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Exemption and Nyungar Letters in the West Australian Archives

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Rather than rewarding applicants seeking relief from the draconian 1905 *Aborigines Act*, Exemption Certificates in Western Australia became a bureaucratic weapon to enforce their rigid control through enforced prohibitions on alcohol for Nyungar people. Applications were routinely rejected, regardless of the applicant's way of life, which quickly deteriorated under the "care" of the Aborigines Department. At the same time, new laws further enforcing prohibitions through increased fines and imprisonment, meant few had any hope of release. This combination derailed the exemption process. The injustices were recently revealed by the *Ancestors' Words: Nyungar Letter Writing in the Archives Project*, which located activist application letters written by Ancestors of today's Nyungar families, letters which were held for many decades in archive files of the Aborigines Department. The files also contained devastating letters of rejection written by the Minister, his officers and local police. The Ancestors' letters of courage and their distressing rejections in reply are examined here in a powerful case study developed in conversations between two Nyungar Elders, the writer's granddaughter, and the project researcher. The study also reveals how the project's respectful return of letters to the Elders can restore these important stories from the past to the flow of living family memories, down the generations.

The wisdom and facts the letters share can fill gaps in personal stories to reconnect the Stolen Generations with their families. They add to the historical foundations of the ancient Nyungar families' lineages, re-building spirits of kinship and connection and a shared sense of purpose and resilience within and between families. They can become instruments of peace and reconciliation. They can create a ripple effect of healing for us all.¹

*Sadly, highly respected and much loved Nyungar Elder, Dr Margaret Colbung, died in July 2022 before the publication of this essay.

**Sections of this work draw on the following published works with the authors' permissions: "Ancestors' Words: The Power of Nyungar Letter Writing", by Darryl Kickett, Anna Haebich, and Margret Culbong, *Griffith Review 60: First Things First*, co-edited by Sandra Phillips and Julianne Schultz, May 2018, pp.146-56; and "Powerful Documents from the Archive: Nyungar letters and the Ancestors Words Project" by Anna Haebich, Darryl Kickett, Marion Kickett, Anthony Kickett, and Jeannie Morrison in *Law's Documents: Authority, Materiality, Aesthetics*, co-edited by Katherine Biber, Trish Luker, and Priya Vaughan, (London: Routledge, 2022).

¹ Darryl Kickett, *Nyungar Nation Elder*, *Personal Communication*, 2018.

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Section 63. The Minister may issue to any aboriginal or half-caste who, in his opinion, ought not to be subject to this Act, a certificate in writing under his hand, that such aboriginal or half-caste is exempt from the provisions of this Act, and from and after the issue of such certificate such aboriginal or half-caste shall be so exempt accordingly: but any such certificate may be revoked at any time by the Minister, and thereupon this Act shall apply to such aboriginal or half-caste as if no such certificate had been issued.²

When Nyungar Elder Auntie Margaret Culbong first saw her grandfather's exemption file she had mixed feelings: "I was very proud of my Grandfather John Parfitt for writing the letter. But I felt sad too that he wasn't recognised for his skills and ability as an important member of the community in Bridgetown". With the letter returned to Margaret and her extended family in 2018 by the *Ancestors' Words* project 109 years after it was sent to the Aborigines Department, Mr. Parfitt's letter of courage and activism was restored to his families' yarns and storytelling and its status as Nyungar living knowledge and heritage. This Nyungar Ancestor's letter was one of over 180 recovered from the State Records Office of Western Australia (SROWA) by the *Ancestors' Words* project, the majority being requests for exemption from the state's draconian colonising instrument, the *Aborigines Act (1905–1964)*, modelled on Queensland's *Aboriginal Protection and Restriction of Sale of Opium Acts 1897*.³ The 1905 Act granted unprecedented powers to control virtually every aspect of the lives of men, women and children deemed under the 1905 Act to be "Aboriginal" or "half-caste", from birth to death. Once caught in this labyrinth, the only means of escape was to write to the Aborigines Department for exemption from the Act. The Ancestors' letters and the exemption process, together with Elder Auntie Margaret and Elder Darryl Kickett's case study of Mr Parfitt's file, are the heart of this paper.⁴ Both highlight how authorities' obsessional belief in colonial myths about alcohol and Aboriginal people derailed the exemption process. Contextual material on the *Ancestors' Words* project and the Department of Aboriginal Affairs archive (DAA archive) is also provided.

Read in the present context, the Ancestors' letters are powerful testimonies to how racism, denial of rights, segregation, incarceration, and breaking up of families have structured and institutionalised the Aboriginal problems of today. Their truth-telling from the past speaks directly to the *Uluru Statement from the Heart*: they "tell plainly the structural nature of our problem ... the *torment of our powerlessness*".⁵ Nyungar Elder Dean Collard, describes the letters as "foundational documents of the Nyungar nation".⁶ With over forty thousand people, the Nyungar nation is now the largest Aboriginal and Torres Strait Islander nation in Australia, with growing political and economic status following the Nyungar native title decision and negotiated government settlement with land, payments and Nyungar services and corporations in the pipeline.

Project

The *Ancestors' Words Project: Nyungar Letter Writing in the Archives Project*, funded by the Australia Research Council and established at Curtin University, was the first comprehensive study to recover and analyse Nyungar letter writing activism from 1860 to 1960. Research into First Nations epistolary was not new but our approach of

² *Aborigines Act 1905* (WA).

³ See Appendix 'Aboriginal Citizenship in Western Australia' below for detailed overview of relevant legislation.

⁴ Reproduced with their permission.

⁵ *Uluru: Statement from the Heart*, First Nations National Constitutional Convention (2017: Uluru, N.T.)

⁶ Dean Collard, *Nyungar Nation Elder, Personal Communication*, 2018.

working directly with Elders and families of the letter writers using innovative, culturally safe Nyungar-based methodologies was innovative and compelling. Our Nyungar-driven methodology was founded on four pillars of Nyungar law and culture: Elders' authority to maintain family history; *kartijin* (knowledge); working together through relationships; and values of respect and generosity.⁷ Nyungar people were leaders and participants at all stages of the project. The Nyungar Working Group of community Elders and leaders advised on the project concept and provided cultural guidance on ethical practice, protocols, community engagement, and sustainable outcomes throughout the project.⁸ The project team included six Nyungar members who contributed cultural knowledge and creative outcomes with four Wedjella (non-Indigenous) members, including project leader Anna Haebich, all experienced in working with Nyungar people and Indigenous methodologies.⁹

Our methodology embraced Ernie Stringer and colleagues' concept of action research as a "pedagogy of possibility ... a process of learning ... possibilities emerge when the pedagogy helps to frame the issue in terms that resonate with their own understanding and experience of that same issue".¹⁰ We also heeded their advice to start small and gradually build the project into something "momentous".¹¹ We called our gradual process "slow research": the focus was on culture, family, relationships, creating and sharing good outcomes, and hospitality.¹²

Our research began in the SROWA, searching through the administrative files of the Aborigines Department of the voluminous DAA archive. The other major category of personal files is restricted for family access only. Identifying the mostly handwritten Ancestors' letters, then on microfiche and microfilm but now mostly digitised, was difficult and distressing. Copies of the Ancestors' letters and the correspondence replying to the letters were transcribed and compiled in an extensive data base of digitised letters and transcripts cross-referenced for families' ease of access. The original letters which we identified remained permanently archived in the SROWA and can only be viewed by families on request.

We adopted the process of returning letters directly to the Elder descendants of the letter writers who shared them with their families at their own pace. Elder Darryl Kickett devised and led the model, beginning with the task of identifying appropriate Elders, drawing on his and other Elders' extensive genealogical knowledge. It was the case that most of the letter writers were fondly remembered by the Elders and their extended families. Great care was taken in preparing for the returns, beginning with meeting the Elders to explain the project and permissions required and to organise a formal meeting later at a safe place and time. Material to be returned included photocopies and digital USB copies of the letters and transcripts, a brief genealogy and fact sheets of historical content with a copy of the 1905 *Aborigines Act*.

⁷ Anna Haebich, Darryl Kickett, and Tiffany Shellam, "Ancestors Words: Nyungar Letter Writing in the Archive (1860–1960)," *Westerly*, Vol 64, 2 (2019), pp. 7–10.

⁸ Dean Collard, Darryl Kickett, David Collard, Carol Innes, Kyle Morrison, Irma Woods, Steve Kinnane, Damien Webb, Simon Forrest, Kim Scott, Marion Kickett, and Jeannie Morrison.

⁹ Team members are Anna Haebich, Darryl Kickett, Elfie Shiosaki, Carolyn Lewis, Jeannie Morrison, Kamsani Bin Saleh, Irma Woods, Gabriel Maddock, Tiffany Shellam, and Ellen Kraly.

¹⁰ Ernie Stringer, Eric L. Dustman, and Mark B. Kohan, "Starting Out and Building Small with Ernie Stringer: Personal Insights into Action Research and Educational Change," *Action Research*, Vol 124 (2014), pp. 435.

¹¹ Stringer et al., "Starting out," p. 434.

¹² Haebich et al., "Ancestors Words," p. 9.

Discussion of family relationships with the Elders ensured their cultural safety and freedom to share thoughts and emotions and stories recalled. Each situation required an attentive “ethics of listening to the past, the present and future — an ethics of paying attention”.¹³ Special caution was required for Elders before reading the harsh words of the government officers. Elders were also informed of the limits of copyright law and principles of Indigenous Cultural and Intellectual Property Rights to protect their heritage of the letters. Their rights are fragile: the majority of letters were written before 1940 and copyright is extinguished at seventy years. Reading the Ancestors’ letters brought families together to celebrate and remember their loved ones in gatherings, presentations and creative writing, and performance.

Archive

The DAA archive (1898–1972) was the project’s primary archival resource. As well as the Ancestors’ letters and official correspondence, the archive gave vital insights into the Ancestors’ reasons for writing and bureaucrats’ discriminatory processing of their letters. We saw how racist beliefs about Aborigines and alcohol directed the failure of the exemption system. We understood how the confluence of public stereotypes about Aboriginal use of alcohol, of police responsibility to ensure the peace in local towns and of police/protector controls over Nyungar families drove official resistance to approving exemption requests and the failure of the exemption system. Exploring this confluence theme in the DAA archive became a vital part of our Ancestors’ Words decolonising strategy.

Anna Haebich initially referred to this confluence in *For Their Own Good*, a history of Nyungar people of the south west of Western Australia from 1900 to 1940.¹⁴ The archive letters from the *Ancestors’ Words Project* and the Elders’ memories provided compelling evidence for an in-depth analysis. We were also guided by the findings and approach of the first comprehensive national study of Australian exemption systems led by Katherine Ellinghaus,¹⁵ and the publication of *Black, White and Exempt*.¹⁶ Accounts from other states demonstrated how parochial and racist the exemption system was in the west and its uniquely obsessive preoccupation with alcohol. We felt a close affinity with the innovative collaborations with descendants of exemption holders and the power of their stories about living with exemption, their unique insights into tensions of negotiating between promised freedoms and forced separation from loved ones, and the legacy of transgenerational family trauma. We also read with great interest articles addressing themes of gender, mobility, work, relationships, and emotions as well as the themes of published articles.¹⁷

¹³ Robyn Swain, “*Burning Daylight*: Contemporary Indigenous Dance, Loss and Cultural Intuition,” in *Ethics and the Arts*, ed. Paul Macneill (London: Springer, 2014), p. 111.

¹⁴ Anna Haebich, *For Their Own Good: Aborigines and Government in the South West of Western Australia* (Nedlands, Western Australia: University of Western Australia Press, 1992), pp. 126–27.

¹⁵ Katherine Ellinghaus, *The Burden of Freedom: Aboriginal Exemption Polices in Australia* (Melbourne: University of Melbourne), <https://arts.unimelb.edu.au/indigenous-settler-relations-collaboration/projects-publications-and-resources/projects/the-burden-of-freedom>; Katherine Ellinghaus, *Aboriginal Exemption*, (Melbourne: University of Melbourne), <https://aboriginalexemption.com.au/what.html>

¹⁶ Lucinda Aberdeen and Jennifer Jones, eds, *Black, White and Exempt Aboriginal and Torres Strait Islander Lives Under Exemption* (Canberra: Aboriginal Studies Press, 2021).

¹⁷ Judi Wickes and Katherine Ellinghaus, “Women’s experiences of Aboriginal exemption,” *Agora*, Vol 56, (1) (2021), pp. 9–12, <https://search.informit.org/doi/10.3316/informit.691376417161963>; Katherine Ellinghaus and Judi Wickes, “A Moving Female Frontier: Aboriginal Exemption and Domestic Service in Queensland, 1897–1914,” *Australian Historical Studies*, Vol 51, 1 (2020), pp. 19–37, <https://doi.org/10.1080/1031461X.2019.1672765>

The DAA archive records that began in 1897 as several small boxes of loosely arranged papers developed into a sprawling mass of files and cards documenting seventy-five years of settler colonial hegemony and control over Aboriginal people in Western Australia. The state's Aboriginal population was estimated at 25,000 but the tally for Nyungar people in the 1901 state census was only 1200, thousands less than when the British colonists arrived seven decades earlier.¹⁸ Bureaucratic English dominated the pages; Indigenous people were “the object (and subject) of the gaze of colonial authorities and experts”.¹⁹ Decommissioned and transferred to the State Archive in 1972, the records quickly became the site of fierce debates over contested politics, truths, ontologies, and historiographies. There was a Ministerial shutdown and threats to take legal action against researchers. For Aboriginal families, the DAA archive was an intensely conflicted site of irresolvable tensions, being repositories of priceless family histories and of tragic loss and injustice recorded in cold official language. Marda Marda author, Stephen Kinnane, explained that researching his grandmother's 300-page personal file for his powerful biography, *Shadow Lines*, was chilling and “double-edged”, it would have been “preferable” if the files and “the culture that created them also did not exist”.²⁰

The DAA archives revealed the variously named iterations of the Aborigines Department (1898–1972) and its “unruly, piecemeal venture[s]”²¹ of governance, shaped by limitless demands and limited resources. The Department responded by downscaling services and escalating punitive controls that precipitated risky life and death situations for Aboriginal families already living in poverty. Another false economy was to twice combine the Aborigines and Fisheries Departments. Two Deputy Chief Protectors of Aborigines and Fisheries were appointed: Charles Gale (1908–1910), promoted to Chief Protector for the state (1910–1914), and Fred Aldrich, responsible for the south (1920–1926). They had no prior experience of administering Aboriginal people or their welfare. Their expertise respectively lay in north-west pastoralism and pearling and marine and fresh water fish and oyster cultivation in New South Wales. Gale was abruptly replaced in 1914 by a career public servant, Auber Octavius Neville, who became the state's longest serving Chief Protector (1914–1920, 1926–1940).

Neville was appointed to set the *1905 Act* in motion after years of neglect. He enforced his new powers with unprecedented ferocity. This earned him the name “Neville the Devil” amongst Nyungar people. To relieve mounting racial tensions in the south, he adopted a cruel “sociological experiment” of forcibly removing elderly and unemployed Nyungar adults and children separated from their parents to two segregated “native settlements”, Carrolup Native Settlement in the south in 1914 and Moore River Native Settlement in the north in 1918.²² These “clearing houses”²³ were intended to empty the town camps, permanently. In the short term, the adults would pass away; in the long-term, the stolen children would be trained to become lowly domestics and labourers forced into lonely servitude for local farming families, until the generations eventually disappeared into the general population. For Neville, this

¹⁸ Western Australian Government, *Western Australian Census, 1901* (Perth: Government Printer, 1901), p. 204.

¹⁹ Lynette Russell, “Indigenous Knowledge and Archives: Accessing Hidden History and Understandings,” *Australian Academic & Research Libraries*, Vol 36, 2 (2004), p. 161.

²⁰ Stephen Kinnane, *Shadow Lines* (Fremantle: Fremantle Arts Centre Press, 2003), pp. 138–39.

²¹ Ann Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), p. 20.

²² Haebich, *For Their Own Good*, pp. 95, 96, 186, 188, 189, 195.

²³ *Ibid.*, p. 156.

was the “only solution to the native question”²⁴ in the south. However, his scheme was recklessly attacked by Aldrich who closed Carrolup in 1922 to reclaim the land for soldier settlement farms. The residents were forcibly removed from their home country to Moore River, 400 km to the north. They left late at night in locked train carriages to prevent families from rescuing their loved ones. Carrolup was not reopened until the late 1930s. Meanwhile Moore River became a “total institution”²⁵ marked by overcrowding, punishments, malnourishment, with no proper medical or dental care, school classes of hundred children, and repeated attempts to escape.²⁶ In the 1933 Depression year, the population swelled to five hundred, one-third being children.²⁷

The DAA archive also exposed the calamitous arrangement between the Aborigines and Police Departments whereby local police constables were appointed as Protectors of Aborigines in towns throughout the southwest. This anomalous field structure was a tragic cost-saving solution for the government that lasted from 1905 until the 1950s. The arrangement empowered the systemic racism of police to protect the interests of their superiors and local townspeople and farmers, and they used their powers under the *1905 Act* to punitively control Nyungar families. The legacy of this toxic system continues to poison relations between police and Nyungar people to this day. The roles of policing and protecting were fundamentally opposed. It was inevitable that police duties and attitudes would predominate. Police were accountable to the Police Department and were promoted through its ranks for work well done. They received no remuneration or career advancement for performing their Protector duties. There was every reason to expect high levels of racism and discriminatory behaviour in the force and a culture of prejudice against Aboriginal people.²⁸ Police generally conformed to the attitudes of their colleagues and town residents who demanded segregation.

Their many duties as protectors were onerous and widely resented: arranging welfare (rations, medical care, shelter); representing the accused in court (which conflicted with their policing role); collecting data on individuals and for reports; keeping the peace; surveillance of town camps; and enforcing the *1905 Act* and other laws. Their interactions with Nyungar people protected town interests rather than supporting their needs.²⁹ Chief Protectors and the police shared an obsession with Aboriginal alcohol use, which became a pivotal matter for assessing exemption applications. The case study of Mr Parfitt’s letter file reveals the loop of shared racism between the police and their collusion in determining negative outcomes.

Operating from a centralised office in Perth, Chief Protector Neville developed his apparatus to facilitate surveillance and control through his streamlined collection of thousand of files and index cards. The records demonstrated how the combination of unlimited power, shoe-string budgets and lack of accountability and transparency was played out through a centralised economy of welfare for “inmates” in institutions reminiscent of nineteenth century work houses. The index cards provided ready data on the Department’s many responsibilities listed earlier as well as personal data about child removals, marriages, employment, wages, convictions, imprisonment, sickness, and

²⁴ *Ibid.*, p. 186.

²⁵ *Ibid.*, p. 199.

²⁶ *Ibid.*, pp. 199–211.

²⁷ *Ibid.*, pp. 199–211, 311.

²⁸ Elizabeth Eggleston, *Fear, Favour or Affection. Aborigines and the Criminal Law in Victoria, South Australia and Western Australia* (Canberra: Australian National University, Canberra, 1976), pp. 18–19.

²⁹ Haebich, *For Their Own Good*, pp. 92–95.

deaths. Neville's innovation of personal files, comprising 54 per cent of all records, allowed for invasive micro-management of individual lives. His expanding family genealogies that calculated fractional degrees of Aboriginal descent, vital for determining who came under the *1905 Act*, constituted a "racial archive".³⁰ Neville orchestrated a scenario of Nyungar families forced into spiralling poverty down the generations. Nyungar Elder Cliff Humphries explained, "We were a bunch of cast-offs in our own country".³¹ In retrospect, it is hardly surprising that many of Neville's "charges" sought exemption to escape this nightmare existence.

Elders who received their Ancestors' letters developed a determination for decolonising the DAA archive. Responding to their request to view the original letters and learn more about the archives, we organised a workshop with archivists of the WASRO in October 2017. Tears were shed viewing the original letters. Discussions of negotiating community access and control of the records and training and resources for Elders and young people to use the archive, recommended by the 1997 *Bringing Them Home Report*,³² were reported to the WASRO but remain unresolved. The Elders were also keen to create their own keeping places for the letters. A subsequent survey for the project showed the lack of resource capacity to achieve this goal.

Citizenship, letters, exemption³³

As the Appendix to this essay demonstrates, rather than being a pathway to freedom exemptions were yet another block to Nyungar rights as citizens, consistent with the obfuscations promulgated by the new nation's race laws in the early 1900s. This was the shameful period of forging the new White Australia that provided benefits for its mainly British subjects while Asian residents were deported and denied entry under its *Immigration Act 1901*. Aboriginal and Torres Strait Islanders became "citizens minus"³⁴, nominally British subjects but without the benefits, who were left to the whims of parochial state governments to legislate them out of sight.

This was also the time when Western Australia began to consolidate, repeal, and amend the existing grab bag of laws targeting Aboriginal people, dating from the early nineteenth century, from the first in 1843 prohibiting the supply of alcohol, to the cruel measures to control Aboriginal workers in the pastoral industry passed during the 1890s by the newly proclaimed state of Western Australia. The cleansing was done in part to remedy the state's tarnished reputation in Britain as employers of Aboriginal people in the north and to appease local concerns about its management of the state's growing populations people of mixed descent, in the south and north. This culminated

³⁰ Peter Fritzsche, "The Archive and the Case of the German Nation," in *Archive Stories: Facts, Fictions, and the Writing of History*, ed. Antoinette Burton (Durham, NC: Duke University Press, 2005), pp. 184–208.

³¹ Haebich, *For Their Own Good*, p. 241.

³² Commonwealth Government, Human Rights and Equal Opportunity Commission, *Bringing Them Home: A Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Sydney: Human Rights and Equal Opportunity Commission, 1997).

³³ Little has been written specifically about exemption and citizenship in West Australian apart from Anna Haebich, *Spinning the Dream: Assimilation in Australia 1950–1970* (Fremantle, WA: Fremantle Arts Centre Press, 2008) and a few comments by Peter Biskup, *Not Slaves, Not Citizens: The Aboriginal Problem in Western Australia, 1898–1954* (St. Lucia, QLD: University of Queensland Press, 1973).

³⁴ D. Mercer, "'Citizen Minus?': Indigenous Australians and the Citizenship Question," *Citizenship Studies*, Vol 7 (2010), pp. 421–445, <https://doi.org/10.1080/1362102032000134967>

in the *Aborigines Act 1905*. Over the next fifty-five years, legislation for Aboriginal people multiplied and intensified.

The Department made no effort to explain the changes to their status, and police/protectors were at a loss to comprehend the full meaning of the Act's sixty-six sections in legalese covering sixty-seven pages. Most Ancestors first learned of the changes through chance encounters with police enforcing new offences under the Act, mainly prohibiting access to alcohol and entry to hotels, judging from the content of the Ancestors' letters. Accustomed to difficulties enforcing these controls the police welcomed the *1905 Act's* extension of the prohibition on supplying alcohol to all "half-castes" (also added to the amended *Wines, Beer and Spirits Act 1902*, WA), whom they believed were the main consumers and suppliers, and the penalty for supplying was raised to £20.³⁵ A rush of Ancestors' letters to the Aborigines Department followed, protesting against the new infringements, sent from towns across Nyungar country. Farmer William Hart³⁶ wrote in 1902 after reading in a newspaper that

[...] a publican was fined for supplying a halfcast with drink and been one myself I have been all ways under the impresion that we were not prevented from going to a Hotel to get glass of beer [...]. I think it very hard if I am disbarred from going to a Hotel to get refreshments for our familis we work hard and Honest for our living [...] now mr if such is the Case you must rite and let me now so as i wil now how to Act in the futcher.³⁷

Rather than explaining the 1902 amendment, the Chief Protector, Charles Prinsep, noted on the file that "apparently, he has not yet been refused attention at the hotel and that when such is the case it will rest with the magistrate to decide whether the publican is right in refusal or not".³⁸

It was not surprising that over half of the letters collected by the *Ancestors' Words Project* were requests for exemption from the *1905 Act*, or were protest letters interpreted as exemption requests by the Aborigines Department. Most were handwritten by the Ancestors or family members, literacy being a legacy of mission schooling at New Norcia and children's missions in Perth and some country towns, and later at Carrolup and Moore River government settlements. Writers usually adopted a formal and direct style, previously dismissed by some as kow-towing to authority, but more likely to be colonial letter conventions or adapted Nyungar protocols for addressing strangers. Most letters were visually and emotionally striking. Words made in haste and anger were scored into the paper. Others were scribed in perfect cursive script, wary of the recipients' authority. In some you could almost hear the Ancestor's voice. To see and touch these traces made by the Ancestors, long deceased but fondly remembered, was a profound experience for the families.

Mr Hart's letter resembled several others from Nyungar farmers protesting the *1905 Act*, some requesting exemption, that suggested they too sensed the threat to their small family farms achieved against all odds. They were right. There was no hope of integrating on equal terms into farming communities in the new wheat belt nor could they escape from the new forms of governance for Aboriginal people. Activism to protest and represent their cause through their own cultural practices or new skills of

³⁵ Haebich, *For Their Own Good*, p. 115.

³⁶ Mr. Hart's letters are identified and reproduced here and below with the permission of Elder descendant Mr. Les Wallam.

³⁷ Western Australian State Records Office 255 1902-0522. Note that this and all archive references follow the WASRO referencing conventions.

³⁸ Western Australian State Records Office 255 1907-0286.

letter writing and petitions hit the brick wall of Department disinterest or opposition.³⁹ The outcome was tragically present in Mr Hart's final letter to the Department, ten years later in 1912. He wrote in desperate circumstances, in dire need of help for himself and his family, distraught from the disrespect shown by the local police sergeant but choosing his words carefully to be sure to get help from the Department:

[...] I am in very low circumstances and require relief owing to my wife and children being very ill in the hospital at Narrogin and myself having a very bad leg and not being able to work [...] the sergeant has refused to assist me without your instructions will you kindly instruct him to grant me and my wife and children food till I am able to walk.⁴⁰

Many letters were written in barely concealed rage suggesting that encounters with the police were often confrontations, possibly involving arrests. The Ancestors protested against the police/protectors' increased interventions: confiscating guns, shooting dogs, ordering people away from hotels and town amenities, enforcing town curfews, forcibly removing the children, and, from 1914, excluding them from state schools. Many letters asked questions about their rights and how they would be handled and by whom. A telegram sent in 1907 by an elderly man demanded to know whether the local constable had "any right to take away my Rifle cannot kill kangaroo refuse to give it to me".⁴¹ Another indignant letter writer challenged why he was barred from the visiting doctor's consulting rooms in the town hotel.⁴² These specific enquiries were generally treated as applications for exemptions and refused.

A distressing presence in the Ancestors' letters files was the official correspondence that the letters provoked in reply. The case study of Mr Parfitt's letter demonstrates the closed circuits of shared racist preconceptions and discriminatory decisions with no effort to get to the facts of a case. Correspondence between officers of the Aborigines and Police Departments, sometimes to the Chief Protector, Commissioner of Police and the responsible Minister with police reports on the person's character attached, was usually negative. For any doubting critics, this correspondence adds credibility to Nyungar historical accounts of the systemic racism they endured.

The exemption section of the *1905 Act*, Section 63, was modelled on Queensland statutes passed in 1897 and 1901, with a clause added allowing exemptions to be revoked. The West Australian wording left absences and loopholes for interpretation that dogged its implementation. There were no criteria to direct the Minister's "opinion" or any guidelines for the many questions that exemptions raised. What could the qualities be of a person who ought not to be subject to this Act? The phrase "suitable degree of civilisation" bandied around in parliamentary debates (but not mentioned in the *1905 Act*) was vague and subjective. What did it *mean* to be exempt from the Act? What conditions made it necessary to revoke exemptions and who was keeping tabs? The Chief Protector and local police, whose advice went forward to the Minister (who usually accepted their advice), had their own strong opinions. Their correspondence and their advice to the Minister demonstrated their blanket opposition to all exemptions. This included applications from "half-caste" people who were already

³⁹ Zoe Laidlaw and Alan Lester, "Indigenous Sites and Mobilities: Connected Struggle in the Long Nineteenth Century," in *Indigenous Communities and Settler Colonialism: Land Holding, Loss and Survival in an Interconnected World*, eds, Zoe Laidlaw and Alan Lester (Hampshire: Palgrave MacMillan, 2015), pp. 1–23.

⁴⁰ Western Australian State Records Office 522 1912-0788.

⁴¹ Western Australian State Records Office 255 1907-0286.

⁴² Western Australian State Records Office 652 1918-0049.

excluded from certain provisions of the *1905 Act* by its principles of association, culture, and descent. Nyungar farmers, like Mr. Hart, should have been likely candidates for full exemption. Instead, their enquiries were rejected. Nor were they informed of their special status under the Act. As we have seen, the force driving police and officials was their obsessive prejudice and alarm that without blanket prohibitions, Nyungar misuse of alcohol would seriously disturb public order. All applicants were devious suppliers and alcoholics; exemptions were their “tickets to alcohol”. These racist assumptions shaped Neville’s standardised exemption form issued in 1915 requesting police to report on applicants’ racial background, contacts with Aboriginal people, drinking habits, assessment of good character and whether they were likely to supply alcohol.⁴³

This nexus of police, Aboriginal people and alcohol had a volatile background.⁴⁴ Police felt frustrated by their patrols for clandestine meetings where settlers supplying the alcohol escaped and Aboriginal people refused to name them, even when beaten. Local settlers caught red-handed were treated leniently by local justices who imposed minimum fines. Aboriginal people came off the worst. Police charged them with illegal possession, public drunkenness and drunk and disorderly conduct. Drunkenness could bring three months jail or more. To escape detection some adopted patterns of drinking outdoors with rapid consumption of alcohol and occasional drinking sprees that only made them vulnerable to police detection. Elder Cliff Humphries’ memories refute the stereotypes. “They might get a bottle of rum or whisky and they’d take it home and drink it like medicine. They never got drunk on it [...]. They’d have a yarn, but they never got drunk. They didn’t drink enough to get drunk”.⁴⁵ However, even this genteel behaviour became an imprisonable offence.

False myths about Indigenous people and alcohol were universal: that they craved liquor and were “constitutionally prone” to losing all self-control; that they had no place in colonial society, they were not civilised and *never could* become civilised.⁴⁶ Marcia Langton explains that this is a construct with a long history, dating back to the self-serving economic and political goals driving early colonial society. Alcohol was plied to engage Aboriginal people in these goals and was then prohibited to control their behaviour. Langton concludes that by claiming that “Aborigines are drinking themselves to death” whites sought to make themselves “innocent of the destruction of Aboriginal society”.⁴⁷

Alcohol prohibitions and controls harmed Nyungar people as a population. They created insurmountable barriers that blocked access to local services and recreational activities and became a major cause of imprisonment of Nyungar men and consequent impoverishment of their families. Physical and mental wellbeing was eroded by the constant surveillance and arrests with no escape from the continual reminders of the racism and hatred that engendered the prohibition.⁴⁸ Enforcing prohibition by refusing

⁴³ Haebich, *For Their Own Good*, p. 162.

⁴⁴ *Ibid.*, pp. 114–15.

⁴⁵ Cited in Anna Haebich, “‘A bunch of cast-Offs’: Aborigines of Southwestern Australia 1900–1936” (PhD thesis, School of Social Inquiry, Murdoch University, 1985), pp. 1325–26.

⁴⁶ Robert A. Campbell, “A ‘Fantastic Rigmarole’: Deregulating Aboriginal Drinking in British Columbia, 1945–62,” *BC Studies*, Vol 141 (2004), pp. 81–104.

⁴⁷ Marcia Langton, “Rum, Seduction and Death: Aboriginality and Alcohol,” *Oceania*, Vol 63, 3 (1993), p. 195. <https://www.jstor.org/stable/40331333>

⁴⁸ Sherry Saggars and Dennis Gray, *Dealing with Alcohol: Indigenous Usage in Australia, New Zealand and Canada* (Melbourne: Cambridge University Press, 1998), pp. 40–41.

exemptions harmed those families who may otherwise have been eligible for exemption and federal and state cash welfare benefits and state mainstream services instead of surviving on the Aborigines Department's miserly "welfare" assistance.

The Ministers' advisers wrote openly of their personal prejudices for advising against exemptions. Neville explained that "we have hitherto refused all applications from natives and half-castes residing at this place [New Norcia Mission]".⁴⁹ Aldrich stated, "I will not grant any permits to half-caste natives [...] If a permit is granted the others use him as a channel for the supply of liquor".⁵⁰ A constable in the town of Beverley advised that granting an application would cause "a great deal of friction and jealousy amongst the others [...] It only means that the exempted native is made a sort of go-between, the others pay and he gets the drink for them".⁵¹ Even favourable employer and police reports were overlooked. In 1919, a farming contractor's exemption application for his fifty-six-year-old worker to use hotel accommodation was rejected because he had three minor "drinking convictions". In the same year eight applicants were rejected for allegedly being "alcoholics".⁵²

That politicians and the public shared these alcohol obsessions was evident in amendments to the *1905 Act* in 1911 that increased the severity of alcohol offences: receiving or possessing alcohol became an offence for Aboriginal people with a minimum fine of 5 pounds or one month prison for a first offence (previously it was only an offence to supply others). Soon after fines for supplying were increased to 100 pounds or six months prison. Convictions increased from fifty-eight in 1910 to 240 in 1913; almost half were alcohol related, demonstrating extra police vigilance and enforcement. Alcohol-related offences now became the principal reason for imprisonment as the majority of those charged were unable to pay the fines. Sentences were often inordinately harsh, one man was sentenced to three months hard labour for possession of a bottle of wine. The situation prompted further outbursts of anger and increased requests for exemption. The frustration was palpable in a petition sent to the Colonial Secretary in 1912, signed by several men from the Moora district who wrote that they were educated and paid taxes and rates. They condemned the laws and constant police surveillance: "It is nothing but like dogs we are treated [...]. See what you can do for us we don't want to be left like a lot of cast-offs".⁵³

The few who were granted exemption did not become free citizens but remained "permanently on approval"⁵⁴ and their exemptions could be revoked at any time, leaving them as if no certificate had ever been issued. Alcohol offences brought immediate cancellation but so did associating with Aboriginal family and friends. The reasons were petty: a man threatened for meeting with his brother; two men penalised for playing football with the local Aboriginal team. One man wrote demanding to be freed from his exemption. This caused a flurry of activity and calls for legal advice since there was no clause to cover this request. In 1923, only forty-one exemptions were current.⁵⁵ There were few incentives to join the "civilising agenda" given the demeaning decision process, enforced separation from family love and support, heightened police surveillance and the sheer impossibility of maintaining "a suitable

⁴⁹ Western Australian State Records Office 652 1918-0691.

⁵⁰ Western Australian State Records Office CSO 1921-0347.

⁵¹ Western Australian State Records Office 652 1914-0044.

⁵² Western Australian State Records Office 652 1919-2173.

⁵³ Cited in Haebich, *For Their Own Good*, p. 126.

⁵⁴ *Ibid.*, p. 127.

⁵⁵ Biskup, *Not Slaves, Not Citizens*, p. 157, 158.

degree of civilisation” in an unwelcoming society. Like “indigens” in the French colonies who from 1848 could apply for “naturalisation” to escape the harsh regulations of the “code de l’indigenat” but were then required to renounce their local customary status and live in isolation from their communities, this was a trade-off that few were prepared to make.⁵⁶ Historian Peter Biskup argues that, if implemented differently exemptions could have freed families from the ignominy of the *1905 Act*, but this view ignores the cruel racism in the wider community with escalating demands for complete segregation, government settlements as clearing houses, and the exclusion of children from state schools.⁵⁷ Nor were recipients excluded from other discriminatory laws such as limits on grants and finance for farms; exclusion from federal welfare benefits; removal of their children; and no right to vote, all undermining the independence of Nyungar families.

There was growing protest all around at such treatment. In 1928, a deputation to the Premier led by William Harris and the Native Union representing several major Nyungar families, publicly criticised Neville and the desperate situation for many families. They were belittled in the press by Neville. These historical injustices still arouse heated passions. The telegram, referred to earlier, set off an hour of questions and storytelling by Elders meeting with the *Ancestors’ Words* project team in Albany in 2016. Topics around the table ranged from how the rifle was the sender’s livelihood; how there was no work for him to support his family; how this undermined men’s authority; about hunting in the old days; police abuse of their powers; and climaxed in condemnation of the then topical issue of the Northern Territory intervention.⁵⁸

Case study John Edward Parfitt WASRO 651 1910-0917

In January 2018, Nyungar Wilman Elder Darryl interviewed Nyungar Wilman Elder Margaret Culbong, after discussing the letter written by her grandfather, John Edward Parfitt.⁵⁹ Margaret’s thoughts and memories, and the copy of her grandfather’s letter, are shared here with her permission. The insights from this exchange help us begin to appreciate the riches of storytelling that flow from working with the Ancestors’ letters and their descendants.

Bridgetown August 29 1910

To the Inspector of Aborigines

I want you to grant me a permit to go into a public house because I am well liking in this town and I want you to grant me a Permit to go into a Public House. I am well liking in this town. I am ask you to Grant me a Permit. I am a half cast and I am a footballer and the chaps all way like me to go in with them to have a drink with. I all ways have work on hand and I am belong to the town.

Yours etc

John Edward Parfitt

Bridgetown⁶⁰

Darryl and Margaret were sitting in the front yard of Margaret’s house in the cool shade at the table where she welcomed family and friends to sit and chat. She was

⁵⁶ Haebich, *Spinning the Dream*, p. 76.

⁵⁷ Biskup, *Not Slaves, Not Citizens*, p. 159.

⁵⁸ Darryl Kickett and Anna Haebich, “Ancestors Words: The Power of Nyungar Letter Writing,” *First Things First: Griffith Review*, Vol 60 (2018), pp. 146–56.

⁵⁹ The distinguished Nyungar Elder Dr Margaret Culbong passed away on 8 July 2022. We honour the wisdom and generosity of her contributions to this essay. Her commitment to Aboriginal health services and her activism and agency across all Nyungar issues won her universal respect. Her many awards include an Honorary Doctor of Science.

⁶⁰ Western Australian State Records Office 652 1910-0917.

proud of her grandfather and knew he was a good sportsman and that his football photo had been mounted on the wall of the Bridgetown Hotel. Margaret then shared background family details about John Edward Parfitt and her relationship as his granddaughter, required before she and Darryl could move on to discuss the letter.

John Edward Parfitt was born in Bridgetown in 1888 and was buried in Narrogin in 1957. At some stage, he moved straight from Bridgetown in the far southwest to the wheat belt town of Narrogin and stayed on. He married Lottie Humes in 1942, the daughter of John Levi Humes and Ada Bennell. How they found each other is not clear to Margaret. They had fourteen children and the eldest was Esther, Margaret's mother. Esther married Lindsay Culbong and they had nine children, with Margaret being one of the eldest.

John was the son of Robert Parfitt and Lucy Ryan. Lucy was an Aboriginal woman born in 1868 at Bridgetown. Robert was the son of Captain William Parfitt, an Englishman who married an Aboriginal woman, Marie. It is likely that she also belonged to the Bridgetown area. These strong connections to Bridgetown suggest the depth of his emotions when he wrote, "I am belong to the town".

Margaret had treasured memories of her grandfather from growing up in Narrogin near where he worked every day at the Trefort family farm (now Hillside) out on Cuballing Road. He rode to work bareback on his horse which was named Donald. Every afternoon, Margaret and her Aunt Sally ran to meet Grandfather as he rode down the hill and would fight over who could ride the horse the rest of the way home. Grandfather also had a kangaroo dog named Speedy who provided kangaroo meat for the family. The family camped on the Cuballing Road just south of the Narrogin town boundary. Margaret thinks it was Crown land. The land bordered Trefort's farm and the Fowlers' property, where the family bought eggs and milk. They drew water from a well dug by Grandfather on the block. Margaret recalled that many attempts were made to shift Grandfather to the main Native Reserve in Narrogin, which was right next to the town rubbish dump. Grandfather held firm for years until a house came up in town.

Margaret said that Aboriginal people could not make decisions about how they lived then, as government control over their lives was very strong. They just copped it. Poverty and racism were major problems. Margaret remembered that Grandfather helped diffuse trouble between his adult sons and the police from time to time. She was so proud that he set up the first Community Relations Committee in Narrogin. He was well respected by everyone, a very strong leader and was also a valued farmhand and labourer who worked on Trefort's farm for over ten years. Margaret's memories about how her grandfather kept his family together, despite all the odds, are important family stories that add to the meaning of the letter.

Margaret mentioned again how proud she was of her grandfather for writing the letter in 1910. This reminded her of the archives workshop in Perth and how much she enjoyed seeing the old files and letters. She believed the documents tried to define how Nyungar people lived, but did not believe that they kept a true record of the families. The Native Welfare officers mixed up family relationships and incorrectly recorded first cousins as being married to each other. She noted this when she worked in Native Welfare in the 1960s. When she challenged the information, she was banned from reading the files.

We [Darryl and Margaret] discussed how her grandfather's example inspired Margaret and how her father, Lindsay Culbong, who could not read or write, demanded that the Department find a scholarship for her in Perth. The Kondinin Country Women's Association supported her and she embarked on a nursing career that grew from nursing to leadership positions in Aboriginal health, promoting the establishment of many Aboriginal Medical Services. Margaret was also a member of the National Aboriginal Conference and acted as the chairperson for a time.

After this discussion, we turned to Mr Parfitt's letter. We looked at it closely. It was handwritten. When Darryl asked Margaret if this was her grandfather's own hand she explained, "Yes he would have written the letter as he was grown up by farmers in the Bridgetown area and he was taught to read and write by the farmers". This was significant: Aboriginal literacy was rare then and to be taught by the farmers suggests their respect for him. We noted that he wrote the letter in Bridgetown, that it was dated 29 August 1910 and was addressed to the "Inspector of Aborigines". He was twenty-two years old. We discussed the points he raised about why he wrote the letter.

I want you to grant me a Permit to go into a Public House [hotel]
I am a half cast.

Why would he need a "Permit" to enter a hotel and why did he call himself a "half-caste", Margaret wondered. We sketched out the reasons: it had been prohibited to supply alcohol to "Aboriginal natives" in Western Australia since 1843, but the *1902 Act* and *1905 Act* extended this to "half-castes" as well. Many other sections of the Act now applied to them. The minister could exempt those who achieved "a suitable degree of civilisation", but rarely did. Mr Parfitt probably knew none of this.

Next, we looked at the responses to Mr Parfitt's letter in the file. We noted that they were sent from the Department of Aborigines and Fisheries in Perth. We saw that the Chief Protector interpreted the letter as a request for exemption, and that he believed that "half-castes" supplied "full-blooded Aborigines" with "liquor". Mr Parfitt made no mention of exemption and only requested to enter the hotel to "have a drink". There is no suggestion that the Chief Protector checked his status as a "half-caste" under the Act, being "any person with an Aboriginal mother and other than Aboriginal father". He followed the procedure of requesting a report from the local police. His letter to the officer-in-charge at Bridgetown Police Station, dated 12 September 1910, prejudged Mr Parfitt and predetermined the constable's negative response:

[...] unless you can give some very strong reasons why Parfitt should be exempted from the Aborigines Act I shall not for one moment entertain his application, as most of the trouble in connection with the full blooded Aborigines being supplied with liquor comes through the half-castes.

Constable David McLean also assumed that the application was to obtain alcohol:

I am of the same opinion as yourself and cannot therefore recommend the application. I have had an uphill battle with local half-castes having blocked the hotel keepers from supplying them with strong drink and this is only an endeavour on their part to defeat me.

Neither man assessed Mr Parfitt's application on its merits. Instead, they dumped him into a generic category binding "half-caste" with "liquor".

The Chief Protector then wrote to Mr Parfitt on 28 September that:
After making due enquiries I cannot see my way clear to grant your request.

The process discriminated against Mr Parfitt at every step. There were no procedures for establishing facts, informed decision-making or checking outcomes as would be the case today. The government officers deliberately overlooked the information he provided about his good standing in the town, in explaining why he wanted to go into a hotel:

I am a footballer
The chaps all way like me to go in with them to have a drink

Margaret repeated how the photo in his football outfit was on display in the Bridgetown Hotel until recently, even after extensive renovations, showing that the community remembered him as a popular champion player. Not bad for someone who was refused service in the same hotel from 1910 after he was refused exemption from the *1905 Act*. It would be hard to find a community that would display a photo of a person that they did not respect in the public area of the town's hotel. He added three further reasons:

because I am well liking in this town
I all ways have work on hand
I am belong to the town.

Being a well-respected person, having a job to sustain a living and being well liked by one's peers are vital evidence in any court today to help magistrates with their deliberations. We noted that there was no evidence in the file of interviewing persons who may have spoken well on his behalf like the football team or his employers. This would have resulted in a fair integrity-based assessment. Instead, Mr. Parfitt suffered the indignity of discrimination and rejection. This marked a serious change in his life as the first of many encounters with the *1905 Act* and its systemic segregation and injustice with no right of appeal.

Mr Parfitt's file is just one of many documenting the evidence of how Aboriginal people who were eminently worthy of citizenship in any country were refused their rights solely on the grounds of race. The file and Margaret's stories also show the punitive controls and demeaning poverty families endured that made it impossible for them to achieve the necessary "suitable degree of civilisation"⁶¹ to escape the treadmill of discrimination. Margaret said that throughout his life, her grandfather remained a dignified person and did not allow the injustices he experienced to damage his spirit. She recalled that Grandmother Lottie and Uncle Peter Parfitt were granted exemptions during the 1940s. This might have been after the Second World War when there was growing public support for Aboriginal rights led by Aboriginal people, this time returned servicemen, who were campaigning to have a beer in a hotel with their mates.

Before, Margaret's grandmother's exemption was the one bright memory in the gloom of negative oppression that the *1905 Act* created for her family. Now, she also has all the feelings and memories that came from reading her grandfather's file. The government responses to the letter clearly outraged Margaret; but the letter and responses also brought her a deeper understanding of the source of injustices she saw as a girl growing up with her grandfather, and then happening in her own life. In her grandfather's actions she saw the germ of her own life of protest and activism. The letter also helped Margaret get to know her grandfather in profound new ways and confirmed how important he still was to her. Margaret has shown us the power of Nyungar Ancestors' letters, captured for so long in the archive and now set free to rejoin their descendants, and how this coming together honours the Ancestors and Elders. The letters and the conversations spun around them, like Margaret and Darryl's yarning, are gifts of revelation and generosity. They are the beating heart of the *Ancestors' Words* project.

Conclusion

By linking the administration of exemption with the enforcement of alcohol prohibitions the Western Australian government successfully delayed Aboriginal citizenship rights into the early 1960s. The Universal Declaration of Human Rights seemed to bypass the state. The 1948 federal *Nationality and Citizenship Act* made Nyungar people Australian

⁶¹ Haebich, *For Their Own Good*, p. 89.

citizens, but they remained subject to the state's discriminatory laws.⁶² The Certificate of Citizenship (introduced in 1944) that joined Exemptions did exclude police and Department officers from preparing, lodging, or advising on outcomes. Certificate holders were no longer "natives" and had most citizenship rights, but these "privileges" could all be revoked. Servicemen were also granted most rights but had trouble being served a beer. Commissioner of Native Affairs, Stanley Middleton, advocated citizenship as "a right not a gift"⁶³ but state Parliament rejected his 1954 push for legislative repeal. Biding his time, he encouraged Nyungar people to join a flood of citizenship applications which rose dramatically to 2022 in the year 1961 with 1954 applications being granted. The momentum continued when the *Native Welfare Act 1964* (WA) finally repealed most provisions of the *Aborigines Act 1905*; 1967 was the federal Referendum. In 1972, the *Aboriginal Affairs Planning Authority (AAPA) Act 1972* (WA) removed all remaining discriminatory laws, replaced the Department, and completed the transfer of all welfare duties to mainstream departments.

Systemic racism was not extinguished along the way and nor was public obsession with prohibition. In 1963, concerned to prevent any backlash about its repeal, the government approved the first conditional trial for Aboriginal "drinking rights" in the Southwest Land division.⁶⁴ (The trials were later conducted in other regions of the state.) The repeal of prohibition was contingent on the good behaviour of Nyungar people in exerting their new rights; the "privilege" would be revoked for failure to conform. The Department of Native Affairs was funded to run a public educational media campaign using the titles "Drinking Rights" and a special "D (Drinking) Day" when all hotels (most with a "No Blacks" policy) would be expected to open their doors to Nyungar patrons. Leaflets with "useful" advice were distributed to Nyungar "drinkers": "prove yourself worthy of the new deal by your behaviors, avoid any arrogant or 'cocky' attitude [...] be clean and tidy".⁶⁵ However, the Department was out of step with Aboriginal opinion. Many said they were non-drinkers and, expecting trouble from white patrons, they stayed away. The so-called "Drinking Rights" were not on *their* list of citizenship demands. As Aboriginal spokesperson, Ernie Papertalk, explained to the press, there were "much more important matters associated with the new rights such as higher education for children, better housing and stabilization and responsibility for holding down jobs and fostering mutual respect in the community".⁶⁶

These demands reflected local activism for change and support for the national citizenship movements that culminated in the successful 1967 Referendum. Nyungar people were more than prepared to join the movements. Decades of deteriorating conditions from independence to poverty and segregation and fake promises had honed survivors' skills and resilience. Earlier in the century the Ancestors fought for their rights in the letters cited here. Mr. Parfitt began in 1910 and continued his personal campaigns as a father and grandfather and his daughter, Margaret Culbong, followed his example. The Appendix to this paper lists the history of rights taken from Nyungar people from early colonisation to the present. The Ancestors' letters and their descendants' stories flesh this out with stories of resistance and survival. But much more remains to be documented about government blocking of Nyungar rights and the impact on Nyungar families, and to celebrate Nyungar activism and resilience against the odds. The *Ancestors' Words* project

⁶² See Appendix below for further details about the changes briefly discussed here.

⁶³ Haebich, *Spinning the Dream*, p. 236.

⁶⁴ WA State Records Office 993 1964-126.

⁶⁵ Haebich, *Spinning the Dream*, pp. 234-38.

⁶⁶ *Geraldton Guardian*, 30 June 1964, Press Clipping in WA State Records Office 993 1964-126.

offers a useful process for further research that we hope will inspire other researchers, one of respectful engagement with Nyungar community Elders, Nyungar researchers researching in the archive, and Nyungar Elders identifying and returning the letters to the appropriate descendants and engaging in collaborative writing with key Elders. This essay is one outcome of this collaborative research model.

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APPENDIX

Aboriginal Citizenship in Western Australia, Anna Haebich, 2023

Events	Details
Colony of Western Australia	1829 Aboriginal people in the Swan River Colony to have rights of British subjects to protection from violence and injustice 1844–1954 Forty-eight statutes passed specifically for/with sections for Aboriginal people
1901–c.1967	Commonwealth of Australia legislative regime “dominated by the exclusion of ‘Aboriginal natives’” ¹ ; disenfranchised 1902; states left to legislate for their Aboriginal populations.
1905–1963 Aborigines Act, amendments and regulations	Exemption certificates s. 63: “ <i>The Minister</i> may issue to any aboriginal or half-caste who, in his opinion, ought not to be subject to this Act, a certificate in, writing under his hand that such <i>aboriginal or half-caste is exempt from the provisions of this Act</i> , and from and after the issue of such certificate such aboriginal or half-caste shall be so exempt accordingly: but <i>any such certificate may be revoked</i> at any time by the Minister, and thereupon this Act shall apply to such aboriginal or half-caste as if no such certificate had been issued.”
1942 Annual Report	Certificates of Exemptions awarded to date number 205, of these 174 presently held. Applications for exemption in 1941–42 number 53, of these 34 granted, 14 refused and 9 pending.
Natives (Citizenship Rights) Act 1944	<i>Provisions for Certificate of Citizenship Application made to Resident Magistrate</i> Applicant to sign that she/he wants to become a citizen, <i>has for two years prior</i> to lodging the application <i>dissolved tribal and native associations</i> except with lineal descendants of native relatives of the first degree and <i>has served in the armed forces</i> with honourable discharge or is <i>otherwise a fit and proper person</i> . To attach <i>two references</i> stating she/he is of <i>good character</i> and industrious habits Resident Magistrate must be convinced that for the two previous years the applicant has <i>adopted a civilised life</i> , that full citizenship rights are conducive to the applicant’s welfare, that the applicant <i>can speak and understand English</i> does <i>not have active leprosy, syphilis, granuloma or yaws</i> , is of industrious habits and good behaviour and reputation and is reasonably <i>capable of managing her/his own affairs</i> .

(Continues)

Appendix Continued

Events	Details
	The Resident Magistrate then <i>issues</i> a Certificate of Citizenship and the holder is <i>deemed no longer a native</i> and has <i>all the rights of citizenship</i> . The Resident Magistrate's decision is final. Repealed 26/1971
17/1951 Amendment	Power to decide on citizenship removed from magistrate and <i>vested in board of magistrate, chairman of road board, and other prominent community member</i> , their decision to be unanimous. Repealed 26/1972
1948 Human Rights	1948: Universal Declaration of Human Rights and Other Covenants — equal rights for all including political, civil, basic economic, social and traditional and cultural rights for all. Special Indigenous rights not recognized, were rendered invisible in human rights discourse and history and injustices against them hidden.
1948–61 Australian citizens	1948 Nationality and Citizenship Act (Cth) — <i>all Australian-born residents become Australian citizenship with all rights and services</i> implied by this status; <i>Aboriginal people</i> citizens but remain <i>subject to</i> discriminatory state legislation. 1948 WA adopts an <i>assimilation policy</i> for Aboriginal people, access to some mainstream services, for example, public health, housing and schooling begins. 1954 Native Welfare Act (WA) — <i>rejects sweeping changes</i> to Aboriginal citizenship 1952–61 Commissioner of Native Affairs encourages citizenship applications as an interim measure, increase from 83 in 1952 to 2,202 in 1961, when <i>1652 certificates</i> were granted. 1961 adoption of federal assimilation policy after a decade of state-federal squabbling
Not colonised people	1961 UN Declaration on the Granting of Independence to Colonial Countries and Peoples enshrines <i>self-determination and independence</i> for colonised peoples in the UN Charter and its instruments; indigenous people <i>excluded</i> on grounds they were assimilated and “an integral part of the nation”; as such they had <i>no claim to status as colonised people or to seek self-determination</i> under the 1960 Declaration.
Citizenship becoming a birthright not a gift	1964 Native Welfare Act (WA) removes <i>many provisions of 1905 Act and many others statutes</i> 1963–4 Drinking rights in southwest of WA, prohibited in remainder of the state until 1966–68 1967 Referendum passed to allow inclusion of Aboriginal and Torres Strait Islander peoples in the national census and for federal parliament to make laws for Aboriginal and Torres Strait Islander peoples. 1972 Aboriginal Affairs Planning Authority (AAPA) Act (WA) — <i>repeal of remaining discriminatory legislation clauses</i> , WA Department reduced, duties transferred to mainstream departments, federal Department of Aboriginal Affairs begins, Aboriginal service organizations start.

¹Chesterman, B., and Galligan, B., *Citizens Without Rights and Australian Citizenship* (Cambridge: Cambridge University Press, 1997), p. 88.