

# Going for a Song: The Cultural Politics of ‘Waltzing Matilda’

Graham Seal, Curtin University, Australia

*Abstract: An examination of the copyright history of Australia’s unofficial national anthem, ‘Waltzing Matilda’, provides an insight into the political, economic and cultural relations between Britain, the United States of America and Australia. In particular, the extent to which Australia’s cultural industries are a surrogate or proxy for the larger interests of global powers is demonstrated. It is argued that this surrogacy has, and continues to have, a potentially constricting effect on the circulation of matters of cultural concern through the Australian national community.*

*Keywords: Book Publishing History, Copyright, Intellectual Property, Cultural Industries, Surrogacy, Waltzing Matilda, Thomas Wood*

## Introduction

‘Waltzing Matilda’ is usually said to be one of the most recorded songs of all time. Whether this is true or not, it is certainly a widely popular song<sup>1</sup> and is the unofficial national anthem of Australia and the international musical signifier for ‘Australia’ and ‘Australians’.<sup>2</sup> This paper traces the extraordinary publishing life of the song, specifically its copyright ownerships, through the book and music publishing ‘territories’ of Britain and the United States. Australia, as part of the British copyright territory, is seen to be a surrogate for the playing out of British and American economic and political interests, with consequences for Australian cultural industries and their role in the dissemination and discussion of national issues.

## Waltzing with Matilda

The original version of ‘Waltzing Matilda’ was composed in 1895 by Australia’s popular poet A B ‘Banjo’ Paterson and Christina Macpherson near Winton, Queensland.<sup>3</sup> Its jaunty melody and lyric redolent of pastoral life, including the ‘billy’ or portable tin receptacle in which swagmen (itinerant rural workers) boiled their tea, made it immediately popular in northern Queensland and it circulated in folk tradition in a number of versions. At the time, and for quite a few years after, neither Paterson nor Macpherson thought much of their ditty. Indeed, Paterson later sold the rights in the lyrics to his publisher, along with a box of his other verses, ‘for a fiver’ (five pounds sterling).

By 1903 the song had become known outside Queensland and the manufacturers of ‘Billy Tea’ commissioned an arrangement of the song by Marie Cowan for use as a singing advertisement for their beverage. The lyric was altered to allow the mention of ‘billy’ more frequently, together with a number of other relatively minor changes. This was to be the start of

<sup>1</sup> For a number of recorded examples see National Film and Sound Archive (hereafter NFSA) [www.nfsa.gov.au/collection/sound/sounds-australia/waltzing-matilda/](http://www.nfsa.gov.au/collection/sound/sounds-australia/waltzing-matilda/)

<sup>2</sup> National Library of Australia (Hereafter NLA) [www.nla.gov.au/epubs/waltzingmatilda](http://www.nla.gov.au/epubs/waltzingmatilda).

<sup>3</sup> There are several complex issues surrounding the origins of the Macpherson melody and at least one other, though these are not relevant to the current discussion. See Dennis O’Keeffe, *Waltzing Matilda: the Secret History of Australia’s Favourite Song* (Sydney: Allen & Unwin, 2012), Graham Seal, ‘Waltzing Matilda’ in Gwenda Beed Davey & Graham Seal (eds) *The Oxford Companion to Australian Folklore* (Melbourne: OUP, 1993) and relevant works noted in References.

copyright issues surrounding the song in both the book and music publishing industries of Australia, Britain and the United States of America.

The song was known to Australian troops during World War I and some early commercial sound recordings of the song were made in the 1920s although it was not especially widely known<sup>4</sup> and did not yet have its iconic association with notions of national identity. But in 1930 a peripatetic Englishman was about to inadvertently set the song on course for the fame and fortune it has since garnered – at least for some.

In 1934 composer, traveller and writer, Dr Thomas Wood published his travel book of Australia under the title *Cobbers*.<sup>5</sup> In this best-selling book he described how he came across 'Waltzing Matilda' – allegedly for the first time – in the outback Queensland town of Winton. He met the publican of the Winton Hotel, a Mr. Shanahan, who told him the local version of the story of 'Waltzing Matilda's' composition and sang the song for him. Thomas, ignorant of the various inaccuracies in this account, wrote, that it was 'a thundering good song' and 'Good enough to be the unofficial national anthem of Australia, as the Border sings 'John Peel'.

'Here it is. Judge for yourself.'

A piano arrangement 'harmonized by Thomas Wood' followed, with the instruction that it should be played 'crispily'.<sup>6</sup> The lyrics were basically those that have become the standard since the Billy Tea version, all hammered down with a foursquare arrangement.

Wood's published arrangement of this 'thundering good song' was effectively copyrighted by its publication in book form. Unfortunately, Wood and his publishers, Oxford University Press (OUP), neglected to check the existing rights to use of the song. A few years later, probably in 1936, publication of the song in *Cobbers* came to the attention of the Australian publishers Allans Music<sup>7</sup> who held the rights to the song. A legal dispute arose between Allans and Oxford University Press<sup>8</sup>, accompanied by a flurry of legal footwork in Australia and the USA. OUP registered Wood's arrangement in North America on August 27, 1936. Allans registered their version (with Marie Cowan as arranger) on 23 December 1936. In January the following year OUP registered another two Thomas Wood arrangements in America.<sup>9</sup>

Why all this American copyright activity? At this point the copyright history of the song moves from book publishing to another cultural industry – recorded music.

Thomas Wood's arrangement of the song had been recorded in 1935 (or possibly 1936, the exact date is not clear)<sup>10</sup> by the famous Australian bass baritone Peter Dawson (1882-1961). Although this version was not a hit, the song itself was now well and truly in the mainstream popular song marketplace. On March 3 1938 Dawson recorded it again<sup>11</sup> with the addition of a kookaburra laughing as an introduction. This version was a smash hit and went on to become the internationally known version of the song and an increasingly valuable commercial asset.

Meanwhile the OUP and Allen's copyright dispute was settled, temporarily at least, in 1941 by OUP surrendering copyright to Allans - though OUP reportedly paid a large sum to Allans for their and Wood's infringement.<sup>12</sup>

At this point, the United States of America entered the story. On April 10, 1941 'the North American rights' in 'Waltzing Matilda' were licensed to Carl Fischer Inc. This inaccurately

<sup>4</sup> See National Film and Sound Archive <http://www.nfsa.gov.au/collection/sound/sounds-australia/waltzing-matilda/>, accessed October 2012.

<sup>5</sup> Wood, *Thomas Cobbers* (London: Oxford University Press/Humphrey Milford, 1934).

<sup>6</sup> *Cobbers*, 232-236.

<sup>7</sup> Though Richard Magoffin makes a good case that they were not really the copyright holders, see his *Waltzing Matilda: the Story Behind the Legend* (Sydney: ABC Books, rev edn. 1987. First published by Mimosa Press, 1983).

<sup>8</sup> Oxford University Press correspondence 1943-1965, in particular a letter to the Publisher of February 2, 1965 in which the unidentified author states that the Australian publishers Cheshire group and Landsdowne '... can, of course, be relied on to delight in anything that puts a British publisher in a bad light'.

<sup>9</sup> Magoffin, *Waltzing Matilda*.

<sup>10</sup> See NFSA Title No: 641503

<sup>11</sup> See NFSA Title No: 471322 (which credits Cowan as composer).

<sup>12</sup> Magoffin, *Waltzing Matilda*, 103-104.

credited Marie Cowan as composer rather than as arranger, a sleight-of-hand that strengthened the copyright claims of Allans and Carl Fischer.

Legal dealings with regard to the song were suspended during the remainder of World War II, though it was during this intense period that 'Waltzing Matilda' became firmly established in popular culture as a definitively Australian song, recognized as such not only by Australians but also by other nations, most crucially Britain and the United States of America.<sup>13</sup> By the end of the war in 1945 the song was being recorded by all manner of artists in Australia, USA and elsewhere in the world, earning a great deal of money for anyone who had a share in it.<sup>14</sup>

Matters rested that way until August 20, 1964 when Paterson's grandchildren renewed the 'cardinal registrations' of 'Waltzing Matilda' at the Copyright Office, Washington. This was related to the family's attempt to control the many subsequent republications of Paterson's poetry, including the lyric.<sup>15</sup> Less than four years later, on July 23 1968, 'renewal rights' for both the words and music of 'Waltzing Matilda' were 'assigned' by Allans and the estate of Marie Cowan to Carl Fischer Inc, in the United States. While all this was going on, OUP continued to publish the sheet music of Thomas Wood's arrangement of 'Waltzing Matilda' in the United Kingdom.

In 1984 Richard Magoffin, colourful and dogged pursuer of the 'right' and wrongs involved in the ownership of 'Waltzing Matilda', registered the USA copyright in the original 1895 musical composition by Christina Macpherson.<sup>16</sup> Magoffin claimed that this copyright ran out in 2011.<sup>17</sup> While this was more of a stunt to prove Magoffin's point about his view of the ownership issues of 'Waltzing Matilda', it did mean that anyone in the USA copyright territory who wanted to record the original version of the music had to obtain his permission first.

## Cultural Surrogacy

The copyright saga of 'Waltzing Matilda' highlights a number of actual and potential issues. These include the difficulties facing smaller countries in protecting their intellectual property and therefore preserving control of items related to cultural identity. Australia's colonial history as part of the British Empire has meant that the country's book publishing industry was heavily influenced by that of the United Kingdom. The influence of American popular music, however, has also been considerable in Australia since the nineteenth century and has meant that the Australian music publishing and recording industries also have a continuing connection with those of the United States. The larger power rivalries have thus been played out through Australia's cultural industries.

In *Books As Weapons: Propaganda, Publishing, and the Battle for Global Markets*, John Hench observes that after World War II 'In truth, Americans, including staff members of both OWI [Office of War Information] and the State Department, were determined to attack British control over Australian publishing.'<sup>18</sup>

After World War II, British and American publishers divided the English language book trade into the American (and Philippines) territory and the British territory, which was basically the Commonwealth countries, including of course, Australia.<sup>19</sup> The rest of the world was

<sup>13</sup> Anonymous, *Instructions for American servicemen in Australia* (Washington, D.C: War and Navy Departments, 1942) 22-25.

<sup>14</sup> The National Film and Sound Archive in Canberra, Australia holds the most comprehensive listing of 'Waltzing Matilda' recordings, currently numbering around 400.

<sup>15</sup> These re-registrations were done by and/or in conjunction with the publisher to whom Paterson – rather unwisely - sold the rights to the original lyric, Angus & Robertson.

<sup>16</sup> US Copyright Office PA0000233889 / 1984-05-30.

<sup>17</sup> Though, in a reply to a query from the author to the US Copyright Office on May 2, 2012, the respondent suggests that it is covered for 70 years after the 'creators' death.

<sup>18</sup> John B. Hench *Books As Weapons: Propaganda, Publishing, and the Battle for Global Markets*, (Cornell University Press, Ithaca/London 2010) 209.

<sup>19</sup> Chris Holifield "The English Language Publishing World", *Inside Publishing* [http://www.writersservices.com/res/ri\\_English\\_lang\\_market.htm](http://www.writersservices.com/res/ri_English_lang_market.htm), accessed May 11, 2012.

considered an 'open market.' The British were determined to preserve their traditional imperial prerogatives, even though the Empire had given way to the Commonwealth of Nations. This was not a purely commercial consideration, but one that involved the perceived 'Britishness' of Australia. This had been an important issue during the 1939-45 war and during the cold war that followed, as previously colonial countries in south Asia gained independence, often after nationalist insurgencies incubated during the war.

In 1944-5, Thomas Wood had returned to Australia under the aegis of the Ministry of information to promote Britishness as part of the fight against fascism, especially as the Japanese pursued it in Asia and the Pacific. He had earlier penned a soft propaganda work, *Cobbers Campaigning*<sup>20</sup>, echoing the same themes and trading on his popular image in Australia as a result of the great success of his earlier *Cobbers*. As the threat of Japanese military supremacy faded, Wood and a number of highly-placed military, media and other influential people took steps to ensure that British influence in Australia would remain strong after the war, both as a bulwark against communism, trade unionism and, especially, Americanism. Their proposed scheme involved a kind of Australian version of the British Council to operate in Australia and control information in the press, the book trade and music publishing.<sup>21</sup> During his first visit to Australia, Wood had ranted in his diary against the preponderance of American sheet music available in Australian music shops and what he considered to be an unacceptable paucity of British music.<sup>22</sup>

The plan to establish such a blatantly propagandistic enterprise never eventuated, probably because it was superseded by the establishment of publishing territories, a cheaper option for governments and one that preserved the façade of empire for the British. Nevertheless, the formation of the plan reflected the concerns in Britain about post-war American influence in the Pacific and Australia's status as a cultural as well as a political ally.<sup>23</sup> Those concerns have never faded.

In 2005, the 'Australia-United States Free Trade Agreement' (AUSFTA) was implemented in Australia. Among other things, this extended Australian copyright from 50 years after the death of the creator to the United States standard of 70 years for an individual and 95 years for a corporation. This 'Copyright Term Extension Act' is known colloquially as the 'Mickey Mouse amendment' due to the perception that Disney Enterprises lobbied for the extension as their existing copyright controls on well-loved and lucrative Disney characters were running out.<sup>24</sup> AUSFTA was, and remains, controversial in relation to copyright provisions, with some like economist John Quiggin arguing that Australia's cultural as well as economic interests would be damaged rather than enhanced by the agreement. Quiggin's view was that intellectual property matters, including copyright, were not appropriately dealt with in a trade agreement and, in that context, would threaten Australia's independence:

'A Free Trade Agreement between Australia and the United States should be confined to the removal of barriers to trade in goods and services. Issues relating to economic integration should be dealt with in a multilateral context and in a manner that does not prejudice the democratic rights of Australians to control their own social and economic institutions'.<sup>25</sup>

John Quiggin's research highlights the continuing interrelationships between culture, economics and politics. This is only the latest installment of a long-running story involving the copyright convolutions of 'Waltzing Matilda' and the attempted World War II cultural conspiracy of Thomas Wood and his collaborators.

<sup>20</sup> Thomas Wood, *Cobbers Campaigning* (Sydney and London: Angus & Robertson, 1940).

<sup>21</sup> Malcolm Uren papers, Battye Library of Western Australian History 3778A/50.

<sup>22</sup> Thomas Wood diary, c. 1930-33, Battye Library of Western Australian History

<sup>23</sup> Phillip Bell and Roger Bell, *Australia and the United States in the American Century: Essays in International History* (Perth: Network Books, 2006).

<sup>24</sup> John Quiggin "A completely misleading description"  
<http://evatt.org.au/papers/completely-misleading-description.html>

<sup>25</sup> Quiggin.

## Conclusion

AUSFTA continues to be controversial in Australia, especially with regard to the parallel importation of American books.<sup>26</sup> While the arguments for and against are couched in economic terms, the political and cultural issues symbolized by the copyright situation of 'Waltzing Matilda' remain the 'elephant in the room'. Australian cultural production in these fields, then, has always been – and continues to be – under the influence of external political and commercial considerations. As a small country of European origin located in the Asia-Pacific region, Australia has long been a surrogate for British and American machinations. The history and fragmented control of the country's national song demonstrates the extent to which those interests have transfixed its cultural industries.

---

<sup>26</sup> The Australian Government's Productivity Commission report on *Restrictions on the Parallel Importation of Books* (Canberra, AGPS, 2009) makes only two passing references to 'territories', 58, 71.

## REFERENCES

- Anonymous, *Instructions for American servicemen in Australia* (Washington, D.C: War and Navy Departments, 1942).
- Bell, Phillip and Bell Roger, *Australia and the United States in the American Century: Essays in International History* (Perth: Network Books, 2006).
- Congressional Research Report 'The U.S.-Australia Free Trade Agreement: Provisions and Implications' January 12, 2005 - RL32375  
<https://openers.com/document/RL32375/>
- Hench, John B. *Books As Weapons: Propaganda, Publishing, and the Battle for Global Markets*, (Cornell UP, Ithaca/London 2010).
- Holifield Chris "The English language Publishing World", Inside Publishing  
[http://www.writersservices.com/res/ri\\_English\\_lang\\_market.htm](http://www.writersservices.com/res/ri_English_lang_market.htm).
- Magoffin, Richard, *Waltzing Matilda: the Story Behind the Legend* (Sydney: ABC Books, rev edn. 1987. First published by Mimosa Press, 1983).
- Manifold, John, *Who Wrote the Ballads? Notes on Australian Folksong*, (Sydney: Australasian Book Society, 1964).
- May, S, *The Story of Waltzing Matilda* (Brisbane: W. R. Smith & Paterson, 1944).
- Mendelsohn, Oscar, *A Waltz with Matilda: On the Trail of a Song*, Melbourne: Lansdowne Press, 1966).
- Meredith, John and Anderson, Hugh, *Folk Songs of Australia and the Men and Women Who Sang Them* (Sydney: Ure Smith, 1968).
- O'Keefe, Dennis *Waltzing Matilda: the Secret History of Australia's Favourite Song* (Sydney: Allen & Unwin, 2012).
- Pearce, Harry, *On the Origins of Waltzing Matilda: (Expression, Lyric, Melody)*, (Melbourne: Hawthorn Press, 1971).
- Productivity Commission, *Restrictions on the Parallel Importation of Books* (Canberra: AGPS, 2009).
- Quiggin, John "A completely misleading description" <http://evatt.org.au/papers/completely-misleading-description.html>
- Rimmer, Matthew (2006). "Robbery Under Arms: Copyright Law and the Australia-United States Free Trade Agreement". *First Monday* 11 (3). SSRN 855805.  
[http://www.firstmonday.org/issues/issue11\\_3/rimmer/index.html](http://www.firstmonday.org/issues/issue11_3/rimmer/index.html).
- Seal, Graham "A Waltz with Thomas Wood: A Constructed Australian Life", *Australian Studies* 1 : 2 (second series) October 2010. DOI 152453.
- Seal, Graham, "Waltzing Matilda" in Gwenda Beed Davey & Graham Seal (eds) *The Oxford Companion to Australian Folklore* (Melbourne: Oxford University Press, 1993).
- Van der Ploeg, F, "Beyond the Dogma of the fixed Book Price Agreement", *Journal of Cultural Economics*, vol. 28, 2004 1-20.
- Wood, Thomas *Cobbers* (London: Oxford University Press/Humphrey Milford, 1934).
- Wood, Thomas *Cobbers Campaigning* (Sydney and London: Angus & Robertson, 1940).

## ABOUT THE AUTHOR

**Graham Seal:** Graham Seal is Professor of Folklore at Curtin University with an interest in the intersections of history and myth. He has published widely in relevant fields and is presently conducting research on the life and times of Thomas Wood, especially in relation to "Waltzing Matilda." He is also the Publisher of Black Swan Press, an academic publisher at Curtin University, and has a practical interest in the matters discussed in his paper. Further details at <http://research.humanities.curtin.edu.au/centres/aapi/>