

8

Winds of change

In late January 1938 the New South Wales Board for the Protection of Aborigines (APB) convened a three-day Sydney conference of all its managers and matrons of Aboriginal stations throughout the state.¹ This was the first time, after 55 years of the Board's existence, that its managers and matrons (or any staff for that matter) had gathered together. A crisis point had been reached and the Board felt the need to assemble its agents to reassure them that all was well. However, the tone of the opening addresses was far from reassuring. Colonial Secretary of the Government Captain Chaffey began proceedings. He reminded his audience that they were tasked with 'very grave responsibilities'. Chaffey praised the men of the Board individually and reassured the assembled office holders that they were in very good hands. He also underlined the need for loyalty and 'honourable service'. Recently voiced criticism of the Board, although not identified by Chaffey, prompted this somewhat alarmist and disjointed plea:

Now this is what you have got to guard against, and what I have got to guard against, and what the Members of the Board have got to guard against. There are elements in the community and every part of the world, with a psychology and atmosphere, whose one objective is discord, disintegration, disruption and destruction or anything when it comes to real responsibilities of life.²

1 The conference was held 22–25 January 1938. Bate, 'Conference on the Plight of the Aborigines 1938', 24–26 January 1938, JaHQ 2014/1905, Mitchell Library (hereafter ML). (The dates conflict in the title and for the transcript. The transcript records proceedings from Saturday 22 January until Tuesday 25 January at 5 pm.)

2 Bate, 'Conference on the Plight of the Aborigines 1938', 2–3.



Figure 8.1: B.C. Harkness.

Source: Royal Australian Historical Society, Inspectors of Schools, PXA 1538, 2039/24. Mitchell Library, State Library of New South Wales.

Bertie Clarence Harkness (Figure 8.1), long-term Board member (and brother of E.B. Harkness), followed Chaffey.³ Harkness had joined the APB in January 1931. Born in Grafton, he became a teacher and took posts in several country centres before his elevation to inspector of schools in 1923, with further promotions to chief inspector of schools and Deputy Director of Education in 1933.⁴ Harkness reassured the assembled listeners that recent criticism of the Board was unfounded and malicious. He insisted that the Board was functioning properly, but emphasised the importance of fidelity and solidarity:

the idea of this conference occurred spontaneously from the Board itself. It was not stimulated to do this by any criticism from without or any feeling that something was going to happen ... I am very glad he [the minister] emphasised the need for 'perfect loyalty' ... if there is not this you are against us. I am not suggesting that you are against us. If you have anything to say, it is a very good thing to say it in the right quarter.⁵

It was an interesting welcome. As a member of the conference on a hot January Sydney day you could be forgiven for moving uneasily in your chair. Conference chair (and Board member since 1929) Henry John Bate MLA (Figure 8.2) was next to address the meeting. Bate had been a long-time participant in Aboriginal affairs on the south coast at Wallaga Lake Aboriginal Station. He acknowledged the hard work of the managers in their various locations and assured them that, although members of the Board were all busy public servants, they still found time once a month to meet on Board matters and had only the 'welfare of the Aborigines' at

3 Horner, *Bill Ferguson*, 29.

4 *Daily Examiner*, 15 October 1951, 2.

5 Bate, 'Conference on the Plight of the Aborigines 1938', 4.

heart. Bate's concluding remarks added to the discomfort: 'If there is ever an occasion when you think someone is a spy, we ask you to let us know'.⁶ This was a highly charged opening to the conference and possibly even a paranoid one.

The conference had nothing to do with spontaneity, as Harkness alleged. What had prompted this gathering was a successful, and unexpected, motion put by opposition Labor MP Mark Davidson on 9 November 1937 to establish a Select Committee inquiry into the Board and its practices. The inquiry was still underway when the Board convened its conference. The Board had gathered its personnel, not to thank everyone for their services, but to secure solidarity and loyalty, and to weed out any likely internal critics before mounting a last-ditch attempt to stare down its detractors.

The Board's problems had begun well before 1937. Andrew Markus reflects that the 1930s saw:

the beginnings of a change of policy towards Aborigines. Aboriginal spokespersons, and by the late 1920s, a small group of whites, including clergymen, academics, female philanthropists, businessmen, and politicians, urged governments to accept that ... it was possible for Aborigines to 'advance' towards 'civilisation' with appropriate guidance.⁷

The APB had neither facilitated nor even acknowledged this shift. As described in Chapter 5, it had become insular, reactionary and negligent, and was run by a small cabal. Its unaccountability made it impervious to change. After the Great Depression it faced a barrage of criticism from both black and white activists that it could not withstand.

Black and white protest groups challenge the Board

Aboriginal people have 'always resisted colonialism in Australia'.⁸ From 1788, the 'clans fought the invasion of their lands' across the frontier, initially in New South Wales and Van Diemen's Land and then eventually across the continent. After the frontier wars abated, resistance took on

6 Bate, 'Conference on the Plight of the Aborigines 1938', 13.

7 Markus, *Blood from a Stone*, 4.

8 Attwood and Markus, *The Struggle for Aboriginal Rights*, 7.

other forms. A powerful tool of resistance was the petition. Ann Curthoys and Jessie Mitchell observe that petitioning by Indigenous peoples has a long history.⁹ The earliest known example in Australia was in the mid-1840s in Van Diemen's Land.¹⁰ Perhaps the best known example in Victoria comes from Diane Barwick's account of the fight by the Kulin, near Healesville, north-east of Melbourne, who regularly used petitioning to their advantage.¹¹ As Curthoys and Mitchell observe, Aboriginal people 'learned where the power lay, and they never lost sight of those authorities closest to them, seeking to draw them into patterns of mutual and personal obligation'.¹² Jessica Horton has given weight to the numerous political letters written, particularly by Aboriginal women in Victoria, in the latter part of the nineteenth and early twentieth centuries. Horton notes how the manager at the Lake Condah Aboriginal Mission complained to the secretary of the Aborigines Board in that state, about 'discipline problems caused by the residents writing letters' to Protection Board members about the disrepair of housing on the mission, that their men were away fighting in the First World War and concern about rumours that the mission would soon close.¹³ A collection of letters from 80 Indigenous women, edited by Patricia Grimshaw, Sandra Smith and Elizabeth Nelson, suggests that Aboriginal women wrote far more than Aboriginal men and were more equipped to do so, having greater access to education than the men.¹⁴ Horton notes a number of Aboriginal women such as Bessy Cameron, a Nyunger from Albany in Western Australia, Mary Ellen McRae from Gippsland, and Emily Milton Stephen also from Gippsland, who all wrote about political matters ranging from child removals, conditions on the missions and grievances. The letter-writers, both women and men, were not 'community leaders but people who were determined to influence the decisions of authorities regarding their lives and to bring about change

9 The 'influence of petitioning stretched throughout Britain's empire' and was 'widespread in the American colonies in the seventeenth and eighteenth centuries': Curthoys and Mitchell, 'Bring this Paper to the Good Governor', 185.

10 The Aboriginal people of Van Diemen's Land, who were 'encouraged' to move onto Flinders Island with their 'protector' George Augustus Robinson, were misled. Their new establishment, called Wybalenna, was substandard and many died while others suffered from malnutrition. The Aboriginal residents employed their literary skills and 'humanitarian principles' gained from Robinson and the missionaries to write letters of protest and petition Queen Victoria; see Attwood and Markus, *The Struggle for Aboriginal Rights*, 37–41. See also Reynolds, *The Fate of a Free People*, 7–26; and Ryan, *Tasmanian Aborigines*, 240–52.

11 Barwick, *Rebellion at Coranderrk*; see also Barwick, 'A Little More than Kin', 101–9; Curthoys and Mitchell, 'Bring this Paper to the Good Governor', 193; Attwood, *Rights for Aborigines*, Chapter 1; Broome, 'Victoria'; and Christie, *Aborigines in Colonial Victoria*, 182–99.

12 Curthoys and Mitchell, 'Bring this Paper to the Good Governor', 198.

13 Horton, 'Rewriting Political History', 158.

14 Horton, 'Rewriting Political History', 167–68.

for the better'.¹⁵ By the time Aboriginal political activity increased in the 1920s in south-eastern Australia, it had been preceded by a rich history of letter-writing and petitions from both Aboriginal women and men seeking change at a local level and wider level.

In New South Wales during the late 1920s and 1930s, several black and white organisations formed during this period to challenge the government policies directed at Aboriginal people. The efforts of these organisations and individuals ensured that, from the early 1920s, the level of public scrutiny began to increase. The Board responded to these groups with suspicion, scepticism and indifference.

The Australian Aborigines Progressive Association (AAPA), established in 1924 by Aboriginal waterside worker Fred Maynard, was key among these.¹⁶ Richard Broome notes that Maynard's organisation was the first 'Aboriginal political group' in Australia.¹⁷ Fred Maynard was born in 1879 at Hinton in New South Wales and was of both Aboriginal and African-American descent. After his mother's death in 1884, he and his five sisters were brought up under the strict discipline of a protestant minister in Maitland and Fred read widely. He worked as a bullock-driver and drover before becoming a wharf labourer on the Sydney docks in 1914.¹⁸ John Maynard (Fred's grandson) observes that Fred Maynard's activism began in 1907 when the black American boxer Jack Johnson fought in Sydney and Maynard formed a connection with the Coloured Progressive Association.¹⁹ Tim Rowse asserts that Maynard's deep association with black Americans gave him 'a blueprint' to develop his own principles.²⁰ Maynard, 'angered by the NSW government's handing over ... of reserve land to returned non-Aboriginal servicemen' after the First World War, formed a chapter of the Universal Negro Improvement Association founded by Marcus Garvey.²¹ From there, Maynard formed the AAPA, guided by Garvey's call for 'pride in culture, solid economic base and strong association to the land of birth'.²²

15 Horton, 'Rewriting Political History', 180.

16 Attwood and Markus, *The Struggle for Aboriginal Rights*, 58.

17 Broome, *Aboriginal Australians*, 2010, 204.

18 Goodall and Maynard, 'Maynard, Charles Frederick (Fred) (1879–1946)'.

19 Maynard, 'Fred Maynard and the Awakening of Aboriginal Political Consciousness', 105–33. See also Goodall, *Invasion to Embassy*, 1996, 149–70; and Attwood and Markus, *The Struggle for Aboriginal Rights*, 58–61.

20 Rowse, *Contesting Assimilation*, 33.

21 Rowse, *Indigenous and Other Australians Since 1901*, 188–89.

22 Quoted in Rowse, *Indigenous and Other Australians Since 1901*, 189.

The first indication that the Board would have to deal with a growing public interest in Aboriginal affairs was an approach made by Elizabeth McKenzie Hatton, a white missionary, who was an important supporter of the AAPA.²³ In late 1923, Elizabeth McKenzie Hatton sought funding from the APB to establish a home for Aboriginal girls who had ‘run away from their white employers because of maltreatment, abuse and molestation’.²⁴ Because of the implied criticism of its policy of removals, the Board refused her request for financial assistance and viewed her proposal as a serious challenge to its authority. Board Secretary Pettitt immediately began inquiries into the work that McKenzie Hatton had undertaken in Victoria.²⁵ In January 1925 the Board had been alerted to McKenzie Hatton’s girls’ home at Homebush – a 12-roomed house named ‘Comorques’ – and was waiting upon a police report on her activities.²⁶ In March of the same year, the Board instructed the police to ‘maintain surveillance’ and ruled that her application to visit the reserves was denied.²⁷ McKenzie Hatton and the AAPA were undeterred. In early 1925, McKenzie Hatton and Fred Maynard, with the aid of the Nambucca Heads community, removed from a household a girl who was under the Board’s control.²⁸ The Board was outraged and in July 1925 it sought advice from the Crown solicitor as to what action it could take against McKenzie Hatton, as well as the AAPA. The Crown solicitor informed the Board that they could take no action ‘at the present time’.²⁹ These events revealed the extent to which the Board was prepared to go to prevent and frustrate any challenge to its affairs.

23 Well-known social worker Elizabeth McKenzie Hatton had spent 16 years in Queensland working with South Sea Islanders before moving to New South Wales in 1923. For an understanding of her significant influence on AAPA policy and the energy she brought to her role in the organisation, see Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 142–225. John Maynard corrects the record that McKenzie Hatton was not the secretary of the AAPA – all office holders were Aboriginal.

24 Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 146.

25 APB Minutes (hereafter *APBM*), 14 December 1923, Item 10: all *APBM* accessed via Minute Books (Aborigines Welfare Board), NRS 2, NSW Department of Aboriginal Affairs, Sydney; Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 147.

26 *APBM*, 23 January 1925, Item 10. McKenzie Hatton had tried to secure a house previously but had run into financial difficulties, but she persevered and acquired a year’s lease on a second home, ‘Comorques’, to which the Aborigines’ Inland Mission contributed £22 towards the first month’s rent. The first Aboriginal girl, Emily Melrose, was admitted in 23 January 1925. See Maynard, ‘Light in the Darkness’, 8.

27 *APBM*, 6 March 1925, Item 10; see also Huggonson, ‘Aborigines and the Aftermath of the Great War’, 7.

28 Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 156. The girl ‘held’ on Stuarts Island in the Nambucca River was the daughter of Fred Buchanan, an Aboriginal activist who had recently been dispossessed of reserve land. See Goodall, *Invasion to Embassy*, 2008, 184.

29 Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 156.

A proposal for the AAPA to become a registered company had come to the notice of the Board at its meeting of 23 October 1925. The Board strongly opposed the application:

on account of the unfitness of the promoters who, with the exception of Mrs Hatton, are all Aborigines, certain available particulars re the character of whom we are to be furnished [sic] and also because many of the objects set forth in the articles of Association of the proposed company are already included among the duties imposed upon the Board by the Aborigines Protection Act.³⁰

The Board was concerned that if the AAPA became a registered company it could interfere with some of the functions of the Board. The Board saw any Aboriginal lobby as impertinent; from its perspective, Aboriginal people had no place in any decision-making process.

The Board was now under scrutiny – not only from Aboriginal groups but from white organisations and the press as well. John Maynard suggests the ‘Board ... for the first time was beginning to feel the heat of the public’s gaze’.³¹ Newspaper reports were challenging the practices of the Board, particularly the removal of Aboriginal girls. As noted above in Chapter 6, in late 1924 several articles appeared in the press on the decline of the Aboriginal ‘full-blood’ population.³² The *Sydney Morning Herald* accused the APB of accelerating the extinction of the race. The Board’s policy of sending Aboriginal girls into service – and subsequent separation from their communities – resulted in these Aboriginal girls having little chance of marrying young men of their own race.³³

The *Sydney Morning Herald* asserted that because of this separation ‘many of these luckless girls must dismiss all thoughts of matrimony’. Further, while serving their apprenticeships, the girls remained entirely dependent on the Board because it held onto their money – it ‘restrains [them] from going back to the bush’.³⁴ To be accused of contributing to the extinction of the very people in your care would have provoked, one

30 APBM, 23 October 1925, Item 1A.

31 Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 147.

32 *Northern Star*, 26 November 1924, 12; *Sydney Morning Herald* (hereafter *SMH*), 22 April 1924, 8; *Inverell Times*, 16 December 1924, 6.

33 *SMH*, 29 October 1924, 12.

34 *SMH*, 29 October 1924, 12.

would think, some reaction from the Board. But none was forthcoming. The criticism did not appear to worry the Board; over the course of 1925, and eight Board meetings later, no mention of the article was noted.

In March 1926 the 25th annual conference of the Sydney-based Australian Natives Association (ANA) called for a Royal Commission into the 'conditions among aborigines'.³⁵ J.J. Moloney, ANA member and strong advocate for Aboriginal people as editor of the Newcastle's *Voice of the North*, spoke forcefully about how Aboriginal people 'have been kicked into the wilds to starve [to live] under petrol tins and old bags' and reported that 'Aboriginal boys are apprenticed to farmers at 6d a week' with the bulk held in trust until they are 21.³⁶ In response to Moloney's press release, Secretary Pettitt prepared a brief for Mr Lazzarini, the chief minister, to reply.³⁷ Mr Lazzarini's response, aired in the press, stressed that the children were not removed unless 'in cases of gross neglect' and the average credit for each apprentice was £25.³⁸ Most likely, he would not have been told that children were removed for many spurious reasons and would have been unaware that the Board held onto their wages well beyond the length of apprenticeships and then made them extremely difficult to retrieve.³⁹

More pressure was applied on the Board when the ANA called on the federal government to appoint Sir John Murray as a permanent commissioner to replace all existing authorities and 'to arrange for the repatriation of the Australian people upon their own land'.⁴⁰ In May 1927, Mr J.J. Moloney again petitioned the Board about the maltreatment of Aborigines across the state.⁴¹

35 The ANA was formed in Melbourne in 1871 and membership was restricted to white males born in Australia; the New South Wales chapter was formed in 1900 and in 1926 it boasted 11,031 financial members and 73 branches across the state. *The Age* (Melbourne), 8 March 1926, 10.

36 *Daily Examiner*, 8 March 1926, 5.

37 *APBM*, 19 March 1926, Item 2. Carlo Lazzarini (Labor) was appointed June 1925.

38 *Daily Examiner*, 30 March 1926, 5.

39 Haskins, *One Bright Spot*, 118–19 and 160–61.

40 Letter from ANA to Jack Lang, 31 July 1925, Premiers Department Correspondence (hereafter PDC), 1927, A27/915, Box 9/1957, Item A26/1251, State Records of New South Wales (hereafter SRNSW). Sir John Murray was the colonial administrator in New Guinea: adb.anu.edu.au/biography/murray-sir-john-hubert-plunkett-7711.

41 *APBM*, 13 May 1927, Item 3.

The July 1927 APB meeting dealt with a formal communication from the premier and the colonial secretary regarding the proposal for a Royal Commission into the status and general condition 'of aborigines including half-castes throughout Australia'. The Board's response was arrogant. It politely dismissed the idea; it believed the

control and care of the Aborigines in NSW has been successful as circumstances would admit, and having in view the time and trouble involved the Board doubts that the appointment of a commission to inquire is called for, so far as this state is concerned.⁴²

Applying further pressure, Fred Maynard wrote to Premier J.T. Lang in May 1927, petitioning for 'early alteration to the laws relating to aboriginals'. He requested that capable Aboriginal people to be given land, that Aboriginal family life to be held sacred, that the old and infirm to be cared for and that a management Board be comprised of 'capable educated Aboriginals' under a chair appointed by the government.⁴³ The matter was referred to the APB. E.B. Harkness replied to Maynard in patronising tones and stated that all proposals were 'impracticable'. Harkness claimed that the Board only intervened regarding children if their parents did not organise apprentice positions. Ignoring the obvious racial and financial barriers, he suggested that Aboriginal people were free to make their own land purchases if they so desired.⁴⁴ Maynard persisted. He wrote to the premier and referred to the response he received from Harkness. Maynard informed the premier that Harkness 'appears to be perfectly satisfied with the inference of inferiority of our people, but we accept no condition of inferiority'. Maynard stressed that, at the time of 'invasion by Europeans ... we called no man "master" and we had no king', but since then, 'we have accepted your system of government and are now striving to obtain full recognition of our citizen rights on terms of absolute equality with all other people in our own land'. Maynard reminded the premier of the calls from London and elsewhere for a Royal Commission to inquire into the 'conditions under which the native people live in this State'.⁴⁵

42 *APBM*, 8 July 1927, Item 2.

43 Letter from Maynard to Lang, 28 May 1927, PDC, A903-1342, Box 9/1957, Item A27/3319 (SRNSW).

44 Letter from E.B. Harkness to Fred Maynard, 23 September 1927, PDC, 1927, A903-1342, Box 9/1957, Item A27/3319 (SRNSW).

45 Letter from Fred Maynard to Premier J.T. Lang, 3 October 1927, PDC, 1927, A903-1342, Box 9/1957, Item A27/3319 (SRNSW).

Late in 1927, E.B. Harkness provided advice to the chief minister on Maynard:

From personal knowledge of the writer (F. G. Maynard) combined with a recognition of the difficulties inseparable from the aborigine question, I have no hesitation in recording the view that the representations of Mr Maynard, who is not altogether a disinterested party, should not be allowed to unduly occupy the Premier's time. Mr Maynard is a full blooded black (either American or South African) whose voluble manner and illogical views are more likely to disturb the Australian aborigines than achieve for them improvement of conditions.⁴⁶

In his clear attempt to discredit Maynard, Harkness misleads on Maynard's descent, and imputes ulterior motives to create unrest. John Maynard asserts, '[Fred Maynard] ... became the central focus of the Board's vicious attacks as they attempted to destabilise the support and momentum that the AAPA had generated'.⁴⁷ The Board even tried to implicate him in a sexual scandal when it published a letter Maynard had written to an Aboriginal girl who had been sexually abused in her apprenticeship situation at Angledool. Maynard sought the 'particulars of the assault' from the girl in order that the perpetrator could be prosecuted. The Board doubted his intentions and published the letter to discredit him. It had the reverse affect; Maynard's reputation, once he had exposed the supervisory neglect of the Board, was enhanced.⁴⁸ However, the constant harassment by the police – instigated by the Board – wore Maynard down. His children agree that threats were made against their father and themselves.⁴⁹ In Sydney, Maynard kept his family close and virtually went underground. He was frightened to leave his children alone with their mother. His son Mervyn was picked up and threatened by the police in Bankstown. Jack Horner notes that Fred Maynard and his group 'were hounded by the police officer' acting for the Protection Board.⁵⁰ Other AAPA members went to ground for fear of reprisals against their children.⁵¹ In the early 1930s, while he was working on the wharves, Fred Maynard fell victim to a large container accident under suspicious

46 Harkness advice on Maynard, 9 November 1927, PDC, 1927, A903-1342, Box 9/1957, Item A27/6809 (SRNSW).

47 Maynard, 'Fred Maynard and the Awakening of Aboriginal Political Consciousness', 226.

48 Maynard, 'Fred Maynard and the Australian Aboriginal Progressive Association (AAPA)', 7.

49 Maynard, 'Fred Maynard and the Australian Aboriginal Progressive Association (AAPA)', 11.

50 Horner, *Bill Ferguson*, 27.

51 Maynard, 'Fred Maynard and the Awakening of Aboriginal Political Consciousness', 333–34.

circumstances. Fred spent six months in hospital. With his ongoing medical problems and diabetes he could not survive the amputation of his leg and he passed away in 1946.⁵²

With Maynard and his group driven underground, the Board had a short reprieve from public attack. Then, in 1934, William Cooper – who formed the Australian Aborigines League (AAL) in 1932 – sought Board permission to secure signatures for a petition to the Australian Government regarding the ‘betterment of Aborigines’. Yorta Yorta man William Cooper was born in 1861 at the junction of the Murray and Goulburn rivers. He is best known for his 1887 petition to the governor of New South Wales seeking 100 acres of land for every Aboriginal man ‘capable of and wishing to farm himself’. He organised another petition in September 1933 to King George V to prevent the extinction of the Australian Aborigines and to grant them representation in the Federal Parliament.⁵³ Surprisingly, the Board had no direct objection to Cooper seeking signatures for a petition but requested that ‘nothing is done to cause dissatisfaction among the Aborigines residing on the Board’s stations and reserves’.⁵⁴

Over the next three years, a steady stream of interested parties sought policy change in Aboriginal affairs. Wiradjuri man William Ferguson – born in 1882 at Waddai, Darlington Point, schooled at the Warangesda Aboriginal station, and later a shearer and shed-organiser for the Australian Workers Union – became a persistent campaigner for Aboriginal rights.⁵⁵ Ferguson had identified the problem at a Christmas gathering in 1923:

That Board in Sydney has a complete control over us; they can do anything. One day we will have a full inquiry into these activities of the Protection Board ... I have been a member of the Labor Party since 1916 ... I have my faith in the Labor movement to help us ... but we need to collect more information about this Board.⁵⁶

52 Maynard, ‘Fred Maynard and the Awakening of Aboriginal Political Consciousness’, 345–47.

53 Markus, *Blood from a Stone*, 7. See also Attwood and Markus, *Thinking Black*, 27.

54 *APBM*, 13 April 1934, Item 14.

55 Horner, ‘Ferguson, William (Bill) (1882–1950)’. See also Horner, *Bill Ferguson*, Chapter 1.

56 Horner, *Bill Ferguson*, 21.

Nursing sister Helen Baillie had formed the Aboriginal Fellowship Group in 1932, which focused on the education of the broader community in the 'right understanding of these natives'. Baillie was also connected with the Victorian Aboriginal Group, the Association for the Protection of Native Races in Sydney and the Aborigines Protection Society in London.⁵⁷ Baillie became a life member of the AAL and provided transport for many of its members involved in the Day of Mourning in January 1938.⁵⁸ In March 1935, William Ferguson and Helen Baillie sought permission by the chair of the Board to visit the reserves and stations.⁵⁹



Figure 8.2: William John MacKay.

Source: Lindsay, *True Blue*, 143.

Around the time of Ferguson and Baillie's request to visit the stations and reserves, police commissioner William John MacKay (Figure 8.2) took over from Walter Henry Childs as chair of the Board. The dour Scotsman MacKay had policing in his blood. The son of a Glaswegian police inspector, he migrated to Sydney in 1910, joined the New South Wales police and rose rapidly through the ranks to lead the Darlinghurst division. During the Depression he was responsible for directing police action towards the unions' political unrest and in suppressing the New Guard; he became increasingly involved in 'political surveillance as unemployment and dissent' became more widespread.⁶⁰ Although one of the Force's 'great reformers', he was criticised for his autocratic methods. He fell out badly with the Police Association over a pay dispute. The Police Association's secretary, Charles Cosgrove, stated that Mr MacKay believed

57 Attwood, *Rights for Aborigines*, 56.

58 Egan, 'An Analysis of White Organisations', 16.

59 *APBM*, 13 March 1935, Item 10. William Cooper had been granted permission a year earlier but only on condition 'that he did not cause dissatisfaction among the Aborigines', *APBM*, 13 April 1934, Item 14. Sometime after April 1934, permission was required from the Board chair.

60 Cain, 'MacKay, William John (1885–1948)'.

'he should have complete control over the police force without any right of appeal against any decision'.⁶¹ The pay dispute worsened, and MacKay had Cosgrove sacked. But MacKay had overstepped; colonial secretary Bill Sheehan likened MacKay's actions as akin to 'principles that have been introduced under the Gestapo of Hitler and his puppet Mussolini'.⁶² Nevertheless, MacKay held his job.

MacKay was clearly a formidable character. It is hard to imagine that as Board chair he would have welcomed any intervention or advice from Aboriginal 'agitators' or interfering white humanitarians. Campaigner Joan Kingsley-Strack had a run-in with MacKay over police reluctance to fully investigate assault and stalking allegations of one of her Aboriginal domestic servants. The altercation demonstrated MacKay's quick temper and his patronising and dismissive attitude to outspoken women. He demanded that she not 'come in here *insisting* on anything'. The exchange descended into a 'shouting match' leaving Mrs Kingsley-Strack severely shaken but not defeated. She said she would fight to the end for legal protection of the girl. MacKay suggested she would need a lot of money for a lawyer.⁶³

In December 1935, six months after MacKay took over the chair of the Board, he wrote to the Colonial Secretary's Department seeking the relocation of all APB staff to his office. He sought to consolidate the Board's administration under his immediate control. In keeping with his dictatorial style, he advised the colonial secretary that, in the interests of efficiency and economy, the

Secretary of the Board and his staff [should] be more closely under my personal supervision ... [and it would be] much better if the staff of six officers were located at Police Headquarters where clerical work will be absorbed in the routine of the Department and the staff and work be subject to the same systematic oversight and control as is applied to the staff of this office.⁶⁴

However, Pettitt and his clerical team did not move into the Police Department. Three months later, it appeared that MacKay had pulled back from this level of oversight of Board matters. In a letter to Mr Harkness,

61 Lindsay, *True Blue: 150 Years of Service*, 142.

62 Lindsay, *True Blue: 150 Years of Service*, 149.

63 Haskins, *One Bright Spot*, 124–26.

64 Letter from MacKay to Under-Secretary to the Colonial Secretary's Department, 10 December 1935, Colonial Secretary's In-Letters (hereafter CSIL), 1937, 9/2420, Item 68517/2 (SRNSW).

MacKay queried the need for him to sign the large volume of Protection Board correspondence and gave his opinion that it did not 'warrant its transmission from the Chief Secretary's building to this Department and back again'. He requested of Harkness to 'relieve [him] of the necessity of signing quite a number of papers of a purely routine character'.⁶⁵ Harkness said he 'was delighted to fall into line with the suggestion'. He assured MacKay that all papers would be 'safely and expeditiously dealt with' and that the chair 'will not be "blind-sided" in any case'.⁶⁶ A follow-up note in May 1936 from Harkness stated that all administrative work of the APB seemed to be 'proceeding smoothly'.⁶⁷ This administrative change further compounded the disconnection between Board activities and Board members.

In late 1936 and early 1937, pressure on the Board was mounting from many directions. Indirect pressure came in November 1936 in the form of an invitation from the Australian Government to its proposed 1937 national meeting on Aboriginal affairs. In a typical demonstration of its indifference, the Board was reticent to attend.⁶⁸ The notion of a national conference was a sign that the whole country was now beginning to focus on Aboriginal affairs. It would be the first time that all the states would gather to discuss Aboriginal policy. Other pressures soon followed. In December 1936, Professor A.P. Elkin and Mrs Caroline Tennant Kelly from the anthropology department at Sydney University attended a Board meeting with various proposals 'in connection with the control of aborigines'. After a lengthy discussion, the APB decided to appoint a subcommittee to consult with Elkin and Kelly.⁶⁹ A month later the APB received advice that William Cooper's AAL was meeting the premier of Victoria with the purpose of 'urging improvement to the conditions' at the New South Wales Aboriginal Station at Cumerogunga.⁷⁰ And, during the early months of 1937, William Ferguson (having secured permission) undertook visits to six Aboriginal stations.⁷¹ He recorded inadequate schooling, the brutal treatment by managers, the withholding of rations as punishment, regular expulsions and the receipt of wages well under

65 Letter from MacKay to Harkness, 16 March 1936, CSIL, 1936, 12/7533, Item S.897/2 (SRNSW).

66 Letter from Harkness to MacKay, 20 March 1936, CSIL, 1936, 12/7533, Item S.897/2 (SRNSW).

67 Internal note from Harkness, 6 May 1936, CSIL, 1936, 12/7533 (no item number) (SRNSW).

68 *APBM*, 4 November 1936, Item 4.

69 *APBM*, 2 December 1936, Item 3.

70 *APBM*, 6 January 1937, Item 14.

71 Horner, *Bill Ferguson*, 34–35.

the award rate. Ferguson was convinced that the time had come to 'fight openly at last'.⁷² He organised a public meeting at the Masonic Hall in Dubbo, held 27 June 1937, and successfully passed the following motion:

That the meeting form an Aborigines' Progressive Association, with the object of advocating the abolition of the Aborigines protection board, and full citizen rights for Aborigines, with direct representation in parliament similar to that of the New Zealand Maoris.⁷³

Michael Sawtell, a member of the Association for the Protection of Native Races, concluded by August 1937 that the APB was 'an anachronism' and highlighted a major failing of the Board. He observed that

country newspapers were full of the details of the shameful and unjust manner in which the board treats the aborigines. The main cause of all this unjust and unsympathetic treatment is that the Board members are busy government officials, who have neither the time nor perhaps the inclination to study the aborigines' way of life.⁷⁴

In the same month the Reverend Canon J. Needham, chair of Australian Board of Missions, registered his complaints regarding the Board's policies. Needham referred to allegations that Board managers were 'withholding' rations as discipline. The Board offered to meet with Needham to discuss his complaints and quickly issued a directive to all managers that under no circumstances 'should aborigines be deprived of rations as a means of punishment'.⁷⁵ In November 1937, William Ferguson called on the Board to stop the apprenticing of Aboriginal boys and girls, discontinue the expulsions of Aboriginal people from the reserves and stations and provide cash to Aboriginal women for their endowment payment. Pettitt informed Ferguson that his demands could not be actioned.⁷⁶ The calls for change had reached fever pitch and it was the New South Wales Parliament that took the initiative.

72 Horner, *Bill Ferguson*, 35.

73 Horner, *Bill Ferguson*, 37.

74 *Labor Daily* (Sydney), 27 August 1937, 6.

75 *APBM*, 5 August 1937, Item 16; 1 September 1937, Item 1.

76 *APBM*, 3 November 1937.

A Select Committee inquiry into the APB

Mark Davidson (Figure 8.3), a staunch Labor man, had been ‘everything from a deckhand to a farm worker, miner, tank sinker and shearer’.⁷⁷ He was elected to state parliament in 1918 to represent the huge electorate of Cobar that stretched from the northern and western borders of the state to Cobar and Nyngan. Davidson believed that Aboriginal people should be left alone and not made to ‘conform to European conditions of life’, but he also believed that they should be ‘protected from exploitation’ and cared for.⁷⁸ By 1936 he was a bitter critic of the Board. By law, Aborigines were debarred from the Old Age Pension and the Maternity Allowance because they received rations from the government, but Davidson claimed the ‘meat ration was never issued’.⁷⁹



Figure 8.3: Mark Davidson.

Source: Parliamentary Archives, NSW Parliament Collection (DavidsonMA – 25P-1920).

Davidson was also a friend of William Ferguson. Both had discussed the abolition of the Board. Mr Roy Brain, the manager at Brewarrina, had been dismissed by the Board from his position on 30 November 1936.⁸⁰ Neither man liked Brain, nor did the Aboriginal people of Brewarrina. But Davidson and Ferguson knew that Brain was ready to unload on the Board because he was unable to seek an appeal for his dismissal. Both men saw a possible *cause célèbre* to pressure the Board. Davidson and Ferguson decided that an inquiry into the Board, with Brain giving evidence, could work in their favour.⁸¹

77 Horner, *Bill Ferguson*, 12.

78 NSW, *Parliamentary Debates*, Legislative Assembly 18 June 1936, 4750 (Mark Davidson).

79 Read, *A Hundred Years War*, 86.

80 *SMH*, 15 September 1937, 10.

81 Horner, *Bill Ferguson*, 42. See also Parry, ‘Such a Longing’, 306.

Davidson put a motion to the Legislative Assembly to establish a Select Committee into the administration and practices of the Aborigines Protection Board. He proposed:

I am submitting this motion because I have received numerous complaints from various mission stations concerning the treatment that has been meted out to what remain of the natives of this country.⁸²

Davidson remained on his feet, uninterrupted (apart from one question), for 45 minutes. He explained that the managers of stations, who had to double as the teacher, were often not sufficiently trained, that the rationing was inadequate and that the accommodation was in many cases unsuitable. He cited a recent transfer of Aboriginal people to Menindee where the temperatures were 110 or 112 degrees⁸³ and the Aboriginal people had 'to live in tin huts like sardines'.⁸⁴ Davidson argued that the Board, 'owing to want of wisdom or lack of knowledge of the customs of these people' forced different Aboriginal 'tribes' together as when the Goodooga Aboriginal people had to move to Brewarrina.⁸⁵ He raised the recent dismissal of the manager at Brewarrina, Mr Brain. He acknowledged he was not privy to all the facts but felt there had been an injustice in that Mr Brain had not been allowed to defend himself before the Board. He was at a loss to know why the police commissioner was the chair of the Board and questioned whether the Board ever met, as it was always tardy in its response to any enquiry. He described the 'indenturing of Aborigines as altogether wrong' and stated that it should be abolished and that Aboriginal people should receive the same wages for the same work as 'any other section of the community'.⁸⁶ He alerted members to the fact that some Aboriginal people had been working plots of land for years and then had them revoked because white people now wanted the

82 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1496 (Mark Davidson).

83 Fahrenheit: about 43 to 44 degrees Celsius.

84 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1496–97 (Mark Davison).

85 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1498 (Mark Davidson). Davidson did not provide a date or any other details about the Goodooga removals, but several Aboriginal groups were forced to Brewarrina Aboriginal Station. The first group, around 20 Wailwan Murris from Quambone just south-east of Brewarrina, moved in 1935. The next group, over 100 mainly Yuwalaray from Angledool to the north-east, were removed in 1936. In 1938 the whole Wangkumara population of 130 from Tibooburra were sent to Menindee, but the Menindee white residents complained, and the Board moved them to Brewarrina. These forced removals caused severe hardship for these communities and placed enormous pressure on the Brewarrina Aboriginal Station. See Goodall, *Invasion to Embassy*, 2008, 241–60.

86 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1498 (Mark Davidson).

land. Ahead of his time, he sought special courts for Aboriginal people as, presently, they did not understand the court processes and 'in all probability the magistrate does not understand them'. His concluding remarks were unambiguous:

I consider that the Board should be reconstituted, if not abolished. We should aim at the abolition of the so called homes and missions, which are exterminating the aboriginal race by segregating the sexes and sending the girls to domestic slavery.⁸⁷

Mr Henry Bate, member for the South Coast and APB member, endeavoured to set the record straight by informing the Assembly that the Board tried very hard to look after Aboriginal people. He stressed that the Board met regularly 'once a month' and that it 'dealt with difficult questions' and contended that the Board should not be reconstituted.⁸⁸ He claimed that the Board 'asks that aboriginal children be allowed' into local public schools, but 'the first people to make an outcry are the local parents'.⁸⁹ He explained the position with Mr Brain at Brewarrina, insisting he had to be removed for gross negligence, providing details to which Davidson had not been privy.⁹⁰ After a question from opposition leader Mr Jack Lang concerning the recent input from Sydney University's anthropological professor E.P. Elkin, Bate became agitated and stated that Elkin wanted to take the Aboriginal people 'back to their totemic ideas'. Bate declared he knew the Aboriginal people far better than Elkin. He offered to 'step outside' with Lang for 10 minutes to fully brief him on the 'intervention of the Chair of Anthropology'.⁹¹ In his closing remarks there is a plea for understanding and a hint of exasperation:

We have to deal with their health, education, and employment the same as with other people. We hear people say we took their country from them in the first place, and we should give it back. We made mistakes in the beginning and a desperate effort is now being made to help them.⁹²

87 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1501 (Mark Davidson).

88 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1502 (Henry Bate).

89 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1503 (Henry Bate).

90 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1507 (Henry Bate).

91 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1508 (Henry Bate).

92 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1508 (Henry Bate).

Bate received support from Mr George Edward Ardill (the son of the former Board member George E. Ardill), who was the member for Yass and a Board member. George Ardill (Jr) (Figure 8.4) joined the Board at the end of 1935. He rose to oppose the motion on the basis that there was no good reason for it. Ardill claimed that the £52,000 allocation to the Board to provide education, housing, clothing, food and ordinary amenities was inadequate, and urged the members opposite to argue not for an inquiry, but for more funds. Ardill claimed that the Board was trying to ‘lift them economically ... and to lift them politically’ so they wouldn’t ‘merely be recipients of charity’. He defended the Board’s policy of retaining apprentice wages in trust and providing endowment moneys in coupons and not cash.⁹³



Figure 8.4: George Edward Ardill.

Source: Parliamentary Archives, NSW Parliament Collection (ArdillGE-29P-1930).

The motion was put. William Ferguson had travelled from Dubbo to witness the debate from the gallery.⁹⁴ He must have been pleased when, to the government’s chagrin, it was passed by the slim majority of 29 to 27. The government had not expected it to pass. Government members had anticipated there would be an adjournment at the end of the debate, but, instead, it went straight to the vote and ‘many Government members were missing’.⁹⁵ Government numbers on the floor were further reduced by three, when it was realised that regulations disallowed members of the APB to vote. Bate, Ardill and member for Raleigh Roy Stanley Vincent (all APB members) were therefore barred from voting.

93 NSW, *Parliamentary Debates*, Legislative Assembly, 9 November 1937, 1512–14 (George Ardill).

94 Horner, *Bill Ferguson*, 47.

95 *Northern Star*, 10 November 1937, 6.

Davidson and Ferguson had got their inquiry. The committee comprised: Captain Chaffey United Australia Party (UAP); C.E. Bennett (UAP); Major A.D. Reid (UAP); Mr Wilson (UAP); Mr E.M. Horsington (ALP); Mr J.M. Tully (ALP); Mr Dunn (ALP); Mr Davidson (ALP); and Dr Fleck (ALP). It began deliberations on 17 November 1937 and Aboriginal activists William Ferguson, Pearl Gibbs and Jack Patten were present at the opening session in anticipation that the inquiry would 'change their lives'.⁹⁶ Also present was Joan Kingsley-Strack, who had a chat with Ferguson before the committee meeting. Her diary records:

the truth will be brought forth showing what a farce the Board is and the scandalous dishonesty right through its dealings with these people ... I sat down beside Mr Ferguson the half-caste who is organising his people throughout NSW to defend themselves and demand the abolishment of the APB. I sat and talked with him for some time and some Aboriginal men and women from La Perouse.⁹⁷

Thirteen witnesses were called, and 3,952 questions asked. No counsel for witnesses was allowed as the 'inquiry might be unduly delayed'.⁹⁸ All committee members could ask questions of witnesses, but some witnesses could cross-examine as well. Witnesses called included: Aboriginal spokesperson William Ferguson; Mrs Caroline Kelly from the Department of Anthropology at Sydney University; A.C. Pettitt from the Board; Roy Brain, the ex-manager of the Brewarrina Station; Edith Brain, nurse and matron at Brewarrina; three station managers: James Danvers, Gordon Milne and Edwin Dalley; Agnes Park, wife of the manager at Menindee; Isabel Pratt, a nursing sister; William Morley, Congregational minister and longstanding member of the Association for the Protection of Native Races (APNR); and Aboriginal labourers Monty Tickle and Lindsay Grant. Unfortunately, due to the unexpected early termination of the inquiry, many more witnesses were unable to be called, including Aboriginal activists Jack Patten and Pearl Gibbs, Michael Sawtell (APNR) and Mrs Joan Kingsley-Strack, who could have provided much information on the Aboriginal girls in domestic service.⁹⁹ Other Aboriginal men expecting to make contributions were Jack Kinchela, Frank Roberts, Arthur Gayton, Jim Barker, Selwyn Briggs and Archie Reid.¹⁰⁰

96 Horner, *Bill Ferguson*, 48.

97 Diaries, 15/16 November 1937, Joan Kingsley-Strack Papers, MS 9551, Series 2, Folder 10, National Library of Australia (hereafter NLA).

98 *SMH*, 23 November 1937, 12.

99 Horner, *Bill Ferguson*, 53.

100 Horner, *Bill Ferguson*, 53.

The first week of sittings was marred by numerous adjournments, repetition and personal agendas. The Sydney newspaper *Truth*, although not an entirely reliable source, was scathing of the initial proceedings. It reported that Ferguson and Patten, although earnest in their efforts, required help to properly cross-examine. It alleged that the real problems confronting the Aboriginal people were not being addressed, and implored: 'Let the natives tell their story'.¹⁰¹ It also criticised the committee for a number of adjournments due to the absence of a quorum, and noted that while Mark Davidson was taking his role seriously, the same could not be said of others who 'did not listen to all the questions or answers being too busy attending to their private and parliamentary correspondence'. *Truth* pointed out that some answers were too long and the 'activities of the whole week could easily have been packed into one business morning'.¹⁰² On Thursday, 2 December, the sitting had to be cancelled and a 'great deal of inconvenience was caused to the aborigines who were in attendance'.¹⁰³ William Ferguson said that he would have to return to Dubbo and 'wait until he was informed of the next sitting'.¹⁰⁴

The committee stumbled through its 13 witnesses without a coherent strategy. Instead of canvassing a broad cross-section of Board policies as they affected Aboriginal people, the inquiry focused on a more localised, combative, personal and accusative approach. Considering the circumstances in which the committee was formed it was always going to be a very loaded inquiry.

Yet, for all its failings, it revealed much. First, the gross negligence and malpractice of some managers were exposed. The inquiry showed that the ex-manager of Brewarrina, Mr Brain, had not opened the station school for some months, and 'many of the mothers complained at the absence of education for their children'. A visit to the schoolroom, by Board officers, saw the 'floor littered with pupils' exercise books'.¹⁰⁵ His negligence was demonstrated by his failure to reply to no less than 33 communications by the Board.¹⁰⁶ Although not part of the inquiry, Jimmie Barker, an

101 *Truth*, 28 November 1937, 21.

102 *Truth*, 28 November 1937, 21.

103 *Truth*, 5 December 1937, 39.

104 *Sun*, 17 December 1937, 3.

105 *Select Committee on Administration of Aborigines Protection Board, Proceedings of the Committee, Minutes of Evidence and Exhibits*, NSW Parliamentary Papers, Session 1938–40, Vol. 7, 34 (hereafter *Select Committee, 1938–40*).

106 Parry, 'Such a Longing', 306.

Aboriginal man who had worked on Brewarrina station for 21 years, recalled that Brain 'was a cruel man; he faked cheques and was merciless with his baton'. Barker recorded that Brain's 'dishonesty was flagrant'. He had regularly banked, for himself, war pension cheques belonging to an old Aboriginal woman whose husband who was killed in 1916; there was 'little doubt that he had been appropriating money from the residents'.¹⁰⁷ Witness E.J. Dalley, the current manager of Brewarrina, had to defend accusations that his son, aged 21, had been sexually interfering with girls in the dormitory at the station.¹⁰⁸

Second, William Ferguson stated that endowment money for Aboriginal mothers, particularly those on the stations and reserves, was not given in cash but through 'an order on a storekeeper' and that the mothers must buy what was available, from only that person. Ferguson argued that the mothers should receive a cash payment like others in the community.¹⁰⁹ Mr Morley, from the APNR, also raised concerns about the misuse of endowment funds.¹¹⁰ In a damning admission, Secretary Pettitt stated that some of the endowment money was withheld and used for 'timber and iron to make further additions to houses not owned by the natives but the Board' – a clear misuse of money earmarked for Aboriginal mothers.¹¹¹

Third, testimony exposed the conditions and life under which Aboriginal people lived on the stations and reserves. The evidence from Sister Pratt, who had worked at Walcha, Taree, Brewarrina, Cumeroogunga and Angledool, unmasked the endemic problem of trachoma, which occurred in conditions of overcrowding and poor sanitation.¹¹² Sister Pratt also reported that trachoma was exacerbated by the lack of vegetables and the 'dust, heat and flies'; and she claimed the fact that the 'board refused to provide hot water for bathing'.¹¹³ Aboriginal man Lindsay Gordon Grant, while a resident at the Cowra Aboriginal station, stated that many residents complained of inadequate rations, substandard housing and overcrowding. On a personal note, he accused the Board of stopping him from working 'relief work' because the Board felt 'that we dark people did not like to work'.¹¹⁴

107 Matthews (as told to), *The Two Worlds of Jimmie Barker*, 157–58.

108 *Select Committee, 1938–40*, 108.

109 William Ferguson, *Select Committee, 1938–40*, 61, Question 1647.

110 William Morley, *Select Committee, 1938–40*, 71.

111 W.C. Pettitt, *Select Committee, 1938–40*, 48, Question 1438.

112 Sister Pratt, *Select Committee, 1938–40*, 2–4.

113 Quoted in Parry, 'Such a Longing', 307.

114 Lindsay Gordon Grant, *Select Committee, 1938–40*, 69–70.

One incident laid bare the level of corruption that occurred on these Aboriginal stations particularly clearly. Gordon Milne had been assistant manager to James Danvers at Cumeroogunga Aboriginal station when a fire broke out in a station hut killing a young Aboriginal girl. Danvers wrote to Milne instructing him to claim £80 from the Board for the replacement of the hut – an amount vastly inflated from the estimated £10 replacement cost. Danvers suggested the extra money could be spent on renovations to Milne’s verandah.¹¹⁵ ‘Milne was horrified, telling the Inquiry that it was “an awful thing” to make money out of an incident that had destroyed a man’s home and his only remaining child’.¹¹⁶ Danvers indicated, in the letter, that the idea to inflate that cost of the rebuild came from the Board’s inspector Ernest Smithers.¹¹⁷ Smithers denied all wrongdoing and was instructed to investigate. Accusations swirled between the three men. Some months later, when Milne complained to the Board about misuse of station timber by the new manager Arthur J. McQuiggan, Smithers was sent to investigate. Milne was subsequently sacked as assistant manager without notice or appeal.¹¹⁸ Personalities, retribution and power politics seemed very much in play. Jack Horner wrote that the committee was ‘very sceptical’ about the events of the fire incident.¹¹⁹

The committee lurched towards its final meeting held on 17 February 1938, but the only committee member in attendance was Mr Davidson and the sole witness was Mrs Caroline Kelly.¹²⁰ However, also present were 38 women from various organisations, and several clergymen keen to demonstrate their commitment to improving the conditions for Aboriginal people. After a brief, rousing speech by Davidson they all adjourned to the Feminist Club to ‘continue and extend the good work the committee had done’ and to discuss further strategies.¹²¹ At the reconvened meeting, William Morley (APNR) spoke to a motion that deplored the ‘farical nature of the Select Committee proceedings’ and posited that Premier Stevens had ‘blocked every effort to get something done’ on the behalf of Aboriginal people.¹²²

115 James Danvers, *Select Committee, 1938–40*, 89.

116 Davis, *Australian Settler Colonialism*, 109.

117 James Danvers, *Select Committee, 1938–40*, 89.

118 Ernest Smithers, *Select Committee, 1938–40*, 87.

119 Horner, *Bill Ferguson*, 52.

120 Captain Frank Chaffey – as colonial secretary, the most senior member of the committee – did not attend one meeting. *Select Committee, 1938–40*, analysis of committee members represented at all sessions, 1–124.

121 *Workers’ Weekly*, 22 February 1938, 2.

122 *Workers’ Weekly*, 22 February 1938, 2.

The Inquiry failed to report.¹²³ Alan Duncan suggests that it was more of a ‘witch-hunt’ on the behaviour of individual Board officers than an examination of general policy.¹²⁴

A crumbling veneer

On 26 January 1938, one day after the Board held its ‘managers conference’ that warned of conspiracies and spies, 100 Aboriginal people gathered at Australia House at 120 Elizabeth Street in Sydney to protest directly against the Board and call for citizenship rights. One may have thought this would have unsettled the Board, but it did not. The upcoming protest was noted in the Board minutes but it came and went without further Board comment.¹²⁵

In terms of Aboriginal activism, it was a watershed moment. Russell McGregor asserts the Day of Mourning protest (Figures 8.5 and 8.6) signalled the call for ‘Aboriginal citizenship’ and it was ‘Aboriginal activists who first made this call loudly’ on 26 January.¹²⁶ Only Aboriginal people were supposed to attend, but two policemen insisted that they be present and took up a position at the back of the meeting.¹²⁷ At the protest meeting Jack Patten and William Ferguson launched their now-famous pamphlet *Aborigines Claim Citizen’s Rights!* Their message to the Board and to the country was brutally honest and clear. Aboriginal people wanted equality, inclusion and respect, and they asked the nation to ‘be proud of the Australian Aboriginal, and to take his hand in friendship’.¹²⁸

123 Horner, *Bill Ferguson*, 51; Goodall, *Invasion to Embassy*, 2008, 275.

124 Duncan, ‘A Survey of the Education of Aborigines in New South Wales’, 335.

125 *APBM*, 5 January 1938, Item 11: Billhead advertising: ‘Day of Morning’ to be held on Wednesday 26 January under the auspices of the Aborigines Progressive Association. The minutes recorded: ‘Seen’. It was never mentioned again.

126 McGregor, *Indifferent Inclusion*, 34. For a comprehensive coverage of events leading up to the Day of Mourning see Attwood, *Rights of Aborigines*, 54–78; see also Horner, *Bill Ferguson*, 56–67; and Attwood and Markus, *Thinking Black*, 18–24.

127 Egan, *Neither Amity nor Kindness*, 151–52.

128 Patten and Ferguson, *Aborigines Claim Citizen Rights!*, 7.



Figure 8.5: The Day of Mourning.

From left to right: William Ferguson, Jack Kinchela, Helen Grosvenor, Selina Patten, Louise Ingram (holding Ollie Ingram), Jack Patten; children in front, Abe Ingram, Esther Ingram, Neno Williams and Phillip Ingram.

Source: Reference code: 423597, IE Number: IE3157975. Mitchell Library, State Library New South Wales.



Figure 8.6: Day of Mourning.

From left to right: Tom Foster, Jack Kinchela (partly obscured), Doug Nicholls, William Cooper and Jack Patten.

Source: Reference code: 423597, IE Number: IE3157975. Mitchell Library, State Library New South Wales.

The strong words in their seven-page pamphlet chronicled a tragic history of dispossession, neglect, exclusion, punitive policies and '150 years of misery and degradation' on the sesquicentennial celebrations in 1938. This should have caught the attention of the APB, but it did not. At the February Board meeting, a report of the 150-year celebrations was tabled but no response recorded. The Board remained resistant to change. At the same Board meeting, William Ferguson's second request to visit the reserves and stations was flatly rejected.¹²⁹

It was not Aboriginal voices that finally shook the Board, but the words of the deputy premier, M.F. Bruxner. The tipping point came six weeks later at Wagga Wagga. On 12 March 1938 Bruxner, leader of the United Country Party of New South Wales, made a significant policy speech. He touched on Aboriginal affairs asserting there should be a 'new deal for aborigines and improved machinery of native administration'.¹³⁰ The Board minutes reveal that he said a good deal more. He accused the Board of neglect and advised that it was the government's intention to appoint a 'permanent protector of aborigines': a man of 'breed and sympathetic outlook' who would be assisted by an advisory committee.¹³¹ The Board was indignant. On 6 April 1938, concerned about the allegations of 'neglect', it forwarded the following letter to the premier:

If the remark has reference to the alleged neglect on the part of the Board then the Board desire to bring under the notice of the Minister the fact that for many years past successive Governments have failed to provide the Board with the funds necessary to carry out the plans of the Board for the education and welfare of the aborigines, and other phases of this most complex and difficult sociological problem, and in its opinion the criticism is therefore unwarranted.¹³²

The Board also regarded the Bruxner proposal as 'a direct reflection on the ability, capacity and sympathy of the Board'. Five members – including the chair and vice-chair – offered their resignation if it was the government's intention to follow Bruxner's suggestion.¹³³

129 *APBM*, 2 February 1938, Items 2 and 9.

130 *Truth*, 13 March 1938, 18.

131 *Truth*, 13 March 1938, 18; more detail of the speech was reported at a Board meeting, *APBM*, 6 April 1938.

132 *APBM*, 6 April 1938 (no item numbers).

133 W.J. Mackay, chair and commissioner (previously inspector-general of police); E.B. Harkness, vice-chair; B.C. Harkness, chief inspector of public schools, Education Department; E. Sydney Morris, Director-General of Public Health; G.A. Mitchell, ex-metropolitan superintendent of police.

The Board was now under siege. On 6 June 1938 it was reported in the press that G.A. Mitchell had offered his resignation because of Bruxner's comments.¹³⁴ To calm the waters, Colonial Secretary G.C. Gollan reassured Board members that their work was 'keenly appreciated' and the matter would soon be discussed in Cabinet.¹³⁵ However, government action took a very different tack. A letter from Colonial Secretary Gollan was read out to the Board at its 8 June meeting, indicating that there would be a reconstitution of the Board. Members carried the following motion:

We feel and resent the fact that we are carrying on without the confidence of the Government and it is imperative that the position be clarified at the earliest moment. Either the Government should reconstitute the Board as suggested from various sources or should support the Board whole-heartedly in carrying out its difficult problem on behalf of the Government.¹³⁶

In the meantime, Mr Mitchell agreed not to insist at present upon any decision regarding his tendered resignation.¹³⁷ In June 1938, Colonial Secretary Gollan asked the Public Service Board to review the whole question of the Aborigines Protection Board.¹³⁸ The Public Service Board began its inquiry with little fuss and completed its findings on 16 August 1938.¹³⁹

Public Service Board recommendations

In its deliberations, the Public Service Board (PSB) members visited 16 stations and reserves, and a further nine were visited by PSB inspectors. The PSB had access to all Board documents and consulted with the police, the Department of Anthropology at Sydney University, missionaries and medical officers. It also 'perused' the evidence of the Select Committee of 1937 and took account of inquiries and legislation in other states.¹⁴⁰

134 *Daily Telegraph*, 6 June 1938, 3.

135 *Daily Telegraph*, 7 June 1938, 5.

136 *APBM*, 8 June 1938, Item 3.

137 *APBM*, 8 June 1938, Item 3.

138 Duncan, 'A Survey of the Education of Aborigines in New South Wales', 336.

139 *Aborigines Protection: Report and Recommendations of the Public Service Board of New South Wales*, 4 April 1940, 6/4501.1 (SRNSW) (hereafter *PSB Report, April 1940*).

140 *PSB Report, April 1940*, 7.

The PSB made one overarching policy recommendation. It adopted a major recommendation from the *Initial Conference of Commonwealth and State Aboriginal Authorities* in April 1937. It determined that the 'ultimate aim of the administration should be the gradual assimilation of aborigines into the economic and social life of the general community'. Interestingly, it made no distinction between 'full-blood' Aboriginal people and those with 'less of an admixture of aboriginal blood'. This omission may have been an oversight, or perhaps members may not have felt competent to comment. Perhaps because 'full-blood' numbers had been declining, they felt it did not need addressing. Or perhaps they simply let this absurd distinction go.¹⁴¹ To facilitate the 'gradual assimilation', the PSB suggested that 'present policy of aggregating aborigines on stations under the immediate control of qualified persons is the proper one'. The qualified Board persons should be drawn from the Colonial Secretary's Department and the departments of health, education, police, and agriculture, and should include someone specialised in social and anthropological work.¹⁴²

There were numerous other recommendations, all of which reflected badly on the Board. They can be condensed to five.

First, the PSB recommended that the chair of the Board would no longer be the Inspector-General (now Commissioner) of Police. The new chair would now be the under-secretary to the colonial secretary. It recommended that the police force still maintain a role on the reserves and elsewhere, but only as 'agents of the specialised body dealing with aborigines rather than as the persons in control'.¹⁴³

Second, the PSB report picked up an inconsistency in the *Aborigines Protection (Amendment) Act 1918* (NSW). The definition of an 'aborigine' was 'any full-blood or half-caste aboriginal who is a native of Australia, and who is temporarily or permanently resident in New South Wales'. That meant that all 'quadroons' and 'octoroons' were not Aborigines under the Act and yet, as the report correctly pointed out, these people were still subject to various restrictions under the Act, such as that concerning the purchase of liquor. It recommended to extend the definition with the

141 By the end of June 1939, Board census figures: 'Full-bloods': 794 and 'Half and Lesser Castes': 10,144. *Protection of Aborigines: Report of the Board* (the APB Report: hereafter *APBR*) 1941–42, 2. 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. 1, Part 2.

142 *PSB Report, April 1940*, 30 and 17 (a) and (b).

143 *PSB Report, April 1940*, 21 (B) (i).

words 'or person having apparently an admixture of aboriginal blood'.¹⁴⁴ This would effectively widen the Board's reach, returning it to the original definition expressed in the 1909 Act.

Third, the Department of Education would take responsibility for the education of all Aboriginal children. Separate Aboriginal schools on stations and reserves would continue but they would be staffed, over time, by qualified teachers from the Department of Education.¹⁴⁵ A station manager would no longer double as the teacher. Aboriginal children should be able to attend local public school but the report recognised the antipathy toward them from the white community. It proposed to set up local committees of 'public spirited citizens' to deal with the problem.¹⁴⁶

Fourth, it was recommended that rations, employment opportunities, medical facilities and housing for all the residents on stations and reserves be improved; moreover, the overcrowding 'that exists on most, if not all, of stations ... must be eliminated'.¹⁴⁷

Fifth, the Board was criticised for its scant record keeping. It was 'rather disappointing that after such time, records of individuals, generally, are so meagre'.¹⁴⁸ Records of the apprentices were not complete and the follow-up left much 'to be desired'.¹⁴⁹ Insufficient records relating to the inmates kept at Kinchela and Cootamundra meant that there was no way of determining the success of placements.¹⁵⁰

These were damning indictments on the Board. Yet, in October 1938, the Board complained to the colonial secretary:

It is now understood that the Public Service Board by direction has reported to the Honourable Chief Secretary upon all the phases of the Board's administration ... the Aborigines Protection Board wish to state quite definitely its regret at not having been afforded an opportunity of perusing the report before it was considered by

144 *PSB Report, April 1940*, 36 (d).

145 *PSB Report, April 1940*, 34 (9) (i).

146 *PSB Report, April 1940*, 30 (17) (d).

147 *PSB Report, April 1940*, 31–32 (2) (a); also 14 (b) (i).

148 *PSB Report, April 1940*, 12.

149 *PSB Report, April 1940*, 19.

150 *PSB Report, April 1940*, 25–26.

Cabinet ... the Government could, no doubt, have been furnished with much valuable information as an aid to it when considering such report.¹⁵¹

At the December 1938 Board meeting, E.B. Harkness resigned. There was no Board acknowledgement of his service after 23 years. At the same meeting, still trying to influence matters, the Board passed a motion seeking the transcript from the Australian Broadcasting Commission of a speech that was to be broadcast by the Aboriginal activist, Jack Patten, to ensure his statements were 'strictly in accordance with the facts'.¹⁵²

Aboriginal people had the last say. The final incident that exposed the Board's neglect and incompetence was the well-publicised Cumeroongunga 'walk-off'. One hundred residents from the Cumeroongunga Aboriginal station left it on 3 February 1939 and crossed the Murray River into Victoria at Barmah.¹⁵³ The appointment of a series of bad managers by the Board had finally come unstuck. Arthur J. McQuiggan had been placed at Cumeroongunga in the early part of 1937 after his removal as superintendent from Kinchela Boys' Home where he had been repeatedly cautioned against 'insobriety, ill-treatment of the inmates and indebtedness to local tradespeople'.¹⁵⁴ The gun-toting McQuiggan unsettled the residents at Cumeroongunga. Residents feared that the station would be quarantined due to health scares and to escape the poor food and general ill-treatment, some residents moved into Victoria.¹⁵⁵ McQuiggan 'denied the charges of malnutrition' and downplayed the seriousness of the situation.¹⁵⁶ Geraldine Briggs, a resident at Cumeroongunga recalled that McQuiggan, of all the managers, was particularly nasty. He was a 'pig and everybody knew it'. He carried a revolver and made sick people sit in the back of his truck when driving to see the doctor.¹⁵⁷ This was a crisis for the Board. At the Board meeting of 8 February 1939, realising that

151 *APBM*, 5 October 1938 (no item numbers).

152 *APBM*, 7 December 1938, Item 15. For the Board still trying to cling to power, see Davis, *Australian Settler Colonialism*, 116.

153 Davis, *Australian Settler Colonialism*, 117. See also Goodall, *Invasion to Embassy*, 2008, 294–307; Attwood, *Rights for Aborigines*, 48–53; Horner, *Bill Ferguson*, 76–80.

154 Quoted in Davis, *Australian Settler Colonialism*, 109.

155 An outbreak of polio had occurred at the Station in January 1938 and an Aboriginal girl had died after being released from the hospital at Echuca. There was fear among the residents that the Station could become a closed compound. See Davis, *Australian Settler Colonialism*, 111–13; Horner, *Bill Ferguson*, 76–77.

156 Horner, *Bill Ferguson*, 77.

157 Quoted in Rintoul, *The Wailing*, 64–66.

Aboriginal activist Jack Patten had been talking to residents, the Board immediately revoked his permission to visit stations and reserves.¹⁵⁸ Soon after, he and his brother George were arrested for inciting the walk-off.¹⁵⁹

The 'striking' residents had a good deal of support from the AAL, the Women's Temperance Union, the Young Communist league, the Australian League for Democracy and the National Australian Railways Union.¹⁶⁰ The APB played down the strike, suggesting an agitator had caused the problems. After six weeks, 80 residents returned on the promise of an inquiry and immediate improvements. When neither eventuated, they left the station once more.¹⁶¹ The strike was finally broken when the APB convinced the Victorian Government to withhold rations to those camped at Barmah. During the Cumeroogunga crisis, in May 1939, the chair of the Board, William MacKay, resigned.

From 10 May 1939, in a transition phase until the *Aborigines Protection (Amendment) Act 1940* (NSW) formally ushered in the new Aboriginal Welfare Board, Alfred William George Lipscomb replaced MacKay as the Superintendent of Aborigines Welfare, the senior executive officer and Board member. Stanley Llewellyn Anderson (new under-secretary to the colonial secretary) replaced E.B. Harkness as vice-chair of the Board. Lipscomb, a teacher, author and graduate of Hawkesbury Agricultural College with diplomas in agriculture and dairying, immediately applied himself to his role by visiting 'every Aboriginal Station and Home ... and submitted many recommendations'.¹⁶²

The new Aborigines Welfare Board comprised: Lipscomb (Superintendent of Aborigines); Anderson (Under-Secretary to the Colonial Secretary); B.C. Harkness (Chief Inspector of Primary Schools); E. Sydney Morris (Director-General of Public Health); T.R. Schumacher (Inspector of Police); H. Bartlett (Senior Experimentalist, Department of Agriculture); Professor A.P. Elkin (Department of Anthropology, Sydney University); G.E. Ardill (MLA); H.J. Bate (MLA); and W.F. Dunn (MLA).¹⁶³ Harkness, Morris, Bate and Ardill survived the restructure and provided

158 *APBM*, 8 February 1939, Item 4.

159 Davis, *Australian Settler Colonialism*, 117.

160 Egan, *Neither Amity nor Kindness*, 160.

161 Horner, *Bill Ferguson*, 78.

162 *APBR* 1939, 1–2. Accessed via *Journal of LC*, (Ref. Q342.912) 1934–54, Vol. 5.

163 *Aborigines Welfare Board*, Report for year ending 30 June 1940, 1. Accessed via: aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/23928.pdf.

the institutional memory of the last decade and more of Aboriginal affairs. The addition, however, of another parliamentarian, an inspector of police, Under-Secretary Anderson and of public servant Bartlett did little to change the dynamic of the new Welfare Board. Professor Elkin brought a new element. Heather Goodall notes that Elkin's influence, which began prior to the establishment of the Welfare Board, was a refocus through terminology: 'training', 'education' and 'the development of social cohesion' replaced 'disciplinary supervision' and 'concentration'.¹⁶⁴ But despite the move from 'protectionism' to welfare and 'gradual assimilation', little was to change.

Secretary Arthur Charles Pettitt – perhaps the second most influential Board officer after Robert T. Donaldson – remained until late 1942, serving under the new Aborigines Welfare Board for a brief period. There is no date for his departure.¹⁶⁵ In 1977, Pettitt provided an interview to Jim Fletcher that was very revealing, not for Pettitt's insight, but for his lack of detail and his apparent memory loss. For instance, he failed to recollect any disputes regarding the exclusion of Aboriginal children from local schools. Asked about the exclusions, Pettitt replied, 'I can't recall any instances where objections were raised'.¹⁶⁶ Also, he could not remember the dispute over the choice of inspector that lasted for several months, and nor could he recall George Ardill (senior) seeking full Board control of education. Moreover, he only had a distant recollection of the reconstitution of the Board in 1916 as an idea 'to team up with the Departments'. His most lucid moment was when talking about the end of the Board in 1940:

I was sick of it, I had a belly full of it you know, the inquiry, and that sort of thing and the target of a lot of criticism and the Board and so forth, I was tired of it ... I was the king pin really and it all rebounded on me ... I enjoyed the work I was really interested in the abos ... got a boomerang from La Perouse.¹⁶⁷

164 Goodall, *Invasion to Embassy*, 2008, 233.

165 There is a reference to Pettitt still as the secretary to the Aborigines Welfare Board in September 1942. He took out a lease on an oyster and fisheries farm on the south coast. *Government Gazette*, 26 September 1942, 2678. There is no mention of him thereafter on the Board. He was transferred (on loan) to the National Emergency Service. See Horner, *Bill Ferguson*, 117.

166 A.C. Pettitt, interview by J.J. Fletcher, 1977, Audio-tape J01-018426, PMS 5380, Australian Institute of Aboriginal and Torres Strait Islander Studies (hereafter AIATSIS).

167 A.C. Pettitt, interview by J.J. Fletcher, 1977, Audio-tape, J01-018427, PMS 5380, AIATSIS.

His 'memory loss', overall vagueness about events and his final words combine to paint a depressing picture. It seems incredible that he would not recall some pivotal moments during the life of the Board. By his own words, he confirmed the importance of his role and his detachment from Aboriginal people. For someone to reflect upon nearly two-and-a-half decades of wielding enormous power over thousands of Aboriginal people with such indifference and 'blurred recollection' is a tragic indictment of what transpired in Aboriginal affairs in New South Wales from 1916 to 1940.

The demise of the Board did not see the lives of Aboriginal people fundamentally change. Despite the groundswell of Aboriginal activism and humanitarian agitation, it was still considered best practice to forcibly move Aboriginal people onto the stations and reserves; Aboriginal children were still excluded from public schools and many remained in segregated station and reserve schools; young Aboriginal girls and boys continued to be removed from their communities and apprenticed in far-flung parts of state.

Irreparable damage

That the Board for the Protection of Aborigines was able to function in an almost totally unaccountable environment for the last two decades of its life was a gross oversight of government. It also reflected the deep indifference and prejudice towards Aboriginal people from the wider New South Wales community. The inadequacies of the Board were many and they were laid bare in its latter years. Its reclusive nature, disjointed structure and personnel limited its ability to respond to new thinking and embrace Aboriginal voices for change. The conference of Board managers in January 1938 reflected a body unable to manage change and one mired in secrecy and suspicion. Importantly, the consequence of such an extended state of neglect was the irreparable damage done to Aboriginal communities, particularly over the last three decades of the Board's tenure.

Aboriginal activists and an array of humanitarian groups seeking equality for Aboriginal people fought the Board all the way to the end. For its part, the Board never once conceded that it may have misjudged, overstepped or acted negligently. Compounding this depressing picture was that the Board's attitude to Aboriginal people themselves, insisting that they could

not be part of a solution or be involved in any decision-making forum. Tragically, Aboriginal people would have to wait until 1969, another 29 years, when the Aborigines Welfare Board was disbanded, before they would be finally released from special legislation and control that set them apart from other Australians.

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.2021.08