

Contested Histories:

Were the ASSI labourers on the Queensland sugarcane fields in the 1800's slaves?

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Australian Prime Minister Scott Morrison's 2020 claim there has been "no slavery in Australia"¹ since its colonisation in 1788 has been met with significant backlash from historians and the Australian public alike. One case said to be slavery in Australia is the "blackbirding" of 62,000 South Sea Islander (who became the Australian South Sea Islander population (ASSI)) peoples from Polynesia and Melanesia between 1863 and 1901². These people left their islands to work on sugarcane plantations in Northern Queensland³. There has been much debate about whether this practice was legitimately slavery⁴. This essay will examine the debate around whether or not the ASSI labourers were 'slaves'. It will examine ASSI labour as either slavery or indentured labour⁵ by exploring: the contracts of the labourers and their enforcement; their treatment on the cane fields; their citizenship rights and subsequent deportation; and the motives of the Queensland Government for continuing the trade.

Britain's *Abolition of Slavery Act 1833* does not go so far as to define slavery⁶, proving the contested nature and establishing many loopholes for traders of the time. The Australian Government's act *Defining and Measuring Modern Slavery* (2017) defines slavery as "the process of a person exercising rights of ownership over another person. This includes the power to make the victim an object of purchase or to use their labour in an unrestricted manner."⁷ Indentured labour, on the other hand, is defined by historian Kathleen Harrington-Watt as "a form of labour recruitment ... based on a voluntary work contract ... that began as a consequence of the ... *Abolition of Slavery Act 1833*"⁸, the primary difference being a contract that was 'voluntarily' signed by the labourer. And while the first definition may not necessarily have matched the understanding of the Queensland population in the 19th century, the idea of ownership is always at the centre of slavery⁹. A clear-cut contemporary definition is virtually non-existent because of public understanding of the concept rendering a standardised definition apparently unnecessary¹⁰. So, at least partially because of the lack of a contemporary definition it is clear that the issue of ASSI slavery is heavily contested, both in a contextual and modern sense.

The idea of 'ownership', as described in Australia's definition of slavery, is integral to the notion in an early modern and contemporary sense, with the primary difference between 'slavery' and 'indentured labour' coming from the existence of fairly signed contracts¹¹. ASSI labourers are often considered to be indentured due to the existence of contracts signed and documented by the farmers. These contracts, termed "Employers and Labourers contracts"¹² were memorandum documents which specified the salaries and terms of employment of the labourers, registered with the Queensland Immigration Office. The existence of these contracts ensured that the workers were counted as 'indentured labourers' rather than 'slaves' due to their, albeit small and static, salaries that hovered around the minimum rate of £6 per annum as of 1895¹³. The Queensland Government, under the *Polynesian Labourers Act of 1868*, ensured all contracts were signed by the "transferrer and the immigrant"¹⁴ to enhance fair practices, however, there has been much contestation as to the legitimacy of the signings. Queensland missionary William Gray stated in

¹ Max Koslowski, "It's just denial: Bruce Pascoe, Labor condemn PM's 'no slavery in Australia' claim", *The Sydney Morning Herald*, 21 June 2020, Online Source.

² Australian South Sea Islanders - Port Jackson, "ASSI History", <https://www.assijp.com.au/assi-history/> (4 June 2020)

³ Emelda Davis, "Australia's hidden history of slavery: the government divides to conquer", *The Conversation*, 5 June 2020, Online Source

⁴ This is especially contentious due to the outlawing of slavery in the Commonwealth in 1833, meaning that this practice would have been frowned upon by the British Empire, despite the lack of clear enforcement of the *Slavery Abolition Act of 1833* (British Government, 1833).

⁵ Indentured labour is not technically slavery; however, it was what was mainly used after the abolitions of slavery by the Commonwealth in 1833 to provide nations with cheap labour.

⁶ *Slavery Abolition Act 1833* (Cth). Retrieved from: <http://www.irishstatutebook.ie/eli/1833/act/73/enacted/en/print.html>.

⁷ Australian Parliament, *Defining and Measuring Modern Slavery* (Canberra: Australian Government, 2017), p.3.

⁸ Kathleen Harrington-Watt, "The Legacy of Indentured Labour", *The Palgrave Handbook of Ethnicity*, 23 July 2019, p.1767.

⁹ Slavery has always been a difficult concept to define as its practises are varied, and while early examples can be traced back to the Akkadian Empire in 2300 BCE (John Nicholas Reid, 2014), a clear-cut definition from before the early 1900s has proven difficult to find. This is mainly because of the normalisation of slavery within the countries who had documentation on these processes, leading to public acceptance, creating no need for a definition of what was essentially a normal part of the economy in the eyes of governing bodies.

¹⁰ Slavery was integral to the economies of many European colonies, especially since expansion began in the British Empire in the 18th and 19th centuries.

¹¹ Paul Gregoire, "Indentured Labour in the British Empire: Slavery Reworked", Sydney Criminal Lawyers, 27 July 2020, Online Source.

¹² Queensland Immigration Office, "Agreement between Employers and Labourers", Queensland State Archives, 18 October 1888, p.4-5.

¹³ William Gray, *The Kanaka*, (Adelaide: E S Wigg and Son, 1895), p.19.

¹⁴ *Polynesian Labourers Act 1868* (Qld). Retrieved from State Library of Queensland.

1895 that the labourers usually signed the contracts by “touching the tip of the Government Agent’s pen before that functionary makes a X for the ‘boy’”¹⁵, which suggests that the labourers had little idea of the contracts they were signing, providing a convenient workaround for the land owners. These ‘X’ markings are seen on the contracts in the Queensland Archives¹⁶, with no signature or difference in hand that would suggest the legitimate signature of a labourer. ASSI descendent Faith Bandler also claims that the practice was “some form of slavery ... some people ... signed a contract ... but my father didn’t, neither did his brother”¹⁷, demonstrating the lack of understanding of ASSI workers to the contracts they were signing, to the extent that they did not believe they signed one at all. This corroboration proves that, while contracts were generally present making ASSI workers ‘indentured labourers’, this definition was questionable due to workaround practices of the landowners ensuring the labourers did not understand what they were agreeing to. However, there were also those that believed “no islander is permitted to come who has not ... been made to know the nature of the venture, and ... come[s] of his own free will”¹⁸, contrasting with Gray’s portrayal of the “coercion”¹⁹ involved with recruiting the labourers. Thus, while the contracts made the labourers ‘indentured’, meaning they were not slaves, the lack of understanding of the workers to the contracts they were signing put the idea of a “voluntary”²⁰ signature into doubt, meaning the workers that did not understand the contracts they were signing could be considered slaves despite the Government’s best efforts.

A common expectation of the experience of slavery is mistreatment, which is perhaps the least contested element in the case of ASSI labourers. The mortality rate on the plantations was up to 30% across the period of labour²¹, with a lot of the workers dying of preventable diseases such as leptospirosis due to poor working conditions²². The conditions of the workers on the plantations were unhealthy, and certainly not what they would have been if the labourers had been white²³. Poor living conditions and harsh punishments are often implied aspects of slavery, and both were present on Queensland’s sugarcane plantations. Queensland Missionary, William Gray noted that the workers were fed “scallywag meat” from animals who had “cancer and other diseases”. Gray also notes the lack of medical treatment on the fields, which “keep no doctor”, and when a worker fell extremely ill, landowners argued against treating them as it “prolonged his suffering”, but also because it “prolonged the pay”²⁴. Another key aspect of mistreatment as an element of slavery is punishment practices for workers. The ASSIPJ association cites events of workers dying from “exposure, starvation and a fractured skull” and being found dead “still tied to a tree”²⁵, suggesting that punishment practices were harsh to the point of murder. William Gray, however, states that the rumours of “planters tying boys up and flogging them are largely false”²⁶, and a Queensland Court Reporter from 1869 claimed that the “employer and the employed are highly gratified with each other”²⁷, suggesting that the public may have had little idea of the treatment of the labourers, or the documentation was inconsistent due to governmental pressures or differing treatment between plantations. The opinions of the Queensland public were also divided, proving the contemporary contestation of the issue. Overall, despite contradiction of sources, there is evidence of mistreatment of workers on Queensland’s sugarcane fields, especially around punishment and medical care, suggesting that the ASSI labour trade possessed elements of slavery as it is typically understood.

Another generally accepted aspect of slavery is the restriction of movement and lack of citizenship rights as well as the lack of legitimate wages. The Queensland Government’s *Immigration Bill* of 1872²⁸ describes a citizen of the colony as having come from “Europe”, and being “naturalised”²⁹ before receiving a land order that made them a citizen of Queensland. This, in effect, meant that ASSI labourers had no right to citizenship as they could not acquire land under the definition of a citizen being “Europe[an]”³⁰. ASSI labourers could not “be naturalised, and consequently ... all wages ... belonging to kanakas who die in Queensland ... go to the Queensland Government”³¹, demonstrating the

¹⁵ William Gray, p.20-21.

¹⁶ Queensland Immigration Office, p4-5.

¹⁷ Faith Bandler in, “Australian South Sea Islanders: A century of race discrimination under Australian law”, <https://humanrights.gov.au/our-work/race-discrimination/publications/australian-south-sea-islanders-century-race> (19 July 2020)

¹⁸ Rev G. D. Buchanan, “What and Where is Slavery”, *The Brisbane Courier*, 30 May 1892, p.7.

¹⁹ William Gray, p.19.

²⁰ Kathleen Harrington-Watt, p.1767.

²¹ Ralph Shlomowitz, “Mortality and the Pacific Labour Trade”, *The Journal of Pacific History*, Vol 1 Jan 1987, p.50.

²² Brian Egan, “The history of can pest and disease control boards in Queensland”, *Sugar Research Australia*, 2015, p.28.

²³ William Gray, p.18.

Racism was very prolific in the post-colonial Australian society, and one of the reasons ASSI labour did not create a lot of backlash in the community was because of the belief that the ASSI labourers were fundamentally inferior and thus suited to the work.

²⁴ William Gray, p.30.

²⁵ Australian South Sea Islanders – Port Jackson, “Incidents of Abuse by Employers of their Pacific Islander Labourers”, *ASSIPJ Information Sheets*, Date Unknown, p.2.

²⁶ William Gray, p.31.

²⁷ “The Queenslander” Correspondent, “Dalby Court Report”, *The Queenslander*, 24 April 1869, p.7.

²⁸ *Immigration Bill of 1872* (Qld). Retrieved from State Library of Queensland.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ William Gray, p.33.

disenfranchisement of the labourers, and their inability to fit the definition of a citizen in the colony. Gray's interpretation is reinforced by the ASSIPJ foundation, who stated 90% of the wages of deceased labourers were kept by the Queensland Government³² after their death. Additionally, in 1901, the newly formed Australian Government introduced the *Pacific Island Labourers Act* under the White Australia Policy. This act allowed the forcible deportation of "Pacific Island labourers ... whom [Immigration Minister] reasonably supposes not to be employed"³³, restricting the freedom of movement of the labourers and meaning they were not considered citizens of the new Commonwealth of Australia. This deportation, according to the ASSIPJ, was funded by the wages of the deceased islanders which were absorbed into the Pacific Islanders Fund³⁴. This process ensured the Australian Government could distance itself from the possibility of slavery by removing the labourers from the country due to pressures from Britain, while also reinforcing the experience as at least akin to slavery because movement was restricted and the workers were not considered 'citizens' or 'residents' of the country they were working in.

The colony of Queensland, as part of the British Empire, had outlawed slavery under the *Slavery Abolition Act 1833*³⁵, and thus had to be careful in their policing of the ASSI labour trade, to ensure the workers were indentured rather than outright slaves. The British Government's legislation mandated all slaves, sign contracts to become "apprenticed labourers" which applied to all "Colonies of the British Empire"³⁶. Queensland fell under the legislation of the British Empire, and thus, in the *Polynesian Labourers Act of 1868*³⁷, mirrored some of the policies of the *Slavery Abolition Act 1833*, such as "supplying of food or clothing"³⁸, and ensured the workers were kept under contracts, becoming 'indentured labourers'. The Queensland Government was invested in the work of the ASSI labourers due to the gross economic output, and they considered "coloured labour"³⁹ the only option to maintain this as "white men cannot stand the work"⁴⁰. However, Gray claims this is based off the understanding that the population and Government "place a lower value on the life of black men than on that of a white"⁴¹, meaning that the ASSI labourers could be paid less and treated worse with less backlash from the community, making the labour more economically viable for the Government. The ASSIPJ estimates the economic output of the ASSI labour at AUD\$43 556 065⁴² as of 2019 allowing for inflation⁴³, which was a large proportion of the Queensland economy, making the Government's efforts to allow the labour trade to continue under the guise of 'indentured labour', even greater.

However, there were Anglo-Saxon workers in Queensland who labelled the practice 'slavery' to attempt to have it removed, as it dried up their employment opportunities⁴⁴. Systemic racism also contributed to the noticeable lack of first-hand ASSI perspectives from the cane-fields, embodied by the sentiment "cheap labour of an inferior race"⁴⁵ or because the labourers only spoke "pigeon English"⁴⁶. Thus, the predicament of the islanders can only be examined through their descendants' testimonies, or the recounts of white landowners and missionaries, making a decisive interpretation on slavery in this instance morally and historically problematic, as first-hand ASSI recounts that would provide the most insights as they were directly affected, cannot be found.

A concrete answer as to whether Morrison's claims of Australia's innocence to slavery in the case of the ASSI labourers cannot be provided by this essay. The contestation of this issue was just as fierce as it was happening as it is today, and the very lack of a contemporary definition of slavery expresses this situation perfectly. To provide a clear answer on a subject as traumatic as slavery, the first-hand experiences of those that were involved must be known. The fact remains that there are few recounts of the experiences of the ASSI workers, and without these first-hand and uncompromised perspectives, the true nature of the situation cannot be disclosed. Plenty of second-hand perspectives and recounts exist, but they are tainted by the systemic racism of the society, the legislative preservation of the trade by the Queensland Government for economic betterment, or in the case of their descendants, simply fragmented and lost to history. A tentative conclusion from the available evidence, suggests that while the ASSI laborers on the Queensland sugarcane fields were not *technically* slaves because of their supposed contracts and protection by the

³² Australian South Sea Islanders – Port Jackson, "The Pacific Islanders' Fund and the Misappropriation of the Wages of Deceased Pacific Islanders by the Queensland Government", *ASSIPJ Information Sheets*, Date Unknown, p.1.

³³ *Pacific Island Labourers Act* (Cth). Retrieved from: <https://www.legislation.gov.au/Details/C1901A00016>.

³⁴ Australian South Sea Islanders Port Jackson, "Incidents", p.1.

³⁵ *Slavery Abolition Act 1833*.

³⁶ *Ibid*.

³⁷ *Polynesian Labourers Act of 1868*.

³⁸ *Slavery Abolition Act 1833*.

³⁹ William Gray, p.8.

⁴⁰ *Ibid*.

⁴¹ *Ibid*.

⁴² Australian South Sea Islanders Port Jackson, "Incidents", p.1.

⁴³ Reserve Bank of Australia, "Inflation Calculator", <https://www.rba.gov.au/calculator/annualDecimal.html> (3 August 2020).

⁴⁴ "Queensland Advertiser" Writer, "Polynesian Act; or Slavery in Queensland", *The Toowoomba Chronicle and Queensland Advertiser*, 2 June 1869, p.2.

⁴⁵ "South Australian Register" Writer, "Polynesian Labourers", *South Australian Register*, 24 July 1868, p.2.

⁴⁶ William Gray, p.19.

Queensland government, they were certainly *morally* slaves, as there is no doubt that they were treated as inferior to the Anglo-Saxon population, and in some cases, blatantly abused. The intergenerational disadvantage that exists in the descendants of these labourers in Australia who were not killed or deported also serves as evidence of the *moral* slavery that was present in this practice. Thus, the highly contested question of whether or not the 62,000 ASSI labourers on the Queensland sugarcane fields in the 1800s were slaves cannot be definitively answered due to the absence of any first-hand accounts from those directly affected.

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