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Australian History and Society: An Introduction 1788–2000

Section 3:
1901–2000

Fakultät für
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1 Part One

1.1 Prologue: Consolidating the Federation

Although the Commonwealth of Australia was inaugurated on the first day of the twentieth century, it was not until 9 May 1901 that the first federal Parliament was opened with due formality and pageantry in the temporary federal capital of Melbourne. The new nation state of Australia practised a form of government that was both advanced and durable. Its defining characteristics – namely a constitutional monarch, two legislative chambers (the House of Representatives and the Senate) elected on a common franchise, the executive responsibility of the House of Representatives, and the Commonwealth government’s restriction to federal functions – have not altered over the decades.¹ Despite the increasing responsibilities and functions of the centralized federal government, Australia’s constitution has remained almost unchanged since 1 January 1901, making Australia one of the oldest uninterrupted democracies in the world.

However, although there was much public enthusiasm for federation and the opening of the new parliament, the rank and file of Australia’s four million inhabitants continued to give their loyalty to the several States which replaced the six colonies, rather than to the superimposed Federal structure – at least until after the outbreak of the Great War. The first Commonwealth parliamentarians – Government and Opposition alike – were obliged to prove themselves and show great tact in their handling of the delicate subject of the States’ rights. In December 1900, an interim Government had formed to prepare the work of the future parliament prior to the elections. Its leader, Edmund Barton, who had been fighting for federation since 1891, was a former Speaker of the New South Wales Legislative Assembly. Barton was a highly respected politician and a popular choice as the first national leader. He continued to hold this post after the election.

An analysis of the election campaign shows us which tasks the major political groupings considered important for the new Parliament to deal with. The tariff issue had split the colonies and set the lines of political division. Barton attempted to avoid a head-on clash on the question by taking a moderate line and publicly proposing a compromise tariff as the aim of the first budget. However, George Reid (the leader of the free traders), remained adamantly opposed to any form of protectionism and insisted that fiscal policy was the major issue in the election. The Labor Party was itself divided on the question, largely along State lines.

¹ BASHFORD/ MACINTYRE 2013,1.

Barton concentrated primarily on matters relating to the machinery of government such as the centralisation of customs, defence and post offices, the selection of the federal capital site, the introduction of universal suffrage for federal elections, and the setting up of a High Court of Australia. He promised to apply immigration restrictions to the entry of non-Europeans, to introduce legislation for the conciliation and arbitration of inter-State industrial disputes, to start the building of a trans-continental railway, and to provide a national system of old-age pensions as soon as the financial situation permitted. In opposition to Barton, Reid made free trade his rallying cry and opposed the old-age pensions and Barton's other proposals on the grounds of the expense involved.

The poll, held in late March 1901, returned 75 members of the House of Representatives and 36 Senators, and secured for the Commonwealth Parliament a remarkable number of able and politically experienced men. In the House of Representatives alone, no less than 58 had previously served in colonial parliaments, and of these 10 had been premiers and 12 more had held ministerial office. In origin and occupation, they represented a reasonable cross-section of the population although, as is the case in many political assemblies, lawyers were somewhat over-represented (there were 15 barristers in the House). Also elected were pastoralists, miners, manufacturers, journalists, merchants, trade union officials, teachers, a physician and a clergyman. Barton's Ministry reflected the high level of experience in the Parliament.

However, while the election results proved satisfactory in terms of the quality of the nation's representatives, they did not ensure stable and effective government. Three broad groups were discernible in the new Parliament: the free traders, who commanded 27 votes in the House of Representatives and 17 in the Senate; the protectionists, with 32 and 11 seats respectively; and the Labor Party, with 16 and 8. However, the lines were not as clearly drawn as their breakdown suggests. Rather, they were fluid and blurred, with only the Labour Party forming a disciplined and cohesive group. The others were divided by a number of cross-cutting conflicts, some ideological and others concerned with State, regional and sectional interests which marked conservatives from liberals.

Barton's team was protectionist in policy and predominantly liberal in outlook, although it included some thoroughgoing conservatives. Ranged against it were the redoubtable Reid and his free traders. The Government required the support of Labor to remain in office, and this was only given only from day to day, without any formal alliance. Labor, in fact, was intent upon carrying on the tactics which it had used with considerable success in several colonial assemblies – namely of trading its votes to the party which would best cater to its interests.

The fact that Barton and his Prime Ministerial successor Alfred Deakin survived the entire term of the first Parliament (in a situation which Deakin was to liken to a cricket match played with three sides) was due to the common political ground that existed between the liberals and the moderate Labor men who headed that party's parliamentary group. Both groups emerged in response to the problems posed by a society which was growing in size, complexity and diversity. New social currents were discernible, among them a greater sense of Australianness, a strident and often narrow nationalism, restiveness at Imperial control, and a vague recognition of the need to establish relationships with the outside world. The bitter industrial disputes of the nineties had shattered the complacent belief in uninterrupted and harmonious development, and had stimu-

lated the trend toward a concern for social welfare and state regulation. This had been manifested in pre-federation days by a widening of the franchise, increased powers for elected legislative assemblies, the beginnings of social insurance, factory legislation and other machinery for arbitrating industrial disputes, and the spread of compulsory secular education.

There were, nonetheless, differences of outlook between the liberals and the Labor Party. Firstly, the liberals did not share the Labor Party's belief in the virtues of centralised government, and their support for social reform was tempered by reservations about too much state interference in areas which should be the private citizen's responsibility. The liberals recoiled at the disciplined character of the Labor Party and its socialist objective. However, in the early years of Federation, these were not immediate issues of concern. As the election programs indicated, the tasks facing the first Parliament were ones which liberals and Labor could approach in a similar spirit.

An added factor promoting unity of purpose between the Government and Labor was that both Barton and Labor Leader John Watson were men who tended towards the centre. They moderated their principles with strong doses of compromise and pragmatism. Personally courteous and restrained in manner, each man held his group together and earned the respect of the other by his moderate and tactful style of leadership. The situation was quite different where the liberals and George Reid were concerned. Their differences had been sharpened by the personal animosity that arose from Reid's 'Yes – No' attitude towards the referendum on federalism in New South Wales in 1898.

Initially, the tariff question was the greatest hurdle confronting the Barton government. Parliament's unpredictable vote on this issue would decide the fate of the Ministry. Tariffs were an issue the Government could not evade; it was obliged by the terms of the Federation to raise revenue for its own expenses from a quarter of the amount it collected and to return to the States enough money to make up for the loss of their own customs duties. Both major parties (but not the Labor Party) agreed that the whole amount must be raised through the customs and that the Commonwealth must not engage in direct taxation. There were wide differences of opinion, however, on how this was to be done: whether by preserving the high degree of protection which had helped the new industries (in Victoria especially) or by spreading the duties as lightly and evenly as possible over a wide selection of consumer goods.

The Government's proposals were a compromise between these two extremes. In the year-long debates, further modifications were made in the direction of reduced duties. Eventually, with Labor's support, the main lines of the Government's policy were adopted with relative ease. Interestingly, the tariff issue would never again figure so prominently in parliamentary affairs; once the principle of protection had been established, further measures in that direction followed almost as a matter of course. From 1905 onwards tariffs became linked to guarantees of minimum wages and conditions for workers in protected industries, and Labor as a whole gave its firm support.

In stark contrast to the tariff issue, all parties in Parliament agreed in principle on the ending of the use of coloured labour in Australia (principally in Queensland's sugar industry) and the preservation of the country's identity as a white nation. As discussed previously in Section 2, the Pacific Islanders Bill (an Act for the gradual repatriation of indentured Pacific Island labourers)

was passed on 12 December 1901 without any parliamentary opposition. The Immigration Restriction Act, which became the cornerstone of the White Australia Policy, was passed the same day. This act was designed to ensure that only Europeans would migrate to Australia. The Chinese were its main target, however the legislation did not explicitly exclude them (or any other ethnically or racially defined group) because the British government did not wish to offend Japanese and Indians. For this reason, the Act provided a means to indirectly exclude undesirable migrants through an 'education' or dictation test.² The debate on the more general provisions of the Immigration Restriction Act brought out minor differences between parties such as why and how the ban on coloured immigrants should be enforced.

Closely linked to the White Australia Policy, at least in the minds of some parliamentarians, was the need for a Commonwealth defence policy. Again amid general agreement, the Government proposed to take over the small defence units maintained by the States and unify them into one Australian force which would be supplemented by a voluntary militia. The debate on the Defence Bill turned into a discussion on the adequacy or otherwise of the prevailing arrangements Great Britain had undertaken for the security of the colonies, principally by maintaining a naval squadron in Australian waters.

Aroused national sentiment and a feeling that more energetic defence measures were called for prompted some members to press for a more comprehensive and far-reaching policy. The most outspoken representative of this point of view was Labor's W.M. Hughes who combined a real fear of Japan as a threat to Australia's security with opposition to a professional standing army (which he saw as an aristocratic institution dangerous to democratic liberty). Hughes's constructive proposals included the foundation of an Australian naval force and the introduction of universal military training. Although pre-empting the nation's resources and politicians' thinking in 1901, the concepts Hughes put forward were adopted before the decade was out.

Another major piece of legislation discussed by the first Parliament, and the only one of a distinctly social character, was the Conciliation and Arbitration Bill. There was substantial agreement on this matter, especially between the government and the Labour Party. During the industrial turmoil of the 1890s, both the liberals and Labor looked to the State to intervene between employers and employees and impose reasonable restraints upon both. Opposition to the principles of the Conciliation and Arbitration Bill generally occurred outside Parliament where the more radical elements on both sides of the industrial fence found its provisions objectionable. The Barton Government's legislation provided for the establishment of a court with compulsory powers to arbitrate on inter-State labour disputes. However, this did not become law during the life of the first Parliament. Labor successfully amended the Bill to extend its coverage to government employees but this amendment proved unacceptable to the Ministry and the Bill was shelved.

Meanwhile, much unspectacular but essential work was undertaken to flesh out the new Federal structure. The Judiciary Act authorised the Government to set up a High Court exercising original jurisdiction in most cases involving disputes between the Commonwealth and the States, or

² NEUMANN 2015, 14/15.

among the States themselves, and an appellate jurisdiction between the State Supreme Courts and the Privy Council in London. The High Court was to prove an immensely important institution, its interpretations of the constitution doing a great deal to define, if not actually to create in practice, the extent of the respective powers of the Commonwealth and the States.

Less noticed, but equally important, was the establishment of an efficient and responsible civil service. Although the Federal Government took over the personnel of some State departments, in the main, an entirely new force of public servants was recruited. The Public Service Act of 1902 legislated that current State practice was followed, which required entry to the service through competitive examination. However, in practice the Commonwealth public service placed greater emphasis on seniority as the basis for promotion. This practice produced results contrary to efficiency. Among the departmental heads appointed by the Barton Ministry, the experience and strong personalities of two men in particular led them to exercise considerable influence upon successive governments. They were Robert Garran, Secretary to the Attorney-General's Department, and Atlee Hunt, Secretary to the Prime Minister and the first head of the Department of External Affairs.

In numerous indefinable ways, both Government and Parliament contributed to the consolidation of the new national democratic institutions. The standard of parliamentary conduct they set was one that later bodies were not always able to equal. Senators reflected on the contrast between federal and mediocre state parliaments, noting the constructive tone of the House and the lack of class hatred and bitterness.

Looking back after 40 years, W.M. Hughes was to say:

The business of Parliament in the early years of Federation was controlled by its members to a very much greater extent than nowadays ... Members took their duties very seriously, speeches were carefully prepared, authorities consulted, and every question considered on its merits ... The times were spacious, parliamentary business moved with leisurely and even tread. Measures were not rushed through parliament without time being given for free and full discussion. These modern time-saving devices, limiting speeches, guillotining debates, were unknown ... But this did not prevent the despatch of public business, for Parliament sat almost continuously. Sittings were longer and session extended over the greater part of the year.³

At the same time the proceedings did not lack colour and liveliness. The presence of such members as the coarse but witty George Reid, the gnome-like and provocative Hughes, and the silver-tongued Deakin, regarded by some knowledgeable contemporaries as the greatest living orator of his time in Australia, was a guarantee of that.

Edmund Barton resigned as Prime Minister in September 1903 to take a seat on the newly constituted High Court Bench. He was succeeded by Alfred Deakin, who saw out the short time remaining before the general elections in the following December. The achievements of the first

³ See CRISP 1954.

Parliament of the Commonwealth may have fallen short of the election promises of the Government and the hopes of many members as they took their seats in it for the first time. However, from a later vantage point, it is possible to recognise the first parliament's merits and achievements. Despite the fluid state of party alignments, the Government managed to dispose of 38 Acts of major importance, as well as 21 routine financial measures. In less than three years, the enduring institutional basis of the Commonwealth was laid in a manner which later administrations could build upon.

However, Federation did not carry advantages for all Australian people.

1.2 A New Beginning for All? Aboriginal experiences and activism

As discussed in Section 1, when white settlement began in 1788, there were perhaps up to 1 million Aboriginal people living across the continent. Aboriginal populations dramatically declined within the first few decades of European presence. Some Aboriginal people were killed by Europeans in conflict over land, water and other resources.⁴ In some places, pastoralists or their employees poisoned wells or gave Aboriginal people flour with arsenic in it. However, although physical violence undoubtedly played a role, the dramatic decimation of the Aboriginal population across Australia was largely due to introduced disease. Historical records indicate that within the first few decades of European invasion, populations numbering in the hundreds were reduced to single multiples of ten or fewer. While smallpox and other diseases such as tuberculosis, measles, whooping cough and typhus affected people of all ages, venereal diseases (such as syphilis and gonorrhoea) greatly reduced the birthrate and left females infertile.⁵ While either smallpox or venereal disease on its own would have been devastating enough for Aboriginal groups with no immunity, when these diseases came together, in the space of a generation, their effect was catastrophic.⁶ Anthropologist Deborah Bird Rose argues that venereal disease wrought the greatest havoc of all introduced diseases in the pastoral world of Australia.⁷

Introduced stock damaged and destroyed in a few years the soils and vegetation which had been nurtured by Aboriginal people for millennia.⁸ The 'shock troops of Empire', cattle and sheep can be understood as non-human members of conquering societies who were 'agents of colonization in their own right'.⁹ Within decades, favourite places, reliable waterholes and prime

⁴ REYNOLDS 1982.

⁵ See for example BUTLIN 1983; ROSE 2004, 110–112.

⁶ POPE 1989, 41.

⁷ ROSE 2004, 110/111.

⁸ See GAMMAGE 2001.

⁹ ROSE 2004, 85. Rose refers to ROLLS 1984, 84.

hunting grounds had become sites for shepherds' huts, yards, homesteads. In addition, the invaders committed 'biocide'; native predators such as dingos, eagles and quolls which threatened introduced stock, were slaughtered in huge numbers.¹⁰ In other parts of Australia, anthropologists working with people who have maintained traditional lifestyles and beliefs have observed a close connection between individual identity and the ill treatment of the land and all the non-human life it sustains. Ill treatment of land, waters, plants and animals can result in death or illness for that area's custodians and vice versa – when people die, the land can become dangerous or barren.¹¹

Aboriginal people's experiences of colonialism differed from colony to colony, district to district, group to group. Much depended on the personalities and character of influential individuals and the previous experiences of members of each cultural group. The geography, topography, vegetation and availability of permanent water affected the speed and rate at which Aboriginal land was occupied which, in turn, affected the extent and nature of cross-cultural relations. With increasingly limited access to their land, and the depletion of native animals due to the invasion of introduced animals, Aboriginal people living in inland areas were forced to depend on Europeans for rations. Aboriginal people whose country included coastal areas or rivers fared better than those who lived inland as they had continuous access to a constant supply of nutritious food and were not forced to be dependent upon Europeans. The situation briefly improved for many Aboriginal people in the immediate aftermath of the Victorian gold rush in the 1850s as the severe depletion of European shepherds, stock-keepers and farm labourers led to the employment of Aboriginal people who used their strong bargaining position to demand decent wages and supplies.

The protection of Aboriginal people was written into the founding documents of some colonies – in South Australia's Letters Patent, for example, King William IV made it clear that the Colony of South Australia could be officially proclaimed:

*Provided always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment of their own Person or the Person of their descendants of any Lands therein now actually occupied or enjoyed by such natives.*¹²

In South Australia, Western Australia and the Port Phillip District (which separated from NSW in 1851), protectors were appointed to serve the interests of Aboriginal people. While these men did, to varying degrees, protect Aboriginal people from blatant physical aggressions and legal injustices, they were simultaneously expected to act as cross-cultural mediators and negotiators, to police Aboriginal people and protect settlers. Similarly, although allowances were made for Aboriginal reserves, and although small parcels of land were set aside for Aboriginal people's sole use, in reality the colonists' greed for land and colonial governments' desperate need for

¹⁰ Docker uses the term 'biocide' in DOCKER 2010, 54.

¹¹ MORPHY 1996, 198.

¹² See for example 'Letters Patent Establishing the Province of South Australia (19 February 1836)' and 'Second Letter of Instructions by the Colonization Commissioners for South Australia to James Hurtle Fisher, Esq. Resident Commissioner in South Australia', in BERG 2010, 312–313, 319.

revenue meant that it was not until the 1860s that concerted attempts were made to set aside land for Aboriginal people. Aboriginal welfare was of little concern to the general population and hence to the politician. Missionaries and humane individuals stepped in where the governments failed and provided needy Aboriginal people with food, clothing, medical care, education, and, of course, religion.

For those whose land was relatively rapidly invaded – those whose country was in the well-watered, fertile south-east of Australia where land was eagerly occupied by farmers and graziers – traditional ways of life were rapidly lost. In more remote districts and the drier inland country, where pastoral leases were measured in square miles rather than acres, the experiences of Aboriginal people were very different and depended greatly on the personality of the European in charge of the lease. Aboriginal people naturally preferred to reside on their traditional land where they could maintain their connection to country and continue to perform ceremonies. Some Europeans valued the skills and knowledge of local Aboriginal people. Others were cruel, and treated Aboriginal people like serfs or slaves. In general, Aboriginal people were given rations in exchange for work (and often rations were provided to extended family members). The experiences of Aboriginal people were, to a large extent, dependent on the personalities of the European in charge of the station. Many Aboriginal people became an indispensable and valued part of station life; sometimes, these circumstances offered the best chance for the survival of Aboriginal cultural identity.¹³

In 1972, it was estimated that about 70,000 of Australia's 140,000 Aborigines lived in or near the nation's major cities and towns – about 50,000 in missions and settlements (mainly in Northern and Central Australia) and 15,000 on pastoral properties. Only a few hundred were residing in independent communities. In rural districts, some Aboriginal people lived in shacks on the fringe of townships. In the cities they were generally resided in overcrowded tenements in rundown suburbs. Not surprisingly, the Aboriginal infant mortality rate was ten times that of whites, and respiratory infections, gastro-intestinal diseases and leprosy were prevalent.

Aboriginal people were not submissive or accepting of their treatment. Within the earliest years of European arrival, they voiced their awareness of the injustice of European occupancy of their land. For example, in 1840, Victorian Protector William Thomas recorded Aboriginal man Billibellary as saying 'White man take away Black fellows country ... By & by all dead poor Black'.¹⁴ In the 1870s, Aboriginal people living on a reserve at Cooranderk petitioned the Victorian government protesting their lack of rights and the threatened closure of the reserve.¹⁵ On the 150 year celebrations organized to mark the founding of Australia, Aboriginal activists from NSW, Victoria and SA and QLD organized a 'day of mourning' march and conference.

¹³ MCGRATH 2015 [1987]; BELL 2002 [1983].

¹⁴ STEPHENS (ed.) 2014a, 155.

¹⁵ See for example *The Age* (Melbourne), 6 August 1864, 7.