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Julia Martinez

University of Wollongong, juliam@uow.edu.au

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The End of Indenture? Asian workers in the Australian Pearling Industry, 1901–1972

Julia Martínez

University of Wollongong

Abstract

The historical circumstances which led to the end of the indentured labor trade suggest that its abolition was only partially the result of humanitarian concern for the welfare of workers. It was the development of nationalism, both in sending and receiving countries, that prompted a rethinking of the racialized labor organization of indenture. In Australia, the introduction of the White Australia policy in 1901, with its restrictions on non-white immigration and employment, is usually thought to coincide with the abolition of the indentured labor trade. But the Australian pearl-shelling industry continued to employ indentured Asian workers up until the 1970s. This case study extends the historical analysis of indenture well beyond its supposed international abolition. In doing so, it demonstrates a degree of continuity of colonial thought and practice which persisted in the face of global decolonization.

The international debate over the abolition of the indenture system began in the nineteenth century and reached its peak in the early twentieth century. Despite protests that indenture was little better than a new system of slavery, indenture was only gradually phased out over a period of several decades. By the 1930s, the International Labor Organisation (ILO) had expressed its determination to abolish all forms of unfree labor and by 1940 it appeared that indenture was at an end. But some countries saw fit to continue the practice. Australia, a supposed leader in the international labor reform movement, continued to import indentured Asian labor for the pearl-shelling industry until the early 1970s. The case of the Australian pearling industry is one which will undoubtedly revise current understandings of the history of indenture.

The general literature on indenture seems to suggest that the indenture system did not survive past the first two decades of the twentieth century. David Northrup's study of indentured labor covers the period from 1834 to 1922 as does Kay Saunders' edited collection on indentured labor in the British Empire.¹ Neither book claims that indenture was abolished within this period, but the dearth of studies which reach beyond the 1920s would suggest that it did. A 1994 ILO publication states that indentured labor survived the longest "in the Dutch colonies where the Coolie Ordinance remained in force until 1941".² As this paper demonstrates, however, even this ILO publication has seriously underestimated the duration of indenture.

It is not possible to set a single date for the abolition of indenture because the indenture system was dismantled in a piecemeal fashion. In British Malaya, for example, indentured labor was abolished for Indians in 1910 and for Chinese

in 1914. But Javanese laborers were still subject to penal sanctions in the 1920s. Bruno Lasker notes that the "ordinance permitting the infliction of sanctions was repealed in the various parts of Malaya from 1932 on," suggesting a drawn-out process. Even then, the employment of contract labor continued in Malaya with only slight modifications, leaving open the question of the effectiveness of abolition.³

Studies of labor practices in the United States point to a continuation of a form of indenture, albeit under a different title. Fred Krissman's study of California's agricultural workers examines the period from 1942 to 1964 when the State became involved in regulating Mexican labor under the *bracero* program. Like indents, *braceros* were assigned to employers without choice and were forced to work under threat of deportation.⁴

In Dorothy Shineberg's *The People Trade*, which covers the period up to 1930, the editor writes "the labor trade in New Caledonia was the longest lasting and the third largest in the Pacific. It began in 1865 and lasted well into the 1930s".⁵ In fact, Javanese men and women were brought to New Caledonia as late as 1949⁶ and in 1955 the French negotiated a new contract agreement with the independent Indonesian government. This later period of indenture is yet to be studied in any detail.

Anti-Indenture in Australia

For those familiar with Australian labor history, the primary example of indentured labor is the employment of Melanesians and Asians in the Queensland sugar industry between 1863 and 1904.⁷ This example relegates the history of Australian indenture to the dark past, with little connection to modern Australia. Raymond Markey, for example, talks of the "phasing out of unfree labour systems in Australia" brought about by the political organization of the labor movement in the late nineteenth century.⁸

The advent of the federated Australian nation in 1901 coincided with the abolition of indentured labor in the sugar industry, formalised in the Pacific Islanders Act of 1901. In addition, the Immigration Restriction Act of 1901, commonly referred to as the White Australia policy, was intended to restrict "colored" labor from being introduced into Australia. Because of the 1901 legislation it is generally believed that indenture was an anathema to the Australian nation. The pearling industry was a noted exception, but there were other examples of unfree labor in post-Federation Australia.

Though not described as indenture, the system of employment of Aboriginal workers in Australia was a form of unfree labor which closely resembled indenture and has often been likened to slavery.⁹ Aboriginal workers were frequently forced into employment and failure to comply with employers could lead not only to penal sanctions with hard labor, but to unofficial corporal punishment meted out by employers. In the first half of the twentieth century state governments oversaw Aboriginal employment, selling licences to employers, organising recruitment and retaining workers' wages "in trust." Aboriginal labour

was employed in two key areas: in domestic service and in the northern pastoral industry.¹⁰ The well-documented history of abuse and exploitation which occurred with government sanction provides a standard by which we can judge Australian attitudes towards non-white labor in this period.¹¹

A classic example of indenture can be seen in Australia's colonial administration of Papua New Guinea, where the indenture system remained in place until 1950. Peter Fitzpatrick argues that even the "agreement system" which replaced indenture, was essentially the same system by a different name. The only significant change was that the penal provisions were repealed, but these were replaced with alternative sanctions whereby absence from work could result in court action to terminate the contract and have "damages" paid to the employer out of the worker's deferred pay. With an average of 549 court orders per annum in Papua New Guinea, there was no doubt that employers retained effective control over their employees. In 1963 restrictions on entering into employment outside the agreement system were abolished, but even so the agreement system survived into the 1970s.¹²

Australia's pearling industry

The pearling industry has attracted attention from historians such as Regina Ganter, David Sissons, and J. S. Bach¹³ who have recognised its unique position in the history of Australia, particularly in terms of immigration history. Even so, very little emphasis has been given to the labor issues raised by the continuation of the indenture system. Adrian Cunningham's unpublished 1992 Masters' thesis was the first to examine the question of indenture up until 1962. At that time 1962 was the last year of open archival records, under the thirty-year restriction applying to all government files.¹⁴

This paper presents two new aspects of pearling history that have hitherto remained unexplored. First it demonstrates that the practice of indenture extended far beyond the usual period, surviving into the 1970s. Second, it demonstrates that the Australian government continued to condone indenture even in the face of international criticism and that it was not alone in its stance.

Unlike the employment of Aboriginal and Papuan workers, the indenture system used in the Australian pearling industry was a classic form of colonial indenture, designed to facilitate the importation of labor. Japanese, Indonesian, Filipino, Malay, and Chinese indents were employed in the north Australian ports of Darwin, Broome, and Thursday Island from the late 1800s. The pearl-shell industry was the only industry to be exempted from the Immigration Restriction Act of 1901, which prohibited the immigration of colored labor. Pearling masters were permitted to import Asian divers, tenders, and crew under indenture contracts. The exemption was controversial at the time given that both colored labor and indentured labor were contrary to overtly exclusionary policies of the new Australian nation.¹⁵

Under the Fisher Labor government this exemption was revoked. New legislation decreed that no licences would be issued after December 1912, unless

both the divers and tenders were European.¹⁶ After protests from the pearling industry, extensions were granted and Prime Minister Andrew Fisher appointed a Royal Commission headed by F. W. Bamford to investigate. Initially, the commission began with the intention of supporting a white labor policy. In 1913, however, the Liberal government appointed a new commissioner. The final report in 1916 came down in favour of the continued use of indentured labor.¹⁷

The 1916 report argued that the pearl-shell industry was not suitable for white divers, stating:

The life is not a desirable one, and the risks are great, as proved by the abnormal death rate amongst divers and try divers. The work is arduous, the hours long, and the remuneration quite inadequate. Living space is cramped, the food wholly preserved of its different kinds, and the life incompatible with that a European worker is entitled to live.¹⁸

J. S. Bach, writing in 1956, argued that by continuing to allow “coolie” labor the federal government had undermined the moral authority of White Australia.¹⁹ Certainly the exemption demonstrated that White Australia’s real concern was to exclude colored immigrants rather than to abolish exploitative labor practices.

The supporters of indentured labor used the argument that there was no danger of “racial contamination” as the pearling crews spent little time on shore and repatriation would prevent them from becoming permanent residents.²⁰ Labor interests were assured that the controls built into the system would prevent Asians from competing with white workers in other fields.

For the Australian government, the exemption was ultimately a pragmatic concession to the master pearlers who had threatened to leave Australia if they were denied access to Japanese divers. Clark, who had already moved a large fleet in 1905 from Thursday Island to the Dutch East Indies, had demonstrated that this was a very real threat.²¹ The politics of the pearling industry was heavily influenced by the proximity of Australia’s northern pearling beds to the eastern islands of the Dutch East Indies, where indentured labor was readily available.

Regulating indentured labor after 1925

In 1925, when the pearling industry in Darwin began to expand, the federal government sent the Sub-Collector of Customs instructions for dealing with the employment of indentured labor.²² The regulations remained essentially the same as earlier versions. Pearling masters were obliged to buy permits and to pay a bond of £250 for up to 10 men, to be repaid only after the indents were returned to their country of origin. Each indent was required to have a medical certificate and an identity card which included two thumb-prints and two photographs.

The period of engagement was initially for three years, during which time indents could only change employers with permission from their original employer. After six years the original employer no longer had any special claim over

their services. Many indents remained in Australia for the majority of their working lives.

Registers were kept detailing the date of employment, the number and nationality of indents, deaths and causes, and prosecutions. These were ostensibly intended to monitor and protect the working conditions of the indents. The recording of prosecutions, however, was designed to reassure the prejudiced fears of the white community. At the first sign of “racial” conflict or “undisciplined” behavior, the government could order the repatriation of the indents in question.²³

Union responses to indentured labor

According to Michael Quinlan and Constance Lever-Tracy, there were three possible union reactions to Asian workers: solidarity, where they would be welcomed by the union; segregation, where they would be corralled in a limited range of undesirable jobs; or total exclusion from the labor market or country.²⁴ Unionist demands for exclusion had led to the White Australia policy in 1901. The pearling industry represented the second approach. Ironically, it was the demand for segregation by Australian unionists that made indenture the appropriate means of employing Asian workers. Free labor would not have remained segregated, but the indenture system allowed the government to maintain complete control over the range of employment and even the freedom of movement of workers.

Of the pearling ports in northern Australia, Darwin had the most significant union movement, being the headquarters of the North Australian Workers' Union (NAWU) which covered the Northern Territory. In 1928, as unemployment increased and the pearling industry expanded, the NAWU officials began to lobby for stricter supervision of indentured workers in relation to onshore work. The Pearling Ordinance stated:

During the layup season the men may live ashore and engage in such work as is ordinarily connected with the boats at that period, such as overhauling, painting, repairing, refitting, etc. but they are not to be allowed to engage in other occupations on shore.²⁵

Nevertheless, indentured crews were employed in other jobs such as unloading, weighing, sorting and packing shell. Over the next ten years the NAWU noted every incident of illicit employment of indentured crew and accused the government of not taking steps to uphold the White Australia policy.²⁶

In January 1930, Robert Toupein, secretary of the NAWU, sent the Minister a list of jobs which he argued should be reserved for white labor. He included chipping, shell-packing, box-making, loading and unloading shell, and cutting timber. He further suggested that such restrictions should be enforced by the “immediate deportation of the labourer” and a penalty upon the Master Pearler if the latter was the offender.²⁷

While the NAWU was initially antagonistic towards the pearling indents, the attitude of some Darwin unionists had shifted towards solidarity in the 1930s, encouraged by the introduction of the Communist Party's campaign against racial discrimination in 1928.²⁸ In 1930 a correspondent for the communist journal the *Workers' Weekly*, remarked that:

These indentured laborers are compelled to work under coolie conditions and are bound to the pearling masters in a manner similar to slaves. A young Malay worker who decided to have a day away from work was fined £3/15/ for refusing to work . . .²⁹

In Darwin, the NAWU retained a discriminatory membership rule which excluded Chinese, Japanese, Kanaka, Afghan, and "any colored race".³⁰ Attempts to remove the "color bar" on NAWU membership led to a split between labor and communist unionists.³¹ At the 1930 annual meeting communist members proposed a new membership rule to allow "all bona-fide workers irrespective of color" into the NAWU but their proposal was rejected.³²

Criticism of the indenture system appeared frequently in the local Darwin newspaper, which was owned by the NAWU. A letter published in the *Northern Standard*, stated:

These Darwin pearlers seem to be on a great wicket. They are allowed what no other industry is: Indentured coolie labour—in a country that boasts of its White Australia policy. If any of their coolie workers refuse work all the master pearler has to do is to inform the Customs Department and they do the rest—jail him at the taxpayers' expense.³³

But the administration made no secret of the fact that indenture conditions were poor. In 1933, when it was suggested that local labor might be employed as crew on the pearling luggers, Stanley, Chief Pearling Inspector wrote:

On the pearling vessels work begins at 5 a.m. and ceases at 10 p.m. or later. . . . The Asiatics live almost exclusively on a diet of rice, eked out with fish, Chinese "Soy" and the Miso bean. A new scale of diet would have to be provided for Europeans.³⁴

Stanley was clearly aware that any breach of segregation of employment might ultimately make it impossible for the pearlers to continue exploiting indentured labor.

During the 1930s, the NAWU increasingly portrayed itself as the protector of Malay indents. In 1936 the new secretary of the NAWU, J. A. McDonald, wrote regarding shore work:

The men used are mostly Malays, and it may be said in passing, that they are used for shore work, very much against their will. When they join a pearling lugger, their wages are fixed at 25/- per month, and they are given to understand that they have

only to work on the boat. They are told that the Australian law does not allow them to work on shore, but they are soon disillusioned when the boat reaches Darwin. Under threats of being sent to Fanny Bay gaol, they are compelled to load the shell on to lorries, and unload it when they reach the sheds.

McDonald described the indents as “sweated alien labour,” and explained that: “They know that they are being exploited and have no other way of seeking redress.”³⁵

In February 1936, as a result of union protest, it was proposed that pearl-shell would be taken to the jetty and handled by white labor.³⁶ The Pearling Ordinance of 1936 extended the restrictions on shore work, but an exception was made where there was no suitable (skilled or experienced) labor available.³⁷ The effect of the amended Ordinance was to allow skilled tasks, such as shell sorting to be performed by indentured workers, while reserving the unskilled job of packing for white workers.

Thursday Island, Queensland’s major pearling centre, differed from Darwin in that it did not have a strong union movement. At Thursday Island the work of sorting and packing pearlshell was done by Malays or Papuans.³⁸ A 1930 report stated that local European workers did not want “this class of work” but that the local “half-caste” population might be trained in the job to replace the Malays who were described as “indolent.” The writer reflects the lingering colonial attitudes whereby certain jobs were deemed to be the province of colored labor and therefore unsuitable for white labor.

The results of union protests became most obvious in the postwar period. In 1948 the NAWU applied to have its membership rules revised to remove the racial discrimination clause. This, in theory, allowed indentured Asian workers to become members. In 1955, the Conciliation commissioner found in favour of the NAWU and instituted the Northern Territory Pearl Fishing Award of 1955 which determined that the crew of pearling luggers were guaranteed the basic wage and were made eligible for full membership of the NAWU. The victory was limited, however, as the Award applied to the Northern Territory, leaving Thursday Island and Broome unaffected. In addition, the Award did not address issues of lack of citizenship rights or restrictions on the movement of indents.³⁹

Japanese unionism

It is not possible to discuss the actions of Australian trade unionists without taking into account the organization of the indents themselves. An Australian visitor to Japan in 1921 wrote in the *Communist*:

Because of our white Australia policy, because of our boast of our liberties, freedom, and democracy, we imagine that the workers of other countries, especially Asiatic workers, are absolutely ignorant, have no organisations, hold no meetings, and in short are simply slaves, far from being even human beings.⁴⁰

This image of Asian workers as “slaves” was only encouraged by the continued practice of indenture, but in fact indenture did not preclude organization.

Regina Ganter, writing about Thursday Island, demonstrated the range of bargaining methods used by Japanese pearling indents, particularly divers, who were well-organized.⁴¹ In Broome most divers operated under a system known as “dummying” where divers were effectively captains of their own luggers, but officially employed by a white Australian owner in order to satisfy Western Australian government regulations.⁴²

When Broome divers transferred to Darwin in the 1920s they worked for white pearling masters, but again they were able to demand high wages. In 1928 divers were paid £100 a ton for shell raised, on the condition that the diver paid for the expenses of the boat after it had been made ready at the beginning of the season.

In 1929, in order to entice divers from Broome, the Darwin master pearlers offered to pay divers £130 per ton for shell. Pearling master V. R. Kepert complained that at that rate the divers would be able to retire in one or two years and leave them without divers.⁴³ At £130 the divers’ share of the profits was high if one considers that in 1929, the principal New York buyer, Otto Gerdar, was offering £180 per ton for shell.⁴⁴ A diver’s annual income was approximately £470 for the year, out of which they had to feed the crew.⁴⁵

In 1931, a Japanese Divers’ Society and a Divers’ Tenders’ Society were formed in Darwin. According to the Chief Pearling Inspector, “the formation of these societies, coupled with the pernicious activities of local communistic agents” had resulted in “unrest in the pearling industry.”⁴⁶ In 1932 when the divers went on strike, the *Northern Standard* commented that this was the “annual bluff put up by the divers, who were, of course, out to secure the best possible conditions for themselves.”⁴⁷

Wages for Japanese divers, tenders and engine attendants remained high up until the late 1930s. On top of their base wage of £3 per month, divers were paid a bonus of £25 per ton, enabling them to make several hundred pounds per season. Tenders and engine attendants were paid approximately £9 per month and keep.⁴⁸

It is difficult to reconcile the circumstances of Japanese employment with the usual exploitative conditions associated with indenture. The fact that Japanese divers controlled all aspects of work on luggers, including the food supply to crews, meant that they were responsible for the working conditions of other indents. From the perspective of Indonesian crews the Japanese were little different from their white Australian employers. It might even be argued that the divers were only nominally under indenture, while it was the crew members who suffered the full force of the indenture system.

The relative wealth of Japanese indents did not make up for the fact that the work was extremely dangerous. As the advances paid to divers increased, so did extent of their indebtedness.⁴⁹ This obliged them to work longer hours, which in turn endangered their health and increased the risk of a diving fatality. In other countries, the creation of debt amongst indentured workers was a recog-

nised problem. In New Caledonia, for example, debt allowed employers to insist that indents continue working past their original contract period. The French government banned this practice in 1920 but a 1928 report indicated that debt continued nevertheless.⁵⁰ No-one in the Australian government commented on this practice.

It would be difficult to argue, however, that it was the indenture system itself which was responsible for the deaths of divers. Divers were valued workers and every precaution was taken. A 1931 article titled “Pearling tragedy, Death of Diver” told of the death of Kimoto, “an old and experienced diver” who had worked in Australia for twenty years. The crew spent sixteen hours trying to save him after he became paralyzed.⁵¹ When diver Keikichi Yamada died in 1937, the newspaper reported that he was fifty-two years old and had been working in Broome for seventeen years. He had recently been brought to Darwin to replace another diver who had died from fever.⁵²

By the mid-1930s there were many Japanese-owned luggers operating on the same pearling beds as the Australian-owned luggers. The divers on these luggers worked for a share of the profits.⁵³ In 1939 the newspaper reported the death of Makote Maeda, an eighteen-year-old diver on the Japanese lugger *Daikoku Maru*. His was the ninth death that season and the year before eighteen divers from the Japanese-owned fleet had been killed by paralysis.⁵⁴ In contrast, the Darwin-based luggers which employed indentured workers had entire seasons without fatalities. This was partly because they worked under the strict supervision of Chief Pearling Inspector, Karl Nylander.

The presence of Japanese-owned luggers gave the Japanese divers in Australia even more bargaining power because pearling masters knew that divers had an alternative avenue of employment. In Broome in 1937 the divers went on strike, demanding an advance of £300 on their wages. As the lugger owners were completely dependent on their divers, they agreed to their demands.⁵⁵

Despite the financial successes of Japanese indents they remained unfree labor in the sense that penal provisions were maintained. When master pearler, V. R. Kepert transferred from Broome to Darwin in 1929, he complained to the government about the degree of control that the Japanese divers had over them.⁵⁶ He asked the Northern Territory Commission to consider bringing the pearling crew under the Masters & Servants Act as was the case in Western Australia. This would enable pearlers to send employees to gaol for “disobedience and refusal of orders.” He considered this appropriate rather than the Darwin system whereby they could only fine the employee a day’s wages.⁵⁷ The Western Australia Pearling Act of 1912 included penal provisions for breach of agreement, desertion and insubordination with desertion punished by three months imprisonment.⁵⁸

The penal provisions entailed in the Masters & Servants Act also applied to so-called free labor in Australia, a fact which has prompted historian Clive Moore to argue that there was little difference between indentured labor and free labor.⁵⁹ The difference lay, however, in the way in which the Act was applied. The master pearlers firmly believed, as did the Australian government,

that force was a necessary and everyday tool when dealing with non-white workers.

Another negative aspect of indenture which was retained from early colonial practice was the insistence on preserving social distinctions based on "racial" hierarchy. In 1933, the Japanese International Development Co. in Darwin, which controlled the importation of indentured labor, was forced to intervene after an incident involving pearling master, V. J. Clark. He had made arrangements for his Japanese indentured crews to be shipped with deck passages on the SS "Mangola." The Japanese insisted that they be given second class passages on the SS "Marella" instead. At that time, it was standard practice for Burns Philp steamers to place white passengers in the cabins and colored passengers on the deck. The Sub-Collector of Customs in Darwin ignored the Japanese protests and had the police deport them by force. In response, the Japanese labor agents refused to secure further indentured labor for Clark and he was forced to apply to the Minister for permission to employ Malay indents.⁶⁰

"Malay" unionism

After the Japanese, the next largest ethnic group were Malays. The general term "Malay" encompassed a number of different ethnic groups including peoples from present-day Indonesia, Singapore, and Malaysia. The majority were from the Netherlands East Indies, including Java, Maluku, Timor, and Sulawesi. In some cases the term "Koepangers" was used as a separate category, referring to the port of Kupang on Timor. Even so, crews from Dobo in the Aru Islands, who termed themselves Dutch Malays, were often referred to as Koepangers.

Unlike Japanese indents, the Malay crews did not have a strong organization of their own in prewar Australia. This was not due to lack of numbers; in 1936, there were 130 Japanese and 103 Malay indents in Darwin, not including Koepangers who were listed separately. In comparison with Japanese, Malays and Koepangers were more often represented as subservient "coolie" labor, a symptom of the racial hierarchy which governed the indenture system. Nevertheless, there is ample evidence of Malay protest.

In 1929, two Koepangers, Mateas Lili and Martin Bela, indentured by Master Pearler Clark, were deported from Australia after refusing to work carrying mail and stores to the Cape Don lighthouse.⁶¹ They argued that they had signed on to engage in the pearling industry and not to carry cargo. They were prosecuted under Section 390 of the Navigation Act and sentenced to twenty-eight days of imprisonment. They were released on the recognizances of Don McKinnon, editor of the union newspaper, the *Northern Standard*. Finally the two were declared "prohibited immigrants" under the Immigration Restriction Act of 1901 and deported.

The following year, Clark asked the government for permission to replace his Malay and Koepanger crews with Papuans, arguing that they were regularly employed at Thursday Island. He was refused permission after the Governor at Port Moresby reported that "not many natives would satisfy the Endemic Dis-

eases Ordinance 1928 as to Malaria Fever.”⁶² While it was not stated, one could assume that Clark’s motive for this request was that the Koepangers were no longer sufficiently submissive for his purposes.

In 1931, three Malays from Singapore approached the NAWU asking for help. They were to be repatriated to Singapore but had not been paid for three months and were owed £9. The NAWU Secretary, Toupein, took up the matter with the Customs and Fisheries Office and approached the manager for Gregory and Co., who agreed to pay the workers’ wages. The problem had arisen because the contracts had expired but the indents had been forced to wait for three months for the arrival of the next suitable steamer to transport them home.⁶³

During the 1930s, as Japanese divers became difficult to secure, more Malays were employed as divers in the pearling industry and this shift in status led to an increase in worker protests.⁶⁴

In 1938, fourteen indents from Dobo went to the NAWU, complaining that their wages had been stopped for three days and their rations cut. McDonald interviewed their employer, Clark, who claimed that the rations were in accordance with the contract he had with the Dutch Comptroller at Dobo. McDonald reported the matter to the Chief Pearling Inspector, Nylander who in turn wrote to Clark stating:

There seemed to prevail a certain dissatisfaction amongst the men about rations at the camp. This would be a matter of settlement between you and the men . . . As a matter of course I inspected the camp in the afternoon, everything was clean and tidy. . . . The crew told me they had no salt, milk, tea (there was coffee) curry or sauce. Their maintenance is a matter for the employer, and perhaps you will look into this matter, as I naturally felt restrained to discuss this phase of your camp arrangements with your crew.⁶⁵

The reprimand was effective and the crew wrote to the *Northern Standard* to express their appreciation of the union support: “especially to Mr. J. A. McDonald, the Secretary, and thank him for the trouble he took in fighting on behalf of us . . .” They were scathing in their criticism of indenture, writing: “Fancy the capitalist Government helping the slave labour industry! We do not think Hitler could do worse things in Germany than the way we are treated here.”⁶⁶

Despite this assertion, it appears that the Dutch colonial government believed the Australian system to be too lenient. In 1937, a complaint was received from Dobo indicating that the Dutch administration disapproved of the freedom allowed Aru Islanders in Darwin. It was suggested that the Australian government should take action to regulate the behaviour of indents and to prevent them from entering hotels. The correspondent noted that the Dutch at least knew how to “manage and administer their native population.” Commenting on the difference between the Dutch and Australian systems, he argued that

it does not matter what position in life a white man holds—he is always a “Toean” and is respected as such, and it is to be hoped that those “Whitemen” of Darwin

who mix and associate with the native indents, will try and uphold their prestige as a white man, and not forget that Australia is proud of her "White Australia."⁶⁷

The close relationship between the pearling masters and the Dutch administration meant that these colonial attitudes of racial superiority remained prevalent in the Australian pearling industry.⁶⁸

Postwar International Criticism

During the Second World War the pearling industry was temporarily abandoned. In 1946 Labor Prime Minister, Ben Chifley, officially opposed the resumption of indenture. Nevertheless in 1947 he allowed pearl-shell company, Streeter and Male, in Broome to import fifty-seven indents from Malaya, Indonesia, and Timor.⁶⁹ The Western Australia government supported indenture, but the Queensland government remained strongly opposed. Darwin in the Northern Territory remained under Commonwealth administration and the Federal government was more cautious in its approach.

The Chifley Labor government was intent upon investigating the conditions of indenture. A 1949 report concluded that current treatment was in breach of the Draft Covenant of the International Commission on Human Rights, which Australia had helped to draft. This report might have signalled the end of indenture, but for the fact that Labor lost government soon after the report was submitted.⁷⁰ The incoming Menzies' Liberal-Country Coalition government seemed prepared to continue this outdated colonial form of labor practice. In the 1950s Australia's indenture system drew international criticism. More surprising, however, was the fact that there was also some international support for Australia's stance.

Indonesia

The newly-formed, independent government of the Republic of Indonesia was particularly sensitive to the continued practice of colonial-style recruitment. In August 1950 the Indonesian Embassy contacted the Australian Department of the Interior to express concern that Indonesian nationals in Darwin were being paid less than the official basic wage. Since the 1920s in Australia there had been a general acceptance of a minimum wage based on the cost of living. In an early formulation in 1906, H. B. Higgins, president of the Commonwealth Arbitration Court, determined that the minimum wage was necessary to ensure that a worker could live as a "human being in a civilized community."⁷¹ By denying Indonesians the basic wage the pearling industry was effectively excluding them from that "civilized" community.

The Australian government took no action to address Indonesian concerns. Frank Anderson in the Fisheries Division argued that an increase in wages was not advisable and that there was no need for any official regulation of wages. In January 1952 the Indonesian government appointed Mr. Ohh Sien Hong, a

UNESCO Fellow conducting research into industrial arbitration in Melbourne, to investigate working conditions in Broome and Darwin. His report concluded that conditions were “shameful,” that indents were living in over-crowded camps, and were the virtual prisoners of their employers. Public reporting in Indonesia emphasized the discrimination and victimization of indents in Australia, particularly criticizing the restrictions placed on the movements of workers.⁷²

By March 1952, the Indonesian Government was considering banning Indonesian indents from working in Australia. The Indonesian government was similarly reluctant to permit indenture to New Caledonia until a more humane code of labor was established there.

In an effort to prevent illicit recruitment by Australians, the Indonesian government arrested a man called Tatipata, who was suspected of being engaged in recruiting in the South Moluccas, a major source of labor for the Australian pearling industry.⁷³ Johannes Tatipata had worked under indenture on Thursday Island since 1925. In an unusual request, he applied to return to Ambon with his Australian-born wife and children for a short visit in 1951. The Bowden Pearling Company paid for him and his family to return to Australia in September 1952.

In its continued efforts to improve conditions of indenture, the Indonesian Embassy contacted the Department of Immigration in 1952 to request that indents be permitted a short period away from the pearling bases during the lay-up season. There was cautious approval from the Department of External Affairs and most of the pearling masters, but opposition from local officials in Darwin and Broome. The Commonwealth Migration Officer in Darwin argued against holiday leave, describing the indents as “persons of low mentality” who would be unable to comprehend that they must abide by the set conditions of leave. It was also argued that if some indents were granted permission while others were rejected this would only “add to the already existing discontent and difficulty of control and administration of the industry.”⁷⁴ The master pearlers and the Sub-Collector of Customs in Broome argued that the indents could not be trusted to return and that their services were required for the painting and careening of pearling luggers.

The Immigration Department finally agreed that leave would be approved on the basis of the individual merits of the applicant and only with the approval of the local Immigration official. The resulting decision was sufficiently vague as to make it unlikely that pearling indents would be granted leave. As a result of the Australian government’s response, the Indonesian government imposed a ban on the importation of indents from Indonesia to Australia.⁷⁵

A confidential report to the Australian Cabinet in 1954 indicated that the government still hoped to gain access to Indonesian indents, particularly as the other source countries were also reluctant to provide labor. The Indonesian Embassy informed the Department of Commerce and Agriculture that the existing ban was being amended to allow Indonesians to work in Australia.⁷⁶

Unwilling to allow the resumption of the previous mode of indenture, the Indonesian government requested that a formal agreement be entered into between Australia and Indonesia in February 1955. This was to be modeled on the

agreement they had made with the French government in relation to Indonesians working in New Caledonia. But the Australian government protested that the New Caledonia agreement had a range of provisions which were "not applicable to Australian conditions." In particular, the provisions for family migration and permanent settlement went against the White Australia policy.⁷⁷

The opinion of the Administrator of the Northern Territory in Darwin was that if Indonesians were to be engaged, it would be as crew members and it would be "unreasonable to expect the Master Pearler to guarantee them salary and bonuses . . . equal to the local basic wage."⁷⁸

With the two governments unable to come to an agreement, the matter was closed and Indonesian indenture to Australia was ended. The demise of indenture in this case was brought about by the irreconcilable differences of attitude between the Australian and Indonesian governments. Independent Indonesia would not tolerate the continuation of colonial-style indenture, while Australia remained bound by the White Australia policy and its assumptions of racial difference.

Malaysia

With Indonesian indents no longer available Malay indents were in a position to bargain for better working conditions. In early 1952, the Malay workers at Broome wrote a letter of complaint to the Malay Seamen's Union in Singapore. By May 1952 the Department of External Affairs was informed that the Malay Seamen's Union had no workers available to take up work in Australia. The government was obliged to deal directly with the Malay Seamen's Union because the recruiting agent in Singapore, Guthrie & Co., was reluctant to continue handling the dispatch of pearling indents. The Malay Seamen's Union requested that conditions for deck hands include transport to and from Australia, a salary of £20 to £25 per month to be paid during the whole period away from Singapore, and \$2.00 per day subsistence while waiting to leave Singapore.⁷⁹ The wage scale set by the Malay Seamen's Union was still only half of the Australian basic wage which, at that time was approximately £13 per week.

The Malay workers continued to agitate for reform. From September 1954 to March 1955 the Malay indents in Broome went on strike. Five strike leaders were jailed for one week and then repatriated in October 1954. They returned to Singapore and contacted the Malay Seamen's Union which in turn wrote to Singapore's Colonial Secretary. This incident resulted in bad publicity in Malaya for Australia.⁸⁰

The Australian Commission contacted the Department of External Affairs again in March 1955, having received representations from the Malay Seamen's Union and from the Malaya newspaper *Uusan Melayu* regarding six Malay pearl divers who were stranded in Broome. The indents were waiting to be repatriated as punishment for their participation in the strike of November 1954 and had been left without financial support for the intervening period.⁸¹

Unlike the Indonesian government, the British colonial government did not respond to the concerns voiced by the Malayan unions and took no steps to end the indenture of Malays to Australia. During this period, the British colonial government was tolerant of the Malay union movement but only within strictly-controlled parameters.⁸² The Malay strikes would have drawn criticism from the British, particularly given the anti-colonial overtones of their protest.

With the transition to an independent Malaysian government in 1957 there was no immediate action taken to abolish indenture to Australia. The first correspondence came in 1962 when Malay divers returned to Malaya complaining of poor working conditions. A letter was sent to the Australian High Commission in Kuala Lumpur from a diver in Broome who claimed that wages had been cut from 1960 to 1961 and that they had been retained in Australia for several months without pay after completing their contract.⁸³ An inquiry into the pay scale in Broome found that pearling crews were paid a starting wage of £17 per month plus additional amounts of “lay” calculated according to the catch size. For twenty tons the wage was £24 per month, still less than half the basic Australian wage.⁸⁴

Despite these protests, the Malaysian government did not put an end to the indenture system and Malaysians and Singaporeans continued to be recruited to Australia into the early 1970s. In December 1970 the Australian government noted that while Malays were no longer employed in Darwin, they had become the main source of labor for Broome. The pearling company, A. S. Male & Co. was reported to have employed fifteen Japanese and forty-five Malays in 1970. This was the same company that had been criticized in worker protests in 1954 and 1962.⁸⁵

Hong Kong

While the British colonial government of Malaya had kept remarkably silent on the issue of pearling indents, the British government of Hong Kong was more critical of the Australian government. In 1955 seventeen Chinese pearling indents in Broome sent a letter to the Commissioner of Labour in Hong Kong. They complained that after three months in Broome they had been given no copy of the written contract, though they had signed up for a two year contract. They were forced to work nine months at sea and during that time were woken at four a.m. to start at five a.m. and continued without break until six p.m. They were also made to work on Saturdays and Sundays. They also claimed that the pearling companies did not provide food on a regular basis.⁸⁶

The Hong Kong Commissioner of Labour, P. C. M. Sedgwick responded immediately, writing to H. C. Menzies, the Australian Government Trade Commissioner in Hong Kong. Sedgwick pointed out that the United Kingdom had ratified the International Labour Organization (ILO) Conventions No. 50 (Recruiting of Indigenous Workers), No. 64 (Contracts of Employment (Indigenous Workers)) and No. 86 (Contracts of Employment (Indigenous Workers)) and that

these applied to Hong Kong without modification. He wrote: "It is understood that none of these Conventions has yet been ratified by the Australian Government." He listed the required conditions for Hong Kong contracts which included reasonable working hours; overtime and holidays; and workers' compensation.⁸⁷

The Australian government simply dismissed the complaint. The Department of Commerce and Agriculture stated that labor conditions in the pearling industry were "a matter for negotiation between the master pearlers and the operatives concerned." The Commonwealth laid down certain conditions regarding the introduction of Asian pearling operatives, it did not "under any circumstances, negotiate with any overseas Government or Government representatives regarding the wages or conditions of the operatives."⁸⁸

The next communication with Hong Kong came in 1957 after the Hong Kong government was itself criticized by the ILO regarding the extension of contracts to North Borneo and Sarawak from two to three years. The ILO Committee had drawn attention to Article 86 of the Convention, which limited employment to two years if workers were unaccompanied by their families. The Commissioner of Labour in Hong Kong sought clarification from London as to the extent to which he might "exercise his discretion" in observing the ILO Convention. A Department of External Affairs' memorandum noted that "Australia is not the only country where this problem has arisen."⁸⁹ It should be noted that this discussion about ILO regulations took place only one month after Harold Holt, the Australian Minister for Labour and National Service, had been elected president of the ILO.⁹⁰

Japan and Okinawa

In October 1951 the master pearlers of Broome, Darwin, and Thursday Island jointly petitioned the Australian Commonwealth government for permission to resume recruiting Japanese indents. Initially thirty-five permits were approved for Broome. The Darwin pearlers were refused permission for fear of stirring up public resentment. Local Darwin residents had expressed considerable antipathy towards Japanese as a result of wartime bombing of the port. Thursday Island in Queensland was also refused permission because the Queensland State government was strongly opposed to indentured Asian labor. Since the Second World War, the Thursday Island industry had become dominated by the indigenous Torres Strait Islanders and the government did not wish to replace this workforce.

The Australian government may have been cautious about accepting Japanese indents, but the Japanese government was equally hesitant about allowing their nationals to work in Australia. This issue, however, was not one of concern over working conditions, but one of competition for pearling resources. The Japanese had been fishing in the Arafura Sea to the north of Australia since the 1930s, and they resumed fishing in June 1953. In September 1953 the Australian

government attempted to deny the Japanese luggers access to these waters by proclaiming the continental shelf as Australian waters in an amendment to the Pearl Fisheries Act. The Japanese government responded by challenging this legislation in international court.⁹¹ This conflict over territorial boundaries made the Japanese government understandably reluctant to support the Australian pearling industry with regard to labor.

In January 1954 the Department of Commerce and Agriculture was advised that an alternative to Japanese divers could be obtained through the US Administration at Okinawa. General Ogden was apparently anxious to find work for the men previously engaged in pearling and the Fisheries Chief Taggart was said to be “very enthusiastic” at the possibility of sending Okinawans to Australia.⁹² There was no suggestion that the indenture system was regarded as inappropriate, despite the fact that it seemed to confirm the status of the Ryukyans as a colonial people. In 1957, Walter S. Robertson, Assistant Secretary of State for Far Eastern Affairs stated: “We should make the Ryukyus a showcase for American democracy in the Pacific.”⁹³ The support for indenture suggests that such aspirations were not achieved.

While the Queensland government had initially been loath to allow the reintroduction of indentured Asians at Thursday Island, in 1958 approval was given and 162 Ryukyuan “specialists” were introduced. A report by the Department of Primary Industry in 1960 stated that of that number two had died while diving, seventy had been returned to Okinawa shortly after arrival because they were deemed unsuitable for the work and thirty-three had returned to Okinawa in early 1960 at the end of their contract.⁹⁴

The End of Indenture in Australia

In 1960 the traditional pearl-shelling industry had all but ended. With the introduction of plastic buttons, it had become increasingly difficult to make a profit on pearl-shell.⁹⁵ The employment of indentured workers continued, however, in the newly introduced pearl-culture industry. The production of cultured pearls relied primarily on technicians who worked onshore, but it also required divers to supply the technicians with live pearl-shell. Almost all workers employed in pearl culture were indentured Asians. Those employed on pearling luggers remained under essentially the same system as had prevailed since the inception of the pearl-shelling industry.

At the end of 1969 a review of the immigration regulations relating to the engagement of indentured laborers dealt a final blow to the remaining pearling masters. The new regulations made two important changes. Firstly, it was recommended that all indents who could satisfy the criteria should be granted resident status. The requirements were residence in Australia for five years and proof of good character. Many experienced pearling indents were able to gain residency and were no longer obliged to remain in the pearling industry.

But at the same time, the Department of Immigration took steps to ensure

that no future indents could become eligible for resident status. The new regulations limited contracts to four years, after which indents were to be repatriated and not reengaged for another four years.

The general immigration policy regarding Asians in 1969 was that migrants should be "well qualified and readily integrated." Manual workers were regarded as unsuitable migrants, being supposedly less likely to "assimilate" into the Australian way of life. According to the government, pearling indents were not "the type of persons who would come within the revised non-European policy." The only exception suggested was if a pearling indent had married an Australian resident.⁹⁶

In protesting the new policy in April 1970, Mr Haynes of A. C. Morgan Pty. Ltd. in Broome, argued that the Malays he recruited were without training and that it took a minimum of three years for them to become efficient divers. Regarding the offer of permanent residency, Haynes noted that life at sea was "rigorous" and with job opportunity ashore "almost boundless in Australia" why would they not take the chance to leave.⁹⁷ As Fred Krissman notes in connection with Californian railway labor, the use of indentured immigrant labor was meant to ensure that employers had a captive labor force, "unable to escape the wretched conditions." Krissman argues that Chinese workers in the late nineteenth century were forced to work for low wages because they were denied citizenship rights and were obstructed by white workers from legally engaging in independent economic activities.⁹⁸ By removing these restrictions in 1969 the Australian government made the indenture system redundant. The Immigration Department report concluded that "what the pearlers really want is a stable, docile, and obedient work force."⁹⁹

In response to protests from pearling masters, the Department of Immigration held an interdepartmental meeting in July 1970. It was concluded that the industry in Broome warranted special consideration because Broome was economically dependent on pearling for its existence. The report noted that pearl culture could represent an industry worth up to \$10 million per annum and that it depended upon traditional pearl shell diving for its live shell. But while acknowledging these economic benefits, the meeting was unable to agree to the resumption of the previous system, in view of the "outdated" nature of indenture." The report of the meeting stated:

It is clear that employees in the pearling industry generally work long hours, under arduous conditions, in isolated areas under what would generally be regarded as unsatisfactory living conditions.

Furthermore it was acknowledged that some indents were still receiving rates below the minimum adult wage. The Western Australian port of Broome was regarded as the worst offender, but in the Northern Territory, where indents were supposedly covered by the 1955 Northern Territory Pearl Fishing Award, employers were also failing to pay Award wages. An Arbitration Inspector sent to investigate reported back that the Award was being taken to refer only to crew

members in the narrowest sense; other indents, such as divers, were not covered by the Award. The report concluded that

employment contracts under which overseas workers are introduced are well out of date and include a number of restrictions on the freedom of the individual which would attract criticism in the light of present day attitudes.¹⁰⁰

It was recommended that an extensive investigation be undertaken.

By 1970 the number of Asian employed under indenture was very small. There were 101 indents employed in pearl-fishing in December 1970.¹⁰¹ Immigration officer, B. H. Barrenger, wrote in 1971 that he had no doubt “that Europeans would not accept the employment conditions even with a substantial increase in pay rate.” He acknowledged that the new immigration rules would mark “the finish of the previous era” in which overseas workers provided “relatively cheap labour, completely subservient to the employer.”¹⁰²

The end of indenture in Australia was a quiet affair. There was no public announcement, no media coverage. Public opinion on issues of social justice and Asian immigration had changed rapidly in this period and the government was hopeful that their confidential reports would not be made public. It would be difficult to attribute the end of indenture to any particular social movement or lobby. The importation of workers under indenture had already been made difficult by the steps taken by supplying nations. Furthermore, the master pearlers had lost some of their political power with the decline of the importance of the pearl-shell industry.

The final phase came in late 1972, when the Labor Party, led by Gough Whitlam, was elected to government for the first time in eighteen years. The new Immigration Minister, Al Grassby, oversaw the official dismantling of the White Australia Policy and its discriminatory immigration legislation. In June 1973 Australia ratified the ILO convention No. 86, Contracts of Employment (Indigenous Workers) Convention, 1947, which stipulated that overseas work was limited to a two-year period for workers not accompanied by their families.¹⁰³

National history is often marked by a process of forgetting and Australia's support for the indenture system in the twentieth century was quickly forgotten. In a speech made in 1975 Immigration Minister Grassby roundly condemned indenture. Referring to recent practice in Europe, he described *Gastarbeiter* or guest worker as the “most obscene word in migration today.” He explained that he was under continuing pressure, particularly from North Australia, to introduce a system “which would bring in workers for contract work for limited periods and then send them home again.” He argued that the *Gastarbeiter* system he had seen in Europe:

Tended to treat human beings as disposable items. After they had made their contribution they were thrown away like empty bottles. It was a system which gave no rights, no citizenship, no permanence but took some of the workers' best years and in return sent them home when they were no longer needed.¹⁰⁴

Grassby stated that the last time this had been tried in Australia with "so-called contract labour it had given rise to the Queensland slave trade in Kanakas." Grassby was referring to the indentured labor of the nineteenth century. Nothing was said of the twentieth-century pearling industry practices.

Conclusion

The history of indenture in Australia suggests that the practice of indenture was intrinsically bound up with the belief in racial superiority, shared by both employers and government officials. Most important was their assumption that white workers were naturally entitled to better working conditions than Asian workers. This paper reveals that such discriminatory attitudes remained prevalent for the greater part of the twentieth century.

The continuation of indenture, a typically colonial form of employment, into the postcolonial period appears to be anachronistic. But in fact the indenture system suited the purposes of a national government intent on protecting national boundaries from unwanted free immigration.

When first confronted with the practice of indenture in post-war Australia there is a sense that this is unusual and even shocking. Certainly the general literature on indentured labor does little to prepare us for the duration of indenture. The fact that Japan, Malaysia, Hong Kong, and the United States did not ban the export of indents suggests that Australia's stance was not an isolated phenomenon. There is a need for further research into this later period of indenture, in the Asia-Pacific region and beyond, so that the Australian case does not stand alone. The study of the twentieth century indentured labor trade is one which demonstrates the continuity of a racialized discourse on labor immigration, an issue which remains very much at the center of labor immigration debates today.

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