



## Creating a legal identity: Aboriginal people and the assimilation census<sup>1</sup>

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The Commonwealth government of Australia introduced the policy of 'assimilation' in the early 1950s. This policy aimed to merge Aboriginal people with other Australians. In 1953 the government drafted legislation that would cease to discriminate against Aboriginal people on the basis of their race, but would instead discriminate against Aboriginal people whose social status rendered them 'wards'. This reclassification process ultimately affected almost every Aboriginal person in the Northern Territory. However, the assimilation policy could not be implemented until a census had been undertaken of all Aboriginal people in the jurisdiction to determine which people would be listed as wards. The full implementation of the assimilation policy was delayed as the census took over four years to complete. The government employed patrol officers whose role included locating, naming and registering all Northern Territory Aboriginal people. Many obstacles confronted the patrol officers and the administrators in the completion of the census. This article tells the story of the census.

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Naming and its attendant classificatory purposes have long been a preoccupation of colonisers and colonised alike. Novelists, in particular, have drawn attention to the relationship between the coloniser and colonised in the naming process. For example Flanagan has noted when discussing the names of Aboriginal people that 'definitions belong to the definer, not the defined'.<sup>2</sup> According to Lessard, surnames were common in the Roman classical era but died out. She notes that their reappearance in British history coincides with the Norman conquest of England and the English conquest of Ireland. Thus she observes that surnaming is tied to conquest.<sup>3</sup> Similarly, Carasco, in her discussion of legal naming of Indigenous people in British Columbia, suggests that 'there is importance and significance attached to names, it follows that those who have the power to name have the power to exert influence on those named'.<sup>4</sup> The importance of names and naming has been re-emphasised in more recent times. It is significant to note the political nature of the decision by some prominent Indigenous Australians to reassert their Aboriginal names. For example Lowitja O'Donohue and Murandoo Yanner are Indigenous activists who have claimed Indigenous names as part of their reassertion of cultural dominion.<sup>5</sup>

In 1951 Paul Hasluck was appointed as the Commonwealth Minister for Territories in Australia. Part of his portfolio included overseeing the administrative affairs of Australia's Northern Territory. Arguably his best-known legacy was the development of the assimilation policy, a policy designed to merge Aboriginal people into mainstream

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Australian society.<sup>6</sup> For Hasluck and many others, the new policy would ensure that Australia was truly a land of equal opportunity.<sup>7</sup> His primary tool for the implementation of this policy was the *Welfare Ordinance 1953–1957*.<sup>8</sup> This legislation established a new category of 'ward' that was theoretically based on an individual's need of care rather than a person's race. The new ordinance regulated most Aboriginal people's lives in the Northern Territory for a large part of the 1950s. However, before the assimilation policy could be implemented, the Commonwealth government needed to identify those who would be regulated under the new regime. In order to achieve this, the Commonwealth government set out to create a census of all Aboriginal people in the Northern Territory. Essentially, inclusion in the census led to Aboriginal people being created, in a legal sense, as wards of the state.<sup>9</sup>

The census was a critical tool in the implementation of the assimilation policy. Those on the census became the focus of stringent government surveillance and control of nearly every aspect of their daily lives. Those included on the list became 'wards' under Northern Territory legislation. The welfare legislation was cast in apparently racially neutral language, however nearly every Aboriginal person in the Northern Territory would come to lose rights as a result of their inclusion in the census. Alia has studied the 1970s Canadian government project, 'Project Surname', a scheme that set out to rename the Arctic Inuit.<sup>10</sup> Like the census project in the Northern Territory, many in Canada welcomed 'Project Surname' as an equality initiative.<sup>11</sup> However, Alia argues that that project was an assault on Inuit culture.<sup>12</sup> Many now agree that the Australian assimilation policy was similarly an assault on culture and a 'civilising offensive'.<sup>13</sup> The census project was part of that assault.

The Northern Territory census project was an enormous undertaking that required not only recording the details of Aboriginal people already in contact with government authorities but also locating Aboriginal people who had not yet been 'found'. The census often required not simply the recording of names but the provision of new names appropriate to the census scheme. Carter points out in his book about Cook's (re)naming of Australian places, that 'To name [Aboriginal people] was to invent them [and] to bring them into cultural circulation'.<sup>14</sup> The census was used to invent Aboriginal people as the subjects of legal regulation pursuant to the assimilation policy. However, the data collection for the census was highly flawed for a number of reasons.

Despite the importance of the census project to the assimilation policy, there has been limited research about the way in which it was carried out. Although some of those involved in the process have now written autobiographies about their participation in the implementation of the assimilation policy, they have dedicated only limited discussion to the census.<sup>15</sup> This research examines archival material, including patrol officer reports, parliamentary debates, newspaper articles and oral history transcripts to explore the difficulties confronted by patrol officers and government officials in the implementation of the census. There are some limitations to the archival record. Although it now includes the oral histories of many non-Indigenous people, the memories of only a few Indigenous people are so far recorded. The record includes large numbers of documents generated by state officials but few generated by pastoralists or white workers. This article reflects on the complications and tensions encountered on the way to the completion of the census and tells the story of the failure of the census project. The story of the failure of the census project helps to explain the failure of the assimilation policy itself.

### The assimilation policy and the welfare legislation

The objectives of Hasluck's assimilation policy were that 'all Aborigines and part-Aborigines will attain the same manner of living as other Australians and live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians'.<sup>16</sup> Hasluck believed that by the 1950s Australian Aboriginal people existed in 'crumbling groups held together by the tattered threads of kinship and the sooner they became assimilated and began to live like white people the better.'<sup>17</sup> He saw assimilation as a policy focused on a social expectation that Aboriginal people would forego or lose their cultural separateness as they learned about and interacted with white society.<sup>18</sup> Hasluck emphasised the notion of individual advancement and the view that, as individuals, Aboriginal people could make choices about how to live.<sup>19</sup> For him the key to advancement of Aboriginal people was individual opportunity rather than cultural transformation.<sup>20</sup>

Hasluck noted that the law was the first tool to be applied in the assimilation project, with others to follow. He argued that 'the solution . . . lies in making real citizens of these people, first on a legal level and then by improvement of their education, housing, economic and other social conditions'.<sup>21</sup> The cornerstone of his assimilation policy was the Northern Territory *Welfare Ordinance* which eventually came into effect in 1957. When the *Welfare Ordinance* was introduced into the Northern Territory Legislative Council, its aim was said to be 'to provide assistance . . . [to] those who require it, not because a person is an aborigine or a white person'.<sup>22</sup> To a large extent this legislation summed up Hasluck's vision about the future of Aboriginal people. Previously, Aboriginal people had been defined by their race (in terms of skin colour and blood type).<sup>23</sup> Driven by his own ideological concerns, and influenced by international pressure to retreat from any discrimination based on race, Hasluck sought to introduce legislation that would categorise Australians individually by reason of their need (or lack of need) for supervision and care.<sup>24</sup>

Harry Giese, described by one patrol officer as Hasluck's 'protégé', became the Northern Territory 'Director of Welfare' in 1954.<sup>25</sup> Giese explained that the idea underpinning the 'social' legislation was that there should be no discrimination on racial grounds and the same broad provisions should apply to Aboriginal people in need of care as applied to other deprived groups in the community. Giese noted: 'There can be no "assembly line" approach to the problem; the programme should be geared to enable people to be treated as individuals, to be moved through various "staging camps" and to be given in each [case] the special assistance which their particular stage of development requires at that time'.<sup>26</sup>

Some of the government staff who were required to work with the legislation had trouble moving away from the distinctions based on ethnicity or 'blood'. In taking the Hermannsberg census one patrol officer commented: 'it cannot help but be noticed that the tendency for part-coloureds is to mate with full blood or at least with a person of darker caste. As a result there are many people of 7/8 caste and extremely few of 1/2 caste blood. This seems to be encouraged by the church authorities.'<sup>27</sup> Further, Gordon Sweeney, Hasluck's public relations officer, wrote in 1956 that '... persons with 50% or less aboriginal blood cannot be declared wards . . . i.e. 3/4 caste, 5/8 caste and 7/8 caste would then be included as wards, unless adequate reasons as to manner of living are given to warrant their exclusion'.<sup>28</sup> Patrol officer Holden responded that Sweeney's interpretation of the legislation was incorrect and that his 'suggested practice is the opposite of what is

required'.<sup>29</sup> Despite the move away from racial categories, Hasluck accepted that, during the transition period towards assimilation, most Aboriginal people would require supervision and care.<sup>30</sup> However, under this new welfare regime Aboriginal people would be understood as (at least potentially) formally equal to non-Aboriginal Australians. By 1953 the welfare legislation had already been drafted and gazetted, but it would not be enacted until 1957.<sup>31</sup> The main reason for the delay in passing the new legislation was that it required that each Aboriginal person 'in need of care' should be individually identified by name.<sup>32</sup> Harry Giese recalled:

There were two things that had to be done, and they were both time-consuming. Before ... [the bill] ... could be enacted – and this was one of the safeguards that the elected members thought would take some time to be finally met – the [Welfare] ordinance could not be commenced until such time as the Director of Welfare had prepared a list of wards, to be approved by the Administrator.<sup>33</sup>

As a result of the welfare legislation the Administrator in Council had the power to declare that a person was a ward by issuing a notice in the *Government Gazette*.<sup>34</sup> There was no requirement that the person who was made a ward should receive a copy of the notice. In making the decision to declare that a person was a ward the administrator was required to consider whether a person was in need of care by reason of his or her manner of living; inability without assistance to manage his own affairs; standard of social habit and behaviour or personal associations.<sup>35</sup> As one Northern Territory parliamentarian pointed out: 'What is the criterion for social behaviour? Is it that I do not lift my hat to the right lady in the street ... No standards are laid down here; it is left to the whim of the Administrator'.<sup>36</sup> Archibald Richards, the Northern Territory Administrator's secretary, suggested that the assessment of mode of living included 'does he eat with a knife and fork ... [and] ... was his standard nearer that of the Caucasian than it was the Aboriginal?'.<sup>37</sup>

Pursuant to the welfare legislation it was impossible for most people to be declared wards.<sup>38</sup> Under the *Welfare Ordinance* a person could not be declared to be a ward if he or she was entitled to vote, or would have been entitled to enrol to vote but for the fact that they were under 21 years, or held a certificate of exemption pursuant to the *Immigration Act*, or was married to a person in any of these three categories.<sup>39</sup> As Aboriginal people in the Northern Territory were not entitled to vote in the 1950s (unless they had served in the armed forces) and were not immigrants, the only way that they could avoid a declaration of wardship (other than by behaving 'appropriately') was to marry a non-ward. This last option often proved to be difficult and did not guarantee non-ward status.<sup>40</sup>

Almost all Northern Territory Aboriginal people of 'full-descent' were declared wards as a result of the legislation. Indeed, the names of the few Aboriginal people who would not be listed as wards tended to be known before the census work had been begun. Giese recalled that 'those names were already in the hat, as it were, [before] the census start[ed]'.<sup>41</sup> Aboriginals of 'mixed descent' were generally assumed to be sufficiently assimilated to avoid the need for wardship. As Long has written, 'for practical purposes all Aboriginal people were wards and all wards were Aboriginal people, that is, of entirely or predominantly Aboriginal ancestry, since virtually all people of mixed descent had been carefully excluded from the "Register of Wards"'.<sup>42</sup>

Most Aboriginal people would not have been aware of the technicalities of wardship and thus were also probably not aware of their right to appeal the decision to declare them wards.<sup>43</sup> In any case, as one parliamentarian pointed out, it was difficult for an Aboriginal person to exercise a right of appeal 'when ... he is in the middle of Arnhem Land'.<sup>44</sup> In

order to appeal against a declaration of wardship, a ward was required to show that, having regard to his manner of living, ability to manage his affairs and his social habits and associations, he was not in need of care.<sup>45</sup> Again there was no clarification in the legislation or elsewhere of precisely how this lack of need for supervision might be proven. Even if a person was successful in appealing wardship, the next day the Administrator had the power, based on his almost absolute discretion, to re-declare the person a ward.<sup>46</sup> In Giese's recollection no-one ever appealed.<sup>47</sup>

The legislation made it a duty of the Director of Welfare to take steps to promote wards' 'social, economic and political advancement for the purpose of assisting them and their descendants to take their place as members of the Commonwealth'.<sup>48</sup> Other powers pursuant to the *Ordinance* included that the Director of Welfare had a duty to provide and improve, among other things, education, training, employment, housing, nutrition and hygiene habits for wards and he also had power to order that wards be moved to specific institutions and reservations.<sup>49</sup> Although the *Welfare Ordinance* included a general direction not to separate families, this could be authorised by the Director in some circumstances, however the relevant circumstances were – again – not clarified by the *Ordinance*.<sup>50</sup> We now know that families were routinely separated pursuant to the legislation.<sup>51</sup> Under the legislation the Director of Welfare was also made a trustee of the property of all wards.<sup>52</sup> So pervasive were the powers under the *Ordinance* that one politician, at the time of its enactment, claimed it breached the Magna Carta.<sup>53</sup>

The list of wards took many years to complete. The key government agents who were responsible for compiling large parts of the list were the 'patrol officers', often young men from all parts of Australia who came to work in the Northern Territory.<sup>54</sup> In the most detailed account of the patrol officers' work, Jeremy Long termed them 'The Go-Betweens'.<sup>55</sup> Elsewhere derided as 'brolgas' (which suggested the person was a 'native companion'), patrol officers routinely dealt with employers and workers in the pastoral industry, which, in the words of one patrol officer, contained pockets 'where anybody who had relations with Aborigines other than exploiting them both for work or for sexual relationships or whatever ... [was viewed to have] something wrong with you'.<sup>56</sup> In time, of course, patrol officers would come to be criticised by Aboriginal and pro-Aboriginal commentators for the role they played as agents of assimilation, and for the paternalism so implicitly bound up in their position.<sup>57</sup>

As part of their responsibility, patrol officers were required to travel through the Northern Territory and document Aboriginal people's individual existences in a register, which became known as the 'stud book'.<sup>58</sup> The project required that each Aboriginal person have a 'European name, Aboriginal Personal name, Group name ... name of Tribe or language, sex, date or year of birth ... along with any other identifying information'.<sup>59</sup> At one point the collection of thumbprints was suggested but was not taken up.<sup>60</sup> Presumably the decision not to take thumbprints was related to the lack of resources. Individual cards for each ward including their personal details and their family history were generated.<sup>61</sup> As patrol officer Macleod wrote:

An extraordinary amount of time and energy was spent collecting and collating names. I could never travel without the register. Whenever I spoke to any group of Aborigines, I would, if I did not know them, have to check to see if they were in this one-and-a-half inch thick, brown, [manila] folder-sized gazette and, if so, ensure such registration was correct. This damn thing was my ever-pressing bible.<sup>62</sup>

Finally, in May 1957, several years after the *Welfare Ordinance* was initially debated, a list of those in need of care – or wards – was compiled. The list contained the names of every

'known' Aboriginal person (15,711 in all) except those with full citizenship rights (six in all) and nomads not yet 'found'.<sup>63</sup>

### Collectors' concerns

Numerous obstacles were confronted in the preparation of the census. At the outset, no-one had a clear idea of the numbers to expect. Although government officials had a vague idea about the enormity of the project, the number of wards eventually recorded in the 'stud book' far exceeded expectations.<sup>64</sup> Given the enormity of the task the first problem was staff. Throughout its operation there appeared to be insufficient patrol officers employed who could carry out the census. Even in 1957 the Northern Territory Administrator claimed that the lack of suitable personnel to fill the positions continued to be urgent and was causing considerable concern.<sup>65</sup> The summary of the 1955 patrol officers' conference reported that two patrols to each settlement per year were desirable but that this had not been possible because of insufficient staff.<sup>66</sup> Problems like this led to an employment drive and the development of appropriate training for numerous new patrol officers.<sup>67</sup> Despite this it was still difficult to find enough staff. Mission superintendents and station managers were thus called upon to assist with the census program.<sup>68</sup> The staff shortages did not end with people making the lists; there were also insufficient typists to type up the individual cards required for each ward.<sup>69</sup> While Giese reported frustration with the speed at which the work was carried out, patrol officers' frustration with the level of work also continued into the 1960s.<sup>70</sup> One patrol officer noted that 'there are many other matters requiring attention in the district ... at the present time it seems to be more important to keep babies alive, to be declared, rather than to worry about whether they are declared or not'.<sup>71</sup>

The local papers of the period reported that expeditions were sent out to remote areas to locate 'missing' tribes.<sup>72</sup> In an editorial, which suggested ambivalence to this process, the *Northern Territory News* noted that '[m]any must have thought when they read of this "lost tribe", "lost" by whom? ... that perhaps they will really only be lost when they are found'.<sup>73</sup> In 1955 there was some debate about whether an expedition to the remote area to the west of Mount Doreen should take place. Patrol officer Evans wrote to the Director of Welfare: 'Whilst agreeing that a patrol to the unknown area is desirable with a view to contacting these people, I consider that at this stage of the introduction of the Welfare Ordinance, it ... would embarrass the limited field staff in the census work ahead of them'.<sup>74</sup> Despite resource difficulties a patrol took place to locate the Pintubi people in the Lake McKay area during the late 1950s. As a result of this expedition a number of Aboriginal people were brought 'in'.<sup>75</sup> Arnold Probin, a farm manager at Papunya during the 1950s, remembered that during the census period patrol officers were constantly bringing Aboriginal people to the farm. He commented that 'Jerry Long, Nosepeg ... Howard Burton, they used to go out every year to bring people in from the Western Australian bush - bring them in. They would put clothes on them ... They didn't know how to do anything ... they'd be wheeling a wheelbarrow upside down, or using the wrong end of an axe'.<sup>76</sup> Presumably all of those brought in from the bush to Papunya would be registered as wards.<sup>77</sup>

There were clearly tensions evident at the heart of the assimilation policy. On the one hand Hasluck and other government officials aimed to encourage Aboriginal people to leave their Aboriginal cultural outlook behind. Conversely, however, they wanted to ensure that Aboriginal people retained a sense of their own 'history'. Sometimes it appeared to be difficult to find the right balance between the two. This tension became particularly evident

in the approach to language. From the start of the project the government was aware that it would be important to standardise spelling and, more generally, the recording of information. By 1957 a nomenclature committee had been established.<sup>78</sup> Instructions were issued to patrol officers that nicknames should be identified and aliases clarified.<sup>79</sup> Despite the requests for clarifications, names like Phar Lap and Big Head were ultimately listed on the register.<sup>80</sup> Carter notes that existing English names for Aboriginal people such as 'Nobody' were like numbers – there was no cultural genealogy suggested by the name.<sup>81</sup> Giese was well aware of the genealogy issue. He noted that although ideally the same surname would be applied to all the brothers in a family and their descendants, where this was not possible 'a new family tree' would be commenced.<sup>82</sup> (Re)naming was a way of counting and classifying so that Aboriginal people's potential for life in assimilated Australia could be regulated. Providing 'civilised' names was one part of the effort made to prepare Aboriginal people for their journey towards cultural circulation and legal recognition. Giese noted: 'As aboriginal families are assimilated into the life of the Northern Territory, it is necessary that a system of names be developed for them in line with our European system of one or more Christian names and a family or surname'.<sup>83</sup> Although Aboriginal names were relevant to the census, they were generally to be incorporated into the census in a style that reflected the European approach to naming. Thus the person's tribal name frequently became a middle name in the census. The approach helped to ensure that a person's Aboriginal name became a reference to the past rather than an identification tool in the present.

Department of Welfare circulars advised that some European names had been corrupted. McKinnon, for example, had become Mokini, and patrol officers were requested to preserve the purity of the original. Patrol officers were also required to be active in assisting Aboriginal people with their choice of names. Certain names like Esther and Ethel, Dorothy and Daisy, should be avoided when recommending names for children as they sounded too similar to each other. Further, 'the old standbys' Paddy, Jacky and Jimmy and Molly, Annie and Mary should be avoided because they were too common to help with identification. Patrol officers were required to assist people to find a suitable surname. 'Skin names', they were instructed, should not be used as surnames because, at Groote Eylandt for example, they were patrilineal and children would have the same name as their father; again, such names did not assist with identification.<sup>84</sup> In certain situations Giese accepted that a simplified form of an Aboriginal name could be used as a surname.<sup>85</sup>

Some experts were apparently hostile to the government's approach to the census. A department memorandum noted that an anthropologist referring to the wards wrote of 'its barbarous spelling of Aboriginal names in a kind of pidgin-phonetic'.<sup>86</sup> In defence of the language used, Giese noted that his advisory notes to patrol officers were offered 'in the knowledge that they will not satisfy the linguist but in the hope that they may provide a means of achieving a degree of uniformity impossible when using a system more related to common English spelling with its many inconsistencies'.<sup>87</sup> Aboriginal language issues were generally the preserve of anthropologists and linguists. The approach of Hasluck's nomenclature committee was perhaps perceived as a threat to the established techniques and methodologies of anthropology and linguistics. The consequence of the government approach may have been to alienate some who would otherwise have been supporters of the assimilation policy.<sup>88</sup>

A department memorandum to patrol officers stated that European names provided the best means of identifying Aboriginal people. The memorandum reiterated the requirement that the first name or the combination of name and surname should be distinctive, at least in a limited area. However, underscoring the tensions within the assimilation policy, the

memorandum noted that 'Aboriginal names are often changed or unknown to many members of the community or may cause embarrassment or resentment when spoken or asked about. But if used all the time these disadvantages disappear and aboriginal names come to be used as freely as European names in time'.<sup>89</sup> It seems from this communication that Giese was actually recommending the application and general use of Aboriginal names.

Naturally, misunderstandings were frequent. Doolan recalled: 'I used to have to do a lot of census counting too, to see who was on different places and some of the names we used to get were hilarious. People who hadn't had any experience in speaking to Aborigines couldn't understand them and had written down the English that she spoke ... they came out ridiculously'.<sup>90</sup> Doolan provided a number of examples of misunderstandings. For example, one person had been registered as 'Mipellakruk'. Doolan suggested that this name was a response to the question 'how are you?' and the person had responded 'Me Feller Crook'. Doolan recounted another example from an interaction with an Aboriginal person at Wave Hill:

I said "what's your name" and he said "Chisel" and I looked this up in the stud book and yes, Chisel the name was ... I thought well that's a funny name ... and I said "Are you a carpenter boy or something?" and he said "No I've been a ringer all my life. I work on stock". And I said "... where did you get that name Chisel? ... it wouldn't be Cecil eh?" And his face lit up and he grinned ... "You're right ... My name no more Chisel. It's Chisel."<sup>91</sup>

On another occasion a name, 'Tape', was recorded on the census. When the census data was checked it became clear that the person had actually tried to explain that his name was 'Dave'.

There were large fluctuations in the populations of the areas overseen by patrol officers. Patrol officer Ryan noted in a 1953 report that he had 'done nothing about eliminating or reducing the number of nomadic natives who frequent the traditional route from Arnhem land through Mainoru, Beswick ... to the Buffalo shooting camps back to Arnhem land. It is a difficult problem to solve'.<sup>92</sup> Significant movement between South Australia and Western Australia for hunting, ceremony, station or mining work or drinking meant that populations were far from static.<sup>93</sup> McCoy pointed out that Aboriginal people's interests lay in the 'tribal lands through which state boundaries cut', Aboriginal people did not recognise state borders and there was inevitably considerable movement across them.<sup>94</sup> When patrol officers returned to an area six months after their initial survey to check census details, many people on their lists had not been in the area for months.<sup>95</sup> For example, on one occasion patrol officer Evans reported that: 'Considerable fluctuation in numbers of natives on some stations occur. For instance, no confident figure was at any one time in respect of Angus Downs. Similarly at Tobermorey (sic), which the last census (September, 1953) shows to have only seventeen natives, there may be more than twenty on occasions'.<sup>96</sup>

When patrol officer Lovegrove returned to a particular camp to check census details he found a note explaining the camp was deserted because the waterhole was contaminated.<sup>97</sup> Aboriginal trackers were put into service to try to find people to check the census details – sometimes to no avail.<sup>98</sup> Elsewhere Benton has discussed the importance of intermediaries to colonial administration and rule.<sup>99</sup> Certainly Aboriginal trackers were vital to the work of patrol officers who would have found it extremely difficult, and sometimes impossible, to negotiate the remote areas of the Northern Territory without their assistance. From time to time patrol officers became aware of movements of specific Aboriginal people from one



place to another and could amend the list of wards accordingly.<sup>100</sup> On other occasions it was pointed out that many people did not live anywhere permanently.<sup>101</sup>

Aboriginal people travelling from interstate were subject to different rules. This also caused confusion. Bill Parry's father was a non-Aboriginal farmer, while his mother was an Aboriginal woman. He explained:

I had a permit [for carrying a gun]. And also we had a permit to go in the pub. Like a permit, you know you register a dog you get a little tag on the neck – that's what we used to carry ... they had your registered name and your photo in the book. As soon as you walked in the pub, you've just got to show them the passbook with your face, you know body, photo and everything, you were okay ... but Western Australian people would come over ... they were allowed to drink in the Territory.<sup>102</sup>

Some efforts were made to stabilise populations. For example, when Aboriginal people turned up in the larger towns of Darwin and Alice Springs they were removed to settlements to be forwarded 'home'. McCaffery wrote to one station settlement superintendent: 'The natives being forwarded to your settlement are principally Liverpool River natives ... You are to endeavour to move these natives on from your settlement in the direction of their original habitat ... Further shipments of these natives can be expected'.<sup>103</sup>

#### **Aboriginal people's resistance**

On a number of occasions Aboriginal people refused to provide the tribal names that were required to make the register complete. Some preferred to adopt the names of non-Aboriginal people. For example, patrol officer Egan, who would in 2003 become Administrator of the Northern Territory, advised Giese (the Director of Welfare) that an Aboriginal person called Bernard wished to adopt the surname McKay. McKay was the name of Bernard's schoolteacher. Apparently Bernard had checked with the teacher who had agreed to the naming. However Giese worried that 'There is a tendency for the younger natives to belittle their own Aboriginal heritage and for some to take pride in saying they do not remember their native names'.<sup>104</sup> This could be seen as a repudiation of culture or alternatively a type of cultural assertion where a name is chosen for its associations with power and protection. Either way it provided an unexpected challenge to the project.

Another 'obstacle' was a recognised cultural taboo, as many Aboriginal people refused to use their name if it was also the name of someone who had recently died.<sup>105</sup> Giese hoped that the naming system would provide Aboriginal people with associations to their Aboriginal 'past' and 'Aboriginal heritage'. He believed that if such names could be found the names would have meaning. Sweeney echoed the point. He noted that when the time came for the choice of a surname, one should be chosen in consultation with the Aboriginal person's own group, with associations with their own heritage where possible.<sup>106</sup> It was only in the case of the completely 'detrribalised native', brought up among whites, where a full white surname was considered necessary.<sup>107</sup> This approach was consistent with Hasluck's views of Aboriginal culture. In his memoir he compared the place for Aboriginal cultural traditions in Australian society as similar to the place of Scottish traditions (such as wearing kilts and playing bagpipes).<sup>108</sup> This comparison has prompted McGregor to suggest that, in Hasluck's view, all that would be left of Aboriginal culture after assimilation would be 'bits of cultural exotica ... [and] frozen remnants'.<sup>109</sup>

As time wore on Aboriginal people became increasingly resistant to the census project and less willing to assist the patrol officers who came for information. The process was perceived as intrusive.<sup>110</sup> Jack Doolan reflected that he would ask for a name and Aboriginal people 'used to turn around and say, "[w]hy don't you look in your Register of wards? I gave it to the last bloke coming around here"'.<sup>111</sup> Egan also alluded to this problem, he noted in 1957 that 'I would recommend that persons who have to obtain census details in the future should be given a copy of the register of wards from which to check. The people in the area are, I feel, becoming a little weary of repeating their language, place of birth etc, to every welfare branch officer that comes along.'<sup>112</sup> The tone of Egan and Doolan's comments suggest that they became increasingly sympathetic to the response of Aboriginal people.

### **Challenging categories**

Situations of inter-marriage seemed to cause particular confusion. Giese was concerned to know the names of all those Aboriginal people married to 'non-Aboriginal people'. He also sought advice from the welfare officers as to whether, in such circumstances, the 'Aboriginal' partner should be declared a ward.<sup>113</sup> Patrol officer Evans sought advice: 'It would be appreciated if you would furnish a ruling as to the status of a female Aborigine married to a European or a part-Aboriginal who does not come within the scope of the Aboriginal Ordinance as amended'.<sup>114</sup> McCaffery responded that the issue of inter-marriage had been given scant consideration. On this issue it appears that policy was made on the run. He suggested that, where the couple were legally married, the wife should be given a temporary permit to reside in a prohibited area. He also recommended that, where the couple was not legally married, the wife should be committed to a reserve or institution and presumably declared a ward.<sup>115</sup> The 1951 marriage of a non-Aboriginal man, Lance Carew, to Ruby, 'a full blood' Aboriginal woman, provides a good example of the problems encountered. Lance Carew sought the exemption of his wife from the register of wards, as he was concerned about what would happen to her in the event of his death. He noted 'my wife is at least a human being and I feel annoyed that we should have to ask for citizenship rights for her'.<sup>116</sup> In deciding the ward status of Mrs Carew, public relations officer Sweeney urged the Chief Welfare Officer to consider that when he had visited her home a week previously, Mrs Carew had several 'full-blood relatives' in the house with her and some in the yard outside. He noted that should anything happen to Mr Carew, she would return to those 'full-blood' relatives.<sup>117</sup> On the other hand, some time earlier patrol officer Ryan had noted that Ruby had 'never caused any trouble', that Lance Carew was held in 'high repute', and that Ryan had recommended the marriage.<sup>118</sup>

Similarly Alice Fejo sought to be excluded from the register. She was a 'full-blood' Aboriginal woman married to a 'part-Aboriginal' returned soldier who had died. This case also caused some anxiety to the authorities. On the one hand Giese reported that she kept her house clean and tidy, worked part-time and had provided very good references. On the other hand Giese was concerned that she only sought exclusion from wardship so that she could drink alcohol. Ultimately, Giese supported her declaration as a ward.<sup>119</sup>

In some situations patrol officers recommended that certain people be excluded from the register. However the exclusion was often followed by an application from the specific person requesting that they be declared a ward.<sup>120</sup> For example, on some occasions parents already registered as wards sought declarations of their children as wards so that they could remain together.<sup>121</sup> In agreeing to list individuals as wards Giese referred, for example, to their 'primitive social standards', 'illiteracy', 'predominant Aboriginal descent'

and associations with 'full-blood' Aboriginal people.<sup>122</sup> In 'borderline' cases individuals were listed on the register.<sup>123</sup>

There were also many difficulties with enforcing the liquor licensing legislation. Wards were not allowed to drink alcohol and although non-wards were permitted to drink, they could not legally supply alcohol to wards. In a now infamous case, world-renowned Aboriginal painter Namatjira, a non-ward, was charged with supplying alcohol to his cousin, who was a ward.<sup>124</sup> Namatjira was found guilty of supplying alcohol to a ward and ordered to serve a period of imprisonment.<sup>125</sup> Williams was the chief prison warden at the Alice Springs gaol in the 1950s. He recalled that the gaol segregated prisoners into wards and non-wards, and that when Namatjira was brought into custody 'I had to ask him ... which section he wanted to go in [and he said] "Mr Williams, you shouldn't ask me that" ... he thought it was a big joke me asking him. He naturally pointed to the Aboriginals ... he knew where to go'.<sup>126</sup>

Despite the fact that the register was gazetted in May 1957, the register of wards was still not a public document so it could not be presented to the court to prove the status of any person charged with alcohol related offences.<sup>127</sup> To get over the barrier of being unable to produce the register in court and thus prove a certain person was a ward, the prosecution ensured a certificate was drawn up that stated that the person was a ward under the ordinance. In some cases the certificate was signed by Giese and dated with a date subsequent to the alleged offence. This certificate was insufficient for the court and led to acquittals.<sup>128</sup> Other acquittals were recorded due to inaccuracies in the register. Colin Macleod refers to one occasion, when Dick Lim's name appeared in the register as 'Dick Lum'. This meant Lim was not technically a ward and so could not be convicted of an alcohol consumption offence.<sup>129</sup>

### **Inadequacy of the record**

The gaol segregation system also caused problems as a result of the incompleteness of the register. In relation to an interviewer's question about how people in the prison were dealt with, Williams commented that only those Aboriginal people born in the Northern Territory tended to be in the register:

You had a stud book of all the black prisoners, if they'd been born in the Territory ... And naturally a lot of them weren't in it, but you had the tribes, the skin and the areas ... Certain part-Aboriginals were allowed to drink, but they had to carry a dog-tag. So if a fellow came into gaol, if he had a dog-tag you'd know he was allowed to drink, therefore you could put him with the whites if he wished to go there.<sup>130</sup>

The register was inevitably imprecise in many parts right up to the time that it was published and beyond. Jack Doolan described it as 'terribly inaccurate'.<sup>131</sup> Immediately before its publication the Director of Welfare worried that 'little or no attempt is being made to maintain the flow of information which would enable the Register of wards to be an up-to-date or become a more accurate document'.<sup>132</sup>

In 1957 the Director of Welfare wrote to patrol officers and noted 'gross inaccuracies' in the register that needed to be given attention. Inaccuracies included duplicated names, incorrect years of birth recorded, the inclusion of some who should not have been on the list and the omission of others who should have been.<sup>133</sup> For example, in March 1957 patrol officer Holden agitated for the removal of Lorna Nabanunga from the list of wards; she did not have close associations with Aboriginals, apart from her relations, and had her meals in the homestead with other Europeans.<sup>134</sup> She was removed. In relation to the

census information for Utopia, patrol officer Holden wrote in November 1957: 'Some amendments are noted below but there seem to be numerous omissions and confused identities in the Register and a detailed check of the census for this area is needed.'<sup>135</sup>

Although the register was gazetted in May 1957, its incompleteness and many inaccuracies led to continued attempts to update and improve it.<sup>136</sup> Attempts were made to locate those people who, despite the best efforts of Giese and his patrol officers, continued to be 'lost'. As Giese recalled, 'eighteen months later ... we brought down another list of three thousand ... these would be for the most part people that were missed. And, let's face it, even over that period there were small pockets of Aboriginals that could very easily have lost themselves in Arnhemland or in Central Australia'.<sup>137</sup>

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In her examination of law and colonial cultures, Benton comments that 'Conquered and colonised groups sought ... to respond to the imposition of law in ways that included accommodation, advocacy within the system, subtle delegitimisation, and outright rebellion.'<sup>138</sup> Responses from Aboriginal people to the census project were diverse. While some Aboriginal people collaborated with patrol officers to complete the register, others subtly delegitimised the project through their choice of particular names. Still others rebelled by refusing the categories established for them. However it would be a mistake to view participation in the census as either resistance or collaboration.<sup>139</sup> More often there was simultaneous collaboration and rejection. For example, in some cases Aboriginal people collaborated with patrol officers in preparing the census but contested their classification. Further, it was not only Aboriginal people who responded in unexpected ways to the census project. For patrol officers the census project and its accompanying legislation sometimes created dilemmas about the process and raised unexpected sympathies towards Aboriginal people. Linguists, anthropologists and newspaper columnists also questioned the government approach to the census.

The census project was perceived as a first step towards 'cultural circulation' pursuant to the assimilation policy. It aimed to reflect legal recognition of an Aboriginal person's existence, albeit as a person in need of care. Long suggests there were some positive aspects to the census project, writing that 'it did signify that government was taking an interest in Aboriginal people'.<sup>140</sup> Indeed, this new policy was considerably removed, at least in theory, from the prior situation of denying freedoms purely on the grounds of colour. A person's social situation, rather than his or her skin colour, would, under the welfare legislation, ostensibly determine their status. But the effect was by and large the same. The apparent racial neutrality was just that, with decisions about 'social situation' intimately connected to European ideas of 'civilisation' and 'progress'. The effect of naming and registering Aboriginal people on the census was to legitimate the exercise over them of the extraordinary powers conferred on administrators by the welfare legislation. However, as our discussion demonstrates, the census project was dogged by obstacles and the final list was incomplete and inaccurate and many Aboriginal people resisted their inclusion. The exercise of power was ultimately not absolute.

#### Notes

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2. Richard Flanagan, *Gould's Book of Fish*, Grove Press, Berkeley, 2002, p. 187. See also Xavier Herbert, *Poor Fellow My Country*, Collins, Sydney, 1975, pp. 15–16, 29.
  3. Hester Lessard 'Mothers, fathers and naming: reflections on the law equality framework and Trociuk v British Columbia (Attorney General)', *Canadian Journal of Women and the Law*, no. 16, 2004, pp. 165, 167.
  4. Elizabeth Carasco, 'What's in a name? Whose name is it anyway? – a comment on Trociuk v B.C.' *University of British Columbia Law Review*, no. 37, 2004, pp. 259, 261.
  5. Alia notes that the Inuit are also gradually restoring the names they had before the naming project, legally or through daily use, Valerie Alia, *Names, Numbers and Northern Policy: Inuit, Project Surname and the Politics of Identity*, Halifax, Fernwood, 1996, pp. 96, 102.
  6. Paul Hasluck, *Shades of Darkness: Aboriginal Affairs 1925–1965*, Melbourne University Press, Melbourne, 1988, pp. 85–7. See also Russell McGregor, 'Wards, words and citizens: A. P. Elkin and Paul Hasluck on assimilation', *Oceania*, vol. 69, pp. 199, 243.
  7. Hasluck, *Shades of Darkness*, p. 11. See also Michael Dodson, 'Assimilation versus self-determination: no contest' (speech delivered at the H.C. (Nugget) Coombs Northern Australia Inaugural Lecture, Darwin, 5 September 1996) [http://www.hreoc.gov.au/speeches/social\\_justice/assimilation\\_vs\\_selfdetermination.html](http://www.hreoc.gov.au/speeches/social_justice/assimilation_vs_selfdetermination.html) at 15 May 2007.
  8. *Welfare Ordinance 1953–1957* (NT).
  9. As Benton has pointed out, the 'political and symbolic importance of defining the legal status of indigenous subjects stretched across the colonial world'; Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History 1400–1900*, Cambridge University Press, Cambridge, 2002, pp. 253, 6. See also Russell McGregor, 'Avoiding "Aborigines": Paul Hasluck and the Welfare Ordinance, 1953' *Australian Journal of Politics and History* no. 51, 2005, p. 522.
  10. Alia, *Names, Numbers and Northern Policy*.
  11. Lessard, 'Mothers, Fathers and Naming', p. 210. See also Jeremy Long, *The Go-Betweens: Patrol Officers In Aboriginal Affairs Administration in the Northern Territory 1936–1974*, North Australian Research Unit, Australian National University, Casuarina, 1992.
  12. Alia, *Names, Numbers and Northern Policy*, p. 105.
  13. Robert van Krieken, 'The barbarism of civilisation: cultural genocide and the "stolen generations" or "Elias in the Antipodes"' (Paper presented at the Norbert Elias centenary conference *Organized Violence: The Formation and Breakdown of Monopolies of Force-Conditions and Consequences*, Amsterdam, 18–20 December 1997) <<http://www.usyd.edu.au/su/social/elias/eliasframe.html>> at 23 February 2007.
  14. Paul Carter, *The Road to Botany Bay*, Faber & Faber, Boston, 1987, pp. 27–8. Interestingly, Hasluck had already showed his interest in names and naming in his autobiography, Paul Hasluck, *Mucking About: An Autobiography*, Melbourne University Press, Melbourne, 1977.
  15. See for example Long, *The Go-Betweens*; Creed Lovegrove, *Brolga at Large: The Recollections and Perceptions of a Territory Boy and Native Affairs Patrol Officer*, Historical Society of the Northern Territory, Casuarina, 2004; Colin Macleod, *Patrol in the Dreamtime*, Mandarin, Melbourne, 2003.
  16. Tim Rowse, *Obligated to be Difficult: Nugget Coombs' Legacy in Indigenous Affairs*, Cambridge University Press, Cambridge, 2000, p. 17. See also Colin Tatz, *Aboriginal Administration in the Northern Territory of Australia*, PhD thesis, Australian National University, 1964, pp. 13–28 for a thorough overview of the policy and its effects.
  17. Quoting Hasluck, 'Hasluck and expert differ on Aborigines' *Centralian Advocate*, 4 September 1959, p. 7.
  18. Generally this was also Elkin's view (Elkin was a prominent anthropologist at the time). See Tigger Wise, *The Self-made Anthropologist: A Life of A P Elkin*, Allen & Unwin, Sydney, 1985, pp. 81, 107, 120, 135.
  19. Paul Hasluck, *Light That Time Has Made*, National Library of Australia, Canberra, 1995, p. 122; Hasluck, *Shades of Darkness*, p. 130, quoting from a 'Cabinet Minute' he wrote in 1957.
  20. McGregor, 'Wards, Words and Citizens', p. 247. See also Anna Haebich, *Spinning the Dream: Assimilation in Australia 1950–1970*, Fremantle Arts Centre Press, Fremantle, 2005, pp. 204–7.
  21. Special Committee on Native Affairs, Western Australia Votes and Proceedings, *Report of Special Committee on Native Affairs*, 1958, p. 35, quoting Hasluck; referred to in Anna Haebich, *Broken Circles: Fragmenting Indigenous Families 1800–2000*, Fremantle Arts Centre Press,

- Fremantle, 2000, p. 439. See also Paul Carter, *The Lie of the Land*, Faber & Faber, London, 1996, pp. 51ff., where he points out that colonists are reconfigured as saviours.
22. The Legislative Council of the Northern Territory had thirteen members. Seven were official members; these were mainly the heads of Commonwealth Government departments. The remaining six were elected. The head of the Legislative Council was the Administrator of the Northern Territory (or Administrator in Council), who was appointed by the Commonwealth; see Northern Territory Legislative Assembly (General Information) <<http://www.nt.gov.au/lant/parliament/nt.shtml>> at 8 May 2007. Northern Territory, *Parliamentary Debates*, Legislative Council, 22 January 1953, p. 80.
  23. See *Aboriginals Ordinance 1918–1947* (NT). See Warwick Anderson, *The Cultivation of Whiteness: Science, Health and Racial Destiny in Australia*, Melbourne University Press, Melbourne, 2002 for an overview of scientific ideas about race preceding the assimilation policy.
  24. The Universal Declaration of Human Rights was declared by the United Nations in 1948 and stated that people should not be discriminated against on the basis of race. For further discussion see J. Chesterman, 'Defending Australia's Reputation: How Indigenous Australians won civil rights part one', *Australian Historical Studies*, no. 116, 2001, pp. 20, 22.
  25. Colin Macleod, *Patrol in the Dreamtime*, p. 127. This position was effectively the highest in authority in the Commonwealth Government Department of Welfare at the time.
  26. H Giese, 'The native welfare programme in the Northern Territory' in *Personal Papers 1929–1986*, Northern Territory Archive Service (NTAS), Northern Territory Record Search (NTRS) 1043, 1.
  27. National Archives of Australia (NAA): E944, HERMANNBERG.
  28. NAA: F1, 1956/293 Part 1, folio 126, Letter from Sweeney to the Chief Welfare Officer, 29 June 1956.
  29. NAA: F1, 1956/293 Part 1, folio 128, Letter from Holden, 24 July 1956.
  30. Hasluck, *Shades of Darkness*, p. 128.
  31. The legislation was on the 1953 'Northern Territory Legislation Programme'; NTAS, NTRS 226, Transcript (TS) 141 F.J.S. Wise, Tape 3, side B, 3.
  32. NAA: F1, 1957/748, folio 53, notice dated May 1957. See also Robert Porter, *Paul Hasluck: A Political Biography*, University of Western Australia Press, Perth, 1993, p. 201. Hasluck subsequently claimed that lawyers' anguish had delayed his prize legislation; Hasluck, *Shades of Darkness*, p. 86.
  33. NTAS, NTRS 226, TS755 H. Giese, tape 13, Side B, 9.
  34. See above n 22.
  35. Section 14(1) *Welfare Ordinance 1953–1960*.
  36. Northern Territory, *Parliamentary Debates*, Legislative Council, 22 January 1953, p. 87.
  37. NTAS, NTRS 226, TS311/1 A. Richards, 29.
  38. Pursuant to the welfare legislation it was impossible for most non-Aboriginal people to be declared wards. See Human Rights and Equal Opportunity Commission, *Bringing Them Home: National Enquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, HREOC, Canberra, 1997, p. 123.
  39. *Immigration Act 1901–1949* (Cth). Section 14 (2) *Welfare Ordinance 1953–1960*. See also Kriewaldt's comment that the practical effect of this section was to confine s14(1) to aboriginal inhabitants, see *Raabe v Wellington* [1957] NTSC (Unreported, Kriewaldt J., 21 November 1957) p. 225.
  40. Section 38 *Welfare Ordinance 1953–1960*. See the coverage of Mick Daly's (a non-ward) attempts to marry Gladys Namagu (an Aboriginal woman and a ward): *Northern Territory News*, 21 August 1959, 4 December 1959. See also the discussion later in this article.
  41. NTAS, NTRS, TS 755 H. Giese.
  42. Long, *The Go-Betweens*, p. 151. See also HREOC, *Bringing Them Home*, p. 144.
  43. Justice Kriewaldt recognised this. He noted that 'when the time arrives than an aborigine understands that he may appeal from 'Welfare' to the courts, that aborigine has also reached the stage where he should no longer be subject to the [Welfare] Ordinance', see Martin Kriewaldt, 'The application of the criminal law to the Aborigines of the Northern Territory of Australia'. *University of Western Australia Law Review*, no. 5, 1962, pp. 1, 15.
  44. Northern Territory, *Parliamentary Debates*, Legislative Council, 22 January 1953, p. 88.
  45. See Division 4 'Appeals by Wards' especially section 32(2) *Welfare Ordinance 1953–1960*.

46. Section 39 *Welfare Ordinance 1953–1960*. Concerns were expressed by Hasluck's advisors that the appeal process was not rigid enough but Hasluck disagreed. See Porter, *Paul Hasluck*, p. 202.
47. NTAS, NTRS, TS 755 H. Giese.
48. Section 8 (a)(i) *Welfare Ordinance 1953–1960*.
49. Section 8 (a)(ii) – (vii) *Welfare Ordinance 1953–1960*; Section 17 *Welfare Ordinance 1953–1960*.
50. Section 17(2), 21 *Welfare Ordinance 1953–1960*.
51. HREOC, *Bringing Them Home*, p. 144. See also Northern Territory, *Parliamentary Debates*, Legislative Council, 22 January 1953, p. 93, where this possibility was discussed prior to the Ordinance's enactment.
52. *Welfare Ordinance 1953–1960*, Division 3 'Duties of Director in Relation to Property of Wards'.
53. Northern Territory, *Parliamentary Debates*, Legislative Council, 22 January 1953, pp. 92–3.
54. The records suggest that there were less than 20 patrol officers working in the Northern Territory at any time during the 1950s; see Long, *The Go-Betweens*, p. 170.
55. Long, *The Go-Betweens*.
56. See Lovegrove, *Brolga at Large*, p. 58; NTAS, NTRS 226, TS 46, E.C. Evans.
57. Lovegrove, *Brolga at Large*, p. 59.
58. References to the term 'stud book' can be found in Lovegrove, *Brolga at Large*, p. 71; Macleod, *Patrol in the Dreamtime*, p. 49; NTAS, NTRS226, TS193, J. Doolan, tape 1, 193.
59. See Long, *The Go-Betweens*, p. 125. Marital state was also included, see FI 1954/737 report authored by patrol officer Greenfield at p. 28. See also M. Landrigan and J. Wells, 'Populating the Northern Territory', in J. Wells, M. Dewar and S. Parry, *Modern Frontier: Aspects of the 1950s in Australia's Northern Territory*, Charles Darwin University Press, Darwin, 2005, p. 110.
60. NAA:F1, 55/390, Welfare Branch Patrol Officers Conference, p. 2.
61. NAA:F1, 1956/293 Part 1, folio 8. Letter from G Sweeney public relations officer (undated).
62. Macleod, *Patrol in the Dreamtime*, p. 49.
63. Note that in 1954 approximately 15,000 non-Aboriginal people were residing in the Northern Territory, see Landrigan and Wells, above n 59, p. 104; while Australia had a total population of approximately 8 million people in 1954, see Australian Bureau of Statistics, *Year Book Australia*, 1953, p. 62; *Northern Territory News*, 28 May 1957. The figures appear to be uncertain. Wells and Christie note that six 'full-bloods' were left off the register and note their names, see J. Wells and M. Christie 'Namatjira and the burden of citizenship', *Australian Historical Studies*, no. 114, 2000, pp. 110, 120. Powell suggests that about eighty Aboriginal people were initially granted full citizenship rights, see Alan Powell, *A Far Country: A Short History of the Northern Territory*, Melbourne University Press, Melbourne, 1996, p. 203.
64. Both Long and Macleod, patrol officers during the 1950s, allude to some of the difficulties encountered during the process in their autobiographies. See Long, *The Go-Betweens*, pp. 125–6, see Macleod, *Patrol in the Dreamtime*, pp. 49–53.
65. NAA: F1, 1956/1775, folio 61, 28 May 1957 from Archer.
66. NAA: F1, 55/390, Welfare Branch Patrol Officers Conference, summary, 1955.
67. NTAS, NTRS1043 H. Giese personal papers, Box 3, "Missions-Administration Conference, 1957".
68. NAA: F1, 1956/293 Part 1, letter from H. Giese, dated 27 January 1956.
69. NAA: F1, 1956/293 Part 1, letter from H. Giese, dated 27 January 1956.
70. NTAS, NTRS 1043, H. Giese personal papers, Box 3 "Missions-Administration Conference, 1957".
71. NAA: E155, 1960/94, folio 300, letter dated 8 March 1962 to Director of Welfare.
72. See for example *Northern Territory News*, 7 June 1955, 11 July 1957, 5 November 1957, and 7 January 1958.
73. *Northern Territory News*, 14 June 1955.
74. NAA: E743, U73 Lake MacKay Area proposed patrol, folio 137; letter dated 1 February 1955.
75. NAA: E743, U73 Lake MacKay Area proposed patrol, folio 76.
76. NTAS, NTRS226, TS 743, A. Probin, Tape 1, 7.
77. Although Giese did not want to pre-empt any decision making; NAA: E743, U73 Lake MacKay Area proposed patrol, folio 135.
78. NAA: E743, U73, Lake MacKay Area Proposed Patrol, folio 74.
79. See NAA: F1, 1957/367, folio 41, report of T. Egan dated 21 May 1957.
80. NAA: F1, 1952/795, folio 50, J. Bray file.
81. See Carter, *Road to Botany*, pp. 330–2. See also *Northern Territory News*, 24 March 1955.

82. NAA: F1, IT65 1972/6167 'Orthography for Aboriginal names', 3 February 1955, signed by H. Giese.
83. NAA: F1, IT65 1972/6167 'Orthography for Aboriginal names', 3 February 1955, signed by H. Giese.
84. NAA: E155, 1960/94, Folio 370, Aboriginal Affairs Register of Wards.
85. NAA: F1, IT65 1972/6167 'Orthography for Aboriginal names', 3 February 1955, signed by H. Giese. See also McGregor, 'Avoiding "Aborigines"', p. 527.
86. NAA: E155, 1960/94, Folio 370, Aboriginal Affairs Register of Wards.
87. NAA: E155, 1960/94, Folio 370, Aboriginal Affairs Register of Wards.
88. Indeed the anthropologist Elkin became less supportive of Hasluck's approach as the 1950s wore on; see McGregor, 'Wards, Words and Citizens', p. 243.
89. NAA: E155, 1960/94, Folio 370, Aboriginal Affairs Register of Wards. See also NAA: F1, IT65 1972/6167 'Orthography for Aboriginal names', 3 February 1955, signed by H. Giese.
90. NTAS, NTRS226, TS193, J. Doolan, 26.
91. NTAS, NTRS226, TS193, J. Doolan, 26.
92. NAA: F1, 1954/209, folio 96, report of patrol officer Ryan, 12 Dec. 1953. See also Carter, *The Lie of the Land*, p. 3, where he notes that movement has always been perceived as a problem by colonisers.
93. NTAS, NTRS226, TS540, B. Parry, Tape 1, 6: see also NAA: F1, 1952/701, letter dated 5 April 1952 from Anthony's Lagoon and letter dated 27 Aug. 1954 from Hooker Creek settlement.
94. NAA: F315, 1949/388, folio 51, C.P.O. Penhall LN Patrol Reports.
95. See NAA: F1, 1952/550, folio 42, Native Affairs Branch, report of E.C. Evans 15 July 1954.
96. NAA: F1, 1952/550, folio 42, Native Affairs Branch, report of E.C. Evans 15 July 1954.
97. NAA: F1, 1952/997, folio 115, report of Patrol Officer Lovegrove 4 December 1952.
98. NAA: F1, F1/0 1952/795, folio 50, report of Patrol Officer J. Bray.
99. Benton, *Law and Colonial Cultures*, p. 17.
100. NAA: E743 U73, folio 135, Lake MacKay Area Proposed Patrol. Also note, for example in 1955 it was reported that Walpiri people were moved north of Phillip Creek because of water shortages: see 'New Home for 300 Natives; Water Scarce' *Northern Territory News*, 10 March 1955, p. 1.
101. NAA: F1, 1956/293 Part 1, folio 38, letter from Roper River Mission, 26 February 1956.
102. NTAS, NTRS226, TS 540 B. Parry, Tape 1, 6.
103. NAA: F1, 1954/737, letter to superintendent of Beswick Creek Native Settlement from RK McCaffery, 21 January 1954.
104. NAA: F1, 1956/293 Part 1, letter from H. Giese 13 June 1956.
105. *Northern Territory News*, 24 March 1955. See also Francesca Merlan 'Australian Aboriginal conception beliefs revisited', *Man*, no. 21, 1986, p. 474 where the nature of this cultural taboo is discussed.
106. NAA: E155, 1960/94, Folio 370, Aboriginal Affairs Register of Wards. E155/1960/94 Folio 370; NAA: F1, IT65 1972/6167 'Orthography for Aboriginal names', 3 February 1955, H. Giese.
107. NAA: F1, 1956/293 Part 1, folio 21, letter from G Sweeney, 6 February 1956.
108. Hasluck, *Shades of Darkness*, p. 30.
109. McGregor, 'Wards, Words and Citizens', p. 248.
110. Long, *The Go-Betweens*, p. 127.
111. NTAS, NTRS 226, TS193, J. Doolan, 28.
112. NAA: F1, 1957/367, folio 41, report of patrol officer Egan, 21 May 1957.
113. NAA: F1, 1956/293 Part 1, folio 46, letter from H. Giese to District Welfare officer 16 March 1956.
114. NAA: F1, 1953/800, folio 133, 'Welfare Branch Aboriginal Ordinance 1953 Declarations', Letter from E.C. Evans (Secretary of the Welfare Office) to Acting Director of Native Affairs, 6 May 1954.
115. NAA: F1, 1953/800, folio 132, 'Welfare Branch Aboriginal Ordinance 1953 Declarations', letter from McCaffery to Acting District Superintendent, dated 18 May 1954.
116. NAA: F1, 1955/1149, letter from Carew, 29 September 1954.
117. Letter from Sweeney to Chief Welfare Officer; CRS F1 1954/737.
118. NAA: F1, 1955/1149, letter from Ryan to Native Affairs Branch, October 1954.
119. NAA: F1, 1955/1149, folio 57, letter from H. Giese 19 February 1957.
120. NAA: F1, 1953/800, folio 7, 15, 'Welfare Branch Aboriginal Ordinance 1953 Declarations'.



121. NAA:F1, 1953/800, 'Welfare Branch Aboriginal Ordinance 1953 Declarations', see folio 12; letter from H. Giese to Northern Territory Administrator 12 January 1955; and folio 9, letter from H. Giese to Northern Territory Administrator 2 February 1955.
122. NAA: F1, 1953/ 800. 'Welfare Branch Aboriginal Ordinance 1953 Declarations'. See folio 21, letter from H. Giese to Northern Territory Administrator 15 December 1954; and see folio 37 letter from Penhall to Director of Welfare 4 August 1954.
123. NAA: F1, 1953/ 800. 'Welfare Branch Aboriginal Ordinance 1953 Declarations'. See folio 28, note signed by H. Giese date stamped 6 December 1954.
124. For a discussion of the licensing legislation of the period see Heather Douglas, 'Justice Kriewaldt, Aboriginal identity and the criminal law', *Criminal Law Journal*, vol. 26, 2002, pp. 216-8.
125. *Namatjira v Raabe* (1958) NTJ 608. See also Wells and Christie, *Namatjira*, pp. 110-30.
126. NTAS, NTRS226, TS 608, J. E. Williams, Tape 1, 23.
127. *Northern Territory Government Gazette*, 13 May 1957, pp. 1-272.
128. NAA: F1, 1957/748, letter from T. Egan to the District Welfare Officer 9 October 1957; 'Liquor Charge Brings Six Months Gaol' *Northern Territory News*, 7 May 1953, p. 1.
129. Macleod, *Patrol in the Dreamtime*, pp. 52-3. T. Egan recalls similar occurrences: discussion with Chesterman, 13 Dec. 2006.
130. NTAS, NTRS226, TS 608, J. E. Williams, Tape 1, 20.
131. NTAS, NTRS226, TS193, J. Doolan, p. 26.
132. NAA: E155, 1960/94, folio 374, Aboriginal Affairs Register of Wards, letter from H. Giese to District Welfare Officers (date unknown).
133. NAA: E155, 1960/94, folio 365, Aboriginal Affairs Register of Wards.
134. NAA: F1, 1956/293 Part 1, folio 196, letter from Holden to Welfare Officer, 19 March 1957.
135. NAA: E944, UTOPIA 2, folio 60, note from Holden, 21 November 1957.
136. *Northern Territory Government Gazette*, 13 May 1957, pp. 1-272.
137. NTAS, NTRS226, TS755, H. Giese.
138. Benton, *Law and Colonial Cultures*, p. 3.
139. Benton makes this point about the imposition of law more generally to colonial cultures, Benton, *Law and Colonial Cultures*, p. 17.
140. Long, *The Go-Betweens*, p. 127.