

Yoorrook Justice Commission Submission: Attachment

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(Extract from Katrina Kell's PhD Thesis: *Capturing Chloé: Reimagining a Melbourne Icon*)

Australian Aboriginal Soldiers in the Thirty-Ninth Battalion

By April 1916, at least two Aboriginal soldiers from Lake Condah Mission Station in Western Victoria had been accepted into the Thirty-Ninth Battalion, the same battalion as Paddy and Rory Byrne, the fictional soldiers in the World War 1 chapters of my historical novel *Chloé (Hamilton Spectator 1916b, 4; Paterson 1934, 277-352)*:

Among the soldiers at present in the Ballarat training camp are two-blooded natives from the Lake Condah aboriginal station, named James Harding and Richard King¹. The first named is a well-known rough rider, while his comrade has claimed distinction as a footballer and an all-round athlete. Both are men of splendid physique. They state that they are anxious to get to the front as soon as possible in order to fight for the Empire.

The abovementioned soldiers were unusual, because at this time in Australian history, Aboriginal men were often rejected on the basis of their race. Under the *Defence Act 1903* (amended 1909), only individuals of predominantly European origin were deemed eligible for military service (Scarlett 2015, 163-181). It was a frustrating time, not only for the Aboriginal men from Condah mission, who viewed enlistment in the military as a way “to wrestle free from the paternalism of the Victorian authorities” (Horton 2015, 203-222), but also for supportive members of the wider Victorian community, who admired the men's readiness to fight in defence of the British Empire (*Hamilton Spectator 1916a, 4*):

Rejection of Mission Station Recruits.

Great indignation is expressed at Heywood (writes a correspondent) at the action of the Military authorities in refusing the acceptance of the batch of men from the Condah mission station after they had passed the necessary medical examination and made final arrangements to go into camp. The men are all well known here, and are some of the finest athletes of the Western district. They are prepared to take their share in the defence of the Empire as eagerly as in the

¹ Aboriginal serviceman Private Leonard Charles Lovett also served in the Thirty-Ninth Battalion. “He embarked on 27 May 1916 on HMAT *Ascanius* and returned to Australia on 8 July 1919.” See: Australian War Memorial: <http://www.awm.gov.au/people/P10619162/#biography>.

sport of the community. Three of Mr William Lovett's brothers enlisted and sailed for the front last year – two in the A.I.F., and one in the naval department. Mr James Lovett, their father, also offered his services, but the age limit was against his acceptance.

The above article concerning the enlistment of Aboriginal soldiers in the Thirty-Ninth Battalion in World War 1 inspired the Aboriginal character “Jack Adam” in *Chloé*. The fictional scene at Young and Jackson Hotel when Jack is refused a beer simply because he is Aboriginal, while his Caucasian comrades, Paddy and Rory, are being feted as heroes, reflects the discriminatory government policies in force during this period. When the five Lovett brothers from Condah returned home after the war, still proudly dressed in their AIF uniforms, they were refused service at the Greenvale Hotel simply because they were Aboriginal (Wright 2015):

It was an indignity too far. They locked the barman out, shot every bottle on the shelves and walked home singing. If they could not have a drink that day, nor could any others, and their white mates from the war made sure the police did not become involved.

The Victorian Liquor Licensing Act which prohibited the Greenvale Hotel from serving liquor to the Lovett brothers would likely have excluded them from enjoying a beer with *Chloé*, because the section of the Act which “prohibited supplying alcohol to Aborigines was not repealed until 1957” (Critchett 1998, 70). Past failures to acknowledge the contribution of Aboriginal soldiers during World War 1, and their involvement in subsequent military conflicts, was a great disservice to the men who once fought, or gave their lives, in defence of the British Empire and the Australian nation.² Therefore, to reflect the involvement of Aboriginal soldiers in the Thirty-Ninth Battalion, I wove this neglected aspect of Australian military history into the World War 1 narrative of *Chloé*. To do otherwise would be to enact an erasure of my own, in an attempt to recuperate the agency of the “real” *Chloé*.

Before conducting this culturally sensitive aspect of my doctoral research, I sought approval from Murdoch University Human Research Ethics Committee to explore the involvement of Aboriginal soldiers from Western Victoria in World War 1. My application

² Repatriated Aboriginal soldiers rarely benefited from the soldier settlement scheme, a government program which allocated land to returned Australian soldiers. At the end of World War 2, white soldiers were given blocks that once formed part of Lake Condah Mission, after “Aboriginal people lost their homes on the last remnants of their country.” See Jessica Horton, “Willing to fight to a man . . .” in *Aboriginal History Volume 39*, 2015, 203-222.

also included a request to meet with Victorian multi-media artist Vicki Couzens to gain her perspectives of Jules Lefebvre's painting *Chloé* and its place within the contemporary Victorian arts landscape.



Vicki Couzens and 'Chloé'. 2015. Melbourne: Young and Jackson Hotel.

By happenstance, Vicki Couzens is a descendant of the Gunditjmarra and Keerray Woorroong clans from Western Victoria, and during our face-to-face meeting in Melbourne, and in subsequent email exchanges, Vicki offered insights into the history and culture of Aboriginal people in Western Victoria. Perspectives gained during these cultural consultations richly informed the Aboriginal issues explored in *Chloé*, particularly the restrictions imposed by the Board for the Protection of Aborigines (1869-1957) and its control of Aboriginal people's "movements, their place of residence, their outside labour and wages, and in certain circumstances guardianship of their children" (Nelson, Smith and Grimshaw 2002, 14). Vicki and I discussed a 1916 newspaper article I discovered entitled "Wanderings on a Wheel" which revealed the frustrations of an Aboriginal family from Western Victoria, who, after leaving the confines of a mission station, shared their story with two travelling motorcyclists (*Koroit Sentinel and Tower Hill Advocate* 1916, 3):

Between Killarney and Port Fairy we suddenly came across an interesting roadside tableau in the person of an aboriginal, his lubra, two grown up daughters and three younger ones, all resting on a heap of road metal. We stop. The blackfellow and his family belong to a mission station, but, as he explains, blackfellow likes roaming about the country, and does not appreciate being under control at a station. The food they beg, he says, is also better than is provided at the station.

In the same article, the author of the encounter adopted dehumanising language when he recounted the Aboriginal mother's pride in her family (1916, 3):

'We are pure, no half caste about us,' says the lubra, waving her arm around the group with as much pride as a farmer points to his flock of pure merinos or herd of Jerseys. The old girl has no boots on her feet, these being as hard as a piece of ironstone.

As the conversation between the motorcyclists and the Aboriginal family progressed, it became evident the father resented the fact that "Aboriginals had become paupers in their own land, forced off their clan territory or allowed onto it only with permission from Europeans" (Critchett 1998, 21-22). When he enquired where the motorcyclists hailed from, and they informed him "St Arnaud," he asked if they knew an Aboriginal man named Jimmy Logan (*Koroit Sentinel and Tower Hill Advocate* 1916, 3):

'No, we know a place called Logan.'

'Ah! That him, Jimmy Logan. All St. Arnaud his country. What have you landholders up at St. Arnaud got to say to this. You produce your title saying 'to you, your heirs and assigns for ever,' still can you show a purchaser's receipt from Jimmy Logan, the actual original aboriginal owner?'

The encounter between the Aboriginal family and the motorcyclists on the road between Killarney and Port Fairy occurred in 1916, the year the World War 1 chapters of *Chloé* are set in. Vicki explained there were two Aboriginal Mission Stations this particular family may have come from, either Lake Condah Mission Station near Portland or the Framlingham Aboriginal Station in the Warrnambool region, where her great-grandmother once wove traditional baskets, or *Poonkarrts*, in the early-twentieth century (Couzens 2009, 31). Vicki was interested in learning about the identities of the Aboriginal family described in the newspaper article, however, this may prove difficult to ascertain, as no names were provided by the anonymous author of the article.

Throughout the process of cultural consultation with Vicki Couzens, and during all research undertaken into the involvement of Australian Aboriginal soldiers during World War 1, I consulted and followed the cultural protocols outlined in the *Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Guidelines for Ethical Research in*

Australian Indigenous Studies 2012, the *National Statement on Ethical Conduct in Human Research* (2007), and the *Australian Code for the Responsible Conduct of Research* (2007).

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