’ passage was repeated verbatim. Kitson vigorously argued for the extension in age: ‘It is found again and again that all the good work lavished on these youngsters in their early years is wasted because of the department’s inability to control them for a year or two after they leave an institution.’102 The idea of ‘lavish’ treatment is painfully ironic in hindsight, but Kitson was determined. No doubt with the sound of snapping fingers ringing in his ears, he returned to the issue in Committee. When dealing with an amendment to keep the age limit at sixteen years he said that the ‘period between sixteen and twenty-one, in many instances, is the most important, and during that time we should have control of the natives’. He had his way, and twenty-one year limit remained.103

**Marriage and Sex**

The most obvious examples of the expansion of 1929 policies in the 1936 Act concern matters sexual and marital. Section 42 of the parent Act stated: ‘No marriage of a female aboriginal with any person other than an aboriginal shall be celebrated without the permission, in writing, of the Chief Protector.’ Clause 24 of the 1929 Bill sought to slightly extend this by adding the newly expanded category of ‘half-caste’ to the section, and by making it applicable to all
marriages of such women. It did, however, still only involve itself in the first instance with marriages of Aboriginal women. Aboriginal men would be brought within its scope if they married Aboriginal women; if they married women outside this definitional group, however, they would not need the Chief Protector's permission. This absence is explained by the fact that there was no expectation that an Aboriginal man might marry a white woman.

The 1936 Act expanded even further in this area. In keeping with the overall aims of the Act, clause 25 of the amending Act encompassed a much wider group of people than its predecessor. The definitional change to 'native', of course, brought many more people into this administrative zone. More importantly, the new section explained on what grounds the Commissioner could reject marriages. These included the proposed union 'being in contravention of tribal custom', because 'one of the parties is afflicted with any communicable or hereditary disease', because of 'any gross disparity in the ages of the parties', and, finally, because 'there are any other circumstances' which rendered it inadvisable.\textsuperscript{104}

The legislative power to prohibit the marriage of anyone afflicted with a hereditary disease is a perfect example of what Kevles has called mainline negative eugenics. Kevles defines this as those ideas dealing with the inducement of 'better types' to produce more children and those attempting to dissuade or prevent the 'unfit' from breeding, because of the fear that 'like would produce like'.\textsuperscript{105} One method to control the breeding of the 'unfit' was that they should be prevented from marrying and, presumably, from breeding.
The categorisation of people with ‘hereditary diseases’ places this section of the 1936 Act firmly within the eugenicist universe. The types of disease raised in the parliament tended to be of communicable rather than hereditary nature, but the legislative inclusion of hereditary diseases fits neatly into the broad eugenicist mould.

In the 1929 Parliament, Kitson was at pains to convince members that it was the person celebrating the marriage, not the participants, who would require permission. He claimed that this would lessen the possibility of marriage between Aborigines and ‘Asiatics and other people who, we know, are not prepared to honour their legal obligations.’ Also, Kitson argued that this measure would enable the Department to prevent the Christian marriage of two individuals who would not be permitted to wed under tribal laws.106 We must note, however, that it was ‘desirable that the authority of the Chief Protector shall be obtained before an[y] marriage can be solemnised before a half-caste girl and any person other than her kind.’107 Given the solid belief that half-castes had no ‘culture’, though, something else was obviously behind the desire.

Millington, of course, agreed with Kitson. He told the Lower House that the change was needed because ‘the aboriginal or half-caste must be protected’ on grounds that certain unions might be ‘undesirable and inadvisable.’108 Kitson explained why such a move was necessary: ‘Half-caste girls have not the moral backing and natural stamina to resist the advances of a low class of white man.’109 Other members found other reasons to support the notion. H. J. Yelland (MLC, CP, East) believed that ‘[e]verything possible should be done to prevent’
the continuing creation of half-castes, and that the Bill would assist towards that end.\textsuperscript{110} Glasheen worried about Afghans and Southern Europeans marrying Aboriginal women and deserting them, and said he would 'doubly welcome' any aspect of the Bill that would prevent such occurrences.\textsuperscript{111} Sir James Mitchell, Leader of the Opposition, held a similar opinion, but did not see the Bill as providing any such solution.\textsuperscript{112} Others, however, spoke against the notion.

Baxter stated that the 'Legislature should never countenance giving any official the right to say whether half-castes should marry or not'; but he thought that no one could object to such a 'far-seeing provision' being applied to Aborigines, by which he obviously meant people of the full descent.\textsuperscript{113} C. H. Wittenoom (CP MLC, S-E) believed the measure was 'absolutely wrong. Marriage among the natives ought to be encouraged.'\textsuperscript{114} Miles stated the obvious when he reminded the Council that no white father could control his children's marriage above the age of twenty-one years, and he further claimed it was absurd and unreasonable for 'any sane Parliamentarians' to give that power to the Chief Protector.\textsuperscript{115}

The 1936 debates provide a similar range of comments. Introducing the Act, Kitson informed the Council of the very changed circumstances then facing them. Since 1905 there had been 'a great increase in legal marriages amongst the people. Some of these have been definitely harmful.' He stated that it was practice to seek permission for marriage, but that now the Government sought to 'legalise the position'.\textsuperscript{116} Wood held that the Commissioner should have the power to control marriages, and that he should be instructed that 'no half-caste
is to marry a black.”  Angelo hinted that he was with the idea. He asked whether the natives and half-castes were ‘to be encouraged to perpetuate their race’, or if they should have their breeding controlled by segregation. Although segregation was not high on the agenda, at least overtly, Angelo seemed happy with controlled reproduction.

As with the earlier debates, however, there were many who spoke against the idea. T. J. Moore (MLC, ALP, Central) believed the measure was ‘wrong in principle.’ Western Australian-born P. D. Ferguson (CP, Irwin-Moore), in Committee in the Assembly, admitted he was ‘old fashioned enough to believe in the sanctity of marriage’, and that he knew of hundreds of half-castes who believed the same, and that ‘no restriction should be placed on their laudable desire.’ In particular, he wished to remove the cover-all power of veto from the legislation. A. F. Watts (CP, Katanning) also desired to remove this power, in this instance because it was arbitrary: decisions would be based only on the opinion of the Commissioner. He agreed with the other sub-clauses.

On the matter of ‘gross disparity’ in age, Marshall interjected the comic, if probably accurate, point that all older men wished to marry younger women. Latham said that it seemed ‘to be a natural proceeding with the natives.’ The clause was agreed to in the Council without discussion. A number of amendments were made to the clause in the Assembly, but the only one agreed to by the Council provided a means, in the words of Ferguson, to give ‘intelligent, civilised half-caste who may be aggrieved at the decision of the Commissioner the right of appeal’. It must be noted that the issue did not
raise the same level of debate in 1936 that it did in 1929, certainly not when we
takes into consideration the comparative size of the two sets of debates.

If the matter of marriage brought the most overtly mainline eugenic response to
the Aboriginal 'problem', then the related question of sex brought the most heat
to the debates. It also gave rise to more complex aspects of Government in
action. The place of sex in the overall legislative agenda differed somewhat
between 1929 and 1936, but the Parliamentary response to the proposals were
similar.

The matter of sex ended with the legislators facing (or ignoring) a conundrum.
Sex between Aborigines and whites was in many ways held to be a bad thing,
but it was necessary for their absorption into the 'community'. Section 43 of the
parent Act stated that: 'Every person other than an aboriginal who habitually
lives with aborigines, and every male person other than an aboriginal who
cohabits with any female aboriginal, not being his wife, shall be guilty of an
offence against this Act.'\textsuperscript{124} We have seen that this vagueness of definition had
long troubled Neville. In 1929, the amending Bill sought to solve the problem.
The offences would now include any non-Aboriginal having sexual intercourse
with an Aboriginal or a half-caste. Penalties were included: £100 or six months
imprisonment, or both.\textsuperscript{125} Chesterman and Galligan have noted that the 1936
Act was the first legislation to include the words 'sexual intercourse';\textsuperscript{126} we can
only wonder if the 1929 Bill was the first to attempt their inclusion. Kitson
attempted to muddy the waters in the Council: 'Some members dealt with the
question of cohabitation as though it were something new' when in fact the
‘same provision is contained in the parent Act, the only difference being’ the inclusion of half-castes.\textsuperscript{127} He conveniently left out the introduction of sexual intercourse as an offence. Other members, however, noticed the new addition.

Mitchell, in responding to Millington’s second reading speech in the Assembly, spent some time on the issue of sex:

Legislation of this kind ought to be prepared by men under 30 years of age. Clause 25 would not appear in the Bill if the measure had been drawn up by younger men...It can readily be understood that a young man might fall into an affair of that sort, with extremely serious consequences. Parliament should not provide the opportunity to send a boy to prison for a matter of that sort, which may easily happen, and does in fact happen.\textsuperscript{128}

F. W. Teasdale (Nat, Roeburne) speaking with a hint of experience, added that such a thing was ‘not the worst thing that might happen, either.’\textsuperscript{129} In the Council, Miles wondered if it was ‘necessary’ that the penalties be so severe, only to be told they matched those concerning the supply of liquor to natives.\textsuperscript{130}

The original s.43 also declared:

Every male person, not being an aboriginal, who travels accompanied by a female aboriginal, shall be presumed, in the absence of proof, to be cohabiting with her, and it shall be presumed, in the absence of proof to the contrary, that she is not his wife.

Further, any complaint made under this section ‘with the authority of the Chief Protector, shall be deemed to be proved in the absence of proof to the contrary.’\textsuperscript{131} The 1929 Bill merely extended this to include half-castes.

In debate, the Victorian-born unionist Sleeman\textsuperscript{132} wondered about the merits of such legislation:
While it may be possible to prove his guilt, if he were guilty, which in very few instances it might be, I am quite unable to see how he could prove his innocence. I shall fight such a proposal every time it appears. The principle is bad, no matter where it occurs.\textsuperscript{133}

Holmes worried on more pragmatic grounds. Given the practice (as he described it) of Aborigines taking their ‘gins’ with them when droving, a white station manager or boundary rider could be guilty of an offence while merely carrying out his work.\textsuperscript{134}

In 1936, the same issues appeared, and much the same debates occurred. The new Act called for almost identical changes to those of 1929, but went further. Again the notion of cohabitation was extended to include sexual intercourse and travelling together. A new subsection introduced penalties for persuading or soliciting natives to have sex or to cohabit. These additions no doubt gained further impetus from the Northern Territory Ordinance of 1933. There, a non-Aborigine was guilty if he (again the concern was only with the activities of males) habitually consorted with, kept as his mistress, or had carnal knowledge of an Aboriginal woman. Further, new sections were introduced: ‘Any person who procures or attempts to procure any female aboriginal or half-caste to have carnal connexion’ was guilty of an offence, as was any Aboriginal woman who solicited.\textsuperscript{135} The 1936 Act differed from its Northern Territory counterpart in that it targeted only non-Aboriginal men. In Committee in Perth, Nicholson agreed with the general tenor of the amendments, stating that he was ‘decidedly against the man who cohabits, or lives habitually, with a black woman. I do not think that practice is in accord with nature or the proper scheme of things. Such a man should suffer the punishment he deserves.’\textsuperscript{136}
If there was support for the cohabitation aspect of the new Act, many members were wary of the extension to the legislation. Nicholson was but one: ‘When we try to legislate against what we know to be natural laws, we are confronted by a mighty problem. No more can we say by legislation that water shall not run uphill than, by Act of Parliament, can we say that a young man shall not have intercourse with a woman.’¹³⁷ Cornwell was more blunt: ‘It is like gold stealing; it will never be put down.’¹³⁸ Craig was even more expressive in his speech, and covered a vast range of commonly held, if archaic, ideas:

[The] Kimberley is a tropical country where white women cannot live for long periods. Our immigration laws do not allow us to have Chinese, Japanese, or Malay cooks, so the station people have to batch[sic] or train natives or half-castes to do the work; and in many cases they do it quite satisfactorily. Now, here in the metropolitan area, any one of us can cohabit or have sexual intercourse with any girl indiscriminately, and there is no law to prevent us. Brothels are looked upon as a necessary evil. The fact that they are permitted to exist shows that they are a necessary evil. Yet when we come to the North-West where these, shall we say, facilities are not available, and a young man happens to fall — and it is only natural that he should: if people do these things down here, they might easily do the same there — he is subject to a minimum penalty of six months’ imprisonment or a fine of £50. I have already said that the native is a child of nature. I have heard some rather extraordinary stories about the North, and I can well understand how some young men do fall. I have heard of a boundary rider going to a windmill with a 20,000 gallon tank, seeing there a sylph-like figure rising from the water, with no clothes on and receiving an invitation to join her in the tank. It is only natural that in such circumstances a young man would get into trouble. I have heard of men on Kimberley stations who sleep out to enjoy the cool air and who, on returning to their camps, have found young lubras under their blankets. I am pointing out how simple it is for a young man, cut off from social intercourse with his own people, to associate with the native women. Yet there is a suggestion that if such intercourse is proved against him, whether the girl be a full-blood or a half-caste, he shall be subject to a minimum fine of £50 or six months’ imprisonment. I propose...that the minimum fine be cut out altogether. I think there is a maximum fine of £200. That could be left in.¹³⁹
In this passage we see the 'child of nature' concept matched with the idea of over-sexed and predatory Aboriginal women. This again reflected the conditional status of any concept about Aborigines. Here Aboriginal women were things of beauty, but their beauty was dangerous. They were more like Homer's sirens than wholesome white women, who anyway were too fragile and delicate to survive the harsh tropical north. Further, the young men spoken of were Odyssean travellers, unable to withstand the wiles of those tropical sylphs. So much for the superiority of the white race, we might think, but predatory sexuality always seems to have had this power.

Alongside his more fabulous utterances, however, Craig did point out some of the more mundane hypocrisy housed in the proposal: white men in the capital could have sexual relations with any woman, whereas the same activities elsewhere could invoke large penalties. He did not, however, get to the deeply contradictory heart of the matter. Such exclusion of sexual encounters could not progress the aim of absorbing the Aboriginal population into the white community. Only one speaker noted this problem with the legislation. In the Assembly, Marshall thought that 'the Chief Protector was in favour of getting rid of the natives in this way', to which Wise replied that he could 'not answer for that.' He added that the legislation was 'not the Chief Protector's Bill', and that the 'Government desires to follow the lines of the Royal Commissioner in that respect.'

Angelo referred to the 'painful' evidence of Craig, although he disagreed with his conclusions. To Angelo's mind there was 'no question that we must take
some drastic steps to prevent what is going on, not only from a moral point of view, but also from a health point of view.' Concerning Craig's vision of girls in tanks and inside blankets, he asked: 'who is to tell us that the woman or girl is perfectly healthy? We know,' he added, 'how rampant certain diseases are in the North.' He singled out one disease as being worse than leprosy, which 'probably has taken off hundreds as against single lives lost through leprosy. No only that', and this seemed vitally important to him, 'but the disease is ruining the lives of hundreds of white men.' More explicitly, and with an ironic and witty turn of phrase, he said that this part of the Act was 'not so much to protect the natives as to protect white people from syphilisation.'

Illness and liability

One of the most notable amendments to the 1905 Act came in the creation of a sickness and accident fund. Clause 21 of the 1936 Act provided a new s.33B for the parent Act, creating a Native Medical Fund to cover Aboriginal employees. While Haebich is correct in stating that this was in part aimed to assist the Department in financial terms, there was also a desire to create some system regarding Aboriginal employees and their compensation and medical costs. Kitson stated that the system would clean up the murky question of exactly what level of attention was required of those holding permits to employ Aborigines. The Medical Fund was to be based on that in the Northern Territory, and followed Moseley's recommendation. In his speech-in-reply to the second reading debate, Kitson elaborated upon the scheme, stating that employers who
failed to insure their employees in the new Fund would find that they came under the *Workers' Compensation Act*. Thus, according to Kitson, in the future every employer would have to participate in some employee insurance scheme.\textsuperscript{144}

Although the 1936 amendment created a new arrangement, and Kitson raised the Northern Territory example, the idea was not new. The Native Medical Fund was an expansion upon a similar proposal made in 1929. In many ways it is indicative of the difference between the two pieces of legislation. The 1929 Bill would have made an in-principle change to the parent Act, while in 1936 that change was elaborated and flesched out. The 1929 alteration would have created a new s.33a of the Act,\textsuperscript{145} making the employer liable to any costs and maintenance incurred by the Department due to death or injury suffered by Aboriginal or half-caste employees. Where the 1936 amendment was all-inclusive, the 1929 Bill did not include casual employees. The 1929 Bill dealt only with injuries arising out of employment and not 'attributable to [the employee's] serious or wilful misconduct';\textsuperscript{146} the 1936 Act dealt with any illness, injury, or accident that befell an employee. Whatever the differences between the two proposed amendments, both were a distinct improvement upon the 1905 Act. Nowhere in that Act was there any reference to any form of compensation for Aboriginal employees.

While the improved social responsibility exhibited by the 1929 and 1936 Aboriginal compensation measures cannot be denied, nor can their penny-pinching attributes and their racial base. Before the 1929 debates it seems that
no one had even considered that Aboriginal employees could possibly come under the *Workers’ Compensation Act*, as the following interchange between members of the Council indicates:

LOVEKIN: Apparently under Clause [18], the aboriginal is brought under the employers’ liability provisions of the *Workers’ Compensation Act*.

NICHOLSON: He is there already. He is not excluded under the Bill.

LOVEKIN: He should be excluded, in his own interests.

HOLMES: It was never intended that aborigines should ever be brought under the *Workers’ Compensation Act*.

LOVEKIN: I should not think so. I believe a case is pending where the husband of an aboriginal woman was gored by a bull and the gin has applied for compensation to the extent of £600. Fancy the gin, being in possession of £600, finding herself anywhere near an hotel somewhere in the North!\textsuperscript{147}

The incredulity of members was to reappear in the debates. Nicholson returned to the issue a week after this exchange. The problem, he said

should have been noticed at the time. The fact remains that there is a claim as the *Workers’ Compensation Act* now stands. No one ever intended that the aboriginal, in view of his circumstances, should have such a claim...I think it will be admitted that if an aboriginal were to receive the compensation payable to a member of the white race in the case of certain accidents, the position would be absurd.\textsuperscript{148}

Six days later, he and others were at it again, with the ridicule increasingly apparent:

WITTENOOM: If the natives have come under the *Workers’ Compensation Act*, it is absolutely wrong, and I hope it can be altered.

NICHOLSON: It can only be altered by an amendment of the *Workers’ Compensation Act*.

WITTENOOM: Large sums of money coming into the hands of the natives are of no use whatever to them. Of course they would accept the money.

NICHOLSON: They could have a great corroboree with it.\textsuperscript{149}
Kitson explained that no matter the desires of the Parliament, the legal position was that Aboriginal employees came under that Act. Miles took a different line:

If the Government were fair, as the Government was when the question of indentured labour in the North came under their notice, they would proceed straight away to amend the Workers' Compensation Act so that the natives should not come under it. The Government has not been fair.

In the Assembly, there was some more of the same. Millington felt that it was 'objectionable that the Workers' Compensation Act should apply fully to aborigines'. Only Johnson seemed to notice that concerns about Aboriginal workers coming under the Act had little to do with those Aboriginal workers:

I have read the second reading debate in another place but it seems to me there was in that debate a lot of selfish criticism. Some of the members there were greatly concerned over the question of the half-castes having the right to make a claim under the Workers' Compensation Act. Much serious consideration was given to the employers' interests, but only scant consideration to the interests of the half-castes employed.

The economic influence of the Clause was much mentioned. Baxter was deeply concerned that 'a lot of unemployment' among Aborigines would be the only possible outcome if the Bill was 'too drastic' in this area. Holmes felt that Aborigines would gain an unfair advantage compared to white workers under the proposed system, being able to incur costs and them charge them to the employer. Wittenoom worried that the new s.33a was 'absolutely wrong and quite unnecessary, in that it would 'empower the Chief Protector to run the employer into almost any cost'.

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Kitson admitted in Committee the government had ‘no desire to use the provisions of the Workers’ Compensation Act’, but if no new section were included, the department would have to rely on it to gain recompense.\textsuperscript{157} Miles raised an interesting legal question when he wondered if adding the new section would remove Aboriginal workers from the \textit{Workers' Compensation Act}.\textsuperscript{158} There was no resolution to the argument, with the Bill failing to pass at the second reading. What cannot be doubted, however, is the importance with which the subject was greeted: the realisation that Aboriginal workers could be treated as equal to White workers by the \textit{Workers Compensation Act} and all that implied raised roughly the same amount of debate in 1929 as the issue of interracial sex.

In 1936 the issue of Aborigines coming under the \textit{Workers’ Compensation Act} was again mentioned, but somewhat differently from 1929. At least one member worried over the gradation of colour and how that might affect the issue. Watts reminded the House that under the 1936 \textit{Act}, ‘native’ would include quadroons, who were ‘very close to white people...[and] that in these cases the provisions of the Workers’ Compensation Act’, or something similar, ‘should be definitely made to apply’.\textsuperscript{159} Baxter perhaps alluded to the issue of compensation when he stated that Parliament must be careful ‘not to interfere unduly with the employment of natives.’\textsuperscript{160} Holmes feared that, the Medical Fund notwithstanding, natives would still come under the \textit{Workers’ Compensation Act}. The solution, he thought, was to amend that \textit{Act} rather than merely to alter the \textit{Aborigines Act}.\textsuperscript{161} Nicholson echoed that view.\textsuperscript{162}
Taken altogether, however, the issue raised much less debate than it did in 1929. One might argue that in the intervening years parliamentarians had become more aware of the problems posed by the Workers' Compensation Act anomaly and therefore raised it mainly to point out that the proposed solution might not amount to anything. However, it is also reasonable to suggest that they also saw the need for a more comprehensive insurance policy regarding Aboriginal employees. Whatever the case, the more interventionary legislation of 1936 is clearly based on the 1929 legislation.

Native Courts

Finally, we reach the only amendment proposed by the 1936 Act that had no counterpart in the 1929 Bill. Section 31 of the 1936 Act inserted a number of new sub-sections into s.59 of the parent Act. The first important change was the new s.59D, which established native courts. These courts were intended to deal with 'the trial of any offence committed by a native against another native.' The new s.59D 2(c) stated that the court should 'if practicable call to its assistance a headman of the tribe to which the accused person belongs.' Kitson described this move as 'a very important innovation in this State', and said that Neville had first mooted the idea a decade previously. He also claimed that a similar system existed in Queensland and was soon to be introduced into the Northern Territory. The underlying concern was that bringing 'tribal' Aborigines before ordinary courts had long been 'the subject of criticism'; the new system would, hopefully, provide that 'justice will be done, not only in our eyes, but also in the
eyes of the native'. One means to achieving the latter was that 'tribal custom may be admitted as evidence'.

We saw in the last chapter that this idea was not new, and that Neville and Moseley differed as to its implementation. As we would expect, there were also differences of opinion in the Parliament. In the Council, Nicholson wondered if the proposed court should not hear all cases involving tribal Aborigines, and noted that the Commissioner's Report was less than clear on the matter. Angelo supported the idea in general, but believed that no native could 'give advice in any judicial matter', although he agreed they should act as interpreters. These were the only comments made upon the proposal in the Council.

The proposal brought more reaction in the Assembly, even though Wise merely noted it in his introductory speech. Coverley was dismissive of the idea, stating that the government 'should not interfere with tribal laws'; such interference was unnecessary because 'every native who commits an offence against them, knows what the penalty will be.' Involving police and any level of judicial action would be a waste of time and money, and his derisive tone is evident:

Police will have to be sent out to catch the natives, a judge will have to be appointed to try the case, and the hardest task of all will be when the police go out to bring in the headman of the tribe to give evidence. If the House is prepared to try this innovation well and good.

It is easy to imagine that Coverley supported the pro-pastoralist status quo in this matter. But neither did Ferguson believe that 'any good will accrue' from the proposed new courts. F. L. Warner (CP, Mt Marshall) concurred, both in
the unnecessarily expensive nature of the proposal and that ‘tribal customs and ceremonies’ should be allowed to suffice.\textsuperscript{169}

Other members of the Assembly had different opinions. Watts stated in his second reading speech that the powers of the native courts should be broadened, as per his interpretation of Moseley’s Report, to deal with all cases involving natives. Wise argued that the clause as it stood followed the Royal Commissioner’s recommendation and the amendment failed.\textsuperscript{170} Seward declared that native courts were ‘essential’, and raised a recent Northern Territory case in support of his argument.\textsuperscript{171}

The Assembly agreed to only two amendments concerning the native courts. One was accepted by the Council, making the wife of an accused native a non-compellable witness. The other, moved by the Leader of the Opposition,\textsuperscript{172} would have made a court hearing invalid without the appearance of a ‘headman’, and was described by Kitson as being ‘if not ridiculous,...impracticable.’ It failed on its initial return to the Council,\textsuperscript{173} but later that day in Committee it was agreed that the appearance would be made compulsory ‘where practicable’.\textsuperscript{174}

\textbf{Failing to implement Moseley’s recommendations}

We have seen that the 1936 \textit{Act} existed almost independently of the Moseley Commission, and that the new amending legislation was rather based upon its
1929 predecessor and the shelved 1933 draft held over to allow Moseley free rein. If we need more proof that it was Neville’s agenda that controlled proceedings, we can find it in the disquiet provoked in the Parliament by the differences between the Act and the Moseley Report. Watts summed up the feeling particularly well. During his battles in Committee to have what he believed to be Moseley’s intended version of the native court scheme implemented, he said: ‘A habit has grown up of appointing Royal Commissioners to make exhaustive inquiries, to travel all over the country, and to arrive at certain definite conclusions, which are subsequently ignored.’

Many other speakers were also concerned with the apparent neglect of the Royal Commission and its findings, and with the increased powers of the Chief Protector.

We saw in the last chapter that Moseley pinned the value of his Commission to the restructuring of the Department, specifically to the introduction of the Divisional arrangement. We also know that Neville dismissed the idea out of hand. Numerous politicians, however, were dismayed that the recommendation had not found its way into the legislation. Some even promoted another version of the idea, but failed to gain the necessary support. Angelo spoke of ‘the mistake’ that had been made in not following Moseley’s recommendation concerning Divisional protectors. He believed that Neville’s objection – that the change would entail the creation of three departments – could be overcome. If not, he proposed the introduction of an advisory board. This would have the added benefit, he said, of relieving the Minister of ‘a great deal of work’. He expanded upon the idea: ‘It should be an honorary board and should consist of
gentleman – I would not have ladies on the board because there will be matters to deal with which no lady would like to be concerned’. These gentlemen should come from different regions and have experience there. He named one possible member, the Member for the Pilbara, F. R. Welsh, and thought that some pastoralists might be efficacious to the board’s work.\textsuperscript{177}

Wood thought that ‘certain proposals’ within the legislation had been ‘inspired by the department’ rather than the Commission. He wished to find a compromise, which would allow for separate northern and southern protectors. Going further, he said Moseley had been in error not to suggest a board of the kind mentioned by Angelo. There were, he said, enough ‘public-spirited men who would be only too happy to act on such a board’.\textsuperscript{178} Piesse was also sorry that no regionalisation was provided for in the Act, adding that it was not too late to make the alteration.\textsuperscript{179}

When the debate resumed, so did the calls for divisional protectors. Mann wanted to see that the north and the south ‘worked independently’.\textsuperscript{180} Holmes even wanted ‘two Acts of Parliament, one for the North and one for the South...[and] two sets of administration’.\textsuperscript{181} Moseley had done ‘a good job’ and Holmes agreed with him that unless the amendments altered the form of the administration, nothing would improve.\textsuperscript{182} Nicholson called for divisional protectors, working in concert with the Chief Protector in Perth.\textsuperscript{183} Thomson thought neither the Commissioner nor the Act went ‘far enough’ to solve the generic ‘problem’, but he supported the idea of ‘two or three divisions’.\textsuperscript{184} Hamersley wanted to split the power base of the department, believing the Act
as put appeared to ‘aim at the further aggrandisement of the Chief Protector’.\textsuperscript{185} E. H. Hall (MLC, CP, Central) raised the idea that Watts would later adopt. Although he did not specifically support regionalisation or an advisory board, he did ask that ‘surely an effort can be made to give effect to the more important recommendations’ made by Moseley. While he had ‘no complaint’ with Neville, he added that Moseley considered the task ‘too big for one man’, and that Moseley was ‘on solid ground’.\textsuperscript{186}

Of the fifteen speakers in the second reading debate in the Council, nine called for either Moseley’s divisional concept or the compromise advisory board. All of these were non-Labor members, but the Act was a non-partisan measure, and thus was not attacked on party grounds. Moore, the only Labor speaker except for Kitson, was silent on the question. No one thought enough of regionalisation to speak against it in the second reading debate. When Kitson spoke in reply, he reiterated the government position that divisionalisation would create three administrations, adding that the current Act allowed for divisional protectors.\textsuperscript{187} In so doing, he used Neville’s tactic of equating divisional protectors with the far less important regional or travelling inspectors. He repeated the move later in the same speech, saying that Neville had called for travelling inspectors for years: ‘if we have not had divisional protectors in the North, it has not been the fault of the Chief Protector.’\textsuperscript{188} He quoted Moseley in debunking the idea of an advisory board, which was ‘the last thing’ he ‘would want to see’.\textsuperscript{189}

Even some speakers who supported the government can be seen as undermining its intentions. Wittenoom, in supporting the second reading, said that ‘we have
to follow the advice given to us by the Royal Commissioner.' \(^{190}\) When the Bill reached the Assembly on December 3, the questioning continued. Latham was 'sorry the Government did not give effect to the suggestion...that the State should be divided into three different sections.' It was impossible, he said, to 'set out a hard and fast policy from an office in Perth and have it administered amongst all the natives'. \(^{191}\)

Coverley spoke next, setting himself from the beginning against Neville and parts of the Act. 'Most of the clauses of the Bill have been framed to give the Chief Protector greater power in carrying out his administrative work', but he was 'prepared to try the Chief Protector out and allow him the amending legislation that he desires'. Generally, he observed that many of Moseley's recommendations had failed to make it into the legislation. On the divisional question, he adopted the Neville method and tried to claim the idea as his own: 'To a certain extent I can agree with that proposal. When giving evidence before the Royal Commissioner, I pointed out that there were three distinct sections of natives to be catered for by the department.' \(^{192}\) In another part of his speech he turned on Neville more directly: 'It appears that the Chief Protector thinks he is the only person who has any knowledge and understanding of the position.' \(^{193}\) It is difficult to take Coverley very seriously, however. He had voted against the 1929 Bill, one of eleven Labor politicians to do so. \(^{194}\) Even though he voted for the new Act, he seemed to have forgotten the content of the 1929 Bill. He stated that he had opposed that measure because 'of the stupidity of the clauses it contained', many of which he claimed had been omitted from the 1936 Bill. \(^{195}\)
Warner sought three commissioners to deal with the three different classes of natives in the three different parts of the State." Watts also declared his support for 'three commissioners' and the desirability of decentralisation of administration. Marshall thought an advisory board the only solution to the administrative dilemma. Seward merged the two most popular ideas and wanted the department 'put into the hands of a board of three.' In all, eleven members spoke to the Bill, of whom six called for radical alteration of the administration of the department. Unlike the case in the Council, two of those who called for the alterations were Labor members.

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Although the Moseley Royal Commission garnered a cross-section of opinion on the 'Aboriginal problem', its relevance to the formation and passage of the 1936 Native Administration Act has long been overplayed. Its great strength was to convince the various politicians that the time to act had come. As Biskup has noted, although some 95,000 words were expended in sometimes stormy debate, 'the fate of the bill [was] never really in doubt'. The most indicative precursor to the 1936 Act was not the Moseley Report but the failed 1929 Aborigines Act Amendment Bill. The 1929 Bill provided the substantive basis for all except one of the major amendments to the parent Act that appeared in the 1936 Act. The only major amendment not carried over from 1929 was alive in Neville's mind, and had gained acceptance in other jurisdictions, well before Moseley was appointed Commissioner. If there was any doubt as to the tenuous connection
between the Commission and the legislation, the frequent referral to the non-implementation of Moseley's recommendations in both Houses cements the point. The reality was that Neville pushed for and got the legislation that he wanted, with very little compromise.

So far this investigation has been concerned to demonstrate Neville's policies in action in a number of areas in the 1930s. In the next and final chapter we shall focus on the broader underpinnings of Neville's thinking on the Aboriginal 'problem', via the book he produced in his retirement.

1For ease of comprehension, the various legislative pieces discussed in this chapter have been given different titles; thus the 1929 legislation will be referred to as the '1929 Bill' or the 'Bill', while the 1936 effort will appear as the '1936 Act' or the 'Act'. The existing legislation will be referred to as the 'parent Act' or the '1905 Act'. While technically legislation remains a 'bill' until it passes (or fails), this convention should make things a little easier for the reader.
4A 1911 Aborigines Act Amendment Act banned guilty pleas without the approval of a protector, among other things, but was only superficial overall; the Firearms and Guns Act of 1931 repealed the original s.47-51 inclusive.
5Chesterman and Galligan, op. cit., p. 125; pp. 147-8; p. 140.
7Reid and Oliver, op. cit., p. 71; David Black and John Mandy, eds, The Western Australian Parliamentary Handbook, 19th Ed., Perth, Western Australian Parliamentary History Project, 1998. Party memberships and tenures have in general come from this source, along with Bolton and Mozley, op. cit.
8The timing of the two pieces affected the contemporary reportage and commentary they received. In 1929 the proximity of the festive season was probably enough to swamp one of many failed pieces of legislation. In 1936 the season was the same, and the Act was also before the House at the same time that London was dealing with the eventual abdication of Edward VIII.
9Haebich is the exception to this habit. In For Their Own Good, p. 277, argues that the 1929 Bill came in response to the Onnalmi massacre of 1928, an attempt to 'give the impression of doing something'.
10e.g. Ibid., p. 342ff; Biskup, op. cit., p. 169ff; Beresford and Omaji, op. cit., p. 40ff.
11Jacobs, Mister Neville, p. 151.
12WAPD, 97, 1936, p. 1204.
13Ibid., p. 711.
14Neville, Australia's Coloured Minority, p 37.
15Jacobs, Mister Neville, p. 240.
\[16\] WAPD, 97, 1936, p. 710.
\[17\] Ibid., 83, 1929, p. 1523.
\[18\] Ibid., p. 1524.
\[19\] Bolton and Mozley, op. cit., p. 128.
\[20\] WAPD, 83, 1929, p. 2167.
\[21\] Ibid., pp. 1521-2.
\[22\] Ibid., 97, 1936, p. 822.
\[23\] Ibid., p. 831.
\[24\] Bolton and Mozley, op. cit., p. 124; WAPD, 97, 1936, p. 878.
\[25\] Bolton and Mozley, op. cit., p. 142; WAPD, 97, 1936, p. 885.
\[26\] Ibid., p. 825.
\[27\] Bolton and Mozley, op. cit., p. 169; WAPD, 97, 1936, pp. 980-1.
\[28\] Bolton and Mozley, op. cit., p. 186; WAPD, 97, 1936, p. 932.
\[29\] Bolton and Mozley, op. cit., p. 153; WAPD, 97, 1936, p. 832.
\[30\] Ibid., p. 878.
\[31\] Ibid., 83, 1929, p. 1527.
\[32\] Angelo moved from the Assembly to the Council in 1933, Bolton and Mozley, op. cit., p. 3.
\[33\] WAPD, 83, 1929, p. 2105.
\[34\] Ibid., p. 1839.
\[35\] Ibid., p. 1739.
\[36\] Ibid.
\[37\] Bolton and Mozley, op. cit., p. 179.
\[38\] WAPD, 83, 1929, p. 1842.
\[39\] Ibid., p. 1634.
\[40\] WAPD, 97, 1936, p. 822.
\[41\] Ibid., p. 880.
\[42\] Ibid., p. 933.
\[43\] Ibid., p. 980.
\[44\] Ibid., 98, 1936, p. 2367.
\[45\] Ibid., 97, 1936, p. 973.
\[46\] Ibid., 83, 1929, p. 1840.
\[47\] Ibid., p. 1741.
\[48\] Ibid., p. 1739.
\[49\] Ibid., p. 1634.
\[50\] Ibid., p. 1632.
\[51\] Bolton and Mozley, op. cit., p. 66.
\[52\] WAPD, 83, 1929, p. 1837.
\[53\] Ibid., p. 1838.
\[54\] Ibid., 97, 1936, p. 714.
\[55\] Ibid., pp. 933-4.
\[56\] Ibid., 98, 1936, pp. 2291-2.
\[57\] Ibid., p. 2372.
\[58\] Ibid., p. 2373.
\[59\] Aborigines Act, 1905, s. 3.
\[60\] WAPD, 83, 1929, pp. 1522-3.
\[61\] Aborigines Act Amendment Act, 1929, clause 2(a).
\[62\] Ibid., 2(c).
\[63\] WAPD, 83, 1929, p. 1520.
\[64\] Ibid., p. 1523.
\[65\] Ibid., p. 2058.
\[66\] Ibid., p. 1523.
\[67\] Ibid.
\[68\] Bolton and Mozley, op. cit., p. 76.
\[69\] WAPD, 83, 1929, p. 1834.
\[70\] Bolton and Mozley, op. cit., p. 96.
\[71\] WAPD, 83, 1929, p. 2165.
\[72\] Ibid., p. 2103.
\[73\] Ibid., p. 2107.

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74 Ibid., p. 2058.
75 Aborigines Act Amendment Act, 1936, s. 2.
76 Chesterman and Galligan, op. cit., p. 125. They are vague as to whether this was a ‘first’ in Western Australian, Aboriginal, or all legislation.
77 Ibid., pp. 140-1.
78 Ibid., p. 147.
79 WAPD, 97, 1936, p. 981.
80 Bolton and Mozeley, op. cit., p. 7.
81 WAPD, 97, 1936, p. 824.
82 Ibid., p. 830.
83 Ibid., p. 934.
84 Ibid., p. 822.
85 Bolton and Mozeley, op. cit., p. 88; WAPD, 97, 1936, p. 880.
86 Ibid., p. 887.
87 Ibid., 98, 1936, pp. 2389-90.
88 Ibid., p. 2397.
89 Ibid., pp. 2369-70.
90 Ibid., 97, 1936, p. 825.
91 Ibid., p. 832.
92 Ibid., pp. 933-4.
93 Ibid., pp. 974-5.
94 Ibid., 98, 1936, p. 2375.
95 Ibid., p. 2377.
96 Aborigines Act Amendment Act, 1929, c. 3(b).
97 Aborigines Act, 1905, s. 8.
98 Aborigines Act Amendment Act, 1929, c. 3 (a).
99 WAPD, 83, 1929, p. 1524.
100 Ibid., p. 1912.
101 Aborigines Act Amendment Act, 1936, s. 7(c).
102 WAPD, 97, 1936, p. 716.
103 Ibid., 98, 1936, p. 2600.
104 Aborigines Act Amendment Act, 1936, c. 25.
107 Ibid., p. 1526.
108 Ibid., p. 2168.
109 Ibid., p. 1527.
110 Ibid., p. 1844
111 Bolton and Mozeley, op. cit., p. 66; WAPD, 83, 1929, p. 1839.
112 Ibid., p. 2101.
113 Ibid., p. 1633.
114 Ibid., p. 1837.
115 Ibid., p. 1840.
116 Ibid., 97, 1936, p. 719.
117 Ibid., p. 831.
118 Ibid., pp. 2105-6.
119 Ibid., p. 977.
121 Ibid., p. 2619.
122 Ibid.
123 Ibid., p. 2620.
124 Aborigines Act, 1905, s. 43 (a).
125 Aborigines Act Amendment Act, 1929, c. 25 (a).
126 Chesterman and Galligan, op. cit., p. 131. The authors are vague as to whether the ‘first’ is in Western Australian, Australian, or any legislation.
127 WAPD, 83, 1929, p. 1906.
128 Ibid., p. 2102.
In the debates this is referred to as clause 17; in the printed version of the Bill, upon Recommittal, it is clause 18. I have followed the printed numbering.
186 Ibid., pp. 979-80.
187 Ibid., p. 983.
188 Ibid., pp. 988-9.
189 Ibid., p. 984.
190 Ibid., p. 722.
192 Ibid., pp. 2375-6.
193 Ibid., p. 2378.
194 Ibid., 83, 1929, p.2169.
195 Ibid., 98, 1936, p. 2378.
196 Ibid., p. 2386.
197 Ibid., pp. 2387-8.
198 Ibid., p. 2390.
199 Ibid., p. 2392.
200 Biskup, op. cit., p. 169.
Chapter 6

Australia’s Coloured Minority

Auber Octavius Neville has been the thread that runs through this work, and thus far we have seen his attempts to dominate numerous historical sites, with varying degrees of success. In Canberra in 1937 he carried the day in some practical way, getting most of his beliefs and ideas into the Conference document, if not into the hearts and minds of all in attendance. During the Moseley Royal Commission he attempted to control the policy debate, and afterwards he white-anted any of the Commission’s findings antithetical to his own ideas. He was so successful that when new legislation finally appeared, it fulfilled the aims of the Chief Protector rather than the Royal Commissioner.

Until now we have been concerned with analysing various aspects of Neville’s practical agenda — what he wanted to do for and to the Aborigines in his control. We have noted that he desired to increase his powers of control over the Indigenous people of Western Australia, and that he was almost equally intent on promoting
himself and his increased powers on the national stage. In doing this we have obliquely and occasionally referred to the differing ideas and conceptualisations of Aboriginality that informed Neville and his contemporaries as they decided the future of the Aborigines of the West and the nation. Now the time has come to turn the focus inward, to the bases of his actions. In this chapter we will turn our attention specifically to Neville's thinking on the Aboriginal 'problem'.

The most concentrated example of Neville's thoughts and beliefs regarding Aboriginal Australians is to be found in his 1947 publication, *Australia's Coloured Minority: Its Place in the Community*. Jacobs claims the book was completed in 1943 and published four years later at his own expense, while Biskup states it was written after the failed 1944 referendum that in part called for expanded Federal powers over Aboriginal administration. Whenever it was written, the book is a self-avowed attempt to argue the case for the effective implementation of resolutions made at the 1937 Canberra Conference on Aboriginal Welfare. Coming a year before the 1948 meeting of Authorities, the book is something of a last hurrah for a certain kind of thinking, not that anyone could have known, of course. Neville himself was keen that the book appear before the 1948 meeting, however. Written after his retirement from the Western Australian Public Service, *Australia's Coloured Minority* provides a personal retrospective of his ideas concerning Aborigines and Aboriginal policy. As such, it is also an apologia for his career. In this chapter we will tease out the continuities and discontinuities of Neville's
construction of Aboriginality in *Australia’s Coloured Minority*, and place them within the continuum of racial thinking.

One aspect of the book that we can deal with briefly is that of repetition. Neville was not one to waste ideas or phrases. It is as if years of running a poor department had affected his literary style: nothing was ever thrown out. Phrases that first appeared in newspaper articles and interviews years earlier reappeared in his *magnum opus*, as did his utterances from the Moseley Commission and the Canberra Conference. These two last are not surprising – having worked to organise his thoughts once or twice, we must expect him to have kept the basics intact for this effort. Still, we might wonder where the recycling useful turns of phrase ends and intellectual and ideological rigidity begins.

In Neville’s estimation, the very existence of ‘coloured people’ and their alarming increase in numbers created a need for assisted integration into White society. The dangerous example of Harlem, where thousands of America’s ‘coloured folk’ lived as a separated mass, was there for all to see, and Neville claimed that ‘embryo Harlems’ existed in Australia’s major cities. As only part-Aborigines these people were owed some aid by the majority in society. In so viewing the Aboriginal ‘problem’, Neville was invoking many different concepts of ‘race’. The inherent tensions between these competing ideas cannot easily be overcome – in fact they were often mutually exclusive. While these tensions exist in *Australia’s Coloured Minority*, they are not unique to that book; we have seen that similar tensions
existed in many areas of Aboriginal policy, legislation and practice. We have also seen that the intellectual supports for the ideas in question had been or were in the process of being brought down, but this did not strike them from the intellectual register of ideas available to Neville or others. Ideas have lives of their own, and their effects can long outlive their acceptance by a scientifically qualified (in this instance) elite. Further, ideas can be carried in transmogrified forms, so that they no longer appear to be as they once were. In *Australia’s Coloured Minority* we see Neville almost subliminally informed by a complex suite of ideas of varying vintage, with varying degrees of compatibility.

Neville’s conceptualisation of the ‘coloured people’ of Australia contained awkwardly grouped and contradictory ideas. His view was in part eugenicist, in part humanitarian, and in part managerial; but it was almost equally racially essentialist and the tension between these irreconcilable notions generated much of the ‘intellectual weakness’ that Rowse has remarked upon. This weakness places Neville within Banton’s schema of contributors to racial theorising. We do not need to determine if Neville was ‘simply confused’ or an opportunist to realise that he had ‘put together incompatible elements to construct an unconvincing thesis’ regarding the Aborigines of Australia.

It is not enough, however, to see Neville merely as confused on these matters, though confused he was. Nor was his depiction of things necessarily consciously opportunistic; his aggregation of concepts might seem opportunistic, and it
certainly suited his purposes, but that does not mean it was consciously decided. Other factors must be taken into consideration. In the first place, although ‘race’ was an accepted concept, there was no simple consensus on its meaning in the 1930s. There was nothing new in this: the term had been fluid as far back as the Renaissance, continued to be in the late nineteenth century, and is still problematic today. In the 1930s, however, the scientific understandings of race were in turmoil. Population genetics was in the throes of replacing Mendelian genetics in the scientific domain, but had by no means cemented its position. As we would expect, those outside the scientific community, including Neville and other Aboriginal administrators, were not always up to speed with new theoretical and conceptual matters. But the contradictions in Neville’s writings are not merely evidence of a confused layman.

Neville was charged with finding solutions to the social ‘problems’ posed by Aboriginal Australia; in particular he concerned himself with people of part-Aboriginal descent. In doing so, he grasped whatever perceived solutions, and also whatever explanations of the problem, that he could. Through all Neville’s writing and actions we can detect a belief in race as a biologically valid concept, as well as humanitarian and socially understood concepts of Aborigines and Aboriginal-ness. His focus on half-caste people exemplified this multi-dimensional picture. On one hand, half-castes had to be dealt with in a biologically-constructed fashion: control of their breeding was to the fore throughout much of the book. However, education and socially ameliorative practices were also needed for their social betterment.
(even if this was merely to prepare them for absorption, it would benefit individuals in other ways). In admitting of both hereditarian and environmental solution, Neville was like many Australian social reformers of the time.\textsuperscript{12}

Undergirding all of this is a picture of half-castes as a new kind of problem: an increasing menace to white society that must be dealt with before it is too late. Of course, by 1947 this view of the ‘problem’ was not new at all; but in the sweep of Australian history, Neville considered it so. As a new kind of problem, created through miscegenation, new tactics and processes had to be introduced. Having described the ‘problem’ in biologically-derived racial terms, it is not surprising that these new solutions would be built upon racial foundations. Thus we can see Neville’s writings as an example of a conceptual transformation: while the descriptive parameters of ‘race’ seemed to change, and gave rise to new arguments, they were still created from older ‘racial’ notions, and were turned towards ends that existed only on racial terms.

\textbf{The response to the book}

Whatever Neville’s expertise, he made numerous forays into the world of print concerning those entrusted to him. As well as writing \textit{Australia’s Coloured Minority}, he contributed a chapter on Aborigines to Hal Colebatch’s centennial history of Western Australia,\textsuperscript{13} wrote a series of articles for the \textit{West Australian} in 1930 and 1931,\textsuperscript{14} and was also published in \textit{Mankind} and the journal of the Western
Australian Historical Society.\textsuperscript{15} \textit{Australia's Coloured Minority} was, however, Neville’s most concentrated effort, but the book has rarely, if ever, been seriously taken to task; not itself a sufficient reason for doing so, perhaps, but Neville is too important a figure to let his only major publication go untested. Jacobs deals with \textit{Australia's Coloured Minority} in a few pages, most of which focus on other issues.\textsuperscript{16} So lightly weighted is the book in her biography that it does not rate inclusion in the index.\textsuperscript{17} Even at the time of publication the book received little critical intellectual coverage. Jacobs notes a few newspaper reviews,\textsuperscript{18} but these were hardly examples of critical thought. The reviews in the \textit{Sydney Morning Herald} and the \textit{West Australian} are both examples \textit{par ordinaire} of regurgitation-as-review: ‘It is doubtful if any Australian has better qualifications to write on the subject,\textsuperscript{19} and ‘This is one of the frankest books ever written'\textsuperscript{20} are almost the only parts of those reviews that are not either paraphrasing or directly quoting Neville.

If the popular press dealt only fleetingly with the book, the academic establishment of the day, better qualified to deal critically with it, did even less. \textit{Oceania} and \textit{Mankind}, the foremost Australian anthropological journals of the time, and \textit{Australian Quarterly}, home to articles on Aboriginal affairs and other political and social discussions, all failed to notice it.\textsuperscript{21} In 1950 the respected Australian anthropologist, Phyllis Kaberry, reviewed it briefly for the British anthropological journal \textit{Man}. While broadly in agreement with Neville’s institutional solution, she pointed out what she saw as sociological and anthropological weaknesses in the work.\textsuperscript{22} Further, the book is cited extremely rarely, if ever, in the subsequent
anthropological literature. In more recent times, Catriona Elder has written on the ambivalences in the version of ‘white Australia’ that Neville invoked.23

The failure to deal with Neville’s book may rest on a couple of points. One possible reason is that the book’s theories and proposals were so far outside the disciplinary norms of the time that it was not reviewed. This, however, seems a little unlikely, given the position Neville had held. His ideas were far from new, and had been widely accepted in quite recent history. Maybe public, governmental, administrative, and professional anthropological views had altered so far in the intervening years that he had been left behind. Thus the answer might lie in polite silence: Neville was held in enough esteem that his confused, contradictory, and passé thoughts would not be taken to task. There is perhaps something of this in the silence of the more academic journals – although, if that were the case, it is hard to see why A. P. Elkin would have involved himself in the ‘Introduction’. More likely, perhaps, is the possibility that Neville’s ideas were deemed just a little old-fashioned. Not wrong per se, and based on correct assumptions, but a little bit off kilter. It is impossible to raise anything more than conjecture on this matter, but we can assume that Neville’s book was not far enough off the main line to demand corrective critiques from the anthropological or political writers of the time.

One central concept that we must not ignore in dealing with Neville and his writing is humanitarianism. It is all too simple, if understandable, to demonise Neville for his theoretical and ideological figuring of Aboriginal Australians in view of the
appalling outcomes his policies and practices have had for generations of Aborigines in Western Australia. While the personal, generational, and societal devastation caused by governmental Aboriginal policies in Western Australia is readily conceded here, we cannot claim that Neville wished ill upon those people. He wrote that ‘[a]s a people the natives have suffered enough’, 24 that the predominant cause of their suffering had been white civilisation, 25 and that he was ‘an enthusiastic protagonist’ in the Aboriginal cause. 26

The very fact that Neville toiled for twenty-five years as the head of an underfinanced and often unpopular department suggests some level of commitment to the cause. Other factors no doubt played their part in his persistence over such a long stretch of time – obstinacy, pride, the desire for power, and a sense of bureaucratic duty spring to mind as possibilities – but it is unlikely that anyone would continue without some humanitarian impetus. A child of the manse and of the Empire, Neville was ‘raised on the practice of service and charity’. 27 In a barely disguised reference to himself, Neville wrote of ‘those who regardless of self have done all they possibly could to point the way, and it is no fault of theirs that their advice has not always been taken’. 28 While the combined tones of self-congratulation and self-defence are obvious, there is also the battle-weariness of one who has given much of his life to a single cause.
Structure and Categories

The structure of *Australia’s Coloured Minority* merits consideration for its indication of the kind of thinking we can expect to find within the book. The book is dedicated to ‘the “coloured folks” of Australia’, and has a dedicatory poetic passage from Sir E. Arnold:

Pity and need make all flesh kin.
There is no caste in blood
Which runneth of one hue,
No caste in tears
Which trickle salt with all.

The selection is intriguing. Edwin Arnold, unrelated to the more famous Thomas Arnold, was born in 1834 and died in 1904. A poet from his youth, he moved to India in 1856 to head a British government college at Poona. There he became engrossed in Eastern languages, and was later to translate works from Sanskrit to English, including the *Bhagavad Gita*. In 1861 he returned to England to write for the *Daily Telegraph*, later becoming its chief editor. He was made a Companion of the Star of India upon Queen Victoria becoming Empress of India in 1879, and was further made Knight Commander of the Indian Empire in 1888.¹⁹

Neville’s quotation comes from Arnold’s best known poem, the epic *The Light of Asia*.²⁰ Originally published in 1879, it presents a life in verse of the Guatama Buddha and runs to 294 pages. The passage is spoken by Buddha to a low caste youth fearful of touching the high-born Siddartha. According to the text, all are born equal in at least one sense: that, as the verse continues, ‘Who doth right deed/
Is twice-born, and who doeth ill deeds vile.\textsuperscript{31} Given the focus that Neville placed upon the power of ‘blood’ and some sort of biological imperative to behaviour, it is intriguing that he chose this text. Read in isolation, it implies that biological race was unimportant to Neville, that all men were in all important aspects equal, and that the actions of an individual would rate above all else. As we have already seen, this notion carried little weight in Neville’s administrative and legislative practices, and nor was it presented in the body of the book, making the dedication the first ambiguity of many.

In many ways, Arnold is exactly the kind of poet we would expect Neville to choose. He had British Empire credentials, having served as a teacher in India, and was even responsible for setting Stanley off in search of Livingston.\textsuperscript{32} Further, his poetry was infused with a very Christian ethic. The dedicatory passage taken from \textit{The Light of Asia} is very reminiscent of aspects of Christian teaching, and the tone of the whole has been described as at once picturesque as well as morally recognisable to British readers.\textsuperscript{33} Arnold’s work was also ‘theatrically emotionalized’ and had a ‘placid and pious sentimentality’ that was typical of the period.\textsuperscript{34} Neville, we know, was a child of empire as well as the manse,\textsuperscript{35} and the two had more in common. Both had moved from the Imperial centre to its fringes to further their careers; Arnold alone, however, returned to the metropolis and achieved some level of fame. Neville had been raised on the writing of Sir Walter Scott,\textsuperscript{36} and Arnold seems perhaps just another Victorian romanticiser and moralist in the same vein. Of course, by the mid-1940s, Arnold was well out of favour in
literary circles and very much a creature of the past. That said, however, his works were popular enough for the WA Parliamentary Library to hold *The Light of Asia*, as well as its less critically successful sequel *The Light of the World*, based on the story of Christ.  

Other aspects of Arnold’s life made him an unusual choice. Given Neville’s feelings concerning interracial marriages, and specifically the dangers posed by Asians to Aborigines, it is ironic that Arnold’s third and last wife was Japanese. Of course, Arnold was not an Aborigine, and therefore no doubt immune in Neville’s mind to the dangers implicit in mixed marriage, and it is unlikely that Neville was aware of Arnold’s marital choices, but the irony remains. If even the dedicatory passage chosen by Neville gives rise to contradiction and convolution, we shall see that the further we delve into *Australia’s Coloured Minority*, the more these qualities come to the fore.

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The ‘contents’ page of Neville’s book gives us the first major hint of the type of argument we can expect. It informs us that the book consists of seven chapters and a conclusion, the last chapter being broken into eleven subsections. The first chapter, and specifically its title, is of most immediate interest.
All chapters bar the first have fairly utilitarian titles, with the possible exception of the second, ‘Assimilation’. The rest deal with ‘Institutions’, ‘Camps and Housing’, ‘Education’, ‘Youth, Work, Wages’, and ‘National Control’. The first is different. Rather than the prosaic ‘Introduction’ that we might expect, Neville gives us ‘The Charge’. What is initially most intriguing about such a title is the ‘old world’ flavour of the term, although, given the choice of Arnold for the dedicatory passage, such ‘old worldism’ is perhaps not really surprising. Then again, Neville apparently had a fondness for arcane language; in one of his 1930 West Australian articles he wrote that the Kimberley district was ‘Girt on the West and the North by the ocean’, making him a member of a very select group to have ever used that anthemic term.

Beyond a sense of antiquarianism, however, ‘The Charge’ carries specific connotations and implications. If we ignore the military, heraldic, farriery, electrical, financial, and precise legal definitions, there are still numerous ways in which the term may be interpreted. These tend towards a quasi-moral tone, relating to the holding of and/or the imposition of a duty or task. It is perhaps this general and vague sense of the term that Neville sought to invoke, but we must not ignore other possible uses of the term, especially given that in later sections of the book Neville himself reflected on the possible effects of language. From the contents page and the overall structure of the book we are led to expect a quasi-moral(istic) incitement to action, and an outline of the best course of such action. Neville argues
that there is a moral imperative upon White Australia to attempt to assuage the lot of the ‘coloured’ folk.

One problem that immediately arises is that of definition. Exactly who were the ‘coloured’ people with whom Neville concerned himself? Given that the term is used in the title, we might assume that it would be clearly defined somewhere within the body of the text. In a Glossary preceding the text there is a simple definition: ‘Coloured People’ are ‘People of Aboriginal descent but not of the full-blood’.40 What definition we are given in the main text is also of a largely negative kind. The opening line of the book states that it ‘is about the coloured people of Australia, but of necessity their full-blood relations, both white and black, must come into the picture to some extent.’41

The closest thing to a comprehensive definition comes in A. P. Elkin’s ‘Introduction’. Elkin was the pre-eminent Australian anthropologist of his time, Professor of the only University department of anthropology in the country, and perhaps the most famous ‘father’ of assimilation.42 Elkin wrote that he was gladdened that Neville had accepted assimilation as the only solution to the ‘Aboriginal problem’. Glad he might have been, but he could not help himself from a little one-upmanship – as we have seen, an extremely common trait in Aboriginal matters, and not unheard of in the academy. Elkin was, ‘of course, pleased that [Neville’s book] agrees in the main with what was suggested in my “Citizenship for the Aborigines”, written about the same time as Mr Neville wrote his book, but
published earlier.\textsuperscript{43} This suggests that Neville had come to the same position that Elkin already held, with a subtle indication that perhaps the latter's work had influenced the former. Perhaps there was a little 'karma' at work in Elkin's hints, especially given Neville's habit of transforming other people's utterances to his own ends.

Whatever the cause, the apparent confluence of Neville's and Elkin's thoughts requires attention, for the two had not always concurred. They had first met in late 1927 when Elkin embarked upon field work in the Kimberley, at which time he had been careful not to criticise Neville's actions.\textsuperscript{44} By 1937, however, Elkin was less sanguine about the policies endorsed by Neville and others at the Canberra Conference, especially that of biological absorption.\textsuperscript{45} In 1947, as we shall see, Neville was ambiguous about the difference between absorption and assimilation and this perhaps allowed Elkin to adduce Neville's agreement. Jacobs states that in this period the two had a 'congenial relationship', with Neville auditing Elkin's University courses.\textsuperscript{46} 'Congenial' it may have been, but Elkin wrote in 1945 that Neville had been 'one of the greatest banes to forward work'.\textsuperscript{47} Elkin's biographer notes that in this period he was an extremely popular writer of introductions.\textsuperscript{48} Whatever the reasons behind the involvement, it is indisputable that in 1947 Neville needed Elkin's endorsement much more than Elkin needed to support or be seen to be supporting Neville.
Whatever his reasons for writing it, Elkin’s introduction informs us that the term ‘Coloured Folk’ was preferable to the commonplace ‘half-caste’ because few people were, technically speaking, half-and-half; rather, they were differently proportioned in their racial ancestry. He also gave near-perfect example of the invisibility and ubiquity of the concept of whiteness when he divided the population: ‘Australians proper (that is our white selves); full-bloods...; and, in thought and social behaviour, the Aboriginal castes or mixed bloods’. Beyond the quasi-mathematical definition, he described this last group as being ‘in our midst, and partly of our blood, but they are not yet “of us”’. If they were not ‘of us’, they were by implication closer to ‘us’ than ‘full-bloods’, which was vitally important in Neville’s scheme of things; he wrote that the ‘position of the coloured man is not that of the full-blood. He is ready for advancement and separate training.’ The term thus described some racial make-up (however loosely explained) and also some functional and/or social quality.

By 1947 there was some history of use of the term ‘coloured’ in Australia, but it is hard to conceive of the term as common or uniform. The first recorded use of ‘coloured’ in Australia was in 1816 in Hobart, but that instance seems not to have involved an Aborigine. In 1936, when introducing the Aborigines Act Amendment Bill for the second reading in the Western Australian Legislative Assembly, Kitson spoke of ‘what we now term coloured people’, and while he was not the only member to use it in the following debates, the term was used interchangeably with many other terms. At the 1937 Conference, Neville equated ‘coloured people’
with ‘half-castes’. Of nine Australian sources surveyed, only the Oxford Australian Words and their origins refers to Aborigines in its definition of ‘coloured’. All other sources refer to either Negro or South African examples, refer generically to ‘non-white’, or do not refer to ‘coloured’ in terms of people at all. Whatever his reasons for the shift to ‘coloured’, Neville was by no means consistent in his use of the term.

We have already seen that Neville was concerned with the effects of terms like ‘half-caste’ and ‘aboriginal’. In a sub-chapter entitled ‘What’s in a Name’, he explained the motives behind the West Australian government’s terminological adoption of ‘native’ to cover all people of Aboriginal ancestry. Echoing what we have already seen, he held that the term ‘aboriginal’ was repugnant to most ‘coloured folk’ and that the ‘half-caste’ was abhorrent to the ‘full-blood’, yet both groups were happy to be known as ‘natives’. He added that a white husband might object to his ‘coloured wife being referred to as an aboriginal rather than the more euphemistic term “native”’. Whether or not these claims could have been supported in fact is not the issue; rather, it is interesting to note that Neville was concerned with the effects terminology could have. In light of this, it is possible that the move to ‘coloured’ was made for similar reasons as those given for the adoption of ‘native’, even if the move was practically irreconcilable with the all-inclusive nature of the ‘native’ concept Neville had worked so hard to introduce.
Throughout *Australia’s Coloured Minority*, Neville used of most other descriptors assigned to people of mixed Aboriginal descent. This is not of itself important, but it does hint at the conceptual slipperiness that surrounds much of his writing in the book. Not only did he adopt various terms to describe the ‘coloured folk’, but these terms often carried intellectual baggage that denoted them as much more than descriptive. Even if Neville favoured ‘coloured’, there is perhaps a reasonable expectation that he might lapse into the use of past nomenclatures. We would expect to find ‘half-cast’ used, and we do; similarly we find Neville using ‘native’.

These terms had enormous currency within society at the time and had been in use for many years. More intriguing is the replacement of ‘native’ with ‘coloured’. Perhaps this was a case of terminological evolution, or perhaps he had realised that ‘native’ worked against the biological determinism that drove his understanding of the ‘problem’. ‘Half-caste’ had such a long history of use that one can reasonably imagine its almost unconscious appearance in the text. Other terms, however, seem to sit in an altogether different category and require other types of explanation.

**The mathematics of Race**

The basic premise of *Australia’s Coloured Minority* is a simple one: the only hope for the advancement of the ‘coloured’ people of the nation lay in their eventual absorption and/or assimilation into the mainstream of Australian society. This
broad policy had been adopted by the 1937 Conference on Aboriginal Welfare, whose central resolution Neville himself authored:

DESTINY OF THE RACE.- That this Conference believes that the destiny of the natives of aboriginal origin, but not of the full-blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.[italics in original]60

When it first appeared in the proceedings of the 1937 Conference the resolution carried no italics, yet Neville added them in the 1940s. It is as if he felt the need to shift attention from the action proposed to the group involved. Diverting the reader’s attention, he highlighted those who would not be involved, rather than those who would – the people of ‘mixed-blood’.

If there was a basic consistency within his central argument concerning ‘coloured’ people’s needs– or, rather, what needed to be done about them – within Australia’s Coloured Minority, there was much that was not. Neville dealt with a broad range of issues surrounding the Aboriginal ‘problem’, and at times these different foci made for inconsistencies. More disconcertingly, he even contradicted himself within particular areas of concern. Worse, these contradictions were not of fact, but of a more basic kind. Three broad areas of concern give examples.

In the area of biology, which was absolutely central to Neville’s definition of ‘Aboriginal’, he was at odds with himself. On the one hand many of his contentions about Aborigines seem to have much in common with nineteenth-century ideas on race. In 1850, Robert Knox wrote that ‘race is in human affairs everything’. 61 By
race he meant human heredity, and by the early twentieth century such ideas were commonplace. In a similar vein was Gobineau, the French 'diplomat, journalist, orientalist, poet [and] novelist', whose mid-nineteenth century ethnological writings led to his naming as the 'Father of Racism'. The central notion in Gobineau's writings is that racial 'types' were 'fixed, hereditary and permanent' (italics in original).

Neville also, however, followed eugenetic notions of the perfectibility of human groups, and a teleological promise for racial mixture that flew in the face of Knoxian and Gobinist-styled essentialism. In arguing his case for Aboriginal absorption/assimilation into White Australian society, Neville resorted to concepts that preceded and ignored the scientific knowledge of the day. Practically all of his ideas on race and racial 'mixing' were pre-Mendelian, and largely anti-Mendelian, and certainly not genetically-based. In one extraordinary example, Neville attempted to forge a sort of new Lamarckian-genetic teleology for the future of part-Aborigines: 'Heredity produces physical results, many of which are subject to correction by modern medical science'. On political matters, Neville was adamant that '[p]olitical influence must be kept out' of Aboriginal affairs, yet he devoted an entire chapter to the central political control of Aboriginal life. In matters humanitarian he was equally confused and confusing. Here Neville exhibited an obvious desire to 'save' people of part-Aboriginal descent, but he also feared what those people might do to white Australia if they were allowed to remain as a discrete grouping.
Within *Australia’s Coloured Minority* there are two series of photographs. They appear unannounced and are only fleetingly referred to in the body of the text. The photographs themselves are unprepossessing, being mainly single or group portraits. We have already discussed the photographs in the Bleakley Report, and it is worth noting the Moseley also appended a series of apparently extraneous images to his report. Neville, then, may just have been holding to accepted form in providing these odd pictures. The pictures did at least fit into some known practice, even if we view them as little more than pictures of Others.\(^6\)

It is the captions that interest us here, for they are loaded with subtextual implications that go beyond any simple descriptive purpose. For the first group of photographs the captions read: ‘Three Quadroon Sisters’, ‘First Cross Half-Blood Girls’, and ‘Half-Blood Girl’.\(^6\) The second set of photographs include those captioned, ‘Half-blood’, ‘Quadroon daughter’, ‘Octaroon grandson’, ‘Three Near-White Girls’, and ‘Half-blood (First Cross)’.\(^7\) Many of the terms used in these captions appear elsewhere in *Australia’s Coloured Minority*; for example, ‘first-cross children’ and ‘near white’ appear as unqualified descriptors.\(^8\) Most of these terms signify ‘blood’ as a measure of racial delineation. The obvious exception is ‘near-white’, which seems to exist on a purely impressionistic level, although it does raise the matter of defining exactly what ‘white’ may mean. If ‘near-white’ deals with appearances, the other terms listed here would seem to concern themselves with more ‘scientific’, putatively measurable, attributes.
'Quadroon', 'octaroon', 'half-blood', and 'first-cross' are all terms that deal with the proportions of certain types of 'blood' within an individual. A 'first-cross half-blood' is an individual whose mother, for example, was a 'full-blood' Aboriginal, and whose father was white (this is not deemed to need the 'full-blood' appendage). Therefore that person has 50% white 'blood' and 50% Aboriginal 'blood'. A Quadroon has 25% Aboriginal 'blood' and an Octaroon has only 12.5% Aboriginal 'blood'.

Bemusing as the images co-opted by Neville are in themselves, it is important that we investigate the calculus by which Neville formulated his racial definitions they supposedly depicted. Even though Neville wrote that 'all human blood is fundamentally alike', and invoked a poetic conformation of that idea, it would seem that white and Aboriginal 'bloods' had different potentials. Although the computations of this 'system' are tortuous at best, it seems that white 'blood' was the agent of reduced Aboriginal-ness, while Aboriginal 'blood' remained static. If this organisational plan in tentative, it is because the concepts it is attempting to describe are self-contradictory. Neville described the dynamics of 'blood' mixture thus:

It seems apparent with these people of European-Aboriginal origin that like breeds like—two half-bloods will produce children of similar blood and not of quarter-blood as many people think—and that therefore it requires the admixture of further white blood to alter the ratio and produce the quadroon...
Further, the ‘union’ of quadroons produced quadroons and likewise with octaroons. The addition of ‘full-blood’ Aboriginal ‘blood’ to the equation increased the Aboriginal quotient in a like manner to the introduction of white ‘blood’. Thus, a ‘half-caste’ in union with a ‘full-blood’ would produce a three-quarter-caste. This definition-by-‘blood’ could at least be used with some consistency, we might imagine, but Neville went on to deny the reader that possibility. Immediately below the above passage on the mathematics of ‘blood’, Neville informs us that, rather than a simple typology, what we are dealing with is particularly arcane in nature.

Between the full-blood and the near-white there are now so many grades of colour that it is impossible here to make more than passing reference to what really constitutes a scientific study.

This passage implies that ‘colour’ could be measured. Tindale, in his ‘Survey of the half-caste problem of South Australia’, a heavily annotated copy of which Neville owned and which he cited elsewhere in Australia’s Coloured Minority, described a vastly complicated system of racial interbreeding that ran from 1/8 ‘blood’ through to 7/8 ‘blood’, with multiple generational differences. This continuum of colour and ‘blood’, and the intricacies involved in its articulation, are illustrated for the modern reader when Neville, en passant, alluded to a difference of type between quadroons and quarter-castes. Given the schema supplied by him, it is difficult to infer exactly how such a difference might exist, but the very fact that he allowed such a possibility implies a dimension of race thinking which goes well beyond mathematically calculated ‘blood’ groups. A further problem arises when we realise that Neville did not, at least in this text, analyse the outcome (or even countenance
the possibility) of a quadroon forming a ‘union’ with a ‘half-blood’ or an octaroon. Perhaps it was the difficulties that such unions would cause for the simplistic (if not simple) calculus mentioned here that led to their absence from Neville’s book. If the dilemma disarmed the retired Neville, others still involved in Aboriginal administration were alive to such possibilities. Carrodus wrote in a note to his Minister in 1944: ‘As the years [go] by the mathematics will become even more difficult. We will be dealing with sixteenths’.78

The importance of Neville’s use of ‘blood’ as a racial signifier cannot be underestimated. ‘Blood’ and its meanings were vital to his conception of the ‘problem’. Likewise, the lengthy explanations of the breeding outcomes of interracial unions must not be dismissed as merely obscure: they also underpinned the intellectual structure of Neville’s book. His use of the term ‘blood’ throughout the book was not metaphorical – the only manner in which it can be explained is that he understood blood to be ‘vital’ to racial make-up. In this he is in accord with 19th-century ideas of blood as a substance providing the intrinsic qualities of a ‘race’.

The bizarre racial calculus outlined above can only be made comprehensible if we discard Mendelian genetic concepts and move back to fusion and blending as the methods of heredity. The basis of Mendelian genetics is that, given a dominant and recessive pair of genes, in the second generation of breeding these traits will appear in a predictable manner.79 Tindale, who should have known better, was willing at
times to ignore this scientific ‘fact’ in arguing for absorption.\textsuperscript{30} The series of photographs presented by Neville in \textit{Australia’s Coloured Minority} and the explanation given of white-Aboriginal union counter genetic thought. By Neville’s system, all ‘second crosses’ continue along the path of diminishing colour that exhibits itself in the ‘first cross’. This explains the presence of the descriptors ‘first-cross’ and ‘second-cross’ in the photographs used by Neville. Thus he seemingly dismissed the science of genetics in one fell swoop. The ‘colour question’ thus was not described by a ‘whiteness’ which was genetically dominant, admitting in Mendelian terms of cases of recurrent darkness of skin, but which was somehow a totally, if gradually, dominating essence. It was a commonly held opinion in the first half of the twentieth century that ‘colour’ bred out in three generations.\textsuperscript{81} Neville’s explanation of interracial breeding and his use of pictorial ‘evidence’ attempted to confirm that opinion; his marginal comments in his copy of Tindale’s Report make it clear he did not believe it could be bred out in any less than three generations.\textsuperscript{82}

The essentialist vision of race had been dismissed in the scientific world long before the publication of Neville’s work, but its effect can be seen throughout. Hints abound that there was some innate ‘Aboriginal-ness’ that could be passed from generation to generation, and that this essence was not desirable. Beyond the scope of ‘White’ and ‘Aboriginal’, the fear became most evident. Thus, it was ‘not always wise for people of widely diverse races to intermarry, especially races having different cultures and temperaments.’\textsuperscript{83} We need not concern ourselves with
any marital problems that might in fact have occurred due to cultural difference. Our concern is Neville's essentialism.

He was arguing that 'temperament' aligned with heritable character traits. In a following passage he expanded this idea to explain that union between Aboriginals and 'Negroes', 'Asiatics', 'Indians', and other 'coloured' peoples might cause serious problems. If an Aborigine with some partial ancestry (however we might define 'partial') from these other groups married a white man, there would be a greater risk of atavism, in the form of dark-skinned children. More worryingly in the Neville schema, these children were also likely to exhibit 'certain deleterious cultural traits', especially if the influence was Negroid. As we shall see, this fear of Negro influence occupied Neville throughout his career. Aboriginal-Afghan unions were also harmful, although this may have been for social rather than biological reasons.

If there was a danger in some racial mixtures, then others were potentially ameliorative to the Aboriginal condition. Chinese-Aboriginal partnerships could create children with 'the good qualities of the Chinese'. (As with many other aspects of this book, however, this example is almost immediately contradicted. A scant few pages after introducing these possible positive results, Neville wrote that the offspring of 'these ethnically unsuitable unions' were 'too often' found in institutions. Perhaps there was a distinction made between 'Chinese' and the more generic 'Asiatic'.) Intermarriage between Aboriginal and white, if the white was
'responsible', could result in offspring inheriting the 'good qualities and traits' of their white fathers.\(^8\) (In general, and as we have seen with most commentators in this period, Neville spoke of 'him'; it was, however, 'coloured' women rather than men who were mentioned in relation to intermarriage. We must assume that the reserve and awe that Neville believed Aboriginal men had for white women\(^8\) explained this.) But behind the 'good' lurked the 'bad'.

It was not only the 'lowest in the social scale [who] associate with' Aborigines.\(^9\) The example of the 'good' types of white and the positive character enhancement they produced can only be explained by the unacknowledged belief that other heritable traits could be passed on by inferior types. That 'better' and 'worse' groups within white society would pass on their own distinctive traits indicates that these explanations were obviously influenced by eugenicist ideas as well as essentialist hereditary theories.

**Defining 'Aboriginal'**

Within Neville's conceptual framework, there was a need to recognise that the 'full-blood' and 'mixed-blood' were distinctive entities and groups. Indeed, it was this basic separation that informed *Australia's Coloured Minority* as a whole. Put simply, 'full-blood' Aborigines were 'dying out' as a group and as a race. In different parts of the book, Neville stated that it was a 'fact that the full-blood aboriginals are apparently dying out',\(^9\) and that 'most of us are convinced that the
full-blood aboriginal will not be with us very much longer'. This notion of the 'dying race' had a long if not auspicious heritage and we have seen that it still had many proponents in this period. The acceptance of the notion of the dying 'full-blood' race made the definition of other types of 'Aboriginals' all the more important. The 'coloured minority', at least, had the possibility of finding some place within Australian society; the 'Aborigines' were doomed to pass away.

Neville was not only certain that 'Aborigines' were not long for this world, he was convinced that their passing was not caused in the first instance by white activity, or even by the white presence in Australia. In a paper delivered at the 1947 ANZAAS meeting in Perth, he stated that since European arrival in Western Australia, Aborigines 'have been indulging in practices calculated in time to wipe them out of existence without any help from us.' He had held this idea for many years; twenty years earlier he stated in a speech that Aborigines 'were members of a dying race and would have died out soon, even if a whiteman[sic] had never set foot on these shores.' (However, he was always contradictory, it seems. That same year he told a Royal Commission that he did not believe that Aborigines were necessarily doomed to extinction.)

In *Australia's Coloured Minority*, Neville wrote that the union of white men and full-blood women tended 'to encourage race suicide'. He was, however, silent on exactly which race was in danger. More fundamentally, he believed that 'Stone age culture...cannot continue to flourish side by side with modern society.' If the 'full-
blood' was destined to a natural demise, there was no explanation in Australia's Coloured Minority as to why this should occur. It was presented as a self-evident truth. The pressing issue, as the full title of the work indicates, was what should become of the other, 'coloured' people of the country. In this we find a co-mingling of several different types of ideas concerning Aboriginal people and humanity in general.

If inter-racial breeding had definable and demonstrable outcomes, so too had intra-racial breeding. Revisiting a statement that originated at the Moseley Commission and also saw the light of day at the Canberra Conference, he wrote that earlier in the century the 'half-castes' had been a 'robust, meat-eating people' predominantly of the 'first-cross'. Later, however, they 'ran to seed'. Importantly, this degeneration occurred after, or because of, a continued period of interbreeding among 'half-castes'. It was only after the introduction of new sources of white 'blood' that this group 'recovered some of the original traits, acquiring part of the good qualities of both races'. Here we see concepts perfectly aligned with one wing of eugenicist thought: racial degeneration. With Neville, as with most eugenicist writers, the concept is not explicated in any way, but we are left in no doubt as to the danger involved. There is one significant difference between Neville and the majority of eugenicist writers, however. Rather then warning of the impending danger of deterioration to 'our' race, Neville focuses on the deterioration of 'their' race to underpin his plan.
The concept of racial difference was fundamental to Neville’s argument for the advancement of the ‘coloured people’, but it worked in unusual ways. Certain races were too dissimilar for interbreeding to be considered a good thing, while with others the admixture of ‘new blood’ could invigorate the race. As we have seen, the latter was particularly the case with white-Aboriginal unions. If this seems arbitrary, Neville spent time attempting to convince the reader that it was not only logical but scientifically based. To gain support for the idea of absorption/assimilation, he felt the need to convince the reader that there was no possibility of deleterious outcomes from the result of White-part Aboriginal ‘union’. The most notable fear that Neville attempted to allay was that of the ‘throw-back’, the reversion to the ‘black’:

We do not know the origin of the aboriginal people, but we do know that there are certain things they are not. They are not, for instance, negroid, though perhaps the strain was in some of them once, but has long vanished down the ages. Neither are they Mongolian. The scientific conclusion is that they migrated to the Australian continent and are not akin to us in any useful classification sense, but is has been said, too, that they pre-date us in some vague Caucasian direction. Doubtless we and they, like all other humans, emanated from some common origin away back in the dawn of time. Whatever may be the truth as to this, the mingling of their blood and ours presents no marked antagonistic features. On the contrary, the more they mix with us the more like us they become, the less the likelihood of reversion to the aboriginal type. Reversion there is in plenty, but it is to a recent white ancestry. While there is some scientific authority for the assertion that there is no atavism to the black where white and coloured are united, there seems also to be no specific evidence to show that it does occur.

In a lengthy experience of hundreds of families I do not remember observing any reversion to the black, but I have seen lots of children I could have sworn were fathered by white men, in the face of the persistent claims of the mothers that they were merely throwbacks to white grandfathers.100
This argument covered all bases and all types of concern. Not only was there, apparently, scientific authority to assure us that absorption/assimilation would not be harmful to the white community, but there was also empirical, everyday evidence.

We saw in Chapter 2 that the proto-Caucasian argument had a long heritage and many supporters. Here Neville added another name to the list of notables roped in to support the idea. In a further attempt to show that the mixture of these two ‘races’ was not only benign but desirable, Neville stated that

No less famous a scientist than Sir Arthur Keith has stated that if he were given the task of building a new race he would graft it upon the Aboriginal of Australia – surely a comforting thought.\textsuperscript{101}

We cannot be sure exactly who would be comforted by this thought, and in what way it would be comforting, but we can see that Neville found such ideas useful in support of his absorption/assimilation credo. Keith was an anatomist,\textsuperscript{102} described on the cover flap of his \textit{A New Theory of Human Evolution} as the ‘doyen of anthropologists’, who had devoted his career since 1908 to the evolution of man.\textsuperscript{103} He had earlier written on the ‘Place of Prejudice in Modern Civilization’,\textsuperscript{104} and by 1948 he too held contradictory notions about the Australian Aborigines. On the one hand they were a ‘modern race of mankind’;\textsuperscript{105} on the other, they represented ‘better than any other living form the generalised features of primitive humanity.’\textsuperscript{106} Neville had long been convinced of the Caucasian connection: during a speech in 1932 he cited one Sir William Irvine, apparently a lawyer and politician from
Victoria with no expertise in Aboriginal affairs, who held that Aborigines were ‘a homogenous race, unmixed in descent, of Caucasian stock, not negro or negrito’. Neville also stated that Aborigines ‘had inhabited the land for perhaps a quarter of a million years.’ 107

The definition of Aboriginal in broad racial/biological terms was important to the claim that interbreeding between the White and Aboriginal groups would have no deleterious affects on the white population. Although he did not couch the association in absolute terms, Neville was absolutely certain that the Aboriginal people of Australia were of Caucasian stock, and sought to convince the reader, that Aboriginals were neither ‘negroid’ nor ‘Mongolian’. Here Neville adopted a broad racial typology formulated in the eighteenth century by the eminent Swedish botanist and typologist Carl Linneaus.108 ‘Mongolian’ broadly meant Asian, and there were strong reasons for Neville to wish to disassociate Aboriginals from any kind of Asian ancestry. Australia was still home to the White Australia policy. While that immediately posed problems for a society attempting to ‘deal’ with the (dark-skinned) Aboriginal ‘problem’ (as Bryan had raised at the Moseley Commission), it is understandable that Neville would be glad to prove that Aborigines were not Asian. Whatever ‘problem’ the Aborigines were deemed to constitute, at least he could claim they were not part of ‘that’ problem. We have already noted Neville’s ambivalence towards the Chinese and the putative effects their interbreeding with Aborigines might have. The ‘negro’ question raises other issues, however.
The matter of Negro-Aboriginal interaction had long been of concern to Neville. At the 1937 Conference, for instance, he stated that ‘some of the early settlers brought with them to Western Australia negro servants who left their mark on the native population. The negro strain remains.’  

Although he declared at Canberra that Western Australian Aborigines were of a ‘purer’ stock than their Queensland counterparts, he was not as confident as he sounded. Upon his return to Perth, he circularised all police stations in the state:

I am desirous of learning as quickly as possible the names and particulars of all coloured persons of alien race, including negroes, who were living with natives in the relationship of husband and wife, legally or otherwise, prior to the passage of the “Native Administration Act, 1905-1936”, and still are so living.

In addition, he requested the name and age of any Aborigine involved, as well as any children of the pairing.

The police around Western Australia eventually obliged this request, although they responded with some unusual data. The totalised list came to 24 men living as husband to a native wife. However, of these, one was a British male, and thus struck off the list, as was the one Victorian. Others that the Department questioned as potentially irrelevant to the request included three Italians and one Norwegian. The Italians raise interesting questions regarding the status of Southern Europeans in the inter-war years; the inclusion of a Norwegian beggars the imagination. At the very least it reminds us that official requests were not necessarily carefully noted before they were answered. It also supports the view that the police were
unsatisfactory agents of the Natives' Department. So, after a century of interaction, Neville could only find eighteen coloured alien males cohabiting with Aboriginal women. Of these, one Negro resided in Guilford, while a half-Negro lived in the south-west town of Pingelly. The rest were from south-east Asia in the main, and, as we would expect, most were resident in Broome and Port Hedland.\textsuperscript{112}

We might attempt to explain the desire to differentiate Australian Aborigines from 'negroes' in a number of ways. The explanation that informed Neville’s work is again at least quasi-scientific and tended to strengthen his aims with regard to the intermixing of whites and Aborigines. Whereas Neville claimed that white-Aboriginal mixture produced neither potential nor actual examples of atavism to the 'black' side of the equation, things were distinctly different in white-negro unions. As mentioned above, problems of atavism, both in 'colour' and 'traits' would be strongly evidenced in such cases.\textsuperscript{113} Of course, this atavism was only problematic because it supposedly moved towards the non-white side of the union.

\textbf{Remaking Aboriginal society}

If the description and underlying assumptions concerning Neville’s ‘coloured people’ were sometimes contradictory, what effect, if any, did this have on his plan for the future of those people? In overview, we might fairly say that his plan for the future of the Aboriginal population of Australia was peppered with the contradictions found elsewhere in \textit{Australia’s Coloured Minority}. Sometimes these
difficulties presented themselves as purely contradictory; in other instances the problem was that mutually exclusive concepts were battling to find accommodation in the one plan.

The most immediately obvious problem with Neville’s plan for the future of the ‘coloured people’ was that this future resided in their elimination as a distinctive group. The resolution of the 1937 Canberra Conference called for the ‘ultimate absorption’ of the ‘coloured people’ ‘by the people of the Commonwealth’. Again we have a problem of definition. Nowhere in Australia’s Coloured Minority did Neville give any real definition of the term ‘absorption’ or its apparent synonym, ‘assimilation’. At one point he asked, ‘just what do we mean by absorption, assimilation and suchlike terms? Do we mean social equality?’ While he answered the latter question in the negative, he never even attempted to answer the former. As we have seen, the participants at the 1937 Conference also failed to define ‘absorption’. Thus we are left to our own devices, and what becomes apparent is that Neville employed no single definition of ‘absorption’, or of ‘assimilation’. The terms were used in different ways at different times, but not in any particularly predictable way.

In one way Neville described absorption as a natural phenomenon that needed little attention from officialdom. The increasing number of ‘coloured people’ were all the while approaching the white population both ‘in culture and colour’, lessening ‘our problem of assimilation’. Thus it seems that a wait-and-see attitude would
eventually lead to the resolution of the ‘native problem’. It is in regard to this seeming inevitability, or at least the unstoppable nature of intermixture, that Neville made perhaps his most remarkable statement:

It has often been said that you cannot make people moral by Act of Parliament or, as Hitler once put it, you cannot abolish sexual intercourse by decree nor eliminate the instinct to possess. True enough, but laws and punishment are good in their way, serve to check illicit intercourse and regulate responsibility for the care and maintenance of children. We have attempted to regulate illicit intercourse because of its often very evil consequences, but it is doubtful if such measures could be defended today upon purely ethnic grounds.  

It is difficult to explain which is the more stunning part of this passage – that anyone could use Hitler to bolster an argument in such an off-hand manner in a book published in 1947, or that Neville thought Hitler too soft on this particular subject. Even accepting that the passage might have been written in 1943, before the worst German war atrocities were known, it was remarkable to quote an enemy leader. And this from a man who thought that missionaries from certain countries – and he all but named Germany – might pose a security threat to Australia, and who decried ‘propaganda of the Hitler type’, as well as dismissing Hitler’s idea ‘that it would be an offence against God and man to educate the native for any of the higher places in civilised life’.  

Neville was sure that concerted government action was necessary. If such steps were not taken, within fifty years ‘our descendants will see a new race evolve and one they may well blame us for bequeathing them.’ The possibility of a new ‘race’ hints at much older polygenist evolutionary ideas, but it also exhibits some of
the ideas at work in Keith’s construction of the ongoing evolution of new races.\textsuperscript{122}

Rather than in some way resolving itself, then, the ‘problem’ necessitated action on
the part of government. Neville claimed that, even before the 1937 Conference, the
State government and bureaucracy ‘had considered and discarded those other
alternatives put forward to absorption or assimilation.’\textsuperscript{123} Again we see the
conflation of the concepts of absorption and assimilation, as well as the belief in the
need for official intervention.

Then again, if earlier white Australians had ‘insisted upon a clean-cut embargo
upon illicit sexual intercourse between black and white a hundred years or so ago,
the process of assimilation would have been further advanced to-day’.\textsuperscript{124} This
seems to imply that no interbreeding at all would hasten the cause of assimilation.
While Neville went on to add that this advancement of assimilation would have
been achieved via the method of ‘legal unions’,\textsuperscript{125} it is difficult to explain the
different outcomes merely in terms of the legal status of the union. Neville here
seems to have differentiated between biological and social assimilation, although
the two do seem closely linked. The argument, presumably, was that the offspring
of a legalised union between white and ‘Coloured’ would more likely be accepted
in white society, making it more likely again that these children would later be able
to further breed into white society. He came close to illuminating this matter:

\begin{quote}
It is because the success of our plan of assimilation is so allied with the
question of who shall marry whom, and because colour plays so great a
part in the scheme of things, that we must encourage approach towards
white rather than black, through marriage.\textsuperscript{126}
\end{quote}
Neville saw colour prejudice as 'the main stumbling-block towards assimilation'. 127

The effort to overcome this white prejudice by organising marriages so that the 'colour' is eventually 'bred out', however, seems a case of destroying the race so that it may be saved.

One obvious tenet of the Neville plan was that Aborigines be remade in some way, so as to fit them for a new, assimilated life. Equally obvious is that this plan was to be imposed upon the Aboriginal population, regardless of their opinion on the matter:

There is a lot to be done if we are to accomplish our purpose and make the native self-reliant, self-respecting and self-supporting. Initially, he must go through a period of transition between his present hopeless condition and the state to which we desire him to attain... The native must be helped in spite of himself!128

(This phrase had first appeared in a newspaper article in 1930). 129 Of course, the state Neville desired him to attain was that of white society, or at least some version of it. Moreover, it was not just a whim that made this enforced transition necessary; according to Neville it was much more. Western democratic tradition required it: 'since we follow a white and democratic way of life it is our duty to fit the coloured people to our own environment, and take them out of theirs.' 130 All these statements indicate an activity that white society would undertake, and one which Aboriginal society would undergo. The success or otherwise of this action was almost entirely in white hands: '[n]atives are made or marred by handling.' 131
This unilateral control of the re-making of Aboriginal society and individuals was also supported by claims concerning the 'nature' of 'coloured people'. Neville stated that the 'attitude of the mixed-blood is selfish', and 'that these people will do nothing of their own volition to improve matters'. Here again Neville saw racial 'types' as fixed. Further, he claimed that for these people 'coercion is repugnant...even if it is for his own good', and that, therefore, 'control of the right kind, over a period of years' was necessary. In the initial stages of this transformative process, 'the coloured people must be lifted out of the rut of despairing futility, the utter purposelessness of their lives, the deadening effects of their inferiority complex', and be 'properly guided by those who understand [their] limitations and capabilities'. One wonders where in such a scheme Aboriginals would find the opportunity for self-reliance or self-support. Given the assumptions that underlie the proposals, it is hard to imagine that Neville thought these people were even capable of such things.

* * * * *

The most important aspect of the Neville plan for people of part descent was that they should in most instances be removed from their parents and families, and trained towards taking their place in White society. Attention paid to children would be the basis of the 'success of our plan of assimilation'. The removal of children was of such importance that
there are really few instances in which it would be better to leave them with the parents, and a great many in which it would be almost criminal to do so. It will be said that this is the antithesis of family life, and so it seems to be, but what a family life? You have to know it to realise its enormity.\textsuperscript{136}

To leave Aboriginal children with their parents ran the risk that they ‘would develop into weedy, undernourished semi-morons with the grave sexual appetites which characterises them.’\textsuperscript{137} This covers several levels of concern. That Aboriginal children may end up ‘weedy’ if left with their parents may or may not be true, but it is hard to argue that the ‘Aboriginal-ness’ of the parents would be the cause. Indeed, Neville cited scientific evidence and opinion that such was not the case: Tindale, for instance, blamed the ‘lethargic condition of the coloured man’ fundamentally on vitamin deficiencies.\textsuperscript{138} The tenor of the passage, however, is redolent of eugenicist understandings of human society and of the inherent qualities that certain sub-groups of society/humanity exhibit. In this instance Aboriginals were represented as being in danger of becoming (or reverting to – it was never made quite clear which) overly sexually active ‘semi-morons’. Ironically, Neville also thought that the ‘native is a moral-minded person by his ancestral condition, alas! now largely broken down’.\textsuperscript{139} Perhaps it was the influx of white blood that led to the weedy physicality and sexual voraciousness?

Even within special native institutions, however, lurked the danger of sex. Separate male and female dormitories would be necessary, but ‘it is a fatal mistake to mix big and little native children’ unless under ‘strict supervision’.\textsuperscript{140} Young part-
Aborigines not under the control of the State ‘will find their lovers, however far they have to go to look for them’.\textsuperscript{141} Still, in another contradiction, the solution to the danger of sexual activity came from early and regular contact with the other sex;\textsuperscript{142} further, it was ‘a monstrous libel’ to describe coloured girls as ‘potential danger to all men’.\textsuperscript{143} The solution was clear:

Every coloured child, then, must be placed at a residential school at a settlement...The child must be free from all parental control and oversight – it must enter at the earliest possible age – it must be considered to all extents and purposes an orphan.\textsuperscript{144}

As with much of Australia’s Coloured Minority there was some level of confusion over what sort of education should be provided for Aboriginal people. Once again, however, we can be certain that the form of education would be imposed by white society upon Aborigines. Part of the reason behind the need for education was the economic benefit such efforts could provide – economic benefits for white Australia:

There is a considerable pool of potential labour within the coloured community, and it is our duty to train and divert it into channels where it can be most usefully employed.’\textsuperscript{145}

Beyond the question of who would profit from the education of ‘coloured people’ lay the matter of their educability. Neville did accept that these people were educable, but that view was qualified. In terms reminiscent of the Moseley hearings, he wrote that ‘Coloured people’ were not ‘to a large extent’ ‘incapable of advancement’.\textsuperscript{146} Faint praise perhaps, but elsewhere he was more confident in the power of education. He had seen Aboriginal children with scholastic achievements
that in a different society would have taken them to University. Still, he accepted that most young ‘coloured’ children were likely to be one or two years behind their white counterparts in schooling.\textsuperscript{147} This is another area where we see the concept of some innate Aboriginal traits appearing in Neville’s writing. At one point he stated that the ‘native naturally knows how to use his hands’, making him suitable for technical training.\textsuperscript{148}

Finally, we come to the end purpose of this plan for the ‘coloured people’. As the full title of Neville’s book implies, he was concerned with the ‘place’ these people would have in society. The aim was to ‘encourage him to become part of the life of the State, fully sharing its burdens and experiencing its freedoms and pleasurable pursuits’.\textsuperscript{149} This echoes his words from 1929: ‘the aboriginal, if trained and taught, is capable of becoming a good citizen and self-supporting member of the community.’\textsuperscript{150} In the fullness of time, Aboriginal people would become emancipated, with the result that fewer institutions would be needed.\textsuperscript{151} While not suited to becoming agriculturalists,\textsuperscript{152} the innate ‘love of nature’ possessed by Aborigines would suit them to the vocation of gardening.\textsuperscript{153} And yet they must be seen as more than ‘hewers of wood and drawers of water’, as they had been in the nineteenth century.\textsuperscript{154}

So advanced were the ‘coloured people’ that Neville believed it time they had their own parliamentary representative, even if he should, at least for the time being, be white.\textsuperscript{155} A final issue is that of the time-scale that would see the ‘coloured people’
fully absorbed/assimilated. Neville is contradictory in this area as well. At one point he claimed that with the right education a coloured child of the 1940s would by adulthood be ‘rendered competent to live like an ordinary citizen’. Speaking more generally, he wrote that complete absorption and/or assimilation was possible within ‘a generation or two’, by the time of the grandchildren of today’s children, and at least fifty years. This last possibility also has the power to extend towards two hundred years, depending on when one assumes the ‘change’ that Aboriginal people had to undergo was initiated. Whatever selection we make, it is apparent that Neville was less optimistic (or maybe more realistic) in the 1940s than in 1929. Then he wrote: ‘The peak of the department’s usefulness should be reached in a few years’ time, after which the native should be able to take his proper place in the community’.

* * * *

A. O. Neville’s Australia’s Coloured Minority is a significant relic of its time for a number of reasons. Simply as the reflective theorising of a highly influential bureaucrat it merits detailed critical examination. But it is in its complicated and contradictory content that the book becomes most revelatory. The proposals that Neville put forward within the book were not outside the mainstream of thought of the period, and are certainly indicative of thought from earlier in the century, and from earlier centuries. Most significant are the confused notions of Aboriginal-ness, especially of the ‘coloured minority’, that inform Neville’s text. In attempting to
analyse and rectify the ‘native problem’, Neville fell back on differing conceptualisations of those people, in particular the antagonistic notions of racial essentialism and human perfectibility. Predominantly, he had to delimit the ‘coloured’ group in a way that allowed for ‘reasonable’ authoritarian controls to be imposed upon them.

The very concept of breaking society into segments that carry with them definite traits that are more or less desirable is founded in the same terms as eugenics. It may be argued one way or the other whether Neville’s ideas are themselves eugenicist, or whether Neville himself was a (conscious or not) eugenicist, but the ideas he espoused were based on eugenic ideals. Central to those was the perfectibility of society through some form of controlled breeding programme. Even if Neville’s system of dealing with the Aboriginal ‘problem’ had not been racially based, if it were based on empirically ascertainable measures such as wealth, health, education, or even on more nebulous descriptors such as ‘class’, it would still be eugenicist in its manner of regarding one group within society as a source of danger to that society which must be dealt with in order to sustain the ‘health’ of the most ‘deserving’. Thus we can say that one part of Neville’s program can be fairly called ‘eugenics’. The matching of biological solutions with ameliorative social solutions does not alter this fact.\(^{161}\)

The fact that race was the measure on which all actions were based merely indicates another device by which the dominant group in society aimed to control the rest of
society. If we can make claims that Neville was in part eugenically concerned, we are safer in saying that race was central to his understanding. (Given his imperial background, it is interesting to note that this focus aligned him more with the American strain of eugenics than the British.) But ‘race’ could not be evoked simply if it was to fulfil Neville’s needs; it would need to be employed in all its variants, from biological essentialism of an almost polygenist kind, to more broad (and shallow) notions of ‘type’, to white-Aboriginal racial alignment. These differing notions became wrapped into a kind of racial knot which, like its Gordian predecessor, was extremely difficult to untangle. Neville could not untangle them in *Australia’s Coloured Minority*, but in using the varying versions of race uncritically, his work is an example of the tenacious nature of racial thought.

1Jacobs, *Mister Neville*, p. 279
2Biskup, *op. cit.*, p. 70; Neville does mention the Referendum (p. 207), but this may be a rewrite.
11Stepan, *op. cit.*, p. 117.
17It is unlikely that Jacobs composed her own index, but the point still holds.
21The book also failed to gain the attention of the *Bulletin* between July 1947 and July 1948.
22 Phyllis M. Kaberry, 'Review of Australia’s Coloured Minority', *Man*, 50, 1950, pp. 166-7. During her field work in the north of the state in the early 1930s, Kaberry and Neville had corresponded, perhaps explaining why she was eventually chosen to review his book.


25 Ibid., p. 21.

26 Ibid., p. 82.


31 Ibid., p. 180.


33 Ibid.


36 Ibid., pp. 20-1.

37 Edwin Arnold, *The Light of the World or The Great Consummation*, London, Longmans, Green and Co., 1893. This might not have been critically acclaimed, but the 1893 edition was the fifth reprint in two years; Dictionary of National Biography, p. 59, declares this poem a ‘signal failure’. The Murdoch University Library now holds the ex-WA Parliamentary Library copies of Arnold’s works.

38 Dictionary of National Biography, p. 60.

39 West Australian, 19/5/30.


41 Ibid., p. 21.


45 Wise, op. cit., p.142.


47 Wise, op. cit., p. 68.

48 Ibid., p. 195.


51 Ibid.


54 WAPD, 97, 1936, p. 711ff.

55 Aboriginal Welfare, op. cit., p. 11.


57Neville, Australia’s Coloured Minority, p. 246.
58Ibid., p. 248.
59Ibid., p. 55, e.g.; p. 80, e.g.
60Ibid., p. 27.
62Stepan, op. cit., p. 4.
64Ibid., p. 13.
66Neville, Australia’s Coloured Minority, p. 180.
67Ibid., p. 81.
68Jacobs, Mister Neville, falls prey to something similar. The text ends with a series of photographs taken by Neville on his northern and Kimberley trips. They play no part in the narrative, and merely add some ‘nice’ pictures and a little exoticism to the work.
69Ibid., between pp. 56-7.
70Ibid., between pp. 72-3.
71Ibid., pp. 47-8, p. 247.
72Neville, Australia’s Coloured Minority, p. 55.
73Ibid., p. 61.
74Ibid., p. 61.
75Ibid.
76Norman Tindale, ‘Survey of the half-caste Problem of South Australia’, pp. 85-6; Neville’s copy is in the A. O. Neville Collection, Berndt Museum, University of Western Australia.
77Neville, Australia’s Coloured Minority., p. 72.
81Biskup, op. cit., p. 188.
83Neville, Australia’s Coloured Minority., p. 57.
84Ibid., pp. 59-60.
85Ibid., p. 64.
86Ibid., p. 60.
87Ibid., p. 64.
88Ibid., p. 60.
89Ibid., p. 43.
90Ibid., p. 60.
91Ibid., p. 58.
92Ibid., p. 247.
94West Australian, 14/7/1927
95Ibid., 24/11/27.
96Neville, Australia’s Coloured Minority, p. 46.
98Neville, Australia’s Coloured Minority, p. 68.
99See Kevels, op. cit.; Stepan, op. cit.; Paul, Controlling Human Heredity; Edward Caudill, Darwinian Myths: The Legends and Misuses of a Theory, Knoxville, University of Tennessee Press, 1997, for greater discussion of the nature and history of eugenics.
100Neville, Australia’s Coloured Minority, p. 63.
101Ibid., p. 58.
102Anderson, op. cit., p. 162.
104Sir Arthur Keith, The Place of Prejudice in Modern Civilization (Prejudice and Politics), Being the Substance of a Rectorial Address to the Students of Aberdeen University, London, Williams & Norgate, 1931.
106Ibid., p. 243.
107this clipping, entitled ‘The Australian Native. “Not Such a Bad Time’” is in the Neville Collection at the Berndt Museum, UWA; on Irvine, see ADB, vol. 9, pp. 439-441.
108Beresford and Omaji, op. cit., p. 32.
109Aboriginal Welfare, p. 11.
110Ibid.
111circular to all police stations, 25/6/37, SRO ACC 933 238/37.
112see SRO ACC 993 238/37.
113Neville, Australia’s Coloured Minority, pp. 59-60.
114Ibid., p. 27.
115Ibid., p. 69.
116Ibid., p. 58.
117Ibid., p. 49.
118Ibid., pp. 102-4.
119Ibid., p. 110.
120Ibid., p. 152.
121Ibid., p. 62.
123Neville, Australia’s Coloured Minority, pp. 26-7.
124Ibid., p. 49.
125Ibid., p. 49.
126Ibid., p. 68.
127Ibid., p. 72.
128Ibid., p. 80.
129West Australian, 19/4/30.
130Neville, Australia’s Coloured Minority, p. 153.
131Ibid., p. 111.
132Ibid., p. 138.
133Ibid., p. 138.
134Ibid., p. 25.
135Ibid., p. 167.
136Ibid., p. 169.
137Ibid., p. 174.
138Ibid., p. 72.
139Ibid., p. 105.
140Ibid., p. 129.
141Ibid., p. 140.
142Ibid., pp. 187-8.
143 Ibid., p. 183.
144 Ibid., p. 177.
145 Ibid., p. 189.
147 Ibid., p. 158.
148 Ibid., p. 159.
149 Ibid., p. 93.
151 Neville, Australia's Coloured Minority, p. 124.
152 Ibid., p. 200.
153 Ibid., p. 162.
154 Ibid., p. 262.
155 Ibid., p. 229.
156 Ibid., p. 154.
157 Ibid., p. 148.
158 Ibid., p. 154.
159 Ibid., p. 42.
160 Neville, 'First Possessors', p. 83.
Conclusion.

This study has had overlapping aims. It has attempted to explain the policy decisions made in Aboriginal affairs in Western Australia and Australia in the years preceding World War II. It has focused on A. O. Neville, particularly his race thinking and its influence on policy. A further aim has been the investigation of Neville as a force in Aboriginal affairs. The central impulse has been to understand the 1937 Conference resolution on the 'Destiny of the Race'.

The analysis of the race thinking on display in this thesis has been descriptive rather than theoretical. Bringing Neville et al into a theoretical analysis of 'race' or 'genocide' was not the aim; nor was it the intention to examine the downstream effects of the policies created in this period upon the Aboriginal peoples of Australia. The focus of this thesis has been on understanding the race thinking of the protagonists in their own terms, and in the context of contemporary knowledge.

* * * * *

From the early stages of white settlement in Australia there was an expectation that the Indigenous peoples would eventually and naturally 'die out'. By the early
twentieth century this opinion seemed to be fulfilling itself in fact. Population numbers had dropped remarkably since the appearance of whites on the continent, and on the island of Tasmania Aborigines were deemed to have already 'disappeared'. In the years between World War I and World War II, however, a new problem arose that disturbed the easy complacency surrounding the (finite) future of Aborigines. The 'coloured people', the offspring of interracial unions, were substantially increasing in number and, in the words of Biskup, were adhering 'to their own ways with a tenacity bordering on the rebellious.' The very existence of these people was seen to require action, and that action, both intellectual and practical, has been the focus of this study.

At the beginning of this work we introduced the notion of conceptual transformation, via Adam Kuper and Claude Levi-Strauss. The period under consideration in this work lends itself to this notion – a great deal of the intellectual substrata of the western world was in rapid flux during this time, creating stress points in many areas. The case of Aboriginal affairs in Western Australia, with particular focus upon Neville as the main actor, has shown that race thinking between the wars was indeed transformative: as scientific and anthropological knowledge shifted, the notion of 'race' expanded and transformed itself without ever giving up its central tenet, that biologically described 'races' were fundamentally and importantly different, and that unequal treatment could properly be invoked on this basis.

The broad conclusion we can draw is that Neville and others built their administrative and legislative efforts upon contradictory intellectual bases, and that
these contradictions were reflected in the policy creation and administrative action/efforts of the period. More specifically, their thinking on the ‘nature’ of Aboriginal-ness was contradictory. If this conclusion seems almost self-evident, it is important nonetheless to state it. The very fact of this series of contradictions illuminates some broader aspects of the period and also of the activity of governance.

Bruce Scates (amongst many others) has noted that ‘[i]ntellectual traditions are rarely separate and discrete.’ This is as true for ideas on race as for any others, and the tied and connected nature of the race thinking covered in this study reminds us that it is impossible to delineate ideas in any concrete manner. Ideas, after all, are abstractions, and reification by the observer is as problematic as it is by the subject. This is a completely unremarkable concept, but one we must deal with. Investigations into the ‘effects’ of ideas do not lend themselves to definitive conclusions. These are by nature interpretative.

‘Race’ was a fundamental concern in thinking and acting in Aboriginal affairs between the wars. Using the categories of Anthony Appiah, it is clear that both extrinsic and intrinsic racism were apparent in the period, but extrinsic racism was the most common form. Something in the ‘essence’ of Aborigines was deemed important enough, and different enough from that of ‘whites’, to demand their separate treatment. Examples of this are rife.

We saw in Chapter 2 that Bleakley and Neville were both fond of constructing racial hierarchies dealing with various ‘kinds’ of Aborigines, and that these were central to
their plans for Aboriginal administration. Those hierarchies, or at least the idea of such hierarchies, were an important part of the picture in the 1930s. And whatever other factors were brought into play, the notion of racial essentialism was always the base point of the argument. Bleakley and Neville were both racial essentialists – they believed that ‘Aboriginal-ness’ had a real effect upon the social world. This ‘essential’ quality meant different things for each of them – Neville that it would make biological absorption safe (to which we shall return), Bleakley that it made it dangerous – but they were certain as to the reality of the ‘essence’.

The notion of some kind of essential Aboriginal-ness was evident in most of the discussions and decisions covered in this study. It was not an overriding concept, but it was a premise of most discussions. We can glean this from the legislative moves made in Western Australia: Biskup described the tension inherent in Aboriginal affairs as being between segregation and ‘tutored assimilation’.³ This distinction can also be explained as exemplifying two distinct streams of race thinking: a simpler and older social Darwinist understanding of racial hierarchies and the natural ‘dying out’ of the weaker race on the one hand, and a newer concept of archaic or proto-Caucasianism and the safety of biological absorption.

The debates in the Western Australian Parliament in 1929 and 1936 provide evidence of both the older and the newer ideas about Aborigines. As we saw in Chapter 5, much was made in 1929 of the moral imperative to help Aborigines. The comments covered a wide range of social and race thinking, most of it resting on racial stratification. The British ‘race’, as exemplars of the best in the ‘white’ race, were thought by many to bear a responsibility towards those races below them in the
racial hierarchy. In a way, the duty existed regardless of the circumstances of the ‘lower’ race. If they were in fact dying out, it was a natural outcome of two incompatible levels of existence, and the best had to be done to assist them in their time of need. There was also real humanitarian concern for the plight of Aborigines as people, of course, but the rationalisations were based on ideas about race.

In the 1936 Western Australian Parliamentary debates we also saw a good deal of sympathy for Aborigines, with W. M. Marshall, for example, worrying that the new Act would categorise by ‘colour’ rather than ability. This reflected a changing perception of race in the 1930s. Michael Banton writes that this was the time when Julian Huxley and A. C. Haddon, among others, were moving away from typological explanations of race and were beginning to promote the importance of social, as opposed to biological, differences between races, and to call for the removal of ‘race’ as a scientific category. The Western Australian Parliament was not aware of these theoretical developments, but the comments of its members did at times reflect at least an inkling of a similar idea at work. Of course, rhetoric did not translate into legislation in this case, but Marshall typified a different kind of race thinking.

If these were some of the more general aspects of racial thought in Western Australia and beyond, what of the main focus of this study, A. O. Neville? We are by now familiar with much of his thought and writing, and with his administrative aims and achievements. So how does he fit into the picture? In many ways Neville is emblematic of the race thinking of the period. The manner in which his own thinking was a tortuous tangle of influences and (pre)conceptions reflected the
situation at a more general level. There were differences between what Neville and other people understood the case to be, but in many ways the essentialist basis of their thinking was the same. And as a powerful administrator, and therefore an agent of change, Neville also embodied some of the tensions between policy and action that surrounded Aboriginal affairs in the inter-war years.

Neville provides a prime example of a man fuelled by countervailing ideas, and of the complexities that arise when such tangled ideas work themselves out in concert with legal and bureaucratic power. It is important that we understand some basic things about Neville. He was not an evil man, and he had no intention of doing anything that would harm his charges. He took great pride in the ‘achievements’ of those in his care, and worked assiduously to improve the lot of Aborigines in Western Australia. He constantly bemoaned the failure of government to properly fund his department, and spoke out as much as he could about the mistreatment of Aborigines by pastoralists. As far as they go, these statements are true. But they ignore what Neville thought the ‘right’ things to do were, and what that thinking might entail for his charges.

There are striking similarities between Rowse’s picture of Hasluck, raised in the Introduction, and the philosophy and actions of Neville. The influence of Victorian Evangelical religious thought is immediately apparent. Although Neville came to have deeply ambivalent feelings for the activities of religious missionary bodies, he was raised in a mid-Victorian manse, and in his own words ‘imbibed quite a romantic view of the mission field’, including ‘such men as Stanley, Livingstone, Carey and Gordon’. As Jacobs describes it, his own Christianity [and perhaps his
personal mission] involved 'a self-effacing, stern commitment to duty linked to the idea of Empire.\textsuperscript{6}

In terms of a general philosophy, there is much to align Neville with Rowse's 'juridical liberalism'. He believed on one level at least that Aboriginal-ness was a fact that could be overcome by the individual as an exercise of will. In 1932, for instance, he was reported in the \textit{Daily News} as saying:

>[The Aborigine] belonged to a child race; but he has the natural propensity for evolution, and is, in fact, making rapid progress. Only recently a full-blooded aborigine born on a white station, had refused to go through the native ceremonies, customary to his age – his evolution, in one generation, having decided him against those customs.\textsuperscript{7}

The lesson was clear: Aborigines could drag themselves out of their primitive backwater, apparently by dint of will-power alone. An individual could 'decide' against being Aboriginal.

This was not the complete picture, of course. We have seen that Neville fought throughout his career for increased powers of legal definition that would, at least in officially-used terminology, reify Aborigines as a social entity. And race was always the basis of the definition.

The intellectual underpinnings of Neville's thinking about Aborigines were complex, as we have seen throughout this study and detailed in Chapter 6. He held ideas, consciously or otherwise, that linked him directly to the eighteenth and nineteenth centuries. Indeed, as the work of Rowse indicates, we can even link some of his ideas to the fourteenth century. When we add that he also attempted to absorb and utilise at least some aspects of contemporary anthropological thinking, we
cannot be surprised that he held contradictory and antithetical ideas on race. These contradictions affected his attempts to ameliorate the lot of Aborigines. While Neville was extremely proud of the Native Administration Act of 1936, and was its principal architect, he seemed unaware if its fundamental contradictions. The broadest contradiction posed by the Act was that while it nominally aimed to improve the lot and standing of all kinds of Aborigines, it resolutely restricted them as individuals in almost all aspects of their lives.

If there was one central contradiction in Neville’s approach to Aboriginal affairs, it concerned his views on absorption. Although he defiantly championed the absorption of Aborigines (however defined) into the broader Australian community (which he never defined) throughout his career, Neville always fell at the hurdle posed by interracial sex. In 1937 and again in 1947 he invoked a future when Aborigines would be but a distant memory, when white society could even forget that Aborigines had ever existed. Unfortunately, however, Neville could never seriously see the circumstances where Aborigines and whites might interbreed in safety. Such unions had occurred in the past, and had caused the ‘problem’ facing Australia. More unions would be necessary to complete the project, but no Aborigines ever seemed fully worthy (or perhaps ‘safe’) to allow inter-union. Thus, the 1936 Act forbade interracial marriages unless expressly permitted by Neville; Aboriginal women were not to be allowed anywhere near pearling boats and white men in the distant north were (at least legally, if not practically) prohibited from any sexual contact with Aboriginal women. So perhaps we should best describe Neville as an ideological rather than practical absorptionist. He could never bring himself to contemplate a man of any degree of Aboriginal descent ‘marrying’ (to use his pet
euphemism) a white woman. This highlights one aspect of racial thought in the period: the sexualisation of the ‘problem’. Myrna Tonkinson is right in saying that there was no racially-based sex hysteria in Australia that matched the experience in the United States, but throughout this study we have seen concerns raised about protecting white womanhood from some kind of generic race-based danger.

Neville’s inability to sanction any sexual contact between Aborigines of the full descent and whites leads us to another contradiction displayed in this study. This is not race- or Western Australia-specific, however, but deals with the interplay of government policy and practice. The Canberra Conference of 1937 is a prime site for differentiating between policy and practice, and also how this divide could be used by the various players involved. The delegates to the Canberra Conference were well versed in the niceties of public pronouncements, and in the power of rhetoric. Thus they felt free to agree to the ‘Destiny of the Race’ resolution when many of them disagreed with its content. Similarly, they knew what we might call the negative power of such meetings and statements. This explains the broad-brush fuzziness of many of the resolutions, and the manner in which certain representatives could withdraw from discussions; the Victorian addendum that curtailed the Conference’s future also indicates a version of this. Broadly, the Conference was a policy-creation device with no power over acceptance and implementation at the State or Territory level.

The Moseley Royal Commission was created to answer serious allegations about the treatment of Aborigines in Western Australia, and to seek better administrative
solutions to the 'problem'. It heard much evidence denying the former, most often presented by the group accused of the ill-treatment, whose side the Commissioner regularly took. Moseley effectively dismissed all general charges of mistreatment, and declared the matter an administrative and legislative one. In all this he was coached by Neville, who provided chapter and verse on his preferred solutions. These were dominated by the idea of race. However, the radical organisational solutions proposed by Moseley were dismissed out of hand by Neville, the individual with most to lose if they were implemented.

In the end, despite his emphasis on biological absorption, Neville was a racial essentialist. He could never completely overcome this tendency, despite his obvious humanitarian leanings, and his occasional invocations of social causes. When push came to shove, the problem of Aboriginal-ness was always a limiting factor. He sincerely believed that the best future was one where there would be no memory of Aborigines. His solution was the breeding-out of the 'race', a proposition he could accept because of racial 'safety' provided by proto-Caucasianism. However, he could never quite bring himself to accept the reality of interbreeding. Thus his writings and pronouncements are riddled with inconsistencies, whether in 1937 in Canberra, or 1934 in Perth, or in the legislation he oversaw in 1929 and 1936. The proof of his essentialism rests in his views on other races. He may have been contradictory about Aborigines, but he was certain that Negroes could never safely interbreed with whites. These contradictions, and his unfailing certainty that he held the solution to the 'problem', were the only consistent aspects of Neville's thinking across the years.
One conclusion we must draw from this study of Neville and his race thinking is that he was not the most extreme thinker in the field. Although his preferred solution would inevitably lead to the disappearance of Aborigines as a recognisable entity, his conceptualisation of Aborigines was within the ideological middle ground. We have seen that there was a libertarian streak to some thinking – exemplified in our discussions by Mary Bennett's evidence to the Moseley Commission. On an intellectual level at least she supported freedom from control for Aborigines, although she also believed that it had to be curtailed on humanitarian and feminist grounds. On the other hand there is a plethora of examples from the period of the most extreme kinds of racial essentialism that belittled Aborigines in almost every way. Even supposedly complimentary remarks could declare certain half-castes as being 'as human as the rest of us', obviously, if unconsciously, implying that they or others were not quite as human as whites. We have seen many references to the 'crude brains' of Aborigines and the like. These utterances were not merely ham-fisted attempts to describe educational shortcomings or social disadvantage. They must be explained in terms of race thinking in general and essentialism in particular. And we must remember that these comments were made by legislators and administrators, not on street corners or in anonymous letters to the editor.

This brings us to our final point. Beyond thinking and writing about Aborigines, and thus providing an insight into the kinds of race thinking at large between the wars, Neville had real power. He was behind most of the legislative moves in Aboriginal affairs in Western Australia throughout his period in power. The 1929 Bill was 'his', and we have seen that the 1936 Act followed the 1929 model in most respects.
Having brought 'his' Act into the world, he sought to spread the word. His big chance came at the 1937 Canberra Conference, and there his efforts are again emblematic of the period. The now notorious 'Destiny of the Race' resolution, which reflected Neville's main beliefs and thinking, was accepted by the Conference. But like his legislative efforts the reality did not match the rhetoric. Still, he declared his trip a triumph.

His ideas affected the lives of real people. That is why the man, his actions, and his ideas deserve such attention. And his ideologically-informed actions, no matter our abhorrence of them, mark him out as a progressivist, as does his crusading style. The world and the people in it could be changed for the better, Neville thought, and he was sure of the best way forward. But his ideological or abstract commitment to biological absorption never produced legislation or practice that promoted actual absorption. Here is the central paradox of Neville.

He consciously believed in a future where Aborigines would be absorbed into the white population – an activity safe-guarded by their proto-Caucasianism, but he was inhibited by a repugnance of the realities of miscegenation. The addition of real power resulted in a desire to 'control at all costs', for 'their own good'. He believed to the end that the solution must involve the forced removal of part-Aboriginal children from their mothers, never to be returned. The moral for the present is that, rather than the extremist, the greatest danger to society might come from the sensible, practical, well-intentioned, persistent 'realist' steeled by the certainty of his agenda, armed with legal and bureaucratic power.
1 Biskup, op. Cit., p. 265.
2 Bruce Scates, "'We are not...[A]boriginal...we are Australian': William Lane, Racism and the Construction of Aboriginality', Labour History, 72, 1997, p. 37.
3 Biskup, op. cit., p. 265.
5 Neville, Coloured Minority, p. 95.
6 Jacobs, Mister Neville, p. 52.
7 Daily News, 3/10/32.
8 Myrna Tonkinson, 'Sisterhood or Aboriginal Servitude? Black women and white women on the Australian frontier', Aboriginal History, 12, 1-2, 1988, p. 34.
9 Roe, op. cit., p. 10.
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