

# Introduction

Wiradjuri Labor man William Ferguson and Yorta Yorta activist Jack Patten, both from southern central New South Wales, had become seasoned campaigners for Aboriginal rights by the end of the 1930s. They were in no doubt about the intentions of Aboriginal ‘protection’ in Australia when they published their 1938 pamphlet, *Aborigines Claim Citizens Rights!*

By your cruelty and callousness towards the Aborigines you stand condemned in the eyes of the civilised world ... If you openly admit that the purpose of your Aborigines Legislation has been, and now is, to exterminate the Aborigines completely so that not a trace of them or their descendants remains, we could describe you as brutal, but honest ... You hypocritically claim that you are trying to ‘protect’ us; but your modern policy of ‘protection’ (so called) is killing us off just as surely as the pioneer policy of giving us poisoned damper and shooting us down like dingoes.<sup>1</sup>

After 55 years of the New South Wales Board for the Protection of Aborigines (hereafter referred to as the Board or the APB) ‘protecting’ the lives of Aboriginal people in that state, this was the harsh reality. How could the Board, established ostensibly to provide and care for Aboriginal survivors of colonialism, be attacked so vehemently by Aboriginal activists? What had taken place between the Board’s creation in 1883 and the Australia Day celebrations of 1938 to illicit such a response? Were Patten and Ferguson accurate in their characterisation of the Board? History has proved them right.

In 1883 the Board was issued with brief instructions from the New South Wales Government through the colonial secretary. It was to provide land ‘where the blacks might resort’ and be employed, ensure that the children

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1 Patten and Ferguson, *Aborigines Claim Citizens Rights!*, 3–4.

were educated and that the aged and sick were cared for and that the 'strong, active and healthy' be engaged in useful work.<sup>2</sup> There was little guidance from the government as to how the Board was to proceed and what agencies it could employ to carry out its directive. It soon found one. After only four weeks of operation the shock resignation of the Board's first chair, George Thornton, who had been made Chief Protector of Aborigines in late 1881, made way for the Inspector-General of Police, Edmund Fosbery, to be appointed to the Board. Fosbery's arrival to the Board set the tone of operation for the next 57 years. The Board relied almost entirely on the New South Wales Police Force to carry out its operations on the ground. This outcome inextricably tied the police to Aboriginal affairs in New South Wales. By the beginning of the twentieth century, the Board's early emphasis on assistance, education and employment had switched to crafting policies that sought to control, segregate and remove. For the next 40 years the Aboriginal people of New South Wales were subject to, in one form or another, the coercive and restrictive policies of the Board.

The men who sat on the Board for its first 57 years came from different backgrounds but had commonalities. They were white, privileged, educated professionals, and generally well-connected in public life. They included humanitarians, philanthropists, businessmen, politicians and public servants. Why they joined the Board is often unclear. Some genuinely felt that they could make a difference to the deplorable plight of many Aboriginal people; others nurtured agendas akin to religious zealotry and sought to mould the underprivileged or destitute according to their own visions of reform. For some, it was simply part of their job as public servants in the New South Wales Government.<sup>3</sup>

Thus far, historians have focused primarily on the policies of the Board and their impact upon Aboriginal people in New South Wales rather than on the internal workings of the Board itself. This emphasis is understandable: the segregated reserves and stations, the separate and inferior education system, the removal of children, the attempt to 'merge' Aboriginal people into white society and the dispersal of communities that disrupted Aboriginal life are the important narratives. However, less

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2 *Protection of the Aborigines (Minute of the Colonial Secretary, Together with Reports)*, Legislative Assembly, New South Wales, 2 March 1883, 2.

3 In 1916 the APB members were drawn from the following New South Wales parliamentary ministries: the colonial secretary's department, agriculture, public health, education and the police.

attention has been paid to the Board itself, and to the political and social trends, and key individuals, that shaped the Board's policy direction; this book endeavours to fill this gap.

## New South Wales post-contact historiography

Research on the early contact period between the British and Aboriginal people of the Sydney region has been the subject of several histories with interests in both sides of the frontier.<sup>4</sup> Although my study begins 100 years after this period, recent scholarship by Grace Karskens in *The Colony* and Paul Irish in *Hidden in Plain View* both highlight an important feature of this research. Karskens brought to her readers the voices of Aboriginal people heard and recorded by the settlers of Sydney. She points out that Aboriginal people were an integral part of Sydney life, and that after the spearing of Arthur Phillip at Manly Cove in September 1790, the 'Aboriginal people were *always* [my emphasis] among the city's population'.<sup>5</sup> Building on Karskens's work, Paul Irish has completely dispelled the myth that the Sydney Aboriginal people were all gone by the time Mahroot of the 'Botany tribe' gave his testimony to the 1845 select committee into the 'Condition of the Aborigines'.<sup>6</sup> Irish shows how Aboriginal people in the Sydney region not only survived the early contact period, they never left. They maintained their culture, kin and land connections traversing back and forth along well-known 'beats' (tracks, trails and paths) in what he terms the 'affiliated coastal zone'. The Aboriginal people of Sydney, Woolloomooloo, Manly, Rose Bay, Vaucluse, Botany and La Perouse have always been there.<sup>7</sup>

Both Karskens and Irish dispel myths that 'crippled' the Board after 1883. The common belief in the late nineteenth and early twentieth centuries that Aboriginal people would 'die out' never eventuated, and the Board never came to terms with this reality. Its blinkered view was reflected in policy hiatus and failure.

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4 Willey, *When the Sky Fell Down*; Smith, *Bennelong: King Bungaree*; Clendinnen, *Dancing with Strangers*.

5 Karskens, *The Colony*, 385.

6 *Aborigines: Minutes of Evidence taken before the Select Committee on the Aborigines*, Mahroot alias the Boatswain, 8 September 1845, 1–5.

7 Irish, *Hidden in Plain View*, 25.

Of particular interest to this study is Peter Read's research and subsequent work on Wiradjuri history.<sup>8</sup> Read's study of the Wiradjuri's battle to survive in the wake of invasion, dispossession and the frontier wars, and their subsequent struggle under the oppressive polices of the APB, provides a foundation upon which to explore further the dynamics of the Board, particularly after the government's restructure of the Board after 1916. This government intervention and restructure of the Board had severe ramifications for the Aboriginal people of New South Wales. Read's later work on the Stolen Generations is well known and, using the same archive he examined, my research has a focus on the locations from which Aboriginal apprentices were removed and traces their multiple placements across the state.

Heather Goodall's research on Aboriginal communities in New South Wales from 1909 and 1939 and her subsequent book *Invasion to Embassy* are indispensable resources for this study.<sup>9</sup> My research confirms her assessment of the Board's early period as 'a small administrative body [with] no legislative base'.<sup>10</sup> However, I attempt to explain why this was so. I argue that the nature and circumstances surrounding the establishment of the Board influenced its early operation and, moreover, the Board chair, Edmund Fosbery, was disinclined to act decisively on policy. This reluctance worked in favour of Aboriginal people as it forestalled the introduction of restrictive measures that followed after Fosbery's retirement. Victoria Haskins has provided invaluable insights into the operations of the Board in the latter stages of its life, revealing the Board's methods and its all-controlling influence over Aboriginal girls removed from their communities.<sup>11</sup> I have explored this further by exposing the gross dysfunction and lack of accountability of the Board during this period. I also highlight an obvious disconnect between Board members and outside influences, its collective paranoia, and sense of being under siege in the late 1930s.

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8 Read, 'The History of the Wiradjuri people of NSW 1909–1969'; *A Hundred Years War*. See also Read, *A Rape of the Soul so Profound*; "Breaking up These Camps Entirely".

9 Goodall, 'A History of Aboriginal Communities in New South Wales 1909–1939'; *Invasion to Embassy*.

10 Goodall, *Invasion to Embassy*, 2008, 108. Goodall, 'A History of Aboriginal Communities in New South Wales 1909–1939'.

11 Haskins, *One Bright Spot*.

Naomi Parry's research on the treatment of black and white children in welfare in New South Wales and Tasmania underscores the importance of one Board member, George Ardill.<sup>12</sup> I build on this discussion by describing his influence in the removal of Aboriginal children in New South Wales and his evangelical obsession. His judgement and character were questioned by his contemporaries, and I speculate as to the reason for his needless appointment to the Board: his lone wolf operational style dominated, and he accumulated significant power.

Jim Fletcher's forensic exploration of the New South Wales School Files and other Department of Education archival material has exposed the substandard education provided to Aboriginal children and the extent to which Aboriginal children were excluded from public schools.<sup>13</sup> I have focused on the Board's limited power in this area. The Board was unable to prevent such exclusions and failed in its stated policy of allowing small numbers of Aboriginal children to be admitted to local schools. It was powerless in the face of the white parental prejudice against Aboriginal children and was marginalised when the Department of Education acquiesced to this pressure group.

My research also extends the work undertaken by Anna Doukakis in her exhaustive study of parliamentarians' contributions to the debate on Aboriginal issues up to 1916.<sup>14</sup> I emphasise and canvass the debates – which exposed the internal dynamics of the Board – that took place in 1918 and 1936 on two important legislative amendments to the *Aborigines Protection Act 1909*.

My other debts to scholars of the Board are more specific and are acknowledged in the chapters that follow.

## Protectionism

The Board was established, ostensibly, to 'protect' the Aboriginals of New South Wales, but as will be seen, over time, the word 'protect' almost became a misnomer. Protectionism became an instrument of government to achieve other ends. The history of 'protection' can be traced back to the

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12 Parry, 'Such a Longing'.

13 Fletcher, *Clean, Clad and Courteous*.

14 Doukakis, *The Aboriginal People*.

empires of Rome and China, and conquests across Central Asia and the Middle East, where promises to protect the lives of subjects were made upon their submission. In the medieval period, royal protection ‘helped to structure’ the monarchies; protection ‘was a global phenomenon’.<sup>15</sup>

Recent scholarship centred on protectionism, humanitarianism and colonial governance has provided a new lens through which to view the history of empires. Lauren Benton and Adam Clulow conclude that protectionism was significant in the ‘politics of empires’ and indeed was a ‘framework for interpolity relations’ and a strategy for rule.<sup>16</sup> They likened such protective regimes to passports that ‘facilitated movement, framed commercial interactions and generated translatable political terms’.<sup>17</sup> This resurgence of interest in nineteenth-century British colonialism has seen ‘significant attention paid to humanitarians and their conflicts, compromises, and collusions with projects of settler encroachment on indigenous peoples’ lands’.<sup>18</sup> With a focus on the British Empire between 1815 and 1860, Alan Lester and Fae Dussart pose the question: how can the ‘violent settler colonization’ of Australia, New Zealand, southern Africa and North America be reconciled with ‘Humanitarian’ government positions? From a number of examples that focus on particular individuals throughout the empire, they argue the broader point that ‘violent colonial conquest was foundational to and intrinsic to the shared history of British humanitarianism and governmentality’.<sup>19</sup> They develop this argument by

seeing the individuals who sought to effect humanitarianism within colonial contexts in which they lived, and to which they contributed, as dynamic assemblages within which they had some, albeit limited, capacity to effect change.<sup>20</sup>

By examining the relationship between the Dja Dja Wurrung people, to the north of Melbourne, and the assistant protector, Edward Stone Parker, in the Port Phillip Protectorate in New South Wales 1839–49, Lester and Dussart demonstrate some enduring features of protectionism and governmentality function in this humanitarian space.<sup>21</sup> Protector Parker’s orders from the chief protector, George Augustus Robinson, were to travel

15 Benton, Clulow and Attwood, eds, *Protection and Empire*, 3.

16 Benton, Clulow and Attwood, eds, *Protection and Empire*, 2–3.

17 Benton, Clulow and Attwood, eds, *Protection and Empire*, 8.

18 Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 4.

19 Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 1.

20 Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 6.

21 Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 114–15.

with the Dja Dja Wurrung, to 'proselytise and both dissuade and shield from the worst frontier violence and, at some point, encourage them to settle on reserves'.<sup>22</sup> Parker soon realised that he would not be able to move around with the Dja Dja Wurrung people as the larger language group broke up into smaller clans and travelled independently for long periods of time. He also had to establish a station (which was not his remit) to protect the declining numbers in the face of European expansion and settler violence. He was then forced to relocate at the demands of his clientele.<sup>23</sup> Parker soon realised that Aboriginal people were not passive players in this 'protection space'. As a result, Parker's ability to effect change himself was limited. It was the 'Aborigines themselves [who] set the terms of engagement with Parker's project, according to their own political geographies'.<sup>24</sup> Joanna Cruikshank and Mark McMillian, in their research on mid-nineteenth-century Victoria, describe how Aboriginal people 'asserted their own expectations and laws in ways that helped to shape how protection plans emerged'.<sup>25</sup> Samuel Furphy and Amanda Nettelbeck make the point that 'protection was a particularly unstable concept' that could be administered in a variety of ways by a range of players.<sup>26</sup>

Christina Twomey and Katherine Ellinghaus argue that scholars often see protectionism and humanitarianism as one and the same, but in fact they should not be conflated, as protectionism 'deserves more singular attention'. Protectionism should not just be seen through the prism of British settler colonialism but as a broad, world-shaping process, with its origins in European colonialism. They argue that this world-shaping process includes three streams of scholarship. First, how indentured labour and slaves were treated. Second, how some of the subjects of protective policies were able to utilise the 'discourse [of protectionism] to their advantage' as the records reveal the perspectives of Indigenous populations. And third, how the ideas of protection led to the formulation of other laws and policies that did not include the word 'protect'.<sup>27</sup> To illustrate an example of this last stream, Amanda Nettelbeck reasons that during the 1840s the protectorates of Port Phillip, South Australia and Western Australia sought to control the mobility of Aboriginal people as each was

22 Ford, 'Protecting the Peace on the Edges of Empire', 175.

23 Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 146–53.

24 Lester and Dussart, *Colonization and the Origins of Humanitarian Governance*, 153.

25 Furphy and Nettelbeck, *Imagining Protection in the Antipodean Colonies*, 6.

26 Furphy and Nettelbeck, *Imagining Protection in the Antipodean Colonies*, 6–7.

27 Twomey and Ellinghaus, eds, 'Protection: Global Genealogies, Local Practices', 3–4.

part of a wider government agenda to ‘make them amenable to settler society’s cultural and legal codes’.<sup>28</sup> Although the protectorates were fundamentally about protecting, they sat within a ‘broader framework’ of government control and regulation. However, the demand by a settler petition in 1853 that Aboriginal people should come under the *Vagrancy Act 1835* (NSW) was met with wide derision in the New South Wales Legislative Council, as it would be an anathema to declare almost the entire Aboriginal population as vagrants when it was their natural ‘disposition’ to move across country.<sup>29</sup> Nevertheless, in the latter decades of the nineteenth century, with increasing dispossession forcing more Aboriginal people towards the towns and cities with no prospect of work, the vagrancy laws of incarceration became more appealing to government bodies and indeed the protectorates. The vagrancy laws became the instrument for separating the races to prevent sexual mixing, maintaining an Aboriginal labour force for white businesses and for punishments relating to begging and loitering. Nettelbeck contends that by the ‘end of nineteenth century, the term “vagrant” had become routinely employed to describe Indigenous people as irreversibly destitute ... and that in the cause of their own protection they should be confined to government reserves’.<sup>30</sup> This example parallels the story of the New South Wales Board for the Protection of Aborigines. As will be seen in subsequent chapters, the original policies of protection and assistance to Aboriginal people in the early 1880s in New South Wales became, over time, far less about protecting but more about controlling, segregating and punishing.

Lisa Ford notes that the ‘project of Aboriginal protection has a rich historiography [and is] deeply entwined with the study of webs of empire’.<sup>31</sup> The implementation of protectionism on the frontiers of a far-flung outpost of the British Empire led to a vast array of outcomes, some foreseen and many unforeseen.

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28 Nettelbeck, ‘Creating the Aboriginal Vagrant’, 80.

29 Nettelbeck, ‘Creating the Aboriginal Vagrant’, 83.

30 Nettelbeck, ‘Creating the Aboriginal Vagrant’, 99.

31 Ford, ‘Protecting the Peace on the Edges of Empire’ 175.

## Biography

This is a work invested in the life stories of Board members. Only the briefest biographical sketches have been possible, but they help to identify the Board members, their backgrounds and their ‘contribution’ to the Board in order to assess their relative impact. As Ann Laura Stoler argues, it was ‘not only empires that reshaped the “interior frontiers” of the nation; [it was also] the people who moved within, between and outside of imperial boundaries’.<sup>32</sup> David Lambert, Alan Lester and Tony Ballantyne have all demonstrated the importance of life stories to a greater understanding of the British Empire.<sup>33</sup> Samuel Furphy’s book *Edward M. Curr and the Tide of History*, which details the impact of Curr’s writings on colonial Victoria and describes Curr’s role on the Victorian Board for the Protection of Aborigines, confirms the importance of biography in shaping Aboriginal history. His discussion of the Victorian Board also highlights the differences of opinion between Board members that have direct parallels with the New South Wales experience.<sup>34</sup> Curr’s interests, proclivities and personality influenced his impact on the Victorian Protection Board just as those of key members, G.E. Ardill and parliamentarian Robert T. Donaldson affected their roles on the New South Wales Board.

Biography has, at times, been considered the ‘poor relation’ to ‘serious’ history; yet, many historians are ‘rediscovering an interest in individuals and subjective experiences’.<sup>35</sup> This is because it sheds light on a ‘range of differing historical periods and problems’, bringing ‘individuals and groups’ into the ‘framework of historical analysis’.<sup>36</sup> Biographical compilations, or collective biographies, have classical roots, but evolved over centuries into compilations that reflected the growth of nation states

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32 Quoted in Lambert and Lester, *Colonial Lives*, 13.

33 Lambert and Lester, *Colonial Lives*. Tony Ballantyne notes it was not just the connection between the metropole and the colony that was important, it was also the web of ‘cultural traffic ... that developed into a cultural mesh of networks’ across the empire that facilitated an exchange of ideas and imperial institutions that circulated between colonies. Ballantyne, *Orientalism and Race*, 13–17.

34 Furphy notes that Curr did not agree with his colleagues on the issue of ‘assimilation or absorption’. He saw no distinction between ‘half-caste’ and ‘full-blood’ and wished all the Coranderrk Aboriginal people removed to a remote station on the Murray River. Furphy, *Edward M. Curr and the Tide of History*, 141. See also Furphy, “‘They Formed a Little Family as it Were’”, 95–116. Furphy highlights the power of a small group of Board members which has parallels with the New South Wales Protection Board post 1916. He also writes of their ‘falling out’ over the removal of the manager John Green from Coranderrk as the Kulin fight for the survival of their reserve took centre stage.

35 Cowman, ‘Collective Biography’, 83.

36 Caine, *Biography and History*, 1.

or political movements such as feminism.<sup>37</sup> Krista Cowman argues that, in the later part of twentieth century, two further types of collective biography developed, each described as ‘group biography’. The first of these concerned the ‘origins, activities and philosophies of groups themselves’, augmented by information (from original dictionary entries) on individual members. A second type is the study of the biographical subjects and their connection in some way through ‘family, metier or politics’.<sup>38</sup>

A biographical approach is key to understanding how the New South Wales Protection Board functioned. Indeed, this study is in part a project in group biography, though this approach has its limitations. First, it is most relevant for the first two phases of the Board between 1883 and 1916 when most Board members (apart from the chair, who was a government appointee) offered their services. What motivated these men, pre-1916, to join the Board had a good deal to do with shared elements in their backgrounds, religious persuasions, humanitarian interests and professions. After 1916 the bulk of membership was appointed by the government – what linked this group was a salaried government appointment, and an apparent disinterest in Aboriginal welfare. Individual biography is even more important to this story as Board members did not all come to the Board with a common purpose; moreover, the Board’s loose and ambiguous intentions did not lend itself to a common interest and goals. The ‘protection’ of Aboriginal people encompassed a vast array of issues to deal with and, as will be seen, the impetus and carriage of these were driven by individuals. Here the sketchy individual biographies gathered in the Appendices are key to explaining the motivations and actions of the Board.

Many biographical works by or about Aboriginal people have shed light on the nature of the Board. Stan Grant’s insightful recollections of his early life, his family and its roots, and on matters of race, go to the deep-seated problem with which the Board never came to terms – how to deal with those Aboriginal people who were not considered to be ‘full-bloods’.<sup>39</sup> Ella Simon’s autobiographical portrayal of Purfleet (Taree) in its early years as a station graphically describes how Board personnel arrived unannounced, evicted some families from their homes

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37 See Caine, *Biography and History*, 48–56; and Cowman, ‘Collective Biography’, 86–89.

38 Cowman, ‘Collective Biography’, 88.

39 Grant, *Tears of Strangers*.

and proceeded to impose a managerial authority. Her work exposes the Board's uncaring and perfunctory approach to its clientele.<sup>40</sup> The stories of Jimmie Barker at Brewarrina, as related by Janet Matthews, and Thorp Clarke's biography of Doug Nicholls shed much light on the role of the station managers and their use of wide powers over the residents.<sup>41</sup>

## What shaped the Board

By the late 1930s, the Board had acquired extraordinary powers over Aboriginal people. It could direct any Aboriginal person on or off a reserve or station; remove any Aboriginal child from their family into an institution or into service; collect the wages of 'any Aborigine' and hold them in trust; authorise the medical inspection of any 'Aborigine'; order any 'Aborigines to move from their camp to another camp-site, or from towns and townships'; and prevent any Aboriginal person from leaving New South Wales.<sup>42</sup> No other member of the Australian community was dealt with in this fashion – Aboriginal people had been singled out as special subjects of intensive state control.

Despite exercising these extraordinary powers, throughout its entire life, the Board remained a small administrative entity with no obvious operational rules or procedures, and no requirements for member attendance. Its only requirement was to submit an annual report to the New South Wales Government. Some public and parliamentary voices raised alarm at the treatment of Indigenous Australians, but their voices were few. There was a public indifference to the plight of Aboriginal people. Russell McGregor writes that at the turn of the century the 'Federation Fathers gave no thought to how Aboriginal people might be included in the nation to be'.<sup>43</sup> This overall indifference to Aboriginal people was consolidated by popular belief and 'scientific' perspectives. Anthropologists Baldwin Spencer and Frank Gillen noted in 1899 'that the "Australian aborigines are the most primitive or backward race" on earth ... [and] ... they were doomed, and little more could be done other

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40 Simon, *Through My Eyes*, 88–91.

41 Matthews (as told to), *The Two Worlds of Jimmy Barker*; Clark, *The Boy from Cumerooogunga*.

42 Patten and Ferguson, *Aborigines Claim Citizen Rights!* 7–8. See also the *Aborigines Protection Act 1909* (NSW); *Aborigines Protection Amending Act 1915* (NSW); *Aborigines Protection (Amendment) Act 1918* (NSW); *Aborigines Protection (Amendment) Act 1936* (NSW).

43 McGregor, *Indifferent Inclusion*, xvii.

than to make their “path to final extinction ... as pleasant as possible”.<sup>44</sup> Not only was there a general indifference to the first Australians, the 1901 Australian Constitution shut out Aboriginal people from Australian society. Section 51(xxvi) precluded the Commonwealth from making laws with respect to Aboriginal people and Section 127 excluded them from the national census. Nothing could be clearer. McGregor contends that, at the time of ‘Federation, it seemed to settler Australians that the Aboriginal race literally had no future. A forward-looking nation foresaw an Australia devoid of Aboriginal people’.<sup>45</sup> Collectively, the Board held the same view.

To demonstrate how the Board operated on the ground, I have drawn upon some of the Board’s interactions with Dharawal people, whose Country lies to the south and south-west of Sydney. To ‘ground’ this approach, I have consulted several authors that have documented Dharawal history since 1788, including Grace Karskens, J.L. Kohen, Keith Willey, Inga Clendinnen and Keith Vincent Smith, whose works focus on the Sydney region but connect with Dharawal history.<sup>46</sup> Research from Michael Organ and C. Speechley, Anne Marie Whitaker and Carol Liston provide the early picture of the Dharawal and European interaction south of Sydney.<sup>47</sup> Michael Bennett’s research details the employment and agency of Aboriginal workers in the Shoalhaven and Illawarra.<sup>48</sup>

The Dharawal have a peculiar role in the Board’s formation, as their ‘beats’, or well-worn tracks, trails and paths, up and down the coast and inland, linked communities from the Shoalhaven right through to the north shore of Sydney.<sup>49</sup> It was this regular interaction between the Dharawal and Sydney clans and groups on the north coast that was partly responsible for the government’s appointment of a Protector of Aborigines, and later the establishment of the Board. Dharawal people also participated in some exemplary moments of resistance, particularly in opposing the removal of their children from public schools.<sup>50</sup> For this reason, the Dharawal provide

44 McGregor, *Indifferent Inclusion*, xvii.

45 McGregor, *Indifferent Inclusion*, xx.

46 Karskens, *The Colony*; Kohen, *The Darug and Their Neighbours*; Willey, *When the Sky Fell Down*; Clendinnen, *Dancing with Strangers*; Smith, *Eora: Mapping Aboriginal History 1770–1850*.

47 Organ and Speechley, *Illawarra Aborigines*; Whitaker, *Appin: The Story of Macquarie Town*; Liston, ‘The Dharawal and Gandangara in colonial Campbelltown’, 49–59.

48 Bennett, ‘For a Labourer Worthy of His Hire’.

49 Irish, *Hidden in Plain View*, 17.

50 Chapter 7 describes how some Aboriginal individuals challenged the Education Department and the Board over the exclusion of their children from public schools.

an excellent focus through which to explore the Board's operational methods, to demonstrate the limits of Board power and policy as well as the Board's incursions into communities. I have endeavoured to provide an Aboriginal perspective where possible and have been grateful to the contributions from some Dharawal people who allowed me to interview them. Some individuals and organisations were reluctant to discuss the lives of their grandparents and great-grandparents for obvious reasons.

## Chapter outlines

I have employed a chronological approach to facilitate what I have determined to be three distinct phases or periods of the Board spanning its 57 years. The following chapters largely represent these phases.

Chapter 1, which examines factors leading up to the Board's establishment, shows the halting and chaotic origins of the Board. I provide a brief background sketch of the dramatic decline in the Aboriginal population after the British invasion from 1788, and the first formal attempt at protection, initiated from London in the Port Phillip District in 1838. The chapter's focus is, however, on the direct antecedents to the establishment of the New South Wales Board and the circumstances surrounding its formation. Broadly, three factors forced the New South Wales Government to intervene in Aboriginal affairs. First was the strong advocacy of missionaries Daniel Matthews and John Gribble to fund their two missions in central southern New South Wales. Second was the subtle and persistent push from Aboriginal people for reserve land. The third factor was a very public controversy over the Aboriginal people residing at the government boatshed at Circular Quay in 1881. The subsequent appointment of George Thornton, in late 1881, as an 'Aborigines Protector' by the Parkes Government was not enough to quell the disquiet over Aboriginal issues. The position of 'Aborigines Protector' was removed by the incoming Stuart Government and, in an acrimonious atmosphere, a Protection Board was established.

Chapter 2 examines the first period of the Board, from 1883 to 1897. The Board established key infrastructure to assist primarily the aged and infirm, and to instruct the children. Nevertheless, it failed to meet the material needs of Aboriginal people, remained aloof from its clientele and did not reflect on its policy positions. I offer a brief sketch of Board members, outline initial policy platforms and, using Dharawal examples,

explore how the early Board ‘interacted’ with Aboriginal people. The chapter highlights the Board’s inability to develop coherent policy. It had outlined a legislative wish list in its first annual report, including the full ‘custody and control of aborigines of all ages and sexes in a like manner as a parent’.<sup>51</sup> Yet it did not actively pursue a legislative mandate until the early twentieth century. Indeed, it took 27 years to achieve enabling legislation in 1909. Also, as a result of its interaction with Aboriginal people, the Board recognised certain unexpected challenges such as the increasing number of Aboriginal people entering the reserves and stations, continued lack of funding, the regular exclusion of Aboriginal children from public schools, and the increase in the ‘half-caste’ population. But it failed to respond to any of these with coherent policy. Furthermore, a tense and acrimonious relationship with a parallel organisation – the Aborigines Protection Association (APA), which maintained control over the three largest Aboriginal stations – caused ongoing financial and policy frustration for the Board.<sup>52</sup> In 1897, after 14 years, the APA finally relinquished power to the Board.

The arrival of two forceful leaders on the Board from 1897 to 1916 ushered in a second phase of the Board’s history, in which it gained legislative power and wielded it to the detriment of Aboriginal communities. In 1897, George Edward Ardill joined the Board and remained until 1916. His lengthy stay resulted in a more proactive Board approach to the removal of Aboriginal children and to a renewed effort to gain a legislative mandate. Chapter 3 demonstrates how Ardill became a dominant force on an otherwise apathetic Board. Ardill’s evangelical zeal and dogged approach set the Board on a policy course that would continue until its reconstitution in 1916. The arrival of another powerful, crusading individual, Robert T. Donaldson, further augmented the impact of the Board. Chapter 4 explains his influence. He came to the Board highly recommended and was a forceful politician with a combative style. A man who saw the ‘big picture’ and professed to ‘know’ Aboriginal people, Donaldson spoke regularly in parliament and in public, advocating the removal of Aboriginal children, particularly the ‘almost white’ girls,

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51 *Protection of Aborigines: Report of the Board* (the APB Report: hereafter *APBR*) 1884, 2. Accessed via ‘NSW’, To Remove and Protect, AIATSIS: [aiatsis.gov.au/sites/default/files/docs/digitised\\_collections/remove/22818.pdf](http://aiatsis.gov.au/sites/default/files/docs/digitised_collections/remove/22818.pdf), accessed 1 November 2018.

52 Maloga and Warangesda had been established by missionaries Daniel Matthews and John Gribble, respectively, in the mid-1870s, and they were taken over by the high-powered Sydney organisation the APA. Brewarrina was added in 1886. See Chapter 1 for details.

from the camps, reserves and stations and their placement into domestic apprenticeships. This became his crusade. He did much to secure the passage of the *Aborigines Protection Act 1909* (NSW) and was even more influential in the passage of the 1915 amendment that allowed the Board to bypass the courts to remove children. Chapter 5 explains why the Board was reconstituted in 1916. Ardill was, in part, responsible for the change. He created a controversy over payments to members, the Board went on strike and a furore erupted over the appointment of a new inspector. With rumours of an imminent reconstitution, three members – including the previous Inspector-General of Police, Thomas Garvin – resigned in protest.

This upheaval ushered in the last phase of the Board's history. Gone were any remaining humanitarians, those with an interest in Aboriginal policy, businessmen and high-profile individuals. From 1916, the Board was predominately staffed by public servants, all compliant with government, and with no special interest in Aboriginal affairs. Significant change occurred: the frequency of Board meetings was drastically reduced, the agendas filtered and the annual reports curtailed. This allowed, either by design or evolution, for a small clique or cabal within the structure of the Board to dominate policy and act with little oversight. Board agents (including Donaldson) immediately embarked on the systematic removal of Aboriginal children from their communities. They wielded considerable authority over Aboriginal people and their hand was further strengthened with an additional amendment (although mitigated by the parliament) to the Act in 1918 that enabled the Board to expel more Aboriginal people from the reserves and stations.

In Chapters 6 and 7, I demonstrate two of the Board's most destructive influences upon the Aboriginal communities of New South Wales: its removal of children into apprenticeships and its failure to provide or demand access for Aboriginal children to a full and equal education. Paradoxically, both issues also revealed the Board's limitations as well as its power and arrogance. Chapter 6 explores the Board's inability to prevent Aboriginal girls from returning home after their apprenticeships and Chapter 7 shows its impotence and indifference in preventing Aboriginal children from being excluded from local public schools. Chapter 8 describes how the Board crumbled in the face of powerful Aboriginal critiques in the 1930s. The Board could not accept the increasing influence of Aboriginal voices such as Fred Maynard, William Cooper, William Ferguson, Pearl Gibbs and Jack Patten, who demanded an end to

‘protection’ and the Board. In return, the Board saw them as impertinent and as agitators. It had built up a ‘wall of secrecy and paranoia’ since 1918 that made it the object of humanitarian critique. The APB’s dysfunctional structure and blinkered personnel could not feel the ‘winds of change’ from any direction, and it reaped the consequences.

I explore how this poorly designed APB worked in practice under an ever-expanding legislative mandate. Paradoxically, the Board’s loose structure, flawed processes and lack of overall accountability combined to make it both a powerful and dangerous entity and, at times, an ineffectual and dysfunctional one, unable to implement policies. This book demonstrates that the Board was profoundly influenced by a few individuals whose enthusiasms shaped Aboriginal life in the face of the indifference of other Board members. By understanding its structural dysfunctions and personnel, we can better understand why it pursued particular policies, what other key institutions (such as the Education Department) influenced Aboriginal lives, and how Aboriginal people themselves sometimes managed to challenge policy and change outcomes by exploring gaps in the Board’s power.

## Far more than a blemish

The story of the Board and its impact upon Aboriginal people is a sorry chapter in Australia’s history; far more than a mere blemish as prime minister John Howard once described.<sup>53</sup> Below is an attempt to analyse one government bureaucracy and provide some meaningful analysis of what shaped its direction – a path that gave rise to such a fervent protest by 100 Aboriginal people at the Day of Mourning in Sydney on 26 January 1938.

Pervading much of the life of the Board was the common belief in the late nineteenth and early twentieth centuries that Aboriginal people would ‘die out’. It worked on the premise that the ‘full-blood’ Aboriginal people would soon be gone, and those of ‘lighter skin’ would be absorbed in the mainstream community – the Board could then close the reserves and stations and cease the issue of rations. This did not eventuate, and the

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53 John Howard made it clear that his government would not go further than express ‘regrets’ concerning what happened to Aboriginal people but conceded that it was the most ‘blemished’ chapter of Australia’s history. See Manne, ed., *Whitewash*, 2003, 4.

Board never came to terms with this reality. Consequently, it railed against the presence of Aboriginal people, their mobility and their determination to be part of Australian society.

When Aboriginal people meet for the first time, so much is already understood. Aboriginal people of New South Wales, who came under the direct attention of the Board, and indeed those who did not, have all suffered in one form or another from the same stigma, racism and exclusion from white Australia. What began as assistance and support changed to coercion, removal, control and segregation. Racist attitudes and Board incompetence, indolence, zealotry, misplaced care and indifference combined to do great harm to the Aboriginal people of New South Wales for over five decades.

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