Too white to be regarded as Aborigines: An historical analysis of policies for the protection of Aborigines and the assimilation of Aborigines of mixed descent, and the role of Chief Protectors of Aborigines in the formulation and implementation of those policies, in Western Australia from 1898 to 1940

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Conclusion

AUSTRALIA’S COLOURED MINORITY REVISITED

Don’t get the idea I want to encourage inter-marriage between us and the aborigines—that’s not it at all. I want the coloureds to get the same chance as ourselves and if they intermarry with us it won’t matter.

I have tried to show how the coloureds should be treated to make them acceptable as a people not so very unlike us in many ways. Of course as they are now no one wants to mix with them—or very few—but the time will come when they will merge into the whites and be no longer a people apart as now. The aborigines, that is the full bloods, will either die out or reach a higher state of civilisation very like our own.

My book deals with the descendants of the aborigines, i.e. the coloured folk.

Letter from A.O. Neville to daughter Anne, 17 September 1947.¹

It has been argued in this thesis that even though as Chief Protector of Aborigines and subsequently as Commissioner for Native Affairs, A.O. Neville and his predecessors, Henry Prinsep and Charles Gale, exercised considerable power and authority over the lives of Aboriginal people in Western Australia, public policy and, in particular, the allocation of public resources for Aborigines were not decided at their dictate. Neville, in particular, was not the policy demagogue that writers such as Biskup, Haebich, Anderson, McGregor and Sir Ronald Wilson might suggest. Policy was controlled and shaped by multiple players and influences within the political, economic, social, and intellectual milieu in which he functioned. Those policies also had an historical context with embedded precedents which were built upon as each initiative for the treatment of Aborigines was endorsed by political procedures. Because policy for Aborigines was electorally sensitive, it also was exposed to circumstantial opportunism. New initiatives were endorsed by successive executive governments only when they judged it was electorally safe for them to act.

Neville came to the role of Chief Protector with little knowledge of Aborigines and even less enthusiasm. He was appointed for his acknowledged administrative competence. Policy was

¹ J.S. Battye Library, Western Australia, A.O. Neville Collection, Acc, 4691 A/3, Correspondence, C. Stiffield, Department of Native Affairs, to A.O. Neville, 17 August 1950 to 4 March 1953. Only this fragment of Neville’s letter to his daughter is included in the collection.
not intended to be his concern; that belonged to his minister. Neville’s task was to give administrative order to programs initiated by Charles Gale, namely, to ensure that Moola Bulla Native Cattle Station succeeded in reducing the incidence of cattle killing in the East Kimberley by containing tribal Aborigines; to set up the Carrolup River Native Settlement so that the half-caste presence might be removed from towns along the Great Southern Railway Line; and to better manage the distribution of rations, blankets and clothing among indigent Aborigines across the state. These things occupied the first phase of Neville’s tenure from 1915 to 1920 and he succeeded. He also emerged as an important source of policy advice, but he could only advise. He understood the policy process and the power structures of government and put forward only those recommendations he thought might be accepted by the responsible minister and the Cabinet of the day. Even then he had to wait eighteen years for legislative reforms he first recommended in 1919 to be agreed to by Parliament, to be proclaimed and to commence, by which time Neville was in the twilight of his career.²

As a public servant honest to the conventions of public administration then prevailing, Neville did what relevant law required and, with few exceptions, what the law allowed. He may have preferred to do otherwise, as he exposed in *Australia’s Coloured Minority*, or at the Initial

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² The *Aborigines Act Amendment Act 1936* passed all stages of Parliament on 10 December 1936, was assented to on 11 December 1936, but did not commence until December 1937.
Conference of Commonwealth and State Authorities, but as Chief Protector of Aborigines he administered his department and ministered to the needs of Aborigines to the extent allowed by statute, responsive to political will and within the limits of the public resources allocated by governments from time to time. They never were adequate:

I remember the time when the dining tables at one institution having become insanitary, (sic) I sought for timber to replace them. This was refused because of the cost, but nice white timber was then being supplied for coffins. It was of the type suitable for table tops, and I instructed that there should be a substitution of one for the other. I often wondered if the apparent increase in burials was noted by the holders of the privy purse! To such subterfuges we were sometimes reduced. All these things which go towards the sum of the impossible conditions under which we had always to work. 3

The damage to many Aboriginal people caused by government programs pursuant to principles embedded in the Aborigines Act 1905 and its successor the Native Administration Act 1936 was enduring and irreparable. Aborigines already were a damaged people before the first of those laws was enacted. In the north of the state some survived in their customary manner—bush blacks or myalls avoiding contact with white pastoralists, pursuing their nomadic traditions, cossetting their cultural values, and protecting themselves from white interference by retreating to inaccessible reserves north of the Leopold Ranges or to inhospitable country that offered no financial return for white pastoralists who might otherwise have partitioned it. Even many of those living on the native cattle stations at Moola Bulla and Munja retained their cultural identity, only occasionally approaching the settlements for beef and medical attention. Some, especially the relatively small number of half-castes, preferred the predictability of station life. Full bloods who adapted to living and working on cattle and stations in the East and West Kimberley and on sheep stations in the Pilbara observed native custom during their wet season pinkeye. For most of the year they lived in villeinage, camped beside the wood heap within hearing distance of the station homestead, bound to their land by tradition, but bound also to station owners or managers for their tucker. They surrendered custom for beef, flour, sugar, tea and tobacco and the patronage of the station overseer. They were regarded as useful, but only for as long as they were deferential to the boss and their cheap labour sustained the pastoral economy.

In the south Aborigines were dispossessed of their land, alienated from their traditional culture and unwelcome in the European which displaced their own. They were British subjects without rights of citizenship, and therefore without political significance, an anomic group not entrusted with power even over their own lives. Public opinion at the turn of the twentieth century assumed the demise of the distinctive full blooded Aboriginal race was inevitable. In large

3 A.O. Neville, Australia’s Coloured Minority, p.85.
tracts of country, particularly in the South-West region, whole tribes of traditional Aborigines already had died out and those who remained elsewhere lived at the fringe. Family groups and clans were transformed by three generations of cross-cultural breeding. The white community rejected and feared mixed-race Aborigines for their supposed iniquity. The solution devised by public officials, notably the first two Chief Protectors of Aborigines, Henry Prinsep and Charles Gale, was to remove half-castes to reserves, native settlements, or missions where they might be watched over and be out of public sight and out of public mind.

The only hope entertained in that policy was that half-caste and quarter-caste children, separated and segregated from their parents and extended families, might be trained and educated to take a subordinate economic place as adults in the mainstream community, a useful but not competitive unskilled agricultural and domestic workforce. Under provisions of the *Aborigines Act 1905*, the Chief Protector of Aborigines had legal power to remove any Aboriginal or half-caste child under the age of sixteen from home and family to be detained in an Aboriginal institution for ‘care, custody and education’.

That was the policy inherited by A.O. Neville when he reluctantly accepted the mantle of Chief Protector. He acknowledged the process of removing half-caste children from their families was cruel, commenting ‘we try to avoid it, but no doubt for the future of the race it is a necessity’.4 The consequences for the future of the race were profound. Children lost their families, their Aboriginal heritage and their identities, and mothers lost their children. Aboriginal peoples were subjected to the will of the dominant white majority.

Policies of child removal and state wardship were consistent with attitudes then prevailing about the treatment of orphans, bastards, and destitute or neglected children. There were parallels between the *Aborigines Act 1905*, the *Bastardy Laws Act 1875*, and the *State Children Act 1907*. Because of a commonly agreed proposition that they had been conceived though illicit unions of degenerate Aboriginal women and amoral non-Aboriginal men, most half-castes were regarded as bastards and were treated as such both socially and in public process. There were, however, significant differences among the treatment of illegitimate and neglected half-caste, and illegitimate and neglected white children. The latter seized under bastardy laws or the *State Children Act*, and their parents, had protections of due process. Just cause had to be demonstrated to the satisfaction of a Children’s Court. Parents had rights of appeal, statutory rights of access, and legal rights to apply to a Children’s Court for the return of their children. The powers of the Chief Protector were constrained only by the authority of his Minister. Orders under section 12 of the Act for the apprehension and detention of Aboriginal children could be issued only on the signature of the Minister. Once issued the warrants were legal and binding and once executed the

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4 Moseley Royal Commission, Transcript of Evidence, A.O. Neville, 14 March 1934, p.120.
guardianship of the Chief Protector was to the exclusion of all other rights of parents. Aborigines had no rights of redress; theirs was only to submit passively or hazard prosecution and imprisonment for disobedience. The discretion to recommend removal ‘in the best interests of the child’ reposed with Neville. Consequently, history has judged him, in too many respects perhaps unfairly, as responsible for many of the unintended and unanticipated consequences of the programs he administered.

The Policy Process

It is hazardous to attribute the origin of public policy in democratic systems to the writings of single philosophers or scholars or even of schools of thought. Policy formulation usually is a much more complicated and complex process than the mere conversion of ideas from political philosophy to public policy, from policy to program, and from public program to operational procedure. In liberal democracies public policy does not derive from discrete or unalloyed political philosophies or social theories, nor is it decided by individuals acting alone. It usually represents compromises of competing beliefs and values. Similarly, even though individuals such as ministers of state or designated public officers might be accountable for policy and practice and might occasionally claim personal credit, how policy is implemented or applied, the manner of translating policy from theory to practice, seldom is determined by them alone. Competing interests within pluralistic societies intrude at every stage of the process either to frustrate or modify their intent.

Political experience demonstrates that the more pluralistic the society a policy is intended to serve the greater is the diversity and variance of values within it. In that context, public policy tends to reflect negotiated agreements or various combinations and permutations of ideas and values. Hence, to say that policy for Aborigines in Western Australia in the first half of the twentieth century was derived from evolutionary theories or prognostications about eugenics derived originally from writings of the likes of Charles Darwin, Herbert Spencer or Francis Galton ignores political realities. They may have had some influence, but if so, it would have been more tangential than direct. Such theories were dynamic elements of intellectual endeavour and academic dialogue in Britain and elsewhere at the relevant time. They helped give direction to beliefs then emerging about man and his place in the cosmos, or at more mundane levels, reaffirmed British opinions about themselves and the ‘savages’ of the territories they colonised.

The influence of political philosophy is not in its direct manifestation as policy and practice, but rather through its capacity to shape the values by which societies define themselves. Particular philosophies are discernible in public policy not because they have irrefutable intrinsic
merit, but because they conveniently reaffirm prevailing beliefs of a society about itself. That is not surprising since popular philosophy and public attitudes derive from common intellectual traditions. They give eloquent voice to communal prejudices. Philosophies compatible with or complementary to those prejudices are manifested in public policy. If Darwin’s or Galton’s theories are read and understood as reaffirming beliefs that white Australians, in the early colonial period transplanted Englishmen, had about themselves or Aborigines at a given time, then they are useful in elucidating policies prevailing at the time. It must be acknowledged, however, that such theories and prognostications were only one of the many influences, some of them contraposed, that shaped communal opinion and public action.

Public policy is not static, resistant to change, immutable in its operation and unresponsive to emerging social conditions or altered circumstances. It is fluid and adaptable, at best responsive to need and always receptive to circumstances. Even its legislative articulation is subject to interpretation and sometimes given narrower or a more liberal meanings than might have been intended by those who legislated it. Just as public policy is not formulated by individuals acting alone, so too does it not belong to single individuals. It exists in a public domain and its meaning is hostage to the foibles and fallibilities of individual and collective intellects, value judgements and prejudices.

Public policy for Aborigines taken up by governments during Neville’s tenure responded, albeit slowly and inadequately, to the evolving nature of the Aboriginal population. Two propositions were constant in Neville’s schema. The first was that Aboriginal tradition, culture and custom were doomed to extinction, and with it the full-blooded Indigenous population would diminish, but the race itself, rather than being in terminal decline was changing and ultimately it would be absorbed into the mainstream culture. The second was that before Aborigines could be assimilated they had to be raised through education and training to economic and social acceptability to Australians of European stock.

Critics of Neville’s policies castigate these propositions as his justification of what they called ‘tutored assimilation ‘biological absorption ‘constructive miscegenation’, or even in the estimation of the Human Rights and Equal Opportunity Commission of 1997, ‘genocide’. Some of the information considered here might be construed to give credence to their position. For example, Neville might have appeared ambivalent about the proposition advanced by Dr Bryan in his submission to the Moseley Royal Commission, namely, that a deliberate program should be pursued to breed out the Aboriginal physiognomy. Neville, however, was never convinced that

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atavism was not possible in the crossing of Aborigines and Europeans and was privately cautious about the feasibility of Bryan’s proposition. He certainly could not have persuaded successive ministers or a majority of members of the several executive governments he served that policies directed toward ‘biological absorption’, or ‘constructive miscegenation’, or ‘genocide’ could be politically or morally acceptable. Successive Cabinets prevaricated over seemingly uncomplicated decisions such as to re-open the Carrolup Native Settlement, not because they disagreed with reasons advanced in Neville’s submissions or advocated by others in public petitions, but merely because they were unwilling to hazard the political opprobrium of making the decision. Neville could only wait. It took him ten years, he said, to bring Carrolup to ‘a state of usefulness’, but the Mitchell Ministry closed it on Aldrich’s advice in a matter of weeks:

It took me another ten years to restore it—that is, to get a decision to re-establish it—owing to political considerations! A generation lost the use of that place in consequence—twenty years out of the lives of the natives in that area lost to their children.6

Policies which might have entertained ethically profound, and therefore publicly divisive propositions such as controlling the breeding of Aboriginal people to select against skin colour or with a genocidal intent of extinguishing the race were never placed on the agenda for Cabinet consideration. They contradicted prevailing moral values and were therefore politically unacceptable. Even if Neville were intellectually attracted to any such propositions, public programs to achieve them were ethically unacceptable within the social and political milieu in which he functioned. Neville did not pursue public or covert programs to those ends. He did, however, settle on an expectation that, ultimately, Aborigines would be absorbed into the mainstream community. Whether that might also mean ultimately the Aboriginal colour would breed out would be demonstrated only by the effluxion of time. Neville was not prepared to suggest how long.

The Destiny of the Aboriginal Race

For purposes of public policy, Aborigines were legal artefacts created by legislation directed towards managing the lives of a group of people whom the British Imperial Government and later state governments believed should be protected. In 1886, under Imperial Statute, they included ‘every Aboriginal Native of Australia, and every half-caste child and child of a half-caste,

such half-caste or child habitually associating and living with Aboriginals.⁷ Those half-castes and their children who did not live with and as Aborigines were excluded, except where a Justice or Justices decided otherwise for the purposes of the 1886 Act.

Under the Aborigines Act 1905, Aborigines included ‘every aboriginal inhabitant of Australia’, presumably Indigenous people of the full blood. Half-castes were ‘the offspring of an aboriginal mother and other than an aboriginal father’.⁸ The law distinguished between Aborigines and half-castes, but specified conditions—half-castes living in conjugal relationships with Aborigines, half-castes habituating with Aborigines, and half-caste children who were younger than sixteen years—by which some half-castes born of Aboriginal parents on either side might be deemed to be Aborigines. Half-castes not so deemed under those provisions were, at law, not Aborigines. Exempt Aborigines ceased to be Aborigines as defined.⁹ In short, under the terms of the Aborigines Act 1905, not all people of Aboriginal descent, or Aborigines in fact, were Aborigines at law.

After 1936, there were neither Aborigines nor half-castes at law. The nomenclature changed. The full blood descendants of the Indigenous inhabitants of Australia and, subject to statutory exceptions, ‘any person of less than full blood who is descended from the original inhabitants of Australia, or from their full blood descendants’ no longer were ‘Aborigines’, but were ‘natives’. The exceptions included quadroons over the age of twenty-one and quadroons under the age of twenty-one who did not live in the manner of natives. However, a Magistrate could order that quadroons who were not natives as defined, be natives for purposes of the Act. Hence, quarter-caste children who lived at The Children’s Cottage Home, Queen’s Park, and similar native institutions, were natives, but others living elsewhere and not in the manner of natives were not.

The mischief caused by the successive legislative attempts to redefine who was an Aborigine has been considered in this thesis. Here it is sufficient to note that at no time during A.O. Neville’s administration of the Aborigines Department and the Department of Native Affairs did the law embrace all Aborigines or all descendants of Aborigines. Aborigines of the full blood and some half-castes were subject to Neville’s authority, but until 1936, quarter-castes were not. After 1936, the legal status of quarter-castes was as confused as the status of half-castes had been after 1905. So too was the status of Aborigines granted certificates of exemption.

The justification for denying Aborigines the common law freedoms and privileges of subjects of the British Crown—a status conferred upon them by Governor Stirling’s

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⁷ The Aborigines Protection Act 1886, s. 45.
⁸ Aborigines Act 1905, s. 2.
⁹ ibid, s. 3 (Persons deemed to be Aborigines) and section 63 (Power for the Minister to exempt certain Aborigines and half-castes from the Act).
Conclusion

Proclamation shortly after their territory was occupied and never revoked—lay, perversely, in the rule of conduct preferred by the British Parliament to:

Secure to the natives the due observance of justice and the protection of their rights, promote the spread of civilisation amongst them, and lead them to the peaceful and voluntary reception of the Christian religion.\textsuperscript{10}

Protecting the rights of Aborigines meant denying them their individual will otherwise guaranteed by the laws of England; civilising meant imposing upon them British manners and custom; and leading them ‘to the peaceful and voluntary reception of the Christian religion’, obligated them to repudiate of the worth of their own. In successive legislative stages from 1886 to 1936 the individual will of Aborigines was substituted by the will of their guardian, the Chief Protector. The ‘absolute rights of man’ enunciated by Blackstone came to mean in the case of Aborigines the absolute rights of the Chief Protector.\textsuperscript{11} In so far as they were ‘created and devised by human laws for the purposes of law and government’, Aborigines had a legal status equivalent to ‘artificial persons’.\textsuperscript{12}

Half-castes represented a conundrum. Because they had appurtenances of Aboriginality, they were classed at law as Aborigines, equated with savages and denied civilised privileges. They were half black and the law required that they be protected as savages. They also were half white and British conscience supposed them to be capable of better. Neville’s peers, and he, believed they might be redeemed. With appropriate education and training removed from Aboriginal influences they might rise above their black antecedents to levels of acceptability within their European heritage. If ‘coloured persons’ were educated and trained to comply with the manners and customs of the mainstream, the rights and privileges as British subjects denied them because of their Aboriginality might be reinstated. The policy preoccupation during Neville’s administration of the Aborigines Department after 1926 when guardianship of Aborigines across Western Australia was returned to him, and the Department of Native Affairs after 1936, was not the ultimate fate of full blooded Aborigines, but rather how to resolve the problem of the half-castes, the people whom Neville preferred to call ‘the coloured folk’ or ‘Australia’s coloured minority’.

Neville was ambivalent about the destiny of full blooded Aboriginal peoples. Even

\textsuperscript{10} Report from the Select Committee on Aborigines, 1837, ‘Address of the House of Commons to the King’, July 1834. p.5.

\textsuperscript{11} ‘The absolute rights of man, considered as a free agent, endowed with discernment to know good from evil, and the power of choosing those measures which appear to him to be most desirable, are usually summed up in one general appellation, and denominated the natural liberty of mankind. This natural liberty consists in a power properly of acting as one thinks fit, without any restraint or control, unless by the law of nature: being a right inherent in us by birth, and one of the gifts of God to man at his creation, when he endued him with the faculty of free will.” William Blackstone, Commentaries on the Laws of England, Book the First (1765), Lonang Institute, 2005, (Copyright), p.76.

\textsuperscript{12} ibid, pp.75-76.
though after 1917 he collated and published numerical evidence that their race was no longer in rapid decline and after 1936 that the numbers of full bloods appeared to be recovering, and even though he several times denied their race was in terminal decline, he believed that traditional Aboriginal life and culture were doomed. Australia’s Indigenous peoples ultimately might not be extinguished, but Neville proposed that deleterious aspects of their culture, if left undisturbed, assured the demise of their traditional and distinctive identity: ‘they are, in fact, being decimated by their own tribal practices. In my opinion, no matter what we do, they will die out.‘

Elsewhere, Neville explained the demise of full bloods in the South-West of the State as being due to, ‘what I should like to call a concatenation of circumstances, a linking together of cause and effect’. Aborigines, he presumed, were never a prolific race. Before British colonisation they appear to have maintained what might be described as homeostatic relationships with their natural environments. In good seasons and in times of plenty they reproduced and their numbers increased, but at times of periodic drought or under adverse seasonal conditions when traditional watering places dried up and their natural food sources were decimated, they diminished. In a stable symbiotic relationship of man and environment, tribal practices of subincision, circumcision and infibulation, polygamy and promised marriage, abortion and infanticide might have contributed to population homeostasis. After colonisation when tribal watering places and traditional hunting and gathering grounds were excised and the traditional owners were hunted off or summarily executed, and when hundreds of Aborigines succumbed to introduced diseases like influenza and measles, customary marriage and childbearing practices that controlled fertility guaranteed that the decimated population would not recover. Neville was confident, however, that the fecundity of the derivative race, the half-castes, assured not only their survival, but also their proliferation. The challenge was to redeem their life chances so that they might be acceptable to and, ultimately, able to take an approved place in mainstream Western Australian society.

The tension between the ideational intent and the operational fact of the expectation that the lives of half-castes were redeemable, the abstract proposition and its concrete realisation, was exposed in the treatment of Aborigines exempted from the Aborigines Act 1905 and the Aborigines Act Amendment Act 1936 under Section 63. Neville believed such exemption should confer the same rights and privileges as enjoyed by white men, and the same responsibilities of conduct within the community. Legal opinion was of a different mind. Crown Law advised that while the purpose of exemption was to release natives from the obligations, restrictions and disabilities in

13 Aboriginal Welfare, Initial Conference of Commonwealth and State Aboriginal Authorities, Neville in General Discussion, p.16.
relation to natives imposed by the Act, the granting of exemption did not impart benefits which other laws provided should not be enjoyed by natives. For as long as they showed evidence of Aboriginal descent they were treated as Aborigines according to other relevant laws. Exempt Aborigines were not enfranchised, for example. Exemption related only to the particular Act. Aborigines might not be natives for the purposes of the Aborigines Act 1905 or the Native Administration Act 1936, but they remained Aborigines for the purposes of other Acts.

Legal anomalies relating to exemption persisted under the Aborigines Act and, subsequently, the Native Administration Act. It was an offence under those Acts for persons other than Aborigines to cohabit with Aboriginal women, but not for exempt Aborigines. They were not Aborigines at law, but were regarded as Aborigines in fact and might enjoy conjugal rights of their Aboriginality. Neither were they entirely free from the authority of the Commissioner. Their exemption could be rescinded at his decision at any time. Whether they continued to enjoy exemption rested with their conduct according to the expectations of the white community. If exempt Aborigines cohabited with Aborigines at law, they hazarded rescission of their exemption, a penalty for conduct otherwise deemed lawful.

Part of the problem of the half-castes was that they occupied a nether space, neither black nor white, and not fully acceptable to either. The widely held, but largely indefensible perception of half-castes, affirmed in official records, in Parliamentary debates and in relevant law, was that they were products of iniquity, the bastard offspring of low order white males and dissolute Aboriginal women, ‘an eyesore and a comparative menace to the present generation, and constitute a graver menace to our children & their children through breeding, under certain circumstances, less pigmented children’. They were outcasts, neither black nor white and set apart from both, and imputed with the worst characteristics of their European and Aboriginal progenitors. Neville reflected that common perception in his evidence to Royal Commissioner Moseley when he described the half-castes of the South-West as ‘a nameless, unclassified outcast race, increasing in numbers but decreasing in vitality and stamina, and largely unemployable’, a group of people who had ‘abandoned all the good found in the tribal culture of their ancestors, except when they choose to use it as a means to an end’.

Their apparent offence was that they had European heritage, but had not taken on European values. They lived as Aborigines, but without the disciplines of Aboriginal culture.

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15 State Records Office, Native Affairs, Acc 993, Item 593/1938, folio 17, Solicitor General's comments on proposed amendments to the Act, 15 September 1938.
17 Daisy M. Bates, ‘Our Aborigines, Can They Be Preserved?’ The Register, 14 May 1927.
However, they inherited ‘the blood of a Gladstone, a Shakespeare, or a Kitchener’, and the state and Commonwealth Aboriginal authorities at the Conference held at Canberra in 1937 accordingly agreed that half-castes, or at least what they saw as the better elements of them, namely, those equipped with education and vocational skills, should be merged with the general community: the ultimate destiny of ‘the natives of aboriginal origin, but not of the full blood’ lay in their absorption by the people of the Commonwealth.

Neville endorsed that resolution. Indeed, the qualifying phrase, ‘but not of the full blood’, was inserted at his request to find ‘a term that will apply to people of mixed blood’. By his admission he was late in coming to that position. Even though after he assumed responsibility for establishing the Carrolup River Native Settlement in 1915 he had advocated consistently that half-caste children should be educated and trained to take a useful place in the socio-economic order, he previously had not articulated the notion that they might be raised to equality with the white population. His early expectation was that Aborigines would not compete with whites in the economic system, but would remain at the levels of unskilled agricultural labourers or domestic servants, hewers of wood and drawers of water.

The proposition that half-castes might be raised to the standards of whites ‘with a view to their absorption by the white race’, was given official enunciation and endorsed as public policy, first in the Northern Territory by J.W. Bleakely. It subsequently was taken up on the recommendation of R.W. Cilento in Queensland. Neville arrived at the same conclusion some time later:

I must confess that it was only after many years of first-hand experience that I was able to come to a decision in the matter, and to express at Canberra the view that ultimately the natives must be absorbed into the white population of Australia.

The notion of absorption agreed to was one of gradualist assimilation. Four classes of Aborigines, categorised according to hierarchical levels in a progression toward European acculturation, were acknowledged in the deliberations of conference delegates. Coloured people who, presumably by biological inheritance had acquired intellectual and behavioural traits of their European forebears, occupied the highest level. They were ready to be trained and absorbed into the mainstream community. Next were the detribalised natives living near centres of white settlement. They showed some progress toward mainstream values and exhibited some proclivity

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Conclusion

towards education and employment, but only at lower levels of the socio-economic order. Over time they or their descendants might achieve the same level as coloureds and eventually progress toward the mainstream. Semi-civilised natives at the third level of that social developmental hierarchy demonstrated some capability for menial employment in mining, farming, pastoral or fishing occupations, but required benevolent supervision through employment, health and social services. Those not employed should live, as near as possible in their traditional manner, on small local reserves situated with consideration for tribal integrity. Employed, but semi-civilised natives might retreat to the reserves between seasonal employments.

At the lowest order were the ‘uncivilised nomads’. The conference agreed these people had to be protected and the best way to do so was to quarantine them on secure reserves where whites were excluded. There they might live in their accustomed manner, but under ‘benevolent supervision’ of white authority empowered to ‘enforce the inviolability of the reservations’ while maintaining ‘friendly contact and affording medical and other relief’. The hope was that over time even the most traditional Aborigines would be acculturated toward the European, accepting European values and acquiring European manners of living, working and worshiping, ‘the inevitable change to the settled life’. Alternatively, they might die out.

Those four categories of progression towards the acquisition of European manners and customs reflected, in part, three precepts about the nature of race imported with colonists from Britain and reaffirmed by colonial experience. The first was that there was an hierarchy of races, with Europeans paramount and Australian Aborigines lowermost. Second, that there was inherited worth among individuals, the most valued and of highest social standing being also the most virtuous, and the lowest types lacking virtue or moral restraint. White people of lowest order were thought to overlap the standing of Aborigines of the highest order. Third, that even the lowest in society, regardless of colour, might be redeemed through education: the redemption of dark-skinned people might take longer, however.

The resolutions agreed to at the Canberra Conference about the destiny of the Aboriginal race and the supervision of the full blood natives were founded upon a proposition that Aborigines must change or be changed. Those full-blooded Aborigines who chose to live in their accustomed manner on inviolable reserves might be protected, but they could not be preserved. Their traditional culture could not withstand the encroachment of the industrial society and if Aborigines were unable or unwilling to adapt, they, like their culture, were doomed. If those people ‘of aboriginal origin, but not of the full blood’ were not to remain as and continue to be treated as outcasts, partly in and partly out of the mainstream, they must learn to live as whites.

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25 ibid.
‘Too White to be Regarded as Aborigines’

That did not mean changing the colour of the Aboriginal skin from black to white, but rather that they must abandon the culture of their forbears and take on the manners and customs of the white. Half-castes, or at least their children, must adapt to white codes of conduct even if that meant, in Neville’s terms, ‘our coloured folk must be helped in spite of themselves’.26

**Australia’s Coloured Minority Revisited**

When A.O. Neville wrote *Australia’s Coloured Minority* in 1944, four years after he had retired, he intended it not as a retrospective account of government policies and programs for the treatment of Aborigines in Western Australia during his term of administration, but rather as prospective view of what might be possible if the States were to transfer responsibility for Aboriginal Affairs to the central government so that a properly resourced national program might be pursued. He was critical of what had been done and the opportunities lost under colonial and state administration in the previous 150 years and characterised the outcomes in terms of suppression and estrangement of the Aboriginal people:

Our native people, though never slaves in the same sense as were the American Negroes, are in many respects much less emancipated, in that, unlike the negro, today they cannot enjoy all the things we enjoy; they are still a people apart. Even when legally free to do as they please, there are reasons why they cannot at present.27

Neville’s treatise is a confused and confusing text open to multiple interpretations. Although not written as a personal memoir of his term as Chief Protector and Commissioner it drew upon personal experience and offered private observations of attitudes towards of Aborigines in government programs and public opinion to advance an argument for their assimilation into the community. Much of the content is unavoidably autobiographical and exposes Neville’s multiform personality. At one level he was the senior public officer loyal to Westminster traditions of public administration, who exercised unrivalled statutory authority over the lives of persons caught by the *Aborigines Act* and the *Native Administration Act*, but who never exercised unfettered power. His actions were subject always to the approval of the successive

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26 ‘Our Coloured Folk’, (By A.O.N.), *West Australian*, April 19 1930, p.10. A.P. Elkin in his Introduction to *Australia’s Coloured Minority* offered some insight into what that might mean:

This means enforcing through the same channels as in the case of our own white folk, decent housing, cleanliness, regular school attendance in our schools (as at Alice Springs, for example), orderly behaviour and voting. At the same time, it means opening to them the door of opportunity through higher education, through training for professions (teaching, nursing, and other), through membership of trade unions (wherever that is barred), and in recreation and Church-life.

executive governments he served. He might advise, but his advice was never binding. ‘Such matters’, he wrote with retrospective candour:

are influenced by the effect its acceptance might have upon public finances, the good name of the Government or State and its people. Whether such and such would be good policy—from our point of view, mind you—whether a thing has been right as to the effect it might have upon the native people has, alas! not always been a deciding factor.\textsuperscript{28}

The second persona was the Chief Protector of Aborigines, efficient and dispassionate in executing his duty and applying the law, but conscious that whites and blacks were treated unequally; ‘white will not willingly condemn white in his relations with black’.\textsuperscript{29} The third was the private man who could not resolve satisfactorily the question of whether the success of assimilation meant that ‘we must encourage approach to the white rather than the black through marriage’, that is, breed out the colour, or that ‘the coloured man’ should be ‘assisted to live beside us on a social plane similar to us in many ways’.\textsuperscript{30} In \textit{Australia’s Coloured Minority} Neville argued both positions as though they were not mutually exclusive, but rather were interdependent. He was persuaded that prejudice against the coloureds, people of mixed racial descent, was the main impediment to assimilation and that preserving racial purity was essential if assimilation were eventually to succeed. If intolerance of racial impurity was a major impediment to Aborigines achieving social equality, then coloureds must be eliminated. Blacks might eventually be acceptable, and might ultimately be treated equally, but in Neville’s estimation, that was not possible for the coloureds. If equality were not possible, then social acceptance must be the alternative.

The key to the acceptance of Aborigines of mixed descent was to regard them as whites. In the past, he said, little had been done for them principally because they were racially impure:

Let us forget for a moment that they are of native origin and regard them as poor whites, and you will at once appreciate how small is your measure of effort towards them, how hopeless these methods are in solving their difficulties—indeed, in some respects they are only adding to them.\textsuperscript{31}

In Neville’s paradigm social acceptability was not the same as social equality. For him, social equality implied ‘admitting the coloured man to all those things enjoyed by ourselves’.\textsuperscript{32}

\textsuperscript{28} \textit{ibid}, p.24.
\textsuperscript{29} \textit{ibid}, p.50.
\textsuperscript{30} \textit{ibid}, p.68 and p. 74, respectively.
\textsuperscript{31} \textit{ibid}, p.34.
\textsuperscript{32} \textit{ibid}, p.69.
Aborigines, certainly in the first instance those with the palest hues of Aboriginal colour such as those he selected for his experiment at the Children’s Cottage Home Queen’s Park, those at least two generations removed from their Aboriginal ancestry, might achieve social parity, but, as far as Neville was concerned, social equality for Aborigines was a distant aspiration. He was not optimistic that in immediate post-war Western Australia, ‘there could be found any Australian at present prepared to admit as his social equal a person of aboriginal ancestry and, at the same time, grant to him every right and facility which under the law he himself enjoys’. Neither, Neville claimed, did the coloured people want it. Colour played too great a part in the scheme of things.

Assimilation was the goal, but Neville did not explain what he meant by the term. Three years after he published *Australia’s Coloured Minority*, when addressing the Anthropological Society of Victoria, he defined ‘assimilation or absorption’, using the terms interchangeably; ‘By assimilation is meant the complete social and cultural fusion of the lesser into the greater, therefore tending as the years go by the ultimate disappearance in this case, of the coloured people’. Time, he said, was needed because progress would be gradual. Even though he used ‘assimilation’ and ‘absorption’ interchangeably, the concept of absorption as applied to coloured people as against Aborigines, that is, people of full-blooded Indigenous descent, extended beyond social and cultural fusion toward their eventual biological fusion. Over time, the coloureds would disappear. If possible, the racial purity of full-bloods was to be preserved even if their culture was not.

Neville’s mutually dependent propositions that the Aboriginal physiognomy would breed out over successive generations of crossing with the white—‘the children would be lighter than the mother, and later if they married whites and had children these would be lighter still, and that in the third and fourth generation no sign of native origin whatever will be apparent’—and that atavism was an unlikely probability if there had been no Asian or Negro contamination of the Aboriginal strain, were fundamental to the plan he propounded in *Australia’s Coloured Minority* for the future of the race. Marriage was of paramount importance. Apart from its conventional function in procreation, it served three purposes. Avoiding marriage between Aborigines and Asians or Negroes minimised the possibility of genetic contamination which imprinted the Aboriginal physiognomy and made it more difficult to breed out the Aboriginal racial strain. Discouraging marriage of lighter to darker hued Aborigines prevented reversion to the black. Encouraging marriage of Aborigines and whites hastened the process of absorption; ‘we must

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33 *ibid*, p.69.
encourage approach towards the white rather than the black through marriage\(^\text{36}\). Marriage between half-castes and whites was especially desirable because, 'like the half-empty glass the coloured people are already half-empty, and more in many cases, of aboriginal blood'.\(^\text{37}\)

That plan could succeed in the short term only if marriage of Aborigines could be regulated. Neville's experience over twenty-five years as Chief Protector and Commissioner demonstrated it could not. Under the terms of 1905 Act, non-Aboriginal males could not marry Aboriginal females without his permission. Confusion about who was an Aborigine for the purposes of the Act made it difficult for him to prevent the marriage of lighter and darker skinned Aborigines and he would not interfere with Aboriginal practice in marrying according to tribal law. After 1936 it was unlawful for authorised persons to celebrate marriages to which he as Commissioner objected, subject to aggrieved parties having right of appeal to a magistrate. Some missioners refused to comply with the law and marriages not entirely in accordance with the approved form continued to be celebrated. Neville’s lawful authority was constrained:

In the course of his official life a Public Servant is occasionally warned off the grass, so to speak, and given more or less direct hints to proceed in certain directions, however reasonable it might seem for him to do so in the interests of his duty or charges. In my early years of administration it was ‘hands off the missions’.\(^\text{38}\)

Even if political direction were not given, relationships between missioners and the Anti-Slavery Society and Aborigines’ Protection Society in London and similar bodies such as the Australian Aborigines’ Amelioration Association in Australia, made governments cautious. Western Australian authorities were reluctant to offend Britain and blemish the state’s international reputation.

Aborigines also had little regard for Neville’s authority over whom they might take as conjugal partners. Christian marriage and marriage according to state law held little thrall for other than those who embraced Christianity or who were acculturated to European traditions. The majority of unions outside the strictures of Aboriginal custom were not legalised according to state law and most of the offspring were born ex-nuptial.

The combined weight of circumstances might suggest that assimilation through regulating marriage was a remote possibility. Neville acknowledged that. A national plan of the sort he advocated also was rendered difficult by differences among entrenched policies of the independent states. Queensland, for example, discouraged inter-racial marriage. Neville’s

\(^\text{36}\) \textit{ibid}, p.74.
\(^\text{37}\) \textit{ibid}, p.55.
\(^\text{38}\) \textit{ibid}, p.98.
proposal did not anticipate that assimilation would be achieved in the short term, in a single
generation or even several. The hiatus might extend over two centuries of social transformation.\footnote{ibid, p.42.} The first objective was to raise the social status of Aborigines:

But even if complete social acceptance is denied the coloured man who has been
enabled to reach parity with us in all things else, there is nevertheless no reason
why he and his kind should not be assisted to live beside us on a social plane
similar to ours in every way.\footnote{ibid, p.74.}

The rest might follow. Once Aborigines achieved social acceptance, intermarriage might also
become acceptable; ‘then we shall be none the worse for it. That will solve our problem of
itself’.\footnote{ibid, p.57.} Neville did not intimate a staged progression from Aboriginal advancement to social
acceptance and then to assimilation defined as biological absorption of black by white
Australians. The last was the ultimate destiny of the Aboriginal race, but the progression might be
both generational and concurrent:

Assimilation might be achieved without parity, but parity is necessary if
assimilation is to be successful. For a time, if we do the job properly, there will be
two races pursuing a similar way of life side by side until a common degree of
culture is attained. That must be the precedent to real assimilation.\footnote{ibid, p.57.}

Circumstances differed among individuals, families and groups and across different geographic
locations. Neville expected some to be assimilated sooner than others:

In Western Australia we have full blooded aborigines, half-castes from de-
tribalized blacks and half-castes producing their own children. In the south of the
State we are approaching the stage where half-castes will be able to be assimilated.
It will be perhaps 25 years before the same stage is reached in the middle north
and 50 years in the far north. In any case there is no reason why we should not
adopt a long-sighted policy.\footnote{Aboriginal Welfare, Initial Conference of Commonwealth and State Aboriginal Authorities, Neville on conditions in Western Australia, p.11.}

In 1930 when the half-caste population of the state was estimated to be about 3,000,
Neville calculated that ‘three hundred or so,’ about one-in-ten, lived in a manner more or less
conforming to white standards. The majority, he said, lived in the manner of their Aboriginal
forebears and ‘more often than not have fallen away from grace and become degenerate in deed,
their last state being worse than their first’. In 1944 when he wrote *Australia’s Coloured Minority* Neville was mindful that, ‘The position, in some vital respects, is not much better today than it was fifty years ago’. Aborigines in general had not attained social or economic parity with other than the poorest whites. The purpose of his treatise was to suggest an alternative future:

I know there are people who will not agree with me. It may be that even some of the coloured people themselves will not concur in all that I have said, but nevertheless my conclusions result from half a lifetime’s labour and experience amongst the natives and those whose duty it is to care for them, and therefore, unless I am grievously mistaken, should at least provide some food for thought.

Food for thought it certainly did provide and of disagreement there has been a surfeit, but it was never intended as an apology. It did not attempt to explain or vindicate policies or programs of the past. Rather, it proposed an alternative, and manifestly contentious, way forward. Neville drew upon the past to explain the present and to suggest different directions for the future. To use *Australia’s Coloured Minority* to explain history is to misappropriate that intention.

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46 *ibid*, p.42.
Articles and Book Chapters


Charlton, Alan: ‘Conceptualising Aboriginality; Reading A.O. Neville’s *Australia’s Coloured Minority*, *Australian Aboriginal Studies*, 2001-2, pp.47-60.


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Neville, A.O., ‘Relations between settlers and aborigines in Western Australia’, read before the Western Australian Historical Society, 26 June 1936, typescript, Battye Library.


Pinker, Steven, ‘The Blank Slate, the Noble Savage, and the Ghost in the Machine’, The Tanner Lectures on Human Values, delivered at Yale University, April 20 and 21 1999.


‘Too White to be Regarded as Aborigines’


**Biographies**


‘Too White to be Regarded as Aborigines’


Nannup, Laurel, *A Story to Tell*, University of Western Australia Press, Crawley, 2006.


Tjalaminu Mia, *Ngulak Ngarnk Nidja Boodj: Our Mother, This Land*, Centre for Indigenous History and the Arts, University of Western Australia, Crawley, 2000.


**Books and Reports**

*After the Removal: A Submission by the Aboriginal Legal Service of Western Australia (Inc) to the National Inquiry into Separation of Aboriginal and Torres Strait Islander Children from their Families*, Aboriginal Legal Service, Perth, 1996.

*Telling Our Story: A Report by the Aboriginal Legal Service of Western Australia (Inc) on the removal of Aboriginal children from their families in Western Australia*, Aboriginal Legal Service, Perth, 1995.


Beresford, Quentin and Paul Omaji, *Rites of Passage*, Fremantle Arts Centre Press, Fremantle, 1996.


‘Too White to be Regarded as Aborigines’


Choo, Christine and Shawn Hollbach (eds), *History and Native Title*, Studies in Western Australian History, 23, Centre for Western Australian History, University of Western Australia, 2003.


‘Too White to be Regarded as Aborigines’


Haebich, Anna, *For Their Own Good*, University of Western Australia Press, Nedlands, 1988.


Bibliography


Milroy, Jill, John Host, and Tom Stannage, (eds), *Wordal, Studies in Western Australian History*, Centre for Western Australian History, University of Western Australia, 2001.


Moore, George Fletcher, *Diary of Ten Years of an Early Settler in Western Australia*, (1884), University of Western Australia Press, Nedlands, facsimile edition, 1978.

Morgan, Sally, Tjalaminu Mia and Blaze Kwaymullina (eds), *Speaking From the Heart, Stories of Life Family and Country*, Fremantle Arts Centre Press, Fremantle, 2007.
‘Too White to be Regarded as Aborigines’


Reilly, J.T., *Reminiscences of Fifty Years in Western Australia*, Sands and McDougall Ltd, Perth 1901.


Stannage, C.T. (ed.), *A New History of Western Australia*, University of Western Australia Press, Nedlands, 1981.


United Aborigines’ Mission, *The First Ten Years at Mt Margaret, W.A., As Given in a letter, Following a Visit to Mt Margaret by Mr Robert Powell Secretary in W.A. of the China Inland Mission and extracts from Prayer Letters, Written during the Years by Mr R. S. Schenk*, edited by H.P. Smith, Keswick Book Depot Melbourne, 1933.
‘Too White to be Regarded as Aborigines’


Whittington, Vera, *Sister Kate*, University of Western Australia Press, Nedlands, 1999.


**Official Records**


*Report from the Select Committee on Aborigines (British Settlements) Together with Minutes of Evidence*, ordered by the House of Commons to be printed, 5 August 1836.
Report from the Select Committee on Aborigines (British Settlements) Together with the Minutes of Evidence, Appendix and Index, ordered by the House of Commons to be printed, 26 June 1837.

Copies of Extracts from Despatches from the Governors of the Australian Colonies, with Reports of the Protectors of Aborigines, and any other Correspondence to illustrate the condition of the Aborigine Population (Papers ordered by the House of Commons to be printed, 12 August, 1839, no.256), Colonial Office Downing Street, 9 August 1844.

Instructions to and Reports from the Resident Magistrate Despatched by Direction of His Excellency on Special Duty to the Murchison and Gascoyne, presented to the Legislative Council by His Excellency’s Command, Perth, 1882.

Papers Respecting the Treatment of Aborigine Natives in Western Australia presented in the Legislative Council by His Majesty’s Command, Perth, 1886.

Correspondence Relating to the Proposed Abolition of the Aborigines Protection Board of Western Australia, HMSO, London, 1897.


Official Record of the Debates of the Australasian Federal Convention, Adelaide, 22 March to 5 May 1897, South Australia, Government Printer, Adelaide, 1897.


Aboriginal Welfare, Initial Conference of Commonwealth and State Aboriginal Authorities held at Canberra, 21-23 April 1937, National Archives of Australia, Canberra, Series A 52/3, Item 572/99429/912.


State Records Office, Perth, files 1890-1940, Department of Indigenous Affairs (Colonial Secretary’s Department; Department of Aborigines; Chief Secretary’s Department; Department of the North-West; Department of Native Affairs), Accession numbers 255, 652, 653, 752, 993, 1326, 1497 and 1733.

Parliamentary Debates of Western Australia (Hansard)

The Aborigines Protection Act 1886, no.XXV. Parliamentary Debates, August 19, 1886.
'Too White to be Regarded as Aborigines'

Parliamentary Debates, Legislative Council, 30 November 1905.  
Parliamentary Debates, Legislative Assembly, 12-13 December 1905.

*Aborigines Amendment Bill 1911*, no.42 of 1911.  
Parliamentary Debates, Legislative Council, 8 November 1910.  
Parliamentary Debates, Legislative Council, 31 January 1911.  
Parliamentary Debates, Legislative Assembly, 3 February 1911.

*A Bill for an Act to amend Aborigines Act 1905*  
Parliamentary Debates, Legislative Assembly, 10-12 December 1929.

*Aborigines Amendment Act, 1936*, no.43 of 1936.  
Parliamentary Debates, Legislative Council, 20 October—3 December 1936.

*Motion: Native Administration Act. To Disallow Regulations.*  
Parliamentary Debates, Legislative Council, 22 October—30 November 1938.

*Motion: Native Affairs. To Inquire by Royal Commission.*  
Parliamentary Debates, Legislative Council, 29 November 1938.

*Native Administration Act 1941*, no.4 of 1941.  
Parliamentary Debates, Legislative Assembly, 26-28 August 1941.  
Parliamentary Debates, Legislative Council, 10 September 1941.

**Royal Commision Reports**


*Royal Commission to Inquire into the Treatment of Natives by the Canning Exploration Party*, Charles F. Gale, Chairman, January 15, 1908.


Select Committee Reports

*Report from the Select Committee on Aborigines (British Settlements)* with the minutes of Evidence, Appendix and Index, House of Commons, London, 5 August 1836 and 26 June 1837.

*Report of the Select Committee of the Legislative Council Relative to Aboriginal Natives*, ordered by the Council to be printed, Monday, 7 August 1871.


Private Papers and Unpublished Theses

A.O. Neville papers held in the Berndt Museum, Department of Anthropology, The University of Western Australia and the Battye Library, Perth.


Charlton, Alan, *A.O. Neville, the Destiny of the Race and Race Thinking in the 1930s*, thesis presented for the degree of Doctor of Philosophy of Murdoch University, 2002.

Clutterbuck, Kate, (Sister Kate) (1860-1946), papers held at the Battye Library, Perth.


Nanni, Giordano, *The Colonisation of Time*, thesis submitted in total fulfilment of the requirements of the degree of Doctor of Philosophy, History Department, University of Melbourne, February 2006.
Too White to be Regarded as Aborigines

Stanton, J.E., Conflict, Change and Stability in a Small Aboriginal Community, thesis presented for the degree of Doctor of Philosophy, The University of Western Australia, 1985.


Toose, Sandra, Train Him For Work: A Study of Aboriginal Education Policy in Western Australia—1829-1960, thesis presented in fulfilment of the requirements for degree of Bachelor of Education (Hons), The University of Western Australia 1993.

Newspapers

Western Mail
West Australian
Daily News
Sunday Times
Smiths Weekly

Oral Histories and Interviews


Franks, Arnold, Interviews with Derrick Tomlinson, September-December 2006, transcripts held by the author.


George, Kate, Interview with Rachael Mazza, Message Stick, ABC Radio, broadcast 12 March 2004.


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Neville, J, Interview with Anna Haebich, 1981, Battye Library MN1488.


