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Sue Taffe

Making a Difference

a 1960s partnership opposing racial discrimination

IN MAY THIS YEAR, a crowd of more than 150,000 marchers crossed the Sydney Harbour Bridge. This symbolic act was seen by commentators as an expression of support and goodwill by all Australians for Aboriginal and Torres Strait Islander Australians. The word 'reconciliation', and the action of marching in support of it, clearly meant many things to many people, but there were some among the crowd able to take a longer view. Forty years ago members of the Federal Council for Aboriginal Advancement (FCAA), some of whom marched across the Bridge, worked to stimulate awareness of injustices faced by Indigenous Australians. They fought public apathy and bureaucratic indifference as they agitated to remove structural racism from laws and practices in Australian society. One of the marchers was Dr Barry Christophers.

BARRY CHRISTOPHERS MET Joe McGinness in Brisbane in 1961 at a meeting remembered for its intensity and significance. This was the fourth annual conference of the Federal Council for Aboriginal Advancement, an organization made up of advancement leagues from all states working for equal citizenship rights for Aboriginal Australians. Christophers, president of the Victorian Council for Aboriginal Rights, was one of a number of conference speakers. He spoke of the situation in the Northern Territory where Aboriginal labour was vital to the pastoral industry. He quoted the tokenistic wages paid to many Aboriginal cattle workers, explained that most Aboriginal people were categorized as 'wards' (a polite term denoting people from whom citizenship was withheld) and then provided a graphic example of government attitudes to those so classified. Aboriginal people were listed on the Northern Territory government's Register of Wards by derisive nicknames. Some names emphasized a disability – Blind Nelly, Ruby Yaws, Hunchback Willy

– or a creature – Donkey, Tadpole – or food and drink – Onion, Whiskey. Was this an example of the Commonwealth's assimilation policy, a policy supposedly preparing people for citizenship?

McGinness, secretary of the newly formed Cairns Aboriginal and Torres Strait Islander Advancement League, made his own contribution to the conference, speaking on a topic of interest to him as a returned serviceman – the position of the eight hundred Torres Strait Islanders who had served during the war under the Native Forces Act and who were not entitled to repatriation benefits. Christophers recalls:

I didn't notice Joe at first, until he addressed the conference. He spoke about Aboriginal returned servicemen and the question of repatriation benefits. He had been in the armed forces himself and had an ability to paint the broad political picture of Aboriginal returned servicemen who had fought for Australia but who were not receiving their repatriation entitlements . . . I was impressed when I heard him and I nominated him for president.¹

"A softly spoken, forty-seven-year-old Cairns aboriginal [sic] was today elected president of the Federal Council for Aboriginal Advancement. He is Mr J.D. McGinness, a six-foot-tall, fourteen-stone wharf labourer", the Melbourne *Sun* reported. This was the beginning of what would become an enduring friendship between McGinness and Christophers. Thirty-nine years later they are still in regular contact, occasionally holidaying together in outback Queensland. How did these two men from opposite ends of the country come to be partners in work which effectively exposed and redressed Aboriginal disadvantage?

Joe McGinness, born in 1914, was the son of Alyandabu of the Kungarakan people from northern Australia, and Stephen McGinness, an Irish immigrant who worked as a fettler outside Darwin.

Stephen McGinness' death when Joe was still quite young marked the end of family life for him. Under the Territory's *Aboriginals' Ordinance* he became a ward of the Chief Protector of Aborigines and was taken to the Kahlin Compound, where McGinness recalls "there was no such thing as regular food or formal schooling for me – or anyone else for that matter".² At twelve years of age, having only received three years of education, young McGinness was assigned by the Northern Territory Protector of Aborigines to work as a handyman for a travelling salesman. He recalls that this job taught him about "how the other half lived" and included travel through the Territory, Queensland and down the Birdsville track to Adelaide. A meeting with Xavier Herbert motivated Joe, his brother Val and others to consider becoming active in Aboriginal rights but the outbreak of war and the 1942 bombing of Darwin intervened. McGinness recalls that army service, especially in Borneo, exposed him to other peoples' responses to invasion and colonization. After the war he got a job on the wharf and joined the union. Joe writes that it was "my early experiences with the Waterside Workers' Federation in the 1950s which helped me understand the system of organized labour much better".³ During this period, the heyday of the Waterside Workers' Federation, a disciplined rank and file gained both higher rates of pay and safer working conditions. Work and union membership provided McGinness with a vision, a hope for Aboriginal and Torres Strait Islander workers, whose conditions at this time were deplorable. In 1958 Aboriginal and Islander unionists got together to form the Cairns Aboriginal and Islander Advancement League, and McGinness began his active involvement in Aboriginal politics, as secretary of the new League.⁴

While Joe McGinness was gaining an education on the roads, on fishing fleets, oil rigs and wharves, Barry Christophers, a medical student at Melbourne University, joined the Melbourne University Labor Club, a meeting place for Melbourne left-wing thinkers. Racial discrimination was not an issue of discussion in the club at this time but Christophers' interest in anatomy led him to the work of Professor Frederic Wood Jones, a scientist with a humanitarian regard for Aboriginal Australians, who wrote and spoke about their conditions of life on the edge of European society.⁵

In 1957 an opportunity arose for Christophers to become actively involved in working for and with

Aboriginal Australians. He met Shirley Andrews, the secretary of the Victorian Council for Aboriginal Rights, which was at this time looking for a replacement president. Christophers joined the organization and was persuaded to take the president's job, beginning almost twenty years of work opposing unjust laws and practices which affected Aboriginal Australians.

By 1964, Islanders were recognized in the name of the federal body when it became the Federal Council for the Advancement of Aborigines and Torres Strait Islanders. FCAATSI campaigned for equal wages for Aboriginal pastoral workers, for rights to land and for the successful 1967 referendum which empowered the Commonwealth in Aboriginal affairs. While both McGinness and Christophers were involved in these broader campaigns they also worked to get the discriminatory clauses in the Tuberculosis Act deleted, and to assist people controlled by the Queensland Aboriginal and Torres Strait Islander Act to have a right to manage their own earnings. These latter campaigns brought pressure on governments to amend legislation which discriminated against Aboriginal and Islander Australians.

In the early 1960s, many Aboriginal workers, especially in Queensland and Northern Territory, did not receive award wages. In Queensland those "under the Act" had no control over their own wages or property.⁶ They could not marry without authority and were not legal guardians of their children. McGinness recalls that he realized the "virtues of organized labour, especially when I compared my income with the low wages received by the Islanders working under the Department of Native Affairs".⁷ Learning meeting procedure and the rules of debate were practical lessons which McGinness would call on in his later roles, first as Secretary of the Cairns Aboriginal and Islander Advancement League, then as President of the Federal Council for Aboriginal Advancement.

The Tuberculosis Allowance Campaign

In 1963, when visiting a non-Aboriginal friend in the thoracic annexe of Cairns Base Hospital, McGinness got talking with an Aboriginal patient in an adjacent bed. "Conversation revealed", McGinness tells us "that the non-Aborigine was receiving a special tuberculosis allowance, while the Aborigine was not receiving this special health benefit."⁸ The allowance was

designed to encourage those suffering from this highly contagious disease to recuperate without the financial pressure of a return to work during the rehabilitative stage. McGinness reported the situation to the executive of the Federal Council for Aboriginal Advancement. Christophers, Secretary of the Federal Council's Equal Wages for Aborigines Committee, investigated.⁹

Christophers brought personal qualities of patience, single-mindedness and determination to his work for equal wages and equal access to government benefits. His research experience meant he could find and dissect both the laws and the departmental regulations drawn up for their implementation. He identified weak points in Commonwealth legislation and exposed the gap between the rhetoric of equality and the reality of existing unjust laws. His research into the Tuberculosis Act showed the existence of a race-based clause which excluded from the allowance "Aborigines and people of mixed blood who prior to their illness, did not support themselves and their dependents (if any) from their earnings".¹⁰ He wrote to McGinness, asking for details of Aboriginal TB sufferers who had been refused the allowance.

"Send for Joe" was the call whenever an Aboriginal person needed help in north Queensland. McGinness explained that his involvement in Aboriginal affairs meant:

I am on call seven days a week and the work involves me in all aspects of social service applications, education and student grants, wages and trust fund negotiations, legal adviser, tax consultant, etc, etc.¹¹

McGinness now made it his business to visit tuberculosis units up and down the Queensland coast. He collected people's stories of illness and disadvantage. Some people were ignorant of the existence of the tuberculosis allowance while others had applied and been knocked back, because they could not prove that they could "manage money".¹² McGinness sent down details of twenty cases of Aboriginal and Islander patients who were medically eligible for the allowance but who were refused, apparently on racial grounds.

In his correspondence with public servants, politicians, members of the National Tuberculosis Advisory Council and medical practitioners Christophers used these cases in two ways. Firstly, he argued that the exclusion of Aboriginal patients was racist and

failed to serve the purpose of the allowance, which was to limit the spread of the disease. Secondly, he pointed out that the criteria regarding the management of money was being inappropriately applied, since no such condition was contained in the Act.

"It is an unfortunate state of affairs when a member of the medical profession is required to administer an Act which of necessity must be repulsive to him" [sic], Christophers told his colleagues.¹³ He campaigned strenuously to inform doctors, unionists and the newspaper reading public of this discriminatory legislation. His oft-repeated rhetorical remark, designed to emphasize the racist basis of the discrimination, was "what a commotion there would be if instead of 'Aborigines and people of mixed blood' the determination excluded Jews or Catholics".

Christophers detailed the situation in an article, 'Discrimination in an unexpected quarter', which was distributed widely in Queensland by the Waterside Workers' Federation, the Queensland Peace Committee and the Union of Australian Women. He wrote to state governors, federal ministers and shadow ministers, and the Governor General, who was the patron of the National Tuberculosis and Chest Association. The publicity succeeded. In February 1965 the Director General of Health acknowledged that the clause which excluded Aboriginal people from the allowance "may be capable of mis-interpretation".¹⁴ A carefully worded clause replaced the race-based one, and a number of Aboriginal Queenslanders who were suffering from tuberculosis received the allowance that had previously been denied them.

The Case of John Belia and the Challenge to the Queensland Act

Four years after this amendment was made, Christophers and McGinness collaborated again, this time to expose the unjust, paternalistic Queensland Aboriginal and Torres Strait Islander Affairs Act. Police violence at Mareeba, discrimination in hotels, the compulsory removal of residents from the Mapoon mission on Cape York and many similar situations were regularly brought to public attention by Federal Council members. Now, two years after the 1967 referendum, when the Commonwealth had made no attempt to override Queensland Aboriginal legislation, McGinness suggested to the FCAATSI executive that it was time to act.

One aspect of bureaucratic control which irked

Aboriginal Queenslanders at this time was that "assisted Aborigines", as Aborigines under the Act were called, had no control over their own earnings. Under section 27 of the Queensland Aborigines and Torres Strait Islander Act district officers were empowered to control the earnings of Aboriginal people living within their areas of jurisdiction. In order to gain access to their money, people were required to apply to the local Clerk of Petty Sessions. Frequently claimants would have to queue up outside the courthouse for half a day. Sometimes they were told to go away and come back tomorrow. The indignity of this situation was captured in a story of a young woman who asked for money to buy a petticoat, only to be told that

as she already had one she didn't need another. "What was she supposed to do when it was in the wash?" one outraged Federal Council member asked.¹⁵

Once again McGinness went searching, this time for a person prepared to test the legislation. His journeys to places as far apart as Coen, on Cape York Peninsula and Western Queensland led to John Belia from Dajarra, south of Mt Isa. Although illiterate, Belia, who had been a stockman for more than thirty years, had kept his pay slips, and wished to be freed from the controls of the Act. Federal Council's strategy was that Belia would apply for exemption. A refusal would provide the opportunity for legal appeal.

The Belia case was used to demonstrate to Aboriginal and Islander Australians that the whitefella law could be successfully challenged, and to show other Australians that the Australian 'fair go' did not extend to everyone. In a letter to newspapers Christophers quoted a memorandum from one district officer to another which described a man from Chillagoe who was going on holidays as "a waster" and instructed that "it would be appreciated if only small amounts were given for pocket money". Targeting the Commonwealth Bank which managed the trust fund, Christophers argued that "no bank should knowingly associate itself with such a scheme", and urged concerned members of the public to boycott the Commonwealth Bank.¹⁶ "Is it acceptable to refuse a worker access to his wages because a public serv-



Joe McGinness, President FCAATSI, and Dulcie Flower, Secretary 1968-69 at the annual conference outside Telopea Park High School, Canberra, 1968. Photo courtesy of Marj Broadbent.

ant reckoned he was 'a waster'?" Christophers asked newspaper readers.

The Belia case was prepared and fought with the assistance of lawyers, accountants, politicians and other activists. As with the tuberculosis allowance campaign, however, it was the teamwork of Joe McGinness in Cairns and Barry Christophers, coordinating in Melbourne, which was central to the success of the Belia challenge. The appeal was heard in Cloncurry, north-western Queensland, on 9 October 1972, almost four years after Joe McGinness first wrote to the General Secretary about this matter. John Belia won, and was given the legal right to manage his own financial affairs.

Writing about this decision a few days later in *The Australian*, Dominic Nagle contrasted White Australia's indifference to the court ruling with Black Australia's celebration of the event as "a rare but vital victory". He explained that John Belia had worked the equivalent of "slightly more than four years between 1966 and 1971 for roughly \$2,300" in total and that he could only access his pay by applying to the local Clerk of Petty Sessions. This was, as far as I know, the first time that an Aboriginal person had used the legal system to successfully challenge discriminatory legislation.

There was much dividing Joe McGinness and Barry Christophers – cultural background, race, education, experience of life as well as more than 3000

kilometres, but these differences were transcended by their shared values: a respect for difference, an uncompromising commitment to opposing injustice, and a recognition of the value of collaborative work. Their teamwork achieved both welfare and political purposes. McGinness' effort, the trust he engendered, his collection of personal details – all these were vital. And Christophers' political know-how and unrelenting letter writing demonstrated to public servants and politicians that he would not let up until their purpose was achieved.

THE IMAGINATION OF INDIGENOUS Australians and the consciences of some of those in the mainstream were stirred by FCAATSI campaigns such as the two described here. In a country in which only 2 per cent of the population are Indigenous, both imagination and a sense of moral responsibility are qualities which are required on both sides of the colonial divide.

The successes of the campaigns against the discriminatory clause in the Tuberculosis Act and against the paternalism of the Queensland Aboriginal and Torres Strait Islander Affairs Act contributed to growing Aboriginal and Islander confidence to mount more fundamental challenges such as for the rights to land. This co-operation between a black and a white Australian, two men using their particular skills for a common goal and succeeding after years of campaigning, would have been a significant achievement at any time. And in the 1960s when distance was more of a barrier than today, and given that this work was carried out after work on the wharf or in the doctor's surgery, it is worthy of celebration. The work of these two Australians shows us a friendship based on a respect for cultural difference while at the same time asserting that human rights must apply to all.

ENDNOTES

1. B. Christophers, interview by the author, 27 September 1996. Interviews referred to in this article were conducted by the author, in collaboration with Koori Arts Collective in 1996 as a part of an oral history of FCAATSI, funded by the Australia Foundation for Culture and the Humanities. This collection is housed at the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS), Canberra.
2. J. McGinness, *Son of Alyandabu: My fight for Aboriginal rights*, UQP, St Lucia, 1991, p. 9.
3. *Ibid.*, p. 35.

4. See McGinness, *Son of Alyandabu*, chapters 1–5 for an account of the period of McGinness' life which is summarized here.
5. Wood Jones spoke at the 1928 meeting of the Australasian Association for the Advancement of Science on 'The Claims of the Australian Aborigine'. He contributed to public debate in newspapers and on radio on Aboriginal issues. His *Australia's Vanishing Race* was published in 1934. Barry Christophers has published *A List of the Published Works of Frederic Wood Jones 1879–1954*, Greensborough Press, Melbourne, 1974. He has also contributed a number of articles on the life and work of Wood Jones to the *Australian and New Zealand Journal of Surgery*. See, for example, vol. 64 'Frederic Wood Jones as a teacher and on teaching' and vol. 65, 'Frederic Wood Jones: Coral and Atolls'.
6. This expression is applied to people who were racially classified under the various forms of Queensland Aboriginal and Torres Strait Islander legislation. The rights of people so classified were restricted with regard to movement, marriage, child custody and money management.
7. McGinness, *Son of Alyandabu*, p. 34.
8. McGinness, *Son of Alyandabu*, p. 73.
9. This committee worked on the issue of equal wages for Aboriginal workers as well as investigating eligibility for social service benefits. See S. Taffe, 'Health, the Law and Racism: the Campaign to Amend the Discriminatory Clauses in the Tuberculosis Act' in *Labor History*, no. 76, May 1999 for a more detailed analysis of this campaign.
10. Scheme of Tuberculosis Allowances, determination under section 9, *Tuberculosis Act 1948*.
11. J. McGinness to F. Bandler, 8 February 1971, Christophers personal papers.
12. The ability to "manage money" was used as an indicator of assimilation by the Department of Social Services. Its operating manual stated that the tuberculosis allowance was not to be paid to "aboriginal natives of Australia whatever their caste or whether they are under the control of the appropriate authorities and otherwise if they are unable to manage money or likely to waste it". *Instructions, Pensions and Associated Payments*, Department of Social Services, Commonwealth of Australia, 1961.
13. B. Christophers, *Medical Journal of Australia*, 17 August 1963, p. 296.
14. W. D. Refshauge, Director General of Health, to C. J. Ross-Smith, General Secretary Australian Medical Association, 3 February 1965, AMA, Canberra.
15. S. Andrews, FCAATSI Oral History Project, 26 September 1996, p. 6, AIATSIS Library.
16. B. Christophers, letter to the editor, n. d., but October 1969 and sent to capital city dailies, Christophers personal papers.

Sue Taffe is writing a history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders.