“Never really heard of it”

A Study of the impact on identity of the Queensland Certificate of Exemption for Aboriginal People

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Abstract

Since colonisation, Australia’s Aboriginal people have been subjected to ongoing government legislative and controls, in the name of ‘care and protection’. In 1897, under the *Aboriginals Protection and Restriction of the Sale of Opium Act*, the Queensland Government devised a policy whereby certain ‘half-caste’ Aboriginal people could apply for a ‘Certificate of Exemption’.

The ‘Certificate’ was available to a ‘privileged few’ who could prove that they were able to manage their own affairs and able to find suitable employment in the wider community. In order to be eligible for exemption and to be considered no longer ‘under the Act’, a person had to, in effect, sever all ties with their Aboriginal kin, culture and traditions.

This thesis investigates the impact of this system of exemption on those who gained a ‘Certificate of Exemption’ and on their descendants. A small sample of six such individuals have been interviewed about their ‘sense of identity and self’. Data has also been obtained from extensive searches of official government records, papers and correspondence along with scholarly writings and literary accounts ‘lived experiences’. The resulting material has been analysed and interpreted, using the theories and concepts of French philosopher, Michel Foucault.

It is hoped that the findings of this research will serve to educate the wider community, giving it a better understanding of the impact past legislation has had on the ‘exempted’ Aboriginal people of Queensland and their descendants.
Declaration

I certify that this thesis does not incorporate any material previously submitted for a degree or diploma in any university without due acknowledgement. To the best of my knowledge and belief, due reference has been made in the text to any and all material previously written or published by any other person.

Judith Anne Wickes
As an Indigenous woman I acknowledge and value the culture of my ancestors and the ‘spiritual dreaming’ that has been passed down to me.

I want to thank those people who allowed me to interview them, so that this Honours thesis would accurately reflect their personal experiences.

To Dr Lucinda Aberdeen, my supervisor. What an incredible journey we have travelled together over the past two years. As a non-Indigenous woman, you have shared your broad knowledge and expertise in research and Indigenous studies in ways I would never have thought possible. I sincerely thank you so much for your support, assistance and understanding of my special needs. You have guided my path through this valued voyage into the past, helping me to personally discover who I am and where I came from.

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I now know this is only the beginning of the journey for me.
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Abbreviations
QPD  Queensland Parliamentary Debates
QSA  Queensland State Archives
BTH  Bringing Them Home

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Chapter One

Introduction

The aim of this thesis is to examine the impact of the Certificate of Exemption on Aboriginal identity with particular reference to Queensland legislation from 1897 to 1967. Provision for the Certificate of Exemption was contained in Clause 33 of the *Aboriginals Protection and Restriction of the Sale of Opium Act*, 1897. However, there appears to be no identifiable body of research in Australia investigating the experiences of those who sought and gained the Certificate of Exemption from the so-called ‘protection’ imposed on them by this Act. From here on the Certificate of Exemption will be known as ‘certificate’ or ‘exemption certificate’ or ‘exemption’ and the legislation, which enabled it, will be referred to as the 1897 Act.

The chapter contains firstly, an introduction, which addresses the researcher’s background story and outlines the historical and political background leading up to the 1897 Act that introduced the Certificate of Exemption. Secondly, a discussion of the research methodology involving historical research, interviews, and ethical considerations.

(1) *Introduction:*

As the researcher, my story begins with my maternal grandfather gaining his Certificate of Exemption on 25 March 1926 at Purga mission, near Ipswich in south-east Queensland (See Figure 1.1). There are no records revealing why Roy Smith happened to be at Purga Mission, but the school attendance records reveal that he was enrolled as a student in 1914, when he was aged 13 years. They also reveal that Roy’s father was a labourer from Nanango in the South Burnett region of south-east Queensland. Roy’s mother, who died giving birth to him, was called Maud Taabinga, so it is possible that his father worked on Taabinga Station, near Kingaroy, also in south-east Queensland. Roy was born in 1901 in Nanango, and he had no siblings.
My grandmother, Daisy Power, and her younger sister Nancy, originally from Boomarra Station, north of Cloncurry in north-west Queensland, were living in Teneriffe in Brisbane when they were removed to the Salvation Army run Purga Mission, in 1920. At the time of their removal, the reason for which is unknown, Daisy was aged 20 years and Nancy was only 10 years old. They had been working for the Hillcoat family, who owned both Boomarra Station and the Teneriffe property. No other information about Daisy and Nancy and their removal to Purga mission has been found.

Both Roy Smith and Daisy Power had Aboriginal mothers and non-Aboriginal fathers. The only information I have about my great grandparents is their names, which appear on Roy and Daisy’s wedding certificate. Roy’s parents were Andy Smith and Maud Taabinga, whilst Daisy’s parents were Thomas Power and Sarah Roberts. Daisy was born at Boomarra Station in 1900.

In 1920, Roy Smith was sent out to work on a property in the St George district, in south-west Queensland. A search of his records at the Queensland Department of Community Services in Brisbane revealed a letter addressed to the Deputy Chief Protector of Aborigines dated 18 February 1920 in which he wrote:

Dear Sir,
Would you mind send my exsempy cad for I don’t like the place. It to loney. The people here never ardle speake to you and trite you like a dog and we sleep down the paddic in a barke humpy. So I like to leave the place. I am sick of it [sic]
Roy Smith.

In writing this letter, is Roy asking: for a Certificate of Exemption? Whether this was his first attempt to gain the certificate is not apparent. The letter sent in response states that: complaint about treatment at Crollick’s is without foundation.\(^1\)

Another letter reveals that Roy Smith and Daisy Power attended the wedding of Jack and Teresa Beckett on 12 October 1921. In fact, Roy was the best man, but no other information about the location of the wedding is mentioned. The letter, written by an unknown author, was addressed to a Mrs Sullivan – Protector of Aboriginals (Females), Pike’s Buildings, Grey Street, Brisbane.
Roy Smith and Daisy Power were married at Purga Mission on 2 January 1924. The following year, their first daughter Gwenneth May was born on 15 February 1925. The next year, 1926, was the year that Roy Smith was granted his Certificate of Exemption.²

![Certificate of Exemption](image)

**Figure 1.1. Roy Smith’s Certificate of Exemption**

After leaving Purga Mission with his wife and baby (13 months), he found work with the Hillcoat family, property owners that his wife had been associated with since she was a young girl. Roy and Daisy and two of their four children worked for this family for many years. For more than a century the two families have been linked and correspondence between them continues to this day. From the time they gained a Certificate of Exemption and left Purga Mission, Roy’s family continued to live within mainstream Australian society. To the best of my knowledge there were no on-going ties with their Aboriginal cultural identity and family connections other than with Daisy’s sister, Nancy.

Whilst carrying out family research for this thesis, it was discovered that Daisy kept annual diaries during the 1940s. In these diaries she recorded the daily events of the years 1942, 1944, 1945, 1947 and 1949. While some years are completely filled with comments, others years have some small gaps and fewer comments. These diaries are an invaluable source of first hand information, concerning the experiences of an Aboriginal family who lived life as free Australian citizens, after being granted a Certificate of Exemption.
When it was first mentioned in conversation that my thesis involved researching the impact on Aboriginal identity caused by obtaining a Certificate of Exemption, most people asked, ‘What is that?’ Nevertheless, in a recent personal conversation with an Aboriginal elder it was revealed that this person was still fearful of being seen in the company of Aboriginal people other than family members. The surveillance may have ceased years ago, but the mental conditioning continues to dictate their actions to this day (Personal communication, 2004).

It would appear that many are unaware of the restrictive legislation that was passed into law as the 1897 Act and that it was used as a political tool “to regulate by law the admission of Aborigines into the ‘white’ economy and society” (Castle and Hagan 1997:2). Under the guise of governmental ‘protection’, Aboriginal people living ‘under the Act’ were controlled and exploited in a multitude of ways, as described elsewhere in this thesis. The only possible way for these people to obtain some semblance of the freedoms and civil rights afforded to other Australian citizens was to apply for, and be granted, a Certificate of Exemption.

To understand the sequence of events throughout Australia’s history that led to the passing of the 1897 Act, it is necessary to examine the beginning of colonisation, over two hundred years ago. The original inhabitants of Australia lived a life that has been described as ‘one with nature’, that is, a way of life that successfully integrated Aboriginal kinship, lore, customs, beliefs, traditions and a unique relationship with the land itself for tens of thousands of years. Boori Monty Pryor confirms that:

> For 40,000 years or more Aboriginal people have lived, finding ways to be in rhythm with the world around us. In doing so, we have become the oldest, continuous, living culture in the world today with the oldest songs, stories, dances, painting, and a very special understanding of respect and family through powerful oral traditions (2000:116).

After 1788 this way of life was changed forever. European settlers and squatters, who cleared the land and turned it into grazing pastures for sheep and cattle, forced Aboriginal people off their homelands. As the Aboriginal people were systematically deprived of their traditional hunting grounds, so too were they gradually deprived of their cultural identity and sense of self. In many instances they were hunted like
animals, poisoned and shockingly mistreated by settlers, squatters and landholders. Historian Raymond Evans states that:

the wide-scale employment of poisoned food, repeating rifles and an institutionalised pacification force meant that large-scale massacres took place, often with casualties in scores and sometimes hundreds (Evans 1999:40).

Across the continent, colonial Governments were formed, laws were enacted, and policies were implemented that saw Aboriginal people forcibly moved onto church missions and government reserves, allegedly for their own care and protection (QPD, 1897:1540). It was government policy to round up Aboriginal people from different language groups and tribal regions and send them to reserves, where eventually they all took on a cultural identity based on the reserve itself. Kathy Fisher, a former resident of Barambah settlement, later known as Cherbourg, talked about ‘The Barambah Mob’ who became ‘one big tribe’. She recalled that:

The government thought they would disband the different tribes by splitting them up around all the different reserves, but they didn’t realise that they were creating one big tribe (Blake 2001:197).

As European women were few and far between in remote frontier areas, many liaisons sprang up between European men and Aboriginal women. Consequently, ‘half-caste’ children were born and the question of what to do with them became an embarrassing social problem in Queensland and other colonies. Ross Johnston writes “The ‘half-caste’ problem was of concern to the government, and especially Chief Protector Bleakley, in the early decades of the twentieth century” (1988:132).

In the latter part of 1897, Queensland’s Parliament passed the **Aboriginals Protection and Restriction of the Sale of Opium Act**, those empowered government officials to control every aspect of the lives of Aboriginal people. The Chief Protector of Aboriginals dictated “where they could live, who they married, what they did with their money and whether they could keep their own children” (Reynolds 1989:199). Aboriginal men were often employed as drovers and farm labourers, and women as domestics (Scott and Evans 1996:142). The low wages that were paid usually ended up under the control of the Department of Native Affairs, to whom the wage earners had to apply to gain access to their own funds (Kidd 1997:73). For many who worked
on missions and reserves the only pay was in the form of rations and shelter, with an annual set of new clothes (QPD 1897:1539).

For the Aboriginal ‘half-caste’ who wanted to escape from the tyranny of non-Aboriginal government and church control and sub-standard living conditions, the Certificate of Exemption was a formal mechanism to leave these conditions behind. The applicants had to prove that they were of good character, thrifty, sober, steady in employment and able to manage their own affairs. Sadly, as part of the conditions of the Certificate of Exemption, the applicants also had to sever all ties and associations with their extended family, their culture and their land (Castle and Hagan 1997:6).

Rigorous literature searches indicate that few previous studies have been carried out on this subject and little by Indigenous researchers. This study focuses specifically on the social experiences and loss of cultural identity experienced by Aboriginal people who gained a Certificate of Exemption or are the descendants of someone who gained such exemption.

(2) Research Methodology:

The research methodology was designed to discover the long-term effects of the Certificate of Exemption on Aboriginal identity. The research methods adopted consisted of the content analysis of historical records and a series of interviews with exemptees and their descendants.

(i) Historical Research:

The historical research began at the State Library of Queensland, where data retrieval was carried out to access the 1897 Act and its amendments of 1899, 1901, 1928, 1934, 1939 and 1946. The Parliamentary Debates on the Amendments Acts of 1901 and 1939 were also retrieved, along with the shorter version of the Protection Act, 1965. This material was used to determine and analyse the historical legislative context that gave rise to the creation and maintenance of the Certificate of Exemption.

The next phase of the historical research began with the researcher successfully seeking to access data held at the Queensland State Archives. This data contained
three sources important to the thesis. They were firstly, the statistical records of Aboriginal and Torres Strait Islander people who gained the Certificate of Exemption between 1897 and 1967, secondly the Annual Reports of the Chief Protector / Director of Native Affairs and thirdly numerous records of correspondence between various government departments and the Chief Protector/Director of Native Affairs.

The researcher gathered statistical data including the recorded age, gender and location by postcode of all persons exempted in Queensland from 1897, when the Act commenced, to its cessation in 1967. The personal details written by state officials about the character of exempees were also compiled. These comments included such matters as the exemptees’ behaviour, financial records and any conditions pertaining to the status of their exemption. Next, the Annual Reports of the Chief Protector / Director of Native Affairs, were searched for any information pertinent to the Certificate of Exemption. These reports were sampled at ten-year intervals over a seventy-year period from 1897 to 1967.

The correspondence records provided further information relating to the Certificate of Exemption. Numerous letters contained explanations as to why some exemption certificates were granted and some were refused. This official and personal correspondence also revealed information about eligibility for Commonwealth Government benefits for Aboriginal and Torres Strait Islander people generally. Other issues raised in these correspondence files relate to the education, employment and citizenship status of exempees.

(ii) Interviews:

The researcher interviewed a total of six people. Each participant selected met the criteria of being a resident of Queensland and either having being exempted themselves or having someone ‘exempted’ in their family. The selection of prospective interviewees was initially quite difficult. The researcher found that some suitably qualified individuals were reluctant to participate, as they were hesitant about being interviewed. A few were simply just not interested. However, by adopting a personal networking approach, six participants were finally selected.
The researcher employed a semi-structured interviewing technique. Each interview was completed in less than the hour timeframe that had been allocated and involved the use of prompts to introduce six indicative questions (See Appendix A). The questions drew comments concerning the interviewee’s thoughts about the exemption certificate, and raised issues of ‘identity and sense of self’. A checklist was used by the researcher to record relevant personal information from each participant.

All participants were aware that the interview would be digitally recorded and freely gave their consent. Each interviewee was made aware that they were at liberty to stop the interview at any time without explanation. The interviews were subsequently transcribed to generate a permanent record for in-depth analysis of the material. It was also made clear that a copy of the interview would be made available on request.

The resulting data, which addressed issues of personal identity, loss of kinship ties, knowledge of traditional culture and sense of belonging, were collated and analysed. Emerging themes and issues from the interviews were identified and categorised using a framework similar to that used by Carney, Joiner and Tragou (1997). These social researchers continually examined their non-statistical data for descriptions, patterns and relationships between categories.

(iii) Ethical Considerations:

Throughout the research and analysis the researcher strictly adhered to the Principles of Ethical Research as set out in *Guidelines in Ethical Research in Indigenous Studies* (AIATSIS 2000). For all Indigenous communities and research participants, it is very important to offer and maintain anonymity and confidentiality. This applies both to interview data and to archival records data, as eventually the research results are likely to be published. To this end the researcher devised a coding system, which identified each interviewee and their location, without disclosing identifying information, such as name, age, gender, marital status, dependants or addresses. It was also crucial to maintain anonymity regarding the personal statistics that were collected from the historical research. This ensured that the identity of exemptees and those who unsuccessfully applied for exemption remained anonymous.
Martin (2003) claims that non-Indigenous researchers usually conduct this kind of social research, as they tend to predominate in the field. However, other Indigenous authors such as Huggins (1994); Smith (1999); Behrendt (2000) and Moreton-Robinson (2000) have written from an Indigenous standpoint in regards to past and present issues facing Aboriginal people. In this research, the researcher, being of Indigenous Australian heritage, shares a similar cultural background with the interviewees. This meant that the culturally sensitive issues of impact and identity could be freely discussed.

Owing to the sensitive nature of the interview topic, the researcher was mindful of the possibility of triggering traumatic memories. Consequently, checks and balances were put in place to make sure each interviewee felt safe and at ease throughout the interview. Prior to each interview commencing, an informal conversation was held where the researcher introduced herself and briefly outlined the procedures, safeguards and parameters associated with the interview. This allowed each interviewee time to gather their thoughts. The next step was to hand out written information outlining details about the research project. This included a letter of introduction, consent forms and an information sheet (See Appendix A). After the interviewee had read and signed the consent form, the interview was conducted.

During the actual interviews, the non-verbal signs imbedded in body language were observed by the researcher as visual indicators as to how each interview was proceeding. Emotional difficulties experienced by the interviewee during the session were occasionally evident, revealed in such ways as moments of silence, changes in voice pitch and alterations of body posture. These visual and auditory cues were swiftly acted on by the researcher, so that the direction and focus of the interview could be re-routed into less sensitive areas when appropriate.

The following chapter discusses the scholarly literature and other sources that were examined for the thesis.

2 Roy Smith’s name is on the register of Letters received, 1926 (HOM / B68). Also, the government file reveal his “record since granted exemption” which is clear, therefore he committed no misdemeanours (0000 0000 0861). QSA.
Chapter Two

Historical Legislative Context and Literature Review

This chapter is organised into two sections: the historical legislative context of the Certificate of Exemption and the literature review. The first section examines historical material in the form of government legislation, parliamentary debates and papers. The literature review which follows is divided into three categories: scholarly research, theoretical considerations and lived experiences.

(1) Historical Legislative Context:

The Queensland Parliament had passed only three Acts relating to Aboriginal people prior to the *Aboriginals Protection and Restriction of the Sale of Opium Act*, 1897. These Acts were: (1) *Industrial and Reformatory Schools Act*, 1865; (2) *Pearl Shell and Beche-de-mer Fisheries Act*, 1881; and (3) *Native Labourers Protection Act*, 1884 (Donovan 2002:259). Although they were each formulated to address specific industry and labour problems, none of these Acts had served to ameliorate the position of the Aboriginal inhabitants or protect them from the adverse effects associated with the consumption of strong liquor or the use of opium.

Several years before the 1897 Act was proclaimed, Archibald Meston, who was later appointed as a Queensland Southern Division Protector of Aborigines, wrote an essay titled: *Queensland Aboriginals: Proposed System for their Improvement and Preservation*. This essay, in which Meston favoured the ‘noble savage’ concept, strongly impressed the Home Secretary, Sir Horace Tozer (Kidd 1997:42). Meston advocated a protection system that isolated ‘Aborigines’ in reserves located far from contact with ‘whites’ (Blake 2001:2). Blake maintains that: “When the Queensland Parliament finally enacted legislation for the ‘better protection and care of the Aboriginal and ‘half-caste’ inhabitants of the colony’ in late 1897, Meston’s influence was evident” (Blake 2001:2).

The *Aboriginals Protection and Restriction of the Sale of Opium* Bill was introduced into the Queensland Parliament on Wednesday, 10 November 1897, in Brisbane at the
Second Session of the Twelfth Parliament. The Formal Motion was recorded in the Votes and Proceedings of the Legislative Assembly, and reads as follows:

Sir Horace Tozer moved, pursuant to notice, that the House will, at its next sitting, resolve itself into a Committee of the whole to consider of the desirableness of introducing a Bill to make Provision for the better Protection and Care of the Aboriginal and Half-caste Inhabitants of the Colony, and to make effectual Provision for Restricting the Sale and Distribution of Opium. Question was put and passed [sic] (QPD 1897:341).

Tozer observed that after seventy years of scattered missionary efforts and good intentions on behalf of various philanthropic statesmen, little had been achieved towards ameliorating the position of the Aboriginal people (QPD 1897:1540). During the Second Reading of the Bill, Mr. Smith, MLA, commended the Home Secretary for his extensive work concerning the protection of Aboriginals. He announced that: “This Bill is the first attempt to formulate a system of protection”. This protection theme was clearly recognised at the time as a primary justification for the introduction of the Act (QPD 1897:1545).

The final clause, number 33 of the Bill, is of particular interest for this thesis because it refers to the fact that certain ‘half-castes’ may be exempted from the provisions of the Act. Clause 33 reads:

> It shall be lawful for the Minister to issue to any half-caste, who, in his opinion, ought not to be subject to the provisions of this Act, a certificate, in writing under his hand, and that such half-caste is exempt from the provisions of this Act and the Regulations, and from and after the issue of such certificate, such half-caste shall be so exempt accordingly [sic] (QPD 1897:6182).

Aboriginal people, unless exempted from the provisions of the Bill, could be legally removed from their homelands and forcibly placed in any other location, under Clause 9 of the Queensland 1897 Act, which reads:

> It shall be lawful for the Minister to cause every Aboriginal within any District, not being an aboriginal excepted from the provisions of this section, to be removed to, and kept within the limits of, any reserve situated within such District, in such manner, and subject to such conditions, as may be prescribed. The Minister
may, subject to the said conditions, cause any Aboriginal to be removed from one reserve to another [sic] (QPD 1897:6175).

For just over a month the Bill was debated, discussed and modified in Committee and after three Readings in the House, it was given Royal Assent on 15 December 1897 (QPD 1897:436). The Aboriginals Protection and Restriction of the Sale of Opium Act 1897 was amended on six occasions with multiple changes introduced within each amendment over the next fifty years.\(^2\) This Act was the most significant legislation to affect the lives of Queensland’s Aboriginal people until its end in 1965. The 1897 Act was replaced by The Aborigines’ and Torres Strait Islander’ Affairs Act of 1965 which was actually proclaimed in April 1966.

With the introduction of the 1897 Act, the Government had instigated an official policy of protection for the Aboriginal people of the colony of Queensland. The protective role was to be placed in the hands of every policeman, under the guidance of Chief Protectors and Reserve Superintendents (QPD 1897:1539). Thus, under the guise of protection, almost total control was established over every aspect of Aboriginal lives. The realities of living under the Act and the resulting lack of freedoms were soon to be experienced by most Aboriginal people throughout the colony. Many sought to regain their freedom by obtaining an exemption certificate.

Tozer\(^3\) claimed that the Queensland legislation would provide the machinery to properly perform the compensation once spoken of by Governor Arthur, “for the injuries that Government is unwillingly and unavoidably the instrument of inflicting” (QPD 1897:1538). In support of his Bill, Tozer argued that it would serve to focus assistance in some definite channel, whereas in the past, the extent of Government assistance to the Aboriginal people ran only to the annual issuing of a pair of blankets on the Queen’s birthday (QPD 1897:1538).

Several arguments were posed as justification for the 1897 Act, but three points were detailed in the parliamentary debates and specifically stressed as being of major importance. The first concerned the establishment and enforcement of legislated penalties for supplying liquor to ‘Aboriginals’ and ‘half-castes’. The second referred to similar provisions outlawing the supply of opium to ‘Aboriginals’ and ‘half-castes’. The third referred to making it a punishable offence for non-Aboriginal people to
possess government blankets that had been issued to ‘Aboriginals’ and ‘half-castes’ (QPD 1897:1541). As historian Rosalind Kidd summarises: “Protectors were directed to see that they do not get any liquor or opium, that they keep their blankets” (Kidd 1997:48).

Four years after the 1897 Act was passed a significant change was made in the form of the Amendment Act, 1901, which added a proviso to Clause 33. This amendment gave the Minister the power to revoke any Certificate of Exemption previously issued to any ‘half-caste’ person. In so doing the wide nature of control over Aboriginal lives, already strongly wielded by the Minister, was even further extended (QPD 1904:610). The Amendment Act, 1904 saw the establishment of the new position of Chief Protector of Aborigines. Clause 18 of the Act states that: “The Chief Protector shall furnish an annual report to the Minister on the administration of the Act” (QPD 1904: 876).

Within thirteen years, the other States and Territories, using Queensland’s 1897 Act as a model, had adopted similar legislation. Western Australia introduced the Aborigines Act, 1905. Four years later in New South Wales, the Aborigines Protection Act 1909 (NSW) was introduced. The Northern Territory Aborigines Act, 1910 (NT) was passed by the South Australian Parliament. The Aborigines Act, 1910 (VIC) was passed. The Aborigines Act, 1911 (SA) introduced legislation, which was similar to the acts in Queensland and Western Australia. Finally, the Cape Barren Island Reserve Act, 1912 (TAS) was introduced. All these Acts are noted in the Bringing Them Home Report (1997:599-648).

A system of exemption was also part of the legislation of most Australian States and Territories’ Aboriginal Affairs. In New South Wales, David Hollinsworth explains that in some cases the certificate granting exemption was referred to as a ‘dog licence’. “This transformation was formally codified by the issue of Exemption Certificates, the so-called ‘Dog Licences’ ” (1998:142). Moreover, Lucinda Aberdeen writes that:

To gain exemption from such restrictions a certificate needed to be obtained stating that the person concerned was considered to be civilised into the European Australian way of life. The insulting nature of this
procedure meant that exemption certificates became known as ‘dog licences’ within Indigenous communities (2002:196).

James Walter and Margaret Macleod write about the Certificate of Exemption in a similar way: “An exemption certificate (or ‘dog tag’) theoretically gave them the same rights as a white person, but was difficult to obtain” (2002:53). The ‘dog licence/dog tag’ was a term also used by Aboriginal people themselves, suggesting contempt for the exemption system.

Because the 1897 Act in Queensland set no limits for determining who was an ‘Aborigine or a half-caste’, the Chief Protector alone determined who should fall under the protection of the Act. It was not until 1934 that an Amendment Act set out the various caste classifications, specifying that those who had less than 25 percent of ‘Aboriginal’ blood were no longer subject to the 1897 Act. However, the Chief Protector was still empowered to determine who was in need of protection (Castle and Hagan 1997:3). In the Amendment Act, 1939 the word ‘Aboriginal’ was used in place of the earlier term ‘half-caste’. This meant that technically, all Aboriginal Queenslanders could now apply for a Certificate of Exemption. Thus more families could now leave the reserves and missions for a life of freedom in the outside world as upstanding citizens (Castle and Hagan 1997:4).

Almost a decade later, in 1948 the Commonwealth Government passed the Nationality and Citizenship Act. This Act took effect on Australia Day, 26 January 1949, after which “there existed for the first time a legal category of Australian citizen, although not an exclusive one” (Irving 2004:9). Whilst these changes were taking place for the wider community, the great majority of Aboriginal people remained neither enfranchised British subjects nor Australian citizens.

However, for Aboriginal people who were ‘free citizens’, they still did not have the right to enrol to vote. Margaret Reid writes that:

Until at least 1949 all Torres Strait Islanders, and ‘full bloods’ or persons with a ‘preponderance of Aboriginal blood’, regardless of whether or not they had been issued with an Exemption Certificate (from the Aboriginals Preservation and Protection Act, 1939) were still not allowed to enrol to vote (2004:74).
Reid also notes:

By the early 1950’s, however, the Director of Native Affairs was instructing local Aboriginal Protectors that the right to enrol to vote had been extended to those holding an Exemption Certificate (as long as they could produce it), and to those who were ‘half bloods or less’ (2004:74).

Only those who qualified for a Certificate of Exemption had citizenship status. Until the national referendum in 1967, most Aboriginal Queenslanders were in effect non-entities, as wards of the State.

Kidd notes that: “Civil rights were reluctantly recognised as the national referendum of 1967 overwhelmingly approved full citizenship for Australia’s indigenous inhabitants” (1997:228). Furthermore, she states that in Queensland: “The 1965 Aboriginal Affairs Act gave the appearance of reversing the rhetoric of control by creating a category of ‘assisted’ Aborigines”. As Kidd explains, “Henceforth, each Queensland Aborigine would be ‘born a free citizen’ – albeit commonly deemed in need of ‘assistance’ ”(Kidd 1997:241). After the 1965 Act, Aboriginal Queenslanders had to apply for a permit to live as an ‘assisted’ person on a reserve or a mission. The Aborigines’ and Torres Strait Islander’ Affairs Act, 1965 is referred to as: “An Act to Promote the Well-being and Progressive Development of the Aboriginal inhabitants of the State and of the Torres Strait Islanders” (QPD, No 27 1965:291). It is also recognised as the Act that replaced the 1897 Act.

The power of Queensland’s Chief Protectors, already established and justified by the 1897 Act, kept on increasing with every Amendment passed until the 1965 Act. One of these powers was to instigate the forced removal of ‘half-caste’ children to either adoptive families or institutions (BTH Report 1997:76). These ‘Stolen Generations’ people have been the subject of a National Inquiry, scholarship, debate and even a popular movie (Rabbit Proof Fence) with worldwide distribution.

The trauma of loss and separation, similar to that caused by the ‘Stolen Generations’ policies, has also been experienced by some as a result of having accepted an exemption certificate. There has been much research and publicity over the Stolen Generations but very little research or analysis addressing the Certificate of Exemption and its long-term impact and repercussions on the Aboriginal population.
(2) Review of Literature - Scholarly Research:

Perhaps because little has been written about the Certificate of Exemption in Queensland or elsewhere in Australia, few people in the wider community seem to be familiar with this controlling legislation and its on-going repercussions. Numerous Australian writers including Rowley (1970, 1972, 1978); Evans (1993, 1999); Reynolds (1987, 1989, 1999) and Blake (1998, 2001) have described how Aboriginal people were segregated by removing them from their homelands and placing them onto missions and reserves throughout Queensland. Kidd comments on the problems triggered by this policy:

> It has been argued that the 1934 Amendment Act was devised as a response to moral and social problems arising within missions and settlements, problems deriving ultimately from the government’s segregationist policy (1997:109).

Given their strong ties to kinship and homelands, this policy of removal was particularly cruel and depressing for these segregated people and it is not surprising that moral and social problems were endemic.

After extensive research into the topic, the researcher could locate only one article written entirely about the Certificate of Exemption in an unpublished paper titled “Turning Black Into White: The Exemption System in Queensland 1908-1965” by Roy Castle and John Hagan (1997). Its authors place emphasis on the economic situation concerning Aboriginal workers’ labour relations and unionism issues, triggered by the government’s ‘protectionist’ policy. They argue: “The aim of the 1897 Act was to establish a system which would cover all Aborigines in the Colony and regulate their contacts with other inhabitants of Queensland.” In effect the system established by the Act enshrined the distinction between Aborigines and ‘half-castes’ (1997:2&3). They also make the observation that, by substituting the word ‘Aboriginal’ for ‘half-caste’ in its definitions, the 1939 Act made it possible for ‘full-bloods’ to become eligible for the Certificate of Exemption (1997:4).

Joan Eveline comments on such caste classifications, writing that:

> The notion of ‘caste’, devised from the nineteenth century classification system that was used to clarify the ‘problem’ of miscegenation, by categorising individuals according to whether they were ‘half-caste’, ‘quarter-
caste’, ‘octaroon’ or ‘light-caste’. These classifications determined who would be allowed to remain free and supposedly ‘white’ and who was in need of ‘protection’ (2003:154).

Similar blood percentage based categories for Aboriginal people have been written about by authors such as Castle and Hagan (1997); Chesterman and Galligan (1997); McGregor (1997); Read (1999) and Reynolds (2005).

A variety of social issues relating to the exemption certificate have been briefly addressed by such notable authors as Rowley (1970); Hall (1989); Kennedy (1985); Evans (1993); Kidd (1997); Hollinsworth (1998); Huggins (1998) Blake (2001); Donovan (2002) and Aberdeen (2002). In each case, these authors have mentioned various aspects of the Certificate of Exemption and the resulting implications for those who obtained them. The financial and logistical advantages for government are also addressed. Yet, the social implications concerning the impact on cultural identity for the certificate holders and their descendants have seen very little research to date.

The lives of Aboriginal Queenslanders under the 1897 Act were regimented by a system of constant surveillance of their behaviour, character and work ethics. It was quite similar to being in prison. So much so that, according to Mike Colman and Ken Edwards, “Aboriginal people living on the settlements were often referred to in official documents and within the local communities as inmates” (2002:10). Kidd also uses this terminology, when she writes: “The departmental policy of sending all possible inmates out to work brought financial benefits from income generation and from reduced dependency” (1997:81). The fact that the 1897 Act resulted in a pool of cheap labour to be hired out was also noted by Bill Thorpe, who wrote: “those Aboriginal people removed to reserves were hired out, by the state, to employers, under a system of indenture and hence became very much a part of productive capitalist relations” (1996:152).

In his history of the Cherbourg Settlement in Queensland, Thom Blake argues that exemption from under the Act was offered as an incentive; a reward for working hard and obeying the rules. Blake explains:

As well as punitive measures, there was one incentive for workers to give faithful and diligent service – exemption from the Act (2001:136).
The Chief Protector made the final decision and also had the power to revoke any Certificate of Exemption. According to Blake:

Exemption Certificates were granted only to those Aborigines who demonstrated to the Chief Protector’s satisfaction the capacity to survive in the outside world. In other words, they were imbued with capitalist values concerning money, time and work. But the standards required for exemption were high; certificates were not freely issued (2001:136-137).

In her article about Yarrabah mission in North Queensland, Lynne Hume concurs with Thom Blake’s thoughts on exemption certificates being offered as incentives and rewards. She claims, “the Certificate of Exemption was only issued to inmates who maintained a strict adherence to mission rules and regulations” (1991:14). She contrasts this situation with those inmates who rebelled against discipline and the mission rules. Hume writes that:

some were transferred to notorious Palm Island. Expulsion meant being sent to another reserve far from kin and friends – an effective means of disposing of rebellious elements likely to cause dissension and undermine mission rule (1991:14).

After World War One the Australian Workers Union (AWU) demanded award rates for Aboriginal workers, so that they would not compete with AWU ex-servicemen for jobs (Castle and Hagan 1997:11). Robert A. Hill wrote of the many ‘half-caste’ and ‘full-blood’ Aborigines who joined the armed forces and fought for Australia during both world wars (1989:3). As returned servicemen, they were automatically granted an exemption status, but few men took this offer up, as it meant not being able to associate with family (1989:16-17). Kidd also writes about the returned soldier who was entitled to a certificate, but notes that in practice this was conditional on “their conduct etc being reasonably satisfactory.” An exemption of course, meant expulsion from missions or settlements as well as isolation from extended families (1997:147).

Obtaining an exemption allowed Aboriginal people to spend their own wages and pensions, as they deemed necessary. There was another factor prompting Aboriginal people living in Queensland to make application. This was the fact that the living conditions on reserves and missions were sub-standard, with high mortality and morbidity rates. Kidd writes that: “Malnutrition, lack of clothing and protection and disease led to very high morbidity and mortality rates, with death rates frequently
exceeding birth rates” (1994:272). In spite of these sub-standard conditions, many chose not to seek an exemption certificate, because it would mean severing their ties to ‘their mob’ and what had become their land (Blake 2001:236). For exemptees, this isolation from kin, culture and language resulted in a loss of cultural identity and family history, especially for their children and grandchildren.

(3) Theoretical Considerations:

In his work *Discipline and Punish: The Birth of the Prison*, Michel Foucault identifies two dimensions of discipline, both of which were operational on the reserves and missions. The first, Foucault terms “the discipline-blockade, the enclosed institution established on the periphery of society turned inward towards negative functions aimed at crime control and eradicating criminal associations” (Foucault cited in Anleu 1993:43). Most Aboriginal reserves and missions were located in remote locations, on the periphery of society’ where inmates were protected by living in a supposedly ‘crime control’ situation, unable to establish criminal associations with outsiders who might want to supply them with opium or alcohol. The second dimension of discipline Foucault called “the discipline-mechanism, which improves the exercise of power by making it lighter, more rapid, more effective – a design of subtle coercion. Increasing regimentation, regularity, routinisation and regulation result in the disciplinary society” (Foucault cited in Anleu 1993:43). This type of discipline was practiced on the reserves and especially on the missions, where subtle coercion went hand in hand with regimentation, under the discipline of the Church. In both situations, and even external to them, government control and surveillance continued relentlessly.

A number of writers have used Foucault’s theories on crime and punishment and concepts of surveillance and self-regulation to analyse the various government policies that affected the Aboriginal population in Queensland. Historian and researcher Rosalind Kidd uses notions of Foucault’s ‘governmentality’ “to analyse the complex field of Aboriginal Affairs in Queensland” (1997:346-347).

Historian Raymond Evans also refers to the writings of Michel Foucault to illustrate the use of: “ ‘prisons of moral order’, demonstrating how concerns about morality
('respectability'), utility ('pioneering') and rationality ('civilisation') were uppermost in a colonial system both emerging from and single-mindedly transforming convictism, the natural order and Aboriginal societies and cultures” (1999:116). Queensland’s ‘protectionist’ system was characterised by an on-going, multi-faceted and systematic attempt to transform Aboriginal societies and culture. With the many removals fragmenting families and kinship groups, numerous Aboriginal languages and sub-cultures were transformed to the point of extinction. Linguist Eve Fesl points out that: “the language loss occasioned by the abduction of young children from their families was the major cause of language death throughout the continent” (1993:118).

These young Aboriginal children, separated from their families, were institutionalised and controlled, being forbidden to speak their own language. Many of these language groups have now been totally lost, along with their rich content of customary lore, history and tradition. In addition, many have since recognised that the abductions of young ‘half-caste’ children was of no ultimate advantage to the children. One commentator of the day, Plomley who states:

on the one hand it deprived them of parental affection and the stability of the family, and made difficult or impossible cultural transmission; and on the other hand it did not give them any advantages in regard to their adopted European culture (Plomley cited by Haebich 2000:70).

Writing about Cherbourg mission, Blake points out, using Foucault’s terminology, that: “The removals process was critical in forging links between the Aboriginal settlements and missions and other institutions which constituted Queensland’s carceral archipelago” (1998:58). Clause 9 of the 1897 Act gave government officials the legal right to move Aboriginal people off their homelands and put them onto reserves and missions. The removal system resulting from the 1897 Act delivered a trans-generational impact on the lives of Aboriginal people that is still felt today. Many academic and research scholars such as Rowley (1981), Huggins (1994), Evans (1999) and Reynolds (1999) have also noted that the process of removal has resulted in the demise of Aboriginal societies, with the loss of land, kin, culture, language and identity.

The protective aspects of the 1897 Act were heavily outweighed by the power and control that could be exercised over reserve inmates. The workings of authority over
the lives of Aboriginal Queenslanders were evident in the everyday institutional practices employed on the reserves and missions. Authority played a central role in the exploitation, rational ordering and disciplining of Aboriginal people living ‘under the Act’ on reserves, missions and settlements throughout Queensland. Such evident of this is shown throughout Kidd’s book *The Way We Civilise: Aboriginal Affairs – the untold story* published in 1997.

Even for those Aboriginal people who gained a Certificate of Exemption, surveillance continued, unbeknown to them. Self-regulation was an on-going requirement in order to avoid having the certificate revoked. Jackie and Rita Huggins (1994) recall how unprepared Rita was when she saw her Departmental files for the first time, after many years of living as an exempted person. She was shocked to find that the government had been keeping her under active surveillance for thirty-two years of her life (1994:44-45). Foucault referred to this kind of population management and control as ‘biopower’ (Cuff et al 2000: 273). The Chief Protectors and Directors of Native Affairs had total power to exercise this bio-power control over the lives of the Aboriginal population.

(4) The Lived Experiences:

First-hand accounts of the lived experiences of Aboriginal Queenslanders contribute strongly to the relevance of this thesis because they provide insights into the range of personal and political issues pertaining to the system of exemption as it operated in Queensland.

To be living under the Act was to be living a life of subjection and servitude, with very few, if any, of the freedoms enjoyed and taken for granted by the wider community. It is therefore not surprising that many ‘half-castes’ sought a certificate as the only possible path to freedom and independence (Kennedy 1985; Huggins 1998; Ganter 1998 and Hegarty 1999). The lived experiences are focussed on the lives of Aboriginal people who gained or were the descendants of people who gained an exemption certificate, as described in their own writings or interviews. Moreover, they illustrate the varied lifestyles each one was forced to adopt in order to survive past injustices and live within contemporary Australian society.
Julie Finlayson and Ian Anderson used an interview style dialogue for their article on *The Aboriginal Self*. Finlayson comments on the certificate and what rights under law the exempted person was entitled to. In addition, she lists the prohibitions and rules concerning association with other Aboriginal people, including relatives. Finlayson also mentions that approval from a reputable and sympathetic European was required, before an application for a certificate would be considered (2002:50-51). ‘Freedom’ was a possibility, but at what price?

Writing from first hand experience, Marnie Kennedy tells her story about being *Born a Half-Caste*. Marnie was living on a cattle station (Blue Range Station) in North Queensland and she recalls how Mrs Core, the station manager:

wanted to get her head stockman out from under the Act so she asked me if I would like to get out too. Killing two birds with one stone so to speak. Mrs Core would get him out and by being married to him I would also be free (1985:24).

By marrying the head stockman, Marnie was able to get her exemption. At the age of eighteen, after a waiting period of about twelve months, she and her husband gained their Certificate of Exemption, thus getting them both out from under the Act. She recalled that: “Some of us girls just got married to be free from the chains around our necks and free from the penal settlement” (1985:24). Marnie expressed her feelings of liberation when she wrote:

Being free was like giving us something we never had before. We were told we could go anywhere and do anything we liked provided it was within the law…Aborigines never felt free – freedom of mind, soul or heart (1985:25).

In the preface of her book she states, “I have lived a small part of the Aboriginal way and a very large part of the white man’s way. I understood both ways of life” (1985:1). Throughout her life Marnie always identified as being Aboriginal. Sadly, she passed away shortly before the first edition of her book was published.

Author and editor of *Reaching Back – Queensland Aboriginal People Recall Early Days at Yarrabah Mission*, Judy Thomson, writes about the lived experience of some of the inhabitants who remembered the old days of the reserve. She states:

Under the Act, the only way to leave Yarrabah reserve was by exemption, escape, removal or perhaps by
marriage to someone already living outside... It wasn’t until 1965 that the new Act ended the Protectorate system and exemption was finally abolished (1989:89).

Nevertheless, in recalling those years, the residents had a sense of spirit and proud achievement among themselves, as they remembered the years of struggle after they left the reserve (Thomson 1989:89).

Oodgeroo (born Kathleen (Kath) Jean Mary Ruska) of the Noonuccal tribe from Stradbroke Island in south-east Queensland was a well-known poet and Aboriginal rights campaigner. In 1988, she changed her married name from Kath Walker to her language group name of Oodgeroo in protest against racial injustice. This displayed her commitment to her cultural heritage and the Aboriginal people. In addition the name change attracted a higher public profile. In 1994, a year after she had passed away, her biography, written by her life-long friend Kathie Cochrane was published in a book titled simply Oodgeroo. In the book, Oodgeroo reminisces about her father, Edward (Ted) Ruska, recalling that:

Although exempted from the Queensland Acts he was classified as an Aboriginal employee and paid only one pound a week, plus rations. He fought for, and obtained, two pounds a week for Aborigines not under the Acts (Cochrane 1994:45-47).

This illustrates that Oodgeroo’s father, despite having gained a Certificate of Exemption, was paradoxically still identified as being ‘Aboriginal’ by the same government that had granted his Certificate of Exemption. Oodgeroo’s poetry bears testimony to her life long struggle for racial justice. On the book’s back cover, one of her poems expresses her hopes for the future of all Aboriginal peoples:

“Now brood no more
On the years behind you,
The hope assigned you
Shall the past replace,
When a juster justice
Grown wise and stronger
Points the bone no longer
At a darker race.” (Cochrane 1994)

Auntie Rita was co-written by Queensland authors, Jackie Huggins and Rita Huggins (1994) and gives a first-hand account of what it was like to live ‘under the Act’. It begins with Rita, as a young girl, being forcibly removed from her kinsfolk and
homelands and taken to the Cherbourg mission, where she was forbidden to speak her own language. Later on, she was sent out to work and had her wages kept by the Department. In 1946, Rita wrote a letter to the Director of Native Affairs, asking to be granted an exemption from the Act. Having gained her exemption she began living in the wider community as a “respectable and free woman” (1994:44-45). Her lifestyle was typical of the self-regulation exercised by those who were granted the exemption certificate.

In *Cherbourg Dorm Girls*, Gloria Beckett recounts her life as a dormitory girl growing up on Cherbourg mission. She reveals something of that lifestyle, as she writes:

> There was now nothing to keep her on the reserve, so Gloria ran away, finding a job and lodgings. Ironically, by proving that she was capable of looking after herself, she finally gained her freedom from the draconian Aboriginal Preservation and Protection Acts that made every Indigenous person a ward of the state, with every action controlled by the government. She applied to an Aboriginal ‘protector’ to be exempted from the Act and finally gained a piece of paper that stated that Gloria was an Australian citizen (Mok 2005:4).

Story-teller Albert Holt in his book *Forcibly Removed* writes: “I heard my brother Oliver had got his exemption from the Protection of Aborigines Act and was working on the railways somewhere near Charleville” (2001:104). Strangely, he makes no mention of gaining exemption himself. Albert Holt lived the first part of his life on a mission, where he was subjected to the harsh realities of the system of protection under the authoritarian hand of the Superintendent. When living in the wider community he continued discussing both the qualities and inequalities of life. He has always been proud of his own heritage – his identity as an Aboriginal man. Albert displays this by saying:

> Our strength as proud Aboriginal people kept us going and kept us inspired. We faced hardship and oppression and not only survived, but triumphed against formidable odds, and we did it for our children’s sake. The real hurt to the Aboriginal people was taking away the core of human dignity that every one has a right to (2001:179).

There have been numerous Aboriginal females working as domestic servants since the 1897 Act was first introduced (Kennedy 1985; Huggins 1995; Scott and Evans 1996
and McKellar 2000). One such woman is Agnes Williams, who talked to Jackie Huggins about her shocking experiences as a domestic servant. She recalls how she was given her Certificate of Exemption with a small cheque for ten years of service in 1947 (Huggins 1991:3).

Another interesting lived experience is from storyteller and elder Ruth Hegarty, who has written two books *Is That You Ruthie?* (1999) and *Bittersweet Journey* (2003) about her personal journey through life. The first book detailed her early life as a Cherbourg dormitory girl. The second documents her personal experiences and achievements after being granted exemption, and moving from Cherbourg mission to Brisbane and freedom. Hegarty described how much she was looking forward to that freedom, illustrating how strict a regime she had lived under prior to being exempted. Her eventual success as a writer gives evidence of her ability to do well under the ‘self-regulation’ requirements of the exemption certificate (2003:209-216).

The Certificate of Exemption did not guarantee freedom from surveillance or a guarantee of conditions far superior to those experienced while living ‘under the Act’. Many found their lives under exemption to be an on-going battle against bureaucracy. Russian author, Elena Govor (2000) illustrates the struggles of Leandro Illin, a Russian immigrant living in North Queensland, who wrote numerous letters on behalf of several Aborigines, in an attempt to gain their certificate. These met with little success, except in the case of his son-in-law Dick Hoolihan, who was finally granted an exemption on his fourth application. No doubt Dick was delighted to be able to at last shed the restrictions and obligations of living ‘under the Act’. He was then able to go ahead and marry Flora, Illin’s daughter, and they lived thereafter as ‘free citizens’ (2000:276).

Those who gained exemption could never forget, however, that if they infringed the rules, the exemption could be revoked at any time. The records show that this power was regularly exercised for a variety of reasons. This fear of revocation was instilled into the psyche of every exemptee and their descendants, serving as an instrument of control that persisted for generations.

The authors, historians and storytellers selected for the literature review have each expressed their views on the Certificate of Exemption and exactly what it demanded...
of ‘Aboriginals’ who chose to live a free life, out from ‘under the Act’. The important issues pertaining to identity, self-image and freedom are well acknowledged, as are the other far-reaching consequences of the 1897 Act. The numerous changes wrought within each amendment served to maintain authoritarian protectionist policies of a controlling nature for almost seventy years.

The next chapter will discuss the findings that emerged about the Certificate of Exemption from the government records and annual reports examined by the researcher.
The Acts were: (1) *Industrial and Reformatory Schools Act*, 1865, which provided the Aboriginal and ‘half-caste’ children under the age of fifteen could be brought before the bench of magistrates and ordered for detention at a relevant mission; (2) *Pearl Shell and Beche-de-mer Fisheries Act* 1881, which provided for control of the fishery industry; and (3) *Native Labourers Protection, Act* 1884, which provided for control over improper employment of Aboriginal Natives (Donovan 2002: 259).

Aboriginals Protection and Restriction of the Sale of Opium Act, 1897. Amendment: 1899; 1901; 1904; 1928; 1934; 1939, and 1946.

In the second reading of the Bill: The Home Secretary, Tozer stated: “I take it that everyone in this House is animated by the sentiment given expression to by one of the first Governors of Australia, and will admit that there is a duty owing by the white races to the black races. That duty has been performed in times past, according to the means at the hand of the Government” (QPD, 1897: 1538).

Tozer also read from a pamphlet containing the observation was made by Governor Arthur in the second reading of the Bill: “Undoubtedly, the being reduced to the necessity of driving a simple but warlike, and, as it now appears, a noble-minded race from their native hunting grounds is a measure in itself so distressing that I am willing to make almost any prudent sacrifice that may tend to compensate for the injuries that Government is unwillingly and unavoidably the instrument of inflicting” (QPD, 1897: 1538).

The Aborigines’ and Torres Strait Islander’ Affairs Act, (1965,1967) provided for the formation of the Department of Aboriginal and Islander Affairs; established Aboriginal Councils; maintained the control established by previous legislation; controlled the activities of ‘assisted’ Aboriginals and Torres Strait Islanders and established the Island Industries Board (Donovan 2002: 260).
Chapter Three

Findings
Official Statistics, Annual Reports and Official Correspondence

This chapter discusses the findings from data collected and analysed from three sources: (1) Statistics derived from the Register of Exemptions Issued; (2) The Annual Reports of the Chief Protector of Aborigines – Office of Chief Protector of Aborigines, Director -Department of Native Affairs and Director – Department of Aboriginal and Islander Affairs;¹ and (3) Official correspondence contained in the State Archives.

(1) Archival data – statistics of exempted persons:

Aboriginal people applying for a Certificate of Exemption had to be recommended for exemption by a non-Aboriginal official such as: Protector; Employer; Superintendent of Reserve/Mission or Chief Protector. In addition to securing the recommendation, they had to answer the twenty-one questions on the ‘Report on Application by Half-caste for Exemption’ form (See Figure 3.1).

Figure 3.1. Application form for Certificate of Exemption

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Applicant</td>
<td></td>
</tr>
<tr>
<td>Sex</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td></td>
</tr>
<tr>
<td>Where born</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td></td>
</tr>
<tr>
<td>Nationality of parents, Father</td>
<td></td>
</tr>
<tr>
<td>Nationality of parents, Mother</td>
<td></td>
</tr>
<tr>
<td>Were parents legally married?</td>
<td></td>
</tr>
<tr>
<td>Is applicant married (legally)?</td>
<td></td>
</tr>
<tr>
<td>If so, what is nationality of wife (or husband)?</td>
<td></td>
</tr>
<tr>
<td>Has applicant any children? If so, what are their ages?</td>
<td></td>
</tr>
<tr>
<td>Does applicant (or his family) habitually associate with aboriginals?</td>
<td></td>
</tr>
<tr>
<td>Does applicant drink?</td>
<td></td>
</tr>
<tr>
<td>Or, procure it for other aboriginals?</td>
<td></td>
</tr>
<tr>
<td>Is applicant educated, to what extent?</td>
<td></td>
</tr>
<tr>
<td>Is he (or she) intelligent enough to protect himself in business dealings?</td>
<td></td>
</tr>
<tr>
<td>Is he (or she) thrifty, and does he (or she) understand the value of money?</td>
<td></td>
</tr>
<tr>
<td>What amount has he (or she) to credit in the Savings Bank?</td>
<td></td>
</tr>
<tr>
<td>Does applicant live in a civilised manner and associate with Europeans usually?</td>
<td></td>
</tr>
<tr>
<td>Is applicant of good character, steady in employment, and industrious?</td>
<td></td>
</tr>
<tr>
<td>Is it applicant’s own wish to be exempt?</td>
<td></td>
</tr>
</tbody>
</table>

Source: (QSA-A/58734, 23/2066)
Then the relevant documents (recommendations, completed form, solicitor’s letter and referee letters) were sent to the Chief Protector for his approval. If approved the Certificate of Exemption was written up in the ‘Register of Exemptions Issued’ ledger and the certificate was issued. If rejected, the applicant could try again later.

The records contained in the Register of Exemptions Issued reveal that from 1908 there were three categories of exemption: Free, Conditional and Unconditional. The latter two had some restrictions or provisos, often with a variety of comments written regarding the person’s record, as can be seen below in Figure 3.2.

**Figure 3.2. Categories for the Certificate of Exemption**

<table>
<thead>
<tr>
<th>CATEGORIES – The Certificate of Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Free</td>
</tr>
<tr>
<td>(b) Free – recommended by Chief Protector of Aboriginals</td>
</tr>
<tr>
<td>(c) Conditional – Savings Bank account control of DNA (Dept of Native Affairs) OR 12 months with Savings Bank account control of DNA</td>
</tr>
<tr>
<td>(d) Unconditional – Section 24 of the Act still to apply</td>
</tr>
<tr>
<td>(e) For a period of 12 months – Savings Bank account to remain under control of DNA</td>
</tr>
<tr>
<td>(f) Conditional for 12 months – Savings Bank account under control of DNA</td>
</tr>
<tr>
<td>(g) Sections 24 and 28 of Act still to apply</td>
</tr>
<tr>
<td>(h) Savings Bank account held and liquor clause</td>
</tr>
<tr>
<td>(i) One year trial period</td>
</tr>
<tr>
<td>(j) Hold Savings Bank account and Liquors Clause</td>
</tr>
<tr>
<td>(k) Hold Savings Bank account for 6 months</td>
</tr>
</tbody>
</table>

Source: QSA- Extracts Index to Register of Exemptions Issued, 1942-1967

In order to obtain and retain an exemption certificate, Aboriginal people had to adhere to certain behavioural standards and rules. The on-going surveillance carried out, to ensure compliance with these conditions has been noted elsewhere in this thesis, by Huggins and Huggins (1994:44-45). If standards were not complied with the consequences for the Aboriginal person or family could be that their certificates would be revoked. Offenders could be charged for such misdemeanours as described below (see Figure 3.3.).
Figure 3.3. Reasons for Revocation of Certificate of Exemption

Reasons for Revocation of The Certificate of Exemption

(1) Revoked eg. On condition you do not permanently reside within 5 miles of [town]
(2) Revoked – see Probation Misc.
(3) Revoked – by Minister’s Order see Exemptions
(4) Revoked – see Exemptions
(5) Revoked – see Removals
(6) Revoked – [date] See Sickness and Medical
(7) Revoked – Association with man exempted half-caste from [town] and gave birth to illegitimate child, was warned against this association
(8) Revoked – cancellation of certificate of exemption being withheld pending further report re: conduct
(9) On condition he does not return to [town] or associate with aborigines
(10) Returned to reserve/settlement
(11) Exemption cancelled OR not yet accepted
(12) Cancelled – eg. Reserve or frequent the camp at this place
(13) Cancelled – see Prosecutions
(14) Cancelled – see Exemptions
(15) Certificate revoked [date]
(16) Rescinded – see Prisons Department
(17) Rescinded – see Crime and Offences
(18) See – Complaints
(19) Released from Provision of
(20) See – Complaints from Aborigines
(21) On condition he does not return to [town] or associate with Aborigines

Source: QSA-Extracts from Index to Register of Exemptions Issued, 1942-1967

Samples of comments about exempted persons are recorded in the Certificate of Exemptions Register (see Figure 3.4 below). They indicate just how much power was wielded by government officials and the extent to which they exercised control over the lives of Aboriginal Queenslanders.

Figure 3.4. Comments Taken From The Register

Comments Taken From The Register

(1) Not under the Act
(2) Automatically exempt
(3) This girl by virtue of her present circumstances is not subject to the APP Act
(4) This man by virtue of his present circumstances is not subject to the APP Act
(5) This man was advised by DNA that by virtue of his present circumstances, he was not subject to the provisions of the APP Act, 1939
(6) Under the amended provisions as regards half-breeds in APP Act 1939, she is not any longer an Aboriginal within the meaning of the Act and is free to manage her own affairs
(7) Exemption for 12 months only conditional upon bank account remaining under control of Protector. At the expiration of this time, his total exemption will be considered
(8) Permit – to work without agreement for 12 months
(9) Permit –this man was given permission by DNA to seek employment and generally manage his own affairs for a period of six months
(10) Permit - to work without agreement for 12 months from that date
(11) Permit: to gain employment not carried by agreement and collect wages during the DNA pleasure. Exemption will depend on good conduct etc.
(12) Old certificate issued in [year], returned, worn out/new one issued [year]
(13) Duplicate issued [year]
(14) Fresh certificate – original granted [year]. See Exemptions
(15) This man made application for exemption to Protector [town] who reported that during the past 2 years, his conduct has been excellent. Protector [town] was advised in a letter to inform him by virtue of his present circumstances he was not subject to APP Act and consequently the issue of a certificate was not necessary. Memo attached stating his position, to be handed to him. Permission given for this man’s marriage.

Source: QSA-Extracts from Index to Register of Exemptions Issued, 1942-1967.
In addition to the appeal of social freedoms to be obtained by being exempted from ‘under the Act’, there were several historical factors within Australian society that influenced Aboriginal people to apply for a Certificate of Exemption. During the First World War for instance, the number of applications for exemption peaked in 1916, with 67 individuals (53 males and 14 females) gaining the exemption. During the post war cattle boom in 1920, there was another peak in exemptions, with 79 successful applicants (71 males and 8 females) who were granted certificates (see Figure 3.5.).

The 1916 peak may well have been the result of the high demand for Aboriginal labour, at a time when many men were on active service overseas. Kidd claims that: “Aboriginal labour was at a premium during the war years” (1997:74). Castle and Hagan point out that: “The First World War stimulated the growth of Queensland’s cattle industry. Queensland farms won contracts for supplying tinned beef, not only to Australian troops, but also to other allied forces. With the ‘white’ workforce depleted by recruitment for the Armed Services, employment opportunities for Aboriginal stockmen increased, and good wages were available for those who were not ‘under the Act’ (1997:11). Castle and Hagan also explain that:

A post war boom in the (cattle) industry resulted in the Chief Protector juggling the rates for those employed under agreement with increased number of exemptions, to prevent what the AWU considered unfair competition (1997:11).

The Depression years of the late 1920s and early 1930s were difficult economic times, with high unemployment and low wages. Opportunities for achieving financial security in the mainstream labour market had become highly limited. The 1933 figures for Certificates of Exemption Issued record that there were no females and only eight males who were awarded exemptions that year. For the next three years, very few exemption certificates were issued. In 1936 for instance, only 2 males gained their exemption. However, in 1937 a big increase was noted, with 62 (46 male and 16 female) exemptions recorded as economic conditions began to recover.

Castle and Hagan (1997) did not find the records for the years between 1936 and 1941; however, these missing records were located during the research for this thesis. They revealed that there was another marked peak in the number of certificates of
exemption awarded which occurred in 1938, when 103 individuals (66 males and 37 females) were exempted. During the 1940s the exemptions peaked at 122 in 1948. Once again, as had happened in the First World War, this probably resulted from the shortage of men in the work force due to enrolments in the Armed Forces. This shortage of non-Aboriginal labour created greater opportunities for Aboriginal labour during and immediately after both wars.

From 1941, changes in administration practices resulted in more information being included in the Comments column of the Register of Exemptions Issued ledger. In 1942, yet another extra column was added, for Savings Account information. These changes coincided with Cornelius O’Leary taking over the Chief Protector’s role from Bleakley (Kidd 1997:149). Between 1908 and 1942, children were issued their own Exemption Certificate number, but were not recorded as a category distinct from adults. From 1943 until 1967, most entries for children were placed on the Mother’s Exemption Certificate number as ‘family’, possibly in order to allow mothers to access Commonwealth Child Endowment benefits (see Appendix B).

After the Second World War, Australia’s demographics and national identity underwent rapid change, with the arrival of immigrants from many European countries. Most of these ‘New Australians’ became Australian citizens after the 1948 Nationality and Citizenship Act, but Aboriginals were still unable to vote and were not listed on the electoral rolls. Marcia Langton points out that:

Since Federation, public debates about the place of Aboriginal people in the nation have focused on the problem of how to incorporate Aboriginal people within the framework of the Australian nation-state by various means: Assimilation, integration, self-management, self-determination, reconciliation, but always on the proviso that they would never be equal (2004:192).

The possession of an exemption certificate did not guarantee equality with all other Australian citizens, or indeed true citizenship status. As Margaret Reid had noted:

the state engaged in a combination of deliberate strategies, mainly through the manipulation of racial definitions, to remove Indigenous Queenslanders from the State electoral rolls and keep them off (2004:78).

Moreover, she comments:
It was not until the early 1950s that local Aboriginal Protectors were advised that exemptees had the right to enrol to vote (Reid 2004:74).

The official exemption statistics reveal that over the sixty years from 1908 until 1967/8, a total of 4,092 Certificates of Exemption were issued. That included 2,520 males and 1,570 females, as well as 1,165 children on the Mother’s certificate. In addition, they show that the age groups varied from the very young (9 months, in 1908) to the very old (88 years in 1958). Older applicants were granted their Certificates of Exemption so that they could claim the Old Age Pension, however, prior to 1958 Commonwealth benefits for Aboriginal people were only given if the person lived off a ‘reserve or mission’.2 Additional information found in the 1958 Certificate of Exemptions Issued register involved the Aboriginal people at the Lazaret on Fantome Island, where inmates applied for Invalid pensions and other Commonwealth benefits after being exempted.3

The researcher undertook a longitudinal analysis, which sampled the official exemptee statistics from 1908 to 1967/8, at 10-year intervals to ascertain the location of applicants. The information was recorded by postcode. Figure 3.5. shows the geographical locations of successful applicants who were living in towns, missions and reserves. The locations of the applicants were evenly spread across the state. Those applicants living on pastoral properties throughout the state and those applying from interstate are not included.

Figure 3.6. shows that the total of 4,092 exemptions issued between 1908 and 1967, 62 per cent were granted to males and 38 per cent to females. In all but five years, 1911, 1913, 1935, 1948 and 1967 male outnumbered females as successful applicant of the exemption certificates issued (see Figure 3.7.).
Figure 3.5: Map of Queensland showing main locations of Applicants.

Source: Dept of Aboriginal and Island Affairs – Annual Report, 1967 (adapted)

This map of Queensland (see Figure 3.5.) illustrates the main locations where Aboriginal people resided at the time of their application for the Certificate of Exemption. Figure 3.6. and Figure 3.7. overleaf lists the same total number of exemption certificates issued annually in table and graph formats.
Figure 3.6. Number of Certificates of Exemption Issued 1908-1967

<table>
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<tr>
<th>Year</th>
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<th>Males</th>
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<th>Children Not Included</th>
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<td>4092</td>
<td>1165</td>
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</table>

From 1908 - 1942 children were counted as individuals with their own Certificate of Exemption number issued.
From 1943 - 1967 children were included on their Mother’s certificate of exemption number issues, but not counted officially as previously done. Source: QSA.
Figure 3.7. QSA -Number of Certificate of Exemption Issued (1908-1968)
(2) **Annual Reports:**

The Chief Protector / Director tabled the Annual Report of his Department in Parliament at the end of each financial year. In some instances the report was tabled in December and in others in June, making it necessary to sometimes examine the records of two consecutive years. Each Annual Report recorded the number of Certificates of Exemption granted to Aboriginal people throughout the year, plus details of the specific circumstances involved. Some reports also contained information about Certificate of Exemption revocations, including the reasons that they were revoked.

A letter dated 13 August 1900 appears to be the first official record of a request for an Exemption Certificate. As the Annual Reports spanned seventy years, a longitudinal analysis was conducted, with samples taken every ten years, beginning at 1908. However, an official register recording the exemption certificate statistics appears not to have been kept before 1908. Taking samples at ten-year intervals allowed trends and developments to be identified. Over almost this entire time period only four men held the position of the Chief Protector of Aboriginals / Director of Native Affairs / Director of Aboriginal and Island Affairs. Note the changes in title and department over the years.

After Dr Walter Roth was elevated from the position of Northern Protector to the post of Chief Protector in 1903, he was succeeded by Richard Howard in 1906. Howard held the position until 1914, when John Bleakley took over. Bleakley and his successors Cornelius O’Leary and Patrick Killoran served an average twenty years each in this capacity (Donovan 2002:141-142).

In his 1908 Annual Report Richard Howard stated: “Below is shown the list of ‘half-castes’ to whom Certificates of Exemption, under Section 33 of the Act of 1897, were granted by the Honourable the Home Secretary, on my recommendation” (Annual Report 1908:15). Included in the list of persons he recommended were two ‘half-caste’ children who were too young to read and write or to meet the other application criteria. Howard explained the circumstances that prompted him to make exceptions to the certificate rules in these two cases. The first one concerned the children of a
non-Indigenous father who was “well able and desirous of providing for their welfare”. The second case related to a child who “was exempted on the wish of her dead father’s relatives, who have provided for her” (Annual Report 1908:15).

The following year, Howard commented on the decline of the number of certificates issued from 16 to 11, indicating the level of control exercised over those applying for exemption:

much discrimination has to be used in the issue of these certificates. Only half-castes who are civilised and have no intercourse with aboriginals can obtain them, and then only on satisfying the Department of their ability to manage their own affairs (Annual Report 1909:12).

In his 1918 Annual Report, Bleakley wrote about ‘half-caste’ soldiers and the Department’s need to protect their families by controlling the soldiers’ wages and bank accounts. Aboriginal returned servicemen were automatically offered an exemption certificate on leaving the military forces. In some instances the men refused the certificates, as it meant having no further contact with loved ones; a price considered by some to be too high to pay (Kidd 1997:147).

Bleakley’s 1927 report about the Certificate of Exemption and ‘half-castes’ (See Figure 3.8 below) was uncharacteristically brief. He detailed the number of applicants approved or refused, along with the conditions that must be met for Aboriginal people to be eligible to gain a Certificate of Exemption.

**Figure 3.8. Extract concerning ‘Half-Caste’**

<table>
<thead>
<tr>
<th>HALF-CASTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under section 33 of the Act of 1897, half-castes who, by reason of their intelligence, education, character, and mode of living, are considered to be living a civilised life and well fitted to manage their own affairs, can be granted a certificate of exemption by the Minister, which, however, can be revoked if they fail to live up to the conditions or revert to camp life amongst the aboriginals.</td>
</tr>
<tr>
<td>Naturally, many are anxious, or are prompted, to apply for this privilege, and last year 62 applications for the exemptions were received, but only 20 (15 males and 5 females) were considered eligible.</td>
</tr>
<tr>
<td>In some cases, the savings of the earlier years, if a large amount, are retained under the Department’s control for a while to protect them from exploitation, as the sudden possession of a large sum of money has often in the past resulted in disaster to the native owner, who is not proof against the wiles of the unscrupulous.</td>
</tr>
</tbody>
</table>

Source: QSA-Annual Report – Director of Native Affairs 1927:6
Bleakley also provided details about their savings and how it is in the best interest of the ‘native owner’ that the Department retain control of their bank accounts (Annual Report 1927:6).

Bleakley’s Report on those who had applied for exemption in 1928 states that: “Of the 68 applications for exemption only 29 individuals (25 males and 4 females) were adjudged eligible” (Annual Report 1928:5). Ten years later, Bleakley’s 1938 Report informed us of the 109 exemption certificates that had been approved that year. Moreover, he mentioned 75 males and 34 females whom he described as being of “above superior type, including 3 males and 2 females from the Torres Strait district.” He reports that:

some of the exempt persons have accumulated fairly large bank balances, and in the best interest of the person, the money should remain in the control of the Protector (Annual Report 1938:11).

John Bleakley, after working for the Native Affairs Department for forty-one years, eventually retired due to ill health in 1941 (Kidd 1997:148-149).

The 1948 Report of the Director of Native Affairs, Cornelius O Leary, made special mention of the small percentage of exemptees who had their certificates cancelled and was then obliged to return to the Settlements. It also records that there were some who voluntarily handed back their exemption certificates, in order to regain fellowship with friends and loved ones and to reclaim the culture they had tried to abandon (Annual Report 1948:3). A year later, the observations of Native Affairs Director, O’Leary, concerning the “the inherent call” to return to the Missions and Settlements, suggests that the number of exemptees redeeming their certificates was increasing. O’Leary wrote:

In many instances the Aboriginal or half-blood finds that he is unable to take his place in the white community and to support his wife and family. There is also the inherent call in some Aboriginals and half-blood to return to Settlement or Mission life, and in a few instances that call is so keen that the exempted person hands in the exemption certificate and returns to the Settlement (Annual Report 1949:3).
However, no official records of the number of Aboriginal Queenslanders redeeming their exemption certificates appear to have been kept.

In 1949, O’Leary reported that exempted Aboriginals were starting to gain access to their savings more readily, in order to finance homes and businesses. A total balance of almost £400,000 is quoted as the savings of Aboriginals from their earnings. O’Leary states that: “These savings bank deposits are entirely the property of the individual aboriginal, the Director of Native Affairs being the trustee of the accounts” (Annual Report 1949:4).

Kidd writes:

O’Leary’s retirement capped a career in which, according to the *Annual Report* of 1963, “A humanitarian outlook in all phases of administration has been the practice”. Killoran became only the third man to control Aboriginal affairs since Bleakley took the position in 1914 (1997:241).

In Patrick Killoran’s 1967 Annual Report as the Director of Aboriginal and Island Affairs, he discussed the issue of identity:

> Departmental policy remains directed towards assimilation without loss of identity and ensuring that all Aboriginal families attain the same manner of living as other Australians. Within the State, every opportunity is taken to foster in the general community, the feeling of acceptance of Aboriginal families and as the education standard among the younger family members of the [i]ndigenous people progresses, acceptance without condescension becomes more apparent (Annual Report 1967:1).

Any policy directed towards ‘assimilation without loss of identity’ would appear to be a contradiction in terms. The act of assimilating Aboriginal families so that they ‘attain the same manner of living as other Australians’ must of necessity result in the subjugation of one cultural identity by another.

With the eventual implementation of *The Aborigines’ and Torres Strait Islanders’ Affairs Act* of 1965 in April 1966, the Aboriginal people who were still living in Government reserves and Church missions became classed as ‘assisted Aboriginals’
or ‘assisted Islanders’. The government’s emphasis had changed from ‘protection’ to ‘assistance’ and from this time on, Aboriginal people had to have a ‘Certificate of Entitlement’ to actually live on a settlement, mission or community. A ‘Permit’ was required in order to be absent from the Settlement (see Figure 3.9. below).

Figure 3.9. Permit for Absence

The last entry shown in the Certificate of Exemption ledger was dated March 13, 1967 (QSA Register 1967). The following year, 1968, marked the end of an era for Aboriginal people. No longer did they have to apply for a Certificate of Exemption in order to have citizen’s rights within Australian society.

In his 1968 Report, Killoran wrote:

Within a period of less than 100 years from when legislation was first introduced in an attempt to assist the indigenous peoples, it is considered that the present legislative measures and prior particular legislation dating back to 1897, are achieving the objectives which the earlier Acts intended [sic] (Annual Report 1968:1).

Patrick Killoran seemed proud of the government’s progress in ‘assisting’ Aboriginal people over the past century. Yet, during this time period, untold numbers of Aboriginal people lost their cultural identity and heritage due to the power and domination of government policies. Killoran also recorded the following estimates:
Population figures are referred to in detail in the report but generally it is accepted from reliable records that in Queensland there are some 50,000 people of Indigenous origin of whom a number in excess of 20,000 are already members of the general community (Annual Report 1968:1).

It appears that Killoran was of the opinion that more than 20,000 people of Aboriginal heritage were members of the general community. These figures may well have included many Aboriginal Queenslanders under the Act who were working in the community for private employers. The findings of this research reveal that a little over 4,090 Certificates of Exemption were issued in Queensland over the sixty-year time frame during which records were kept. A further 1,165 children names were included, on their Mother’s records, as noted earlier.

(3) Archival data – correspondence:

The first documented evidence regarding the Certificate of Exemption is found in the correspondence of the Chief Protector, Dr Roth. A letter dated 20\textsuperscript{th} July 1900 was sent to the Office of Chief Protector of Aboriginals, requesting that a Certificate of Exemption be granted for a ‘half-caste’ child. It is believed that this letter, registered with the Office on 13 August 1900,\textsuperscript{5} could be the first application in Queensland for a Certificate of Exemption. The last entry in the Register of Exemptions Issued was on 13\textsuperscript{th} March 1967 (QSA Report: Register 1967).

After searching through two boxes of correspondence about Commonwealth legislation for Aboriginal people,\textsuperscript{6} the researcher found twelve sets of documents that included some reference to the subject of exemption. These letters dealt with a variety of topics: conference reports, citizenship for Aboriginal people and Commonwealth benefits for Aboriginal people. Several letters were from concerned citizens asking about the treatment of Aborigines and their living conditions. This selection of correspondence from writers all over the country spanned the thirty years from the 1920s to the 1950s. Authors included: the Prime Minister, some by the State Premier and some were from the Chief Protector.
In each of the documents from government officials, it is clear that they regarded the ‘Aboriginal’ as someone who was not as knowledgeable and worldly as them. In fact, most of these letters are couched in paternalistic terminology, which represented Aboriginal Queenslanders as commodities or possessions. The correspondence collated here is a cross-section of documents pertaining to Aboriginal people, their welfare and the legislation that controlled them in Queensland.

The next chapter presents the findings from the official correspondence and the face-to-face interviews. It draws upon the works of Michel Foucault to illuminate the social issues and historical events that surround the Certificate of Exemption and its consequences for Indigenous people.
The name of the government authority issuing exemption certificates varied between 1908 to 1967. From 1908-1939 it was known as Office of Chief Protector of Aboriginals. Between 1939-1965 they were issued by Director of Native Affairs, Sub-Department of the Department of Health and Home Affairs. From 1965 –1971 Director of Aboriginal and Island Affairs, Department of Aboriginal and Island Affairs.

2 Government correspondence, Ref. B.275
3 Fantome Island Exemptions Register, 1958.
4 Dr Roth’s office received this letter in 1900. It was found by the researcher in the records of Queensland Government correspondence to the Home Secretary’s Office, HOM-B5, Dec, 1900.
5 Having gained access to records, these letters were located. Register of Incoming letters received. Home Office’s Office. HOM – B5 Class No. Jan-Dec 1900 Accession No: 48/1769.
6 The boxes of correspondence referred to are QSA SRS 1043/1 Box 516 (Batch No. 275) and QSA SRS 1043/1 Box 517 (Batch No. 275) Part 1. Aboriginal Welfare as well as QSA SRS 1043/1 Box 517 (Batch No. 275) Part 2. Aboriginal Welfare
Chapter Four

Findings

Correspondence and Interviews

This chapter discusses the researcher’s examination of official correspondence written in the early 1920s regarding the applications for exemption or clarification of individual’s Aboriginal status and the findings from a series of interviews conducted by the researcher. The theories and concepts of French philosopher Michel Foucault will be used to analyse and interpret this material.

(1) Letters:

The letters examined were contained in the correspondence from Protectors of Aboriginals and Aboriginal Queenslanders to the Office of Chief Protector of Aboriginals in Brisbane, Queensland in the early 1920s, when John Bleakley was Chief Protector (see Appendix B). They were written requesting advice concerning the applications for Certificates of Exemption or clarification of Aboriginal status for a total of six individuals. The official responses reveal clearly how closely Aboriginal Queenslanders were controlled and managed through the authority of government officials charged with responsibility for their well-being under the 1897 Act.

The letters held by the Office/Department of the State government are the personal records of applicants who had produced the documentation necessary to satisfy officials of their ability to live and work in the wider Australian society. In a letter from the Torres Straits, there was an application by a male for a certificate of exemption that was refused, due to issues relating to wage exploitation by employers. The Protector acknowledged that the applicant was “intelligent”. Mr O’Leary, the Protector, concluded his letter by declaring that: “I unhesitatingly recommend that the application be refused”. It is evident that this letter from the Protector influenced the decision made later by the Chief Protector\(^1\), who acquiesced to his Protector’s recommendation when he advised that:

I have to advise that in accordance with the views expressed in your report of the 13\(^{th}\) ultimo the application
Another example of this is evident in a letter written in 1923 by Protector of Aboriginals, Mr O’ Leary, to his superior, Chief Protector Bleakley, requesting clarification of the Aboriginal status for a male individual living on Thursday Island (see Figure 4.1.).

**Figure 4.1. Correspondence from Protector of Aboriginals, Thursday Island**

<table>
<thead>
<tr>
<th>Memorandum:</th>
<th>13th June, 1923.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Chief Protector of Aboriginals,</td>
<td></td>
</tr>
<tr>
<td>South Brisbane.</td>
<td></td>
</tr>
</tbody>
</table>

I would be obliged if you would enlighten me on the following points:

Does a half-caste whose associations were originally aboriginal lose his status as an aboriginal by reason of his association with other than aboriginals, consequent upon his employment?

I state the case. A is the son of an aboriginal woman and white father and is consequently a half caste. He lives on an aboriginal reserve until he is 18 years of age, and is therefore, an Aboriginal and then enters into employment, where his associates are other than aboriginals.

At the age of 21, is he still an aboriginal?

[sic] Protector of Aboriginals. Thursday Is.

Source: QSA-A/58734, 23/1223.

Another letter sent by the local Protector at Herberton asked whether a “full-blood” could apply for a certificate of exemption. He stated that: “the Aboriginal has been fairly well educated, and brought up by respectable white people from childhood, and quite capable of managing his own affairs”. The response, signed by the Deputy Chief Protector of Aboriginals, was: “to advise that no full blood aboriginal can be granted exemption as this can only be granted to half-castes.”

for exemption by [name] has been refused. This man will have to conform to the Acts and regulations (QSA-A/58734, 23/2066).
One set of correspondence containing an application from Eidsvold, in the Bundaberg region, demonstrates the extent to which capacity for economic independence had to be demonstrated by applicants. It contained nine pages of documents, which included six official letters regarding the certificate of exemption, along with three separate sheets displaying the applicant’s own handwriting and financial management abilities.\(^3\) In this correspondence, the applicant was required to display evidence of intelligence, character, his capability of “protecting himself in the business dealing likely to come to him”, his proficiency at simple arithmetic and his skills at English. In this instance the applicant was successful.

Only two of the six sets of correspondence related to females seeking exemption. They indicate a paternalistic and moralistic approach to the treatment of Aboriginal women in the care of the Office of the Chief Protector. The first application, which was unsuccessful, contained seven pages of supporting documentation from the Protector in Cloncurry. The rejection was made without explanation despite the good references, the applicant’s ability to “read and write a little”, a considerable savings account, and the applicant “having had no association with coloured people. Even the fact that she had both a sister and a brother with certificates of exemption, and that she spoke good English without the slightest accent” counted for nothing. The applicant was advised, “the girl should be assured that as long as she maintains her present good character she need not fear being removed to a Reserve.”\(^4\)

In the second set of correspondence, information is requested on the issue of being married to an Alien (non-British citizen). The Protector in Cooktown writes: “to advise if an Aboriginal female ‘full-blooded’ married to a Cingalese is exempted from the Provisions of the Aboriginal Protection Act”. In response, and displaying his power and control, Chief Protector Bleakley wrote:

I have to advise that marriage to an alien only exempts an aboriginal female from the section referring to removal to a Reserve – while living with her husband. If she goes out to employment she must conform to the Acts as regards permits and agreements and anyone contravening the Acts can be prosecuted. If she leaves her husband, she can be removed to a reserve.\(^5\)
The content of the correspondence illustrates the power held by government officials when ‘protecting’ the Aboriginal population. Enforcing laws and regulations under the 1897 Act, the Protectors of Aboriginals denied successive generations of Aboriginal people their basic human rights. Those seeking exemption from the 1897 Act were compelled to demonstrate compliance with the exemption rules and to conform to a highly regulated way of life. They remained subject to surveillance by state officials, giving governmental bureaucracies a central role in the exploitation, rational ordering and disciplining of Aboriginal Queenslanders.

(2) Interviews:

During May 2005, the researcher conducted six interviews with four females and two males varying in age from 37 to 80 years. One interviewee had gained a certificate; the remaining five had a family member who had done so in the past. The interviews were held in a location of the participant’s choice, often their own home. Prior to the interview commencing, each participant was given an information sheet about the research along with consent forms, which they read and signed to indicate their agreement to participate in the research. A written checklist for personal information was followed by the interview itself, which was recorded digitally. Six open-ended questions were asked in order to reveal current attitudes and feelings about ‘self’ and ‘identity’ within family and community (see Appendix A). Although a time frame of sixty minutes had been allocated for each interview, all were of less than thirty minutes duration.

Transcripts of each interview were generated from the digital recordings and analysed by the researcher to identify themes. In order to maintain anonymity, interviews were analysed using a coding system, whereby each interviewee was allocated a number from 001 to 006. While the survey sample was small, the analysis of the interview data reveals impacts on Aboriginal identity attributable to the certificate of exemption. This will now be discussed in terms of knowledge of the certificate, identity, experience of racism, notions of freedom and experiences of work.
Knowledge of the Certificate of Exemption:

It was clear from the interviews that all six interviewees seldom, if ever, discussed the certificate of exemption within their families. Knowledge and discussion about the certificate and its implications were limited and fragmented. Only one interviewee (female, 66 years old) had actually become an exemption certificate holder in 1958. She stated:

I was working in [town] when someone came along with this paper and asked me to sign it and to me, it was that I was now a free person. However, I felt some excitement that this had been completed. However, it's years later that I realised it had no such meaning (001, 2005).

The manner in which she gained the exemption indicates that the rules, regulations and requirements for gaining exemption appear to have become less demanding by the late 1950s. When she was asked: “if the exemption certificate had been applied for”, the reply was “Not at all. Not at all. I think that it was perhaps coming to a time when they wanted to close the books” (001, 2005). In 001’s case it is noted that out of fourteen family members, only four were granted the certificate. The reasons why only four of the fourteen were exempted are unknown. This interviewee was far more knowledgeable about the subject than those who were second or third generation descendants of exemptees. In fact, all five of the latter categories professed little or no previous knowledge of the certificate of exemption.

One male interviewee, 56 years old, whose grandparent had been exempted, achieved a high school level of education before he started working. It was evident from the interview that he had had no dialogue with his parents or other family members about the exemption certificate and Aboriginal history or information about these subjects at school. He stated that he “Never discussed the certificate or Aboriginal history and culture with family members”. Later, he said:

I’ve never spoken to Mum and Mum has never spoken to me about it. We were never taught anything like that at school or never heard of it from anybody, so I can’t actually say anything because I just don’t know anything about it at all (003, 2005).

Another male interviewee, 37 years, whose grandparent was known to the researcher to have been exempted, when asked about the certificate of exemption said, “I can’t
really say because I never really heard of it before”. However, he was aware of how little family history was passed down through his family. He described his experience of asking for information about his family tree from his father, whom he saw as ‘brainwashed’, like his great-aunt. He said:

If you were doing a project at school and you’re doing a family tree or something and you wanted to know a bit of info about it, you sort of got the scarcest detail. It was like he suffered the same sort of brain washing that aunty had had, only that he believed it a lot more than she had (004, 2005).

A female interviewee aged 67 years old, whose mother had been exempted, said that her mother “didn’t want to remember the old days”. She recalled that her Mother always used to say “Don’t look back but to look forward, to keep going. I don’t think it [certificate of exemption] has hurt me in any way”. Of her Aboriginal heritage she said her mother would “come out every now and again with something, but I never asked” (005, 2005).

Another female interviewee, 44 years old, said of the certificate “So it wasn’t until after his [grandfather’s] death I even learnt of the exemption certificate. I had no questions to ask, even if I did understand”. Interestingly, after she learnt about the exemption certificate, she chose not to inquire further, when she had the opportunity to do so.

**Identity:**

Examination of the interview data revealed surprisingly few commonalities shared by the six interviewees, especially in terms of personal identity perceptions. When asked the question “How would you describe your identity?” the replies were as listed below (see Figure 4.2.). None of the interviewees identified as “white” or non-Indigenous Australians. Interestingly, in their identifying as an Australian, Aboriginal or both, a mixture and Aboriginal and European family the comments are, consciously or unconsciously, racially based.
Figure 4.2. Self Identity of interviewees

<table>
<thead>
<tr>
<th>Identity- Self</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Interview 001</strong>: Identified as Aboriginal.</td>
</tr>
<tr>
<td><strong>Interview 002</strong>: Identified as Australian.</td>
</tr>
<tr>
<td><strong>Interview 003</strong>: Identified as both Aboriginal and Australian.</td>
</tr>
<tr>
<td><strong>Interview 004</strong>: Identified as Aboriginal.</td>
</tr>
<tr>
<td><strong>Interview 005</strong>: Identified as Australian. Identified as a mixture. “Well I’ve got Aboriginal, Indian and South Sea, so a mixture.” When asked again the answer was: Australian.</td>
</tr>
<tr>
<td><strong>Interview 006</strong>: didn’t really answer this question, but talked of having sisters and brothers of Aboriginal and European family. Confused.</td>
</tr>
</tbody>
</table>

One female interviewee aged 80 years whose father had been exempted, was adamant that she had “never been classed as an outcast or anything”; that she had always been “free, lived a free life”. When speaking about the issuing of an exemption certificate she said that because of the exemption her father had told her:

> he didn’t want me living amongst the Aboriginals because all they wanted were to drink and smoke and be bums. That’s what he first said when we were little kids and he’s lived up to that all his life because he never lived amongst them or anything (002, 2005).

When speaking of identity, she stated she was “Australian, because I’ve been accepted everywhere, in all the schools and clubs and guilds and everything. I have never had any problems there”. In response to a question about whether or not she had experienced discrimination, she replied: “Nothing whatsoever. No discrimination whatsoever when I got married. No, I was welcomed into the family, my husband’s family and still respected, highly respected by them all today” (002, 2005).

Throughout the interview, this interviewee emphasised that being ‘respected’ and having her family ‘respected’ were of great importance to her.

It is clear from the results that assimilation into mainstream Australian society has been successfully achieved amongst four of the six interviewees. By their own admission, most of the interviewees claim to have little or no knowledge of Aboriginal culture, language, religion, traditions, kinship relationships or their links to ancestral homelands. This finding of almost total erasure of cultural identity is in stark contrast to the official aims of the Queensland government policy of assimilation.
“without loss of identity” stated on the first page of the 1967 Annual Report - Director of Aboriginal and Island Affairs.

Experiences of Racism:

Most interviewees indicated they experienced racism as an underlying and ongoing issue because they continue to be identified as Aboriginal people. When talking about Aboriginal identity one participant stated that:

But as far as an Aboriginal identity, it gets thrown occasionally. Every decade you get one racism comment or something that sort of sets you back a peg or two but they’re not all around you everyday so you just move on from when it does happen (005, 2005).

Another participant in recalling his school days remarked:

You are always expected to perform badly at things because you were a ‘coon’ and anytime you did anything good it was just like, ‘wow, you can do something (004, 2005).

One participant talked about “a racist society, Aboriginal people being ashamed and shunned openly” (001, 2005). In contrast one interviewee denied having ever experienced racism. She stated: “No discrimination… I’ve never been classed as an outcast or anything or any way, any shape or form. Wherever I’ve been. (002, 2005).

Notions of Freedom:

The two older female interviewees gave ‘freedom’ a high priority when speaking about their own life. The words “free” or “freedom” were frequently used, however the context in which these words were used varied quite markedly. One of these interviewees stressed that as a descendant of someone who was exempted, she had lived as a ‘free person’ and always identified as an Australian within the wider community. “You had your freedom, you were free. I’ve always been free, lived a free life. Still got a free life. Not hassled by anybody or anything” (002, 2005).
The other interviewee, an exempted person herself, commented that after gaining exemption she valued the fact that she felt no longer bound by the 1897 Act: “I was now free. Feeling of freedom” (001, 2005). In a similar vain, Aboriginal author Marnie Kennedy in her autobiography writes about the subject of ‘being free’ (1985:25). None of the four other interviewees mentioned the words “free” or “freedom” in their dialogue.

**Employment:**

The employment opportunities and experiences of the interviewees varied. One female interviewee talked about working most of her life as a domestic and another talked about her exempted mother as working for forty years with the same family as a domestic. The other two female interviewees had worked in various fields of education and office work and management. One of the two male interviewees had worked in the clothing industry and in a government department. The other male participant had been a member of the Armed Forces for many years and retired a few years ago, to run his own business.

(3) **Theoretical Considerations:**

As mentioned in Chapter Two, Foucault’s work provides a powerful theoretical explanation for the oppressive regulation dispensed by the state to Aboriginal Queenslanders who sought exemption from the 1897 Act. Blake has already noted that the rules and regulations described by Foucault, used to exercise power and domination over inmates at mental institutions, were also utilised on Aboriginal reserves and missions:

the development of state administered settlements paralleled the growth in other state run institutions of social control including prisons, asylums, lazarets, inebriates’ institutes and lock hospitals (2001:238).

Foucault described the disciplined and controlled lifestyle of inmates of dormitory facilities, continually moving from one institution to another, as ‘disciplinary careers’ (Blake 2001:73). Such were the experiences of those Aborigines who were
institutionalised. Those Aboriginal Queenslanders, who successfully escaped from this control by obtaining exemption, did so through a process of on-going self-regulation, which ensured that they conformed to the conditions of the exemption. This involved managing one’s own affairs through regular employment, cleanliness, sobriety, moral behaviour and disassociating from Aboriginal kin, culture and country.

It resulted in a ‘self’ shaped by the domination of every aspect of the lives of those paradoxically exempted from being ‘under the Act’. As Foucault argues: ‘The subject’ or ‘self’ is ‘how we see ourselves’ (McHoul & Grace 1993:ix-x). Our own history, culture, beliefs/religion and personal experiences are the total sum of who we are as a ‘person’. In effect, the laws and instituted policies of exemption gave authorities power that not only controlled the lives of exemptees but also impacted on the self-image of their descendants.

Some fifty years after the system of exemption commenced operation the close surveillance of Aboriginal people was still very much a reality. The one exempted interviewee recalled the surprise arrival of a stranger, referred to as “this person”, who was instrumental in initiating her exemption:

and how they found out where I was working also, that was amazing. So I was in another town, and this person came to me and just asked me to sign it and that was it. I did not ask any questions because I didn’t know what questions to ask really. I certainly have a lot of questions now (001, 2005).

The ongoing impact of exemptions on identity and sense of ‘self’ were acknowledged by this interviewee, who commented that: “I see our people who, as a result of that system back there, still feel ashamed of being Aboriginal…We were always considered the underclass” (001, 2005).

The final chapter summarises and concludes the thesis.
This letter was in a box of correspondence: QSA-A/58734, 23/2066. Letters dated 13 June & 11 July 1923 and an application for exemption. Thursday Island.

This letter was in a box of correspondence: QSA-A/58734, 23/3054. Letters dated 12 & 19 August 1921. Location: Herberton.

This letter was in a box of correspondence: QSA-A/58734, 21/4503. 9 pages of correspondence dealing with [name] in regards to gaining a Certificate of Exemption. Location: Eidsvold. Date: 7, 9, 21 April, and 11, 15, 19 May 1923.

This letter was in a box of correspondence: QSA-A/58734, 23/3639. 7 pages of correspondence for a female applicant, refused. Location: Cloncurry. Date: 25 January, 19 February and 16 & 23 March 1923.

This letter was in a box of correspondence: QSA-A/58734, 23/3638. Letters dated 2 & 13 February 1923. Location: Cooktown.

The Check list for personal information to be gathered from each participant consisted of: 1) Name 2) Gender 3) Date and place of birth 4) Marital status 5) Number of children, grandchildren 6) Religion 7) Highest formal education achieved 8) Occupation.
(1) Conclusions

This chapter of the thesis will summarise the research into the impact of the Certificate of Exemption on Aboriginal identity and present its conclusions. Also included is a brief comment about the limitations of the research and some reflections on unanswered questions.

The researcher’s journey in this topic began with the discovery that her maternal grandfather had gained a Certificate of Exemption in Queensland in 1926. This resulted in her grandfather and his family severing all ties with his Aboriginal heritage, identity and culture. The search for answers to questions about the impact of this system of exemption fuelled the research. To this end, the researcher conducted a content analysis of historical records of Queensland government archives and correspondence and a series of interviews of exemptees and their descendants.

Examination of the origins of the Certificate of Exemption found that it was introduced originally as part of The Aboriginals Protection and Restriction of the Sale of Opium, Act 1897 set up as a system of protection for and control of Aboriginal Queenslanders. This resulted in regulation and disciplining of every aspect of Aboriginal lives, including their removal and confinement to reserves and missions. Many sought to gain freedom by obtaining a Certificate of Exemption provided for the ‘half-caste’ in Clause 33 of the Act. Much research to date has focused on the Stolen Generations of Aboriginal children, forcibly removed from their communities and homelands. However, there has been very little research and analysis addressing the Certificate of Exemption and its long-term repercussions in Queensland or in the other states in Australia whose governments adopted a system of exemption in the early twentieth century.
First hand accounts of the ‘lived’ experience of Aboriginal Queenslanders were found to provide insights, both personal and political, pertaining to the operation of the system of exemption. In particular, these accounts showed experiences of the impact of exemption varied according to connection to land, kinship, language and cultural identity, which shaped their sense of ‘self’ and their capacity to engage with officialdom.

Statistics derived from the Chief Protector’s Annual Reports reveal that there were three categories of exemption: free, conditional and unconditional. In order to qualify for any exemption, the applicant had to meet strict criteria regarding intelligence, thriftiness, sobriety, being of “good character, steady in employment and industrious” and “not habitually associating with Aboriginals”. The failure to maintain such standards resulted in the revocation of the exemption certificate. Further offenders could be charged for such misdemeanors. Following Foucault, this system demonstrates the use of bio-power by the modern state in shaping its citizens in its own image.

The official number of exemptees for over sixty years, from 1908 to 1968, is revealed as a total of 4,092 Certificates of Exemption, issued to applicants throughout the state of Queensland. Successful male applicants consistently outnumbered female applicants. The number of exemptions peaked in 1916 and 1920, coinciding with a demand for Aboriginal labour during the First World War and a post war cattle industry boom. The Annual Reports of the Chief Protector, later known as the Director of Native Affairs, demonstrate the total power of these officials and their offices in granting, refusing and revoking the Certificate of Exemption for most of the twentieth century in Queensland.

Official correspondence, written in the early 1920s and examined by the researcher, included letters requesting advice in regard to the application for exemption or clarification of status for six individuals. These letters show how closely Aboriginal Queenslanders were controlled and managed through the authority of government officials charged with the responsibility for their well-being.
The researcher conducted six interviews, with four females and two males. One interviewee had a certificate, whilst the remaining five had a family member who had gained an exemption in the past. With the exception of the one exemptee, knowledge and discussion about the certificate and its implications amongst the descendants interviewed were limited and fragmented. Few of the interviewee’s shared commonalities in terms of their perceptions of personal identity. None identified as ‘white’ or non-Indigenous Australians. Nevertheless, most interviewees reported experiences of racism, because of being identified as Aboriginal people by non-Indigenous Australians.

Foucault’s work provides a powerful theoretical explanation of the oppressive regulation dispensed by the state to Aboriginal Queenslanders who sought exemption. Those who successfully obtained and maintained exemption did so through a process of on-going self-regulation, which involved sobriety, thrift, cleanliness, regular employment and disassociating with Aboriginal kin, culture and country. In effect, the laws and instituted policies resulted in a ‘self’ shaped by the domination of every aspect of the lives paradoxically exempted from ‘under the Act’. The legacy of this regime is evident in the erasure of Indigenous cultural identity amongst those descendants of the exemptees interviewed for the thesis.

(2) Limitations and Reflections:

Attempting to examine the impact on identity of a government policy which required people to renounce their cultural heritage and its significance can present particular challenges to a researcher. In this instance, the policy’s success resulted in descendants of exemptees who were unaware of the Certificate of Exemption and poorly informed or in denial about their own Indigenous cultural heritage. This meant that the researcher was generally considerably better informed about the exemption certificate, than those whom she interviewed for the research. As a result the interviewees tended to ask, rather than answer, questions about the certificate and the interview data did not yield the depth and breath of material that had been anticipated by the researcher. Furthermore, the small sample size in the research prevents generalisation of the findings.
This limitation meant that the research is more reliant on published material and official records and reports than had been anticipated. It may be the case that a larger sample would reveal a diversity of responses, including for example resistance, by Aboriginal Queenslanders and others, to the system of exemption, rendering it a much less successful state policy than is presented in official records and reports. It is to be hoped that this thesis will stimulate further research to investigate and uncover the full range of impacts of the Certificate of Exemption in Queensland and elsewhere in Australia.
Appendix A

Official Documentation

Indicative Interview Questions

(a) Prompts for interviews:

1. Can you tell me a little about yourself? (eg. where you grew up, which family members were exempted, how it impacted on family members and their identity)
2. How would you describe your identity? (eg. sense of self)
3. How do you think the exemption certificate system impacted on your identity in the past?
4. How do you think the exemption certificate system impacts on your identity now?
5. What do you think have been the benefits for you, living in the wider community?
6. How do you think your life would have been different if no one in your family had been exempted?

Personal Information

(b) Check list for personal information to be gathered from participant:

1. Name
2. Gender
3. Date and place of birth
4. Marital status
5. Number of children and grandchildren
6. Religion
7. Highest formal education achieved
8. Occupation
(c) RESEARCH PROJECT INFORMATION SHEET

Project Title: The impact of the ‘Certificate of Exemption’ on Aboriginal identity with particular reference to Queensland legislation from 1897-1967.

Researcher: Judi Wickes

Ethics Approval Number: HREC: S/05/57

Contact telephone number: (07) 5476 5209

Email address: jawickes@dodo.com.au (jaw003@student.usc.edu.au)

Supervisor: Dr Lucinda Aberdeen

Name of the University: University of the Sunshine Coast

Faculty: Arts and Social Science

This research project is study towards meeting undergraduate Honours degree requirements.

The purpose of this research is to explore the impact of the ‘certificate of exemption’ on Aboriginal identity, with particular reference to Queensland legislation from 1897-1967.

The study involves participating in a 60-minute interview.

Participation in the research project:
- You can choose to take part or not;
- You can stop the interview at any time without an explanation;
- Your information will be kept private and only used for the project;
- There will be no payment or reward for being interviewed.

You can take your time to decide about doing the interview. If you decide later, please contact the researcher at the telephone number or e-mail address given above.

If you have any complaints about the project:
- you can either raise them with the researcher or,
- you prefer an independent person, contact the Chairperson of the Human Research Ethics Committee at the University of the Sunshine Coast: (c/- The Committees Officer, University of the Sunshine Coast, Maroochydore DC, 4558; telephone (07) 5430 1111; e-mail Mellis@usc.edu.au).

Thank you for your participation with this project.

Judi Wickes - The University of the Sunshine Coast.
RESEARCH PROJECT INFORMATION SHEET

Project Title:

I would like to request your participation in the research project. Please keep page 1 of this sheet. Complete, and return page 2 to the researcher as soon as possible.

I understand that:
- participate in the research project is voluntary;
- I do not have to participate in this research study if I do not want to;
- I can withdraw from the study at any time and I do not have to give any reasons for withdrawing;
- If I do choose to withdraw from the research study at any time, any information received from me or pertaining to me that was obtained during the research will not be used.

I understand that the research project conducted by Judith Wickes as part of her undergraduate honours degree and that the research involves undertaking a 60-minute interview, which will be tape-recorded.

I understand that the purpose of the research is to explore the impact of the ‘Certificate of Exemption’ on Aboriginal identity with particular reference to Queensland legislation from 1897-1967.

I understand that the data produced will be confidential, anonymous and that my right to privacy will be respected. The information gathered will be viewed only by the researcher and supervisor and documents will be stored in accordance with the university’s rules.

I understand the contents of the Research Project Information Sheet for the research project and this Consent to Participate in Research Form.

I agree to participate in the research project titled “The impact of the ‘certificate of exemption’ on Aboriginal identity with particular reference to Queensland legislation form 1897-1967”, and give my consent freely. I understand that the project will be carried out as described on the Research Project Information Sheet, a copy of which I have kept. I also realise that I can withdraw form the project at any time and I do not have to give any reason for withdrawing. Any questions I had about this research project and my participation in it have been answered to my satisfaction.
CONSENT TO PARTICIPATE IN RESEARCH

Project title:


Name of Participant: ………………………………………………………………………

Signature of Participant: …………………………………………………………………

Date: ……………………………………

Signature of Researcher: …………………………………………………………………

Date: ……………………………………
Letter of Introduction:

15 April 2005

The Manager
Community and Personal History
P.O. Box 15397
City East
Qld 4002

Dear Manager,

Judi Wickes is currently an Honours student in the Faculty of Arts and Social Sciences. She is researching the impact of the exemption certificate system in Queensland from 1897 to 1967. Her research proposal has been given ethical clearance from the University's Human Ethics Research Committee.

As part of her research Ms. Wickes needs to undertake archival research to analyse government documents concerning the system of exemption and develop a statistical profile of exemptions granted during this period.

Therefore, I would appreciate if you could provide Ms. Wickes with access to these documents and render her any other assistance that she may require in undertaking her research.

If you should have any further queries, please feel welcome to contact me on 5430 1218 or email: laberdee@usc.edu.au

Yours sincerely,

Lucinda Aberdeen (Dr)
Honours Supervisor.
Faculty of Arts and Social Science.
Appendix B

Sets of correspondence from Protector of Aboriginals and Aboriginal Queensland to the Office of the Chief Protector of Aboriginals, Brisbane 1921-1923. Examined.

(1) Correspondence Data

A/58734, 21/4503

- 9 pages of correspondence dealing with [name] in regards to gaining a Certificate of Exemption. Location: Eidsvold.

Dates: 11 May 1923 Maryborough district, Eidsvold Police Station  
15 May 1923 South Brisbane  
19 May 1923 Eidsvold Police Station  
7 April 1923 South Brisbane  
21 April 1923 Eidsvold Police Station  

plus three (3) pages of applicant’s handwriting.

A/58734, 23/1223

- 2 pages of correspondence concerning “Is he still an Aboriginal” a male from Location: Thursday Island.

Dates: 13 June, 1923  
19 July, 1923 (23/3638 Exemptions)

A/58734, 23/2066

- 3 pages of correspondence concerning male application for exemption. Refused. Location: Thursday Island.

Dates: 13 June, 1923  
11 July, 1923 (23/3639 Exemptions)  
Application – report on Application by Half-caste for Exemption.
A/58734, 23/3639

- 7 pages of correspondence concerning female application for exemption. Refused.

Location: Cloncurry.

Dates: 25 January, 1923 (3 pages)
       Application – report on Application by Half-caste for Exemption.
       19 February, 1923 (23/1409 Exemptions)
       16 March, 1923 (23/1409 Exemptions)
       23 March, 1923

A/58734, 23/3638

- 2 pages of correspondence concerning a female. Marriage to an alien only exempts an aboriginal female from the section referring to removal to a reserve. If she is employed, the employer could be prosecuted under Section 14 of the Act. Location: Cooktown.

Dates: 2 February, 1923 (23/ 223 Exemptions)
       13 February, 1923

A/58734, 23/3054

- 2 pages of correspondence concerning ‘definition’. Can a “full-blood” aboriginal be exempted. Location: Herberton.

Dates: 12 August, 1921 (21:4503 Exemptions)
       19 August, 1921 (21:4503 Exemptions)
(2) **Correspondence of the Office of Native Affairs**

QSA SRS 1043/1, Box 516, Batch 275.

(1.) Commonwealth and States Native Welfare Conference. (Agendum 1) Department of Territories, Canberra. August, 1951.

1. Introduction
2. Definition of Aborigine
3. Exemption and its Significance
4. Legislative Action necessary for granting Citizen’s Rights

*Appendix “A”*

(i)
- Definition of Aborigine etc. in States and Northern Territory Statutes.
  - New South Wales
  - Queensland
  - South Australia
  - Western Australia
  - Northern Territory

(ii)
- Definition of Part Bloods.
  - New South Wales
  - Queensland
  - South Australia
  - Western Australia
  - Northern Territory

*Appendix “B”*

Statutory Power for exempting Aborigines etc. from the Provisions of the State Acts and Northern Territory Ordinance.

- New South Wales
- Queensland
- South Australia
- Western Australia
- Northern Territory
Commonwealth and States Native Welfare Conference. (Agendum 2)
Department of Territories, Canberra. A.C.T. August, 1951.

- Introduction
- Discussion
- Questions for consideration

Appendix to Agendum 2.

Conditions under which Aboriginal Natives may receive benefits under the Commonwealth Social Service Consolidation Acts 1947-50.

1. Age Pensions and Invalid Pensions
2. Widow’s Pension
3. Maternity Allowance
4. Child Endowment
5. Unemployment and Sickness Benefits

QSA SRS 1043/1, Box 517 (Aboriginal Welfare) (Batch No. 275, Part 1)

(3) Correspondence
To: Honourable E. M. Hanlon, MLA, Premier. Brisbane.
Letter from Department of Health and Home Affairs
Date: 14 December 1949.

Issue: Benefits being paid/not paid to Aboriginal people from the Commonwealth Social Services.

QSA SRS 1043/1 Box 517 (Aboriginal Welfare) (Batch No. 275, Part 2)

(4) Correspondence
To: Honourable E. M. Nicklin, MLA, Premier. Brisbane.
Letter from Noble – Minister for Health and Home Affairs
Date: 2 September, 1958

Issue: Wanting to direct benefits through the Native Affairs in each State. Benefits being paid/not paid to Aboriginal people from the Commonwealth Social Services.

(5) Media
Minister for Health and Home Affairs.

“Bias used against our Aboriginals”

Article captioned above in dealing with the booklet “The Aborigines and Torres Strait Islanders of Queensland”, warrants the following comment. Extracts from the article and replies thereto should suffice to indicate the Queensland Government policy on its aboriginal problem.

Various articles about Aboriginal people and their replies.

- Rights of aborigines to full Social Services
- Full citizenship

2 pages. No. 19275.

(6). Correspondence

Correspondence: To: Right Honourable Prime Minister of the Commonwealth, Canberra. A.C.T.
Letter from Honourable E. M. Nicklin, MLA, Premier.
Brisbane
Date: 13 June, 1958
Reference: B. 275.

Issue: Question of non-eligibility of aboriginals for Commonwealth Social Services Benefits. This matter is associated with the extension of unemployment benefits to Torres Strait Islanders, concerning which I addressed al letter to you recently.

2 pages.

(7). Correspondence

Non-eligibility of aboriginals for Commonwealth Age, Invalid, Widows Pensions and Maternity Allowance.

- Age, Invalid and Widows Pensions
- Child Endowment and Maternity Allowance
- Unemployment Benefits – Torres Strait Islanders.

(8). Correspondence

Date: 13 March, 1958
Extract from “Votes and Proceedings. –
• (13) Citizenship rights to Aborigines Mr Aikens, - pursuant to notice, asked the Premier

Date: 20 March, 1958
Extract from “Votes and Proceedings

• (3) Citizenship rights to Aborigines. – Mr. Aikens, pursuant to notice, asked THE PREMIER.

2 pages

(9). **Correspondence**

Date: September, 1951 and again in 1952.

Chief Secretary’s Department

*Issue:* Social Services Benefits for Aboriginals (Q’land)

- Present attitude of Commonwealth
- Outlook and conditions of Aboriginals in Queensland
- Commonwealth Policy on Native Affairs
- Examples of anomalies
- Present matter being considered by the Commonwealth
- Proposal as it affects Queensland

3 pages

(10). **Correspondence**

Correspondence. To: Right Honourable Prime Minister of the Commonwealth, Canberra. A.C.T.
Letter from Honourable V.C. Gair, MLA, Premier.
Brisbane
Date: 9 July, 1954
Reference: JM. (your ref: 724/16)

*Issue:* Concerning the question of the extension of Commonwealth Social Services Benefits to Aboriginals living on State Reserves. Exempted persons are not permitted to live on Aboriginal Reserves in this state.

1 page
(11) **Correspondence**

Correspondence.  
To: Honourable V.C. Gair, MLA, Premier. Brisbane  
From: H H Collins. Acting Minister for Health and Home Affairs.  
Date: 28 June, 1954  
Reference: Home. Chief Secretary’s Dept.  
4816 – I Jul 54. B275

*Issue:* Concerning the question of the extension of Commonwealth Social Services Benefits to Aboriginals living on State Reserves. Exempted persons are not permitted to live on Aboriginal Reserves in this state.

1 page

(12) **Correspondence**

Date: 23 June, 1954. RJF/H.  
Reference: Home. Chief Secretary’s Dept.  
4816 – I Jul 54. B275

Memorandum for Under Secretary’s Department, Brisbane.

- Premier’ Conference – Social Service Benefits for Aboriginals.

*Issue:* Concerning the question of the extension of Commonwealth Social Services Benefits to Aboriginals living on State Reserves. Exempted persons are not permitted to live on Aboriginal Reserves in this state.

1 page

(13) **Correspondence**

Correspondence  
To: Honourable V.C. Gair, MLA, Premier. Brisbane  
From: Prime Minister (for)  
Date: 5 April, 1954  
Reference: 726/16.

*Issue:* Concerning the question of the extension of Commonwealth Social Services Benefits to Aboriginals living on State Reserves. Exempted persons are not permitted to live on Aboriginal Reserves in this state.
(14) **Correspondence**

Correspondence. To: [name supplied]  
From: C.J. Mc Pherson. Under Secretary’s Department  
Date: 17. 6. 53.  
Reference: B. 275

*Issue:* Concerned citizen request information in connection with the rights and treatment of aboriginals in the State of Queensland.

1 page

(15) **Commonwealth and States Conference on Native Welfare**

Canberra, 3rd – 4th September, 1951.

The following are the decisions of the Conference:-

- Statement of Citizenship Status
- Statement on Social Services
- Statement on Health
- Statement on Education
- Statement on Employment of Aborigines
- Statement on government and mission stations
- Statement on the franchise
- Native Welfare Council
- Appendix

9 pages

(16) **Report**

Aboriginal Ex-serviceman:

Any Aboriginal who has served in the Armed Forces can automatically receive his Certificate of Exemption from the Queensland Protection Act. Cases have occurred where such ex-servicemen have refused to accept that Exemption Certificate and prefer to live on a Settlement amongst their own people.

1 page
(17) Correspondence

Personal Correspondence.  To: Mr McDonald
From: Mr Jones, Chairman. ACT
Australian Assoc for the United Nations, ACT Division
Date: 16th February, 1951
Reference:

Issue: Policy on Australian Aboriginals

6 pages

(18) Correspondence

Personal Correspondence.  To: Mr Hanlon
From: Hon. The Minister for Health and Home Affairs
Date: 22 June, 1950
Reference: (original 55/5348 Home)

Issue: Full Social Services Benefits to Aboriginals.

1 page
(3) Queensland State Archives (SRA)

Longitudinal Studies: Data detailing the Certificate of Exemption in Annual Reports.


(b) Annual Report of Aboriginals – Chief Protector, J.W. Bleakley. Years: 1918


