the compatibility of hasluck’s assimilation policy and mining on aboriginal reserves in the northern territory: an illusion?

We are only humbugging ourselves if we assume that the natives will ever own any of that land, or that they will start in an advantageous position in the exploitation of minerals in the reserves. So the breakdown of natives [sic] reserves will take place largely in the interests of European industry.

Kim Beazley, House of Representatives, 12 August 1952.

In all settler societies there has been perennial debate: should the dominant settler order seek to include, even absorb, the indigenous minority, or exclude, even separate it from its presence? While there were some attempts in the nineteenth and early twentieth centuries to create a place for Australia’s Indigenous population in the community, these were, for the most part, unsuccessful. A policy of protection was adopted instead, so that the Aboriginal ‘race’ could be ‘preserved’. This was most evident, in the Northern Territory, where Aboriginal people were segregated from the rest of society on large reserves. After a slow beginning, there was a substantial increase in 1920 in the area of reserved land in the Northern Territory. The Northern Territory Acting Administrator, Staniforth Smith, expanded the total area of reserve land from 2,333 to 32,897 square miles. A policy of protection and segregation, without any attempt to socially advance the Aboriginal people, continued throughout the 1920s and

1 For instance, from 1815-1823 the Governor of New South Wales, Lachlan Macquarie attempted to school Aborigines and teach them new ways of living in Parramatta. He wanted to give them a new understanding of how the universe worked.

into the early 1930s. The largest reserve to be gazetted in this period was the Arnhem Land Reserve, declared on 14 April 1931.

By 1951, however, a very different policy was being proposed. At a Native Welfare Conference, Paul Hasluck, the Minister for Territories, announced that assimilation was to be the new objective of the federal government’s Aboriginal policy. The policy was summed up in 1952 as meaning that Aboriginal people were:

To attain the same manner of living and the same privileges as white Australians and to live, if they choose to do so, as members of a single Australian community, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians. Their education and training and the provisions in regard to their health and employment will be graduated according to their progress towards the eventual goal...The policy of assimilation is based on the expectation that gradually the Aborigines...Will be drawn more closely into association with the white community.

Thus, citizenship was conceived as equality of rights and opportunities. In an assimilationist context, however, it meant cultural absorption which, in turn, represented loss of land. The idea of citizenship was not about land or land rights. Aboriginal reserves would no longer be needed as those residing on them would be assimilated into the Australian community. Importantly, however, it was emphasised in Hasluck’s writings and speeches that it could take up to

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3 In the first half of the twentieth century there was an escalation in demands for Aboriginal rights and citizenship by activists and reformers as well as by Aboriginal people themselves. This was particularly evident in 1938 on ‘The Day of Mourning’ held in Sydney on 26 January. This was the first Aboriginal demonstration for citizenship rights. While this did not succeed, not long after John McEwan’s ‘New Deal’ for Aboriginal people (which would give them the ordinary rights of citizenship) was declared. See Geoffrey Gray, “From Nomadism to Citizenship: A. P. Elkin and Aboriginal Advancement”, in Citizenship and Indigenous Australians: Changing Conceptions and Possibilities, ed. Nicholas Peterson and Will Sanders (Cambridge: Cambridge University Press, 1998).

4 Previously a journalist writing for the West Australian newspaper and a key member of the Australian Aborigines Amelioration Association, an organisation that wanted to preserve, protect and develop Aborigines by being the ‘watch dog’ of Commonwealth policy. While this policy was arguably paternalistic (the Administrator could declare an Aborigine a ‘ward’; the ward would be subject to special legislation, effectively managing their lives, until they became capable of managing their own affairs), its stated aim was to give all Aborigines the same rights and opportunities as white Australians, provided they were ready for this.


three generations before some of these nomadic peoples were ready to be so assimilated. In 1952 one-quarter of the world’s bauxite was discovered in the Northern Territory, much of it lying in the Arnhem Land Reserve on the Gove Peninsula. There was intense pressure on the new Minister for Territories to allow mining on the reserve and he put the legal means in place for this to occur. The material which I examine in this paper makes it clear that the Government articulated a policy that recognised the need for long term adjustment in relation to assimilation and yet pursued a policy that contradicted that approach. The material drawn on here demonstrates why and how this happened. It is also important to bear in mind at this stage that assimilation and mining on Aboriginal reserves were broadly compatible policies; it was the means of implementation which led to the slippage between policy and practice. The documentation will be analysed to determine why this occurred.

historical interpretations of the assimilation policy

Much has been written regarding Hasluck’s assimilation policy. There has been little discussion, however, of the link between mining on Aboriginal reserves and the declaration of the Commonwealth Government’s new policy which supposed that those living on Aboriginal reserves would eventually move into the white community and no longer be segregated.

Anna Haebich explored the experiences of Aboriginal people and non-English speaking post-war migrants who lived under Hasluck’s assimilation policy in Australia during the 1950s and 1960s. Haebich analysed government policy and how Aboriginals facing assimilation coped with the denial of their customs and value systems as well as the hardships those people faced. Other Australian historians have written extensively about the ideology underpinning the assimilation policy. Some historians have labelled Hasluck’s policy as fundamentally racist. Richard Broome distinguishes between the policy of absorption which was based on ‘breeding out colour’, and assimilation, which was based on ‘social adjustment’. He claimed assimilation was an attempt to destroy Aboriginal culture and when it was administered it was a ‘policy of absorption and naïve social engineering to change Aborigines into Europeans with black skin’.

It should also be noted that during the 1950s what has been described as a second wave of dispossession occurred when Menzies allowed the first nuclear tests to be conducted at Maralinga, South Australia.

Commentators such as Quentin Beresford and Paul Omaji have gone so far as to describe it as genocide.\(^9\)

In contrast, others emphasised it was, in some ways, anti-racist and noted just how different Hasluck’s policy was to those of the past. Charles Rowley, Tim Rowse and Andrew Markus praised Hasluck’s policy as one which aimed at making Aboriginal people equal in society. They construed his policy as significantly different to those adopted in the past 150 years which either treated them as a backward people, incapable of living alongside white Australians, or which advocated extreme measures such as biological absorption.\(^10\) Nevertheless, Rowse recognised that there was a moral inconsistency in the policy in that it both ‘wooed and compelled, invited and manipulated’ as it ‘offered to forgive Aborigines their heritage while exonerating the colonists’ dispossessioning and genocidal actions.’\(^11\)

Some historians have focused specifically on the works of Australian anthropologists. Russell McGregor and Geoffrey Gray concentrated on the speeches and writings of one of the architects of the Government’s policy, Adolphus Peter Elkin. McGregor emphasised that Elkin’s concept of assimilation was one that focused on survival; survival depended upon moving to a stage in which nature was exploited and mechanisation and economics became centrally important.\(^12\) Further, he commented on Elkin’s view that Aborigines should advance in groups, a view which clashed with Hasluck’s views of liberalism and the individual. Elkin thought that family life and community were fundamental, writing ‘through their own group life; continuity with the past will be retained, social security in the present can be experienced; and assurance for the future certain…these are essential for a person’s well-being.’\(^13\) Gray focused on the


\(^12\) Rowse, *White Flour*, 107.


\(^14\) A. P. Elkin, “Assimilation and Integration,” address to Australian and New Zealand Association for the Advancement of Science (1959).
fact that anthropology was unique in Australia when compared with other settler dispossessory nations. This was due to the fact that those who were colonised and dispossessed in Australia were not the residue of an expiring culture and that anthropology in Australia was modern, expert, and focused upon social organisation.\textsuperscript{15} While there has been much discussion of the underlying ideology of Hasluck’s policy, I demonstrate how the implementation of the policy during the 1950s on the Arnhem Land Reserve was significantly different from that originally envisaged and that this was as a result of the apparent imperative to mine the rich reserves of bauxite.

the conundrum: the theory of assimilation versus its practical implementation in mineral-rich reserves

Assimilation has been studied from many different perspectives. Much of the focus has been on the definition, ideals, and intellectual background of the policy. An assessment of assimilation ultimately depends on what happened on the ground when the policy was implemented. The materials analysed below in relation to mineral-rich Aboriginal reserve lands reveal a clear divergence between Hasluck’s policy pronouncements and what was done in practice, as well as why this occurred. The inherent conflict between the ideal of assimilation and the means of trying to achieve that ideal will be explored. To date, little attention has been devoted to the fact that Hasluck allowed mining on Aboriginal reserves and failed to protect Aboriginal interests despite declaring early in his time as Minister for Territories that he would do so. As his portfolio responsibilities conflicted, economic development of the territory became preferred.

One of the central tenets of Hasluck’s policy as originally propounded was that not all Aborigines were ready to enter white society. Hasluck’s claim was that the process of assimilation would be monitored through considering the readiness of the individual Aborigine to ‘progress’ to the ‘eventual goal’.\textsuperscript{16} Hasluck insisted that the process would be slow, and that it would only occur as and


when individuals were ready and willing to adopt the European way of life.\textsuperscript{17} Nevertheless, within two years of adopting the assimilation policy, Hasluck had altered the \textit{Mining Ordinance} to make it legal for mining to occur on Aboriginal reserves. This set the path for the excision of part of the land on which lay the Yirrkala Mission in 1963. Nabalco began mining there in the early 1970s.

A variety of sources have been examined, including Hasluck’s correspondence with other Government authorities in relation to Aboriginal people and reserves during his time as Minister for Territories. In particular, files outlining the processes undertaken to open up reserves for mining and prospecting purposes will be considered. The correspondence examined from the CA60 Department of Territories, Central Office, 1951-68 Series in this article can be categorised in three sections. First, there are a number of letters between Hasluck and F. J. S. Wise, the Administrator responsible for governing the Northern Territory. There is also correspondence deciding whether or not mining permits should be granted between Hasluck and F. H. Moy, the Director of Native Affairs responsible for the education, training, employment, and health of the Aboriginal people with other interested parties. Second, Hasluck’s reports to Cabinet and Second Reading Speeches regarding relevant legislation will be discussed. Finally, correspondence and minutes of meetings relating to those involved in making it possible for prospecting and mining to occur on the Arnhem Land Reserve such as Howard Beale (the Department of Supply), R. S. Swift (CIC Lands and Mining Branch) and A. V. Smith (Chairman of New Guinea Resources Co., Ltd.) will be examined.

The first fundamental contradiction and arguably a conflict of interest that Hasluck held as Minister for Territories was his dual responsibility for the economic development of the Northern Territory and responsibility for its Aboriginal inhabitants.\textsuperscript{18} Bauxite was sought world-wide and was a considerable

\textsuperscript{17} Paul Hasluck, “A National Problem” in \textit{Native Welfare in Australia}, Paul Hasluck (Perth: Paterson Brokensha, 1953) 8.

\textsuperscript{18} Hasluck was dedicated to protecting them even though he was not a protector. Hasluck recognised that reserve lands might still be necessary as there were many different groups of Aborigines at different stages of assimilation. Some Aborigines still needed a certain measure of ‘protection’ with Hasluch claiming, ‘they were little able to face their problems of adjustment than they were 70 or 80 years ago’. Paul Hasluck, “From Protection to Welfare,” address to the Biennial Conference of the Australian National Council of Women, Melbourne, 14 October 1952, in Hasluck, \textit{Native Welfare}. 


national asset. There was much pressure to allow reserves to be made available for mining.\textsuperscript{19} The pressure came from local and Commonwealth government figures such as the Minister for Supply, Howard Beale, and the Minister for National Development and Defence Production, W. H. Spooner. Additional pressure came from the major mining companies such as the British Aluminum Company Limited and Consolidated Zinc Proprietary Limited. Allowing the Aboriginal residents to remain on reserves for a significant period proved to be difficult. As Moy noted, ‘I doubt if he [Hasluck] could satisfactorily combat pressure from fellow ministers by an insistence that reserves shall be held inviolable’.\textsuperscript{20} It is significant that, as the years progressed, the idea that it would take ‘many generations’ to assimilate Aboriginal people disappeared from Hasluck’s writings and speeches. From as early as 1952, Hasluck is more commonly found claiming that dispersal from reserves will be ‘gradual’. This suggests that his approach rapidly became pragmatic: in some cases, he realised the Aboriginal residents could not remain on reserves for several decades or even generations, especially when resources found on them were essential to the national interest.

Accordingly, Hasluck’s language altered subtly. According to his stated reasoning, reserves would soon no longer be needed. He commented that ‘reduction of the present area of reserves would be morally justifiable because of the changed policy towards native welfare and because of the changes in the conditions of the natives’.\textsuperscript{21} He and other prominent figures such as Wise, the Administrator of the Northern Territory, said that Aboriginal communities were ‘crumbling’ (that is, their ‘tribal structures were breaking up’).\textsuperscript{22} Consequently, they began stating that they anticipated, even expected, that Aboriginal people would eventually move into white society, leaving their reserve lands behind them.\textsuperscript{23}

\textsuperscript{20} F. H. Moy to F. J. S. Wise, 4 March 1952, NAA, A452, 1956/681.
\textsuperscript{21} Paul Hasluck to Cabinet, 28 March, 1952, “Northern Territory – Methodist Overseas Missions – Permission to Operate Wessel Is. And Adjacent Areas,” NAA, A452, 1953/158.
This justification was not sound: in fact, Hasluck had witnessed for himself that Aboriginal communities were not collapsing but unmistakably continuing. This is demonstrated in his having criticised the existence of reserves for enabling Aboriginal residents to maintain ‘fixed communities’. Hasluck did not focus upon the fact that Aborigines lived in fixed communities. His writings assert that the future of the Aboriginal people could go in two directions: either they adopted the white way of life and lived alongside white Australians or they were destined to become ‘fringe-dwellers’ and outcasts. In his view, they could not go back in time and live as they had before white settlement. Hasluck could not conceive of a world where it was feasible for Aboriginal people to live on reserves and independently of white society. According to him, once the Aboriginal people had come into contact with white society there was no turning back. This was part of the Enlightenment belief (which remained strong in the mid-twentieth century) that there was ‘a universal pathway of progress’. It was thought that humanity developed in four stages, the first being that of a hunter-gatherer society and the final being that of a modern commercial society, and that the rest of the world would eventually evolve to this. The assimilation policy was declared in response to the inevitability of Aborigines entering into modernity. Hasluck wanted Aboriginal people to be trained to live in white society so they would become citizens in the Australian community and not form racial blocs or become social misfits.

If and when prospecting and mining were permitted on reserves, Hasluck emphasised that extensive measures would be taken to ensure the welfare of Aborigines during their ‘social advancement’. Such measures seemingly stood for a promise that mining would not be allowed if it was to bring suffering to Aboriginal reserve residents. Thus, on the surface, the Commonwealth government’s changing stance towards Aboriginal reserve lands ensured their

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Rowse, Contesting Assimilation, 242.

With the benefit of hindsight we know that Aboriginal social structures are extremely resilient.


The documentation analysed reveals, however, that from 1951, legislation was changed to enable prospecting and mining on reserves and that when dealing with mining companies (in particular, those interested in mining the Gove Peninsula), little attention was paid to the Aboriginal residents. Eventually, in March 1963, 140 square miles of the Arnhem Land Reserve was revoked (including two-thirds of the Yirrkala Mission Reserve) and leased to Gove Bauxite Corporation Ltd for the purpose of mining the bauxite. The Yolngu who inhabited this area were by no means ‘ready and willing’ to leave the land and it was still of ‘use and benefit’ to them. Despite the strenuous attempts Hasluck and others made to justify exploration and mining on Aboriginal reserves as a natural concomitant of assimilation in a pure, gradualist manner, the idea that both objectives would be successfully achieved was an illusion.

**correspondence and legislation relating to mining and prospecting aboriginal reserves in the 1950s**

Before 1951 when Hasluck declared the policy of assimilation, it was accepted that reserves were ‘inviolate places’ in which Aborigines could ‘seek sanctuary’ and ‘live their natural existence’. Mining was forbidden on Aboriginal reserves: the *Aboriginal Ordinance* 1918-1947 (NT) excluded holders of miners’ rights from the reserves under section 21 and provisions of the *Mining Ordinance*

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29 Several measures were put in place: prospectors had to have a strong case for mining and the Administrator had to make the decisions alone as to who would be able to be granted a permit this would ensure that only mining projects that were highly profitable would be pursued; a royalty would be paid into a fund for the welfare of those residing on the reserve and measures were put in place to ensure that ‘no injury’ would be caused to Aborigines on reserves. According to section 140C(2)(e) of the *Mining Ordinance*, the Administrator had to include in mining permits ‘such conditions and restrictions’ as he thought ‘necessary’ for the ‘protection of the interests and well-being of Aborigines on reserves’. These conditions are discussed later in this article.

30 Hasluck did not think that reserves should be revoked until Aborigines were ready for this to be done. Draft of a letter from Paul Hasluck to James Coppock that was not sent and not dated. Presumably circa early 1952. Hasluck said that if a reserve ‘ceased to be necessary’ for the ‘use and benefit’ of the Aborigines, then it may be ‘severed’ for mining purposes. Paul Hasluck, *Commonwealth Parliamentary Debates, House of Representatives*, 6 August 1953, 44-7. *House of Representatives: Report from the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve, Part I, Report and Minutes of Proceedings*, Canberra, 1963.

1939-1952 (NT) prevented the granting of leases on Aboriginal reserves.\textsuperscript{32} This meant that holders of mining rights were doubly excluded from reserves and that no prospecting for minerals or actual mining could take place on the reserves.\textsuperscript{33}

The impetus to amend this legislation came early in Hasluck’s tenure as Minister for Territories. On 12 March 1952, Wise wrote to him recommending, in view of the recent discovery of bauxite at the Wessel Islands (a remote group of islands forming part of the Arnhem Land Reserve), that permission be given for prospecting to occur on reserves and that excision of the relevant area be allowed if there was enough evidence that mineral discoveries were economically important.\textsuperscript{34} On 28 March 1952, Hasluck wrote in a confidential letter to Cabinet stating that he would allow prospecting and mining on Aboriginal reserves.\textsuperscript{35} Several months later, he informed the House of Representatives of the decision.\textsuperscript{36} The following year, in April 1953, amendments were made to the \textit{Mining Ordinance} 1939-1952 (NT) to allow mining on Aboriginal reserves. A new part, section VIIA ‘Mining on Aboriginal Reserves’, was inserted. To enter an Aboriginal reserve, one had to be granted a permit by the Administrator in writing under section 140C of the Ordinance. In it, he could permit the holder of a miner’s right or the holder of a lease under this part to (a) enter a reserve for the purpose of mining or (b) carry out mining on a reserve.\textsuperscript{37} Under section 140E the Administrator could grant a mining lease. Finally, under section 140H the Administrator was able to recommend the revocation or resumption of a reserve for the purpose of mining.\textsuperscript{38} Section 21 of the \textit{Aboriginals Ordinance} 1918-1947, which forbade anyone holding a miner’s right access to an Aboriginal reserve, was repealed.\textsuperscript{39} Further, the \textit{Minerals (Acquisition) Ordinance} 1953 (NT) was enacted, which provided that bauxite was the property of the Crown if this were not already the case under existing law.

\begin{itemize}
\item\textsuperscript{32} Jon C. Altman, \textit{Aborigines and Mining Royalties in the Northern Territory} (Canberra: Australian Institute of Aboriginal Studies, 1983), 3.
\item\textsuperscript{33} Ibid.
\item\textsuperscript{34} Wise to Hasluck, 12 March 1952, NAA, A452, 1956/681.
\item\textsuperscript{35} Hasluck to Cabinet, 28 March 1952, NAA, A452, 1956/681.
\item\textsuperscript{36} Hasluck, \textit{Commonwealth Parliamentary Debates, House of Representatives}, 6 August 1952, pp. 44-47.
\item\textsuperscript{37} By section 7 of the \textit{Mining Ordinance} 1939, ‘mining’ was defined to include all modes of prospecting for and obtaining gold or minerals.
\item\textsuperscript{38} See generally \textit{Mining Ordinance} 1953 introduced to amend the \textit{Mining Ordinance} 1939-1952. It should be noted that further amendments were made over the next few years. See, for example, \textit{Mining Ordinance} 1957 which made various amendments necessary in view of the introduction of the \textit{Welfare Ordinance} 1953.
\item\textsuperscript{39} Altman, \textit{Aborigines and Mining}, 7.
\end{itemize}
The changes were stimulated by the perceived need of those in the Northern Territory Administration, Department of Territories and the Minister for National Development to develop resources of economic and strategic importance. The shift in policy, nevertheless, was said to reflect the aims of Hasluck’s new assimilation policy. He claimed:

A policy of assimilation and the measures taken for the education and care of the natives means that less dependence is placed on reserves than was placed on them in the days when it was considered that the interests of the natives could only be served by keeping them away from white society.\(^{40}\)

Hasluck justified the amendments to Cabinet as being a response to the ‘change’ in the ‘conditions’ of Aboriginal people which meant that a ‘gradual reduction’ of the area of reserves would be ‘morally justifiable’.\(^{41}\) Wise had described these conditions on 12 March 1952. He claimed the Aboriginal people no longer needed large reserves originally intended for use by a nomadic population. He gave two explanations for this. First, the hunting they performed was ‘very minor’ and ‘relatively unimportant’ as they no longer needed to hunt for their ‘upkeep’; instead they ‘increasingly depended’ on the supplies from government and mission stations.\(^{42}\) Secondly, as ‘detribalization’ continued, their tribal grounds and ceremonial areas would be less important to them.\(^{43}\)

While Hasluck thought that eventually reserves would no longer be needed, unlike Moy, Hasluck was not sure in the beginning, that in ‘opening up Native reserves to mining enterprises, no harm would come to the Aborigine’.\(^{44}\) When Hasluck thought it necessary to allow prospecting and mining to occur on reserves, he put measures in place in an attempt to ensure their interests would be safeguarded and no injury would be caused to them.

In October 1952 Hasluck claimed that whether or not mining was to be allowed on reserves would be decided on a ‘case by case’ basis. In other words, in

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\(^{40}\) Paul Hasluck to Cabinet, 28 March 1952, NAA, A452, 1956/681. While Hasluck constantly justifies the reduction of reserves as being in line with the policy of assimilation, he reiterates there was ‘no official policy’ for reducing reserves. He said that the Government was not encouraging mining on reserves and it did not want the public to get the idea that we ‘intend to throw open reserves for a search for minerals’, Paul Hasluck to House of Representatives, 6 August 1952.

\(^{41}\) Hasluck to Cabinet, 28 March 1952, NAA, A452, 1956/681.


\(^{43}\) Ibid. Hasluck also said the justification for removing Aborigines from reserves for economic reasons was that it would benefit the community overall and once the Aborigine was assimilated he would share the benefits of the community (Charles Rowley, The Remote Aborigines, Canberra: Australian National University Press, 1971, 138).

\(^{44}\) Northern Territory News, 16 September 1952, NAA, A452, 1956/681.
determining the granting of mining permits, there would be no general rule.\textsuperscript{45} In each case it would be ‘determined in the light of the surrounding factors’.\textsuperscript{46} Prospective miners had to provide a ‘strong case’ for mining.\textsuperscript{47} Mining projects were to be restricted to those that would be of economic importance.\textsuperscript{48} Before the \textit{Mining Ordinance} 1953 was passed there was much discussion over the royalty rate (to go into a trust fund for the general benefit of Aborigines) and about who should be responsible for granting the permit to mine.\textsuperscript{49} In early 1952, Hasluck thought that the \textit{Mining Ordinance} should be drafted with two changes that were ultimately adopted. First, he thought the royalty rate should be set at 2.5 per cent of gross value of the minerals. This would basically double the royalty rate on non-reserve land. Secondly, the Administrator alone would have been responsible for issuing a permit for prospecting on the reserves: he was not able to delegate responsibility for doing this.\textsuperscript{50} Both these conditions were made to protect the welfare of Aboriginal people. The first assumed that prospectors would only pursue mining on reserves if they were certain they would be of high profitability. The second assumed that if each application to prospect and mine needed to be approved by the Administrator personally, such provisions would not be used regularly or often.\textsuperscript{51} Overall, Hasluck claimed the Department of Territories was trying to avoid ‘short-lived and marginal projects’ on Aboriginal reserves. As one of the main reasons for the legislative changes was the ‘national interest’, ‘marginal enterprises’ could not be regarded as essential to the national interest.\textsuperscript{52} Another prerequisite to be met before mining was to be permitted was that no harm be caused to the Aboriginal reserve residents.\textsuperscript{53}

\textsuperscript{45} Paul Hasluck, Second Reading Speech regarding the \textit{Northern Territory (Administration) Bill} 1952, 10 October 1952, NAA, A452, 1956/681.

\textsuperscript{46} Ibid.

\textsuperscript{47} Paul Hasluck to C. R. Lambert, 6 June 1952, NAA, A452, 1952/132.


\textsuperscript{49} Created under Commonwealth legislation in 1952: \textit{Northern Territory (Administration) Act} 1910-1973 (Cth), s. 21.

\textsuperscript{50} That is, the Administrator would be personally responsible for issuing permits to enter and remain on reserves for the purpose of mining and for issuing leases in respect of any land on an Aboriginal reserve.

\textsuperscript{51} Altman, \textit{Aborigines and Mining}, 7.

\textsuperscript{52} In September 1952 Hasluck stated: ‘if it becomes necessary in the national interest to allow prospecting and mining on a reserve we will have the legal means to do so’. Paul Hasluck, “Record of the Northern Territory”, at the Second Native Welfare Conference in Canberra on 29 September 1952. The administrative record in the Northern Territory was reviewed, in Paul Hasluck, \textit{Native Welfare}, 29. Hasluck Second Reading Speech, 10 October 1952, NAA, A452, 1956/681.

\textsuperscript{53} Hasluck to James Coppock, 9 April 1952, NAA, A452, 1952/132.
for Territories emphasised that no injury would be caused to Aboriginal people if mining were allowed on reserves. Under section 140C(2)(e) of the *Mining Ordinance*, the Administrator had to include in mining permits ‘such conditions and restrictions’ as he thought necessary for the protection of the interests and well-being of Aborigines on the reserves. If these were not complied with, the permit could be revoked (section 140C (4)). Furthermore, if a reserve was to be resumed or revoked for mining purposes under section 140H of the Ordinance, the Administrator had to make a recommendation with a statement explaining the effect this would have on the Aboriginal residents. Hasluck attempted to put in place the means to safeguard Aboriginal interests, that is, ensuring they would not be injured in any way by the mining and that they would gain some benefit if it were to go ahead. Such safeguards, however, could not provide the same protections as the former prohibition had provided. Decisions as to what constituted injury to Aborigines and the protection of Aboriginal interests were inherently value laden and open to a wide variety of interpretations.\(^{54}\)

Not only did Hasluck claim he would ensure that the interests of Aborigines were safeguarded if mining were to occur on reserves, he claimed they would benefit from such operations.\(^{55}\) A royalty levied on minerals found on Aboriginal reserves would go into a trust fund for the general benefit of the Aboriginal people. The trust fund was established to ensure the ‘advancement of the inhabitants’ in the Territory and to give them a ‘raised standard of living’.\(^{56}\) It is also arguable, however, that this trust fund justified mining on reserves. Hasluck claimed the trust fund was a means of compensating Aborigines for their loss of land.\(^{57}\) Wise, however, claimed the fund was a way of satisfying the sections of the ‘noisome public’ who believed mining should not be allowed on reserves.\(^{58}\)

Despite these statutory provisions being enacted to ensure the protection of what Hasluck perceived to be in the best interests of Aboriginal residents on reserves, the subsequent record of dealings and negotiations regarding mining on Aboriginal reserves reveals an unsatisfactory fulfilment of the ideals apparently underlying these provisions. In the early 1950s, geological surveys showed there were high grade bauxite deposits behind the beaches of Gove Peninsula at the north-east tip of the Arnhem Land reserve, and a number of

\(^{54}\) It was also stated at the same time that those removed from reserves would be given an alternative site on which to live.

\(^{55}\) Hasluck to Cabinet, 28 March 1952, NAA, A452, 1956/681.

\(^{56}\) Second Reading speech by Hasluck, 10 October 1952, NAA, A452,1956/681.

\(^{57}\) Ibid.

mining companies vied for the right to mine this area.\textsuperscript{59} Discussions and negotiations concerning potential prospecting and mining activities on the reserve were not pursued with the Aboriginal people themselves and gave little attention to safeguarding the interests of Aboriginal people. It seems there was no doubt in the Department of National Development, in the Department of Supply and in the Department of Territories that mining at Gove would eventually occur, and it did. The area was considered essential to the national interest.\textsuperscript{60}

The issue of prospecting and mining on the actual missions within the reserve lands provides a clear example of the difficulty, and ultimately the impossibility of Hasluck’s stated policy succeeding. The Australian Aluminium Production Commission sought to mine the site of the Yirrkala Mission in 1952. It was located within the Arnhem Land Aboriginal Reserve and the area was held entirely under the Methodist Mission Lease known as the Yirkalla Mission Lease. Initially, Hasluck was reluctant to allow any prospecting or mining at all on missions.

According to H.B. Owen, a geologist from the Ministry of National Development, it was ‘stated ministerial policy’ that mining and prospecting not be allowed on them.\textsuperscript{61} Despite having become somewhat sanguine about prospecting and possible mining on reserves, Hasluck was adamant that the Aboriginal people be left to themselves and undisturbed by anyone but the staff located on the actual missions. This indicates that Hasluck did not believe that those living on the mission were ready to come into contact with those from the white community outside the reserve. Missions were particularly important in the transition from a traditional life to one which followed the ideals, views, values and customs of white Australians. Here, Hasluck’s gradualist ideal and his belief that some were still in need of protection, can be clearly perceived.

When Hasluck’s secretary, Lambert informed Wise in October 1952 that ‘no general promise of non-interference’ had been made with the mission leases for ‘the purpose of mining’, Hasluck was clearly distressed.\textsuperscript{62} Hasluck immediately recommended that no rights for prospecting or mining could be granted ‘in respect of any mission or land occupied by a mission’ under any circumstances.

\textsuperscript{60} At present, Alcan Gove has a mining lease which is over 200 km\textsuperscript{2} of the Gove Peninsula which is used for bauxite mining and as part of an alumina refinery.
\textsuperscript{62} Lambert to Wise, 15 October 1952, NAA, A452, 1956/1132.
for the 'lapse of some years'. Furthermore, he recommended that no discussion was to take place with local missionaries; rather they 'should be assured they will not be disturbed'.

At the same time, Hasluck was being urged to adopt a different approach to 'interference' on missions. Before receiving Hasluck’s recommendation, Wise had already discussed prospecting on the Yirrkala Mission with Reverend Arthur Ellemor, who spent fourteen years there as a missionary. Wise claimed Ellemor had no objection to the Australian Aluminum Production Commission entering the mission lease to prospect. In light of this, together with the fact that the survey would complete the geological knowledge of the area, Wise asked whether Hasluck would persist with his prior recommendation that no prospecting or mining be allowed on missions under any circumstances. It took little to persuade Hasluck to go against his previous assurance that under no circumstances would prospecting and mining on missions be allowed. He did not persist with his recommendation, rather he told Wise that the 'work of the official survey party need not be interrupted, assuming that the disturbance of missionary activity is slight and the missionary raises no objection'.

Hasluck sought to defend his position by claiming that such a small interruption was not at odds with his dictum that the mission’s work be allowed to continue without any interference from outside interests. Nevertheless, it is clear Hasluck had retreated from his position as originally set out. By 1957 he seems to have drawn back from this original position even further. Rather than giving the mission ‘some years’ before mining would be allowed, he claimed it would be allowed after a ‘sufficient period of time’.

The inconsistency between Hasluck’s policy position and its practice is confirmed in other dealings regarding mining. Companies interested in the bauxite deposits included the British Aluminum Company. The area in which it was interested, Gove Peninsula, formed part of the Arnhem Land Aboriginal reserve and was within part of the Yirrkala Mission, run by the Methodist Overseas Mission. On 17 May 1956, the Minister for Supply, Howard Beale,

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63 Hasluck to Lambert, then sent in a memorandum to Wise, 31 October 1952, NAA, 1956/1132.
64 Wise to Lambert, 12 November 1952, NAA, A452, 1956/1132.
66 Paul Hasluck, 20 December 1957 (hand written amendments to a file outlining policy for “Northern Territory Mining on Reserves and on Mission Leases”), NAA, A452, 1961/7074.
met Hasluck to discuss whether the company should be granted rights to mine at Gove. Beale informed Hasluck that there was sufficient bauxite to justify the construction of a plant to treat approximately 300,000 tons of bauxite per annum, with a supply of 80 years assured. Hasluck indicated that he was able to ‘see the advantages’ in such a position but wanted to ensure the native welfare policies and the missions’ interests were ‘fully protected’.67

In May, despite Hasluck’s professed concern, Beale identified the problem of minerals being on an Aboriginal reserve as merely ‘administrative’.68 There is no mention of the injury that moving the station would cause to the Yolngu and Beale suggested ‘moving the station’ at the ‘company’s expense’ and ‘excluding the area in question to be leased from the existing Aboriginal reserve’.69 At the same time, another company, Consolidated Zinc, showed interest in mining at Gove, including parts of the Yirrkala Mission, but was denied access. The Commonwealth government was reluctant to guarantee Consolidated Zinc a mining lease but this had little to do with the needs of the Aboriginal residents or whether they were ready to come into contact with the mining company employees.70 Rather, the Government wanted to ensure that it did not ‘prejudice’ the development of the Gove deposit to the ‘maximum economic degree’.71 It was a ‘significant’ deposit by ‘world standards’ and one of the biggest in Australia, making it essential the right company be given the opportunity to mine the land.72 This makes it clear that prospecting was being allowed on these reserves for the benefit of the nation’s economy. It had little to do with the rights and interest of the Aboriginal residents and customary land owners. One could go so far as to say they were just a hindrance that needed to be dealt with.

In June 1956 a committee comprising A. V. Smith, the Chairman of the New Guinea Resources Prospecting Co. Ltd., F. A. O’Connor, the Secretary of the Department of Supply, P. A. Doccer from the Sydney Department of Treasury, a

68 Howard Beale to A. V. Smith, the Chairman of the New Guinea Resources Co. Ltd, 18 May 1956, NAA, A452, 1956/1132.
69 Ibid.
70 Nor did they adequately address the raft of other issues such as the destruction of sacred sites, hunting and fishing grounds and customary rights to land.
71 A letter to Lambert from Nye (the director of the O.I.C. Lands and Mining Branch) regarding ‘views of the Department of National Development regarding the future for Gove Bauxite deposits’. This file was forwarded on 31 May 1957, NAA, A452, 1956/1132.
72 Howard Beale to Consolidated Zinc, 12 December 1956, showing reluctance to grant rights to a single company, NAA, A452, 1956/1132.
member of the Department of Territories, and Mr. Adams, the Director of Mines, was appointed to advise ministers on a proposal by the British Aluminum Company. It is of particular interest here that over half the New Guinea Prospecting Co. Ltd., was owned by the Commonwealth government. The Commonwealth held 51 per cent of the company in shares and the British Aluminum Company held the other 49 per cent. Thus the Commonwealth had a controlling interest of the project. The Committee decided that the company should be given prospecting rights on condition they undertake the project within two years and fulfil certain conditions. Yet again there was little discussion of the impact such a project would have on the Aboriginal residents and what their interests in the project might be. The Yirrkala Mission seemed to be mentioned merely as something which may inconvenience the company, as the conditions of the contract were largely preoccupied with the time the company would spend there. It was important that the company was assured of the mission’s plans so that they could begin prospecting and mining with minimal interference. The committee considered that the British Aluminum company ‘might be given assurance that the Mission at Gove would either move or would continue to work alongside the mine during the period of development and mining operatives’.  

Wise, the Administrator of the Northern Territory, showed more concern for the needs of the company than the welfare of those residing on the reserve. He advised Lambert, Hasluck’s secretary, that the company had offered to compensate the Mission for its removal and pay for them to move elsewhere in return for the excision from the Arnhem Land Reserve of the area to be mined. There was seemingly a preoccupation with establishing favourable conditions for the mining company, rather than to protect those living on it. Wise told Lambert that it would be best for the area to remain a reserve for the time being rather than being excised, claiming there would be ‘obvious advantages’ in allowing the ‘status quo’ to remain undisturbed. Under the mining legislation of the time, mining titles had various conditions and restrictions attached to them, such as those regarding labour and maximum size of tenement. In the case of mining for bauxite, which required surface mining, the maximum permissible area would be too small and the labour conditions would be unsuitable and too

73 The Commonwealth Director of the New Guinea Resources and Prospecting Co. Ltd. F. A. O’Connor, the Secretary of the Department of Supply, to C. R. Lambert, 1 June 1956, NAA, A452, 1956/1132.

74 Ibid.
stringent for the miners to meet.\textsuperscript{75} Maintenance of the area as a reserve where entry was prohibited to all except those with a right to mine and Aboriginal people would ensure optimum working conditions for the mining company. As Wise said, it would be best for the company, not indigenous people, if excision were avoided as ‘no tenement we can offer under the \textit{Mining Ordinance} can possibly offer such rigid protection for the deposit itself’. There would be no cost to the company and no labour conditions to be complied with.\textsuperscript{76} All of this encouraged the company to prospect and mine without considering the needs of the Aboriginal people. As long as the area remained a reserve, the company would not have to compensate the Aborigines or worry about paying for moving the Mission to another area. Further, there was no discussion of prohibiting the activities on the basis they may not be in the best interests of Aborigines.

Despite the attempts of Hasluck and others to portray a system where the interests of Aborigines and the national interests in mining bauxite were both being met by the policies being pursued, there were conflicts. The materials explored above demonstrate that at each stage where conflicts emerged, the mining interests were preferred. The details of Hasluck’s assimilation policy were subtly altered to rationalise the course of action taken.

\textbf{the grievances of the Yirrkala residents and customary land holders}

As the 1950s progressed, criticism of Hasluck’s policy became more vocal. It came from a variety of sources – anthropologists such as A. P. Elkin, clergymen, missionaries, Aboriginal and white activists, and feminists all began to express more radical criticisms. These were framed by the same issues that had driven Elkin, Australian anthropologist T. G. H. Strehlow and the Council for Aboriginal Rights to criticise his earlier policies. All were disapproving of Hasluck’s blatant disregard for Aboriginal rights in customary law and land tenure.

Elkin, for example, saw how fundamental family and community were to Aboriginal people. He wrote that, ‘through their own group life, continuity with the past will be retained, social security in the present can be experienced; and assurance for the future certain’, adding that, ‘these are essential principles

\textsuperscript{75} Subsequently, the \textit{Mining Ordinance} 1939-1957 was amended in 1958 and the special mineral lease was introduced. The lease was designed to be used in circumstances where the nature of the mineral or its extraction and treatment made the grant of an ordinary mineral lease with its limit of 21 years, its labour conditions and its maximum area, impracticable. (ss. 54A-54K)

\textsuperscript{76} Wise to Lambert, 30 June 1956, NAA, A452, 1956/1132.
for a people’s well-being’.\textsuperscript{77} Elkin argued for the idea of cultural blending and integration rather than absorbing the Aboriginal people into White society so that their sense of themselves as a people would be obliterated.\textsuperscript{78}

Nevertheless, Hasluck’s policy positions and Wise’s claim that the area would not be excised were not adhered to when the Northern Territory Administrator approved of the excision from the Arnhem Land Reserve. In March 1963, 140 square miles of the Arnhem Land Reserve was revoked (including two-thirds of the Yirrkala Mission) and leased to Gove Bauxite Ltd.\textsuperscript{79} Sir Robert Menzies ordered the excision on 17 February 1963. The Methodist Board of Missions agreed to it (despite previously acknowledging the adverse affects mining on Aboriginal reserves could have on the workings of the missions and those within them). The land was leased to Gove Bauxite on 11 March 1963 with the signing of the Special Minerals Lease.

It was claimed that the excision of the land and the fate of the people on it was never discussed with the Aboriginal people of Yirrkaka beforehand and was kept a secret from them.\textsuperscript{80} Following Prime Minister Robert Menzies’ announcement of the revocation of the reserve, there was an eruption of protest by Edgar Wells, the superintendent of the Yirrkala mission and by organisations such as the Federal Council for Aboriginal Advancement and by political figures including Gordon Bryant and Kim Beazley Snr., both Labor parliamentarians, over this issue.

In July 1963, Beazley and Bryant visited the Arnhem Land Reserve on behalf of the Federal Council for Aboriginal Advancement. Had the Commonwealth government discussed the matter with the Yolngu owners and residents it would

\textsuperscript{77} A. P. Elkin, “Assimilation and Integration”, address to Australia and New Zealand Association for the Advancement of Science 1959 (cited in Tigger Wise, \textit{The Self-Made Anthropologist: a Life of A. P. Elkin}, Sydney: Allen & Unwin, 1985, 232). Such ideas are along the lines of Durkheimian thought. According to this view strong group solidarities brought the only antidotes to the ‘ills of modern life’ and it was only through such groups that social change could be negotiated successfully. This was the opposite to Hasluck’s ‘juridical liberalism’ which meant the breaking down of tribal bonds so people were dealt with as individuals (Tim Rowse, “The Modesty of the State, Hasluck and Anthropological Critics of Assimilation”, in \textit{Hasluck in Australian History}, 128 and Grey, “From Nomadism to Citizenship”.


\textsuperscript{79} \textit{Milirrpum v Nabalco Pty Ltd} (1971), 17FLR141.

have been clear that they held strong customary attachments to the land and were not prepared to leave it and that they considered the land their own under both customary and western laws. The Yolngu told Beazley and Bryant that they had been told by the Government that the land was theirs, thus they were hurt and surprised when the land was excised for mining purposes.

A Parliamentary Select Committee was appointed to look into their grievances, however, they were unable to stop mining initially. This ‘Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve 29th October 1963’ indicated that from ‘time immemorial’ the land which was to be excised was used for ‘hunting and food gathering’ by the Yirrkala tribes, that the land to be excised, in particular, Melville Bay, was ‘sacred’ to the Yirrkala people and ‘vital to their livelihood’ and claimed they ‘humbly pray’ that there would not be any arrangements made with the company that would destroy the ‘independence’ and ‘livelihood’ of the Yirrkala people.81

As Minister for the Territories, Hasluck had promised that the Commonwealth government would be patient with those residing on reserves and the decision as to whether or not they were ready to leave would be decided on a ‘case by case’ basis.82 Hasluck claimed that the removal of Aboriginal residents from reserves would be a ‘gradual process’.83 Yet, the land from the Arnhem Land Reserve was excised in a hasty manner. Cecil Gribble as General Secretary of the Methodist Overseas Mission, claimed in March 1963 that the discovery of bauxite on the Yirrkala Mission had led to the ‘necessity of a leap’, or a rushed entry into the white community, being ‘thrust’ upon the Aborigines.84

Hasluck set the path for the economy to subordinate the interest of Aboriginal people. Stan Davey claimed, ‘Australia’s acceptance of the confiscation of Aboriginal land and resources’ was ‘propped up’ by the ‘unquestioning adoption of the assimilation policy’, a policy rejected by anthropologists, Aboriginal spokespeople and Aboriginal advancement organisations. From the very beginning, Hasluck disregarded the connection that the Aboriginal

81 Ibid.
82 Hasluck, Black Australians, 121.
83 Paul Hasluck, “A National Problem”, speech delivered to the House of Representatives, Canberra, 8 June, 1950, in Hasluck, Native Welfare.
people had with their land. For instance, according to Howard Morphy, ‘[t]o Yolngu continued ownership of their land is not only necessary for cultural survival, it is the fulfillment of a religious obligation’. In hindsight Hasluck claimed that his certainty that Aborigines adopting a white way of life was the best way forward blinded him to the fact that there were ‘barriers that impeded change’ and to whether they ever wanted to change.

**Conclusion**

Paul Hasluck assumed Aboriginal people wanted to be assimilated and could be assimilated into the white community. He assumed that eventually, as the process of assimilation played out, reserves would cease to be necessary. Therefore, when bauxite was discovered on the Arnhem Land Reserve it seemed that the national interest could be realised. Hasluck could fulfil his duty as Minister for the Territories, fulfilling the economic needs of the nation and what he perceived to be the interests of the Aboriginal people in the Northern Territory. However, the evidence indicates that Hasluck, much encouraged by his advisers, Government ministers, and the Administrator for the Northern Territory, abandoned an important tenet of his assimilation policy: ‘gradualism’. He did little to determine whether those residing on the Yirrkala Mission were ready and willing to leave the land before putting the legal means in place for prospecting and mining to be allowed. Furthermore, while he had promised to protect the Aboriginal people in the event that mining and prospecting occurred, he struggled to ensure that Aboriginal interests were safeguarded. Finally, Hasluck’s stance ignored the Yolngu people’s deep connection to the land and the determination to remain on it.

In the 1960s, the Yolngu protested against the excision of land from their mission in a petition; the strength of their community and desire to remain on the land and keep it as theirs was unquestionable. There is some evidence that Hasluck was cajoled, even pushed, into allowing mining to the detriment of Aboriginal interests. What is very clear, however, is that his portfolio responsibilities conflicted and the influence and importance of the economy
proved a telling factor in his decisions. Despite his proclamations, the policy of assimilation as he first articulated it was not pursued on the ground as it was supposed to be when it clashed with the desire to exploit mineral resources.

While ultimately the mine went ahead and is still active today, ironically mining at Gove led to the fight for land rights which persisted for decades after the 1963 excision. The petition written by the Yolngu contributed to further negotiations with the Commonwealth Government which set a precedent for the next decade. Aboriginal groups based at Yirrkala pursued their claims for land rights through the court system. They brought an action in the Northern Territory Supreme Court to assert their continuing ownership of their traditional lands. They challenged the validity of the mining leases granted by the Commonwealth Government. In *Milirrpum v Nabalco Pty Ltd* (1971) 17 FLR 141, Mr Justice Blackburn found against the Aboriginal people. His ruling was based on both eighteenth century legal commentaries and ethnographic evidence. Mr Justice Blackburn held that while the Aboriginal clans had a recognised system of law and that this system provided for a relationship between the clans and the land, the relationship to the land was not a proprietary one and not legal title under Australian law. The decision was strongly criticised. Nicolas Peterson and Marcia Langton considered this a ‘crushing blow’ not just for the people from Yirrkala but for Aboriginal people throughout Australia who hoped for a just outcome and for rights in land to be granted. The case acted as a catalyst for the *Aboriginal Land Rights (Northern Territory) Act* 1976. In 1973, after the decision the Australian Government set up the Aboriginal Land Rights Commission headed by Mr A. E. Woodward QC to enquire into the appropriate means of recognising the Aboriginal people’s traditional right to the land.

The Commission focused on establishing particular principles which related to granting Aboriginal land rights in the Northern Territory, as the Commonwealth could legislate directly here. The Commission recommended that ownership of Aboriginal reserves and certain other defined areas be vested in an appropriate Aboriginal body. In 1976, the Commonwealth Government legislated to provide

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89 Nabalco commenced mining in the early 1970s.
90 Nancy M. Williams claimed that this decision was based on the belief that while Yolngu ownership was a matter of religious belief, it was not of economic significance. Williams argued, however, that proprietary interest in land was, in fact, economic also and she discusses this in terms of the ‘secular aspects of Yolngu land tenure’ (*Yolngu Concepts of Land Ownership* in Peterson and Langton, *Aborigines, Land and Land Rights*).
Aboriginal people with the opportunity to make claims for land in the Northern Territory so long as they could prove ‘traditional ownership’. Subsequently, the issue of Aboriginal land rights returned to the court arena when the High Court considered, and held in favour of, recognition of native title in *Mabo v State of Queensland (no 2)* (1992) 175 CLR1.

Thus the fight for land rights persisted for decades after the 1963 excision. Hasluck had failed to recognise, or somehow could not comprehend, the Aboriginal people’s connection with the land, and his actions in implementing policy were imbued with that failure to perceive its importance. His approach resonates still in the ongoing policy debate within the Commonwealth Government concerning Aboriginal interests. The Northern Territory Intervention (2007) resulted in the Commonwealth Government being granted five year leases over the land of 64 Northern Territory communities. This gave the Government significant control over the lives of those inhabiting this land (their land). Further, the abolition of the permit system and the apparent policy continuum between assimilation and the current mainstreaming of services, placing pressure on Aboriginal people to move to larger service centres, is suggestive of a return to policies of earlier times. Some have questioned whether the policies adopted in the Intervention and the Government’s ‘Closing the Gap’ program, revert back to the theoretical underpinnings of assimilation.

Hasluck lacked the willingness and or capacity to look past his own views of what was best for Aboriginal people. While he tried to incorporate measures which would ensure their welfare, ultimately these were carried out with little success. This case study emphasises the importance of communication and understanding between government officials and Aboriginal peoples and the danger in administering policies in a way that is too hasty – the key is openness and comprehension. Ignorance and an unwillingness to consider the hopes, desires, customs, views and values of Aboriginal people will not lead the nation forward or improve the happiness and wellbeing of indigenous peoples.

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92 Ibid., 4. It should be noted that only those whose land did not lie on former reserves, on unalienated Crown land, had to prove traditional ownership under the Act.