Most modern histories relate the child removal policy as being the most destructive influence on Aboriginal society. Less debated is the gulf that grew between traditional or 'tribal' people classed as Wards, and those of mixed race who were granted citizenship in the Northern Territory after 1936. The divided histories in the NT lasted until the passing of the Social Welfare Ordinance in 1964.

Aboriginal people of Darwin: Urban Larrakia people

By Dr Bill Day
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Introduction

The early history of race relations in Darwin has been summarised by Mansfield (2006:Para 241-372), Cummings (1990), Wells (2001) and others. Each of these histories document government policies of social engineering that have led to separate histories for sections of the Aboriginal population. Undoubtedly the disruption to Aboriginal families by government policies was the cause of Mr Justice Mansfield's finding that the oral evidence from witnesses in the Larrakia native title case disclosed 'a level of generality of knowledge which is not consistent with the acquisition of knowledge in accordance with the traditional laws and customs of the Larrakia people' (Mansfield 2006:Para 13). Not surprisingly, the judge concluded that the evidence from Larrakia witnesses did not show the passing on of knowledge of the traditional laws and customs from generation to generation during much of the 20th century.

In his judgement, Mansfield (2006:Para 12) took into account 'the effects of the attempted assimilation of Aboriginal people into the European community and the consequences of the implementation of those attempts and other government policies (however one might judge their correctness)'. He concluded that these policies led to 'the reduction of the Larrakia population, the dispersal of many Larrakia people from the claim area, and to a significant breakdown in Larrakia people's observance and acknowledgement of traditional laws and customs' (*ibid*).

Describing the remarkable 'revival' of the Larrakia people, Mansfield (2006:Para 15) commented:

> The present laws and customs of the Larrakia people reflect a sincere and intense desire to re-establish those traditional laws and customs adapted to the modern context. They are the consequence of significant efforts on the part of many to achieve that result. It is an entirely proper objective. It is apparent that the process is enriching the lives of the Larrakia people, and of the Darwin community. That, however, is not a sufficient factual foundation for making a determination of native title rights and interests in this proceeding.

Removal of children

According to Barbara Cummings (1990:9), under the Aboriginals Ordinance of 1911, Aborigines and part-Aborigines were grouped together for administrative and legal purposes and the Chief Protector was made legal guardian of every Aboriginal person regardless of age and of all part-Aboriginal children until they

were eighteen. The ordinance added 'notwithstanding that any such child has a parent or other relative living' (Mansfield 2006:Para 241).

Wells (2001:22) describes how police and were empowered to remove Aboriginal people found within town boundaries. Mansfield (2006:Para 259) adds that a policy of containment led to the establishment of the Kahlin Compound in 1912, including a 'Half-caste Home' [sic] where pursuant to the Aborigines Act, Aboriginal children of mixed descent were removed from their mothers and separated from other residents by a fence. By 1917, the 'whole of the town and neighbourhood of Darwin', except for the compound, was declared a 'prohibited area' under the Aborigines Act, making it an offence for an Aboriginal or mixed descent person to be anywhere but in the compound between sunset and sunrise without a permit (Mansfield 2006:Para 260; Cummings 1990:19; Wells 2001:22-23).

The removal of children continued apace. Barbara Cummings (1990:17) cites a 1912 Administrator's Report which states: 'In some cases, when the child is very young, it must of necessity be accompanied by its mother, but in other cases, even though it may seem cruel to separate the mother and child, it is better to do so, when the mother is living, as is usually the case, in a native camp.' Spencer's policy was consolidated when Dr C Cook was appointed Chief Protector in 1927. Cook's 'Half-caste Policy' was one of assimilation, whereby it was intended 'to elevate the half-caste's standard of living to that of the white' (Mansfield 2006:Para 272).

In 1928 an inquiry by J W Bleakley emphasised the rescuing of 'half-caste' children from the influence of the 'native camps', noting that it was essential that the former group be kept separate from 'full-blood' Aboriginal people (Wells 2001:13). Bleakley also suggested the handing over of 'the half-caste problem' to the missions for training and care (Cummings 1990:14). Cummings notes that in 1928 the Half-Caste Home had 76 inmates, including 64 children (Cummings 1990:20).

The 'Half Caste Association'

According to Cummings (1990:27), in early 1936 an organisation named the 'Northern Territory Half-Caste Association' with William Ah Mat as secretary began to lobby governments to 'secure full citizenship rights for the half-castes of the Northern Territory'. Following this agitation, amendments the Aboriginals Act were gazetted in March 1936, exempting 'certain part-Aborigines' from the provisions of the Ordinance (Cummings 1990:27). However, European men who married 'half-caste' women had to request permission to marry (*ibid*).

Mansfield (2006:Para 355) notes that the 'Half-caste Association' was formed in Darwin in 1935 'by people of mixed descent'. Mansfield adds:

> Dr Wells gave evidence that it was an association to promote the interests of people of mixed descent, rather than of Aboriginal people of full descent. Mr Hughston SC suggested in cross-

> examination, and Dr Wells agreed, that the members of this association wished to be treated differently from Aboriginal people of full-descent. As Dr Wells wrote in her report, they were 'seeking freedom from the Aborigines Act which would give them such rights as being able to control their own affairs and destinies.'

A 'New Deal' for Aborigines was begun in 1939, abandoning the policy of protection in favour of assimilation (Cummings 1990:39). Under the New Deal, Aboriginal people remained categorised as 'fully detribalised', 'semi-detribalised', Aborigines in their native state, and 'half-castes' (Cummings 1990:40). The policy also distinguished 'two classes of half-caste in the Northern Territory' – those born in wedlock of half-caste parents, and those born of an Aboriginal mother and non-Aboriginal father'. The policy allowed the former usually to be cared for by their parents and the latter were the responsibility of the Administration (Cummings 1990:42).

Joe McGinness (1991:24) tells how he took part with 'other coloureds in demonstrations and marches to highlight our plight'. One member of a delegation with McGinness was Robert Shepherd, a Larrakia war veteran. As a result of their activism, on 3 April 1936 the Aboriginal Ordinance was amended to grant exemptions to the restrictions on 'half-castes' (McGinness 1991:25). Aboriginal people desiring exemptions from the act were now required to file an application with the Chief Protector, Dr Cecil E A Cook. This certificate of exemption had to be produced upon request from the police and those who were refused an exemption were unable to get child endowment or baby bonus (Toulson 1995:npn). Sheila Clarke also notes, 'A lot of people got out of it by saying they were other nationalities such as Filipino or Malaysian.' Similarly, Scambary (2007:153) writes, 'Stigmatised by their Aboriginality in the white town of Darwin, many Larrakia came to expediently identify as being of Asian descent, and to deny publicly their indigeneity.'

During World War II, the majority of Larrakia people of mixed descent who were evacuated to southern states just prior to the air raids on Darwin remained away from Darwin for several years, mainly in South Australian and New South Wales (Wells 2001:31). It was not until 1946 that Aboriginal people of mixed descent were able to return to Darwin (*ibid*). After some exemptions were granted the society lapsed but reformed after the war, 'with the attainment of full citizenship rights as our main objective' (McGinness 1991:63).

In a review of Sheila Clarke's book of short stories (Clarke 1991), Toulson (1995) describes how Sheila was a founding committee member of the Half-caste Progress Association which was formed with the purpose of pursuing full citizenship rights for people of mixed descent (Muir 2004:95). Mansfield (2006:Para 356) notes: 'In 1951, a second association, the "Half-caste Progressive Association" [sic], was formed with the purpose of pursuing full citizenship rights for people of mixed descent.' The efforts of the Progress Association were finally rewarded when 'half-castes' were awarded full citizenship and associated rights by changes to the definition of 'Aboriginal' and 'part-Aboriginal' people in the new Welfare Ordinance 1953

(NT). By publishing her book of short stories, Sheila says she is determined Australians 'should not forget the injustices imposed on Territory Aborigines in those shameful years after the war' (Toulson 1995:npn).

In his autobiography, Joe McGinness (1991:59-60) lists the six points that were used by authorities to define an Aboriginal, including 'a half-caste who lives with an Aboriginal native as wife or husband', and 'a half-caste who, otherwise than as the wife or husband of such an Aboriginal native, habitually lives or associates with such Aboriginal natives'.

As a member of the 'Half-Castes' Association in Darwin, Joe McGinness's brother, Jack McGinness, addressed the All Australian Trade Union Congress in Melbourne in September, 1951. A transcript of his historic speech is reproduced below (McGinness 1991:61-64):

> Mr President, Fellow Delegates –
> I propose to divide my address on the Aboriginal question into two portions;
> (1) The demand for full citizenship rights for part Aborigines.
> (2) The Aborigines, their right to survival as a race, their right to be treated as human beings and not as outcasts form the human family.
> I will deal with the question of full citizenship rights apart from the Aborigines, because the approach and the solution to full citizenship rights is different to the full-blooded Aborigines as a whole. We, the part-Aborigines, have an unjust ordinance imposed on us that is against the wishes of the people living in the Territory. These changes meant that people of mixed descent were able to obtain citizenship, whilst Aboriginal people of full descent became Wards of the State. People of mixed descent had to abide by regulations in the Aboriginal Ordinance which meant that they were unable to legally mix with Aboriginal people of full descent, including their relatives [end of quote].

The path to equality

After the passing of the NT Welfare Ordinance, 1953, to be identified as an Aborigine meant becoming a Ward of the State and placed under the paternal rule of the Director of Welfare, Harry Giese. In May 1957, an extensive census of the Aboriginal people of full descent in the Northern Territory was published, known as the 'Register of Wards' with 1354 Aboriginal people of full descent recorded as residing in the Darwin region. Of this number, 38 people were recorded as being members of the Larrakia tribe (Mansfield 2006:Para 359).

While 'half-castes' were to experience assimilation with a semblance of equality or to be raised in mission homes well away from their parents (Day 1994a:3; Cummings 1991:93), by dividing Northern Territory Aborigines into Wards and citizens under the Welfare Ordinance the government succeeded in slowing political activism in Darwin. It was not until 1961 that the protest movement was resurrected by the NT Council for Aboriginal Rights (NTCAR), a Darwin-based group which led a campaign for citizenship and

equality (Bandler 1989:16). Noticeably, NTCAR was composed almost exclusively of those Aboriginal men and women defined as Wards.

Changes came in 1964 with the repeal of the 1953 Welfare Act and the passing of the Social Welfare Ordinance, abolishing the concept of protective wardship for the majority of the Territory's 18,000 'full-blood' Aborigines (Cummings 1991:129). As Cummings points out, it was not until the Whitlam Government in 1974 that bureaucracy was deprived of its power to define Aboriginality (Cummings 1991:130).

Sam Wells (2001:26) makes the point, 'One striking thing about the stories in the [*Saltwater People*] book is the number of Larrakia people and their ancestors who were affected by the child removal policies of the time'. However, there were exceptions. Wells (2001:172) notes that at a time when many Aboriginal women were having their mixed descent children removed from them and placed in the Kahlin Compound or Half-caste Home, Dedja Batcho was fortunate to keep her children with her. Wells (2001:131) also tells of other parents like Ruby Ababa who kept in contact with their children in the compound until they were removed to island missions (see Bowditch 1986:4).

The late Vi Stanton told Kevin Gilbert (1977:11):

> My mother was in the compound, huge wire fence, concentration camp fence and the tribal people, old tribal women would come up to the fence and call the little children over. When the children came over they would hold their little hands through the wire and tell them who they were, who their mothers were, where they'd come from, what their skin was, what their totem and dreaming was.

Although children of Larrakia parents were better able than many to keep in contact because Darwin was their country, others like Ash Dargan (Jansen 2000:15) completely lost touch with family. Dargan recalls, 'The first thing my mother said to me when I called her was "Do you know you are Aboriginal?" My adoptive parents had told me about my Chinese blood but not that. It blew my whole world. I sold everything I had and moved to Darwin and went to see my grandmother, who is a full-blooded elder with the Larrakia. That's where my attraction to the real world began' (Jansen 2000:15).

Conclusion

Most modern histories relate the child removal policy as being the most destructive influence on Aboriginal society. Less debated is the gulf that grew between traditional or 'tribal' people classed as Wards, and those of mixed race who were granted citizenship in the Northern Territory after 1936. The divided histories in the NT lasted until the passing of the Social Welfare Ordinance in 1964. It was during the intervening years that legislation and policies discouraged those with citizenship rights from identifying as Aboriginal, and this situation changed little until 1974. Meanwhile a unique 'coloured' culture and lifestyle developed in communities like the 'Police Paddock' in Darwin, described in Clarke (1991), Cubillo-Carter (2000), Wells (2001:116), Muir (2004:90-96); Corfield (2010:13), Scambary (2007:154), Bauman (2006:28-31) and on the

Darwin sports fields (Roberts and Raymond 1997), whose video, 'Buffalo Legends', eloquently discusses many of the above issues.

The division between Wards and citizens is noticeable in counts given of the Larrakia population in the early 1970s, when the Aboriginal Land Rights Commissioner reported, 'I was told that there are some 18 members of the [Larrakia] tribe now left. Later information suggests that fewer than this number can trace paternal descent from the Larrakia, but there are more who identify themselves as Larrakia because of maternal links' (Woodward 1973:26). Ten years later the number identifying as Larrakia had risen to over 1,500.

As someone who has witnessed the dramatic revival of the Larrakia, the writer observed the divisions discussed in this chapter, which to a certain extent still remain (see Day 1972:9, reprinted in Day 2008: Appendix 2). For example, family groups identifying as Larrakia still live in the semi-segregated communities of Kulaluk, Knuckeys Lagoon and Bagot. However, the division today is not one of 'colour'. Even in 1973, Topsy Secretary made it clear that Larrakia living in camps accepted their children of mixed race as 'full blood Larrakia' (Brandl *et al* 1983). Instead, the evidence shows that in 2012 there remain families of 'traditional' people in Darwin who have little or no connection to 'urban Larrakia' families and Larrakia representative organisations.

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