

## **Labour relations on northern cattle stations: feudal exploitation and accommodation**

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### **ABSTRACT**

The co-existing land interests of Aborigines and colonisers on northern Australian cattle stations had feudal qualities that helped sustain the cattle industry for over a century. The feudal form of labour relations made otherwise incompatible land claims compatible, and thus functioned to buttress pastoralists' power and to allow Aboriginal people to maintain connection with their land. It also meant that Aboriginal workers could be exploited on a large scale. To gain the labour force they needed, the pastoralists did not allow Aboriginal workers freedom of mobility, but neither did they require the force of slavery. Thus, the freedom/slavery dichotomy that traditionally frames scholarly debate does not apply to labour relations on northern cattle stations. Only since the Equal Wage decision of 1966 has the significance of these feudal land relations been realised: although arising from pastoralists' exploitation, these relations raise possibilities for Indigenous title in Australian property law, which continues to privilege European claims.

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## Introduction

Despite the invaluable contribution of Aborigines to the cattle industry in northern Australia, there has been a tendency to typecast Aboriginal workers as cheap labour. The 1966 Cattle Station Industry 'Equal Pay' Case of the Commonwealth Conciliation and Arbitration Commission focused debate on the relative value of Aborigines to European workers. This article reveals that the absence of wages for Aborigines on cattle stations was as much about the reproduction of feudal social relations of dependence and power, as about assuring a cheap labour force. By not paying Aborigines, pastoralists were behaving like feudal lords over their tenant workers. They could restrict the mobility of their workers by denying them a place in the market and enforcing their dependence on station rations and land. This effectively positioned pastoralists at the lordly helm of the feudal domain.

But due to their exclusion from the wage labour market and award conditions, Aborigines in fact maintained certain rights to land and retained communal ties. Aborigines' tenancy on stations, while vital to the Aboriginal workers and their dependants, was also core to the needs of a land-based cattle industry. A close examination of these feudal landed dependencies allows us to see that the pastoralists' power afforded Aborigines certain advantages. The coexistence of pastoralists and Aborigines on cattle stations can show us how to move forward in reconsidering Native Title legal rights, which continue to be subsumed within the traditions of colonial feudal property.

## Feudal land and law: response to free/forced labour debate

Unravelling the Aboriginal labour phenomenon in northern Australia has divided academics. It has produced a 'free versus force' or 'victim versus agent' interpretive impasse. These polarised positions highlight the limitations of subjecting the cattle industry to a *generic* 'forms of exploitation' approach, rather than to a *specific* 'relations of production' analysis that identifies its property and productive qualities. Colonial theorists overseas have identified the role of land property in creating feudal relations to exploit Indigenous labour (Banaji 1972, p. 2498). In northern Australia a relationship of mutual dependence emerged between the pastoralist and Aboriginal worker that can be understood apart from notions of freedom and force. It was Aborigines' ties to the land that kept them on stations and made them a valuable labour source for pastoralists. By analysing the relations of production, we can transcend narrow issues of pay and focus attention instead on rights and obligations related to land.

The 'unfree' school, led by Raymond Evans in the 1970s, views the brutality on the early cattle stations as a form of total control akin to slavery. Evans draws attention to 'striking parallels across time and space between the condition of the slave and the

unfree Aboriginal worker' (1984, p. 203). This paradigm of Aboriginal coercion and exploitation by cattle station owners stresses the denial of economic rights that had long been accepted in Europe.

By contrast, from the late 1980s, new cultural historians, such as Henry Reynolds and Ann McGrath, emphasise the Aborigines' 'creative adaptation' to stations, an adaptation that afforded them freedom in their relationships with Europeans (Reynolds 1981, p. 135; McGrath 1987, p. 144). They highlight the cultural benefits imparted by pastoralists to Aborigines, such as land, maintaining kinship ties and developing skills of stock work. McGrath states, 'Generations of Aboriginal station dwellers co-operated with the white people, but they were never truly colonised' (McGrath 1987, p. 175).

Conceptions of Aborigines as slaves understate the degree to which Aborigines were able to maintain moral communities on cattle stations. Aboriginal workers were a far cry from the 'naturally alienated' North American plantation slaves. 'Natal alienation' formed the basis of the classic definition of slavery developed by Orlando Patterson (1982)—and with which Evans drew comparisons. In fact, relative to other parts of colonial Australia, the labour relations in the north strengthened rather than weakened Aboriginal natal ties to land. These ties empowered Aborigines and thereby precluded them from being subjected to the absolute controls that a slave master would wield. But at the same time, these land ties enforced Aborigines' dependence on the cattle station. They reduced the incentive to run away that has been identified as common in slave regimes (Newton-King 1999, p. 127).

In this respect, those who argue that Aboriginal labour was 'free' rather than enslaved fail to recognise the restrictions on Aborigines' choice: commitment to station work was often the only way for Aborigines to retain their ties to sacred land and gain access to material goods. The relation of dependence ensured the master cheap and secure labour. Mary Durack commented, 'although he [the Aboriginal worker] was technically free to return to his people in the bush, this entailed risk and deprivations that he was not prepared to accept' (Durack 2000, p. 49).

The ahistorical approach of cultural historians, which focuses exclusively on the period of station consolidation in the 1930s, overlooks the violent establishment of the pastoralists' power. They downplay exploitation and limited rights in law by emphasising the opportunities offered to Aborigines. Aboriginal leverage to use and occupy their land was circumscribed by the pastoralist; this was made evident by pastoralists' conquest of Aboriginal land on the frontier and the *en masse* retrenchment of Aborigines in the 1970s.

An analysis of the feudal qualities of the northern cattle industry is not a mid-point between the force view and the free view; it is a qualitatively different analysis, based on the relations of production. John Pryor suggests that feudal formations are more

than ‘a mere dialectical antithesis’ of slave or capitalist property relationships (Pryor 1985, p. 82). And indeed, bondage between workers and pastoralists was a product of the ties both parties had to land. The identifying feature of feudal relations is their dual features of exploitation *and* reciprocity, where the land interests of subordinated claimants are honoured when they offer services to the superior landholder (Schell 1986, pp. 3–4). This analysis positions the labour relation *within* feudal land relations. These property relations are poignantly described in Susan Reynolds’ acclaimed *Fiefs Versus Vassals* as the ‘many gradations’ of property possession and its ‘corresponding power’ (Reynolds 1994, p. 476) to ‘exclude others from one’s property and to have access to the property of others’ (Reynolds 1994, p. 481). In northern Australia such land relations were used to exploit Aboriginal labour.

Scholars overseas have claimed that there is a logical role for feudal labour relations in instances of colonial exploitation. There is a connection between land property and the means of production in both colonial and feudal systems. Where there is a land-dependent workforce, colonial systems can give rise to feudal relations of production when colonists allow Indigenous peoples access to conquered land in exchange for their labour. Colonial theorists’ identification of feudal relations diverges from traditional empirical studies that are only concerned with understanding the circumstances of military fiefs in the Medieval period. Colonial theory, such as that developed by Susan Reynolds, draws on the broader mechanics of Medieval feudal power relationships in recognising their relevance in a range of societies. These broader relationships underscore the coexisting claims to feudal land of the lord and worker. The loyalty of the worker, demonstrated through ongoing labour services, is bestowed in return for access to land. However, the worker’s conditional rights to land do not translate into legal title, which remains the exclusive domain of feudal lords. Feudal tenure laws ensure that lords could only grant land title to other lords. All land title stems from the Crown, who has ultimate title as the chief lord.

Feudal land relations were a logical framework for colonial expropriation of Australian land, and as will be later shown, for labour relations in northern Australia. Graded feudal property titles allowed Australia’s land law to accommodate both overall Crown title and individual possession on remote frontiers. Lessees were subject to the Crown’s obligations in the same way that Aboriginal workers were at the beck and call of pastoral land lords.

This proprietary *and* socio-economic interpretation of feudal relations has been compelling where dominant Indigenous populations in colonial societies have been exploited due to their land ties (Laclau 1977, p. 30). Jurists Matienzo (1570) and Solorzano Pereira (1647) referred to this situation as colonialism’s ‘new feudalism’ (Banaji 1972, pp. 2500–01). It has been found in India (Byres 1985; Alavi 1975); the Philippines (Sison 1986; Berlow 1996); Central (Chevalier 1963) and South America

(Bauer 1975); North America and Canada (Berthoff 1973; Peterson 1991), and Africa (Arrighi 1973, p. 338; Amin 1976, pp. 295–96).

Feudal tenure is firmly grounded in Australian real property law. Feudal property laws, whereby all land possession had to be traced to some past grant from the Crown, was originally legislated under the *Australia Courts Act 1828*, and was confirmed by the 1847 NSW Supreme Court decision in *Attorney-General v Brown*. The effect was that the Crown retained resumption rights if lease requirements of productivity, infrastructure, stocking and high rents were not met. Feudal tenure's graded coexistence of land interests was routinely implemented in other English, French and Spanish settlements via a land lease system.<sup>1</sup>

Australia's feudal origins were reiterated in the 1992 *Mabo & Ors v The State of Queensland* 1992 (hereinafter *Mabo*) High Court judgment. Feudal law was retained by the Bench on the grounds that the feudal 'skeleton', according to Justice Brennan, 'gives our land law its shape and consistency'. The *Mabo* judgment nullified the theory that pre-colonial Australia was *terra nullius* (land without owners), and thereby recognised Native Title. However, Chief Justice Mason and Justice McHugh maintained that where Native Title exists, it is 'a form of permissive occupancy at the will of the Crown'.<sup>2</sup> *The Wik Peoples v The State of Queensland* 1996 decision furthered this position by determining that the rights conferred on pastoral lessees prevailed in cases of inconsistency with Native Title rights.

In northern Australia, feudal principles were both a legal device to enable Crown ownership of land upon settlement and a means of exploiting the predominant Aboriginal population and their land attachments. Feudal tenure's graded system of land ownership allowed for a series of loyalties based on coexisting land rights among the Crown, pastoralists and Aborigines. The land interests of colonisers and Aborigines could be realised jointly in northern Australia because of the cattle industry's need for wide-scale Aboriginal labour from the mid-19th to the mid-20th century, which will be explored in the following section.

### **Pastoralists' dependence on Aboriginal land and labour**

The cattle industry was more than an economic endeavour in northern Australia. It characterised the north's social and political fabric from the 1860s onwards. The significance of the industry was explicit in government policy promulgations for

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<sup>1</sup> For a detailed analysis of non-Australian arrangements of colonial feudal land, see B. Sen 1962, *Evolution of Agrarian Relations in India, Including a Study of the Nature and Consequence of Post-Independence Agrarian Legislation*, People's Publishing House, New Delhi.

<sup>2</sup> *Mabo and Ors v. Queensland* [No. 2] (1992) 175 CLR 1.

northern Queensland, the Kimberley and the Northern Territory (Stow 1883, p. 175). But the industry was not only a European affair. It relied on Aboriginal labour, and thereby defined colonial relations across the north.

Aborigines' vital role on northern cattle stations has often been overlooked in the public realm, including in debates on Reconciliation and Native Title policy, the Stolen Generation and in Keith Windschuttle's genocide rebuttals, which although focused on an analysis of Tasmania, have had far-reaching implications for the understanding of Indigenous-colonial history. Paul Marshall, in his preface to *Raparapa*, a collection of accounts by Aboriginal stockmen in the Fitzroy River region of the Kimberley, notes the limited recognition of Aboriginal workers:

Aboriginal people were involved in most areas of station work. They were very good stockmen too ... all the head stockmen were Aborigines. But none of those Aborigines have got any credit for that; the kartiya [whitefellas] always seem to get the credit (Marshall 1988, p. viii).

The dependence on Aboriginal labour and land was a distinct feature of northern Australia. By contrast, the industrialising south-eastern Australian colonies during the same period deemed Aborigines largely superfluous to the labour market, and forcibly ejected them from their land. The economic imperative of an Aboriginal workforce in northern Australia was well documented in government reports, albeit with a degree of reticence and colonial rhetoric. Minister C.L.A. Abbott commented in 1929, 'From my experience in Queensland, I say that the natives make good stockmen and cattlemen; their services are valuable and, indeed, almost vital to the continuance of the successful policy of settlement in North and Central Australia' (Abbott 1950, p. 138).

Aboriginal workers became critical to the northern cattle industry because Aboriginal bush skills and knowledge were particularly suitable to station and stock work. Droving was almost completely performed on foot until the postwar boom of the 1950s. There was a lack of roads, motorised transport and fencing to contain cattle. The 1935 Payne Report (a federal report) into northern pastoral leases noted the 'backward' nature of cattle stations. 'The working horses are hobbled or tailed – as was necessary with the pioneers of the [18]80s' (Committee of Investigation 1935). In contrast, the south-east was dominated by sheep stations, which meant higher levels of mechanisation (May 1983, p. 20).

Aborigines acquired a reputation as skilled workers, particularly in the northern cattle industry. In his memoirs, Captain Bingle (1796–1882), who was involved in the far north cattle industry, wrote, 'Few white men are engaged as droving hands. The master drovers prefer to recruit experienced [A]boriginal stockmen. It is natural for them to take care of stock' (Bingle 1986, pp. 41–42). Welfare Director Harry Giese maintained, 'the nature of the employment in fence building, in [mustering], breaking

of horses, branding, those were physical activities which with some little training the Aboriginals took to very readily' (d'Abbs 1994, p. 1, Tape 24, Side A).

Aborigines brought with them an awareness of their terrain which meant they did not have to adjust to a new environment. Aborigines' hunting skills were regarded a considerable advantage to open-range pasturing (Rowse 1987, p. 84). Aboriginal stock worker Jeff Djanama, from Ivanhoe Station in the Kimberley, explained that the station owner is 'depending on the [Aboriginal] boys'. 'He has nobody. The manager who came there only knows the country, the way they were mustering and all this. He doesn't know half of the place yet. But the boys know the country' (Djanama 1986, p. 263). Furthermore, Aborigines could accommodate the industry's vulnerability to climatic variations. For instance, workers were sufficiently 'flexible' to survive the 'off wet season' (November to February) by going 'walkabout' (Lewis 1997, p. 7).

The availability of a cheap, permanent and large Aboriginal workforce which was suited to 'working on the land' meant that northern properties were able to maintain profits and endure market and climatic fluctuations without investing in capital, such as water pumps, fencing and motorised vehicles. The northern cattle industry's land-based production was vulnerable to unproductive periods of drought, when paid workers would have had to be laid off. These market and climatic difficulties often threatened the pastoralists' southern counterparts. Referring to feudal colonial economies, Jairus Banaji describes how their 'enhanced dependence' on land, due to the 'dual framework of rural concentration and low technique', made them susceptible to sustained periods of economic downturn (Banaji 1972, p. 2501). A non-waged labour-intensive industry could endure such cycles. Paul Hasluck, the federal Minister for Territories (1951–63) and Minister for External Affairs (1964–69)—these were the portfolios responsible for Aboriginal affairs—claimed that during the Great Depression of the 1930s, '[t]he cattle and sheep stations could not have operated without [Aboriginal workers]' (Hasluck 1988, p. 52).

### **Pastoralists' private jurisdiction: frontier force and labour recruitment**

Pastoralists' dependence on Aborigines was established only once they had dispossessed them of their land and tamed them into a docile workforce. It was 'cattlemen' who penetrated the northern frontier by *exerting power over local Aborigines*. They would then bring Aborigines onto stations and exploit their labour. Cattle kings treated their leaseholds as their castles, even if they were made out of grass (Durack 1962).

Within the context of the Crown's ultimate feudal title over Australian land, private landholders were allowed substantial autonomy over their 'estate'. The British Crown was lenient when it came to local colonisers' conquest of Aboriginal land. This allowed colonisers to establish their dominion over Aborigines. In northern Australia this freedom was not only key to the settlement of land and the pacification of

Aborigines, but also important in the pastoral settlers' assertion of their authority over a potential labour force.

The dual power sites of Crown supremacy and private landholders' authority were compatible rather than antithetical. They operated to legitimise land holdings centrally, while enforcing power over Aborigines locally. Perry Anderson has described this as the 'complex unity' of feudal power of the State and lords (1978, p. 153). Susan Reynolds found that 'The hierarchy of government coincide[d] with the layers of control over the exploitation of land' (1994, p. 53). The disparate powers of the State and the feudal landholder were held together by a common land interest. Landholders exercised their powers against those they deemed 'landless'. In northern Australia their object was to dispossess Aborigines. The South Australian Minister responsible for the Northern Territory,<sup>3</sup> J. L. Parsons, wrote in 1890, 'leave the native question alone and the natives will be obliterated' (Donovan 1981, p. 184).

The backseat position of administrators meant that pastoralists on the northern frontier could control Aborigines from their private jurisdictions. Criminal justice was dispensed locally from and by the pastoral lease in order to protect the pastoral lease. Pastoralists mediated State sovereignty by employing their own punitive forces where official services were unavailable. The *Queenslander* newspaper reported in 1861 that the native police commandant, Captain Walker, had been recruited and paid by local squatters in the Dawson area to run a private squad of troopers for their benefit (Cryle 1989, p. 68). Northern pastoralist Gordon Buchanan proclaimed that in the 1880s, 'Every man was his own policeman; and the letter of the law was often ignored in favour of summary justice ... if no punishment were inflicted it would have been impossible to settle country' (Buchanan 1933, p. 117).

The arbitrary powers that pastoralists' exercised brutally on the frontier had consequences for Aborigines in station life. An early stock worker at Meda Station in the Kimberley, Jimmy Bird, claimed that despite infrequent killings, the threat of violence was apparent: 'I was working for some rough men, whitefellas who would pull their gun out and kill any Aborigines who stood up to them' (Bird 1988, p. 98). Even when violence was not exercised, the pastoralists' authority was established because of Aborigines' ongoing fear of Europeans.

By practising direct control over their Aboriginal workers, pastoralists exuded the status and powers of feudal lords over their land and labour. Hierarchical proprietary power was spread to parliamentary realms, culminating in strong conservative pastoral forces in colonial assemblies. They resembled 'aristocratic squatters' who

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<sup>3</sup> The Northern Territory was governed from South Australia between 1882 and 1910.

exercised political sway over the microcosm of their lease and the macrocosm of colonial legislature (Saunders 1982, pp. 41–42). Northern Queensland pastoralist Oscar de Satge wrote that the successful manager of a large station might aspire to fill any position from the dispenser of justice ‘from his own bench of magistrates’ to that of Premier (de Satge 1901, p. 98).

The feudal form of power saw private authorities over land directly present in public governance. There was not the economic and political separation of powers that has been associated, albeit through a positivist analysis, with ‘modern’ societies (Weber 1967, p. 239). But although the pastoralist exhibited feudal qualities in parliaments, the real exercise of power occurred on the pastoral lease. An understanding of the location of power—the landed estate—rather than the degree of force perpetrated on Aborigines makes it possible to identify the restrictions on Aborigines after frontier violence had ameliorated. Pastoralists could extend their control of Aboriginal land to Aboriginal labour. The following section will explicate the development of a mutual understanding on cattle stations, which was nonetheless restrictive due to Aborigines’ dependence on the cattle station land.

### **Normalised cattle station power relations**

The tenancy arrangement on cattle stations gave rise to a feudal polity where the pastoral leases represented the private jurisdiction of the station manager. Pastoralists exercised direct controls over Aborigines with varying levels of force. The ‘normalisation’ (Foucault 1978, p. 144) of pastoralists’ power by the late 19th century was a result of reduced frontier conflict and pastoralists’ unprecedented dependence on Aboriginal labour. Power was more effectively realised over labour through regulations and corrective mechanisms than through violence on Aboriginal ‘target bodies’, as Foucault would call them (1979, p. 82). In northern Australia, feudal relations highlight the range of tactics of control directed at both the Aboriginal body and the Aboriginal soul.

Violence was often not required because Aborigines had little choice other than station life, which enforced a dependency on Europeans for access to land and to material goods (Gribble 1884, pp. 21–22). Jeannie Gunn, author of *We of the Never-Never* (1908), noted, ‘The white man has taken the country from the black fellow, and with it his right to travel where he will for pleasure and food’ (Gunn 1990, p. 185). By the 20th century violence was more intermittent.

‘Normalisation’ of the power relation on cattle stations meant feudal mutual dependencies emerged: Aborigines were assured of access to their land upon accepting obligations of loyalty and labour services. Mary and Elizabeth Durack articulated the rights and obligations: ‘We give them what they want because we need them to work for us – just a matter of convenience from both points of view’ (Durack 1935, p. 25). Tim Rowse’s study of Central Australian pastoral properties

points out that 'normalisation' of the colonial relationship was a product of providing food and clothing rations, which replaced violence as a mode of government from the 1890s to the 1960s. 'Rationing brought donors and receivers into close and even habitual contact without requiring their mutual understanding' (Rowse 1998, p. 5).

It can be argued that the central means of maintaining Aboriginal workers was the provision of dwellings on pastoral leases. Communal Aboriginal tenancy in the 'workplace' was a modernised form of vassalage that produced a dependent and stable Aboriginal labour force. Pastoralists delivered accommodation, clothing and minimal subsistence not only to Aboriginal workers, but also to their family dependants, making it difficult for Aborigines to leave on a permanent basis. The Aborigines also received tobacco, blankets and simple tools. Aboriginal 'runaways' were often compelled to return to stations by their need for food and companionship on stations. Peter Clancy, an Aboriginal stock worker at Luluigui Station in the Kimberley, refers to a situation where his father, a station escapee, was not punished by the police but told 'that if he wants tucker he can come back to the station with your family and work for it' (Clancy 1988, p. 196).

It was in the pastoralists' interests to foster Aboriginal family and community life on the cattle stations. To secure their workforce, pastoralists allowed Aborigines to practise customary and ceremonial rites that maintained ties with their land. They were entitled at times to hunt and gather, which supplemented station food supplies. Aboriginal connections with their land, therefore, were promoted rather than suppressed. This contrasted with south-eastern Australian conditions for Aborigines. There, they were incarcerated in government and mission settlements that were often far removed from their home territories (Merlan 1978, p. 74).

Framing the relationship between Aborigines and pastoralists as a feudal relationship highlights the role of land in restricting labour mobility by non-forceful means. In their examination of Indian colonial feudalism, Sharma and Yadava point to bonds between colonisers and workers in the form of enticements for workers to stay on location and work for the feudal lord (Mukhia 1981, pp. 285–86). Rights and obligations distinguish feudal exploitation from both the coercion of slavery and the 'freedom' of waged workers in capitalism. Feudal workers were neither attached to the means of production since they were not owned by the master, nor independent economic beings who could compete in the labour market as they were dependent on the lord's land. They lacked implements and land—and protection away from the secure environment of the manor (North 1973, pp. 19–20). Aborigines on the 'inside' of the station jurisdiction had protection from the force of pastoralists and police on the 'outside' (Rowse, 1987, p. 81).

Once Aborigines were 'inside' the pastoral jurisdiction, Europeans expressed paternalist sentiments towards them. Jeannie Gunn warmly portrays the unpredictable

behaviour of Aboriginal domestic servants, especially Bett Bett (Dolly Bonson), the 'rescued orphan' (Gunn 1962, p. 5). She wrote, '[T]he blacks *are* wonderful. To have any idea of how wonderful they are, you must live among them' (Gunn 1962, p. 62). Mary Durack depicted loyal relations between Europeans and Aborigines on cattle stations (Durack 2000, p. 82). Her father, Michael Durack, was more blunt: 'The blacks have been at the station for a long, long time. We are, in a negative way, attached to them and they to us' (cited in Hasluck 1988, p. 59). In a moralistic tone, Hasluck draws a direct line between Kimberley stations in the 1930s and 'feudalism', due to the 'stability and contentment' and 'mutual understanding' between Aborigines and pastoral employers. He compares them with 'serfs' and 'overlords', and contrasts their relationship in the 1930s with the days of 'slavery' in the 1880s, when controlling the station involved police brutality (Hasluck 1988, p. 54).

### **Aboriginal transgression and dependence in station life**

The private jurisdiction of the pastoral lease meant Aboriginal tenants could negotiate power through personal relationships with the pastoralist. Through asserting their Aboriginal identity on cattle stations, they countered the moral economy of the station manager. Their resistance was not expressed through traditional industrial unrest, but rather through persisting with maintaining ties to their land and customs. Aboriginal ties to land extended the feudal 'complex unity' of power, in which land claims mediate the power of landed superiors.

Aboriginal workers' land pursuits on cattle stations also helped pastoralists by providing a secure and flexible labour force. For example, Aborigines' rights to 'walkabout' in the wet season were a concession by management that meant that the station did not have to support workers in the non-mustering 'slack season' (Chapman 1992, p. 226). But both managers and Aborigines also perceived it as important in terms of retaining Aboriginal traditions (Lawford 1988, p. 3). Managers flaunted their allowing walkabout as an example of their lordly benevolence. Conversely, they would punish Aboriginal disobedience by prohibiting their departure. Lochy Green's recollection of the Partukurru, or initiation time, at Myroodah Station is indicative of the Aboriginal experience:

That law business used to be held during the wet season, which was a holiday time on the stations. The managers used to let the Aboriginal people alone during that time, as long as they came back to the station when it was time to start work again ... The law men used to call people from all the other stations to come down for a big meeting – took rations with them (Green 1988, p. 191).

However, Aboriginal remembrances also include fondness for station life, closeness with European managers and pride in their work contribution (Edwards 1992, p. 190). Aborigines in the south-eastern colonies were generally deprived of these kinds

of experiences. Aboriginal 'bush skills' were not essential in the incipient industrial economy, and pastoralists and other employers in the south-east could call on much larger settler populations for labour (Rosser 1985, p. 1). Policies of segregation separated Aborigines from their land and kinship ties in the south-east.

Aborigines' vital contributions to station life empowered them. They saw their stock work as essential to the economic viability of the station and they developed pride in their own expertise. Oral testimonies of Aboriginal stock workers highlight the skillfulness of their labour. Aboriginal stock worker Sig Oden claimed, 'To be a "Vestey Man" was similar to being a "Kidman Man", for there was some kudos in the association: neither Vestey's nor the Kidman pastoral companies employed inefficient staff, or if they were, they certainly didn't last' (Sing 1992, p. 68). Sandy McDonald, a 'half-caste' Aboriginal stock worker on Inverway Station in the early 20th century, described the degree of authority acquired through work: 'They relied on Aborigines to do the work. A lot of those stations now today were built up by Aboriginal people ... Everything was trusted to the Aborigines' (McDonald 1992, p. 304).

The feudal relationship in which Aborigines lived on the pastoral lord's land allowed for personal, even fond relations with European station managers. Ronnie Martin described his boss on Mainoru Station warmly: '[He] knew Rembaranga people well, understood our lingo, and Jinba tribe too. Old Mackay used to talk the lingo' (Martin 1979, p. 32). Sandy McDonald recalled, 'We found everything going well in those days. My father had no trouble with the Aboriginal people working for him. All of them in the camp followed the Aboriginal rules and customs and went on well, no fighting, no row' (McDonald 1992, p. 303). With hindsight, July Oakes, who worked on Texas Station at Ord River and on the Duracks' Argyle Station, said, 'Where Aboriginal people used to work on the stations they were contented. But ever since then things have changed altogether. They were happy' (Oakes 1992, p. 296).

### **From feudal to wage labour**

Things changed altogether for Aborigines as a result of emerging wage conditions and capital inflow in the mid-20th century. The postwar boom created the preconditions for increased mechanisation, including better roads, motorised transport, aerial mustering, and improved lines of communication (Anon 1969b, p. 28). These changes transformed the feudal labour relationship. The death knell of the northern cattle industry's land and labour-intensive practices was sounded by the 1966 Equal Wage decision, although the wages did not materialise until the 1970s.

From the inception of the cattle industry, pastoralists had maintained non-waged labour by asserting their lordly jurisdiction, and its system of rights and obligations, over their Aboriginal workers. They could command loyalty without granting wages. In return for labour, pastoralists provided Aborigines and their dependants with

permanent residence on cattle stations. This system suited a land and labour-intensive industry, and the pastoralists.

The ration system as a form of remuneration was a distinguishing feature of the northern stations. As Barney Barnes explained it, 'None of us got paid in money, we only got clothes and food. We were just like prisoners' (1988, p. 272). The absence of an Aboriginal wage-labour market was supported by government legislation. The *Aboriginals Act 1910* (NT) omitted compulsory payment of wages to Aboriginal stock workers who provided for dependants. Where wages were paid to Aboriginal stock workers, such as in Queensland under 1901 amendments to the *Aboriginal Protection Act and Restriction of the Sale of Opium Act 1897*, they were to be 'expended' by a Protector or police officer, or invested into a worker trust fund.

Postwar legislation introduced wages on stations, but they tended to be nominal as long as discriminatory clauses were in place. The significance of the 1966 Equal Wage decision was that it removed the discriminatory clauses in the federal and state awards relating to Aboriginal employment—and thus resulted in many Aboriginal workers being removed from stations (Christophers 1964). Under the 1968 Pastoral Industry Award, Aboriginal workers were placed on par with their European equivalent: the 'slow worker' clause in the award that had allowed Aboriginal workers to be paid less, or not at all, was removed.

The 1966 case rendered the feudal industry, premised on permanent Aboriginal labour, unviable (Paterson 1993, pp. 99–100). But the introduction of capital had already heralded changes that were incompatible with a large-scale Aboriginal labour force. Ted Evans, Superintendent and Chief Welfare Officer in the Territory until 1955, said Aborigines' aptitude for horsemanship 'd[id]n't mean that this present generation are going to necessarily follow in their footsteps ... Now there is mustering by helicopters' (Stephenson 1982, pp. 43–44, Tape 2, Side A). Because technological changes meant pastoralists no longer needed Aboriginal workers and because government regulations had increased the cost of Aboriginal labour, the Equal Wage decision has been considered as a mere justification for the pastoralists' driving Aboriginal people 'out of the industry and off their land' (Attwood 2003, p. 10; Smith 2002). However, this contention is not without its critics, who suggest that the Equal Wages decision alone caused the demise of pastoralists' paternalism (McLaren 2003, p. 8).

Irrespective of the Arbitration Commission's decision, it is evident that the industry was already moving in a direction that could not support a large-scale permanent workforce. Aborigines' land skills were becoming obsolete. Specialised contract labour was needed to operate new machinery (Anon 1969a, p. 16). Nonetheless, the Equal Wage decision was the nail in the coffin of close and dependent relationships between Aborigines and pastoralists. It triggered the mass removal of Aboriginal

workers from stations. Aborigines were forced back to the station fringes, where they had begun when initially dispossessed of their lands. Northern Territory Aboriginal stockman Ivan Watson observed, 'Automatically Aborigines lost all work with minimum wages' (Watson 1988, p. 158).

Aborigines maintain an emotional attachment to the stations and have expressed nostalgia for station life, particularly those who later encountered social problems in the towns (Shandley 1988, p. 38). With limited resources or assistance from the 'outside world', some Aborigines formed 'outstations' on the outskirts of pastoral leases—these are an indication of persistent Aboriginal dependence on cattle stations. Peter Yu described the Aboriginal expulsion from stations as breaking 'the back of the feudal relationship between station managers and Aboriginal families ... precipitat[ing] a refugee crisis of enormous proportions' (Yu 1994, p. 19). The mass retrenchments revealed that Aborigines' ability to maintain ties to their land had been contingent on the pastoralists, part of the benefits of a feudal relationship.

### **Conclusions and moving forward**

The inflow of capital and wages into northern cattle stations in the 1960s signalled the demise of workable feudal relations there. Aborigines were left not only without jobs, but also without access to their land. The pastoral jurisdiction that had accommodated Aboriginal workers was inadequately compensated for by State welfare policies and reserves—these resulted in ongoing unemployment and poverty. 'The sudden transition from a feudal situation to a welfare economy ... has not always been helpful in terms of people being able to determine their own futures' (Bunbury 2002, p. 174).

Acknowledging the contribution of Aboriginal station workers and the cultural benefits they gained can help direct policy decisions towards the 'outstation movement'. Aboriginal stock worker Jeff Djanama articulated the sentiment of this movement: 'Well the way we look at it, you know, and all those old people, we were working for the white man that long. So we have a council now trying to get a station to work for our own colour' (Djanama 1986, p. 261). Peter Botsman reported in *The Australian* that 'indigenous communities have a hunger to [get] back into the industry where the skill and knowledge of indigenous cattlemen are legendary' (2003, p. 13). The return of Aborigines to their country has been shown to result in cultural gains for Aboriginal communities and economic and ecological advantages for Australian society (Altman, p. 77).

But the lessons from the cattle industry and the workable relationships developed between Aborigines and pastoralists have broader legal implications. Recognition of the coexisting land settlement between Aborigines and pastoralists on cattle stations provides possibilities for furthering the Native Title debate. Jurist Frances Flanagan posits that West Australian protocols governing Native Title, which effectively

exclude Aborigines, fail to identify the ability of Europeans and Aborigines to cohabit on pastoral leases as they did during the cattle station era (Flanagan 2002).

Examining the feudal land relationships in the northern Australian cattle industry provides an understanding of possibilities for departing from feudal property laws in Australia. These laws continue to prevail over Native Title rights, as confirmed by the 1996 *Wik* judgment and the government's subsequent Ten Point Plan. Competing interests in land, where there is the assertion of moral communities on both sides, can exist, as shown by the northern cattle industry. This was possible in a regime of feudal exploitation by pastoralists, but should nevertheless inspire the public imagination to create other ways of achieving compatible land use for Aboriginal and non-Aboriginal people. If such ways are not found, the present feudal tenure system, which still recognises European property rights over Aborigines' land rights, will remain. A renaissance of Aboriginal labour on pastoralists' land could perhaps again demonstrate the coexistence of pastoral lessees' rights, rather than their feudal supremacy, with Native Title.

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