The 20th century was a century of social change. World war and continuing industrialisation, in particular, highlighted the inequalities that existed around the world. The Holocaust was such an extreme example of discrimination and persecution that the horror of this event prompted many individuals around the world to stand up and demand freedom and equal rights for all. The United Nations formed out of the ashes of World War II and the Universal Declaration of Human Rights was adopted.

In Australia, an Aboriginal rights movement emerged from the 1930s and celebrated major victories in the 1960s, as Aboriginal people achieved equal citizenship and were entitled to vote in federal elections for the first time. This milestone coincided with similar achievements for African Americans. The 1960s also marked the beginning of a concerted attempt to achieve land rights for Aboriginal people. Some decades later, a new campaign called for an official apology for the Stolen Generations of Aboriginal children who were forcibly removed from their families by government authorities.

### Key inquiry questions

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Aboriginal Australians have lived in Australia for at least 40,000 years. The arrival of Europeans in 1788 resulted in significant changes to traditional Aboriginal customs and ways of life. Until 1901, colonial governments and communities formally and informally discriminated against Aboriginal people. Federation in 1901 made the exclusion of Aboriginal people even more pronounced. By 1938—the 150th anniversary of the settlement of Australia by the British—an organised Aboriginal rights movement had been established. The civil rights movement in the United States proved influential for Indigenous activists in the 1960s. By the 1990s, the reconciliation movement was in full swing, culminating in a national walk for reconciliation in 2000. But it would not be until the Rudd Government in 2008 that the formal apology the Stolen Generations sought would finally be delivered.

1938
Australia's sesquicentenary (150th anniversary) celebrated around Australia. Aboriginal leaders in Melbourne and Sydney hold "Day of Mourning" events and call for citizenship rights.

1948

1961
American Freedom Riders travel on racially mixed buses in the southern United States to challenge segregation laws.

1963
Martin Luther King delivers his "I have a dream" speech during the March on Washington.

1965
Australia's Freedom Riders discover de facto segregation throughout country NSW while touring the regions on a 'fact finding' mission.

Source 3.1 A timeline of some key events in civil and Indigenous rights.

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1972
Aboriginal Tent Embassy established on the lawns of Parliament House in response to the McMahon Government's refusal to accept native title.

1992
The High Court overturns terra nullius and acknowledges native title in historical Mabo ruling, and Prime Minister Paul Keating's Redfern Address includes frank admissions about the removal of Aboriginal children from their families.

1994
The Howard Government abolishes ATSIC.

1997
The Bringing them Home report is tabled in Parliament. The report includes thousands of testimonies from members of the Stolen Generations.

1990
The Aboriginal and Torres Strait Islander Commission (ATSIC) formally established as the key representative body responsible for the implementation of self-determination policies.

2000
Prime Minister Kevin Rudd issues a formal apology to the Stolen Generations.

1975
The Whitlam Government returns 3300 square kilometres of land to the Gurindji people—a beginning to land rights for Aboriginal people in Australia.

2000
Massive numbers join walks for reconciliation across Australia.

[Image of Prime Minister Gough Whitlam pouring tea into Aboriginal man Vincent Lingiari's hand in a symbolic gesture.]

[Image of Crossing the Sydney Harbour Bridge during the reconciliation march.]
How have Indigenous peoples in Australia struggled for rights and freedoms?

When British explorers and settlers arrived on the east coast of Australia in the 18th century, they did not understand the Indigenous population. The British failed to negotiate treaties. They looked for signs of permanent residence, and could find none. They looked for evidence of farming, and could find none. As a result they established their settlements and took little account of any rights the Indigenous Australians might be entitled to.

It was New South Wales Governor Sir Richard Bourke in 1835 who established the concept of *terra nullius*, a Latin term that literally translates as 'nobody's land'. While the British recognised the existence of Indigenous Australians, they did not recognise Indigenous occupation or use of the land. Bourke's proclamation meant that Indigenous Australians were not legally able to sell or acquire land. This became the basis of Australian law until 1992.
The **terra nullius** ruling placed Aboriginal and Torres Strait Islander peoples at a legal disadvantage that also translated into other aspects of life. By the time Australians celebrated 150 years of British settlement, in 1938, Indigenous Australians were commemorating a "Day of Mourning" (see Source 3.2). It was difficult for them to point to any positive outcomes from British settlement. It was only after Australia's championing of the Universal Declaration of Human Rights in 1948 that attention gradually turned towards the situation and status of Aboriginal and Torres Strait Islander peoples.

The period since World War II has seen the initial struggle for and gradual acceptance of civil rights for Indigenous Australians. Legal doctrines such as *terra nullius* were challenged and overturned, and recognition was given to the suffering of the Stolen Generation, highlighted in 2008 by a formal apology from the federal government.

**Universal Declaration of Human Rights**

Millions of people were massacred during World War II. Many millions more never saw their families or homes again as a result of the destruction. During the war, many world leaders began developing an ambitious, global response to these atrocities. The commitment to form the United Nations, a "world government" of sorts that could set new parameters and international laws to protect people, came quickly after the war was over (see Source 3.3).

**Australia's role**

There was enthusiasm to begin the work of codifying human rights. Leaders of emerging powers, including Australia's Attorney-General, Herbert 'Doc' Evatt (see Source 3.4), convinced traditional powers such as Britain and France that the General Assembly must be seen to lead on human rights. The world could not afford another catastrophe like World War II. Evatt was General Secretary of the United Nations in 1948 and 1949, during which time he led the drafting of the Universal Declaration of Human Rights. This landmark document has 30 articles and has informed many international and national treaties and covenants (agreements) relating to rights. Most significantly, the declaration held that human rights are inalienable—that is, they cannot be taken away from any of us.
Evatt was ably supported by many other leaders including Eleanor Roosevelt, a US delegate and the widow of former US President Franklin D. Roosevelt. Eleanor Roosevelt’s ratification speech to the United Nations General Assembly on 2 December 1948 impressed upon the world the need for action. Eight days later, the Universal Declaration of Human Rights was ratified by the United Nations General Assembly.

The start of civil rights

Many argue that the declaration set the scene for the civil rights struggles that would occur around the world in the coming decades. Germany was a developed economy with a functioning democracy before World War I, and yet, in less than a generation, it had become a fascist dictatorship where only certain people were welcome. The fear was that unless assertive action was taken in other places around the world, based on an acceptance of the rights enshrined in the declaration, the same ethnic cleansing could occur again.

The Australian context

The developments in Australia from the 1960s can be seen as related to this wider context. Although Australia, on the international stage, played a key role in arguing for the declaration through Evatt and others, at home, the White Australia policy was still shaping Australia’s development. There was only minimal recognition of the rights of Aboriginal and Torres Strait Islanders. The acceptance of the rights contained in the Universal Declaration gave great encouragement to not only Indigenous Australians (see Source 3.6), but many other peoples whose access to basic human rights had been denied through war, conquest and colonisation.

Check your learning

1. Why was it agreed a Universal Declaration of Human Rights was needed?
2. Who was General Secretary of the United Nations when the declaration was developed?
3. Who spoke in support of the declaration on 2 December 1948?
4. Which policy did Australia maintain that was against the spirit of the declaration?
Background to the struggle for Indigenous rights

The policies of Australian colonial and state governments in the late 19th and early 20th centuries compounded the negative effects of the ongoing European settlement since 1788. For Aboriginal people, the expanding colonial frontiers continued to thwart their attempts to maintain traditional ways of life. They experienced high numbers of premature deaths through causes such as violence and disease. By the time of Federation, European settlement dominated most of the continent.

Aboriginal and Torres Strait Islander cultures were not officially recognised, and public policy was dominated by ideas of segregation and assimilation, both of which assumed that to be Aboriginal was to be inferior.

Aboriginal Protection Boards were established to “manage” Aboriginal populations before Federation and maintained by state governments after Federation—removing children became the core work of these boards. The new Commonwealth took no responsibility for the wellbeing of this significant minority. Chief Protectors were appointed to watch over the Aboriginal people in each state and “smooth the dying pillow”—that is, take care of a “dying race” of people.

Aboriginal reserves and missions were established by governments and religious organisations across Australia to support the assimilation policy (see Source 3.7). But most agree that the real reason for these missions was segregation—to keep blacks away from white society.

For many Aboriginal and Torres Strait Islander peoples these institutions meant separation from families and communities, isolation and loss of culture, identity and control.

The situation at Federation

When the colonies federated, Aboriginal and Torres Strait Islander peoples remained politically and legally marginalised. Many of the rights extended to the citizens of this new nation were denied to the original inhabitants. A number of Acts passed by the new Commonwealth parliament specifically excluded them. They were not entitled to vote in federal elections unless previously registered to vote in their state. They did not receive the basic wage and they were not eligible for aged and invalid pensions. Travel restrictions were often applied, they were excluded from military training, and Aboriginal mothers did not receive the baby bonus that was given to non-Indigenous mothers. When a census was held, Aborigines were not counted.

Western Australian Senator Alexander Matheson was one of the strongest opponents of Aboriginal people being given the right to vote (see Source 3.8).

After Federation, state governments and religious organisations continued to dominate Aboriginal policy. The new Commonwealth took no responsibility for the wellbeing of this significant minority. The common trend to assimilation undermined work by authorities in each state; however, insufficient resources meant that often work was simply neglected. Assimilation did guide two key areas of work—the Christian missions and the removal of mixed-race Aboriginal children.

Source 3.7 Aboriginal children at the Catholic Little Flower Mission in Arlanga, Northern Territory, c. 1946

Source 3.8

We must take steps to prevent any Aboriginal from acquiring the right to vote. Surely it is absolutely repugnant to the greater number of the people of the Commonwealth that an Aboriginal man or Aboriginal loba or gin [woman]—a horrible, degraded, dirty creature—should have the same rights that we have decided to give to our wives and daughters ... The honourable gentleman fails to recognise that we have taken this country from the blacks, and made it a white man's country, and intend to keep it a white man's country, so that there is no earthly use in the honourable gentleman saying that 100 years ago this was a black man's country ... We are aware of the fact that it is very regrettable, and the only consolation we have is that they are gradually dying out.

Western Australian Senator Alexander Matheson, Commonwealth Parliamentary Debates, Senate, 22 May, 1901

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**Controlled by colour**

The ‘assimilation policy’ was officially adopted at the Aboriginal Welfare Conference of Commonwealth and State Authorities in 1937. Aboriginal people of mixed race were to be assimilated into white society whether they wanted to be or not. This was a new form of control. If these people were not going to simply ‘die out’ then all efforts should be directed to ensuring that mixed-race Aborigines, in particular, could be integrated (see Sources 3.9 and 3.10). The removal of Aboriginal children continued and new powers were given to ‘Welfare’ officials to judge whether children were ‘progressing’.

**Source 3.9**

_The destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption … with a view to their taking their place in the white community on an equal footing with the whites._

From a conference paper from the Aboriginal Welfare Conference of Commonwealth and State Authorities in 1937

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**THREE GENERATIONS**

(Reading from Right to Left)

2. Quadroon Daughter—(Father Australian born of Scottish parents; Mother No. 1).
3. Octavoon Grandson—(Father Australian; of Irish descent; Mother No. 2).

New government resources were targeted towards changing the ways that Aboriginal people lived. Traditional camps were demolished and additional assistance was given to missions to ‘do the job’. Jackson’s Track in Gippsland, Victoria, was a dry, sawmill settlement occupied by many Aboriginal families—including the family of Lionel Rose, Australia’s first boxing world champion.

Daryl Tonkin, who married an Aboriginal woman and settled at Jackson’s Track, recalls the idyllic life of those living there in his book _Jackson’s Track_. However, from the 1940s, government and church officials began putting pressure on the Aboriginal elders to move their families to somewhere more ‘civilised’. ‘Welfare’ would visit frequently, and in 1961 the community was dismantled (see Sources 3.11 and 3.12).

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**Source 3.10** This illustration from A O Neville’s 1947 book, Australia’s Coloured Minority shows how he believed the “Aboriginal blood” could be bred out

**Source 3.11** Two dwellings at Jackson’s Track, Victoria c. 1947-1960.

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Source 3.12

It wasn’t long before people at the Track found out what the authorities had decided to do. The church people came around to all the camps and explained how they had the welfare of the blackfellas in mind and that they truly felt this was the best thing for them. They said the good people of the church had worked together to build some housing for the blackfellas and that in one week a truck would be out to fetch them.

Extract from Jackson’s Track by Daryl Tonkin, page 254

Tonkin explains a few pages later that the promised ‘houses’ were actually tents and that a number of previously employed, sortseller Aboriginal men began drinking for the first time in their lives to escape the boredom and depression of their new lives away from the ‘Track’.

Segregation

Another effective means of controlling Aboriginal people was by excluding them from fully participating in society. ‘Colour bars’ in clubs, pubs, restaurants, theatres, public swimming pools and public transport resulted in virtual apartheid. Aboriginal people were prohibited from working particular jobs—including working in a post office—and expected to work for much less money. For the first 30 years after Federation, this segregation was applied fairly consistently across the states and territories.

Despite assimilation being the official policy of the government, segregationist practices continued until the 1960s with separate sections in theatres, separate wards in hospitals, and schools able to refuse enrolment to Aboriginal children. Rights activists in the 1960s had plenty of evidence of overt discrimination continuing across Australia.

Check your learning

1. What is a ‘colour bar’?
2. What is the assimilation policy?
3. What happened to the Jackson’s Track community?

The Stolen Generations

From the late 19th century to the 1970s many thousands of Aboriginal children were removed from their families. These children, now referred to as the Stolen Generations, faced ongoing emotional and social difficulties because of their removal from their families.

In most states, it was believed that if mixed-race Aboriginal children could be brought up in a ‘white’ community, their Aboriginality could be overcome and their ‘white’ attributes could come through. These children were taken from their families and raised in missions or with ‘white’ families (see Source 3.13). They ended up being part of neither community of people, rejected by both societies as people who did not fit.

Full-blooded Aboriginal children were also removed from their families and put into state-run institutions where they were prepared for unskilled and semi-skilled work. The Cootamundra Girls’ Home in New South Wales, for example trained girls to be domestic servants.

The Bringing them Home report

The Human Rights and Equal Opportunity Commission collated the stories of the Stolen Generations for the Commonwealth Parliament in 1997. Their report, entitled Bringing Them Home, revealed the hurt felt by so many Australians who were affected by this policy (see Source 3.14).
Most of us girls were thinking white in the head but were feeling black inside. We weren’t black or white. We were a very lonely, lost and sad displaced group of people. We were taught to think and act like a white person, but we didn’t know how to think and act like an Aboriginal. We didn’t know anything about our culture.

We were completely brainwashed to think only like a white person. When they went to mix in white society, they found they were not accepted (because) they were Aboriginal. When they went and mixed with Aborigines, some found they couldn’t identify with them either, because they had too much white ways in them. So that they were neither black nor white. They were simply a lost generation of children. I knew, I was one of them.

The extent to which mixed-race Aboriginal and Torres Strait Islander children were forcibly removed from their families has recently been a subject of debate. Some historians and commentators question whether there is enough common ground in the experiences of the removed children for them to be considered collectively. For example, the removal of children to attend secondary schooling, unavailable in many remote locations, might not be considered in the same way as the removal of whole families of children without justification. Other justifications dominated discussions when Bringing them Home was released. These included ‘child protection’, beliefs that Australia’s Indigenous people would ‘die out’, and a desire to ‘civilise’ Indigenous children through their assimilation into white society. However, the report dealt with many of these questions by making comparisons with non-Indigenous children removed from their families:

In contrast with the removal of non-Indigenous children, proof of ‘neglect’ was not always required before an Indigenous child could be removed. Their Aboriginality would suffice. Therefore, while some removals might be ‘justifiable’ after the event as being in the child’s best interests, they often did not need to be justified at the time.

Proof of neglect was not the motive in the case of most of the forcible removals of Aboriginal children from their families. It was more often motivated by a desire to civilise or ‘breed out’ Aboriginality.

Dr Cecil Cook 1927–1939, Chief Protector of the Northern Territory, was perhaps the most famous of the government officials. His views were that part-Aboriginal women should be elevated ‘to white standard with a view to their absorption by mating into the white population’. This argument was used as motivation to remove thousands of Aboriginal children from their families.

Check your learning

1. What are the Stolen Generations?
2. Why were they taken?
3. What was the Bringing them Home report?