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The ‘almost white’ children, 1904–1910

By the end of the first decade of the new century, all the state jurisdictions had forged their own special institutions to ‘deal with’ their Indigenous populations. As mentioned previously, Victoria was the first state to create a Central Board for Aborigines in 1860 and was the first to enact legislation concerning Aboriginal people in 1869, and later the very restrictive *Aborigines Protection Act 1886* (Vic) (commonly known as the Half-Caste Act 1886). In Western Australia the *Aborigines Protection Act 1886* established a Protection Board that could appoint honorary local protectors where and when required. Further legislation in 1897 abolished the Protection Board along with its protectors and established the Western Australia Aborigines Department. However, this legislation was deemed invalid (on funding grounds) and the positions of chief protector and regional protectors were re-established under the *Aborigines Act 1905*. The Queensland *Aborigines Protection and Restriction of the Sale of Opium Act 1897* provided for the appointment of protectors where required throughout the colony and later established the Chief Protector of Aborigines Office in 1904. South Australia followed the Queensland model with the *Aborigines Act 1911* that established the position of chief protector and a system of regional protectors that remained in place until 1934. The Northern Territory came under South Australian law, which remained in force until changed by the Commonwealth after 1 January 1911.¹ Tasmania had no body or legislation that was like the

1 For all Acts concerning Indigenous Australians, see: ‘Legislation’, To Remove and Protect, Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), aiatsis.gov.au/collections/collections-online/digitised-collections/remove-and-protect/.

other jurisdictions. However, the *Cape Barren Island Reserve Act 1912* (Tas) provided for a portion of land on the island to be set aside for the ‘descendants of the Aboriginal natives’ and the Secretary of the Department of Lands was responsible for the ‘well-being of the residents’.²

All of these jurisdictions had enormous power over the Aboriginal people. The chief protectors were the legal guardians of Aboriginal children (despite having parents) in the case of South Australia, up to the age of 21 and in Western Australia up to the age of 16. Western Australia had laws that prohibited the marriage of an Aboriginal woman to a non-Aboriginal man unless with the express permission of the chief protector.³ All had laws concerning the employment conditions of Aboriginal people and where Aboriginal people could live, and each had the power to remove Aboriginal people to a reserve.

After the New South Wales Protection Board’s (APB) failure to remove the La Perouse Aboriginal community to the south coast at Wallaga Lake New South Wales, there was a new urgency to secure some legal control over Aboriginal people – it would no longer be content with the policy drift that characterised Edmund Fosbery’s tenure. Peter Read observes that at the end of the nineteenth century the Board was concerned with Aboriginal mobility. Aboriginal people were not staying in the one place where Board oversight was more easily administered.

The problem, quite unanticipated, was how to prevent the Aborigines from treating the stations and reserves as places where food and shelter were available when required, but which could be dispensed with if there was a desire to go somewhere else.⁴

If the Board acquired legislative backing it could force Aboriginal people to remain on the stations and reserves, exclude those who did not belong – especially those young men who did not work – and ensure that teenage girls remained in service.⁵ George Ardill had raised the need for legislation in his 1899 report on La Perouse, but new impetus came when Robert Thomas Donaldson joined the Board in 1904.

2 ‘Tasmania’, To Remove and Protect, AIATSIS: aiatsis.gov.au/collections/collections-online/digitised-collections/remove-and-protect/.

3 ‘Western Australia’, To Remove and Protect, AIATSIS: aiatsis.gov.au/collections/collections-online/digitised-collections/remove-and-protect/.

4 Read, *A Hundred Years War*, 47.

5 Read, *A Hundred Years War*, 52.

Of all Board members (including George Ardill) none had more impact and left a more lasting legacy than Robert T. Donaldson. His Board membership and subsequent tenure as an inspector for the Board spanned 25 years, from 1904 to 1929. Donaldson voiced his opinions on Aboriginal affairs often, with authority, both in public and as a member of the New South Wales Legislative Assembly. Donaldson's time with the Board can be divided into three phases. His first period of influence spanned from the time of his arrival up to 1909 when he did much to prepare and promote the argument for the successful passage of the *Aborigines Protection Act 1909*. His second period of influence, from 1909 to 1915, witnessed the Board's successful *Aborigines Protection (Amending) Act 1915* that enabled it to remove Aboriginal children without court approval. Arguably, this was the most important and devastating piece of Board legislation. His last period of impact, as inspector for the Board, lasted from 1915 until his retirement in 1929. In this position he traversed the state checking on the reserves and stations, identifying and removing Aboriginal children to be placed into service or institutions. Heather Goodall concludes that, from an Aboriginal perspective, Donaldson was perhaps the most hated man on the APB in its latter period and gained a reputation throughout the Aboriginal community, as the 'Kid's Collector'.⁶ Jack Horner also observed that Donaldson's focus on removing the children made him 'feared and hated among Aborigines'.⁷

This chapter focuses on Donaldson's first period of influence, the lead-up to the *Aborigines Protection Act 1909*. I argue that Donaldson differed from Ardill in that he was not overly religious, secretive or prone to public controversy. He was far more clinical and calculating. His background on the railways, and later as a mayor and as a member of parliament, shaped him as a dominant, no-nonsense performer. He was not a team player and the Board permitted him free rein. The Board allowed for 'lone-wolf' operators like Ardill and Donaldson to speak freely and to be unaccountable. Although he was a poor attendant of Board meetings, Donaldson's impact on policy was significant: he brought into sharp focus the removal of children, particularly girls, from Aboriginal families. This was his crusade: the removal of the 'almost white' children from the camps. It was Donaldson's persistent and targeted pronouncements in the public and parliamentary arenas that established the groundwork for the formal inclusion of child removal policies into the Board's legislative agenda.

6 Goodall, *Invasion to Embassy*, 1996, 123.

7 Horner, *Bill Ferguson*, 7.

A formidable Irishman

Born in Ireland in 1851, Robert Thomas Donaldson (Figure 4.1) was brought to Australia by his family in 1863. He spent some years working on stations and prospecting in Queensland and then, after a brief period away in Britain, he returned to Queensland and was appointed inspector of railway construction.⁸ It is unclear as to what qualification he obtained to undertake such a role.

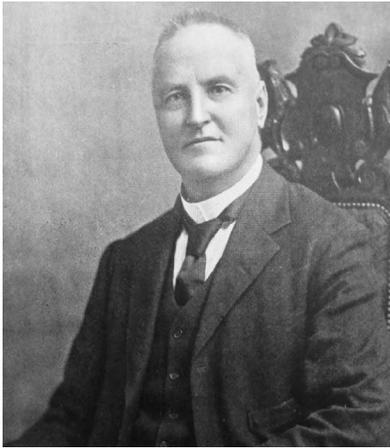


Figure 4.1: Robert T. Donaldson.

Source: Third Australasian Catholic Conference, St. Mary's Cathedral Book Depot, Sydney, 1909.MG/1/U11/ (set) p. 480. Mitchell Library, State Library of New South Wales.

On moving to New South Wales, he became a contractor's manager for a firm that built the Cootamundra to Gundagai railway line. The Tumut valley 'appealed so much' that he purchased a butcher's shop and settled in Tumut.⁹ In 1892, he became a local government council member, held that position for nine years, and was mayor for the years 1897 and 1898.¹⁰ In July 1898, Donaldson was elected to the Legislative Assembly as member for Tumut and held the seat (renamed Wynyard) until 1913. Jack Horner, activist for Aboriginal equality and justice in the 1960s, described him as

a big man, powerfully built, six-feet tall, with broad shoulders, and barrel chest supporting his short thick neck ... His most memorable features were the keen, brown snapping eyes beneath bushy eyebrows flecked with white, a well-shaped nose, and large jaw thick and round as a soccer ball.¹¹

8 Felton, 'Donaldson, Robert Thomas (1851–1936)'.

9 Hedley, *People and Progress*, 24.

10 Hedley, *People and Progress*, 24.

11 Horner, *Bill Ferguson*, 18.

His time as an inspector of railways, bridge builder, council member, mayor and parliamentarian provided him with a great deal of experience; he was comfortable with power and authority.

One incident points to Donaldson's dominant, forceful and less than even-handed character. It concerned rationing at Brungle Aboriginal Station (between Tumut and Gundagai) in July 1902. A heated exchange took place in the Legislative Assembly between Donaldson, as the member for Tumut, and Mr Norton, the member for Northumberland. Norton brought some rancid, unidentifiable meat into the parliament and claimed that this 'quality' of meat was provided as rations to the Aboriginal people at Brungle Station. Brungle was in Donaldson's electorate and, taken unawares, he took umbrage at the imputation that he was allowing such a practice to take place under his watch. Donaldson was further angered by the fact that Norton subsequently admitted that the meat 'had been carefully held back for four weeks' before bringing the rancid pieces into parliament.¹² Strong language was used, and Donaldson had to 'withdraw' on two occasions when he claimed that Norton revelled in 'anything putrid, disgusting and repulsive' and that he was a 'self-constituted scavenger'.¹³ Donaldson launched a spirited defence of the APB, declaring that he had regular contact with the Aboriginal people at Brungle, that the residents knew him, and that he had supplied meat to them himself years ago. Donaldson attacked Norton for criticising the manager of Brungle, Mr Hubbard, and stated that the APB members were all 'respectable gentlemen' of well-known 'high reputation' and that the member should have waited until inquiries had been made before he 'besmirched the character of these people'.¹⁴

Norton claimed that the Aboriginal people were 'mal-treated and badly fed' not only at Brungle, but at the 'majority of other stations'. He deplored the situation whereby the 'aborigines [were] subject to harsh treatment' and that their 'rations [were] withheld' for supposedly trivial misdemeanours. Donaldson countered that the Brungle people had been stirred up by a 'half-caste' man called Clifford who was a 'notorious gambler' and therefore could not to be taken seriously. Norton stood by his claims.¹⁵

12 *Evening News*, 4 July 1902, 3.

13 NSW, *Parliamentary Debates*, Legislative Assembly, 3 July 1902, 962 (Robert Donaldson). This issue was reported in the press on 22 June 1902 in the *Truth* and the coverage did not conclude until 22 August 1902.

14 NSW, *Parliamentary Debates*, Legislative Assembly, 3 July 1902, 963 (Robert Donaldson).

15 NSW, *Parliamentary Debates*, Legislative Assembly, 3 July 1902, 964 (Norton).

In late August the Brungle residents were still refusing to accept the meat and stated that they would rather 'eat rabbit or possum than eat such stuff'.¹⁶ In retaliation the Board stopped the meat ration to the 'disaffected ones' and suggested that as 'there are plenty of rabbits available they can trap them, if they must have animal food, or go without'.¹⁷ Donaldson was not a Board member in 1902, so he could have taken a different view over this issue. He could have challenged the Board on the quality of its rations or its punitive approach to the Brungle residents, or asked questions about more funding for the APB in parliament. But instead he dismissed the concerns of the Aboriginal residents and defended the 'respectable' men of the Board: men, it transpired, that he planned to join.

The 'almost white' girls

Donaldson joined the Board in December 1904 after J. Waddell (premier of New South Wales from June 1904 to August 1904) wrote a short note to the premier, Mr Carruthers, recommending that he be appointed:

There are a large number of Blacks in the Tumut District and Mr Donaldson M.P. takes a great interest in their welfare. I will be glad if you could have him appointed a member of the Aboriginal Board. I feel sure he will render good service.¹⁸

It is unclear whether Donaldson and Waddell had any conversation regarding the appointment and why Donaldson accepted a position on the Board. It would have been unlikely that he sought more power or needed an elevated profile; as a man of 53 years of age he had already achieved both. He had already been involved in supplying rations to Aboriginal families and, in view of the recent controversy at Brungle, he may have seen an opportunity to take a more active policy role in Aboriginal affairs. Perhaps this explains his support for the APB and not the Brungle residents in 1902.

In a speech to the Legislative Assembly in late 1906, Donaldson took the opportunity to speak on Aboriginal matters. He offered that Aboriginal people showed 'great reluctance to leave their old haunts' and that they

16 *Tumut and Adelong Times*, 22 August 1902, 2.

17 *Tumut and Adelong Times*, 22 August 1902, 2.

18 Letter from T. Waddell to J. Carruthers, 22 November 1904, Colonial Secretary's In-Letters (hereafter CSIL), 1904, 5/6817, Item 20897, State Records of New South Wales (hereafter SRNSW).

have a strong love for their 'native places' and, as a result, it was very difficult to move them. He thought the Board should always 'err on the liberal side' but at the same time there should be no waste in the camps, and that the able-bodied men should be encouraged to work and not 'loaf on surplus rations'. He acknowledged that it was harsh to order these men away from the camps but 'it had to be done'.¹⁹ But he had another pressing concern, one that would define his 'contribution' to the Board. In December 1906, he couched it in the following terms:

When the board went around to the schools, even at La Perouse, to Brungle ... and other places, the question arose, what were we to do about the little boys and girls who were almost white? What was to be their future? Unfortunately, as they were growing up now, there was only one end for them. What could be done for their benefit? It was imperative to take them away from these camps.²⁰

He informed the Assembly that Mr Ardill, a current Board member, 'took a great interest in these little children' and offered his strong support. If any permanent 'reformation was to be effected it was necessary to take these little white girls away from the camps'.²¹ The member for Monaro, Mr Miller, asked Donaldson if the Board had recommended that such girls should be taken away. Donaldson's reply reflected his disconnect with the Board – he said he did not know! Donaldson had been on the Board for two years, was making some very bold statements about policy, and yet was unaware if the Board had made any recommendations. In fact, there was no such recommendation in the 1906 Board report. It merely included a short paragraph stating several girls had been sent out to service and the usual inquiries made as to the suitability of their placements.²² Donaldson was advocating a policy to remove them all, not just a trickle, yet the Board had either not discussed the issue over the preceding two years or had done so when he was not present, and he was not informed. One member interjected, that it would be wrong to 'take them away from

19 NSW, *Parliamentary Debates*, Legislative Assembly, 6 December 1906, 4530–31 (Robert Donaldson).

20 NSW, *Parliamentary Debates*, Legislative Assembly, 6 December 1906, 4530–31 (Robert Donaldson).

21 NSW, *Parliamentary Debates*, Legislative Assembly, 6 December 1906, 4530–31 (Robert Donaldson).

22 *Protection of Aborigines: Report of the Board* (the APB Report: hereafter *APBR*) 1906, 4. Accessed via *Journal of the Legislative Council*, Q328.9106/7, *NSW Parliamentary Papers, Consolidated Index* (hereafter *Journal of LC*), State Library of New South Wales (hereafter *SLNSW*), Vol. 69, Part 1.

their mothers!' Donaldson responded only by saying 'it was a difficult thing to deal with'.²³ Donaldson was his own man – he spoke freely and did not need Board approval to make policy projections.

In November 1907 Donaldson maintained his focus on Aboriginal girls. In parliament he stressed that we 'educate them to a certain point', 'encourage them to be tidy' and then when they reach the age of 14 or 15 we 'leave them to their own devices'.²⁴ At a recent camp visit he noted that he found 'thirty-five children attending the Sunday School and half of them were white' with 'not a trace of aboriginal blood in them', and they were singing hymns 'as nicely as the children could sing them in any school in the city ... Yet the inevitable end of most of these children is disaster'.²⁵ He claimed that there was only 'one way out of the difficulty, and that is to remove the children from the influence of the camps. There is no other way'.²⁶ Donaldson said nothing about the other Aboriginal children in the camps; he was only concerned with those who were 'almost white'. To Donaldson, it was apparently unacceptable that 'nearly white' children should remain in the camps, but it was acceptable for all the other children. He did not even argue neglect. On the contrary, he acknowledged that the children were being well cared for in the camps. His concern was that the 'almost white' adolescent girls might fall prey to white men who sought out the camps.²⁷

In 1908, and without obvious approval from the Board, Donaldson wrote to the colonial secretary, William Wood, recommending that commission visit the major camps to consider the utility of removal. The full text is instructive of his matter-of-fact approach:

You promised you would during the recess, have a report obtained re [sic] present condition of the half-caste children on the various Aborigines Camps and Homes – with a view of devising some plan to improve their chances of growing into respectable citizens. I believe the Insp. Gen. Mr Garvin is getting a return of the sex, ages, etc. of all the children in the Camps. When that is obtained I would suggest that a Commission (Honorary) be appointed to visit the larger Camps (if deemed necessary) confer with the

23 NSW, *Parliamentary Debates*, Legislative Assembly, 6 December 1906, 4531–32 (Unknown interjection).

24 *Bega Budget*, 23 November 1907, 5.

25 *Bega Budget*, 23 November 1907, 5.

26 *Bega Budget*, 23 November 1907, 5.

27 *Gundagai Times and Tumut, Adelong and Murrumbidgee District Advertiser*, 26 November 1907, 2.

managers. [sic] Obtain suggestions and finally drafting out a report recommending what action Parliament should take to give these children an opportunity to shake off the evil influences of the Camp surroundings. To give an idea of the decline of the full-blood, and the increase of the half-caste, I may tell you that at 4 of the Principal camps – there were on Nov. 30th last 9 full-blood children and 295 half castes or about 97 per cent on the white side. During the recess I will be only too glad to assist in every way to devise some scheme to better the prospects of these children. I look on it as an urgent matter and one we should not shirk from.²⁸

Donaldson was persistent. In July 1909, rising to speak on the issue of a 'Graduated Land Tax' in the Legislative Assembly, he soon turned his attention to Aboriginal matters. He raised the issue of the increasing 'half-caste' population and spoke for over 30 minutes.²⁹ He recalled his time in northern and central Queensland where he interacted on many occasions with Aboriginal people. He proceeded to give the Assembly a history lesson regarding the missions at Cumeroogunga and Warangesda, the establishment of the Board, the reserves and stations, and the issue of rations and various supplies. Donaldson then described what was at the heart of the 'problem' for the Board:

as the years rolled on, a new feature presented itself in the shape of a rapidly-semi-white population, for which these camps were never intended. The full bloods are racing along a track which leads to their inevitable extinction ... but now we have thousands of their offspring, who have as much white blood as black in their veins. A large majority of their children are three-parts white; scores of them are seven-parts white.³⁰

What was driving Donaldson? Donaldson did not explain his rationale but it likely reflected a view of the 'half-caste' Aboriginal people widely held by the white community. This perception was formed by two factors. First, there was white community debate about the 'worth' of the 'half-caste'. Henry Reynolds recalls a well-repeated saying by Dr Livingstone, of African fame, that 'God made the white man and God made the Black man, but the devil made the mulatto'.³¹ The mulatto, a Spanish term, was

28 Letter from Donaldson to Colonial Secretary, W.H. Wood, 3 January 1908, CSIL 1909, 5/7030, 1-1200, Item 08.02 (SRNSW).

29 He spent half of his allocated time expounding on the issue of the 'half-caste' population. NSW, *Parliamentary Debates*, Legislative Assembly, 13 July 1909, 340–49 (Robert Donaldson).

30 NSW, *Parliamentary Debates*, Legislative Assembly, 13 July 1909, 346 (Robert Donaldson).

31 Reynolds, *Nowhere People*, 3.

half white and half black.³² Reynolds writes that many whites thought ‘half-castes inherited the worst qualities of both parent races and the good qualities of neither’; they were considered to be morally and physically defective, unpredictable, unstable and degenerate.³³ When Jimmy Governor and his brother went on their rampage at the Breelong station in 1900, comments in the press pointed to Jimmy’s ‘half-caste’ status as a basis for his infamy. In December 1900 the *Sydney Morning Herald* suggested interest in the case stemmed from the fact that the ‘criminals were part aboriginal and part white’. The *Herald* reasoned that Governor resented his exclusion from white society and responded as a black man: the ‘instinct of the mere savage broke out, and the blood-thirst of the infuriated aboriginal had its way’.³⁴ At the 1913 South Australian Royal Commission on the Aborigines, the then secretary of the New South Wales Board R. Beardsmore was asked if the ‘half-caste’ was a better man physically than the ‘full-blood’? He replied:

I do not think that either physically or morally the half-caste is as good a man as the full-blood. There is a very good reason for that. The fathers of the half-castes are naturally the most depraved white men, and if heredity counts for anything it must mean that those children are worse than the full blood children.³⁵

On another level, the ‘half-caste’ threatened the purity of race and even society itself. Anna Haebich notes that, at the time of Federation, racial theories ‘endorsed the view that [Aboriginal people] were incapable of becoming modern citizens and fanned fears of an internal racial threat in a desired White Australia’.³⁶ They were a ‘visible reminder’ of the atrocities perpetrated on the frontier and after ‘into which Aboriginal women had been drawn by the sexual desires of white men’.³⁷ The ‘increasing number of “half-castes” reminded officials, doctors, and scientists of a moral violation of an officially forbidden intercourse between white men and Aboriginal women or girls’.³⁸

32 Reynolds, *Nowhere People*, 2. Reynolds refers to a ‘table of terminology’ in use in the Spanish colonies: a ‘Mulatto’, half black and half white; a ‘Quadroon’, three-quarters white and one-quarter black; a ‘Sambo’, three-quarters black and one-quarter white; a ‘Mestizo’ or ‘Quinteron’, seven-eighths white and one-eighth black.

33 Reynolds, *Nowhere People*, 3.

34 *Sydney Morning Herald* (hereafter *SMH*), 1 December 1900, 8.

35 Correspondence Files VPRS 1694/P0000/15, Question 2127, South Australian Royal Commissions, 1913, Public Records Office Victoria (hereafter PROV).

36 Haebich, *Broken Circles*, 132.

37 Haebich, *Broken Circles*, 134.

38 Kidd, quoted in Haderer, ‘Biopower, Whiteness and the Stolen Generations’, 9.

Yet, juxtaposed to this attitude was the Board's intention, right from the start, that those with a lesser 'admixture of Aboriginal blood' should be absorbed, or merged, into the mainstream community. Russell McGregor argues that, in the nineteenth century, 'absorption was more of an assumption than a strategy', with many settler Australians believing that the incorporation of the 'half-caste' would be a natural process. However, when this did not occur state administrations began to intervene in order to facilitate absorption.³⁹ Victoria was a case in point with the *Aborigines Protection Act 1886*. Patrick Wolf described three phases of Aboriginal policy: confrontation, incarceration and assimilation – the 1886 Act 'was the culmination of a shift from the second to the third'.⁴⁰ It was based on the premise that the able-bodied should be moved off the reserves to support themselves but it also 'accorded with the prevailing middle-class philosophy of self-improvement and self-reliance'. Coupled with this were social Darwinist ideas that 'encouraged different policies for those of "full-blood" and those of "mixed Aboriginal descent" who it was claimed were at 'different stages of acceptability' to the white community.⁴¹ In other words, the 'half-castes' could be more 'safely absorbed' into white society.

However, the white construct of 'half-castes' together with terms like 'quadroons' and 'octoroons' were problematic administrative categories for the Board to deal with – a difficulty all of their own making.

Donaldson did not refer to any community discourse on the 'half-caste' population but his views were clear. The young 'near-white' children in the camps – the girls in particular – needed to be reclaimed by the white community. Donaldson was certainly fulfilling community expectations of individual self-improvement and self-reliance, and that 'near-white' children would have a better chance of merging into white society. He recognised that this policy would be harsh, yet he was uncompromising in its pursuit.

39 McGregor, "Breed out the Colour", 287.

40 Furphy, "They Formed a Little Family as it Were", 10.

41 Broome, 'Victoria', 139.

Drawing upon Board census figures, Donaldson told the Legislative Assembly in July 1909 that there were 2,700 'little Ishmaels, born in degradation, dragged up with all the vicious and bad surroundings of a camp'.⁴² Using some colourful language, he submitted that the Board was hamstrung:

The Board has no title to these reserves. It cannot sue for trespass. It cannot clear the camps of bad characters, the loafing adults, who prey like wolves upon the rations issued to the children, the human blowflies who haunt these places, always hovering with one object, and that is the pollution of the young children. The Board has no power to take charge of the orphans and neglected children, it cannot board them out, nor can it take them away from the evil influences ... The only solution ... is to take these children right away from the evil companionship and vicious surrounds of the camps.⁴³

At the annual Catholic Congress held in Sydney October 1909, Donaldson explained his agenda further.⁴⁴ His 3,000-word address traversed reflections on Aboriginal people from Brisbane to Cape York, their customs, the pre-contact period; he assumed knowledge in all areas. He then turned his attention to the camps in New South Wales and introduced two new issues: he acknowledged that removing the children would be a delicate matter; but argued forcefully that the girls should *never* be permitted to return to their communities. He noted that there would be a great deal of opposition to removing children at the 'age of nine or ten from their mother's homes' because many of the 'mothers were almost white' and that they look after their children 'as well as their surroundings will allow'.⁴⁵ By inference, Donaldson drew the comparison that 'full-blood' mothers were not as connected or loving to their children. He pushed on with brutal clarity. The parents must not be allowed to stand in the way of the 'enormous and lasting benefits' of the removal of the children to be 'educated and fitted for domestic service' and apprenticed out to approved

42 NSW, *Parliamentary Debates*, Legislative Assembly, 13 July 1909, 347 (Robert Donaldson). This biblical reference concerns Abraham's wife Sarah who, at 75 years old, was considered barren (although she did subsequently conceive). Abraham, aged 85, required a son so Sarah offered her handmaiden, Hagar, to Abraham to conceive a child and Ishmael became Abraham's first son. Why Donaldson chose this analogy is curious; perhaps he saw Ishmael as the result of an unhealthy union.

43 NSW, *Parliamentary Debates*, Legislative Assembly, 13 July 1909, 347 (Robert Donaldson).

44 The proceedings of which were published as: *Third Australasian Catholic Congress, Held at St. Mary's Cathedral Sydney 26th September–3rd October 1909*.

45 *Third Australasian Catholic Congress*, 484–85.

homes. The girls should never be allowed to return to their camps and should sever all connection with family, their extended family and the community. He concluded with a short paragraph:

In the course of a few years there will be no need for the camps and the stations; the old will have passed away, and their progeny will be absorbed into the industrial classes of the country.⁴⁶

Did his Board colleagues agree?

No other Board member openly campaigned for policy change like Donaldson. It is difficult to know how other Board members felt about Donaldson's obsession with removing the girls. If they disagreed with him they were publicly silent. As we have seen, some Board members came and went with little impact. Board member William Charles Hill, son of Richard Hill, was one such member. He had absolutely nothing to say on Aboriginal affairs in the Legislative Council during his nearly 19 years as a member and, although spending 13 years on the APB, there is no evidence that he spoke on Aboriginal matters outside of the parliament either.⁴⁷ John Moore Chanter, mentioned in the previous chapter, made no obvious public statements on this issue and offered nothing in parliament on Aboriginal matters after 1900.⁴⁸ Members George Varley and Edward MacFarlane appeared silent on the issue.⁴⁹ Long-serving member Henry Trenchard, who had officially opposed the attempt to move the Aboriginal residents from La Perouse in 1900, may well have had a contrary view to Donaldson, but unfortunately his views on this issue are not known.

Edward Dowling (Figure 4.2), who joined the Board in 1901, had expressed views on Aboriginal matters well before his Board membership. Dowling was heavily involved in men's education, became the first secretary of the Board of Technical Education in 1883 and was also secretary of the New South Wales branch of the Australian Natives' Association.⁵⁰ He served on the Protection Board for nine years and was a regular attender. Mark Francis suggests that Dowling provided the 'intellectual support ... for the Aboriginal Protection Board during the 1890s', but unfortunately

46 *Third Australasian Catholic Congress*, 485.

47 Doukakis, *The Aboriginal People*, 52.

48 Doukakis, *The Aboriginal People*, 157.

49 For brief details of these members refer to Appendix 1.

50 McMinn, 'Dowling, Edward (1843–1912)'.

provides no evidence for this. Dowling did have an interest in Aboriginal affairs. He addressed the 1892 Chicago World Columbian Exposition and presented a paper entitled *Australia and America in 1892: A Contrast*. It drew comparisons from every aspect of life between the two countries at the time. He observed:

the aboriginal had considerable intelligence ... was an admirable mesmerist ... [had] some knowledge of astronomy and mythology ... displayed considerable inventive power in the construction of the boomerang and a throwing lever for spear casting, and ... [is] a superlative tracker in the bush.⁵¹



Figure 4.2: Edward Dowling.

Source: New South Wales State Archives & Records, 1843–1912, GPO 1-16186.

Dowling stressed that ‘some atonement was needed for the treatment of the native races’ and that they all may become extinct ‘unless more care was taken’.⁵² When on the Board he visited Brungle Station and recommended the merging of the Aboriginal school and the local public school, but the Minister for Public Instruction ‘could not see his way to adopt the suggestion’.⁵³ His school merger proposal points to a liberal view, but it would be speculation to infer that he may have opposed Donaldson on the issue of removing the children from the camps. Peter Board, Director of Education, joined the Board in 1907 but made no public comment on the issue of removals.⁵⁴

51 Dowling, *Australia and America*, 71.

52 Francis, ‘Social Darwinism and the Construction of Institutionalised Racism in Australia’, 99.

53 *Gundagai Times and Tumut, Adelong and Murrumbidgee District Advertiser*, 16 December 1904, 4.

54 Further discussion of Peter Board is found in Chapter 7 on the removal of Aboriginal children from schools.

Inspector-General of Police and new Board chair Thomas Garvin (Figure 4.3) raised no apparent objections to Donaldson's views. Garvin took over from Edmund Fosbery on 31 December 1903. He chaired the Board up to the end of 1911 but remained on the Board until early 1916. From police records, he was a 'capable and efficient police officer, patient, well-organised and unruffled in approach'.⁵⁵ He undertook his work on the Board with the same diligence and commitment.⁵⁶ Garvin was dedicated and tenacious. J.S. Ryan, writing for the Armidale Historical Society, stressed his 'drive and dedication', citing that in 1907, after his hip was broken by a tram, Garvin was within 10 days 'conducting the whole business of his huge department from his hospital bed'.⁵⁷ He received high praise from Fosbery for his efforts to secure the capture of several high-profile felons – including the 'Governor brothers' – and as an able rider in the mounted police.

Garvin was not without ego. Not everyone needs to praise themselves at their own retirement, but Garvin clearly did:

It is well known that I have been a constant worker night and day, and that I have never spared myself ... I pointed out [to the colonial secretary] that after continuous and arduous service for nearly 49 years I leave the force in the highest state of efficiency as an up-to-date service.⁵⁸

He was a policeman first and foremost and made sure that the force remained central to the Board's work. When the Reverend Henry Nolan, member of the Local Aborigines Board for Gulargambone in north-central New South Wales, challenged the role of the police in Aboriginal affairs, Garvin would have none of it. Nolan wrote a lengthy submission to the colonial secretary offering suggestions to be included in the 'forthcoming Bill', such as the provision of large reserves for all the Aboriginal people, special Board powers to keep the residents on the reserves, a separate department to deal with Aboriginal affairs as the 'Police Department is ... most unsuitable ... to manage the Aborigines', and the inclusion

55 Ryan, 'Thomas Garvin (CISO), 1843/1922', 63. Edmund Fosbery remained on the Board until 1905 (see *APBR* 1906, 1).

56 The available records between 1905 and 1916 indicate that he attended 303 Board meetings out of a possible 365, an attendance rate of 83 per cent: analysis of APB Minutes (hereafter *APBM*) from 1905 to 1916 (records missing between 1906 and 1909). All *APBM* accessed via: Minute Books (Aborigines Welfare Board), NRS 2, NSW Department of Aboriginal Affairs, Sydney.

57 Ryan, 'Thomas Garvin (CISO), 1843/1922', 89.

58 *SMH*, 9 November 1910, 8.

of the 'softening and elevating influence of religion ... on the reserves'.⁵⁹ Garvin informed the colonial secretary that Nolan's suggestion of reservations was totally impracticable and stressed that the 'Half-castes' now want to earn their own living and should be encouraged to do so, as the goal is to have them eventually 'absorbed' into the general population.⁶⁰ In a subsequent letter to the colonial secretary, Garvin insisted that the police were the best-placed organisation to run Aboriginal affairs.⁶¹



Figure 4.3: Thomas Garvin.

Source: Inspector-General of Police, Government Printing Office, 1-12252, New South Wales State Archives & Records.

Thomas Garvin did not oppose Donaldson on the removal of the children. In the light of his views on the absorption of the 'half-caste' population, it is more than likely that he would have approved.

Drafting the legislation

The first mention by the Board of its proposed legislation in the twentieth century was in its report for the year ending 1902:

The Board ... feel that the time has arrived for the introduction of other much-needed legislation giving them power to extend their operations in the best interests of the aboriginal inhabitants of the State. Much has been done to improve their condition, but in the absence of necessary legislation ... the Board's powers are but limited.⁶²

59 Letter from Rev. Henry Nolan to Colonial Secretary's Department, 24 February 1908, CSIL 1909, 5/7030. 1-1200 (no item number) (SRNSW).

60 Letter from Garvin to Colonial Secretary, 16 March 1908, CSIL, 1909, 5/7030, Item 08.345 (SRNSW).

61 Letter from Garvin to Colonial Secretary, 20 March 1908, CSIL, 1909, 5/7030 (no item number) (SRNSW).

62 *APBR* 1903, 3. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22888.pdf.

Unfortunately, from December 1906 until March 1910, the period in which the legislation was refined and drafted, the Board minutes are missing. However, when the minutes do 'reappear' in March 1910, George Ardill proposed an extensive range of further suggestions to improve Board procedures and to facilitate the new legislation – an indication that he may well have been heavily involved in the drafting phase.

One indicator of 'general involvement' was Board attendance. Figure 4.4 indicates attendance levels (from available records) of members for their entire time spent on the Board. The following were members on the Board during the lead-up to the legislation: Ardill (85.6 per cent) and Garvin (83 per cent) were the most regular attenders, followed by Trenchard (67.5 per cent) and Dowling (67.4 per cent). MacFarlane, Varley, Norrie, Chanter and Peter Board were very irregular, and parliamentarians Robert Scobie and Hill rarely attended. Another poor attendant, John See, had left by 1902. Donaldson attended just under a third of all meetings at 30.6 per cent.⁶³

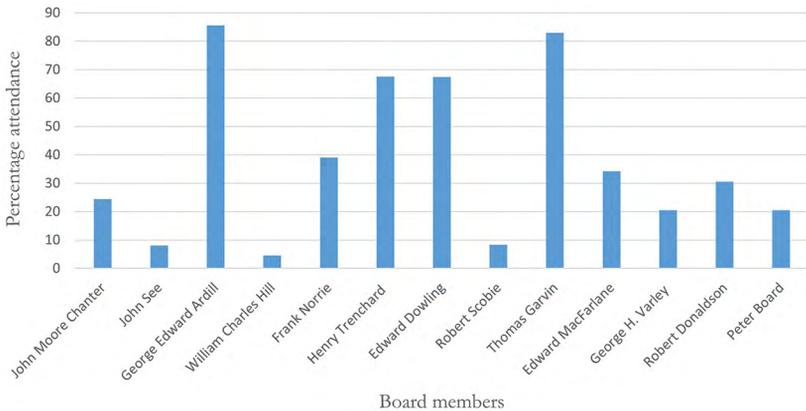


Figure 4.4: Board member attendance by percentage during the lead-up to the *Aborigines Protection Act 1909*.

Source: Author's analysis of Board minutes.

Trenchard, considering his history, may well have been a reluctant participant in forming restrictive legislation and it is unclear if Dowling may have offered to assist in the draft. Most likely, Garvin, Ardill, Donaldson and secretary Robert Beardsmore were responsible. Even with Donaldson's poor attendance rate, in the light of his regular public

⁶³ See Appendix 1 for bibliographical notes and more detailed attendance information.

statements on the removal of children, it is inconceivable that he did not have some input into drafting the legislation. Moreover, he took a lead parliamentary role in the debate on the Bill (see below) because he knew more about the legislation than the colonial secretary.

Board Secretary Beardsmore prepared a brief to Premier Joseph Carruthers in 1907 that outlined the priorities for legislation. He mentioned two pressing points: the need to give the Board the power to remove girls from the camps, and for the provision of a paid inspector to visit all the stations. Beardsmore's brief appraised the premier of the Board's history and 'achievements', the honorary nature of the Board, and how it generally conducted its business.⁶⁴ After 24 years the Board was still an appendage to government.

As mentioned above, three colonies (Victoria, Western Australia and Queensland) had already acted on restrictive legislation before Federation in 1901. If New South Wales needed a blueprint for legislation, it had one in the Victorian model – Victoria and New South Wales had more in common, as their Aboriginal populations were not as remote as those of the vast expanses of outback Queensland and in Western Australia.

Victoria had passed three pieces of legislation by 1901: the *Aborigines Protection Act 1869*, the *Aborigines Protection Act 1886* and then the *Victorian Aborigines Act 1890*. The 1869 Victorian Act allowed for the removal of Aboriginal children to an institution if the children were 'neglected' by their parents or left 'unprotected'. However, the Victorian Board was unimpressed with the rate of the removals and introduced a regulation in 1899 that permitted the removal of *any* child of mixed descent over 14 years of age – not just those 'neglected'.⁶⁵ Richard Broome notes that under the 1890 Act, Aboriginal people were controlled by 40 regulations.⁶⁶ Some of these regulations sought to protect Aboriginal people from unscrupulous employers and to ensure assistance for the infirm, but many others were punitive. Overall, the impact of both the 1886 and 1890 Acts on Aboriginal people fell into four areas: a loss of freedom; removal from their homes; dividing kin and the removal of children; and the closure of reserves.⁶⁷

64 Letter from APB Secretary R. Beardsmore to Under-Secretary of Colonial Secretary's Department, 9 July 1907, CSIL 1909, 5/7030, 1 -1200, Item 07.398 (SRNSW).

65 Broome, *Aboriginal Victorians*, 192.

66 Broome, *Aboriginal Victorians*, 187.

67 Broome, *Aboriginal Victorians*, 193. Many of the Victorian regulations, such as all clothing supplied to Aboriginal people belonging to the Board, penalties for supplying liquor to Aboriginal people and restrictions on who could enter reserves, were all part of the New South Wales regulations imposed by the Board after 1909. See Read, *A Hundred Years War*, 55.

While there was only sporadic contact between the Boards of Victoria and New South Wales, Jack Horner argued that the New South Wales Act was an almost word-for-word replica of the Victorian *Aborigines Act 1890*.⁶⁸ The main thrust of the Victorian Act was to merge the 'half-caste' population into white society. Chesterman and Galligan argue that Victoria, with its relatively small numbers of Aboriginal people (as few as 565 in 1891) could have been expected to take a more liberal or generous view towards Aboriginal people.⁶⁹ In fact, it was the reverse; the Victorian Board 'did not allow familial relationships to deter it from pursuing a rigid line of division between "Aborigines" and "half-castes"'.⁷⁰ All 'part Aborigines' aged 34 and younger were to leave the stations. Colin Tatz explains:

all non 'full-bloods' and 'half-castes' under 34 years of age were forcibly expelled from missions and reserves, irrespective of marital or sibling status, of need, of ability to cope in the mainstream, of whether they had somewhere to go in the outside world. The penalty for returning was a £20 fine – the equivalent of about \$20,000 in today's currency [1995].⁷¹

By 1907 a draft Bill had been submitted by the New South Wales APB for government consideration.⁷² Peter Read notes that its aim 'was, in short, to drive as many Aborigines as possible into the white community'.⁷³ The definition of an 'Aborigine' was a key element. It defined an Aboriginal person to be:

any full-blooded aboriginal native of Australia, and any person apparently having an admixture of aboriginal blood who applies for or is in receipt of rations or aid from the board or residing on a reserve.⁷⁴

68 Horner, *Bill Ferguson*, 6. There is only the occasional reference to other jurisdictions in the Board minutes; for example, *APBM*, 18 February 1892, received a report from the Victorian Board; *APBM*, 7 September 1893, Item 7. Some correspondence on individuals took place; for example, the New South Wales Board contacted the Victorian Board about a 'half-caste' girl absconding from New South Wales into Victoria, VPRS 10768, P0000, 13 February, 1911, File no 73, PROV.

69 Chesterman and Galligan, *Citizens Without Rights*, 13.

70 Chesterman and Galligan, *Citizens Without Rights*, 24. In October 1910, the Victorian parliament passed a further Act that repudiated the 1890 Act. The parliament now saw *no need* to separate 'half-caste' from 'full blood' Aboriginal people: *Aborigines Act 1910* (Vic.), section 2. The Victorian premier at the time, John Murray, who had a long association with Aboriginal people, sought to formalise the aid that was being provided to the 'half-caste' population and allow them also to reside back on the reserves. See Broome, *Aboriginal Australians*, 198.

71 Tatz, *Obstacle Race*, 39.

72 *APBR* 1908, 7. Accessed via 'NSW', To Remove and Protect, AIATSIS: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22922.pdf.

73 Read, *A Hundred Years War*, 55.

74 *Aborigines Protection Act 1909* (NSW), Section 3.

Everyone else had to leave the reserves and stations. This left the Board with enormous discretion to exclude people or withhold rations. Read remarked that other people:

regardless of their skin colour, culture, family or how long they had lived in the districts or on the reserves were no longer allowed to do so – because they were no longer held to be Aborigines!⁷⁵

The legislation proposed that the Board could remove any person ‘who, in the opinion of the Board, should be earning a living away from the reserve’.⁷⁶ Section 14 would empower the Board to cause any ‘aborigines, or any persons apparently having an admixture of aboriginal blood in their veins, who were camped or about to camp within or near any reserve, town, or township’ to be removed away from such locations.⁷⁷ Section 11 provided for the apprenticing of any Aboriginal child who was 14 years or over (as Victoria had done in 1899), subject to the *Apprentices Act 1901*.⁷⁸ The proposed legislation also sought restrictive regulations upon Aboriginal people occupying the reserves and stations. Read asserts that it was designed to make Aboriginal people feel that life would be better ‘amongst the whites’.⁷⁹

Although never openly acknowledged by the New South Wales APB, there was significant crossover of ideas and legislative measures between the New South Wales proposed legislation and the many Victorian Acts up to the end of first decade of the twentieth century.

The passage of the *Aborigines Protection Act 1909*

The debate on the New South Wales legislation took place in the Legislative Assembly late at night on 15 December 1909.⁸⁰ The ‘clause by clause discussion in committee was more concerned about the best means of “improving the existing machinery” of administration, rather than the future

75 Read, *A Hundred Years War*, 55.

76 *Aborigines Protection Act 1909* (NSW), Sections 8(1) and (2).

77 *Aborigines Protection Act 1909* (NSW), Section 14.

78 *Aborigines Protection Act 1909* (NSW), Section 11.

79 Read, *A Hundred Years War*, 55.

80 Anna Doukakis points out that most debates of Aboriginal matters were always late at night or in the early hours of the morning. Doukakis, *The Aboriginal People*, 54.

of Aboriginal people'.⁸¹ Robert Donaldson advocated for the legislation because of his role on the Board and, as the colonial secretary noted, had read the 'official letters from Victoria concerning the proposed Act'.⁸²

The legislation did not pass without debate. Mr Nielson, representing the people of Yass, was concerned that 'half-caste' Aboriginal people should be able to live just like Europeans and not be controlled. Nielsen wanted to be quite sure

that aborigines, who elected to lead the life of white men, and to go out working for their living, should be quite independent of the board. He did not want to see the board interfere with a man who wanted to lead an ordinary decent life – a half-caste, for instance, who wanted to lead the life of a white man – who had nothing to do with the aborigines' camp.⁸³

Donaldson responded that the Act only applied to Aboriginal people as defined in the Act and those who were receiving rations or applied for rations.⁸⁴ This was an expedient definition implying that Aboriginal people could opt out of the act. This was not true. In fact, all Aboriginal people came under some aspects of the Act such as its regulation on the sale of liquor, its provisions for the removal of children and its power to forcibly remove people from a reserve.⁸⁵ There was a lengthy exchange regarding the amount of money to be set aside for the Board to administer the Act, the value of installing telephones on the Aboriginal stations, the necessity to appoint inspectors, the supply of liquor and the health requirements for Aboriginal people. More notably, however, there was little further debate on the restrictive and controlling nature of the legislation.

Robert Scobie (Figure 4.5), member for Murray and a Board member, spoke on the issue of the amount of money granted to the Board each year. Scobie, a saddler and storekeeper by trade in Scotland, had moved to Australia around 1878 and established a business in Menindee. He moved to Sydney, joined the Australian Workers' Union and was elected to the seat of Wentworth in July 1901. He joined the APB in 1901. Anna Doukakis observes that

81 Horner, *Bill Ferguson*, 6.

82 Horner, *Bill Ferguson*, 6. Unfortunately, Horner did not leave a footnote as to the whereabouts of these letters. I have been unable to find them if they still exist.

83 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4542 (Nielson).

84 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4542 (Robert Donaldson). Technically correct, but an Aboriginal person had to convince the local policemen who supervised the reserves, or the manager who ran the Aboriginal station, that they required the rations.

85 *Aborigines Protection Act 1909* (NSW), Sections 9, 11 and 14.

he was asked to join the Board after he approached Premier John See (also a Board member) on behalf of his Aboriginal constituents who ‘were in much worse condition than previously and no longer employed on the pastoral stations’.⁸⁶ Scobie’s attendance at Board meetings was abysmal. This goes to the heart of one of the major failings of the Board: poor attendance did not disqualify ongoing membership. For the first seven years of available records Scobie only attended eight meetings – an average of one per year.⁸⁷ It would have been impossible for Scobie to engage in the work of the Board with such a poor attendance rate. Yet, he felt he could still speak confidently about Board matters.



Figure 4.5: Robert Scobie.

Source: Parliamentary Archives, NSW Parliament Collection (ScobieRobert-19P-1901).

The following two exchanges in the debate between Scobie and Donaldson (fellow Board members) are instructive as they reveal disagreement between the two. The first exchange concerned the ‘Vote’ (the amount of money) for the Board. Donaldson had formally moved that the Board would prefer a fixed annual sum of £20,000 instead of the variable amounts it had received from year to year. The opposing argument ran that the Board should be subject to the same yearly scrutiny as other statutory Boards throughout the state and that the parliament should decide on the annual amount. The colonial secretary, William Wood, countered by suggesting that a flat grant would be acceptable and that the Board would not abuse its power in dispensing with the money. Scobie opposed Donaldson. He said that ‘Boards were all liable to go slightly wrong in their action’ and there should be due scrutiny. Further, the Board may require more

86 Doukakis, *The Aboriginal People*, 108.

87 Over his last five years on the Board his attendance improved slightly. Overall, he attended only 33 meetings out of a possible 399, an average rate of 8.27 per cent. Author’s analysis of *APBM* 1901 to 1916.

money, and it was therefore an unnecessary restriction.⁸⁸ Donaldson urged that the extra and regular (but capped) money was required to 'take charge of the neglected children'.⁸⁹ Scobie responded that the Board could always ask for 'an extra grant'. Donaldson did not pursue that matter; he either accepted the idea of an extra grant or that he had lost the debate. Donaldson's clause was rejected.⁹⁰

The second exchange was over the provision of alcohol to Aboriginal people in case of sickness or an accident. Donaldson sought an amendment, that 'sickness' be omitted. He argued that there would be nothing to prevent:

[a] half-caste, quadroon or octoroon, who possessed all the cunning of the lower class white men, from going into a hotel, and shamming a sudden attack of sickness in order to get grog.⁹¹

Scobie rejected this, pointing out that there might be

[a] sick blackfellow on the station, whose horse had thrown him, and if the squatter gave him a glass of grog he would come under the penalty imposed by this act.⁹²

Colonial Secretary Wood explained that an Aboriginal man, on the station, would not come under the Act.⁹³ Both exchanges reflect flawed Board processes and the lack of connectivity among members.

The Bill faced no opposition in the Legislative Council. John Hughes and Edmund Fosbery (former Board chair) were the only two speakers in the debate. Hughes opened with,

I do not think hon. Members will require a very long explanation of this bill. It is a simple one for the protection of what is left of the aborigines of Australia.⁹⁴

He outlined the clauses of the Bill and how each would facilitate the work of Board. He proposed no amendments or concerns.

88 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4543 (Scobie).

89 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4544 (Robert Donaldson).

90 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4544.

91 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4547 (Robert Donaldson).

92 NSW, *Parliamentary Debates*, Legislative Assembly, 15 December 1909, 4548 (Scobie).

93 Robert Scobie himself had little regard for the 'half-caste'. He has become infamous for his comments in 1915 when he offered in parliament that there were 6,000 'mixed blood' Aboriginal people growing up in New South Wales and that 'it is a danger to us to have people like this amongst us, looking upon our institutions with eyes different to ours'. Quoted in Goodall, *Invasion to Embassy*, 2008, 142.

94 NSW, *Parliamentary Debates*, Legislative Council, 17 December 1909, 4654 (John Hughes).

Fosbery's contribution is important as it provides the first window into his views since 1883. He began in similar fashion, 'It is not my intention to delay the House many moments in making a few observations regarding this bill'. He recalled that four of the first Board members were all once members of the Legislative Council (King, Hill, Suttor and Foster) and that they all devoted themselves 'with great assiduity to the task of removing the disabilities under which the unfortunate race was suffering'. He outlined some of the changes that had taken place over the last 27 years, indicating that back in 1884 the numbers of 'full-blood aborigines' were between 6,000 and 7,000 and that now they were around 2,000 and that the necessity for extra money should therefore diminish. The 'object of the Board, no doubt is, and always has been', that those people living on the reserves, who are 'half-castes, quadroons and octoroons, should merge as soon as possible into the general community'. He explained that the object of the stations had been to provide for those who were 'crippled, aged, and infirm, and, above all, to provide some education and training for the children, in order that they may be apprenticed out'.⁹⁵

Then he changed tack. He urged that the Bill was well overdue and had been 'earnestly sought' by the Board for a long time – a strange phrase to use when there was no evidence that he actively pursued the legislation during his tenure. Yet his speech clearly disagreed with the Bill's core premise. Fosbery presented a confusing picture that put him at odds with the legislation and exposed deep-seated views that had prevented him from proposing such legislation when he was chair of the Board. He recalled how the predicament of Aborigines in the 'old times was a standing historical disgrace', and that he had found them wandering about like 'pariah dogs seeking for scraps and bones' and that they had no clothing or shelter and disease was prevalent. He believed that most Aboriginal people living on the reserves and stations were good people, many were 'total abstainers' but there were 'intruders', who would not leave. Fosbery acknowledged that there was a great affinity within Aboriginal families 'which prevents them from parting from anyone of their blood, even if they are only quadroons'. He explained to the Legislative Council that they could not be forcibly removed, as was the case in Victoria. He also offered that you could not put all the Aboriginal people on one station as they 'will not remove' from where they have been living for years.⁹⁶ Despite this deep disagreement,

95 NSW, *Parliamentary Debates*, Legislative Council, 17 December 1909, 4654 (Edmund Fosbery).

96 NSW, *Parliamentary Debates*, Legislative Council, 17 December 1909, 4654 (Edmund Fosbery).

he urged the Council to pass the Bill without delay.⁹⁷ In 1909 at the age of 75 Fosbery was reflective, clearly torn and perhaps considering his legacy. Read remarks, 'Fosbery's peaceful vision of self-sufficient riverside communities was entirely swept away [after the Act]'.⁹⁸ The *Aborigines Protection Act 1909* passed in late December 1909 and became law in July 1910.

The Board had no time for Fosbery's sentiments. It moved quickly and circulars were issued to all stations seeking particulars of residents, especially the 'half-castes', 'quadroons' and 'octoroons'; the particulars of girls and boys above the age of 14; details of 'respectable' householders 'desirous of securing the services of aboriginal apprentices'; and particulars of 'orphan children in the various camps'.⁹⁹ A suite of restrictive measures had been established to control Aboriginal people of New South Wales and would remain for the life of the Board and beyond.¹⁰⁰

A direction forged

Robert Donaldson's regular and targeted policy pronouncements laid the groundwork for the successful passage of the *Aborigines Protection Act 1909*. In the lead-up to the legislation he established himself as the most forceful public figure on the Board. Just as Ardill had provided an impetus for a hard-edged approach to Board policy at turn of the century, Donaldson did the same with his single-minded focus on the removal of girls and determination that they would never return to their families. Ardill had targeted children before Donaldson's accession to the Board, but Donaldson turned illicit action into state policy. His public advocacy shaped the position of the Board and the legislatures and cleared a path that led to the systematic removal of Aboriginal children that continued well past the middle of the twentieth century. The government and the Board, collectively, were responsible for the passage of restrictive legislation that affected only one section of Australian society, but it was Donaldson who galvanised the Board to remove the 'almost white' girls from the camps.

97 NSW, *Parliamentary Debates*, Legislative Council, 17 December 1909, 4654 (Edmund Fosbery).

98 Read, *A Hundred Years War*, 55.

99 *APBM*, 14 July 1910, Item 1.

100 Restrictive legislative measures remained for 60 years until the end of the Aborigines Welfare Board in 1969.

Donaldson's success in achieving his goals was also a reflection of the Board's inherent weaknesses. The APB allowed for lone wolf operators to speak on policy without Board approval. It permitted members to independently lobby the government and it tolerated very poor attendance at Board meetings. These failings persisted throughout its tenure. Donaldson's rise to power was only beginning. The Board soon realised that it still did not have enough power to remove the children – it wanted to bypass the courts. Over the next five years, with Donaldson's imposing presence and persistent policy proposals, the Board would achieve that goal.

This text is taken from *Power and Dysfunction: The New South Wales Board for the Protection of Aborigines 1883–1940*, by Richard Egan, published 2021 by ANU Press, The Australian National University, Canberra, Australia.

doi.org/10.22459/PD.2021.04