

# AUSTRALIAN DIPLOMACY IN A POLICY VACUUM: GOVERNMENT AND ABORIGINAL AFFAIRS, 1961-62

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Australia in the early 1960s straddled two worlds. The tie with Britain both in terms of trade and in the less tangible area of a sense of heritage and identity was still strong. The British Empire defined and shaped an Australian view of the world. For many, it was a symbol of security and good in a world divided by the Cold War. In the 1960s, however, Australia's view of itself within the Empire was fundamentally challenged by three factors which I will examine in this article, namely: relations between new nations and former colonial powers; the spread of Communism, especially in Asia; and the perceived role of the United States of America safeguarding democracy.

Neil Jillett, writing in a prominently displayed feature article in *the Age* on Australia Day, 1961, reminded readers that if we 'reflect deeply upon our nationhood, we remember that we are part of the Commonwealth of nations'.<sup>1</sup> This comforting view of Australia as a 'distant outpost of Empire' displayed a blinkered nostalgia which took little account of events outside Australia's borders. Australian diplomats in politically sensitive posts, and their Department of External Affairs colleagues back in Canberra whose job it was to guide them, were interrogated about Australian policy with regard to Aboriginal people. Some of the questions asked of Australian diplomats in Africa, the United Nations and eastern Europe proved difficult to answer.

This article is a study of the effect on Australia of the emergence of race issues in international diplomacy during 1961 and 1962, and the responses of senior staff in the Department of External Affairs to those issues. Prime Minister Menzies was responsible for the External Affairs

portfolio from February 1960 with Garfield Barwick taking over from him in December 1961. Paul Hasluck, as Minister for Territories, was responsible in turn, for the development and implementation of special policies for Aboriginal people in the Northern Territory. The period under discussion is prior to the 1967 referendum so, consequently, the Commonwealth did not have power to 'make special laws' for 'the

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<sup>1</sup> N. Jillett, 1961:2.

aboriginal race in any state<sup>2</sup>. Paul Hasluck saw his role as twofold: to implement the policy of assimilation in the Northern Territory which was within Commonwealth jurisdiction and to persuade the states in their jurisdictions to adopt similar policies designed to assist their Aboriginal populations to join and reap the benefits supposedly available in mainstream society.

On Australia Day, 1961, a meeting of State and Federal Ministers and officials responsible for Aboriginal welfare was in progress in Canberra. This was the first time ministers representing all states of Australia had met to discuss their area of responsibility. Agreement was reached on desirable goals in allowing 'Aborigines' to become Australian citizens, socially as well as legally. Although there was a range of quite different approaches to Aboriginal welfare across the states, Minister Hasluck gained agreement from all Ministers present to the following definition of what the assimilation policy being implemented in the Northern Territory and promoted to state governments meant.

The policy of assimilation means in the view of all Australian governments that all aborigines and part-aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians.<sup>3</sup>

'Acceptable' lifestyle would be rewarded with rights and privileges. It was suggested that customs, beliefs, hopes and loyalties would be the same as other Australians. Belonging was predicated on acceptance of a value system. Hasluck's view, in promoting this policy, was that the 'Aboriginal problem' was a social problem, rather than a racial problem. His commitment was to social justice and to the extension of human rights to Aboriginal Australians. His view was that improved social conditions would lead to opportunities for Aboriginal people in the general Australian community. Eleven years earlier, in his first address to the House of Representatives, Paul Hasluck had reminded members that:

When we enter into international discussions, and raise our voice, as we should raise it in defence of human rights and the protection of human welfare, our very words are mocked by the thousands of degraded and depressed people who crouch on rubbish heaps throughout the whole of this continent. ... Let us cleanse this stain from our forehead or we shall run the risk that ill-intentioned people will point to it with scorn.<sup>4</sup>

While Hasluck's policy of advancement for Aboriginal people—gradualist and based on education to allow them to take up the full rights of the citizen—may have seemed

<sup>2</sup> Section 51, clause xxiv of the Constitution of the Commonwealth of Australia reads: 'The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to— The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws.' The phrase 'other than the aboriginal race in any State, was deleted as a result of the overwhelming support at the 1967 referendum for the Commonwealth government to be empowered by the Constitution to legislate for Aboriginal people as a special group, and for the repeal of section 127 which omitted 'aboriginal natives' from the Commonwealth census

<sup>3</sup> P. Hasluck, 'Native Welfare Conference', Statement by leave by the Minister for Territories in the House of Representatives on Thursday 20 April, 1961, Series A1838, File no. 557/1, pt. 2, Australian Archives, Canberra.

<sup>4</sup> P. Hasluck, 1953: 5-12

enlightened in contrast to the neglect of the past, events outside Australia meant that Australia's record, past and present, was scrutinised as never before.

Prior to 1961, the Information Branch of the Department of External Affairs did little more than 'distribute to overseas posts small quantities of information booklets about Aborigines, published by the Department of Territories.' It also passed on to Territories 'infrequent reports of critical overseas references to the condition of the Aborigines'.<sup>5</sup> Events outside Australia in 1960 led to an upsurge of interest in Australian policies regarding Aboriginal people and their treatment and place in Australian society.

Two situations, in particular, in 1960 led to international attention focusing on Australian policy regarding her indigenous peoples. Reactions to the Sharpeville massacre of March 1960 reverberated through the Commonwealth. At the Commonwealth Prime Ministers' Conference the following year, South Africa, having decided to become a Republic, formally applied for permission to remain a member of the Commonwealth. In the discussions surrounding this application Prime Minister Menzies' support was based on the view that the policy of apartheid was a matter of domestic jurisdiction for South Africa, and thus not the business of other Commonwealth prime ministers. But other African heads of state saw the situation differently and the ensuing publicity drew the attention of new African and Asian nations to the situation in other Commonwealth countries with indigenous populations such as Australia.

The United Nations was the other international forum in which issues concerning colonialism and questions of race were discussed. By 1961, the admission of seventeen new African nations had changed power relationships within the organisation. Asian representation had also grown in this period: from seven to twenty. These additions made the Afro-Asian Group the largest voting bloc in the United Nations.<sup>6</sup> The Soviet Union presented the view to new African and Asian countries that colonisation was Western exploitation of 'the cheap labour of colonial peoples'. It proposed a declaration on the granting of independence to colonial peoples. In a speech to the General Assembly on October 12, Nikita Khrushchev put the case for such a declaration. In arguing that 'the time is ripe for the complete and final liberation of all peoples from colonial oppression, which had been represented by the West as "'bringing a higher civilisation to these peoples,"' he quoted examples of the devastating effect on indigenous communities of colonisation.

As a result of this 'civilisation' the population in a number of colonies— as, for instance, in the Congo— decreased by nearly half. It is common knowledge how the native population was exterminated in Australia. Mr Menzies, who spoke here, should not forget that.<sup>7</sup>

Khrushchev's comments were reported in newspapers around the world, though Africa and Asia were seen by Australian diplomats as the areas where most damage could be done to Australia's reputation. Sharpeville, and the Soviet Union's attack on Western colonialism and wooing of the newly independent nations of Africa and Asia, can be viewed as expressions of a changing world: one in which those unaware of the demands for justice and representation coming from South Africa will be left behind in understanding world politics. The Information Branch of the Department of External Affairs asked all posts to

<sup>5</sup> H. Gilchrist, 'Australian Aborigines: External Affairs Interest, 29 August, 1961, Series A1838/2, File 557/1 Part 2, Australian Archives.

<sup>6</sup> J. G. Hadwen & J. Kaufmann, *How United Nations Decisions are Made*, New York, 1962, pp 126, 127.

<sup>7</sup> N. S. Khrushchev, 1961: 171.

report on 'the state of overseas knowledge and opinion about Australian Aborigines'<sup>8</sup> and, as a result, criticisms of Australia's treatment of Aboriginal people flowed in from posts all around the world.

### Declaration on the Granting of Independence to Colonial Peoples

Khrushchev's direct reference to 'how the native population was exterminated in Australia' and his admonition that 'Mr Menzies should not forget that' was part of a speech clearly directed to nations newly freed from colonial control. Plimsoll, Permanent Representative, Australian Mission to the United Nations, wrote a detailed despatch to Menzies, reporting on the passage of the UN 'Declaration on the Granting of Independence to Colonial Countries and Peoples' on 14 December, 1960. He expressed a concern about the 'many disturbing elements' to this debate and 'many grave danger signals for the future'.<sup>9</sup> His description of and comments about this debate showed that the older member countries of the United Nations were grappling with a new situation. African representatives, now in a position of equality with their former masters, referred to the "ancient wisdom of Africa" being brought to the counsels of the United Nations'.<sup>10</sup> Plimsoll's response to this comment by the Ghanaian representative, in a despatch to Menzies, was 'the truth is of course that the ancient wisdom of Africa consists of cannibalism and witchcraft'<sup>11</sup> thus illustrating the dismissiveness of those assuming cultural superiority. In commenting on the colonial powers' response to the Ghanaian's reference to 'the wisdom of Africa', Plimsoll recognised the new complication brought to international diplomacy with the Afro-Asian group now being the largest group in the United Nations. He explained to Menzies that 'it was not politic for representatives of colonial powers to prick these balloons'<sup>12</sup>. And furthermore, reasoned that:

No matter how powerful the arguments that the representative of an administering power might bring forward in the United Nations, it is never easy for an Asian or African country to vote against the general trend of the Afro-Asian group, or to take a detached view on matters which can be interpreted in terms of colour or of economic underdevelopment.

There are strong irrational elements in the feeling on colonialism. ... Colour consciousness is a major element — the strong sense of solidarity of all coloured people against whites, the inbred sense of centuries of domination and discrimination.<sup>13</sup>

Plimsoll wrote about the 'extreme view' put by the communist states in arguing for the immediate end to colonialism everywhere 'and the fact that the Soviet Union 'will try to build on the declaration that has been adopted'.<sup>14</sup> He reported that his own statement in debate was motivated by a desire to 'combat any idea that Australia was pursuing policies of economic exploitation, racial superiority, or permanent white domination.' The particular

<sup>8</sup> Gilchrist, 'Australian Aborigines: External Affairs Interest' 29 August, 1961, Series A1838, Australian Archives, Canberra.

<sup>9</sup> J. Plimsoll, Permanent Representative, United Nations to R. G. Menzies, Minister of State for External Affairs, 24 February, 1961, Series A4321/1, Item 1961/62/ Pacific & Americas.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

references in his despatch related to Australia's relation to New Guinea rather than to indigenous Australians. Plimsoll's report ends:

The predominant view now in the United Nations is that relations between a state and its dependant peoples are out of the sphere of domestic jurisdiction.<sup>15</sup>  
In considering relations within the Commonwealth, this view was rejected by Menzies.

### The 1961 Commonwealth Conference and South Africa

Shortly after Plimsoll's report on the Declaration on the granting of independence to colonial countries and peoples' Menzies was upholding the principle of domestic jurisdiction and opposing the notion of Commonwealth Prime Ministers 'sitting in judgement' on each other. At a press conference on March 19, 1961, after South Africa's withdrawal from the Commonwealth he expressed the view that 'to have a member of the Commonwealth virtually excluded on a matter of domestic policy presents a rather disagreeable vista for the future.'<sup>16</sup>

The Prime Minister's report to Parliament on South Africa's forced withdrawal of application to remain a member of the Commonwealth elaborated on this view. He saw the policy of non-interference in the domestic affairs of another country as being 'at the very root of Commonwealth Relations' and pointed out to the House the differences between apartheid and Australia's immigration policy which was based on 'a proper desire to preserve a homogenous population and so avert the troubles that have bedevilled some other countries'.<sup>17</sup> Menzies' defence of the principle of domestic jurisdiction anticipated attacks by Commonwealth countries such as India, Pakistan, Ghana or Ceylon on Australian immigration policy if the policy was not strongly defended.

### Adverse Overseas Publicity Concerning Aboriginal Australians

The passage of the Declaration on the Granting of Independence to Colonial Countries and Peoples, South Africa's withdrawal from the Commonwealth, the growing criticisms of colonialism, and the Soviet Union's linking of the evils of colonialism with Western capitalism all led to an increasing interest in race politics in Australia. The First Secretary of the Australian Embassy in Moscow, in responding to a departmental request for information on unfavourable publicity about the present condition of 'Australian aborigines', reported that the topic was treated critically from time to time in the Soviet press. He referred to a 'definitive article by a leading *Pravda* journalist, Mayevzky, concerning the trial and death of Albert Nimitjira [sic] published in the journal *October*'.<sup>18</sup> More significant was Radio Moscow's broadcast to South East Asia in English. The following is an extract of Soviet comment on the 'White Australia' policy.

The Australian Government has developed racism to the level of State policy. It is for good reasons that at the conference of the countries within the British Commonwealth last spring, Australia came out in support of misanthropic apartheid, followed by the Government of the South African Republic...

<sup>15</sup> Ibid.

<sup>16</sup> R. G. Menzies quoted by Ronald May in 'Political Review', *Australian Quarterly*, Vol. XXXIII, No 2, June 1961, Australian Institute of Political Science, Sydney, p. 96.

<sup>17</sup> R. G. Menzies, *Parliamentary Papers General Third Session*, Vol. IV, 1961, p. 1487.

<sup>18</sup> R. A. Woolcott, First Secretary, Australian Embassy, Moscow, 'Overseas Opinion on Aboriginal Welfare', 9 March 1961, Series A 1838, File No. 557/1, AA, Canberra

In vain indeed is the Australian official propaganda trying to convince world public opinion that the policy of 'White Australia' is an internal matter of the country. 'White Australia' is racism which is being condemned by all progressive people.<sup>19</sup>

Such broadcasts to Australia's near neighbours such as Malaya, encouraging criticism of Australia's racially discriminatory immigration policy, were of concern to External Affairs.

Criticisms of Australian policies which affected Aboriginal people also appeared quite frequently in African newspapers. Following Namatjira's death in 1959, *The Central African Examiner* had asked 'Who is to Blame for the Aborigines' Tragedy?' This feature article referred to those who 'are hoping, now that the wave of sentimentality has broken in bloodshed that a policy will take its place'.<sup>20</sup> Over the next few years, news of Aboriginal issues was reported in African countries – a Federal Council for Aboriginal Advancement resolution alleging 'apartheid' was publicised in Ghana and Malaya in April, 1961.<sup>21</sup> An Australian MP, Mr McIvor, visiting Nigeria was questioned on television about Australia's treatment of Aborigines. Although Australian embassy staff felt McIvor had handled the situation well there were sixty communications the next day claiming that Australia 'had exterminated the last aborigine some years ago'.<sup>22</sup> A Department of External Affairs summary of overseas opinion on Aboriginal welfare described interest in racial questions as 'intense' with Federal Council for Aboriginal Advancement resolutions being released through Reuters news agency for publication in African and Asian countries.<sup>23</sup> Professor Prest from the Faculty of Commerce, Melbourne University, reported on his return from the Commonwealth Relations Conference at Lagos, Nigeria in January 1962 that:

there was even a tendency to regard Australia as another Southern Rhodesia because of our treatment of aborigines. It is not generally realised in Australia that every press report of incidents involving Aborigines is reproduced in the African papers.<sup>24</sup>

<sup>19</sup> Cited by R. S. Laurie, Third Secretary, Australian Embassy, Moscow, in a letter to the Secretary, Department of External Affairs, 24 January, 1962, Series A 1838/2, File 557/2, pt. 3.

<sup>20</sup> C. Ralling, 1958.

<sup>21</sup> Confidential file note 'Overseas Opinion on Aboriginal Welfare', Series A1838/2, File No 557/1 Pt. 2.. These reports are also referred to by Peter Heydon, First Assistant-Secretary, Department of External Affairs when he appeared before the Select Committee on Voting Rights in 1961. Series A1838/2, File 557/1, Pt. 2, Australian Archives, Canberra

<sup>22</sup> Series A1838/2, File 557/1, part 1, Australian Archives, Canberra.

<sup>23</sup> The Third Secretary from the Australian High Commission, Kuala Lumpur informed Canberra of a Reuters report on the front page of the Malay Mail regarding the Federal Council for Aboriginal Advancement's plan to protest to all Commonwealth Prime Ministers against 'apartheid' in Australia.

<sup>24</sup> Reported in *On Aboriginal Affairs*, No 2, April-May, 1962.p. 3. The Australian High Commissioner in Karachi reported an article in the *Morning News* which alleged apartheid in NSW country towns, 23 February, 1961; the Australian High Commissioner in Accra reported Reuters West African Service had distributed an item on the Federal Council for Aboriginal Advancement's annual conference, 3 April 1961; the third secretary Australian High Commission office in Kuala Lumpur reported on 4 April 1961 that the Malay Mail had run a front page article under the heading 'Apartheid in Australia'. Series A1838, File 557/1 part 4, Australian Archives Canberra.

Press criticisms were not limited to those emanating from the Soviet Union or appearing in African or Asian newspapers. The following personal, confidential letter from the Australian Ambassador, Tokyo, to

P. R. Heydon, First Assistant Secretary, External Affairs had this damaging comparison to add:

I notice from the London Times that Eichmann's lawyer, Servatius, in his final address to the court in Jerusalem, compared Hitler's massacre of the Jews to the extermination of the aborigines in Australia. I gather that the whole of the world's press is there to publicise the proceedings under the headlines in every language.<sup>25</sup>

Here was assistance for those trying to understand Eichmann's role in the attempted genocide of the Jewish people. His actions were not so unusual, his lawyer seemed to be saying, if one were to look to events in Australia which took place not much earlier than the horror of Europe. External Affairs staff were, understandably, sensitive to the repercussions which could flow from such a report.

Two months later the London office of Australian External Affairs showed their anxiety about a talk to be given by Miss Jacquetta Hawkes under the auspices of the Anti-Slavery Society. This particular organisation had had some association with Australian activists such as Shirley Andrews and Charles Duguid.<sup>26</sup> H. Marshall, on behalf of the Acting Senior External Affairs Representative, wrote 'We fully expected—and we were not disappointed—that Miss Hawkes would say some critical and officially obnoxious things.'<sup>27</sup> He reported that Miss Hawkes did say that Australia was moving 'in the right direction' but she added that the present policy of assimilation was not the immediately right policy'.<sup>28</sup> Marshall regretted the lack of discussion following the talk and also that "the other side" was not presented, nor any opportunity given for it to be presented.<sup>29</sup> The latter closes with a request to the Secretary of the Department for any Australian press coverage of the talk and notification that a copy of the memorandum is 'being sent to New York [United Nations Australian representative] for information and also to the Official Secretary and News and Information Bureau in Australia House'.<sup>30</sup> Marshall makes the further observation in a letter to the Secretary, External Affairs that:

One gets the impression that publicity, official or voluntary on aborigine matters consists of either hiding the material from view or having displays, posters or pictures (as in Commonwealth Institutes) that portray the quaint, primitive or 'colourful' aspects of the aborigine. ...

<sup>25</sup> L. R. Mc Intyre, Australian Ambassador, Tokyo, 30 August, 1961, A1838/2, 557/2 Pt 2, Australian Archives.

<sup>26</sup> Charles Duguid, the first president of the Federal Council for Aboriginal Advancement had addressed the Anti-Slavery Society in June, 1954, Shirley Andrews had been in contact with the organisation in her role as Secretary of the Council for Aboriginal Rights since 1958. In 1963 she represented the organisation at a United Nations seminar on the role of police in the protection of human rights. Her presentation, critical of the police for their failure to protect Aboriginal Australians human rights received significant press coverage. See Council for Aboriginal Rights MS 12913, boxes 2/5, 8/3, 8/4, 26/4, SLV

<sup>27</sup> H. Marshall, 'The Australian Aborigines— Talk by Miss Jacquetta Hawkes' 26 October, 1961, A452, 61/4496, AA.

<sup>28</sup> Ibid., p 3.

<sup>29</sup> Ibid

<sup>30</sup> Ibid.

## AUSTRALIAN RACE RELATIONS: 1961-2

I might comment that in two years here I have seen no reference to the native Australian in any poster, picture or what have you around the much be-posted [sic] Australia House. The impression left is that there is something to hide.<sup>31</sup>

Diplomats in overseas posts as well as External Affairs senior officials at home were sensitive to the possibility of Aboriginal legislative and social conditions becoming an issue in a United Nations' forum. Discriminatory legislation which was still on the books was seen as ammunition provided for the enemy. In May 1961 a member of Ghana's mission to the United Nations 'hinted confidentially' to the Head of the Australian Mission 'at the possible inclusion of the Aboriginal question on the General Assembly agenda'.<sup>32</sup> R. A. Woolcott, First Secretary, Australian Embassy, Moscow made the point that the situation was threatening for Australia 'until such time as they [Aboriginal people] enjoyed complete political and social equality as well as equality of opportunity'.<sup>33</sup> R. L. Harry, First Assistant Secretary, Attorney-General's Department, recognised the need for information relevant to these considerations to be gathered as officers prepared to implement Cabinet Decision 1549 which required the preparation of a report on the desirability of removing discrimination.<sup>34</sup> Discriminatory legislation, such as the Post and Telegraph Act and the Commonwealth Immigration Restriction Act weakened Australia's position in relations with the new nations of Asia and Africa. The situation was made even more alarming by the publication of articles critical of current policy and practice by Australian academics

In June, 1961, the Secretary, External Affairs was informed of an article which appeared in the Spring (northern hemisphere) issue of the *Journal of the International Committee of Jurists*. The Journal had been sent to 'most or all of the delegations at the United Nations by the International Commission of Jurists'.<sup>35</sup> It contained an article 'Preventative Detention in Australia' by Zelman Cowen, Professor of Law and Dean, and Rachael Richards, LL.B., Research Assistant, both from the Faculty of Law, University of Melbourne. The article presented the results of investigations throughout Australia of infringements of the basic common law rule with regard to arrest which was that no person shall be arrested except for reasonable cause allowed by the law, and the reasonableness of any arrest is open to examination by the courts. They pointed out that the Australian rules relating to the freedom of the individual are very similar to those of Britain and that:

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<sup>31</sup> H. Marshall 'The Australian Aborigines' to the Secretary, Department of External Affairs, 20 October, 1961, Series A452/1, File 61/4496, Australian Archives, Canberra.

<sup>32</sup> Draft of a confidential savingram to all posts, 24 January, 1962, series A1838/1, File 557/9 part 1, Australian Archives, Canberra.

<sup>33</sup> R. A. Woolcott, 'Overseas Opinion on Aboriginal Welfare', 9 March, 1961, Series A1838, File 557/1, Pt. 2, Australian Archives, Canberra.

<sup>34</sup> Cabinet Decision 1549 approved the recommendation that section 16 of the Posts and Telegraph Act 1901-1950 be repealed. This section prevented the employment of people who were defined as Aboriginal by the Postmaster General's Department. The decision also directed the Department of External Affairs and the Attorney-General's Department to confer 'regarding other Commonwealth Acts which contain provisions discriminating against the employment of persons in whom there is aboriginal blood, and prepare a report for consideration of the Cabinet on the desirability of removing the discrimination'. Series A1838, File 557/1, part 3, Australian Archives, Canberra.

<sup>35</sup> Letter to the Secretary, External Affairs, 27 June, 1961, A1838/2, 557/2 pt. 2, Australian Archives Canberra.



a person may not be arrested without warrant by a private individual except where he has committed a felony or a serious breach of the peace actually in the presence of the individual, or where a felony has been committed and there are reasonable grounds to suspect that it was committed by him or if the arrest has been expressly authorised by statute.<sup>36</sup>

The authors observed that the Australian rules are variations of these principles, and in some states almost identical to each other. The rest of the article builds up a detailed picture of breaches of this common law rule as it applies to Aboriginal people, and the variations which exist across the states. The research is not focused on the application of the law to people defined as Aboriginal. But it is the cases concerning Aboriginal people that breach the general principles as laid out in the introduction. The authors detail instances in the legislation of a number of Australian states which contravene the basic principles of common law protecting the rights of the individual, when that individual is defined in state legislation as 'Aboriginal'. For example, the Native Welfare Act of Western Australia 1905-1954 states that 'it shall be lawful to arrest without warrant any native who offends against any of the provisions of this act'<sup>37</sup> After providing examples from a number of states of breaches of the common law principle, the authors conclude that:

It can therefore be said that in general no-one (apart from the aborigines) is entirely unprotected against the misfortunes of preventive or administrative detention, except perhaps in time of war.<sup>38</sup>

Reference to the potential for an article such as this to damage Australia's reputation abroad are made in External Affairs files at the time.<sup>39</sup> The standing of one of the authors—Zelman Cowen, Professor of Law, University of Melbourne ensured that the article would have international credibility. It was not polemic in style. It was not associated with a party political position. The article demonstrated for readers of this international journal, that the principles of common law did not protect Aboriginal Australians from preventive detention.

In April following publication of the Cowen/Richards article, Charles Rowley, Principal of the Australian School of Pacific Administration, sent a draft of an article to Hugh Gilchrist, Department of External Affairs. Gilchrist sent a copy of the article and a note to Harry, First Assistant-Secretary, Attorney-General's Department with the following comment:

The article may help to indicate why I feel a good deal of discomfort in trying to act as an apologist for some aspects of current official policies in the field, and in trying to brief our posts accordingly. If both the Americans and the Russians were to attack our 'assimilation' policy we would fare rather badly in the UN. We have little time in which to revive the position, and I feel that we need to probe Territories for a thorough going analysis and exposition 'in the round' of what the policy is aiming to do, and why. Otherwise it is hard to expect this Department to defend it abroad.<sup>40</sup>

The article was published as 'Aborigines and Other Australians' in the June, 1962 edition of *Oceania*. Rowley showed the policy of assimilation, as implemented by administrators and

<sup>36</sup> Zelman Cowen and Rachel Richards, 1961: 29.

<sup>37</sup> Native Welfare Act 1905-1954, Section 40, cited in Cowen & Richards, 1961: 31.

<sup>38</sup> Cowen & Richards, 1961: 46.

<sup>39</sup> Submission from H. Gilchrist to the Acting Secretary, External Affairs, 29 August, 1961, Series A1838/2, File 557/1, Pt. 2, p. 6.

<sup>40</sup> H. Gilchrist to Mr Harry, 1st Assistant-Secretary, Attorney-General's Department, 30 April, 1962, Series A1838, Item 557/1, Pt. 3, Australian Archives.

welfare officers across the country, was based on little sociological understanding of the nature and role of the human group, of the likely effects on a people when coercion is used against the group. Attention is also directed to the likely effects on a people when, having been impoverished, they have no likelihood of acquiring property rights.

Rowley argued that the reasoning behind the policy was faulty and that as implemented the policy was socially destructive. He begins:

There could hardly be a more complete case of racial exclusion and discrimination as a background to present race relations, than that affecting the Australian Aborigines. ... No Aboriginal right of possession to any part of the continent, based on observed prior occupation, was recognized.<sup>41</sup>

He builds a picture of the nature of Aboriginal social organisation and relationship with the land. He then analyses the 'assimilationist' approach to Aboriginal inclusion in mainstream society, pointing out that 'in many situations there remains sufficient of what might be termed 'vestigial' legislation, placing the responsibility on the station manager to inspect the interiors of Aboriginal homes' and encouraging the view that assimilation meant learning 'to be like the white man'.<sup>42</sup>

A further contribution to the debate was Rowley's description of policies concerning indigenous people in other parts of the world. Readers learn that the notion of indigenous people living as members of a single community was abandoned in the USA with the passage of the Indian Reorganisation Act in 1934, and yet policy makers in Australia continued to see assimilation as the only acceptable policy. Hasluck had even denied the relevance of analogies 'with racial situations in other lands'.<sup>43</sup> Such isolationist thinking about the issue was not shared by Rowley. Unlike articles in the Soviet press, or reports which could be traced to the Federal Council of Aboriginal Advancement, this article and the Cowen/Richards article were non-partisan and presented clearly argued and supported cases which demonstrated discrimination before the law and policies which seemed designed for social destruction. Hugh Gilchrist's ordering of 45 copies of the June 1962 volume of *Oceania*, containing the Rowley article, indicated his concern that External Affairs staff became properly informed in this (domestic) portfolio.

#### Responses of the Department of External Affairs to International Interest in Aboriginal Issues

External Affairs senior staff were monitoring a number of potentially embarrassing international situations. The critics, whether inside or outside Australia, were using international forums. The Soviet Union accused Australia of genocide; the Federal Council for Aboriginal Advancement publicised injustices suffered by indigenous Australians by using Reuters newsagency; academics wrote articles showing the structural inequalities experienced by Aboriginal people and these were published in internationally available journals. The likelihood of international embarrassment for Australia over the issue of the legal and social position of indigenous Australians was high. Issues which belonged in the Territories portfolio came to occupy the minds of First Assistant-Secretary, Phillip Pepper and Acting Head of the Intelligence Co-ordination Branch at the time, Hugh Gilchrist. External Affairs files show an unsigned, handwritten note from within the Department of External Affairs addressed to Gilchrist which expresses concern at the Minister for

<sup>41</sup> C. D. Rowley, 1962: 247.

<sup>42</sup> Ibid.

<sup>43</sup> Native Welfare Conference, Canberra, 25 January 1961: Opening Statement by the Minister (Rowley, 1970, p 402)

Territories' views, as expressed in his 1959 ANZAAS address.<sup>44</sup> The writer states that there is a suggestion, in Hasluck's speech, that 'cultural genocide is a prerequisite for full assimilation of the Aborigines into the non-Aboriginal community.' The analysis points out that the address seems to argue that 'the change to the new society is inevitable and unavoidable.'<sup>45</sup> Some further criticisms are made. The author notes that Hasluck speaks of 'the grouping together of aboriginal people' as being 'one of the most serious obstacles to change.'<sup>46</sup> The writer's concern about this point of view displays an awareness of the rights of a group to maintain culture which Hasluck seems to overlook. And the use of an expression such as 'cultural genocide' reveals a very different understanding to that presented by Minister Hasluck. The writer commented:

Mr Hasluck attacks those who, unaware of the complexities of the problems facing Aborigines, are bold enough to criticise Government policy. The implication seems to be that Govt. policy, like the laws of the Medes and Persians, is unalterable and profoundly wise. It may be difficult to argue this point to overseas critics.<sup>47</sup>

Gilchrist and Peters from External Affairs, as well as Harry from Attorney-General's were expressing doubts about the policy of assimilation as defined and explained at the 1961 Commonwealth States Native Welfare Conference<sup>48</sup>. The task of External Affairs, however, was to present current Australian policy in the best light.

In April, 1961, members of the Foreign Affairs Committee<sup>49</sup>, had met to discuss the 'implications for Australia's external relations of the treatment and the status of the Aborigine'.<sup>50</sup> Apart from foreign criticism, there were threats from within Australia to go to the United Nations to publicise injustices regarding Aboriginal Australians. Mr McColm, one of the members of this committee, referred to a report that 'a man named McLeod in Western Australia was trying to bring a case about the Aborigines to the United Nations and had written to the Prime Minister about this'.<sup>51</sup> A proposal was put that the Foreign Affairs Committee form a subcommittee concerned with the diplomatic implications of Australia's treatment of Aboriginal people. The meeting decided that the Minister for Territories, Paul Hasluck, should be informed of the existence of the proposed sub-committee but that the sub-committee 'should be treated as confidential within government circles'.<sup>52</sup> However, after speaking with the Minister for Territories, the

44 I have good reason to believe, based on handwriting analysis, that Phillip Peters is the author of this note. Series A 1838, File 557/1, 'Aborigines: the Hasluck Philosophy', n.d. Australian Archives, Canberra.

45 Ibid.

46 Ibid.

47 Ibid.

48 See internal memos between Gilchrist and Peters, and interdepartmental communication between Gilchrist and Harry (Attorney-General's) Series A1838, File 557/1, Pt. 2.

49 The informal confidential subcommittee comprised the following MPs: Mr Wentworth, Mr Mc Colm, Senator Scott, Mr Failes, as well as Mr Gilchrist, External Affairs Liaison Officer. Confidential File Note, April, 1961, Series A1838/2, File 557/1, Part 3, Australian Archives, Canberra.

50 Ibid.

51 Ibid. Don McLeod worked with the Aboriginal pastoral workers in their strike in WA which began in 1944. See D. W. McLeod, *How the West was Lost: The Native Question in the Development of Western Australia*, Port Hedland, WA, 1984.

52 Confidential File Note, April, 1961, Australian Archives.

Foreign Affairs Committee decided not to proceed with the idea. Hasluck had argued that the establishment of such a committee would give foreign critics the opportunity to quote the fact that the Foreign Affairs Committee had considered the Aborigines as a matter having international implications, and to argue from this that it was a legitimate matter for discussion in international forums.<sup>53</sup> The Committee nevertheless felt that some of its members should continue to receive, informally, such information on the subject as the External Affairs Department could pass on to them. It was felt that these communications should be confidential.<sup>54</sup> Hasluck, like Menzies, seemed unaware of the real situation: Australia's treatment of her indigenous minority was no longer a domestic matter; the issue was already being discussed internationally.

While the task of the Information Branch of the External Affairs Department continued to be the passing on of relevant information to diplomatic posts, a further power sought by the Department at this time concerned the control of information. The linking of the effects of colonialism to capitalism by the Soviet Union in international debate led to strategies driven by political expediency. Moreover, senior politicians and officials saw the attacks by Australian citizens on Australia's policies concerning Aboriginal people as being ideologically motivated and potentially dangerous for Australia. Much government effort was put into arguing that criticisms of discriminatory policies or practices came from the Communist Party of Australia; were politically inspired and thus could be discounted, regardless of the actual quality of the arguments or information presented. Paul Hasluck expressed this view in introducing the Electoral Bill to Parliament in May 1962 :

[Aboriginal welfare] is one of the targets of the Communists, and in trying to hit this target, they are developing the theme of race—not so as to obliterate racial considerations as being of no significance, but in order to magnify considerations of race and continue racial divisions. . .

You see all over Australia to-day this attempt to perpetuate the aborigines as a separate race, not because of concern for the aborigines as human beings, but because this is a nice, juicy, divisive, controversial problem over which the Communists can cause a great deal of mischief.<sup>55</sup>

As Judith Brett, writing about this period, has observed, 'Communists were defined by their communism, lifted out of ordinary social life and emptied of their individuality by their political beliefs'.<sup>56</sup>

The close monitoring of organisations involved in Aboriginal affairs began in July, 1961 when the Secretary of External Affairs wrote to the Secretary of Territories requesting 'as comprehensive list as you can conveniently provide of the organisations at present in this field in Australia'.<sup>57</sup> The information was passed from the Information Branch, External Affairs to Brigadier Spry of Section D, <sup>58</sup> Attorney-General's Department. Section D compiled a list of members of organisations with voting rights on the Federal Council for Aboriginal Advancement. 'All members of organisations who have been members of the

<sup>53</sup> Ibid.

<sup>54</sup> 'Australian Aborigines: External Affairs Interest', 29 August, 1961, Series A1838/2, File 557/1 Pt 2, Australian Archives.

<sup>55</sup> P. Hasluck, Australia, House of Representatives, *Debates*, Vol 35, p. 1771.

<sup>56</sup> J. Brett, 1992: 93.

<sup>57</sup> Draft letter on Aboriginal Welfare Organisations in Australia, Series No. A1838/2, File no. 557/1 Pt 2, Australian Archives.

<sup>58</sup> Section D is the Australian Security Intelligence Organisation, (ASIO)

Communist Party<sup>59</sup> were identified. Gilchrist wrote to the Acting-Secretary, External Affairs, that 'the Party is infiltrating existing Aboriginal welfare organisations and is helping to establish new ones in which it has influence or control'.<sup>60</sup> He concluded that:

It is therefore to be expected that, in any international discussion of the Aborigines, the representatives of Communist countries will not only produce allegations aimed at causing maximum embarrassment to the Australian authorities, but will also offer policy proposals which may sound plausible to other countries.<sup>61</sup>

Hugh Gilchrist, as Departmental member of the short-lived Foreign Affairs subcommittee on Status of Aborigines in Australia, forwarded to Senator Scott, the convener of that subcommittee, information from the Australian Communist Party's 19th Congress. The Congress stated that the 'policy towards the New Guinean people and the aborigines is a national disgrace and an international issue'. The section specifically concerned with treatment of Aboriginal Australians, written in the rhetoric of class war, asserted that 'the Australian ruling class has long oppressed this national minority in the most brutal way and today is seeking to destroy their identity and culture in the name of 'assimilation'.<sup>62</sup> The analysis offered to Senator Scott by External Affairs was that:

The Communists intend to exploit, for their own purposes, in international forums, the treatment of Australian aborigines ... The Australian Communist Party regards aboriginal groups as a target for political penetration.<sup>63</sup>

The position of Aboriginal people was seen as part of the war of ideology being waged between the Soviet Union and the West. Criticisms of policy or practice were responded to as in a war, a threat which needed to be countered. An External Affairs memo from this period argues that:

Our main problem is Communist propaganda: we should endeavour perhaps to show that we are at least no worse than the uncommitted countries in Asia in our treatment of aborigines. I think pictures of extremely backward nomads (they are so obviously uncivilised in Asian eyes for example) are useful.<sup>64</sup>

The suggestion is that Asian notions of 'civilisation' can be exploited by the Australian government so that any incipient criticism of Australia's treatment of Aboriginal people can be defused, as the 'extremely backward nomads' are presented as undeserving of any better treatment.

While the response to overseas criticisms, especially those coming from the Soviet Union was politically reactive in the wider ideological conflict being waged between communism and capitalism, within the bureaucracy actions were being considered to control the flow of information about Australian policies concerning Aboriginal people.

<sup>59</sup> Report from R. L. Harry, 1st Assistant-Secretary, Attorney-General's Department to the Secretary, Series no. A1838/2, File no 557/1, Pt. 3, Australian Archives

<sup>60</sup> H. Gilchrist, Head, Information Branch, 'Australian Aborigines: External Affairs Interest' 29 Aug., 1961, Series A1838, File no. 557/1 Pt. 2, p. 3, Australian Archives

<sup>61</sup> Ibid.

<sup>62</sup> H. Gilchrist to Senator Scott, convener FAC subcommittee on status of Aborigines in Australia reporting 'Australian Communist Party Resolutions of Policy for Aborigines', April, 1961, Series A/1838/2, File 557/1/2, Australian Archives, Canberra.

<sup>63</sup> Ibid.

<sup>64</sup> 'Publicity Abroad Relating to Australian Aborigines', signed WAV, January 1961, A1838/2, 557/2 pt. 2, Australian Archives. A marginal note signed by Hugh Gilchrist and dated 20 January 1961 agreed with this approach 'provided we don't let it be inferred that their state is due in any way to lack of opportunity to advance'.

The situation was regarded as delicate. The Department of Territories had responsibility for the production of information about indigenous people and Commonwealth programs in the Northern Territory. At the same time the States, not the Commonwealth, had responsibility for Aboriginal welfare in the rest of the country. A further difficulty was that apart from the 1961 conference of State and Federal Ministers responsible for Aboriginal affairs there was no statement which could be taken as policy which underlay the plethora of legislation in the States and Territories currently being used to control the lives of Aboriginal people across the continent.

Beginning in 1957 a series of government information booklets had been produced, intended to give information and to break down racial stereotyping in the community. *Our Aborigines* was followed by *Assimilation of Our Aborigines* (1958), *Progress Towards Assimilation*, (1958) *The Skills of Our Aborigines* (1960) and *One People* (1961). This last publication presented problems for External Affairs. A copy had already been sent to the Department for clearance to go to overseas posts when a report of a Moscow newspaper using material from the publication to criticise Australian policy came to the notice of the department. The *New Times*, a Moscow newspaper published in eight languages, had drawn on information about an Aboriginal camp in NSW from a government publication which Territories was presenting to External Affairs as suitable for overseas distribution.<sup>65</sup>

*One People* is perhaps the most concrete manifestation from this time of the gap in understanding between Territories and External Affairs concerning publication of Australian policy regarding Aboriginal people. The publication 'prepared under the authority of the Minister for Territories, with the co-operation of the Ministers responsible for aboriginal welfare in the Australian States'<sup>66</sup> was found by External Affairs to be 'thoroughly unsuitable for overseas readers'<sup>67</sup>. The Department listed defects under six headings: 'incomplete description of government policy, critical references to treatment of Aborigines, inconsistencies, inadequate editing, contradictions of policy and answering overseas questions and criticism'<sup>68</sup>. The analysis, supported with examples from the publication, shows the booklet to be muddled in its presentation of policy. For example reference is made to Aborigines who no longer speak Aboriginal dialects and who, 'apart from colour or a trace of colour, are indistinguishable from the rest of the community'.<sup>69</sup> External Affairs observe:

the sense of the comment is that loss of identity is a good thing. On page 12, however, it is stated that " assimilation does not mean that Aborigines should necessarily lose their identity . . .that language, myths and legends, and art forms should be lost".<sup>70</sup>

The External Affairs critic points out that the presentation in the publication contradicts policy. The January 1961 Native Welfare Conference had recommended against emphasising 'stone age' aspects of the culture yet six of the first ten photographs in the booklet illustrate 'primitiveness'. And perhaps most importantly for overseas readers the publication failed to

<sup>65</sup> Ibid.

<sup>66</sup> Department of Territories 1961.

<sup>67</sup> H. Gilchrist, 'Australian Aborigines: External Affairs Interest, 29 August, 1961, Series A1838, file 557/1, part 2, Australian Archives, Canberra.

<sup>68</sup> 'Defects in Department of Territories Publication 'One People' , n.d. Series A1838, file 557/2, part 2, Australian Archives, Canberra.

<sup>69</sup> Department of Territories 1961:9;

<sup>70</sup> 'Defects in Department of Territories Publication "One People"', p. 1.

provide answers to frequently asked questions such as 'do Aborigines have full legal and political rights and, if not, for what reasons?'<sup>71</sup>

These questions, which had been asked within the Department a number of times, were not easily answerable. The Secretary had voiced the opinion in April 1961 that 'we may need a Commonwealth doctrine on Aborigines'<sup>72</sup> and Gilchrist in a confidential file note had added:

The Commonwealth might be obliged for international reasons to declare an objective; this could precipitate a Constitutional controversy with the States; and the Commonwealth might have to state that there were constitutional limitations on its objective.<sup>73</sup>

The interest in Aboriginal affairs shown overseas and the failure of the Department of Territories to provide up-to-date suitable material which explained and supported Australian Government policy led to a submission by Gilchrist to the Acting Secretary prefaced by the following, rather unusual comment:

As External Affairs has no responsibility for the status or welfare of the Aborigines, External Affairs' efforts can perhaps best be directed to informing the policy-makers (and, through them, Australian public opinion) regarding the effects of the current situation and policy on our external relations.<sup>74</sup>

He recommended that a submission by the Minister for External Affairs to Cabinet 'drawing on appropriate material which you are reading, be prepared as soon as practicable' and that the submission recommend:

- i) that Cabinet place clearly upon the Department of External Affairs the responsibility for advising the Department of Territories and, through the appropriate channel, all other Government Departments concerned with the Aborigines, regarding the implications for Australia's external relations of all aspects of the condition and treatment of the Aborigines;
- ii) that Cabinet direct the Department of External Affairs to prepare, in co-operation with other appropriate Departments, a list of all discriminatory provisions relating to Aborigines, in or under Australian legislation, whether Commonwealth or State, which could be quoted overseas as being contrary to provisions of United Nations instruments;
- iii) that the Department of External Affairs consult with and advise the Department of Territories regarding the external affairs policy implications of official publicity material produced by the Australian Departments regarding the Aborigines.<sup>75</sup>

Such recommendations indicate the frustrations apparent within External Affairs resulting from what appeared to be lack of awareness within Territories of the diplomatic implications of their publications as well as the lack of clear Commonwealth Government policy guidelines. Although Gilchrist's proposals were not put to Cabinet, the Cabinet decision to repeal section 16 (Employment of Coloured Persons) of the Post and Telegraph

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<sup>71</sup> Ibid.: 2.

<sup>72</sup> Cited by Gilchrist, Confidential file note, April, 1961, Series A1838, File 557/1, Australian Archives, Canberra.

<sup>73</sup> Ibid.

<sup>74</sup> H. Gilchrist to Acting Secretary, External Affairs, 29 August, 1961, Series A1838/2, File 557/1 part 2, Australian Archives, Canberra.

<sup>75</sup> H. Gilchrist, 'Australian Aborigines: External Affairs Interest', 29 August, 1961, Series A1838/2, Item 557/1 Pt. 2.

Act 1901--1950 which prevented the employment of Aboriginal people by the Post-Master-General's Department contained a second clause which directed that:

the Department of External Affairs and the Attorney-General's Department confer regarding other Commonwealth Acts which contain provisions discriminating against the employment of persons in whom there is Aboriginal blood, and prepare a report for consideration of the Cabinet on the desirability of removing the discrimination.<sup>76</sup>

In carrying out this directive, Peters from External Affairs spoke with Lyons from Attorney-General's. Lyons held that apart from the reference in the old Post and Telegraph Act there were no other discriminatory references in Commonwealth Acts. There were, however, some, such as the Immigration Act, which were discriminatory by implication. Lyons thought that 'widening the scope of the working party's investigations to include a comprehensive survey of all Commonwealth and state laws ... would be useful.'<sup>77</sup>

The best that could be done in the circumstances was for External Affairs staff to point out to politicians and other bureaucrats that, in the last resort, legislative change was required. The United Nations Branch of the Department of External Affairs was concerned with possible discussion by United Nations bodies on the human rights aspects of the draft Covenant on Civil and Political Rights which was scheduled to be before the Third Committee of the General Assembly in September 1961. Article 23 on voting rights and Article 24 about equality before the law and prohibition of discrimination were of particular concern to this branch of the department. External Affairs had made urgent requests to Territories, Prime Minister's, Attorney-General's and Immigration for information on the allegations in the Cowen-Richards article so that the Australian delegation to the 1961 General Assembly could be briefed.<sup>78</sup>

Investigations had begun earlier in 1961 into the question of voting rights for Aboriginal people. Peter Heydon, First Assistant Secretary, Department of External Affairs appeared before the Select Committee on Voting Rights in that year. He was asked by Kim Beazley snr, 'If the Australian aboriginal were enfranchised throughout Australia, do you think it would have a good effect on Australian diplomacy?' Heydon's reply indicated the tightrope which External Affairs senior administrators felt they had to walk between providing positive publicity about Australia without providing evidence of past failures or weaknesses.

Undoubtedly it would. I hope I am not trespassing on the field of policy, but this is the sort of advice I would give to Ministers. It would be unwise to publicise it too obviously or dramatically, but it is the sort of decision which, in the fullness of time, would have a real effect, because it is the sort of thing that the people who are intelligently interested would take into full account. It is also the sort of thing that the people who are critical of us would find difficult to misrepresent.<sup>79</sup>

In his report Heydon comments that the 'preoccupation with racial questions has become intense, among officials as well as among the people generally, especially in Africa and

<sup>76</sup> Ibid., Note re Cabinet decision no 1549,

<sup>77</sup> P. Peters, record of telephone conversation with L. D. Lyons, 19 February, 1962, Series A1838, File 557/1 part 3, Australian Archives, Canberra.

<sup>78</sup> H. Gilchrist, 'Australian Aborigines: External Affairs Interest', 29 August, 1961, Series A1838, File 557/1, part 2, Australian Archives, Canberra.

<sup>79</sup> P. R. Heydon, 'Confidential Report to the Select Committee on Voting Rights', Series A 1838/2, File 557/1, Pt. 2, Australian Archives.



Asia.<sup>80</sup> It was important that Aboriginal people be enfranchised, and it was also important that the publicity surrounding such a change be handled with discretion. His comments display an awareness of the delicacy of the situation. Not only must justice be delivered in the form of voting rights, but it must be promoted in such a way that the focus was on the positive steps being taken by the present Parliament and not on the fact that before 1962 only some Aboriginal Australians had the right to vote.

The call for more direct Commonwealth responsibility for Aboriginal affairs was coming from a number of quarters. The Australian High Commission sent a cablegram from London in October 1961 saying in part:

We wonder whether the Select Committee [on voting rights for Aboriginal people] or any other authority has in recent times given consideration to the problem posed by article 127 of the Constitution which provides that Aborigines shall not be counted in the population.<sup>81</sup>

While the Federal Council for Aboriginal Advancement had been pushing for a referendum to empower the Federal Government with regard to Aboriginal affairs for some years, in the early 1960s pressure was coming as a result of economic and political consequences as well as for reasons of social justice. There had been requests to Prime Minister Menzies from the Premiers of Queensland and Western Australia for funding for Aboriginal housing and welfare.<sup>82</sup> These were refused; however, the Queensland government publicly asked the Federal Government to 'sponsor a conference to draw up a uniform policy on native welfare in Australia'. The item was broadcast on the ABC news when the Minister for Health and Native Affairs, Dr Noble was reported as telling the state parliament that 'care of the Aboriginal population was passing from the realm of State responsibility and becoming a National problem'.<sup>83</sup> As publicity about poor living conditions in Aboriginal communities was spreading, pressure on limited state finances, especially in Queensland and Western Australia was the stimulus for Noble's public comment. Publicity about the criticisms of the assimilation policy voiced at the 1962 Federal Council for Aboriginal Advancement meeting drew further attention to the gap between government policy as implemented and the views Aboriginal people expressed about what they wanted.<sup>84</sup>

The Premier of Queensland in his request for funding support suggested:

I would be prepared to support any constitutional amendments which handed over the care of our coloured people to your Government. Should no constitutional change be necessary, we would be prepared to make our entire administrative machinery, or any part of it, available to you or, if you preferred it, to maintain our Department as an agent for your Government, in whole or in part.<sup>85</sup>

At the same time Hugh Gilchrist was still asking exasperatedly:

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<sup>80</sup> Ibid.

<sup>81</sup> Australian High Commission, 20 October, 1961, Series A1838/2, File 557/1 part 2, Australian Archives, Canberra.

<sup>82</sup> 'Publicity on Australian Aborigines', Series A1838, File No. 557/1, Pt. 2, Australian Archives, Canberra.

<sup>83</sup> Council for Aboriginal Rights MS 12913, Box 11/9, Letter to Shirley Andrews from Ian Spalding which included material quoted from the ABC news of 16 November, 1961, 24 November, 1961.

<sup>84</sup> See for example J. Inglis, 1962.

<sup>85</sup> Cited in submission by H. Gilchrist to the Acting Secretary, External Affairs, 29 August, 1961, Series A1838, File 557/1, part 2, Australian Archives, Canberra.

In particular: can we now reasonably ask Territories for an up-to-date paper on official Commonwealth policy 'in the round' re assimilation? In there a philosophical justification and analysis of the assimilation policy? (In a Roy Milne lecture or some such document.) If there isn't we should ask Territories for it, and for comment on the distinction (if any) between assimilation and integration, since our posts must have a clear idea of what it is that they are supposed to be defending.<sup>86</sup>

## Conclusion

The senior staff in the Department of External Affairs will, because of the nature of their work and the requirement that they have an up-to-date understanding of issues being debated overseas, have a clearer overview than most of ideas, attitudes and trends in thinking as they affect international relations. The records of the department during this time certainly show a developing interest in Aboriginal issues. In the 1960s the position of Aboriginal people in Australia was increasingly scrutinised. The death of Albert Namatjira in 1959 was given high press coverage in Australian newspapers and though the quality of public debate was poor— emotional, sensational and uncritical when it came to assumptions about race — by the 1960s there was evidence that the world was watching what was happening in Australia. The role of the United Nations in the establishment of charters to safeguard freedoms was significant as was the developing recognition that colonialist thinking and the ideal of the British Empire were being questioned. The Liberal Country Party government which had been led by R. G. Menzies for thirteen years showed no signs of questioning these ideas. For Paul Hasluck, the Minister for Territories, the ideal was of one Australia based on the British legacy into which Aboriginal people would learn to assimilate. In introducing the Electoral Bill in May 1962, Hasluck was at his most lyrical in praise of this ideal:

The great feature of this bill and its true meaning— indeed its inspiring meaning— is that we are moving closer towards the ideal of one people that must be treasured by all of us ... It has been our ideal that we should be not a nation with divisions of race or class, or a nation of different levels, but that we should be one people, with one destiny, working together to serve one national good.<sup>87</sup>

Across the Tasman, however, the passage of the bill was seen differently. The *Greymouth Evening Star* had these comments to make:

There can be little doubt that the legislation is an important step which will prove beneficial for many Aborigines. But we cannot help feeling that it is something of a hollow gesture, a sop to all those with the genuine welfare of the Aborigines at heart ... What is really needed in Australia is a wholesale change of heart.<sup>88</sup>

The editorial points out that treatment of and assistance for Aboriginal people differed from state to state. While the passage of the Electoral Bill was of some assistance for External Affairs, the essential problem remained: there was no national policy, the Commonwealth did not have clear power to create uniform legislation, the States' legislation varied according to official state definition of what the term 'Aboriginal' meant. While activists were working for social justice and human rights, the bureaucrats in External Affairs were

<sup>86</sup> Gilchrist to Peters, 28 April, 1962, Series A1838, File 557/1, Australian Archives, Canberra.

<sup>87</sup> Australia, House of Representatives, 1962-63, *Commonwealth Parliamentary Debates*, vol. 35, p. 1770.

<sup>88</sup> *Greymouth Evening Star*, editorial 4 May, 1962.

motivated more by realpolitik and the need to strengthen weak points in the diplomatic armour. Meanwhile, the impetus was gathering for a referendum which would give power to the Commonwealth to legislate for Aboriginal people thus accepting a national responsibility which until this time had been avoided.

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