

WESTERN AUSTRALIA. STOLEN WAGES TASKFORCE

# **Reconciling The Past**

**Government control of Aboriginal monies in**

**Western Australia, 1905-1972**

Report 2008



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## OVERVIEW

It is important to acknowledge Aboriginal people as the original custodians of the land on which the Colony of Western Australia was founded, and that as descendants of the first peoples they have made an irreplaceable contribution to the State's identity.

Since colonisation in 1829, laws and policies have been established to control the welfare and wellbeing of Aboriginal people. How an Aboriginal person was defined under legislation was the primary determinant to future experiences.

The purpose of this report is to review the practices surrounding the control of Aboriginal people's monies and to provide advice to Government on future policy options. This report is not intended to provide a critique of past practices, prevailing legislation, or commentary on former Government officials.

Aboriginal people experienced controls which had an impact on where they were allowed to work, travel and live, how much money they were paid, how they were paid, and whether they were eligible for entitlements such as pensions and child endowment.

In a contemporary setting, past laws and practices are the subject of public policy debate on the consequences of Government control on people who were in either in State care, taken away from family and/or whose income and entitlements were controlled. The current level of Aboriginal disadvantage is also seen as a legacy of the past that must now be reconciled and healed.

In undertaking this research, care has been taken to deal with the historical research, community consultation and report writing in a sensitive and respectful manner. The Stolen Wages Taskforce extends its sincere thanks to the many Aboriginal and Torres Strait Islander people who have willingly participated in consultations and public forums and in sharing their personal experiences and acknowledges those people who have passed away since telling their story.



## EXECUTIVE SUMMARY and RECOMMENDATIONS

In May 2007 Cabinet approved the establishment of the Stolen Wages Taskforce to identify the scope and extent of the 'stolen wages' issue, and to suggest policy options and administration issues. For the purposes of this Inquiry, the term 'stolen wages' is a label that describes the practice of Government control over the wages, savings, entitlements and other monies of Aboriginal people that applied across Western Australia. The Taskforce examined practices of Government control that applied between 1905 and 1972, and heard about many impacts that these systems of control had over their own and their family's lives.

State legislation provided the frameworks of control over Aboriginal people's lives in Western Australia and the consequential controls over Aboriginal people's property, including money. Commonwealth laws provided for the payment of entitlements, though these laws relied on State legislation to determine Aboriginal people's eligibility, and agreements with the State to monitor the system of third party warrantees to control payments.

### **1. Identifying the scope and extent of 'stolen wages'**

This Taskforce found extensive evidence about the systems of direct control over Aboriginal people's money, and has developed an understanding of the many systems of trust accounts used to manage this money. A full understanding of these systems is limited by the availability of documentary evidence.

One consequence of the direct Departmental control over people's lives was the control of property, most particularly for those under the legal guardianship of the Chief Protector or Commissioner. Aboriginal people experienced controls over their lives and money in different ways, which were influenced by a range of factors including the region where people lived, different employment and institutional contexts, and different experiences of men and women. The interplay between Commonwealth and State legislation also facilitated the control over lives and/or money in different ways in more recent periods.

Government controls were at their most extensive for those living on Government Settlements including Carrolup and Moore River, but were also in place in other institutions across the State. When living in these institutional contexts, and when Aboriginal people were sent to work across the State while still under the guardianship of the Protector, the Government directly controlled Aboriginal people's money through trust accounts. This included a portion of their wages being banked on their behalf, often without their

knowledge. More generally, Aboriginal people in the pastoral sector experienced indirect forms of control where the Government's obligation was principally to monitor and supervise employment conditions and the payment of Commonwealth entitlements.

The mechanism of financial control over Aboriginal people was the trust account, as permitted in the *Aborigines Act 1905*. A thorough understanding of the range of systems of trust accounts is hampered by the lack of records. Therefore, actuarial modelling has been used to estimate the amounts of money and the potential impact of the loss of this money.

When pieced together, documentary records and oral memory enables a reasonable picture of the systems of trust accounts to be understood. Documentary records show that there was a system of trust accounts and the extensive nature of the direct controls over these accounts. While there were attempts by the Government to return money held in trust accounts, the audit trail does not show a consistent pattern as to what happened to this money.

While written records lack detail of individual accounts, Aboriginal people have strong memories of the trust account system and the impacts of that control over money. The Department kept tight control over the accounts, and did not tell people the details of their accounts. Aboriginal people do not have detailed knowledge of how much was in their accounts, and at times they did not know the proportion of their wages being deposited. There is a strong common Aboriginal oral memory that this money was not returned.

## **2 Recommendations**

The Taskforce has found that the New South Wales model of reparation is not appropriate for the Western Australian context due to the multiple systems of trust accounts and the lack of surviving financial records in this State. For any reparation scheme, the legal liability issues relating to a monetary component are complex, given that payments are generally made on an *ex-gratia* basis, which requires claimants to a reparation scheme to relinquish their legal rights. Queensland and the Western Australian schemes in particular are *ex-gratia* schemes that require claimants to relinquish their legal rights.

In recognition of the continuing impact of past practices of control over Aboriginal people today, the Taskforce recommends that the Government implement a package of policy initiatives to recognise Aboriginal people as the original custodians of the land, reconcile with the past practices of Government controls, and to ensure a respectful process to resolve past experiences.



The Taskforce noted the strong message from individuals and Aboriginal communities as to the urgency to expedite the implementation of these recommendations for elderly community members. Some people have passed away since they gave submissions to the Taskforce.

**The Taskforce recommends that the Government consider the following policy initiatives:**

**2.1. Recognising Aboriginal people in our society**

- **Official recognition of past controls on Aboriginal people in the Western Australian Parliament through a Ministerial Statement, that includes a formal apology for the impacts of past income controls, their effects on Aboriginal people and public recognition of the substantial contribution Aboriginal people have made to the social, economic and cultural development of the State, and those who served in, or assisted, the armed forces;**
- **Constitutional recognition of Aboriginal people in the State's Constitution as the original inhabitants of Western Australia and make legislative amendments to the *Constitution Act 1889*, as matter of priority;**
- **Formal recognition through a policy of 'Welcome to Country' for all events of public significance, as a sign of respect to traditional owners as the original inhabitants of Western Australia;**
- **Community recognition through projects which includes funds for headstones, memorials, special burial areas and signposting of significant places, sites and other information; and,**
- **Public recognition through encouraging the use of the Aboriginal flag on Government and other buildings.**

**2.2 Reconciling past income controls**

- **Establish a scheme for an *ex-gratia* 'Common experience payment' to those still living who experienced direct Government control over their money. Particular care needs to be taken with designing the thresholds of evidence**

and application mechanisms so as to minimise the trauma involved in the process; and,

- Establish a 'Community Experience Fund' of equal total value to the *ex-gratia* 'Common experience payment' scheme, to encourage economic development. This will acknowledge the broader impact of lost economic opportunity for those who are now deceased and whose money was controlled.

### **2.3. Resolving past experiences. Retelling the stories, Rebuilding the future**

- Establish a culturally appropriate oral history program to enable Aboriginal people's stories to be preserved;
- Establish a program of community healing and therapeutic services to provide individuals, families and communities who have suffered from past Government controls with the capacity to deal with the effects of these events;
- Establish a single Aboriginal family history service to facilitate improved access for Aboriginal people across the State; and,
- Establish a program to educate and train Aboriginal archivists, so as to provide services in a respectful and culturally appropriate way to Aboriginal people.

### **2.5. Administration of policy initiatives**

The Taskforce recommends that the Government allocate resources to a two-year implementation program specifically to:

- Establish a 'Stolen wages' unit with terms of reference and a timeframe to progress approved policy initiatives; and,
- Examine the potential for administrative efficiencies for *ex-gratia* payments with RedressWA to reduce impacts on Aboriginal people in relation to any repayment scheme.

# CHAPTER 1

## INTRODUCTION

### 1.1 Background

For the purposes of the report, the term 'stolen wages' refers to wages, savings, entitlements and other monies that Aboriginal people may have had controlled by Government in Western Australia between 1905 and 1972. This control occurred during times where Government policy and administrative practice facilitated extensive controls over the lives, employment and money of many Aboriginal people. The systems of control created by State legislation, and the inter-relationships between State and Commonwealth legislation, are both complex and ambiguous. For some there was almost total State control over the lives and property of Aboriginal people, including mechanisms for the management and control of money through trust accounts. For others, the lack of frameworks of control led to the non-payment or underpayment of wages, and for others administrative incursions into their lives only came in the 1960's with eligibility for, and control over, Commonwealth entitlements.

The Commonwealth Parliament Senate Standing Committee on Legal and Constitutional Affairs (the Committee) report *Unfinished Business – Indigenous Stolen Wages*<sup>1</sup> recommended that the Western Australian Government act on the matter of 'stolen wages' and establish a compensation scheme, using the New South Wales scheme as a model. There have been calls from Aboriginal people in Western Australia since 2000 to investigate this specific issue.

In May 2007, the Western Australian Cabinet approved a process to examine the practices of control over Aboriginal people's wages, savings, entitlements and other monies through legislative provisions that applied in 20<sup>th</sup> century.

The Government approved the establishment of a Stolen Wages Taskforce (the Taskforce), which includes representatives from the Departments of Premier and Cabinet, Treasury and Finance, Culture and the Arts, the Departments for Communities, Child Protection and Indigenous Affairs. The Minister for Indigenous Affairs' Policy Officer represents the Minister on the Taskforce.

The role of the Taskforce is to:

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<sup>1</sup> Standing Committee on Legal and Constitutional Affairs, *Unfinished Business: Indigenous Stolen Wages* (Commonwealth of Australia: 2006).

1. Identify the scope and extent of the stolen wages issue by:

- Determining relevant records and specialist advice required;
- Undertaking analysis, seeking advice as required and formulating an appropriate research methodology;
- Undertaking comprehensive and appropriate consultation with Aboriginal people and communities, agencies and other parties on the scope and nature of the issues associated with monies withheld from Aboriginal people;
- Conducting a number of case studies; and

2. Suggest policy options for going forward:

- Options could range from having no reparation scheme to alternative models for reparation schemes and identifying any administration issues.

The Aboriginal and Torres Strait Islander Advisors (the Advisors) were appointed through a public application process in November 2007 to provide cultural and ethical guidance and support to ensure the cultural integrity of the work of the Taskforce.

The Taskforce met on nine occasions. The Advisors met on seven occasions to provide advice and guidance on cultural and ethical issues. The report has been read independently by an Aboriginal man and an Aboriginal woman, to provide specific advice on the culturally appropriate use of language and other pertinent issues.

## CHAPTER 2

### METHODOLOGY

#### 2.1 Documentary research

A combination of methodological approaches, along with a diverse range of historical sources, have been used to build a picture of the legal, administrative and financial structures which served to reinforce the Government control of Aboriginal people's money, and the impact of these frameworks on the lives of Aboriginal people.

In order to understand the complexities and ambiguities of Government controls during the period, the Taskforce determined the two major research questions. These were

- Is there a case for the Government to consider reparation for 'stolen wages'; and,
- If so what is the case – what is the evidence base from which to derive policy options for reparation?<sup>2</sup>

In order to identify whether such a case exists the project team has examined:

- Historical legislation, policies and practices that were in place;
- What monies were controlled, how were they controlled and by whom;
- The amount of money controlled and/or withheld; and,
- How many Aboriginal people were affected.

In addition, an integrated study of legal, administrative and financial frameworks of control was undertaken.

- The State Solicitor's Office provided advice to understand the legal basis for Government control of Aboriginal people's lives and property;
- Archival files have been examined in order to identify relevant administrative policies and practices of State and Commonwealth Governments, and to identify evidence as to what monies were controlled and how; and,

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<sup>2</sup> Stolen Wages Project Team. *Research Strategy*. November 1 2007

- Actuarial modelling has been utilised to illustrate the amount of Aboriginal people's money controlled by the Government, private institutions and warrantees. Actuarial modelling was also undertaken to assess the potential financial impact of Government controls on Aboriginal people.

## **2.2 Case Studies**

Case studies have been undertaken to build a picture of the implementation of policies and practices and to gain insight into the broad patterns of experience across different sectors, regions, time periods and genders. Case studies were chosen to highlight the impact of legislative frameworks and departmental administration, and also took into account the nature of documentary records, pre-existing oral testimony and written submissions as part of the 'Have your say' process.

Eleven case studies were chosen; four Missions, four stations and three institutions or Government Settlements. The selection of these case studies took into account advice from the Advisors to the Taskforce; information received from public submissions; the extent of Government and private records; whether the individual cases were deemed to have historical significance and/or significance to Aboriginal people; whether the case study was representative of a certain age group, gender, chronological period, region or sector; and what system of control was indicated through preliminary research.

The case studies examined:

- Missions of Beagle Bay (linked with Holy Orphanage), Jigalong, the Goldfields Missions of Wongutha, Norseman and Mt. Margaret (combined) and the Benedictine Mission of New Norcia;
- Pastoral stations within the Pilbara, Murchison/Gascoyne, Goldfields and Kimberley; and,
- Government run institutions of Carrolup and Moore River and the privately run institution of Sister Kate's Children's Home.

In understanding the nature of the policies and practices and the impact of these systems on individuals over time and place, a number of personal case studies were researched to see if it was possible to establish how much money was withheld or paid to an individual, to establish whether individuals wages were withheld, and to understand the relationship between the written and oral evidence.

While Government archives tell the Government version of events, they do not necessarily represent Aboriginal people's memories of these events and experiences, nor do Government

archives document the personal impact of systems of control on Aboriginal people's lives. Aboriginal people gave written and oral evidence during the community consultation process so as to provide a balance and perspective alongside other forms of information.

### **2.3 Consultations and Engagement**

Appropriate consultation with Aboriginal people, communities, agencies and other parties was undertaken on the scope and nature of the issues associated with the Government control of Aboriginal people's monies. These consultations were essential to the Taskforce achieving its goals. The key aims of the consultations were:

- to discover and gather information to assist in identifying the nature and extent of Government control of Aboriginal people's money in Western Australia; and,
- to engage with and determine stakeholder views, particularly the views of Aboriginal people in Western Australia, regarding possible options and outcomes in order to respond to and address past Government control of Aboriginal people's money in Western Australia.

Under the banner 'Have Your Say' people were invited to share knowledge and experiences of relevance to the issue. The formal consultation period ran between October 2007 and January 2008 to ensure maximum community input.

In order to increase awareness of the consultation process, in particular amongst Aboriginal people and communities, a number of communication mechanisms were used. A series of advertisements about the processes were placed in regional Western Australian newspapers from September 2007, as well as in *The Koori Mail*, *The West Australian* and *The Australian*. Press releases were circulated to local media, and interviews with community radio stations and newspapers were carried out to inform people about upcoming community meetings in their area. A dedicated section of the Department of Indigenous Affairs website provided information and updates on the Project.

#### **Consultations with Indigenous People, Communities and Organisations**

The 'Have Your Say' process invited Aboriginal people to share information about their knowledge and experience of Government control of monies, as well as information about family members who have passed away or who were unable to provide information themselves. Information could be provided in written or oral form, including over the telephone. Community members were able to provide information in person at Department of Indigenous Affairs offices and at the community meetings held throughout the State.

Over five hundred submissions were received by the Taskforce.<sup>3</sup>

There were sixty-two meetings held in fifty-eight towns and communities throughout Western Australia, with over nine hundred and twenty attendees in total.<sup>4</sup> These meetings were open community forums. The meetings were information sharing sessions followed by an opportunity for those attendees who wished to do so, to share their story and raise issues either as a group or on a one-on-one basis with project staff.



Figure 1: Map to show location of public meetings

Department of Indigenous Affairs regional staff and senior Aboriginal staff attended most community meetings, providing local knowledge, links to the communities, building existing relationships and initiating new ones. The Advisors to the Taskforce provided cultural and ethical guidance in respect of the consultations and assisted with consultations in particular regions. At the majority of meetings, local Aboriginal people were engaged as facilitators, and

<sup>3</sup> Submissions to the Taskforce were given on the understanding that confidentiality of individuals would be assured.

<sup>4</sup> At three meetings there were no attendees due to circumstances beyond the Project Team's control, however, where possible information about the project was circulated to community members. A further three scheduled meetings were also cancelled due to flooding in the East Kimberley region.



interpreters were also engaged where required. Where possible, Aboriginal Elders were engaged to give the Welcome to Country. The involvement of community members in organising and facilitating the meetings was a key element in building relationships and maximising community's awareness of, and engagement with, the project.

Meetings were also held with Aboriginal representative organisations across the State in order to share information, raise awareness, and seek input on the work of the Taskforce. This included the Aboriginal Legal Service of Western Australia (Inc), Native Title Representative Bodies, Language Centres and Link Up Programs – in total the project team met with fifteen Indigenous organisations.

### **Targeted consultations with other stakeholder groups**

Targeted consultations were also undertaken with other stakeholder groups, including church groups, State and Commonwealth Government departments and agencies (including interstate jurisdictions who have implemented repayment or reparation schemes), peak representative bodies and research organisations.



## CHAPTER 3

### LEGAL FRAMEWORKS

#### 3.1 State and Commonwealth legislation

The State and Commonwealth provided legal frameworks for the control over Aboriginal people's lives and money.

The *Aborigines Act 1905 (Aborigines Act)*<sup>5</sup> and the *Native Welfare Act 1963 (Native Welfare Act)* outlined the legal frameworks which provided the control over Aboriginal people's lives in Western Australia and the consequential controls over Aboriginal people's property, including money.

The *Social Services Consolidation Act 1947* was the main Commonwealth Act relating to the lives of Aboriginal people in the context of income and eligibility for entitlements. Age Pensions were introduced in 1908,<sup>6</sup> but Aboriginal people had no entitlement at all to most types of benefits until 1942.<sup>7</sup> After 1942, entitlements were extended to Aboriginal people who were 'exempt' from the provisions of the State *Aborigines Act*,<sup>8</sup> or an Aboriginal person whom the relevant Commonwealth authority believed should receive an entitlement on the basis of the persons 'character, standard of intelligence and development'.<sup>9</sup> These restrictions were removed from February 1960, although Aboriginal people who were defined as 'nomadic' or 'primitive' continued to be ineligible for Commonwealth entitlements.<sup>10</sup> The final

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<sup>5</sup> The *Aborigines Act* commenced 23 April 1906, and was amended a number of times during the course of its operation in 1911, 1931, 1936, 1941, 1947, 1954, 1960. Pursuant to amendments, the Act changed its name to the *Native Administration Act*, and later, the *Native welfare Act*. The Act was substantially repealed on 20 May 1955 by the *Native Welfare Act 1954*, and the remainder of the Act was repealed on 1 July 1964 when the *Native Welfare Act* commenced. This Act was in force until 1 July 1972.

<sup>6</sup> The *Invalid and Old-Age Pensions Act 1908* (Cth)

<sup>7</sup> Sections 16(1) and 21(1)(b) of the *Invalid and Old-Age Pensions Act 1908* (Cth); section 6(2) of the *Maternity Allowance Act 1912* (Cth). One exception under section 15 of the *Child Endowment Act 1941* (Cth) related to the eligibility of the child allowance, to which Aboriginal people aged 16 years or under were entitled provided they were not 'nomadic' or dependent on State or Commonwealth Government support. Another exception was the war pensions (granted under the *War Pensions Act 1914* (Cth), and later the *Australian Soldiers Repatriation Act 1920* (Cth).

<sup>8</sup> With the commencement of the *Social Services Act 1959* (Cth)

<sup>9</sup> Section 16(1A) and 21(1A) of the *Invalid and Old-Age Pensions Act 1908* (Cth), inserted by sections 4 and 6 of the *Invalid and Old-Age Pensions Act 1942* (Cth); section 6(2A) of the *Maternity Allowance Act 1942* (Cth); section 14 of the *Widows Pensions Act 1942* (Cth)

<sup>10</sup> Section 137A of the *Social Services Act 1947* (Cth), inserted by section 24 of the *Social Services Act 1959* (Cth)

restriction on Aboriginal people's eligibility to Commonwealth entitlements was removed in 1966.<sup>11</sup>

A direct link between Commonwealth entitlements and the State was provided through the Commissioner of Native Affairs/Welfare who had the authority to determine who was eligible for entitlements based in part on reports from Government officials.

Responsibility for administering the *Aborigines Act* rested with the Department of Aborigines and successor agencies.<sup>12</sup> In 1972, the administration of Aboriginal Affairs was divided, with responsibility for the management of 'welfare' (including trust funds) being transferred to the Department of Community Welfare,<sup>13</sup> and responsibility for land and 'other monies' being administered under the *Aboriginal Affairs Protection Authority Act 1972*.

### 3.2 Controls outlined in State Acts

#### Caste

The *Aborigines Act* defined Aboriginal people and made specific distinctions according to their 'caste'. In 1905 the definition of an Aboriginal person included those who were seen as 'half caste' and in 1936 this was extended to include a definition of 'quadroon', and also those who associated with Aboriginal people, thereby including nearly all Aboriginal people of 'part descent'. How an individual was defined under the *Aborigines Act* in terms of 'caste' was a primary determinant in their future experiences and the nature of controls exercised over their life. These controls included where people were allowed to work, travel and live, how much money they were paid, how they were paid, whether their lives and money were controlled, who they could associate with, and whether they were eligible for Commonwealth entitlements under the Social Services Acts. This decision was often arbitrary, was made by Government officials and Protectors, and could also change over the course of an individual's life.

#### Legal guardianship

Under Section 8 of the *Aborigines Act* as originally enacted, the Chief Protector of Aborigines was the 'legal guardian' of 'every aboriginal and half-caste child until such child reaches the age of sixteen years'. One of the many implications of the role of being the legal guardian

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<sup>11</sup> With the commencement of the *Social Services Act 1966* (Cth)

<sup>12</sup> These agencies were The Aborigines Protection Board 1886-1898, the Department of Aborigines 1898-1909, Department of Aborigines and Fisheries 1909-1920, Department of the North West 1920-1926, The Aborigines Department 1926-1936, The Department of Native Affairs 1936-1954, the Department of Native Welfare 1954-1972.

<sup>13</sup> Section 14 of the *Community Welfare Act 1972* provided for the management of property (real or personal) of 'disadvantaged' individuals.

enabled the Commissioner to remove children from their parents without their consent. Legal guardianship of Aboriginal people under the *Aborigines Act* lasted until 1 July 1964.<sup>14</sup>

Under amendments made by the *Aborigines Act Amendment Act 1936 (Aborigines Act 1936)*, the Commissioner was the legal guardian of all Aboriginal persons up to the age of 21.<sup>15</sup> The legal guardianship applied 'notwithstanding that the child has a parent or other relative living'. After 20 May 1955,<sup>16</sup> the Commissioner was not the legal guardian of an Aboriginal child while that child was a ward of the State under the *Child Welfare Act 1947*. However, the Commissioner could 'direct what person is to have the custody of a native child of whom he is the legal guardian, and his direction has effect according to its tenure'.

### 3.2.2 Mechanisms of control outlined in State acts

The *Aborigines Act* provided for two controls over Aboriginal labour. Employers were controlled through the permit system, and Aboriginal people's wages were controlled through the use of trust accounts. Controls over employment options for Aboriginal people were also exercised by other Government departments such as Fisheries (pearling), Forests (sandalwood), Mines and Police (trackers).<sup>17</sup> An attempt to include a compulsory Native Medical Fund in the 1936 amendments to the *Aborigines Act* failed, and the system whereby an employer contributed to a central fund to pay for medical expenses of Aboriginal workers was only voluntary.<sup>18</sup>

#### The permit system

Under the *Aborigines Act* the Department controlled employers through the issuing of permits, and it was a legal requirement for an employer to hold a permit to engage Aboriginal people.<sup>19</sup> Although the permit system required employers to supply 'substantial, good and sufficient rations, clothing and blankets, and also medicines and medical attendance when practicable and necessary',<sup>20</sup> it neither provided wage rates nor that wages must be paid. An alternative system allowed the employer to take out an agreement which stipulated the wages to be paid, but this system was far less frequently used.

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<sup>14</sup> With the enactment of the *Native Welfare Act 1963*

<sup>15</sup> All Aboriginal children subject to the legal guardianship of the Commissioner were 'wards' for the purposes of the *Native Administration Regulations 1938*, and were subject to a number of powers relating to wards, including removal

<sup>16</sup> The date of the commencement of the *Native Welfare Act 1954*

<sup>17</sup> *Pearl Shell Fishery Regulation Act 1873* (this Act, and its amending Acts, including the *Pearl Shell Fishery Regulation Act 1875* were repealed on 12 December 1912); *Mining Act 1904*;

<sup>18</sup> Following the repeal of the *Native Welfare Act 1954* Aboriginal people came under the workers compensation system.

<sup>19</sup> Under sections 17, 18, 21 and 22 of the *Aborigines Act 1905*

<sup>20</sup> Department of Aborigines and Fisheries. *Employment of Natives – Permit Fees*. File 1909/1399. Cons 652. SROWA.

Protectors had the power to issue and cancel permits and agreements and were meant to supervise Aboriginal people who were employed.<sup>21</sup> They also had a general duty to 'exercise benevolent supervision and interest in and over all matters affecting the interests and welfare of natives and to protect them from injustice, imposition and fraud'.<sup>22</sup>

The permit system was abolished with the enactment of sections 20 and 21 of the *Native Welfare Act 1954*.<sup>23</sup>

### Trust accounts

Under section 33 of the *Aborigines Act*, the Chief Protector (and later the Commissioner) had wide powers to control the property, wages, estates and affairs of Aboriginal people.

The Commissioner was given express power to direct employers to pay a proportion of an Aboriginal person's wage into a trust fund controlled by the Commissioner by regulation 85 of the *Native Administration Regulations 1938*. This stated that

The Commissioner may direct that a specified portion of the wages of any native **not exceeding 75 per cent of the total** shall be paid to him in trust for such native, in any manner he may think fit, and such specified portion of such wages shall be paid by the employer to the Commissioner accordingly [emphasis added].<sup>24</sup>

This power was revoked in May 1955.

Monies from deceased estates and other entitlements, as well as money from Aboriginal people who absconded, were also placed in trust accounts, and the Commissioner had the power to dispose of this money into unclaimed monies accounts.<sup>25</sup> After July 1964, the powers and duties of the Commissioner were exercised by the Public Trustee.<sup>26</sup> Under section 36 and 37 of the *Aboriginal Affairs Planning Authority Act 1972*, the Public Trustee has obligations to give certain monies in its possession to the Aboriginal Affairs Planning Authority.<sup>27</sup>

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<sup>21</sup> Under section 27 of the *Aborigines Act*. Powers of supervision over employee relations continued under the *Native Welfare Act*, including the power (but not the duty) to inspect workplaces where Aboriginal people were employed.

<sup>22</sup> Under regulation 130 of the *Native Administration Regulations 1938*

<sup>23</sup> The numbers of permits noted in the annual reports is an indication rather than a record of the precise numbers of permits issued or people employed

<sup>24</sup> Under regulation 85 of the *Native Administration Regulations 1938*

<sup>25</sup> Section 33A of the *Aborigines Act 1905* (inserted by section 21 of the *Aborigines Act Amendment Act 1936*), and section 59E of the *Aborigines Act 1905* (inserted by section 31 of the *Aborigines Act Amendment Act 1936*).

<sup>26</sup> Section 26 of the *Native Welfare Act 1963*; regulation 50 of the *Native Welfare Act Regulations 1964*

<sup>27</sup> The property of certain intestate Aboriginal people continues to vest in the Public Trustee pursuant to section 35 of the *Aboriginal Affairs Planning Authority Act 1972*.

## Wages

The *Aborigines Act* did not provide for a minimum wage for Aboriginal workers.

Aboriginal people were either not covered by, or specifically excluded from, many awards until equal wages for Aboriginal people were introduced under the *Racial Discrimination Act 1975*. While Aboriginal shearers were sometimes paid award rates, efforts to have them included in the award in 1933 failed. In the agricultural sector, the *State Farm Workers Award 1944* contained a 'slow workers' clause specifically intended to apply to Aboriginal people so as to pay lower rates, and a 1950 agreement with the Pastoralists Association led to workers being paid a set rate in the West Kimberley. The *Pastoral Industry Award 1968*, which gave equal wages to Aboriginal workers in the pastoral industry, came into effect over the following year. For women, there were no award rates applicable to domestic workers, though in 1956, the 1950 award rates for 'New Australians' was used as a guide.<sup>28</sup>

Where Aboriginal people were not specifically excluded, the award system provided a framework for wage rates, but for many Aboriginal people in the workforce there were no controls over the wages that should be paid. This led to considerable variation in wages within the same sector across the State.

## Recordkeeping

Under Section 33 of the *Aborigines Act*, there was a requirement to keep proper records under the *Audit Act 1904*. This was by virtue of the Chief Protector being deemed a public accountant (emphasis added).<sup>29</sup> Responsibility for the administration of trust accounts was transferred to the Department of Community Welfare in 1972, and under section 18 of the *Community Welfare Act 1972* the requirement to keep proper records was retained.

### 3.3 Key controls in Commonwealth acts

The introduction of Commonwealth entitlements for Aboriginal people from 1941 generated new administrative systems to manage Aboriginal people's money. As a consequence, many people were brought under the control of the Department who, up until this point, had lived outside the Act.

Until the commencement of the *Social Services Act 1959*, Commonwealth authorities could direct that any Aboriginal person's entitlements could be paid directly to 'an authority of a State or Territory of the Commonwealth controlling the affairs of aboriginal natives ... for the

<sup>28</sup> Department of Native Welfare. *Native in Employment – Wages and Working Conditions, Awards Affecting Employment*. File 1951/0843 Cons 993. SROWA.

<sup>29</sup> Section 33 of the *Aborigines Act 1905*

benefit of the [Aboriginal person]' (or similar wording).<sup>30</sup> For certain types of entitlements, Aboriginal people could be paid less than the maximum rate payable to non-Aboriginal people.<sup>31</sup> From 1941 Missions could claim child endowments if they were not dependent on State or Commonwealth support, and from 1942 'aboriginal institutions' such as missions could receive child endowments with respect to Aboriginal persons they supervised for at least 6 months.<sup>32</sup>

The Commonwealth Acts made provision for entitlements to be paid to a third party where it would be 'expedient' to do so.<sup>33</sup> Specifically, from 1941 if the Director-General of the Department of Social Security thought it appropriate, he could authorise a warrantee to receive child endowment on behalf of an Aboriginal child,<sup>34</sup> and he also had the power to direct payment for an Aboriginal to either a State authority or another individual.<sup>35</sup> Under section 33 of the *Aborigines Act*, the Commissioner of Native Affairs had the authority to manage the property of Aboriginal people, and Departmental Officers and Protectors could be appointed warrantees under the *Social Services Act 1947*.<sup>36</sup>

The payment of entitlements to third parties under a warrantee system operated similarly for the Maternity Allowance and other payments on behalf of pensioners in specific circumstances (age, infirmity, ill health or improvidence) from 1947,<sup>37</sup> and for receipt of Commonwealth Old Age Pensions from 1960.<sup>38</sup> The Department of Social Security policies outlined the duties of station warrantees including the provision of pocket money for pensioners own use, separate pension records kept for each individual pensioner and the provision of suitable maintenance and improvements to a pensioner's accommodation and general welfare.<sup>39</sup>

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<sup>30</sup> Section 44A(2) of the *Invalid and Old-Age Pensions Act 1908* (Cth), inserted by section 13 of the *Invalid and Old-Age Pensions Act 1942* (Cth); section 9A of the *Maternity Allowance Act 1912* (Cth), inserted by section 4 of the *Maternity Allowance Act 1942* (Cth); section 43(2) of the *Widows Pensions Act 1942* (Cth); sections 47, 76 and 91 of the *Social Services Consolidation Act 1947* (Cth)

<sup>31</sup> Section 44A(1) of the *Invalid and Old-Age Pensions Act 1948* (Cth); inserted by section 13 of the *Invalid and Old-Age Pensions Act 1942* (Cth), section 43(1) of the *Widows Pensions Act 1942* (Cth)

<sup>32</sup> Section 13(1A) of the *Child Endowment Act 1941* (Cth), inserted by section 6(b) of the *Child Endowment Act 1942* (Cth)

<sup>33</sup> Section 22(1) of the *Child Endowment Act 1941* (Cth).

<sup>34</sup> Regulation 16(1) of the *Child Endowment Act Regulations 1941*. (Statutory Rules No. 180 – 1941)

<sup>35</sup> Sections 47, 76 and 91 of the *Social Services Consolidation Act 1947* (Cth).

<sup>36</sup> When the act was reprinted after the enactment of the *Aborigines Act Amendment Act 1936*, this section had been renumbered as section 34. It was then the Commissioner of Native Affairs who held the power.

<sup>37</sup> Section 72 of the *Social Services Consolidation Act 1947* (Cth)

<sup>38</sup> Section 8 of the *Social Services Act 1959* (Cth)

<sup>39</sup> Department of Social Services. *Reports of Inspections of Settlements, Missions, Stations, Etc Western Australia at Which Social Service Payments to Aborigines Are Made*. Item A2864. Series number A884. National Archives of Australia.



### 3.4 Summary

Aboriginal people's lives were controlled by a complex network of legislative controls, and cross-jurisdiction administrative practices.

How individuals were defined in terms of 'caste' under the *Aborigines Act* shaped how their lives and property were controlled. People who experienced the most direct controls over their lives and property, including money, were those who were defined under the Act as 'half-caste', and from 1936, 'quadroon'. Those who fell under the legal guardianship of the Chief Protector and who lived in an institutional context, experienced the most close and direct control over their lives.

There were inter-related systems of Government control over labour whereby the Department had control over both employer through the permit system and employee through the trust fund. On the one hand the Government required employers to have permits to employ Aboriginal people, and on the other, the Government directly controlled wages from Aboriginal people's labour. Consequently, where people came to the attention of the Department, there was almost total control by the Government over both where, and the terms under which, an individual worked, and over the income component of the wage.

Many, but not all, who had their lives controlled under the *Aborigines Act* had their money controlled. The systems of control over Aboriginal people's lives and money were made more complex with the introduction of controls over Commonwealth entitlements for Aboriginal people from 1941. For those who may have lived outside the *Aborigines Act*, eligibility for Commonwealth entitlements brought new State and Commonwealth controls over lives or money. Systems designed to facilitate the payment of Commonwealth entitlements to Aboriginal people from 1941 meant that people whose lives had up until that point been free from Departmental control, came to their attention for the first time. However, not all who had their money controlled under Commonwealth acts in the 1960's had experienced prior State control over other aspects of their lives.

The mechanism of financial control over Aboriginal people was the system of trust accounts as permitted in the *Aborigines Act*, and this included money from wages and other sources including deceased estates.



## CHAPTER 4

### SYSTEMS OF DIRECT STATE CONTROL

I have lost everything because of the so-called Protector of Aborigines. I lost my right as a human being, my parents, my siblings, my culture and my land, rights of living on the land and nurturing. I have had haunted memories of my youth. I have suffered this all of my life and so have my children ... It's bloody sad don't you think so?<sup>40</sup>

This chapter examines the systems of direct controls over Aboriginal people's property, including money, which are a consequence of the control of other aspects of their lives. Through the use of oral sources and submissions to the Taskforce, this chapter illustrates the operations of these controls on the lives of Aboriginal people.

#### 4.1 Direct controls

From 1915, Government policy shifted from placing children into Church run missions, to removing children from families all over Western Australia to Government Settlements in the South of the State. The *Aborigines Act* gave the Chief Protector legal guardianship over Aboriginal people, and one action emanating from this was the power to remove Aboriginal children from their families without their consent. The Department closed specific ration depots to force Aboriginal people to move onto the Government Settlements of Carrolup and Moore River in the South, and into Moola Bulla Station in the North of the State.

Government controls over Aboriginal people's lives and the control of their property were extensive at the Government run Settlements of Carrolup and Moore River Native Settlement and in specific institutional contexts such as that which operated at Sister Kate's Children Home.<sup>41</sup> However Aboriginal people also experienced a range of direct controls over their lives and property in other missions and institutions cross the State including Roelands, Moola Bulla, New Norcia and Karalundi.

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<sup>40</sup> Public submission 174

<sup>41</sup> Carrolup was established in 1915 and Moore River Native Settlement was established in 1918. Moola Bulla Station operated in East Kimberley, and it was originally opened in 1910 as a ration station and Government run station. It was intended to be an alternative to the more expensive option of imprisoning large numbers of Aboriginal people, and there would be further savings to the Government as missions would no longer need to be subsidised. Ration stations were centralised throughout the State to compel people to move into these Settlements. Sister Kate's opened in 1933, and was proclaimed as a Native institution from 1937 to 1957, which ensured receipt of Departmental subsidies and access to Commonwealth entitlements.

#### **4.1.1 Working on Settlements under the direct control of the Government**

The combination of being removed from family, along with being defined by the Chief Protector or the Police (as Protectors) by 'caste' under the *Aborigines Act*, were determining factors for the course of Aboriginal people's lives, and families who were broken up as a consequence of their lives coming under the *Aborigines Act*. One Aboriginal woman explained how children in her family were affected by Departmental decisions based on 'caste', and the effects of this on the families who were broken up.

There was two of my cousins, the one with fair skin went to Sister Kate's and the dark skin went to Roelands ... it was hard to get the family back together because all that time was lost.<sup>42</sup>

Aboriginal people defined as 'half caste' and who were sent to or worked on the Government Settlements fell into one of three groups: warrant cases, ordered there for 'misbehaviour' or for treatment for medical conditions;<sup>43</sup> Aboriginal staff whose skills (whether acquired inside or outside of the Settlements) were essential to the running and development of the Settlements; and workers who once lived on the Settlements but now worked outside the Settlements for wages and may have returned to the Settlement between jobs. Children who lived at Sister Kate's were predominantly those defined by the Chief Protector as 'quarter caste', many who were transferred from Moore River.

For Aboriginal people working on Settlements and specific institutions, direct Government control over employment and wages fell into two distinct areas:

- People who were working and earning wages while directly under the control of the Department within the Settlements experienced the most extensive controls over their lives and property; and,
- Those who were working outside the Settlements while their external employment remained under the control of the Department.

The Department retained control over the place and terms of employment of Aboriginal people, including the deduction portions of wages to be placed in trust accounts. This also included some people working outside Settlements who came under the control of the Department for reasons other than living on Government Settlements.

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<sup>42</sup> Maralyn (Malley) Collard, Stolen Wages Taskforce. *Personal Stories and Experiences Booklet*.

<sup>43</sup> 'misbehaviour' was a term like 'neglect', 'absconding' and 'anti-social behaviour' which were used to cover for a range of specific acts by the Department including removal of children

All the Government Settlements used Aboriginal labour in an attempt to develop the sites into self-supporting farming enterprises and become primarily training institutions.<sup>44</sup> At the time of the establishment of Moore River and Carrolup during World War I, there was a strong demand for labour of all kinds, particularly in the South, and Aboriginal people were in a position to receive good wages and conditions working outside the Southern Settlements. This situation placed sufficient pressure on the Department so that from August 1917 they began to pay wages for some Aboriginal people (both adults and children) at Carrolup, along with rations and 'all necessary clothing'. Paying wages to some workers was intended to ensure there was sufficient labour to undertake key work on the Settlements,<sup>45</sup> and on occasions the Department controlled access to higher paid work through denying people permission to work outside the Settlements.<sup>46</sup> With both Moore River and Carrolup operating on limited finances, the Department maintained a close scrutiny on expenditure, including the payment of wages.

There were marked differences in the experiences of work at the Government Settlements for males and females. Men's work included land clearing, general farm work and shepherding, vegetable growing and local road building.<sup>47</sup> Women worked in the bakehouse, in the sewing room and undertook domestic and kitchen chores around the Settlements. While men grew produce on the Settlements which served to reduce Government ration bills, women's work in particular involved the manufacture of garments for distribution across the State, and this work contributed directly to the finances of the Department.<sup>48</sup> For girls, apart from the dozen or so who worked in the sewing room, there were fewer jobs around the Settlement and no opportunities for vocational training.<sup>49</sup> One woman remembers what this work involved during her time at Mogumber Mission (previously Moore River):

We had to do all the work from milking cows, collect sticks for morning fire, making food for the big kids. ... if you didn't get any stick you would go without breakfast ... You had to go to school and you still had to do the work.<sup>50</sup>

Some of the labour needs of the Settlements and Sister Kate's were met through moving people between Settlements. The transfer of 'lighter coloured' and 'quarter-caste' children

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<sup>44</sup> Anna Haebich, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940* (Nedlands, WA: University of Western Australia Press, 1988). p. 177

<sup>45</sup> Colonial Secretary's Office. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay* File 1921/2190. Cons 1326. SROWA.

<sup>46</sup> ———. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*

<sup>47</sup> ———. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*

<sup>48</sup> Haebich, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940*. p. 178. For example by 1920 women at Carrolup were producing 7,500 garments a year and their work led to a 50 per cent reduction in Departmental expenditure on clothing which were distributed across the State.

<sup>49</sup> Susan Maushart, *Sort of a Place Like Home: Remembering the Moore River Native Settlement* (Fremantle: Fremantle Arts Centre Press, 1993).

<sup>50</sup> Geraldine Jackson Stolen Wages Taskforce. *Personal Stories and Experiences Booklet*.

from the Moore River Native Settlement, pastoral stations and fringe camps to Sister Kate's was carried out in particular between 1933 and 1948.<sup>51</sup> On a number of occasions Sister Kate also requested the Department to send her child 'helpers', who often came from Moore River.<sup>52</sup> When the school at Carrolup closed in 1950, children were transferred to institutions around Western Australia.

Sister Kate's also hired external Aboriginal staff (as opposed to employing inmates of the Home), and it seems that at least prior to 1938, she did not pay their wages on the grounds that 'workers in other institutions are not paid' and that she 'kept them in clothing'.<sup>53</sup> One person who worked at Sister Kate's from 1945-1955 stated in her submission

I worked domestically but received no wages only board.<sup>54</sup>

The cost of child maintenance was deducted from employee's wages whose children were in the Home,<sup>55</sup> and in one public submission it was noted that:

My father paid maintenance from 1942 [to Sister Kate's], until I turned 18 but I never get any money when I left.<sup>56</sup>

However, rather than banking money on individuals behalf, Sister Kate indicated that she would have preferred 'to let them have their 5/ a week and buy shoes, stockings, etc., themselves, so teaching them the value of money'.<sup>57</sup>

Wages for work on the Settlements were not always paid in cash. At Government Settlements in the late 1930's at least, people were paid in a combination of stores with a proportion of the wage being credited to trust accounts controlled by the Department.<sup>58</sup> By 1940, in part because of external economic opportunities which left the missions and institutions vulnerable to workers leaving for better pay outside, inmates at Carrolup expressed dissatisfaction at only being paid in stores with the rest of the wage sent for banking. The external economic pressures led to the introduction of a cash component as part of the payment for work, but this was at the discretion of the Superintendent. The policy reduced the percentage of cash

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<sup>51</sup> J Leaming, " "Nearly White": Assimilation Policies in Practice in Western Australia at Sister Kate's Home from 1933 to 1964" (University of Western Australia, 1986). p.24

<sup>52</sup> Department of Aborigines. *Home for Quarter Caste Children. Establishment of by Sister Kate*. File 1938/0306. Cons 993. SROWA.

<sup>53</sup> This occurred at least between 1938 and 1939. Department of Native Affairs. *Sister Kate's Home from Quarter Caste Children. Subsidy*. File 1934/0240. Cons 993. SROWA. See also letter from Sister Kate to the Editor of the *West Australian*, June 1939

<sup>54</sup> Public Submission 174

<sup>55</sup> CB *Personal History Card*

<sup>56</sup> Public submission 11

<sup>57</sup> Letter from Sister Kate to the Editor of the *West Australian*, June 1939

<sup>58</sup> Department of Native Affairs. *Carrolup Employment of Native Labour – Conditions and Rates of Pay*. File 1940/0003. Cons 993. SROWA.

from wages to be banked from 50% to 25%. Of the remaining 75%, 66% should be in cash and the remainder in stores. However, there was discretion from the Superintendent and Department, which meant that there was no uniform basis on which all employees were to receive their pay.<sup>59</sup> This system for part payment of wages in cash laid down in May 1940 lasted less than three years at both Government Settlements.

In May 1943 Government Settlements began paying 100% of wages in cash to Aboriginal people working on Settlements who were paid, and the practice that each person should sign for their wages on receipt of money was restated. With the strong demand for labour during the War, there was also pressure on Carrolup to employ Aboriginal people at market rates to ensure that important farming operations continued.<sup>60</sup> However, inmates were not always satisfied with the wage rates and often tried to negotiate better conditions. Most notably, there was a strike at Moore River in April 1949, deemed as 'just' by the Superintendent, that led to improved wage rates.<sup>61</sup>

However, not everyone who worked on the Settlements or at Moola Bulla was paid, rather, only those whose skills were imperative to the development of the farms. Who was paid and how much they were paid was at the discretion of the Superintendent and subject to approval of the Chief Protector, and this was decided in the broader context of budget constraints. Specifically, in 1918 it was Departmental policy to pay Aboriginal people at Carrolup less than equivalent wages, which could be earned outside the Settlement.<sup>62</sup> One woman remembers of Moola Bulla:

I was the stock camp cook at Moola Bulla ... My husband was the Head Stockman at Moola Bulla Station, we weren't paid any money we worked as 'slaves' and in return only received rations for the hard work we had to do.<sup>63</sup>

The Government Settlements and Sister Kate's were established as training facilities. It was intended that from aged fourteen, inmates were to be prepared for the workforce, with boys meant to have at least four hours industrial training in farm, stock and garden work, and for girls there were domestic tasks.<sup>64</sup> This training was generally inadequate and on occasions it

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<sup>59</sup> ———. *Carrolup Employment of Native Labour – Conditions and Rates of Pay*. ———. *Carrolup Employment of Native Labour – Conditions and Rates of Pay*.

<sup>60</sup> Department of Native Affairs. *Carrolup Employment of Native Labour – Conditions and Rates of Pay*.

<sup>61</sup> ———. *Moore River Native Settlement Employment of Native Labour – Conditions and Rates of Pay*. File 1943/0897 Cons 993 SROWA.

<sup>62</sup> Colonial Secretary's Office. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*

<sup>63</sup> Public submission 49

<sup>64</sup> Sally Hodson, "Making a Rural Labour Force. The Intervention of the State in the Working Lives of Nyungars in the Great Southern, 1936-1948," *Historical Refractions. Studies in Western Australian History* 14 (1993). p. 29

was questioned by the Department,<sup>65</sup> it did not appear to be taken seriously by the Superintendents, and it was often substituted when there was a requirement to undertake either chores or work. By 1956 at Jigalong Mission there was a policy to 'train' inmates over fourteen in domestic work and farm skills. However questions were raised as to whether departmental subsidies should be continued as trainees were seen to be 'earning their keep'.<sup>66</sup>

Many submissions to the Taskforce discuss the hard, yet unpaid, work undertaken by children on Government Settlements, in institutions and on Missions. The Department acknowledged that unpaid work of children and young adults was central to running the Government Settlements, and this was a considerable contribution to curbing expenditure. For example one woman remembers of her time at Roelands between the ages of eight and about sixteen:

All the work done there at Roelands was on a roster for girls and boys. I had to care for the young ones, help in the kitchen, wash clothes, polish floors, milk cows, pick the grapefruits from the orchard for export and help out the missionary. I had to get up at 5 in the morning, make my bed, have breakfast and then start on the chores ... No pay, I never got paid for nothing. I remember I took some clothing when I left that place and that's about all.<sup>67</sup>

In times of financial difficulty in particular, Sister Kate's relied heavily on the domestic duties carried out by the child inmates with no wages paid.<sup>68</sup> Children's chores included food preparation, domestic work and childcare for girls, and general handyman and gardening duties for boys. This work was often fitted around school hours, and at times was accompanied by maltreatment, and unfair expectations on the children to carry out hard physical labour.<sup>69</sup> As one woman remembers:

From aged 7 to 11 years I was at Sister Kate's in Queens Park. When I was 11 years old I worked all day in the 10 cottages did all the sheets and the linen washing. I did go to school for a couple of months at Roleystone when I was 11 years old, in Grade 5.<sup>70</sup>

Whether those doing these chores received pay is not clear in documentary sources, but Isobel Bropho recalls in a public oral history, her time at Moore River.

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<sup>65</sup> Department of Native Affairs. *New Norcia Mission – Native Matters*. File 1946/0528. Cons 1667. SROWA.

<sup>66</sup> Department of Aborigines. *Aborigines Rescue Mission. Jigalong. Subsidy*. 1954/0232. Cons 993. SROWA.

<sup>67</sup> Roma Kickett Stolen Wages Taskforce. *Personal Stories and Experiences Booklet*.

<sup>68</sup> Leaming, " "Nearly White": Assimilation Policies in Practice in Western Australia at Sister Kate's Home from 1933 to 1964". p. 43

<sup>69</sup> Anna Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000* (Fremantle: Fremantle Arts Centre Press, 2000)., p.283

<sup>70</sup> Public submission 254



No, we wasn't paid. We used to do it for nothing .... Oh, I didn't like it you know. But that was our job. We had to do it whether we liked it or not. ... Her job was to make the beds in the boys dormitory, sweep the dormitory. Another girl would have the job of cleaning the girls side. All had their jobs.<sup>71</sup>

A man remembers being paid for his work at Karalundi Mission, but does not recall what happened to his money.

On the mission I milked cows by hand, carted wood to houses, polished shoes and scrubbed the dormitory. I had schooling during the day and worked morning and afternoon. I got 2 bob a week and the money went into a tin with my name on it – we had to ask for it to buy things from the store – I'm not sure what happened to the leftover money.<sup>72</sup>

While there was a system of established wage rates and some workers on Settlements were paid, there was also official concern at the amount of apparently free labour that was being undertaken at the Settlements. In 1944 it was noted at Carrolup that

Many natives must be performing general duties at Carrolup for which they should be paid and I fear that the present position leaves us open to criticism.<sup>73</sup>

A year later the principle that reasonable wages should be paid to Aboriginal people working at Government Settlements was restated, without definition as to what wage rates should be. However, it was also noted that the free work undertaken by the children was 'an important feature and it saves the Government many hundreds of pounds' and that 'to give all these girls something would run into no small account'.<sup>74</sup>

The sewing rooms at Moore River and Carrolup were seen by the Department as one of the most important functions at the Settlement.<sup>75</sup> It was one place where women and girls worked at the Government Settlements, and the large number of garments that they produced provided significant savings for departmental expenditure. Despite an agreement in 1919 that Aboriginal women should be paid for their work in the sewing room,<sup>76</sup> Isobel Bropho, in a public oral history which outlines aspects of life at Carrolup, recalls that some women did not get paid for working in the sewing room. She said

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<sup>71</sup> *Interview with Isobel Bropho* OH2086. SLWA. p. 25

<sup>72</sup> Public submission 149

<sup>73</sup> Department of Native Affairs. *Carrolup Employment of Native Labour – Conditions and Rates of Pay*; ———. *Moore River Native Settlement – Training of Native Staff*. File 1940/0932 Cons 993. SROWA.

<sup>74</sup> Department of Native Affairs. *Carrolup Employment of Native Labour – Conditions and Rates of Pay*; ———. *Moore River Native Settlement – Training of Native Staff*.

<sup>75</sup> Department of Native Affairs. *Moore River Native Settlement – Sewing Room*. File 1940/0730. Cons 993. SROWA.

<sup>76</sup> Colonial Secretary's Office. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*

They used to have sewing: a woman to cut the trousers and the big girls would sew them on the machine. Some used to do the button hole sewing. But they never got pay. They was just doing that.<sup>77</sup>

Despite the sewing room at Moore River being an industrial production shop, the Department took exception to the room being seen under *Factories and Shops Act 1920*.<sup>78</sup> Following public criticism of the lack of pay for 'the sewing-room girls', the Chief Protector responded publicly, outlining not only that wages were not paid in cash, but also the extent of controls over Aboriginal people's money at Moore River.

Reference was made to the fact that the sewing girls receive no wages. That is only strictly accurate so far as it applies to wages in money. Among the sewing-room girls are those who are undergoing disciplinary treatment, who, even if wages were paid, would be unlikely to receive them. Nevertheless, all are provided with special concessions in the way of food, clothing and small luxuries.<sup>79</sup>

Maushart writes of the work and wages in the sewing room at Moore River that women were often only paid in chocolates.<sup>80</sup> Even where payment was agreed for those working the sewing room at Moore River in the early 1940's, the poor administration at the Government Settlements meant that it took two years before they finally got paid.<sup>81</sup>

#### **4.1.2 Working across the State under departmental control**

The Government Settlements were established as training facilities as part of a broader assimilation policy. From the 1920's, the Department increasingly took on the role of employment agency, sending trainees out to work in private employment when they reached the age of fourteen if they weren't required for work on the Settlements.<sup>82</sup> This created a situation where people were expected to work away from the Settlements yet their families were not free to leave the Settlement. Aboriginal people who were under the legal guardianship of the Protector, and who were more likely to be under 21, were sent out all over the state, without their consent. They had to work very hard for low wages, and were vulnerable to exploitation. One man described this complete control over his life.

Because I was taken away from my parents, the New Norcia Mission were totally responsible for me and they could send me to work anywhere they wished, with the support of the Chief Protector. My parents didn't have any say about where I was sent – nor did I.<sup>83</sup>

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<sup>77</sup> *Interview with Isobel Bropho* p. 19

<sup>78</sup> Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000*.

<sup>79</sup> *West Australian* 31 July 1936

<sup>80</sup> Maushart, *Sort of a Place Like Home: Remembering the Moore River Native Settlement*.

<sup>81</sup> Department of Native Affairs. *Moore River Native Settlement Employment of Native Labour – Conditions and Rates of Pay*.

<sup>82</sup> Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000*. p. 262; ———, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940*. p. 176

<sup>83</sup> Public submission 113

The Chief Protector negotiated wages on behalf of Aboriginal people, in particular for women under 21 who were sent out to work as domestics, and there was a constant demand for domestic servants from Moore River.<sup>84</sup> These negotiations included determining the wages to be paid as pocket money and how much was to be sent to the Department for 'banking' in a Departmental trust account on behalf of the person.<sup>85</sup>

Departmental correspondence shows that wage rates for women were much more tightly controlled by the Chief Protector, whereas men tended to have much more power to negotiate with individual employers, particularly as they were only under the legal guardianship of the Protector until they turned 21. For young people aged between 16 and 21 working at Carrolup in 1921, the minimum wage was 10/- a week with either 25% or 33% of the wages paid as pocket money and the rest being banked.<sup>86</sup> In 1941 for women in the south, the portion of their wage which was banked started at 66%, and after 12 months was reduced to 33%, whereas in the north the portion was 50%. In 1941 wages for men were fixed more by individual circumstance than centrally by the Department, and at times when they were sent to stations they were paid comparable rates to white workers, while boys sent out from Moola Bulla (a Government station) had wage rates negotiated by the Department with 50% to be banked.<sup>87</sup>

Both Moore River and Sister Kate's Home became popular sources of cheap and flexible labour, and both the Department and the Home received constant requests from farmers and their wives for the inmates' services.<sup>88</sup> Many young people who went out to work from the Settlements were trained for menial labour and domestic work through undertaking unpaid daily chores at the Settlements, and, by the age of ten a Sister Kate's girl was an adept house keeper and child minder.<sup>89</sup> Children were sent from Government Settlements and other institutional contexts including Sister Kate's across the State including to the Kimberley, Gascoyne and the South West, with boys working as agricultural labourers or as stockmen, and the girls as domestic servants. One woman wrote of her experiences:

At the age of 15 I was sent to work on a farm in Narrogin, not to work but to slave for up to 16 hours a day for the princly [sic] sum of 10 shillings a week. I never

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<sup>84</sup> Haebich, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940*. p. 213

<sup>85</sup> ———, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940*. p. 213

<sup>86</sup> Colonial Secretary's Office. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*

<sup>87</sup> Department of Aborigines. *Payment of Wages to Natives*. File 1933/0451. Cons 993.

<sup>88</sup> Leaming, " "Nearly White": Assimilation Policies in Practice in Western Australia at Sister Kate's Home from 1933 to 1964". p. 50

<sup>89</sup> Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000.*, p. 284

received a wage. I was told by both employers my wages were banked ... not so my bank was empty.<sup>90</sup>

Other institutions, including Church run missions, were also seen as a source of labour and young people were sent out from these institutions to work under Departmental control. One woman who left New Norcia and worked as a domestic for 8 years remembers:

I never saw money in all those years and never had any money given to me in the hand. What money I earned was sent to the Native Welfare Department. I know this, because the woman of the main house told me she was putting all the money in a trust for me. She would send a cheque to them every month ... I was never told anything else about the Trust Fund. I just knew it was there I never knew or was told about the amount of money that was in the trust.<sup>91</sup>

Departmental control over the lives of children at New Norcia and Sister Kate's and its related institution, Parkerville, was retained even when they were deemed of working age, due to the children being under the legal guardianship of the Commissioner. Girls from New Norcia were sent to work as domestics at Bindoon Boy's Town by the Mission as cheap labour for the Christian Brothers, under the guise of training. However the Commissioner noted that they were employed 'under such conditions as would not be possible to impose on any person who had the benefit of protection of an industrial wage'.<sup>92</sup> Wages were meant to be £2 a month with this money to be given to the girls following their discharge from New Norcia. It is unclear as to whether these girls ever received the wages, but oral testimony from MR, who was sent by the Mission to work at Bindoon Boy's Town at the age of 16, stated that while there she received food and board only for her work.<sup>93</sup> Sister Kate would request Parkerville children to work at Sister Kate's Home, or they were transferred there because the Department believed that Sister Kate had better contacts for employment.<sup>94</sup> However, questions were raised as to whether Sister Kate was restricting employment opportunities for children in her care and either not paying them or paying them lower wages than outside.<sup>95</sup>

While in the early 1920's it was 'not the custom of the Dept to put girls out to employment under 16 years of age',<sup>96</sup> wages due to children aged between fourteen and sixteen were paid *in toto* to the Department. At Sister Kate's the children were usually sent to work at 14

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<sup>90</sup> Public submission 8

<sup>91</sup> Hazel Forrest Stolen Wages Taskforce. *Personal Stories and Experiences Booklet*.

<sup>92</sup> Department of Native Affairs. *Bindoon Boy's Town – Employment of Natives* File 1952/0366. Cons 993. SROWA.

<sup>93</sup> ———. *Bindoon Boy's Town – Employment of Natives*

<sup>94</sup> Department of Aborigines. *Children's Home Parkerville. Return of Aboriginal Half Caste Children At*. File 1932/0351. Cons 993. SROWA.

<sup>95</sup> Department of Native Affairs. *Sister Kate's Home from Quarter Case Children. Subsidy*.

<sup>96</sup> Colonial Secretary's Office. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*

years of age to supplement the Department's subsidy, which stopped at 16.<sup>97</sup> Having been sent out all over the State to work, young people often had nowhere else to return but to their former place of residence, when they were in between jobs. One woman remembers she was sent out to work at 13:

The year we turned thirteen was automatic that we were taken out of school and was sent to work on farms, we never had the chance for a good education ... Each time after working for a family I was sent back to the Orphanage and worked in the Orphanage without pay and that would have been for over 4 years ... we worked so hard for very little return.<sup>98</sup>

Moore River Native Settlement was reportedly used as a 'labour pool' until at least the late 1940's.<sup>99</sup> While in 1944 it was noted that 'the practice of sending native youths from Moore River to districts which are far afield has been more or less discontinued as it has been found through lengthy experience that such action is unsatisfactory', some people sent from Moore River Settlement were still working on stations in regional Western Australia as both domestics and rural workers at this time.<sup>100</sup> In clarifying the shift in policy in 1953 the Commissioner noted that 'this office is not an employment bureau and that such service as it renders is on behalf of native girls in need of welfare assistance, it is not a service for employers'.<sup>101</sup> The practice of sending children out to work seems to cease around 1955 when the demand for unskilled farm labour abated, along with the dislike of the kind of work they were being sent out to do. Employment shifted towards the boys undertaking apprenticeships and the girls found office, retail or nursing work.

#### **4.2 Direct financial control**

The Chief Protector negotiated with employers to receive a proportion of the wages of those under his guardianship to be 'banked' in trust funds on their behalf. Money also came from deceased estates and other more occasional sources.

The Department exercised total control over the accounts, and in noting evidence from both documentary and oral sources, Haebich summarises the nature of this system of control.

Departmental files indicate that young people wrote into the department for goods to be purchased and forwarded to them. Nyungar oral history records that Chief Protector Neville was most unwilling to give out cash to workers.<sup>102</sup>

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<sup>97</sup> Leaming, " "Nearly White": Assimilation Policies in Practice in Western Australia at Sister Kate's Home from 1933 to 1964". p. 41

<sup>98</sup> Public submission 14

<sup>99</sup> Department of Native Affairs. *Inspector of Natives – Murchison District – Patrol Reports*. File 1949/0587. Cons 993. SROWA.

<sup>100</sup> ———. *Inspector of Natives – Murchison District – Patrol Reports*.

<sup>101</sup> Department of Native Welfare. *Employment for Native Girls* File 1950/0706. Cons 1733. SROWA.

<sup>102</sup> Anna Haebich, "Submission," (Submission no. 19 to the Standing Committee on Legal and Constitutional Affairs. *Unfinished business: Indigenous stolen wages*, 2006). p. 5

While the Department's view of keeping trust accounts was that 'This service is appreciated by those holding bank accounts as they are always free to withdraw funds whenever they require them, and at the same time they are seeing savings bank interest on their deposits,'<sup>103</sup> the system was not without its opponents. Haebich writes that

One young woman who had requested money from her account to buy a banjo objected to this and wrote to the Department stating, 'I am no child. I don't want to be rude but I do think I should have my money when I want it'.<sup>104</sup>

Many individuals also tried to get around the controls over their money, which were in place.

One man recalled going to his office with a friend to try to get money from his friend's account so they could go out to have 'a good time'. Aware of Neville's attitudes they told him they needed the money for clothing. To their dismay, Neville took them to a second-hand clothing store where he ordered the assistant to select a suit for the young man and to send the bill to his office.<sup>105</sup>

The Department deducted money from trust accounts without either the consent or the knowledge of individuals, and these included excessive charges for boarding while in Perth and medical fees if an employer was not contributing to the voluntary Native Medical Fund. Other deductions from trust accounts included money for rail fares, fines, funerals and maintenance for children on missions and in other care.<sup>106</sup>

However, many Aboriginal people apparently did not know about the existence of their trust account, nor was there information given out about how much was in the accounts. As one woman reported

We were never told anything else about the trust fund. We just knew it was there. I never knew, or was told about the amount of money that was in the trust.<sup>107</sup>

The lack of detailed knowledge about the assets held at the Department of Native Welfare on behalf of Aboriginal people was raised different times. In a District Office report from 1949, it was noted that Mrs McBeath reported that Aboriginal girls 'genuinely feel that the Department is keeping back portion of their money'. However, the suggestion to provide each trust

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<sup>103</sup> Commissioner for Native Affairs, "Annual Report for the Year Ending."

<sup>104</sup> Haebich, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940*. p. 214

<sup>105</sup> ———, *For Their Own Good: Aborigines and Government in the Southwest of Western Australia, 1900-1940*. p. 251

<sup>106</sup> Department of Native Welfare. *Patrol Officer – East Murchison (Meekatharra) Journal*. File 1958/0369. Cons 993.

<sup>107</sup> Public submission 1

account holder with an annual statement of account met with a response that it was an administrative impost.<sup>108</sup>

From 1964, lists of trust account balances and investments were circulated to the regional officers with an accompanying request to 'please ensure that the natives concerned are advised periodically of the amount held in trust for them', but there appears no administrative system within the Department to ensure that this was carried out. Concern that Aboriginal people were not aware that trust monies were held on their behalf was again raised in 1971 when 'it was agreed that the Department would ensure that Aborigines, on whose behalf trust monies are held by the Department, would be made aware of this fact'. A request for district officers to 'supply information as regards present address' for trust account holders demonstrates difficulties with tracking to whom the account refers, including several people with the same surname, finding the precise location of some people.<sup>109</sup>

One such example of this absolute control over monies by the Department occurred when individuals asked for their balance to be returned and it was not. For example, in 1936 AN asked for his money back. It was noted on his card that he had £40 invested in bonds by Department, but rather than returning the balance as requested, 'One £10 bond sold by Commissioner of Native Affairs', and the remaining '£30 in C bonds 1948 loan at 3.25%'.<sup>110</sup> And in another case which shows the arbitrary nature of Departmental decisions, WW had 2/5 to his credit in the Unclaimed balances account. It was argued that the man was 88 and had received Departmental assistance for years. 'The amount was so small and the Department has assisted W to such an extent that I consider the 2/5 should be retained by the Department and paid to the Native Administration Trust'.<sup>111</sup>

A biography of Jessie Argyle, who lived at Moore River before working as a domestic, reveals the nature and extent of the continual Departmental control over her life and money. Her grandson Steve Kinnane writes that:

Aboriginal women's wages were so low that almost anyone could afford to employ them. These women were in constant demand. The production line of the removal of Aboriginal children led to the creation of a cheap labour force. Tracking my own grandmother's movements across the pages of her file reveals houses and dwellings

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<sup>108</sup> Department of Native Welfare. *Trust Accounts - 1) Issue of Statements to Native Possessing, 2) Relaxation of Control of Trust a/C for Natives over 21 Years of Age*. File 1949/0740. Cons 1733. SROWA.,

<sup>109</sup> ———. *Trust Accounts - 1) Issue of Statements to Native Possessing, 2) Relaxation of Control of Trust a/C for Natives over 21 Years of Age.*; ———. *Natives in Possession of Cash and Investments in Trust. Lists for Submission to District Officers*. File 1959/0463. Cons 1724. SROWA.

<sup>110</sup> AN *Personal card*. Card 30. Cons 7108. SROWA

<sup>111</sup> Department of Native Affairs. *Native - L.W. And Family - Personal File*. File 1926/0441. Department of Child Protection.

far removed from the imagined mansions and manor houses that people generally associate with the sort of family that could afford to employ a servant. ...

The families owned the space, and for some, it seemed that they owned their servants too. Who Jessie saw, what she spent her money on, where she went on her day off, what time she made it back in at night, the state of her clothes, the size of her body - they made all this their concern too, in their letters to Mr Neville, who gladly received this information and stored it up on my grandmother's personal file ...<sup>112</sup>

Public submissions to the Taskforce show what happened to some of the money held in trust for those who were in other institutions. In two examples, a portion of wages earned on the farms as domestics were being 'forwarded to Sister Kate's Home for safekeeping or banking'. Upon returning they found their wages 'had been spent by one of the Cottage Mothers at Sister Kate's.'<sup>113</sup>

Some station workers had their wages controlled which may be as a result of individuals having previously been under the control of the Department. For example in 1950 the manager of Wagga Station reportedly paid trust money owing to the Commissioner direct to his employee. In indicating the extent of Departmental controls, the Inspector 'explained that this time it would be overlooked as it was violating the law to pay her direct, but in future any monies owing to an employee which should have been paid into trust, but is paid to the employee, will most likely have to be repaid to the trust account in question.'<sup>114</sup>

Records were meant to have been kept at institutions where there were individual accounts holding private cash wages. The failure of systems of administering private cash through dual signatures at Moore River led to allegations of 'misappropriation of natives cash monies by white staff'<sup>115</sup> and the method of recording wages 'much to be desired' at Mount Margaret Mission.<sup>116</sup>

More broadly, submissions to the Taskforce demonstrated in particular, how vulnerable young Aboriginal women were to being exploited when sent out to work yet their lives remained under Departmental control. One woman explains:

While in Sister Kate's Home, I was sent out to work on a property .... I worked on this property for no wages and was treated like a slave. While working at this place I was

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<sup>112</sup> Stephen Kinnane, *Shadow Lines* (Fremantle: Fremantle Arts Centre Press, 2003). p. 169-170

<sup>113</sup> Public submissions 7 and 28

<sup>114</sup> *Department of Native Affairs. Native Matters - Kirkalocka Station. File 1940/0840. Cons 993. SROWA. (Meekatharra) Journal* – Department of Native Welfare file 1958/0369 Department of Native Welfare. *Patrol Officer – East Murchison (Meekatharra) Journal*. Department of Native Affairs. *Inspector of Natives – Murchison District – Patrol Reports*.

<sup>115</sup> Department of Native Affairs. *Moore River Native Settlement*. File 1945/0294 Cons 993. SROWA.

<sup>116</sup> Department for Native Affairs. *Mount Margaret Mission – Reports on Inspection by C.N.A. On the 6th, 7th, and 8th of September 1939*. File 1939/0905. Cons 993. SROWA.



abused .... I reported this to the Matron at Sister Kate's and was punished. I was told it was my fault what had happened to me and had brought shame to Sister Kate's Home ... I am now 62 years old ... am forgetful with age but there are things you can never forget even if you try.<sup>117</sup>

Aboriginal people understood the systems of control well and often attempted to work around the structures that were in place. However, when unsuccessful, these attempts were often met with harsh punishment and further controls placed over their lives, in particular for those who absconded from the Settlements. The consequences of one attempt to resist Departmental controls were explained to the Moore River Settlement Superintendent:

Old man 'W' has asked that his sons 'R', 'L' and 'B' be allowed to go out on spec. looking for work. The idea is to get work themselves so that they can get all their wages. They reckon if the Department finds them a job the Department keeps half the wages and sticks to it. It would serve them right if they were turned out to battle for themselves. What about sending them to Sharks Bay for four months without their wives...?<sup>118</sup>

Another man who lived at Moore River with his family reflected on the impact of having his life controlled.

I spent over twenty-three years accounting to white authority without a say in my own affairs. ... But while I deferred to them, I never cowered before them.<sup>119</sup>

### **4.3 Summary**

There is extensive evidence about the systems of controls over Aboriginal people's lives. One consequence of the direct Departmental control over peoples' lives was the control of property, most particularly for those under the legal guardianship of the Chief Protector or Commissioner. These controls were at their most extensive for those living on Government Settlements including Carrolup and Moore River, but were also in place in other institutions across the State.

For many, the direct Departmental control over their lives and property continued after they left the Settlements, along with their status as legal guardians of the Chief Protector. These controls included the negotiation of wages in private employment, generally without the consent or knowledge of the individual concerned, and control over a proportion of their money through money being banked on their behalf in trust accounts.

Aboriginal people have very strong and persistent memories of the controls over their lives and property most particularly on the Government settlements, but also at other institutions

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<sup>117</sup> Public submission 174

<sup>118</sup> Department of Native Affairs. *Native - L.W. And Family - Personal File.*

<sup>119</sup> Rosemary van den Berg, *No Options, No Choice: My Father, Thomas Corbett, an Aboriginal Half-Caste* (Broome: Magabala Books, 1994)., p. 61

across the State. Stories of the almost complete nature of this control have been told in many of the over five hundred public submissions received by the Taskforce. These controls included restrictions on freedom of choice, permission to marry, movement off the settlement, education and employment. These memories are supported by the Departmental archives which demonstrate the existence, nature and extent of these systems of control.

The Taskforce heard memories, most strongly from women who worked as domestics, of the system of wages being placed in trust accounts without their knowledge or control, which may have often included portions of individual wages for up to almost a decade. It may be that people who had a broad network of contacts with others sharing similar experiences, or those who came to the city more often, had a better understanding of their trust accounts than those living in more rural and remote areas. There is also evidence that people tried to obtain money they saw as their own from their trust accounts, and that their attempts were often met with Departmental refusal. Those who spoke to the Taskforce about trust funds did not have good knowledge of the balances of their accounts, and this in itself is evidence of the almost complete control that the Department had over the money of Aboriginal people. One woman told the Taskforce of the continuing impact of government controls over her life after being sent out to work where she did not receive her money as entitled.

My self worth took a hammering ... life was painful and difficult ... it still affects me to this day.<sup>120</sup>

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<sup>120</sup> Public submission 8

## CHAPTER 5

# SYSTEMS OF CONTROL BETWEEN COMMONWEALTH AND STATE

... never got money in hand – went into stations – or welfare kept it. Gave them rations, didn't get pension.<sup>121</sup>

The introduction of Commonwealth entitlements for Aboriginal people from 1941 led to the creation of new administrative systems to control Aboriginal people's access to money. These systems brought Aboriginal people under the control of the Department who up until this point, particularly in the North of the State, had not experienced significant Departmental control over their lives, or in the South where Departmental controls outside Settlements were being gradually reduced.

This chapter looks at the relationship between the direct State control over access to Commonwealth entitlements as a consequence of the right to define who was Aboriginal, and the systems of indirect control surrounding the payment of Commonwealth entitlements.

### 5.1 State control of Commonwealth entitlements

The State had direct control over Aboriginal people's rights to access Commonwealth entitlements in three ways. Firstly the State was one major conduit through which Aboriginal people were informed of their right to apply for such money. Secondly, the Department exercised direct control over Aboriginal people's access to this money through its power to define the 'caste' of an individual under State Acts, thereby directly determining the eligibility of individual Aboriginal people for Commonwealth entitlements.<sup>122</sup> Thirdly the Department had direct control over bulk payments when acting as warrantee for those on missions, Government Settlements and town camps.

The Taskforce heard ways in which the State directly controlled access to entitlements based on how it implemented the requirement to prove eligibility on the basis of 'caste' under the *Aborigines Act*. In one example, one woman recalled:

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<sup>121</sup> Public Submission 66

<sup>122</sup> This determination was sometimes undertaken on the basis of informal judgments from local Departmental inspectors. Department of Native Welfare. *Murchison District – Patrol Reports – 1.7.51 – 30.6.52*. File 1952/0451. Cons 993. SROWA.

My mother applied for maternity allowance ... [it was] declined due to not being able to prove caste of her parents.<sup>123</sup>

The system of applying for entitlements and having to prove their 'caste' to be eligible confounded many people, who then sought assistance from individual community members. This was described in one example from Broome:

Lots of people didn't even get their pension – came to dad for help. Wouldn't give pension because he had no proof. Dad had to explain to Clerk of Courts, they fill in form, and he managed to get quite a few of them pension. It was hard to get, they had to get them to prove.<sup>124</sup>

From 1948, child endowment could be paid directly to the mothers if an officer of the department or policeman vouched for their ability to handle the money.<sup>125</sup> Even with this system of direct payments from the Commonwealth to individuals, the Commissioner could prevent direct payments of child endowment he considered too large to Aboriginal mothers, by diverting money into individual trust funds.<sup>126</sup> On occasions the Department supported payment of child endowment for children when they were in an 'approved' institution, yet were most reluctant for Aboriginal parents to receive entitlements when caring for their children.<sup>127</sup> One woman outlined the arbitrary manner in which the Department chose whether people received their entitlements.

When our children were being cared for at home by Mum they didn't receive the child endowment .... However, when the children were taken from Mum and Dad and placed in the New Norcia Orphanage, the Benedictine Monastery received child endowment for the children.<sup>128</sup>

The State also controlled the disbursement of bulk payments made from 1942 to eligible Missions, Native Institutions and Aboriginal people living on reserves,<sup>129</sup> which was supposed to be spent on 'the maintenance, training and advancement of the child in respect of whom it is granted.'<sup>130</sup> From 1942 the Department became eligible to claim child endowment for all children within Government institutions and until 1959, Commonwealth authorities could direct that any Aboriginal person's entitlements be paid direct to 'an authority of a State or Territory...controlling the affairs of aboriginal natives ... for the benefit of the [Aboriginal

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<sup>123</sup> Public submission 38

<sup>124</sup> Public Submission 260

<sup>125</sup> Mary Anne Jebb, *Blood, Sweat and Welfare. A History of White Bosses and Aboriginal Pastoral Workers* (Perth, WA: University of Western Australia Press, 2002). p. 299

<sup>126</sup> Department of Native Affairs. *Child Endowment for Natives – General Correspondence*. File 1941/0356. Cons 993. SROWA.

<sup>127</sup> JW Personal File

<sup>128</sup> Public submission 109

<sup>129</sup> In 1942 Missions and Native Institutions became eligible for Child Endowment payments on behalf of those who lived in institutions under section 13(1A) of the *Child Endowment Act 1941* (Cth)

<sup>130</sup> Section 20 of the *Child Endowment Act 1941* (Cth)

person]'.<sup>131</sup> When a child was placed in a Government institution, child endowment due to the mother was transferred to the institution. The Department ensured that all institutions created documentation showing the names and numbers of people so the State could claim the entitlements. However the standard of recordkeeping by the Superintendents was often less than satisfactory.<sup>132</sup>

Approximately 70% of all child endowment payments for children within all institutions was deposited in the central Child Endowment Trust Account where it was meant to be used for the welfare of the children.<sup>133</sup> Managed by the Department, this trust account grew rapidly and by 1943-4 had a balance of £7034.4/1.<sup>134</sup> The Commissioner of Native Affairs noted that, if used correctly, the new inflow of money into Western Australia 'assure the family of reasonable supplies of food, clothing and minor medical necessities.'<sup>135</sup>

In the initial period of Child Endowment money being received by Government institutions, it was used to maintain the institution as a whole rather than being utilised for the general training, maintenance and advancement of children residing on Government institutions. In particular, the Deputy Commissioner of Native Affairs expressed concern about practices at Moore River and Carrolup, and noted that 'there is an accumulation of Endowment payments, and no action has been taken to explore the possibility of expending portion of these amounts for the benefit of the children at both Institutions.'<sup>136</sup> In 1950 the Department increased the proportion of entitlement money at least from the Cosmo Newberry institution to be placed in the Child Endowment Trust Account from 33% to 75%, with the rest to be spent on amenities to benefit the children.<sup>137</sup>

The method of disbursing monies from the Child Endowment Trust Account was seen as unsatisfactory. With no uniformity of practice across the Government Settlements, monies were being diverted from the Child Endowment Trust Account to the general Departmental Native Administration Trust Account. Wages of workers at Settlements could be paid from the Child Endowment Trust Account if the duties directly affected the welfare of the children. This established a complex internal system of accounting with additional administration required to

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<sup>131</sup> Section 44A(2), *Invalid and Old-Age Pensions Act 1908* (Cth); section 9A, *Maternity Allowance Act 1912* (Cth); section 100 of the Commonwealth's Consolidated Instruction No.553. Department of Social Services. *Aboriginal Natives - Payment of Child Endowment through Department of Native Affairs* B423. A885/4. SROWA., p. 13

<sup>132</sup> Department of Aborigines. *Moore River Native Settlement - Child Endowment Scheme*. File 1941/0717. Cons 993. SROWA.

<sup>133</sup> Commissioner for Native Affairs, "Annual Report for the Year Ending." 1943 p. 14-16

<sup>134</sup> ———, "Annual Report for the Year Ending." 1944 Appendix VIII

<sup>135</sup> Department of Native Affairs. *Child Endowment for Natives – General Correspondence*.

<sup>136</sup> Department of Aborigines. *Moore River Native Settlement - Child Endowment Scheme*.

<sup>137</sup> Department of Native Affairs. *United Aborigines Mission – Cosmo Newberry – Child Endowment Scheme*. File 1949/0848 Cons 993.

ensure that parts of salaries were recouped from trust funds to the central departmental fund for some individuals.<sup>138</sup>

The payment of wages of people working at Government Settlements from Child Endowment monies system, which was seen by the Department as not being good in principle,<sup>139</sup> ceased in 1949 after significant criticism by the Commonwealth.

In April last a discussion took place in your office in regard to the Department's policy in respect to Child Endowment monies ... It was not intended that it should be frittered away on numerous miscellaneous items, but would form a substantial basis for improving the actual institution facilities at the institutions for the younger people.<sup>140</sup>

However, the Commonwealth acknowledged that its systems for monitoring the supervision of how the bulk payments to institutions were spent by the State were inadequate. Commonwealth Officials noted that:

The Commonwealth Government spends £894,000 per annum on Child Endowment in Western Australia but it has not the facilities for supervising the payment to aboriginal natives to ensure that the money is being properly utilised.<sup>141</sup>

While the inflow of Commonwealth money was advantageous for institutions, the State was initially unwilling to supervise endowment payments where people were living outside Government Settlements. However, in 1943, the Premier of Western Australia agreed that the State would supervise the payments of endowments to Aboriginal people.<sup>142</sup> While piecemeal inspections through Travelling Inspectors were undertaken to ensure that the money was being 'put to a proper use', a systematic scheme to monitor payments was not implemented.<sup>143</sup>

While endowment was meant to be spent on the maintenance, training and advancement of Aboriginal children, there are few detailed records to show whether institutions were using endowment payments in ways outlined in legislation, and whether the Department was monitoring conditions appropriately and discharging its responsibilities for all those under its guardianship. However, oral testimonies provide an insight into the lack of improvement of living conditions even after Child Endowment money became available.

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<sup>138</sup> ———. *Carrolup Employment of Native Labour – Conditions and Rates of Pay.*

<sup>139</sup> ———. *Moore River Native Settlement Employment of Native Labour – Conditions and Rates of Pay.*

<sup>140</sup> ———. *Child Endowment for Natives. General Correspondence File 1943/0932. Cons 993. SROWA.*

<sup>141</sup> Department of Social Services. *Aboriginal Natives - Payment of Child Endowment through Department of Native Affairs*

<sup>142</sup> ———. *Aboriginal Natives - Payment of Child Endowment through Department of Native Affairs*

<sup>143</sup> Department of Native Affairs. *Native Matters - Carnarvon File 1940/0302 Cons 993. SROWA.; Department of Social Services. Aboriginal Natives - Payment of Child Endowment through Department of Native Affairs*

For example, at most Settlements and missions there are strong memories of the poor quality of food supplied, and even after Government Settlements and Native institutions began to receive child endowment payments, conditions did not appear to have consistently improved. At New Norcia, a former male resident remarked 'We didn't think sheep had four legs, we only ever got the neck and head' and another recalled 'the chooks got better food than we did', indeed sometimes the diet at New Norcia was supplemented by going through the chook scraps for items.<sup>144</sup> Jack Davis who was at Moore River in 1932 remembers the overall conditions during his stay. He recalls that Moore River:

... suffered from bad administration and lack of funds ... and that the dormitory crawled with bugs and fleas, while the dining room and the cook house were crawling with cockroaches.<sup>145</sup>

People recall that it was only after Child Endowment came in that butter, eggs, cheese, vegetables and fruit appeared at Moore River. However, Maushart notes that the promise held out by receipt of Child Endowment funds was never realised. And while meals improved after the influx of new funds, this was assisted by the 'culinary skill of inmate Gladys Thompson, who had been put in charge of the kitchen. Head Office took the unusual step of rewarding Gladys with an actual weekly salary of five shillings, placed in trust', and these wages were paid out of the Child Endowment Trust Fund.<sup>146</sup>

The influx of large amounts of funds from the Child Endowment ought to have made a dramatic difference to life at Government Settlements and institutions, and it did not. While warrantees (institutional and individual) received endowment on behalf of Aboriginal people, it was the Commissioner who, as the children's legal guardian, had a responsibility towards Aboriginal children to ensure that they were being adequately cared for. However, the way that Departmental reports monitoring conditions at institutions and Settlements were written raises questions about their reliability, and the execution of this responsibility. For example, while official reports often note that food was satisfactory, a former resident of New Norcia has remarked 'they made a big fuss the day anybody came, but as soon as their backs were turned we were back to square one'.<sup>147</sup> Another individual wrote to the Department that if it chose to undertake an inspection visit, 'don't notify the Priests of New Norcia because the Priests always tells the natives when ever there is a inspector coming to New Norcia and then the native women cleans up their houses [sic].'<sup>148</sup>

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<sup>144</sup> Frank Rijavec, "The Habits of New Norcia," (Australian Film Finance Corporation and CM Film Productions, 2000).

<sup>145</sup> Jack Davis, *A Boy's Life* (Broome, W.A: Magabala Books, 1991). p. 180

<sup>146</sup> Maushart, *Sort of a Place Like Home: Remembering the Moore River Native Settlement*. p. 111

<sup>147</sup> Rijavec, "The Habits of New Norcia."

<sup>148</sup> Department of Native Affairs. *New Norcia Mission – Native Matters*.

In assessing the overall systems of control of money at Moore River, Maushart noted that

There is no evidence of any conspiracy to divert funds, and no one appears to have used the money for personal gain. Like just about every other resource that found its way to Moore River - from personnel to livestock to tinned jam - the Child Endowment funds just seemed to evaporate. It was probably a case of not-particularly-benign neglect, of an administration not so much evil as just plain incompetent.<sup>149</sup>

Even with reports that an Aboriginal child was taken to Perth from New Norcia suffering from malnutrition in 1947, or that an institution 'was not attending to her medical requirements such as glasses',<sup>150</sup> or that education often took the form of practical training including heavy labour on farms and domestic duties, it appears that the Department did not seek improvement in living conditions for Aboriginal people in institutions and Settlements.

The Department also had direct control over entitlement money through its power to divert money from individuals into their trust accounts. For example, Aboriginal women who were owed money from child endowment payments often had this back pay controlled through a trust account,<sup>151</sup> and in one example, a Kimberley woman told the Taskforce how the Department controlled her entitlements.

I applied for child endowment, got £1 for eldest son (1954) and then got £1 for each of them. This was the first [money] I ever got, I didn't know what to do with it. I went to Reta Dixon home in Darwin, they sent the money straight to you [Department of Native Welfare].<sup>152</sup>

## **5.2 Indirect control – third party warrantee systems**

The State Government had indirect control over Commonwealth entitlements through two means.

Firstly, Commonwealth Acts relating to entitlements provided for a system of diverting social security payments to third party warrantees, and Government employees were often warrantees. From July 1941 Aboriginal women who were 'detrribalised' became eligible for the Commonwealth Maternity Allowance and Child Endowment. While Child Endowment was paid directly to some Aboriginal women, where the Director-General thought it appropriate, he could authorise a warrantee to receive child endowment on behalf of an Aboriginal child.<sup>153</sup> Initially this did not specifically cover pastoral stations, however, there were wide ranging

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<sup>149</sup> Maushart, *Sort of a Place Like Home: Remembering the Moore River Native Settlement*.

<sup>150</sup> Department of Native Affairs. *New Norcia Mission – Native Matters*.

<sup>151</sup> ———. *Child Endowment for Natives – General Correspondence*. SROWA

<sup>152</sup> Public submission 62

<sup>153</sup> Regulation 16(1) of the *Child Endowment Act Regulations* 1941. (Statutory Rules No. 180 – 1941)



powers to pay child endowment to an approved third party. The payment of entitlements to third parties under a warrantee system operated similarly for maternity allowances and other payments on behalf of pensioners in specific circumstances from 1947,<sup>154</sup> and for receipt of Commonwealth Old Age pensions from 1960.<sup>155</sup>

Secondly, under section 23 of the *Native Administration Act*, the State Government controlled some administrative processes around entitlements because the Commissioner of Native Affairs had the authority to manage the property of Aboriginal people. Departmental Officers and Protectors could be appointed warrantees under the *Social Services Act 1947*. In an attempt to ensure the money was spent according to Social Security and Departmental guidelines, bulk entitlements were paid via the Police as protectors in the South, or directly to managers on pastoral stations as warrantees in the North.<sup>156</sup>

The system of direct bulk payments of child endowment being paid to police protectors in the south of the State was introduced in 1944. The protectors were to distribute rations purchased using child endowment money, or provide vouchers to be redeemed at local stores. The system of connecting the distribution of Commonwealth money through the State police protectors brought people back under close Departmental control and was subject to criticism.<sup>157</sup> As a consequence, there was increased the risk of having their children removed,

Based on the fact their parents were unable to care for their needs due to the lack of financial support as a result of their wages being withheld, placed in trust or diverted to other institutions, missions and programs.<sup>158</sup>

This system of supervision of individual payments was terminated in the South in 1950 on the grounds that it was 'a most iniquitous and inequitable deal' that families were denied benefits when they paid taxes and that with insufficient Departmental staff, the system was open to abuse by shopkeepers, police, and Aborigines.<sup>159</sup>

For pensioners living on pastoral stations, the warrantee was inevitably the Station manager. The Department of Social Security policies outlined the duties of station warrantees including the provision of pocket money for pensioners own use, separate pension records to be kept for each individual pensioner and the provision of suitable maintenance and improvements to

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<sup>154</sup> Under section 72 of the *Social Services Consolidation Act 1947* (Cth)

<sup>155</sup> Under section 8 of the *Social Services Act 1959* (Cth)

<sup>156</sup> Jebb, *Blood, Sweat and Welfare. A History of White Bosses and Aboriginal Pastoral Workers*. p. 230

<sup>157</sup> ———, *Blood, Sweat and Welfare. A History of White Bosses and Aboriginal Pastoral Workers*. p. 299

<sup>158</sup> Howard Riley, personal communication, Advisor to the Taskforce

<sup>159</sup> Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000*. p. 450

the pensioner's accommodation and general welfare.<sup>160</sup> However, the money did not always reach the individual, as one woman reported of her experience in the Kimberley.

I had three boys on [a Kimberley station] – I never received child endowment money. The station manager probably kept it.<sup>161</sup>

The majority of Aboriginal people only became eligible for Old Age Pension payments in 1960, by which time people in most regions of WA, outside the Kimberley, were deemed to be able to manage their own finances. Occasionally, in other areas individuals were receiving their pensions through warrantees, and one example from the Murchison/Gascoyne in 1965 shows the vulnerability of the pensioner, whose payments were managed by a warrantee whose poor book keeping skills resulted in the pensioner overspending her pension monies.<sup>162</sup>

The system of bulk payment of Commonwealth entitlements to station warrantees in the North was open to abuse, and some Kimberley station managers used the bulk payment of pensions to provide some form of benefit to all of the station's Aboriginal people. Jebb notes that:

Some warrantees regard the pension as a form of station subsidy ... the effect is that instead of Commonwealth pension monies benefiting the pensioner only, they are undeservedly and unnecessarily benefiting the station'.<sup>163</sup>

By 1963 the Department of Social Security noted that, in the three years since the introduction of Old Age pensions for Aboriginal people, pensioner living conditions on Kimberley stations had generally failed to improve, and in 1964 the Department of Social Security disallowed the practice of using individual pensions to benefit the whole.<sup>164</sup>

Between 1963 and 1967, Magistrate Davies of the Commonwealth Department of Social Security undertook formal investigations into the administration of pension payments by the State Government, in the Kimberley and other parts of Western Australia.<sup>165</sup> His reports paint

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<sup>160</sup> Department of Social Services. *Reports of Inspections of Settlements, Missions, Stations, Etc Western Australia at Which Social Service Payments to Aborigines Are Made.*

<sup>161</sup> Public submission 191

<sup>162</sup> *Department of Native Affairs. Austin Downs Station. File 38.7. Cons 2819.*

<sup>163</sup> Jebb, *Blood, Sweat and Welfare. A History of White Bosses and Aboriginal Pastoral Workers.* p. 268

<sup>164</sup> ———, *Blood, Sweat and Welfare. A History of White Bosses and Aboriginal Pastoral Workers.*, p. 263-264

<sup>165</sup> Copies of reports by Magistrate Davies are held on the restricted file Department of Native Affairs. *Social Services Pension – General.* File NDG 33/3/1a. Cons 3412. SROWA. The Commonwealth file containing these reports is Department of Social Services. *Reports of Inspections of Settlements, Missions, Stations, Etc Western Australia at Which Social Service Payments to Aborigines Are Made.* Item A2864. Series A884. NAA, ———. *Reports of Inspections of Settlements, Missions, Stations, Etc Western Australia at Which Social Service Payments to Aborigines Are Made.* The digitization of this file at the National Archives of Australia was undertaken at the request of DIA as part of this research process, and these reports are now publicly available on the NAA RecordSearch database.

a picture of the failure of the monitoring by Department of Native Welfare of the warrantee system for Kimberley pensioners. He regularly concluded that introduction of age pensions to Kimberley stations had not resulted in significant living improvements for Aboriginal pensioners and that 'stations are expending pension monies on purposes other than the welfare of the pensioner'.<sup>166</sup> Davies' reports identify problems relating to the general conditions on stations and general attitudes of station managers towards Aboriginal pensioners, questions about claimed costs of providing rations, failure to provide appropriate accommodation, provision of pocket money by station warrantees, a lack of improvement in diet and accommodation, and abuse of finances and fraud which the State was required to monitor.

Conditions were so bad at one station that the bulk pension payment was suspended by the Department of Social Security until the situation improved. What actions the Department undertook to promote the welfare of the pensioners, or protect them from 'injustice, imposition and fraud' as result of these reports is unclear.

Even when warrantee systems were working, there remained the potential for mismanagement and fraud as well as controlling how the money was spent. For example, at Boolardy Station in the Murchison/Gascoyne, the manager acted as warrantee, keeping the cheques in his office – '[w]henver the mother wants to buy anything for her children, he buys the items and charges the price into account'.<sup>167</sup>

Fiona Skyring notes that Davies

... recommended that Aboriginal pensioners be given 'guidance' about the value of their pensions and their entitlements, to prevent their social security payments being absorbed by the stations. As a result, the Director of Social Security warned the Western Australian Minister for Native Welfare that he had to address the problem of old age pension mismanagement by station managers, and bring practices in line with other states.

Of particular interest in terms of the nature of the relationship between the Commonwealth and the State relating to liability for monitoring Social security payments, an instruction that Departmental officers publicise this new ruling and report non-compliance to the Department of Social Security.<sup>168</sup>

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<sup>166</sup> Department of Social Services. *Reports of Inspections of Settlements, Missions, Stations, Etc Western Australia at Which Social Service Payments to Aborigines Are Made.*

<sup>167</sup> Department of Native Affairs. *Boolardy Station.* File 38.26. Cons 2819. SROWA.

<sup>168</sup> Fiona Skyring, "Submission from the Aboriginal Legal Service of W.A. Inc, October 2006," (Submission no. 30 to the Standing Committee on Legal and Constitutional Affairs. *Unfinished business: Indigenous stolen wages*, 2006). p. 18

Some families only got child endowment when they moved into towns<sup>169</sup>, while for other women, child endowment could also be paid to private warrantees. In one example from the Kimberley, one woman recalled how her Child Endowment (kid money) was never paid to her.

When I was growing up I was nursing the \*\*\* children. When they went to school I started work ... I never got money, I got kid money but old Mrs \*\*\* handled the money, they used to mix it up with my money (wages?).<sup>170</sup>

The Department of Native Welfare, through its regional offices, acted as warrantee over many pensioner accounts. One woman who lived in the Goldfields mentioned this system:

I got child endowment when I got my second child – when I was on the stations they kept it in the office in town for me.<sup>171</sup>

### **5.3 Summary**

For Aboriginal people who had lived outside direct State control by virtue of living on pastoral stations or in remote areas, the systems for administering Commonwealth entitlements from 1941, and most particularly through the 1960's, meant that many experienced direct Government control over their lives and property for the first time.

With the Commonwealth paying entitlements in bulk to the state, it was the Department who benefited through the inflow and accumulation of money in its accounts, rather than Aboriginal people living in institutions who received no direct benefit from improved living conditions. For those in the South in particular, the use of police protectors to control entitlements increased the threat of separation of children and direct controls over people's lives, and in the North, the warrantee system led to the abuse of entitlement monies.

The Commonwealth reported a systemic failure of the State to monitor the use of this money as outlined in the legislation. As one community member told the Taskforce, he had little faith in the system of monitoring, because Aboriginal people were generally not asked about their conditions:

When Welfare investigate, letter sent to Department 'everything alright, nothing wrong'. Always go to big house manger [to find out what was going on on the station], used to get their version. But had no rights to talk to gardya, 'it was gardya-gardya talk'.<sup>172</sup>

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<sup>169</sup> Public submission 479

<sup>170</sup> Public submission 73

<sup>171</sup> Public submission 463

<sup>172</sup> Public submission 66 Gardya talk is a term for white-man's talk

## CHAPTER 6

### CONTEXTS OF LESSER STATE CONTROL

No money, no nothing, just tea and sugar. We were slaves.<sup>173</sup>

#### 6.1 Contexts of lesser control

Aboriginal people have talked to the Taskforce about a range of work experiences. Some of these work contexts relate to specific needs for labour created as a result of the war, or the mineral boom of the 1960's. Other work contexts could be seen to fall outside any legitimate Government control, yet the experiences are often a result of the specific Government policy of non-intervention by the Department, in particular in setting wages. These work contexts have been documented in this report, partly a result of the public consultations which convey a sense of exploitation and loss of economic opportunity, particularly for those working on pastoral stations in the north.

#### 6.2 Industries where there was some control

Before the *Aborigines Act*, the employment of Aboriginal people in the pearling industry was covered under acts relating specifically to the pearling industry.<sup>174</sup> There were certain restrictions imposed under the *Aborigines Act*, for example, only unmarried Aboriginal men over 16 who were covered by permits and agreements could work for a white master, and only those over 21 could work for an 'Asiatic master'. Aboriginal people were employed in the pearling industry under permit and between 1937 and 1940, 25 permits were issued in this period but the actual number of people employed is uncertain. Trust accounts were, in theory, used to bank 25% of the wages of men under 21 working in the pearling industry.

Wages for Aboriginal workers in the pearling industry before World War II ranged from £1/15/- to £3/10/- per month, plus food at sea, but the usual rate was about £2/10/- a month. Out of this a man had to maintain his family, buy his clothes, tobacco and any other needs. Aboriginal men could only work as deck hands or seamen or on shore – under the *Aborigines Act* they were prohibited from working as divers.<sup>175</sup> The pearling industry closed down during the war, and when it re-opened Aboriginal people became pearl divers and the

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<sup>173</sup> Public submission 67

<sup>174</sup> The *Aborigines. Employment in Pearling Act 1871*, and the *Pearl Shell Fishery Regulation Act 1873*

<sup>175</sup> Department of Native Welfare. *Employment of Natives and Half-Castes on Pearling Vessels*. File 1938/1142 Cons 993 SROWA.

cultured pearling industry became an employer for Aboriginal people, albeit on a casual basis.<sup>176</sup>

World War II provided the opportunity for some Aboriginal people to argue for better wages, particularly in the South West where there was a strong demand for labour, albeit seasonal. While some Aboriginal men had enlisted in the Australian Defence Force, others were barred from war service. Some had the freedom to choose their work, and took up work opportunities as a result of war service by others, some found work in the North working on Government railways or the Public Works Department. Aboriginal people also worked for local authorities, in particular in regional areas, and this is one work context where there was an award and specific rates were meant to have been paid. However, it was only with union intervention that one Roads Board eventually paid award rates.<sup>177</sup> From 1945 there were also relaxations on permits to employ Aboriginal people in licensed premises. However, others did not enjoy the freedom to move from the pastoral sector to better paid positions, as there were restrictions on movement of people off the stations under wartime manpower controls.<sup>178</sup> There were also instances where people were moved onto reserves if they were unemployed. A combination of these external factors along with low wages in the pastoral sector contributed to actions such as the strike of pastoral workers in the Pilbara in 1946.<sup>179</sup>

The mining boom of the 1960's led to increased opportunities for Aboriginal people in prospecting and the sale of minerals, though there have been questions raised as to whether the amount of money paid as a result of the sale of minerals was fair, and its placement in trust funds was managed appropriately. Moreover, the skills which Aboriginal people brought to their work was not always valued. As one man from the Goldfields stated,

There were a lot of us who were darn good miners and not acknowledged, darn good at finding gold and not acknowledged, darn good at operating mills and not acknowledged.<sup>180</sup>

Other men discussed their work for State Government, in gold batteries and on the railways.

I became a battery hand ... 40 pounds a fortnight was the wages, no tax returns at all ... I was working in Norseman on the railways when I busted a tissue in my back, it was 1966. ... the backbone was damaged. They put me on a pension ... I still have back problems to this day. I was never compensated.<sup>181</sup>

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<sup>176</sup> See public submissions 264, 266, 270

<sup>177</sup> Letter 7.6.1956 from Minister for Native Affairs to JJ Rhatigan MLA Department of Native Welfare. *Native in Employment – Wages and Working Conditions, Awards Affecting Employment.*

<sup>178</sup> Department of Native Affairs. *Application to Employ Natives by D.W. McLeod of Bonny Downs Stations Marble Bar.* File 1944/0162. Cons 993.

<sup>179</sup> Don McLeod, *How the West Was Lost. The Native Question in the Development of Western Australia* (Perth: Nomads Charitable and Educational Foundation, 1987).

<sup>180</sup> Public submission 240

<sup>181</sup> Public submission 413

Domestic work generally fell outside awards and therefore women who worked in private houses and on stations had no protection from being exploited. More specifically in the Northern and Goldfields towns, women worked as domestics in Government hospitals, and also in 'Native hospitals', again without an award system to provide certainty of wages or conditions.

### **6.3 Beyond Government control**

The general demand for a rural agricultural workforce in the South West created a pool of casual and seasonal work opportunities for Aboriginal people which could be drawn on as economic and seasonal conditions required. This work involved clearing land, shearing and for women, working as domestics or alongside the men in agricultural contracting. It was fairly mobile and payment was outside the control of the Department which meant that wages did not go into the system of Government controlled trust funds.<sup>182</sup> One woman spoke of her childhood experiences moving around the South-west while her family worked on farms:

Blackfellas cleared all the land for the whitefellas, now look at what they got. They got nothing out of it. Work hard on the farm, clearing paddocks and that, not much money.<sup>183</sup>

While World War I created specific sets of work opportunities, the immediate post war years saw increasing numbers of Aborigines out of work as farmers returned from the war to work their own land, while soldiers were given preference in employment. The effects of the depression generally in the South West was deeply felt across all communities which led to considerable pressure being exerted on individuals to move into Settlements, with those who refused being sent under Ministerial warrant, enabling the Police to remove them to the Settlements.

During World War II, there were major attempts to restrict the movement of Aboriginal people so as to ensure they remained in rural work in the South and pastoral work in station country, due to labour shortages. Hodson notes of the context of work generally in the South West outside the Settlements and missions, Nyungar preferred options were to work under contract with local farmers, an arrangement which paid better than salaried work and allowed

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<sup>182</sup> Hodson, "Making a Rural Labour Force. The Intervention of the State in the Working Lives of Nyungars in the Great Southern, 1936-1948." p. 27

<sup>183</sup> Public submission 282

them to live on their traditional runs and in mobile family groups. In employment they lived in town fringe camps.<sup>184</sup>

The mining boom of the 1960's and 1970's led to teams of 'navvies' coming from the Torres Straits to work for a private engineering company on a fly in fly out basis, and as one man who worked on laying private railway tracks recalled:

We broke the world record and laid 4 ¼ miles of track in a day. We were paid \$300 a fortnight. Them days that was slave money.<sup>185</sup>

As part of the public consultation process, Aboriginal people across the State have consistently raised the issue of the non-payment of wages on stations, along with what they believe to be the underpayment of wages and non-payment of entitlements.

Until 1968, there was no framework of awards which applied to Aboriginal people in the pastoral industry to enable scales of wages to be set. Alongside a long held Departmental policy of non-intervention in the pastoral sector, the major characteristic of working on stations is the uncontrolled work environment with variation in wages and conditions.

Historically, patterns of wage variation, including the non-payment of wages, have been noted for most of the 20<sup>th</sup> century. In 1917, the Chief Protector undertook a survey of the wage rates in the pastoral industry and on missions. This survey indicated that a proportion of Aboriginal people were receiving cash wages in the Kimberley and the North West, as well as in the south of the State. In commenting on the broader conditions revealed by the survey, the Chief Protector commented that

A large number of our natives exist under a system of semi-slavery. ... Our natives are wholly subject to the will of their employers with the exception that, if under general permit only, they are free to leave their employment if they choose. We know, however, that in effect some employers coerce their native employees to remaining with them by various means.<sup>186</sup>

He also made comment that in some districts where labour was scarce wages were now paid, as the old system of payment in food and clothing had broken down as employers competed for labour. He also discussed that the policy requiring employers to have permits to employ

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<sup>184</sup> Hodson, "Making a Rural Labour Force. The Intervention of the State in the Working Lives of Nyungars in the Great Southern, 1936-1948." p. 33

<sup>185</sup> See public submission 262 as edited in the Stolen Wages Taskforce. *Personal Stories and Experiences Booklet.*, and Keith Savage, pers comm. A monument to this achievement is being funded by BHP to be displayed in Port Hedland. While Torres Strait Islanders were not defined as Aboriginal under the *Aborigines Act*, their contribution to the economic development of the State is acknowledged in this report.

<sup>186</sup> Department of Aborigines. *Payment of Wages to Natives.*



Aboriginal people was designed to control labour, and that many who were working never received their due wages.<sup>187</sup> Longstanding variations in wages have also been noted in other official contexts including the 1934 Moseley Royal Commission, the 1940 Fyfe Royal Commission, and the 1948 Bateman Inquiry.<sup>188</sup>

While there was no legal requirement to pay wages to Aboriginal men or women working in the pastoral industry in Western Australia, the Government nevertheless long expressed interest in wage rates of Aboriginal workers. However, the Government felt it had to balance the interests of Aboriginal workers with ensuring the powerful interests of the pastoralists were catered for with a policy of Government non-intervention. For example in 1917 there was discussion about taking steps 'ensuring that a stipulated wage shall be paid under prescribed conditions in certain appointed districts',<sup>189</sup> but this came to no avail.

In some cases patrol officers commented on low wages at particular stations yet they took no action, while on other occasions improvement in wages was achieved by gentle negotiation.<sup>190</sup> In one case, following on from a Departmental investigation, an employer was directed to raise wages.<sup>191</sup> However, despite its interest in wage rates on stations, there was no framework in which the Government could either require the payment of wages or set wage rates at a level it considered acceptable for Aboriginal station employees.<sup>192</sup> One Travelling Inspector noted the following in 1949:

It seems that there is no award covering general station labour north of Geraldton, and therefore no official basis of comparison between European and Aboriginal employee's wages ... Many station natives I have spoken to are vaguely dissatisfied with their wages ... In arriving at any wages scale the number of dependants maintained, or at least fed, by the station would need to taken in to account. At present natives tend to forget this factor.<sup>193</sup>

The Department urged its employees to be cautious in such circumstances,<sup>194</sup> although District Officers could try to influence fair rates of pay. In 1951 the Commissioner acknowledged that it had no authority to set wages, but that it would not do so even if it

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<sup>187</sup> ———. *Payment of Wages to Natives*.

<sup>188</sup> H.D Moseley, *Report of the Royal Commissioner Appointed to Investigate, Report, and Advise Upon Matters in Relation to the Condition and Treatment of Aborigines* (Perth: Government Printer, 1935). W.V Fyfe, *Report of the Royal Commission Appointed to Inquire into and Report Upon the Financial and Economic Position of the Pastoral Industry in the Leasehold Areas in Western Australia* (Perth: Government Printer, 1940), F.E.A Bateman, "Report on Survey of Native Affairs," (Perth: 1948).

<sup>189</sup> Chief Protector of Aborigines, *Annual Report for the Year Ending*. 1918 p.7

<sup>190</sup> Department of Native Affairs. *Murchison Sub-District – Patrol Reports 1952/1953*. File 1953/0009. Cons 993. SROWA. ———. *Reports Inspectional - Eastern Goldfields* EDG 30.4.3. Cons 1419. SROWA. 30-4-3

<sup>191</sup> Department of Native Affairs. *Inspector of Natives – Murchison District – Patrol Reports*.

<sup>192</sup> Bateman, "Report on Survey of Native Affairs." p.19

<sup>193</sup> Department of Native Affairs. *Travelling Inspector of Natives, Gascoyne District – Weekly Journal*. File 1949/0622. Cons 993.

<sup>194</sup> ———. *Travelling Inspector of Natives, Gascoyne District – Weekly Journal*.

were desirable, given 'the industrial machinery available in this State for the guidance of officials, employers and employees'.<sup>195</sup>

Variations in rates of pay between stations were regularly noted in the pastoral regions.<sup>196</sup> For the Murchison-Gascoyne the general pattern was that wages were lowest on those in the north-eastern part of the region and low wages could also be found in other parts, such as on a group of neighbouring stations in the south central part of the region.<sup>197</sup> Some workers were able to take advantage of the variation in wages by travelling between stations, and submissions to the Taskforce show some Aboriginal people having worked at numerous stations over their life.<sup>198</sup> There was a lot of seasonal work on stations, and also there were other more complex reasons for both the broader patterns of movement and the stability of station employees, beyond seeking better wages and poor treatment by station owners. For example one patrol report describes that some people could not move because there were no stations in their tribal area where higher wages were paid. He went on to note that:

Even where there is the possibility of their obtaining better wages and conditions within their 'country' they are often 'frightened' to leave their employment. It must be remembered that they have grown up being made to do as they are told and at even an adult age not morally prepared to openly defy a whiteman. Hence when their 'boss' says you will get no more than 30/- a week, you will work mustering at that rate from 5 a.m. until 7pm. And then take your turn at shifts through the night, they do as they are told.<sup>199</sup> [*original emphasis*]

How wages were paid, and the associated accounting practices varied according to the individual station. On some stations wages were paid in cash, whereas on other stations, accounts were kept from which purchases of stores or clothes were deducted, along with the occasional cash withdrawal. Wages were sometimes managed by the station owner or manager, a system reportedly worked well on Boolardy Station where the manager acted as banker for his employees as the 'relationship between employer and employee is extremely good. Some have accounts up to £50.<sup>200</sup> However, one man's experiences sums up those of many submissions to the Taskforce.

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<sup>195</sup> Aboriginal Affairs Planning Authority. *Employment Awards (Conditions and Allowances)*. File 4.11. Cons 2819.

<sup>196</sup> Department of Aborigines. *Payment of Wages to Natives*. Department of Native Affairs. *Reports Inspectional - Eastern Goldfields* ———. *Murchison Sub-District - Patrol Reports 1952/1953*.

<sup>197</sup> Departmental officers considered Boolardy and neighbouring stations had taken active steps to limit wages in their area

<sup>198</sup> For example public submissions 29, 41 and 148

<sup>199</sup> Department of Native Affairs. *Murchison Sub-District - Patrol Reports 1952/1953*.

<sup>200</sup> ———. *Boolardy Station*. However, while it may not have been the case for Boolardy Station, it must be remembered that patrol officers frequently reported favorably on relationships between employer and employee despite evidence to the contrary. Jebb, *Blood, Sweat and Welfare. A History of White Bosses and Aboriginal Pastoral Workers*. p. 232

We weren't paid cash in hand – just got tucker and a shed to live in. Got a statement every month, and it said all the money went to food – when we left because we weren't getting anything the boss did us up a statement but we got no money.<sup>201</sup>

From the 1950's there was a shift in policy from close management of individual peoples' affairs towards assimilation and integration. After the *Native Welfare Act* was passed in 1954, there began to be a greater policy emphasis on improving the health and living conditions, and this is seen through the changing content of patrol reports about station life. Many submissions discussed the harsh conditions and often cruel treatment when working on stations.

No government people came around. It was a rough station ... they said 'I am the boss', no questions – they had the power ... No horses for us – used me as a sheep dog.<sup>202</sup>

Aboriginal employees were vulnerable to having their wages withheld or mismanaged, or being misled about their entitlements. In one case an employer constantly told one of his Aboriginal employees that he was £20 in debt, yet the Travelling Inspector discovered the account was about £8 in credit. The Inspector reported that the reason the employer lied was not to prevent him overspending but 'to prevent [his employee] from seeking other employment'.<sup>203</sup> In another case on checking two employees' accounts at Landor Station the Patrol Officer reported that while their statements showed they had received seven cheques in the past 6 months, the employees were adamant that they had only received one. He reported:

Most of the cheques were accounted for by items purchased on behalf of the couple however I was not able to entirely satisfy myself that these natives had not been the victims of fraud however the natives in question were unsophisticated to such an extent being unable to read or write or count money they had received that I realised that action on their behalf could not be considered.<sup>204</sup>

Many people have spoken to the Taskforce about the lack of compensation for accidents on stations. The voluntary Native Medical Fund was closed by the repeal of the 1954 Act, and Aboriginal people came under the workers compensation system. However, many people noted in their submissions that they often did not receive medical attention, did not receive compensation for injuries sustained while working, and frequently continued working despite their injuries.

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<sup>201</sup> Public submission 149

<sup>202</sup> Public submission 463

<sup>203</sup> Department of Native Affairs. *Inspector of Natives – Murchison District – Patrol Reports*.

<sup>204</sup> Department of Native Welfare. *Patrol Officer – East Murchison (Meekatharra) Journal*.

The reminiscences of a station manager who remembered 'the so called 'good old days' when natives were full-bloods, simple people, and worked all day for a pat on the back and a hand full of flour',<sup>205</sup> supports Aboriginal people's memories that on some stations food and keep were generally provided instead of, or in addition to, wage, although the quality of the food and keep varied considerably across stations. The overriding feeling of people working in the north on stations is summed up by Teddy Allan, who worked on De Grey Station in the East Pilbara.

In those days we get nothing at all. Hardly anything, the money. I mean give us a bit of tucker and when I first start off we get clothes and all this sort of thing for nothing.<sup>206</sup>

Women were also expected to work hard on stations, and again one womans' experience from the stations around Mt Margaret Mission is encapsulated with the following memories:

I was made to feel like a slave, always running after the Station Managers' family, doing domestic chores. I never got given no documents, such as work conditions, pay slips, tax or superannuation or insurance. We never knew about these sort of things, or wasn't told about such things. I only saw a pay cheque at the end of the year, when it was Christmas time ... We did not know anything about the conditions or rights that we had, not like we know these days.<sup>207</sup>

During the 'Have Your Say' consultations, issues of underpayment were also raised in a contemporary context, with some people believing they had been affected by underpayment of wages in recent years. Several people also talked about superannuation. One man in the Goldfields recalled:

[I worked for the] Vermin Board ... I worked 10 years with the Government and I got no superannuation. When I was working for the State Battery money was taken out of my wages for super but I never got superannuation.<sup>208</sup>

Many people who spoke to the Taskforce on similar matters were unsure of their rights and entitlements and did not know who to seek assistance from to resolve such matters.<sup>209</sup>

#### 6.4 Summary

As a general pattern, for people who lived and worked outside frameworks of controls over their lives or money, there are regional variations in wage rates with wages generally being lower in North and East of the State and higher in the South and West. Aboriginal people in

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<sup>205</sup> Department of Native Affairs. *Murchison Sub-District – Patrol Reports 1952/1953*.

<sup>206</sup> Mr. T. Allen in Listen Karin Costenoble, *Listen to the Old People: Aboriginal Oral Histories of the Pilbara Region of Western Australia* (Wangka Maya Language Centre, 2003). p. 40-41

<sup>207</sup> Public submission 47

<sup>208</sup> Public submission 242

<sup>209</sup> Public submission 147

towns generally received higher wages than workers in rural areas. Women worked more often as private domestics where there was no award or in Government hospitals, and their pay was less than men. Some Government Departments and Local Governments paid below award rates into the 1950s and it was only with the passing of the *Racial Discrimination Act (1975)* that there was any framework within which to argue for equal wages for Aboriginal people.

A myriad of Government reports consistently show variations in wages paid in the pastoral sector across the State. However, in some contexts and time periods, for example in the South during World War II, Aboriginal people had greater economic power, and their work was sufficiently valued to be paid on an equitable basis with other workers.

There was a continual tension between the need to monitor and patrol the lives of Aboriginal people under the various *Aborigines Acts*, the political power of the pastoral employers, and the Government policy of non-intervention in work contexts which were outside their legal brief. While the pastoral industry enabled many Aboriginal people to remain on their country, these same people often conveyed a strong sense of having being exploited and see little formal recognition within the wider Australian population for their contributions to the economic development of the State, or to wealth of individuals. On reflection, many people who gave submissions to the Taskforce now have a very strong sense of having worked 'just for nothing'. One man in the Murchison said:

At the time I thought this system was normal, but looking back I saw the unfairness of it. Hence I want to claim for lost wages now to restore equity.<sup>210</sup>

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<sup>210</sup> Public submission 21



# CHAPTER 7

## MECHANISMS OF FINANCIAL CONTROL

### 7.1 Trust and warrantee accounts

The use of Departmentally controlled trust accounts to control Aboriginal people's money is one consequence of systems of control over people's lives. This chapter looks at the systems of trust accounts, how they operated, and what happened to the money held in these accounts.

While the use of departmentally controlled trust funds for wages was first documented in 1909,<sup>211</sup> monies held in trust accounts came from a range of sources including deceased estates and insurances, royalties, and after 1941, Commonwealth entitlements. The major period for the centralised departmental control and operation of trust accounts is from the 1920's until 1967.

In 1919, the system for managing the wages of Aboriginal boys under 16 was to open a trust account, negotiate the proportions to be deposited and given to the boy as pocket money.<sup>212</sup> This principle was soon expanded so that wages of all those under 21 were to be paid into trust accounts, and the proportion of wages to be banked in trust accounts set generally at 66% of wages for boys under 16 and 50% of wages for girls over 16.<sup>213</sup>

There are several systems of trust accounts and savings accounts

- Trust funds at Head Office with money credited to individuals
- Trust accounts at District Offices
- Pensioner accounts with District Officers as warrantees
- School passbooks
- Private arrangements with warrantees

#### 1. Trust accounts controlled by the Department with money credited to individuals

Aboriginal people under the legal guardianship of the Protector had part of their wages 'banked' in trust accounts. No account ledgers survive with banks or have been identified in

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<sup>211</sup> Rosalind Kidd, *Hard Labour, Stolen Wages - National Report on Stolen Wages* (Rozelle, NSW: Australians for Native Title and Reconciliation, 2007). p. 108

<sup>212</sup> CPA to Supt Carrolup 17.1.1919 Colonial Secretary's Office. *Aborigines - Carrolup River Native Settlement - Native Staff Pay Sheets and Rates of Pay*

<sup>213</sup> ———. *Aborigines - Carrolup River Native Settlement - Native Staff Pay Sheets and Rates of Pay*

Government Departments,<sup>214</sup> and while there was central administration and control over the trust accounts, only occasional lists of names and balances survived. Departmental annual reports show numbers of trust accounts controlled by the Department and their total value, but reports do not paint a clear picture of the total system of trust accounts in which Aboriginal people's money was placed. While the 'accounts are subject to Government Audit,<sup>215</sup> from 1911 the Auditor-General expressed repeated concern at the state of financial recordkeeping in the Department, even after it appointed its first finance officer in 1946.<sup>216</sup>

The operations of trust accounts changed in response to Commonwealth policy towards decreased supervision of the affairs of adult Aboriginal people. From 1951, State Departmental policy began to shift from central control of trust accounts to individual management of money through choices exercised by Aboriginal people. The Department encouraged all Aboriginal people over 21 to manage their own affairs and operate their own bank accounts, unless it was their express wish that the Department continue to do so on their behalf.<sup>217</sup>

This policy change required the Department to return the balances of these accounts to the trustees on closure, once all debts had been satisfied.<sup>218</sup> The Department faced logistical challenges locating all trust account owners, satisfying all debts prior to closure and receiving documentation to prove the receipt of final cheques.<sup>219</sup>

Trust accounts were managed under the *Aborigines Act* and its successors, until the transfer of responsibility for this function to the Department of Community Welfare in 1972.

## **2. Trust accounts at District Offices**

Changes to the administration of trust accounts held at Head Office in 1951, along with a new regional structure for the Department, led to the development of new systems of trust accounts. For individuals who wished to continue to have trust accounts, or whom the Department deemed required their money to be controlled, they were able to do so through a dual system of bank accounts. There were trust accounts controlled by the Department's Head Office, which were to be used for the banking of wages,<sup>220</sup> and trust accounts with the

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<sup>214</sup> *Pers comm* with ANZ, Commonwealth, Reserve Bank and NBA

<sup>215</sup> Department of Aborigines. *Payment of Wages to Natives*.

<sup>216</sup> Auditor-General for Western Australia, "Annual Report for the Year Ending."

<sup>217</sup> Circular memo 289 12.10.1951 Department of Native Welfare. *Trust Accounts - 1) Issue of Statements to Native Possessing, 2) Relaxation of Control of Trust a/C for Natives over 21 Years of Age*.

<sup>218</sup> ———. *Trust Accounts - 1) Issue of Statements to Native Possessing, 2) Relaxation of Control of Trust a/C for Natives over 21 Years of Age*.

<sup>219</sup> ———. *Trust Accounts - 1) Issue of Statements to Native Possessing, 2) Relaxation of Control of Trust a/C for Natives over 21 Years of Age*.

<sup>220</sup> ———. *Bank Accounts with D.O. [District Office] as Trustee for Natives*. File 1950/0150. Cons 993. SROWA.



District Officer as warrantee. Documentation on this system is limited and there may be overlap with the system described in item 3 below.

### **3. Trust accounts with warrantees - Mission Superintendents and District Officers as warrantees**

Along with the central control of trust accounts for wages, in the late 1940's at least, the Superintendents at Norseman and Roelands missions acted as trustee under similar arrangements as those for the Head Office trust accounts.<sup>221</sup>

The system of warrantee control of trust accounts using passbooks, introduced in 1951, was intended to be used for accumulating money for particular purposes, for example for the purchase of land and houses. It was envisaged that Aboriginal people would 'hold the bank pass book and to make deposits themselves'. While the Commissioner instructed District Officers to keep permanent records of all accounts opened on behalf of Aboriginal people,<sup>222</sup> little evidence has survived on files.

### **4. Warrantees on Pensioner accounts**

Commonwealth entitlements including Child Endowment could be paid to third party warrantees from 1947, and Old Age pensions from 1960. Departmental field officers and station managers were allowed to act as warrantees for Aboriginal pensioners. A survey in 1965 identified the location of some accounts, but in August 1967 the Audit department raised concerns about Departmental officers acting as warrantees, noting that '[A]lthough these monies are recognised as being private', the existing system did not meet requirements under section 27 of the Audit Act.<sup>223</sup> All pensioner accounts with Departmental employees as warrantees had to be terminated, and where general trust accounts were handled in the district offices, their management was to be transferred to the control of the Head Office.<sup>224</sup>

The system of regional based warrantee trust accounts was gradually wound down from 1967.

### **5. School savings bank accounts**

School passbook accounts were used as part of savings training, and money in these accounts may have also been part of a system of managing pocket money. The closure of the

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<sup>221</sup> Department of Native Affairs. *Norseman Mission (Churches of Christ) - Native Matters*. File 1943/0515. Cons 1667. SROWA.

<sup>222</sup> Department of Native Welfare. *Bank Accounts with D.O. [District Office] as Trustee for Natives*.

<sup>223</sup> ———. *Natives in Possession of Cash and Investments in Trust. Lists for Submission to District Officers*.

<sup>224</sup> ———. *Native Trust Accounts - Record of a) New Trust Accounts; B) Ceasing of Old Accounts*. File 1965/0223. Cons 1733. SROWA. ———. *Natives in Possession of Cash and Investments in Trust. Lists for Submission to District Officers*.

Carrolup school in 1950, led to a flurry of correspondence which demonstrates the problems faced by the Department when trying to trace those who had left Carrolup, but who still had money in accounts.<sup>225</sup> For example, in June 1952, Marribank Farm School forwarded 28 named school passbooks to the Southern District Office, Narrogin, with the balance in their accounts. A sheet used for locating the owners of the passbooks shows that one person had 1/4d. in their account, and one cheque took 3 letters to find the person and eventually the Department received the receipt on 13 Feb 1953. Even after receipt of the cheque was acknowledged it was listed as unpresented on 21 April 1954.<sup>226</sup>

## **6. Transfer of responsibility for control of individual trust accounts**

Powers contained in section 14 of the *Community Welfare Act 1972* were similar to those in the original section 33 of the *Aborigines Act* with respect to the management of property. When responsibility for the management of personal trust accounts was transferred to the Department of Community Welfare in 1972, there were 80 named trust accounts of which 67 have an identified source of income.<sup>227</sup> It is not clear if this is a complete list of all the personal trust funds held at the Department of Native Welfare at the time of transfer. The Department of Community Welfare Annual report notes that in 1971/72 there was \$37,504 in trust funds, and in 1972/73 there was an increase to \$959,820. Of this increase, it was noted that it includes 'monies transferred from the Native Welfare Department and grants received from the Commonwealth Department of Aborigines. The latter figure amounted to \$306,400.<sup>228</sup> This annual report also shows that Department of Community Welfare administered savings bank funds on behalf of State wards including 'deductions from wages by employers'.<sup>229</sup>

Tracing money held in trust accounts in documentary sources is limited by the lack of surviving records. What records survive show problems with the continuity of the administration of the money once Aboriginal people moved from Departmental control into the open workforce. Wage records, where they exist, provide evidence of the amount of money intended to be placed into the trust funds, although there are few records to show what was deposited in accounts. Few records of individuals survive to show the

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<sup>225</sup> Department of Native Affairs. *Carrolup Native Settlement – Marribank Farm School* File 1949/0078. Cons 993. SROWA. Department of Native Welfare. *Bank Accounts with D.O. [District Office] as Trustee for Natives*.

<sup>226</sup> Department of Native Welfare. *Bank Accounts with D.O. [District Office] as Trustee for Natives*. This advertisement was not found in the *Westralian Aborigine* from August –December 1954 15.2.1953

<sup>227</sup> The Account was called *Ledger 5 Trust Funds private. Commissioner of Native Welfare at 30.6.1972 to be transferred to Department for Community Welfare* Of these 67, 7 are for deceased estates, 39 are for maternity allowances, 6 are for MVIT Settlements, 3 are for Pensions, 3 are for wages, 1 is for a refund, 8 are for other monies. ———. *Natives in Possession of Cash and Investments in Trust. Lists for Submission to District Officers*.

<sup>228</sup> Department of Community Welfare. *Annual Report for the Year Ending. 1972* p. 56

<sup>229</sup> ———. *Annual Report for the Year Ending. 1972* p. 56

documentation of individual trust accounts on personal cards and personal files, and very rarely do these contain balances of accounts or evidence of receipt of cheques on closure.

Even when there are sets of records, which bring a range of information together, it is difficult to trace the course and destination of individuals' trust money earned from wages. And for the most part the information held across personal cards and personal files are inconclusive as to whether the money in individuals' accounts was ever repaid in full.<sup>230</sup>

## **7.2 What happened to the money once held in trust accounts?**

A Departmental culture of accumulation had been noted during a review of the operation of trust funds in 1940. The recently appointed Chief Protector went on to say that:

Our policy up to the present is to allow the money to accumulate and make advances only when they are asked for by the owners. This policy raises the question as to whether we are truly recognizing our obligations in the care, welfare and comfort of the natives concerned. ... Our trusteeship of monies is a delicate matter, so we must be extremely careful in all our actions .... Let us try to recognise our paramount responsibility for the welfare of the natives. We should attempt to devise a happy medium between hoarding of monies and distribution.<sup>231</sup>

Given the volume of cards and personal files the Department created,<sup>232</sup> it appears that it was judicious in its administration of the personal lives of individual Aboriginal people. However its focus on financial recordkeeping regularly fell below standards required by the Auditor-General.<sup>233</sup> The piecemeal character of the surviving records,<sup>234</sup> and the lack of ability to reconcile financial records from personal files with bank ledgers renders it almost impossible to trace what happened to the money, or to detect cases of fraud, malpractice or deception.<sup>235</sup>

The system of wages being divided into pocket money and banked in trust accounts on behalf of individuals is documented on personal history cards. However, neither the summaries on the personal history cards, nor complete personal files contain individual account ledger information; that is, they do not show whether this money actually got

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<sup>230</sup> Colonial Secretary's Office. *Aborigines – Carrolup River Native Settlement – Native Staff Pay Sheets and Rates of Pay*, Department of the North West. T.G. [Personal File]. File 1922/1021. Cons 653. SROWA. TG Personal card, SROWA

<sup>231</sup> Department of Native Welfare. *Finances - Native Trust Accounts*. File 1940/0761 Cons 993. SROWA.

<sup>232</sup> Lauren Marsh and Stephen Kinnane, "Ghost Files: The Missing Files of the Department of Indigenous Affairs Archives," *History and Native Title. Studies in Western Australian history* 23 (2003). 15,400 personal files were created of which 3276 (21%) have subsequently been destroyed

<sup>233</sup> See Auditor-General for Western Australia, "Annual Report for the Year Ending." from 1909 for persistent comments on the nature of the recordkeeping. It was only in 1946 that a financial officer was appointed to the Department.

<sup>234</sup> Marsh and Kinnane, "Ghost Files: The Missing Files of the Department of Indigenous Affairs Archives."

<sup>235</sup> This is a similar conclusion to that described for New South Wales, Standing Committee on Legal and Constitutional Affairs, *Unfinished Business: Indigenous Stolen Wages*. p. 51-52

banked, what the balance of the account was at any one time, whether the accounts were closed or what happened to the balance of the accounts.<sup>236</sup> Nor do they generally detail sources of money which may have been placed in the accounts. Requests for money or goods are more commonly documented on personal files.

### **7.3 Summary**

The mechanism of financial control over Aboriginal people was the system of trust accounts as permitted in the *Aborigines Act*. However, a thorough understanding of the range of systems of trust accounts is hampered by the lack of records.

The Auditor-General consistently raised questions as to whether good records were initially created by the Department. Nevertheless the administration of specific policy changes show that there were sufficient financial records held in the Department and regional offices at certain times to know how much money each individual had in a trust account, even though these records no longer survive. In some circumstances the Government intended to return the monies, yet surviving documentation does not show with confidence that this systematically occurred.

This means that questions still remain as to whether all individuals received or cashed the cheques which they were due. More broadly, there remain many unanswered, and possibly unanswerable, questions about the administration of the systems of trust accounts system.

However, when pieced together, oral and documentary records enables a reasonable picture of the system to be understood. Documentary records show that there was a system of trust accounts and the extensive nature of the direct Government controls over these accounts. While written records lack detail of individual accounts, Aboriginal people have strong memories of the trust account system and the kinds of impacts that the control of money, as well as a strong understanding that the money was not repaid. However, the Department kept tight control over the accounts, and did not tell people the details of their accounts. Aboriginal people do not have detailed knowledge of how much was in their accounts, and at times they didn't know the proportion of their wages was being deposited.

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<sup>236</sup> Department of Native Welfare. *Personal cards*. Cons 7105 and Cons 7108. SROWA, are held at Department of Indigenous Affairs. Department of Native Welfare. *Personal files* are held at the Department of Child Protection

## CHAPTER 8

### OTHER REPARATION SCHEMES

#### **8.1 Overview**

Governments nationally and internationally have recognised the need to reconcile with past policies and practices that have had an impact on Indigenous people. The various models of resolution are designed to assist in healing the intergenerational effects of injustice and trauma associated with dispossession and control as well as abuse and neglect.

Official acknowledgement and recognition, a public apology, reconciliation and education programs are common features of reparation packages that have been offered by Governments nationally and internationally.

The act of reparation is much more than financial compensation, and many submissions have proposed actions which they see will help both their communities and individuals move beyond merely the monetary aspect of reconciling the past. Many who spoke to the Taskforce, or provided written submissions, recognise that the amelioration of the human impact of past trauma through healing, rebuilding identity, and truth and reconciliation programs will provide profound and long-lasting acts of reconciling communities with past actions.

This chapter provides a commentary of initiatives that are currently or recently been implemented by other jurisdictions.

#### **8.2 Reparation experiences in Canada**

In May 2006, the Canadian Government established a \$1.9 billion compensation scheme for an estimated 78,000 claims for abuse suffered by children through the Indian Residential Schools Settlement Agreement (IRSSA). The IRSSA is the largest class action settlement in Canadian history and includes a suite of policy options as part of a broad based national reconciliation program. This includes a common experience payment, healing services, commemorative and memorial activities, and a truth and reconciliation commission.

There is a common experience payment to compensate for wrongs suffered by former residents and compensation for additional abuse through an independent assessment process. Upon application, a common payment experience payment will be paid to every

eligible former student who resided at a recognised Indian Residential School living on 30<sup>th</sup> May 2005, the day the negotiations were initiated. Subject to verification, each eligible former student who applies would receive \$10,000 for the first school year or portion thereof and \$3,000 for each subsequent year.

A Truth and Reconciliation Commission has been established with a budget of \$60 million over five years to promote public education and awareness about the Indian Residential School system and its legacy, as well as provide former students, their families and communities an opportunity to share their Indian Residential School experiences in a safe and culturally-appropriate environment. The Truth and Reconciliation Commission will undertake a series of national and community events and will establish a research centre for ongoing access to the records collected throughout the work of the Commission.

The IRSSA provides \$20 million in funding to commemorate the legacy of Indian Residential Schools to facilitate regional and national commemoration initiatives that address the residential school experience and provide the opportunity to share the initiatives with family and community.

The IRSSA provides for an additional endowment of \$125 million to the Aboriginal Healing Foundation, to continue to support healing programs and initiatives. The Church entities involved in the administration of Indian Residential Schools will contribute up to a total of \$10 million in cash and services toward healing initiatives.

### **8.3 Reparation experiences with income held in trust in Australia**

There are two main models of reparation in Australia which have been developed to reconcile with the effects of past control of Government monies and underpayment of wages. These two schemes – in New South Wales and Queensland – are different, not only because of their legal and social origins, but because of the specific Government actions for which they are providing reparation.

#### **8.3.1 New South Wales**

The New South Wales Government (NSW) established the Aboriginal Trust Fund Repayment Scheme (ATFRS), to refund identifiable monies held in Government accounts between 1900 and 1969 by the NSW Aborigines Protection Board and the Aborigines Welfare Board.

The ATFRS is a repayment scheme as opposed to a reparation or compensation scheme, under which an Aboriginal person or their descendants are repaid any money owing to them to the nearest identified amount plus interest. The ATFRS is limited to monies in trust

accounts for which records remain. This model of direct repayment has been possible due to the preservation of the financial records of the New South Wales Aborigines Welfare Board.

In addition to the repayment of monies, the ATFRS involves the return of copies of personal documents and information to claimants, and funding towards the LinkUP service to ensure people have access to culturally appropriate support when receiving their records. The exhibition *In Living Memory* has also enabled many to remember and reflect on their past experiences, and also to retell their stories to the next generation

Administration of the scheme involves an independent panel, comprised of three (3) expert Indigenous members, to review all claims dealt with under the scheme. Claimants can appeal to the panel if they disagree with the initial decision as to their eligibility for or the amount of repayment.

Some of other key policy initiatives from the ATFRS relate to the role that archives play in the rediscovery of identity. Under the ATFRS, there are programs to index family history records and to support the education and training of Indigenous archivists. It is intended that these programs will facilitate culturally appropriate services and greatly improved access to the contents of the archives.

### **8.3.2 Queensland**

The Queensland Government implemented repayment schemes relating to two different, but related matters. In 1999, following a determination by the Human Rights and Equal Opportunity Commission (HREOC), the Queensland Government was found to have breached the Commonwealth *Racial Discrimination Act 1975* in the under award payment of wages to Palm Islanders while working on Government reserves. A single payment of \$7000 was made on the basis that all legal rights had to be waived on this matter.

In 2002 the Queensland Government offered a one-off payment to those Aboriginal people who could demonstrate Government control of their wages and savings under the Queensland Protection Acts. This offer stipulated two (2) rates of lump sum payment depending on age (\$2000 and \$4000), and where all legal rights had to be waived.

An amount of \$55.4 million was set aside in the 2002 offer, but at the close of the scheme in 2007, about \$35 million remained 'unspent'. This was the result of estimating the number of potential claims to be 23000, whereas only approximately 5553 people were eligible and only around \$20 million paid out. The onus on identifying evidence was put onto Government, and the requirement for the range of acceptable evidence matured through the process, though it

has always been low. Applying for the scheme was a simple process, legal advice was made available, and the scheme also included an individual written apology.

The Queensland Government is now resolving the balance of unspent funds through a further round of payments to eligible claimants successful in the first round. Part of the unspent funds will be used to establish an Indigenous Queenslanders Foundation for scholarships for Aboriginal and Torres Strait Islander children and young people.

#### **8.4 Reparation for abuse and negligence of children in State care**

In 2007, the Western Australian Government made a \$114 million commitment through RedressWA to address abuse and neglect of children in State care. Applicants who are eligible will receive an *ex-gratia* payment of up to \$10,000 if they can show they experienced abuse while in State care, or up to a maximum of \$80,000 where there is medical or psychological evidence of loss or injury as a result of that abuse. This scheme provides a range of support services to assist specifically with the application process, including personal support, financial counseling and independent legal advice as well as funding of non-Government consumer advocacy and self-help groups.

RedressWA also provides an apology and acknowledgement to those who in the past have suffered when the State did not provide a proper level of care. Individuals who do not wish to pursue civil litigation against the State are eligible to apply to RedressWA. A prominent and permanent memorial will be established to acknowledge those who have suffered in State care in the past. On a personal level, people will be given the opportunity to formally record their own stories on their official files.

The Queensland Government has also introduced a 'Redress' scheme to provide *ex-gratia* payments to people who experienced abuse and neglect as children in Queensland institutions. Up to \$100 million will be made available for payments, legal and financial services to applicants and for practical assistance in completing applications.

The Queensland Government also acknowledged that while neglect and abuse was found to have occurred in some institutions covered by the *Forde Inquiry into the Abuse of Children in Queensland institutions*, this was not necessarily the case with all institutions. The Government also acknowledges that people had very different experiences in institutions and that not all were found to be negative.

Not all reconciliation modes fulfil their initial intentions. The case of the War Children Reparation Scheme in Norway, for the *Lebensborn*, is one example where the evidential



threshold was set too high for effective reconciliation of the past. This was a national scheme to compensate for the denial of human rights and discrimination of a specific group of children in post war Norway. The size of the compensation available was related to nature of the experience which had to be proven through production of documents. However, only a small number of the potential applicants have been able to produce the necessary documentation to become eligible, because the experiences of these children has not been documented in official archives at the individual level, and because of the distributed nature of archival practice in Norway.

## **8.5 Summary**

The other major influence underpinning the design of any reparation model is the nature of the surviving evidence. Worldwide, successful reparation schemes are framed with an understanding of the frailty of the surviving evidence very much to the fore. Equally important in terms of the ongoing impacts of the schemes, is that the design of any reparation model needs to consider the threshold of evidence to be required, and also how the application processes contribute to reliving the trauma which the reparation is designed to ameliorate. The models of reparation which can be seen in Australia bear significant hallmarks of ways in which past archival practices now shape public policy formulation, and have also considered the effects of the scheme in retraumatising as well as resolving the actions of the past.

Internationally, the Canadian reparation scheme has provided the model for the most comprehensive approach to reparation, which has included opportunities for community resolution and reconciliation and an effective and efficient process for payment for eligible survivors. Reparation schemes nationally have looked to, and reshaped elements from the Canadian model for local contexts.

For any reparation scheme, the legal liability issues relating to a monetary component are complex, given that payments are generally made on an *ex-gratia* basis, which requires claimants to a reparation scheme to relinquish their legal rights. Queensland and the Western Australian schemes in particular are *ex-gratia* schemes that require claimants to relinquish their legal rights.

The Canadian Government has established a truth and reconciliation commission to bring greater understanding and awareness of issue as part of a broader national resolution, and oral submissions to the Taskforce emphasised the need for an expedited process to respond to the elderly and for healing, for access to records which reveal personal identity, and for recording of oral histories and commemoration.

The examination of Government control of money in Western Australia has also identified the potential overlap of Aboriginal and Torres Strait Islander people who may also have suffered abuse and negligence while in State care.

## CHAPTER 9

### RESEARCH FINDINGS AND CONCLUSIONS

This research has sought to understand the nature and scope of Government controls over wages, savings, entitlements and other monies between 1905 and 1972, so as to determine if there is a case for the Government to consider policy options for reparation initiatives. It has also heard from Aboriginal people about many impacts that these systems of control had over their own and their families' lives.

#### 9.1 Impacts

This research has shown that the practices of control over Aboriginal people's money has had a consequential impact over the duration of their lives, in terms of lost potential to control how they spent or invested their money. This impact has in many cases extended through to subsequent generations.

The impact of controls over money, as well as low or no wages, has also contributed to trans-generational disadvantage due to the loss capacity to plan for their future. As one Aboriginal woman said:

We were fed mostly leftovers or scraps, flour, sugar and tea. I feel the change in my diet contributed to my diabetic condition, high blood pressure, cancer and arthritis.<sup>237</sup>

Many submissions show the direct link between low or no wages, and the inability to afford gravestones. The Taskforce saw considerable community efforts to restore and recognise the graves of Aboriginal people in town cemeteries, most notably in Derby<sup>238</sup> and Leonora, and also for individual gravesites in other areas by the community including the work of the *Honouring Indigenous War Veteran's Scheme*. These projects have had a considerable impact on reconciling communities in rural and regional areas of the State. One woman spoke of how she would feel if something were done about her family graves in the South-west.

Tombstones are very important, they are very expensive. I'd be so relieved if I know there are tombstones on the family graves.<sup>239</sup>

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<sup>237</sup> Public submission 282

<sup>238</sup> Colleen Hattersley, *Pioneer and Aboriginal Cemetery Restoration Project, Derby, W.A.* (Derby, WA: Shire of Derby West Kimberley 2003).

<sup>239</sup> Public submission 278

Many Aboriginal people spoke to the Taskforce about the impact of the lack of knowledge about their trust funds and life experience, that the next generation or the wider community simply do not know about their lives and contributions to the State. Many spoke of their strong and continuing need to find answers to questions they have about their past, in particular to know what happened to the money in their or their family's trust accounts, so as to try to understand this era of controls over their life and those of family members, and to find some closure to the many questions which remain open.

## **9.2 Research Findings and Conclusions**

This examination has found that there were a complex range of factors which influenced the scope and extent of the control of Aboriginal people's money. They include the location or where people lived, different employment contexts and whether they were male or female, together with State and Commonwealth policies with respect income and entitlements. The Taskforce has found that Aboriginal people who lived in Government settlements, (including Carrolup and Moore River, or in specific institutions such as Sister Kate's) under the guardianship of the Chief Protector, experienced the most extensive forms of direct controls over their lives and property, including money. These controls included the negotiation of wages in private employment and control over a proportion of their money.

The Taskforce found extensive evidence about the systems of direct control over Aboriginal people's money, and it is apparent that there are many systems of trust accounts used to manage this money, but that a full understanding of these systems is limited by the availability of documentary evidence.

Some Aboriginal people experienced very little direct control over their lives and many had much more varied experiences. Where people worked in contexts where there was no framework for setting or controlling wages, they were generally lower in the North of the state (if they were paid wages at all) and higher in the South, while Aboriginal people in towns generally received higher wages than other workers in rural areas. For Aboriginal people on pastoral stations or in remote areas who lived beyond most State controls, the era of Commonwealth control over their lives began with their eligibility of Commonwealth entitlements from 1941, the implementation of the warrantee system for the payment of these entitlements, and the more widespread eligibility for entitlements in the 1960s.

Under the *Acts*, and in practice, women were subject to more controls over their money than men. Women worked more often as private domestics where there was no award or in Government hospitals, and their pay was less than men. Some Government Departments and

Local Governments paid below award rates into the 1950s and it was only with the *Racial Discrimination Act (1975)* that Aboriginal people received equal pay.

The main mechanism for the control of Aboriginal people's' money is where trust accounts were held by the Department, or where the Department was a warrantee over accounts for Aboriginal people who were under its legal guardianship. The systems of Government control over Aboriginal people's' money are complex and there remain many unanswered, and possibly unanswerable, questions about the administration of the systems of trust accounts system. The most persistent question arising from the records and also from many public submissions to the Taskforce is whether the money was repaid to individuals.

Some Aboriginal people have made their personal files available to the Taskforce and these files show how individuals interacted with the Department over many matters including their trust accounts. However these files and their related personal cards, rarely contain sufficient detailed information to make statements about the content, balance and disbursement of individual trust accounts.

While there were attempts by the Government to return money held in some trust accounts the record trail is at best inconclusive in showing a consistent pattern as to what happened to the trust money, and more particularly, whether this money was returned to Aboriginal people. Set against the inconclusive documentary record, there is a strong set of memories documented throughout the submissions to the Taskforce that money was not repaid to some individuals.

However, the lack of surviving bank or specific Departmental ledger records means that it is not possible to answer forensic questions about the operation of individual trust accounts and to quantify with any certainty the impact of the Government control over money at the individual level. However, amongst groups of Aboriginal people whose lives were controlled there is likely to have been a common experience of Departmental control over money held in trust.

Alongside this common experience, submissions to the Taskforce contain some consistent themes to satisfy community and individual needs for recognition, resolution and reconciliation of the impact of past Government practices relating to the controls over money on Aboriginal people's' lives.

Aboriginal people who have spoken to the Taskforce about their memories and experiences have argued strongly that finding respectful and culturally appropriate ways of reconciling the past will assist in leading the community towards reconciling with their past.

The Taskforce reviewed models of reparation from Australia and internationally, and concluded that the character of the schemes is determined in part by knowledge of the nature of the documentary records which influences the thresholds of evidence for devising schemes which minimise trauma and are inclusive. The Taskforce also noted the success of the Canadian model of reparation which contained a package of policy initiatives designed to recognise, resolve and reconcile the many facets of the experiences of Native Canadians whose lives have been controlled.

Given the complexities of the trust account system, in recognition of the continued impact of past practices of control over Aboriginal people today, and with an understanding of the balance between the oral and documentary records about trust accounts, the Taskforce recommends that the Government consider a range of policy initiatives as a genuine step towards reconciling this aspect of the States history.

# CHAPTER 10

## POLICY OPTIONS

I have no documents to prove these things happened. However, I do have the heartaches and scars with me forever.<sup>240</sup>

### 10.1 Overview

The Taskforce was required in its terms of reference to provide advice on policy options to address its findings and conclusions. The Taskforce received many suggestions from Aboriginal people as to how they would like the Government to respond to the issue of past Government controls over their money. Throughout the submissions there was a common call for some form of monetary repayment, as well as equally common requests for a range of initiatives to assist in healing many of the direct consequences of the controls over Aboriginal people's money.

Submissions to the Taskforce told of the personal and community loss of language and culture as a direct consequence of these controls. Many Aboriginal people spoke of their desire to share their cultural heritage as part of reconnecting with their families, reconciling with the broader community, and rebuilding their own community identities. Many also spoke of their strong and continuing need to find answers to questions they have about their past, in particular to know what happened to the money in their or their family's trust accounts, so as to try to understand this era of controls over their life and those of family members, and to find some closure to the many questions which remain open.

Many Aboriginal people spoke more broadly of their desire to know their past, to seek their own identity and to reunite with their families, and spoke of difficulties with access to this information. At one group meeting it was strongly stated that

People would really like access to the records. Truth is really important.<sup>241</sup>

There were many suggestions as to ways to ensure that the past experiences of Aboriginal people would be preserved and commemorated. One Aboriginal man brought these together in terms of recording stories, and also building memorials:

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<sup>240</sup> Public submission 452

<sup>241</sup> Public submission 260

I'd like to tell my story in detail ... so my children know what happened to me. I feel sad for what happened to my parents 'cos they were working harder and had a worse time than I did. I'd like to see some recognition, some sort of memorial.<sup>242</sup>

The Taskforce heard the persistent desire to mark and maintain gravestones both in town cemeteries and the 'lonely graves' scattered around the countryside, the urgency of which was matched by the sense of ongoing loss of knowledge of the location of graves. One Aboriginal woman represents the strength of the link between the lack of gravestones and the effect of Government controls over money when she stated that

If I won lotto, I will put up all my family headstones, that's what I say'.<sup>243</sup>

## 10.2 Policy options

The Taskforce recommends that the Government implement a package of policy initiatives to recognise the common experiences of many generations of Aboriginal people and to reconcile the past practices of Government control.

### 10.2.1 Recognising Aboriginal people in our society

The first step towards healing the past is to recognise the impact of past policies through a range of symbolic acts. The recent apology to the Stolen Generations by the Prime Minister demonstrated the impact of this form of symbolic and public recognition and its beneficial effect on all Australians.

Official recognition of past Government practices can be achieved in Western Australia through a formal acknowledgement in the Western Australian Parliament through a Ministerial Statement that includes a formal apology for the impacts of Government controls over Aboriginal people. This action will also record the substantial contribution Aboriginal people have made to the social, economic and cultural development of the State, and those who served in, or assisted, the armed forces.

Constitutional recognition of Aboriginal people in the State's Constitution as the original inhabitants of Western Australia will take this symbolism into the statutes. Legislative amendments to the *Constitution Act 1889* should contain formal acknowledgement of the unique status, the relationship to the land, and the contribution of Aboriginal people to Western Australia.

Formal recognition of Aboriginal people through a 'Welcome to Country' for all events of public significance is a mark of respect to traditional owners, will ensure continuing

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<sup>242</sup> Public submission 70

<sup>243</sup> Public submission 65



acknowledgment of the contribution of Aboriginal people to the Western Australian community.

Community recognition projects across the State will assist special form of healing for those who are seeking acknowledgement for the past through funding for headstones, memorials, special burial areas and signposting of significant places, sites and other information, and contributions to the costs of funerals..

Public recognition of Aboriginal people will be raised through encouraging the use of the Aboriginal flag on Government and other buildings.

### **Recommendations**

**The Taskforce recommends that the Government consider the following policy initiatives:**

- **Official recognition of past controls on Aboriginal people in the Western Australian Parliament through a Ministerial Statement, that includes a formal apology for the impacts of past income controls, their effects on Aboriginal people and public recognition of the substantial contribution Aboriginal people have made to the social, economic and cultural development of the State, and those who served in, or assisted, the armed forces;**
- **Constitutional recognition of Aboriginal people in the State's Constitution as the original inhabitants of Western Australia and make legislative amendments to the *Constitution Act 1889*, as matter of priority;**
- **Formal recognition through a policy of 'Welcome to Country' for all events of public significance, as a sign of respect to traditional owners as the original inhabitants of Western Australia;**
- **Community recognition through projects which includes funds for headstones, memorials, special burial areas and signposting of significant places, sites and other information; and,**
- **Public recognition through encouraging the use of the Aboriginal flag on Government and other buildings.**

## 10.2.2 Reconciling past income controls

### A. Common Experience Payment

A number of Aboriginal people have put the suggestion of monetary payment to the Taskforce. Some people are seeking a repayment of monies held in trust by Government,

Aboriginal people who experienced the most direct controls over their lives and property (including money) were those defined under the *Aborigines Act* as 'half-caste', and from 1936, 'quadroon' and those under the guardianship of the Chief Protector. This includes many Aboriginal people who were sent to Government Settlements, primarily those in Moore River, Carrolup, some missions, and specific institutions such as Sister Kate's. This includes those whose lives and money were controlled after leaving Settlements and institutions when they were sent out to work in domestic, pastoral and other work environments.

While Aboriginal people have strong memories of the existence of trust accounts, there remain many unanswered, and possibly unanswerable, questions about the administration of the systems of trust accounts system. While the Taskforce has not been able to identify records to establish precise amounts of money held in trust accounts, actuarial modelling has been undertaken to determine likely scenarios.

The Taskforce recommends that the Government make an *ex-gratia* payment to Aboriginal people who have experienced past controls over their money. In particular, a scheme for *ex-gratia* payment needs to consider what should be reasonable evidence given the lack of available documentary records, and the importance of oral memory to Aboriginal people. The following provides some boundaries for such a scheme.

- Aboriginal people who experienced direct Government controls over their income, primarily those who lived in Moore River and Carrolup, and institutions such as Sister Kate's;
- Aboriginal people who lived in other institutional contexts, where there is reasonable evidence to demonstrate forms of direct control over income or entitlements;
- Aboriginal people, not included above, but who can demonstrate through reasonable evidence controls exercised on monies by Government or reasonable evidence of monies held in trust accounts;

- That the thresholds of evidence and the mechanisms to apply for such a scheme will be shaped so as to minimise the trauma for those who are involved the application processes;
- That the elderly be given priority in any *ex-gratia* payment scheme; and,
- That those who were living on a specific date be eligible for *ex-gratia* payments.

## **B. Common Experience Fund**

Aboriginal people who lived and worked in a range of institutional contexts and on pastoral stations experienced indirect forms of control, where the Government's obligation was principally to monitor and supervise employment conditions and Commonwealth entitlements. Others worked in contexts where there were no awards and either received low or no wages.

The Taskforce recommends that the Government establish a 'Community Experience Fund' of equal value to the *ex-gratia* 'Common experience' payment scheme, to encourage economic development within communities. This will acknowledge the impact of lost economic opportunity on those who are now deceased whose money was controlled.

The Taskforce recommends that all Aboriginal people be eligible to access the other proposed policy initiatives.

## **10.3 Recommendations**

**The Taskforce recommends that the Government:**

- **Establish a scheme for an *ex-gratia* 'Common experience payment' to those still living who experienced direct Government control over their money. Particular care needs to be taken with designing the thresholds of evidence and application mechanisms so as to minimise the trauma involved in the process; and,**
- **Establish a 'Community Experience Fund' of equal total value to the *ex-gratia* 'Common experience payment' scheme, to encourage economic development. This will acknowledge the broader impact of lost economic opportunity for those who are now deceased and whose money was controlled.**

### **10.2.3 Resolving past experiences. Retelling the stories, Rebuilding the future**

Three policy initiatives outlined below play an important role in recognizing the desires of Aboriginal people to share their culture and heritage through active re-engagement with their oral traditions and re-connecting with archival information, to build stronger links between the generations and families, reconciling with the broader community, and rebuilding their own community identities. These initiatives connect with the initiatives that are underway relating to repatriation of cultural objects and may contribute towards the development of community keeping-places, which are seen as potential stimulators of community economic development.

#### **1 Recording Oral Histories**

Aboriginal people want to tell their stories and have them preserved for future generations. There is an urgent need to record oral histories as many of the Aboriginal people who have experienced a range of impacts as a result of past Government policies examined by the Taskforce are now elderly (70s and 80s).

The National Library of Australia has established a model for an oral history program which is culturally appropriate, and which provides for central management, preservation and storage of the original material. This model includes integrated training for Aboriginal interviewers and locally managed access to the material. This model was established as part of the *Bringing Them Home* initiatives, and should be investigated to determine its appropriateness for local application to Western Australia. In specific contexts, interpreters should also be included in such a model, along with the provision of counselling to ameliorate any distress that may be caused by the retelling of stories.

#### **2 Healing and Therapeutic Services**

Community healing and therapeutic services will provide individuals, families and communities who have suffered as a result of the many issues which have arisen as a result of past Government controls with the capacity to deal with the effects of these events.

These programs will facilitate communities to rebuild links with places of residence and reconnect with their identities, and support appropriate healing activities such as a physical memorial or commemorative event or a community art project. The oral history and family history projects are also integral parts of community healing, and will require the provision of related counselling services.

This services must emphasise Aboriginal and community control in the design and delivery of the services in all its aspects, including training of local Aboriginal staff to offer both counselling and community activities.

### **3 Reforming Aboriginal family history services**

The critical importance of archives to identity has been outlined in several Government reports including *Bringing them Home*, *Forgotten Australians*, *Lost Innocents* and *Unfinished business*. There have been consistent comments in these reports about difficulties with gaining access to archives, and this is seen as an impediment to people being able to discover their identity, and as a cause of ongoing trauma.

Access to archives has been a challenge for the Taskforce. There is fragmentation of custody and management of Government records, with no strategic approach to accessing Government information about Aboriginal people and in particular no single Aboriginal family history service in Western Australia. The Taskforce heard on many occasions that the fragmentation of Aboriginal family history services continues to confuse, anger and traumatise Aboriginal people seeking to find their identity and families.

A single Aboriginal family history service is vital to overcome current barriers to access and to facilitate education and training of Aboriginal archivists. Counselling support is integral to this service to ease the trauma associated with rediscovering identity.

## **RECOMMENDATIONS**

**The Taskforce recommends that the Government:**

- **Establish a culturally appropriate oral history program to enable Aboriginal people's stories to be preserved;**
- **Establish a program of community healing and therapeutic services to provide individuals, families and communities who have suffered from past Government controls with the capacity to deal with the effects of these events;**
- **Establish a single Aboriginal family history service to facilitate improved access for Aboriginal people across the State; and,**

- Establish a program to educate and train Aboriginal archivists, so as to provide services in a respectful and culturally appropriate way to Aboriginal people.

#### **10.2.6 Administration of policy initiatives**

The Taskforce recommends that the Government allocate resources to a two-year implementation program specifically to:

- Establish a 'Stolen wages' unit with terms of reference and a timeframe to progress approved policy initiatives; and,
- Examine the potential for administrative efficiencies for *ex-gratia* payments with RedressWA to reduce impacts on Aboriginal people in relation to any repayment scheme

## **Appendix 1 The Taskforce**

### **Taskforce Members**

Charles Vinci, Department of Indigenous Affairs (Chair)  
Brad Jolly, Department for Communities  
Jacqui Allen, Department of Culture and the Arts  
Natasha Firth, Noel Whitehead, Minister for Indigenous Affairs' Policy Officer  
Neil Hunter, Department of Treasury and Finance  
Ruth Young, Department of the Premier and Cabinet  
Ross Councillor, Wendy Ashwin, Department for Child Protection  
Martin Bin Rashid, Fire and Emergency Services Authority, *Ex officio*

### **Aboriginal and Torres Strait Islander Advisors**

Bernice Sampson (unable to attend meetings)  
Cindy Solonec  
Harold Graham  
Howard Riley  
Keith Savage  
Sarina Jan

Aboriginal readers Kim Scott and Donna Oxenham

### **Project Team**

Dr Joanna Sassoon,\* Project Manager, Policy and Research Officer  
Christine Barton, Research Officer (April 18 - 30 June 2008)  
Donna Oxenham, Research Officer (April 28 - 30 June 2008)  
Jane Boxall,\* Policy and Research Officer (August 1 2007 - May 15 2008)  
Lisa Corbellini,\* Policy and Research Officer  
Margaret Robertson, Consultant Researcher (December 20 2007-26 June 2008)  
Melissa Maiden, Research Officer (January 19 2008 - April 4 2008)  
Simon Keenan, Policy and Research Officer (March 17 2008 - June 30 2008)  
Wendy Dawson, Director, Strategic Projects  
Wendy Hayward, Research Officer (October 8 2007 - May 30 2008)

\*The role of Project Manager was shared

### **State Solicitors Office – Legal Advice**

Jeff O'Halloran  
Matthew Pudovskis

### **Special Advisors-Actuarial**

Dennis Barton, Dennis Barton Consulting

Emma Smith, Actuarial Support

### **Taskforce Terms of reference**

Cabinet approved the establishment of The Taskforce in May 2007 with the role of identifying the scope and extent of the stolen wages issue by:

- Determining relevant records and specialist advice required,
- Undertaking analysis, seeking advice as required and formulating an appropriate research methodology;
- Undertaking comprehensive and appropriate consultation with Aboriginal people and communities, agencies and other parties on the scope and nature of the issues associated with monies withheld from Aboriginal people;
- Conducting a number of case studies; and,
- Suggesting policy options for going forward. Options could range from having no reparation scheme to alternative models for reparation schemes, identifying any administration issues.

### **Aboriginal and Torres Strait Islander Advisors Statement**

We, the Aboriginal and Torres Strait Islander Advisors of the Western Australian Government's Stolen Wages Taskforce, have been appointed to provide cultural, practical and ethical advice and guidance to the Project. As such, we have a voice, we care and we will represent strongly and appropriately for our people.

It is our intention to ensure that all interactions with Aboriginal and Torres Strait Islander people during the course of the research are conducted with cultural sensitivity, integrity, honesty and accountability. All recommendations from this Project will genuinely and accurately reflect Aboriginal and Torres Strait Islander 'Stolen Wages' experiences.

### **Acknowledgements**

The Taskforce would like thank the Department of Indigenous staff in regional offices, whose knowledge, on the ground logistical support and invaluable assistance facilitated the consultation phase of the project. The Taskforce would also like to thank community administrators, Interpreter services, language centres, LinkUp and Stolen Generations Alliance offices who all provided assistance with organising and facilitating public consultations. The Taskforce and project team would also like to thank the staff of the State Records Office of Western Australia whose partnership and support has assisted with the research for this project. The Taskforce would like to thank all the Aboriginal and Torres Strait Islander people who told their stories as part of this project. The Taskforce would particularly like to acknowledge those who have passed away since speaking to the project team.



## Appendix 2 Consultations

### Community Views on the Project

Feedback from public consultations indicated that this Project was a positive step forward by the Government. Some expressed concerns that the Project could open up a lot of hurt for some people, potentially without any ultimate benefit for those involved. In order for the Project to realise its potential many community members also stressed that:

- Aboriginal people need to have input to the policy options and recommendations put to government, including an opportunity to scrutinize them in respect of their potential effects on Aboriginal people and inter-community relations; and
- The Government needs to provide detailed and accessible feedback to the community about the outcomes of the examination - an area in which many felt government's consistently fail.

### Common experiences and themes

Aboriginal people provided information about their general employment experiences in a range of contexts, with the main sectors being Government settlements, missions, pastoral stations and farms. Other employment contexts included Commonwealth, State & local governments, defence, pearling, hospitals and midwifery, police aides and trackers, hostels, railways, dingo trapping, Cooperative Bulk Handling, private residences (domestic work) and contract work.

The main issues raised in public consultations relevant to employment, wages, savings, entitlements and other monies included:

- Some people's wages and other monies were controlled by the Department and the fate of these monies is unknown;
- Many people worked without cash payment and many felt they were underpaid;
- Where wages were paid, they often were not received directly by the employee;
- Deceased estates were often controlled by the Department, including land, money and other property, and family members still don't know what happened to their relatives' possessions;
- Many people were unaware of their rights and entitlements, so had no way of knowing if they were being paid correctly or if they were eligible for certain entitlements. People also stated that as many could not read or write in the past, it was easy for employers and others to take advantage of them;

- Some people's wages were taxed and they felt that this was not fair given they did not enjoy full citizenship rights;
- Many people suffered injuries whilst working, without compensation; and
- The physical, emotional and socio-economic effects of hard labour and Government control over on people's lives are still evident and experienced by individuals today.

### **Suggestions for moving forward**

During consultations community members put forward a range of policy options for government consideration. Those raised most consistently throughout the State were:

- Repayment or compensation should be paid to those people whose monies were controlled and not repaid to them;
- Compensation should be paid to those people who worked without wages or for less than their non-Aboriginal counterparts, in recognition of the significant contribution they made to the pastoral industry and the State's economy;
- Funding should be made available for projects and programs aimed at recognising and commemorating the lives and work of Aboriginal and Torres Strait Islander people in Western Australia, including for headstones, memorials, signage, recording of oral histories and education;
- Healing programs, including counseling services, should be available to Aboriginal people who experienced control over their lives, as well as their families;
- Aboriginal people need better access to and control of records about themselves and their communities, especially those in remote areas; and
- The Government needs to act quickly with respect to outcomes of the examination, as those who were most affected are elderly.

### **Issues raised beyond the direct focus of the Taskforce**

A range of issues were raised during the consultations beyond the direct focus of the examination, yet people asked for action. These include:

- Stolen Generations: many people across the State queried why the Government was examining Stolen Wages but not the issue of Stolen Generations, and strongly suggested the Government take steps to address this issue.
- Superannuation: many people stated that they were not paid superannuation despite their co-workers receiving it; modern superannuation issues were also raised, including non-payment and a need for help and guidance - many people stated they had little understanding of the system and little awareness of or access to advisory services, especially in regional areas.

- Present day wage issues: a number of people relayed issues with non and underpayment of wages occurring post 1972 and were unsure about where to get advice, in particular for contexts that are occurring beyond the Government control of Aboriginal people.
- Land: a number of stories were received about privately owned land which people felt they (or a family member) had lost due to fraud, trickery or some form of conspiracy at the hands of non-Aboriginal people and some form of redress was sought for this. Information was also received about churches or other institutions being Trustees of land for Aboriginal people, but the land subsequently being sold by the Church.
- Other jurisdictions: a number of people consulted provided information about work undertaken in the Northern Territory, or work undertaken for the Commonwealth Government. This included the Community Development Employment Projects (CDEP) program, which many felt amounted to 'Stolen Wages' given the absence of benefits such as holiday pay or superannuation. These people suggested the WA Government ask the Northern Territory and Commonwealth governments to act on these matters.

CONSULTATION LOCATION	DATE	NUMBER OF PEOPLE
<b>PILBARA</b>		
South Hedland - Family Wing, Lotteries House, 2 Leake Street	Wednesday 10/Thursday 11 October 2007	18 people
<b>KIMBERLEY</b>		
Kununurra – Ski Beach	Monday 22 October 2007	50 people
Warmun – Warmun Community Basketball Court	Tuesday 23 October 2007	60 people
Wyndham - Joorok Ngarni	Wednesday 24 October 2007	9 people
<b>GASCOYNE/ MURCHISON</b>		
Mt Magnet - Railway Recreation Centre	Tuesday 6 November 2007	12 people
Cue - Shire Hall	Wednesday 7 November 2007	12 people
Meekatharra - Shire Hall	Thursday 8 November 2007	12 people
Geraldton - Geraldton Streetwork Aboriginal Corporation	Monday 12 November 2007	
Mullewa - Recreation Centre Dining Room	Tuesday 13 November 2007	9 people
Carnarvon - Carnarvon Lotteries House	Wednesday 14 November 2007	40 people
Burringurrah - Telecentre Boardroom	Thursday 15 November 2007	10 people
<b>GOLDFIELDS</b>		
Kalgoorlie (including Kurrawang and Coolgardie) -WMC Conference Centre	Monday 19 November 2007	40 people
Laverton - Laverton Leonora Cross Cultural Association	Tuesday 20 November 2007	20 people
Leonora - Leonora Recreation Centre	Tuesday 20 November 2007	7 people
Coonana - Coonana Community	Wednesday 21 November 2007	Consultation Cancelled due to Sorry Business
Norseman - Norseman Town Hall	Thursday 22 November 2007	8 people
Esperance - Esperance Civic Centre	Thursday 22 November 2007	8 people
<b>PEEL/ SOUTH-WEST/ GREAT SOUTHERN REGION</b>		
Mandurah - Bortolo Pavillion	Monday 26 November 2007	11 people
Collie - Roche Park	Monday 26 November 2007	7 people
Bunbury - Catholic Education Centre	Tuesday 27 November 2007	11 people
Busselton - Busselton Family Centre	Tuesday 27 November 2007	6 people
Manjimup - The Gallery	Tuesday 27 November 2007	1 people (due to funerals in region)
Mount Barker - Mt. Barker CDEP Shed	Wednesday 28 November 2007	No attendees due to family commitments
Albany - Albany Town Hall	Wednesday 28 November 2007	20 people
Gnowangerup - Gnowangerup Aboriginal Corporation	Thursday 29 November 2007	5 people
Katanning - Mungart Boodja Aboriginal Corporation	Thursday 29 November 2007	9 people
Narrogin - Kooramining Aboriginal Centre	Friday 30 November 2007	12 people
Brookton - Brookton Lesser Hall	Friday 30 November 2007	6 people
Mandurah - Winjan Aboriginal Corporation - 19 Olderley Place, Coodenup	Tuesday 11 December 2007	The number of people was amalgamated with the above Mandurah Number

CONSULTATION LOCATION	DATE	NUMBER OF PEOPLE
<b>WEST KIMBERLEY</b>		
Derby - Garl Garl Walbu Sobering Up Centre	Monday 3 December 2007	8 people
Mowanjum Community - Art Centre	Monday 3 December 2007	8 people
Bidyadanga - Community	Tuesday 4 December 2007	31 people
Broome - Mamabalunjin Resource Centre	Wednesday 5 December 2007	9 people
Beagle Bay - Beagle Bay Community	Wednesday 5 December 2007	6 people
Djarindjin - Community	Thursday 6 December 2007	14 people
Lombadina - Community	Thursday 6 December 2007	2 people
One Arm Point - Community	Friday 7 December 2007	12 people
Looma - Community	Monday 10 December 2007	36 people
Jarlmadanga - Community	Monday 10 December 2007	Discussion with Community Office staff
Fitzroy Crossing - Karayili	Tuesday 11 December 2007	35 people
Balgo - Community	Cancelled due to flooding	
Mulan - Community	Cancelled due to flooding	
Bililuna - Community	Cancelled due to flooding	
<b>WHEATBELT</b>		
Northam - Northam Memorial Hall (RSL)	Monday 3 December	11 people
Moora - Moora Bowling Club	Tuesday 4 December	10 people
Quairading - Quairading Aboriginal Community Progress Association	Wednesday 5 December	20 people
Merredin - Merredin Aboriginal Project Inc.	Thursday 6 December	3 people
Kellerberrin - Kellerberrin Aboriginal Progress Association	Friday 7 December	5 people
<b>METROPOLITAN</b>		
Armadale - Warminda Aboriginal Corporation	Monday 10 December	12 people
Cannington - Ab Music, Clontarf site - Manning Road, Waterford	Monday 10 December	10 people
Mirraboopa - Derbal Yerrigan Health Service - Unit 44, 22 Chesterfield Street	Tuesday 11 December	5 people
Fremantle - City & Fremantle Town Hall Centre	Wednesday 12 December	2 people
Kwinana - Darius Building, Hutchins Cove	Wednesday 12 December	12 people
Midland - Mooditj Nyoongar Community College - Eddie Barron Drive, Middle Swan	Thursday 13 December	7 people
Perth - Aboriginal Alcohol & Drug Service Inc.	Thursday 13 December	13 people
<b>KIMBERLEY</b>		
Halls Creek - Community	Wednesday 12 December 2007	36 people
<b>PILBARA</b>		
Jigalong - Community Council Room	Monday 7 April 2008	11 people
Youngaleena community	Tuesday 8 April 2008	20 people
Roebourne - Community PCYC Hall	Wednesday 9 April 2008	42 people
Onslow - RM Forrest Memorial Hall, Second Avenue	Thursday 10 April 2008	50 people
<b>GOLDFIELDS</b>		
Warburton Community Office	Monday 19/Tuesday 20 May 2008	12 people



## Appendix 3 Abstracts

### CARROLUP

#### CONTEXT

Carrolup River Native Settlement was established as an Aboriginal institution in 1915 – the first of its kind in the State. The establishment of Carrolup was indicative of Departmental policy of the time to increasingly place Aboriginal children into State institutions. It reflected the Departmental financial policy where ration depots were centralised to where Aboriginal people were located for ease of administration. Carrolup was closed for economic reasons in 1922, re-opened in 1932 as a farm training school for Aboriginal people, in 1952 and became Marribank Farm School for boys of all ethnicities aged 14 – 18 years.

Entire Aboriginal families were relocated to Carrolup, however those most likely to be moved there were Aboriginal children of 'lighter skin', old aged and infirm Aboriginal people. Carrolup was the forerunner for later Government institutions and is one example of how the State directly controlled Aboriginal people's lives once they came under the notice of the Department.

#### LEGISLATIVE PROVISIONS

The Acts that formed the mechanics of control for those who were moved to Carrolup were the *Aborigines Act 1905* and the subsequent amending Act of 1936. Carrolup also claimed child endowment monies under the amended *Child Endowment Act 1942*.

#### GOVERNMENT CONTROLS

Some workers at Carrolup were paid wages from as early as 1917 and at the discretion of the Department. There was no award wage at this time. Wages were provided only to those whose skills were deemed necessary to the running of the institution. It is apparent that the policy was for the Department to recoup most of these wages through Carrolup residents' purchase of stores. From 1919 there was a system to control wages of those who worked at, or were sent out from, Carrolup, through using trust accounts. For boys under 16 years, 66% of their wages were to be placed into a trust account, while for girls over 16 years, 50% of their wages were placed into trust accounts.

#### CONCLUSIONS and FINDINGS

By 1943 the settlement paid all wages directly as cash, though this did not mean that all those who performed labour in connection with the running of Carrolup were paid. Indeed non-payment of labour, particularly by children or women, seems to have been a constant undercurrent of Aboriginal people's experiences at Carrolup. Existing records do not offer a comprehensive picture of the number of, amount of money held, movement of money from, or eventual destination of the trust accounts created for the Aboriginal people at Carrolup.

The institution also had control of child endowment monies due to residents of the institution. Questions have been raised concerning the institution's expenditure of child endowment monies. These monies were placed into a general endowment fund that was used for activities concerning children at the institution generally. Until 1949 this money was used to pay wages of workers at Carrolup who were deemed to have employment relating to the welfare of resident children. Furthermore, Departmental inspections of the institution reveal that child endowment payments were allowed to accumulate rather than be spent on the welfare of the children concerned. Questions have been raised as to whether this money was used for its intended purposes, whether there was any appreciable benefit for Aboriginal children living on the settlement and whether correct amounts were claimed on behalf of the Aboriginal population within. Record keeping in relation to children residing at the institution was often inaccurate, which resulted in under or over payment of entitlements.

## MOORE RIVER NATIVE SETTLEMENT

### CONTEXT

Moore River Native Settlement is situated 100 kilometres north of Perth, near the Mogumber railway siding. Its original lands were the home of the Yued Nyungar People. The Settlement was established by the State Government in 1918 and run on a shoestring budget. It remained under government control until 1951 after which it was re-named Mogumber Native Mission and administered by the Mogumber Methodist Mission. Moore River has a high level of significance for Western Australian Aboriginal peoples and provides evidence of issues surrounding the direct control of money along with direct control over every other aspect of life for those entering and working there. Control over people's lives continued after they left the Settlement.

### LEGISLATIVE PROVISIONS

The *Aborigines Act 1905*, the 1936 amendments, the *Native (Citizens Rights) Act 1944* and the *Native Welfare Act 1954* restricted and controlled all aspects of Aboriginal lifestyle at the Settlement. From July 1942 Settlement became eligible to receive Commonwealth Child Endowment payments, which was intended to be spent on the welfare of the children inmates.

### GOVERNMENT CONTROL

Moore River Native Settlement acted as an employment agency and young men and women were sent out to rural areas to work as domestics and labourers across the State. Wages due to children between 14 and 16 years were paid in total into trust accounts, and those over 16 who were employed outside the Settlement had their financial affairs directly controlled by the Department with all wages predetermined and set portions paid into trust accounts. Some inmates were employed as staff at the Settlement and paid either very low wages or no wages at all.

Commonwealth entitlements such as Child Endowment were not consistently used for the benefit of the children and resulted in no marked difference in the quality of their lives. These monies were redirected into other areas of the Settlement, and the Department had complete control over expenditure and responsibility for the lack of improvement occurring with the receipt of Commonwealth entitlements.

### CONCLUSIONS and FINDINGS

The level of control over people's lives at Moore River Native Settlement was extensive, and the Department controlled every aspect of their lives. As many Aboriginal people were frequently sent from the Settlement to work on remote farms and pastoral stations, they were unable to advance economically and build personal wealth. The majority of these people today continue to exist within a lower socio-economic bracket of society.



## SISTER KATE'S CHILDREN'S HOME

### CONTEXT

Sister Kate's was originally established as the Children's Cottage Home by Katherine Clutterbuck (Sister Kate) in 1933 and was utilised by the Chief Protector of Aborigines as a place to house Aboriginal children of 'lighter coloured skin'. The home was renamed Sister Kate's Home in 1946 following the passing of Sister Kate. Sister Kate's remained under the auspices of the Department of Native Affairs/Welfare until 1957 when subsidy funding for the home was largely transferred to the Child Welfare Department. The home was renamed 'Manguri' in 1994 and continues to operate as a residential childcare and family support centre for Aboriginal children and families. Sister Kate's was chosen as a case study due to its longevity and impact on large numbers of Aboriginal people. Additionally, Sister Kate's evidences a unique relationship between a private institution and the Department of Native Affairs/Welfare, and how this relationship contributed to the control of Aboriginal people's lives and monies.

### LEGISLATIVE PROVISIONS

Sister Kate's was acknowledged as a 'native institution' under the *Aborigines Act 1905* and was eligible to receive Departmental subsidy in respect of Aboriginal children maintained there. It also received child endowment payments from 1941 under the Commonwealth *Child Endowment Act 1941*. The Department and the Commissioner had a responsibility to care for Aboriginal children under the *Aborigines Act*.

### GOVERNMENT CONTROLS

The case study shows two systems of direct control in relation to Sister Kate's. The first system is one whereby Aboriginal workers who worked at the Home had their wages controlled and the second concerns evidence of those sent out to work from Sister Kate's and had their wages controlled.

Sister Kate often requested Aboriginal labour from the Department of Native Affairs/Welfare, and several Moore River residents were sent to her to undertake work within the home. Correspondence from 1939 indicates that Sister Kate did not pay any of her workers in wages, but that she kept them in clothing. The Department wrote to her asking that she begin to pay wages and that she accordingly forward requested amounts to the Department to be banked in trust accounts. Records also indicate that if a Sister Kate's employee had a child whilst in the institution then she was to pay maintenance to Sister Kate.

A second system of control in operation at Sister Kate's concerned the wages of those sent out to work. Children were often sent out to work at age 14, employers were expected to provide the children with a small amount of money and send the balance of the wage to Sister Kate's for banking. Sister Kate offered some training activities for Aboriginal children in her care, yet these were seemingly limited to training boys in manual farm labour and girls in domestic and child care duties. Children were often expected to carry out what was felt an unreasonable number of unpaid daily 'chores' which often required hard physical labour.

### CONCLUSIONS and FINDINGS

Sister Kate's shows a system of direct Departmental control of Aboriginal people's wages, as well as raising questions about the Department fulfilling its responsibility to protect Aboriginal people from injustice, imposition and fraud. There are also questions that relate to Sister Kate's expenditure of child endowment and the use of Departmental subsidies to improve conditions for the inmates of Sister Kate's. No records have been found indicating that the wages held in trust by the Department were returned to Sister Kate's employees and this is supported by oral evidence from several former Sister Kate's children.

## NEW NORCIA MISSION

### CONTEXT

New Norcia is a Benedictine monastery 130 km north east of Perth. The monastery was the first 'aboriginal institution' in the State, being founded by Bishop Salvado in 1847 and it continued to operate as such until the closure of St. Mary's Orphanage in 1973. Today New Norcia exists as a major tourist attraction. New Norcia mission had two Aboriginal orphanages; St Joseph's Girl's Orphanage and St Mary's Boy's Orphanage. Although Aboriginal adults were initially welcome at the Monastery, by the turn of the century the mission had increasingly directed its evangelising efforts towards Aboriginal children, with the parents no longer welcome at the monastery, although several worked for the Monastery's farms. New Norcia was chosen as a case study due to the institution's longevity, consistent referral to it during public consultations and as an opportunity to examine how private missions interacted with Government departments in relation to the control of Aboriginal people's lives and monies.

### LEGISLATIVE PROVISIONS

The *Aborigines Act 1905*, all subsequent amending legislation and the *Native Welfare Act 1963* are relevant as it was under these Acts that New Norcia was provided with State subsidies and directions on how to use this money. The Acts also charged the Department and the Commissioner with specific responsibilities relating to the care of Aboriginal minors. From 1941 under the *Child Endowment Act 1941*, New Norcia was eligible to receive Commonwealth child endowment money for every child maintained therein. This money was to be used for the maintenance, training and advancement of the child in respect of whom it was paid.

### GOVERNMENT CONTROLS

Government reports occurred regularly, but often conflicted with oral evidence received from past residents, particularly in the area of diet. Accuracy of these reports is also questioned due to the procedure followed by the Department whereby New Norcia was forewarned of impending inspections. Oral evidence from independent sources has pointed to the practice whereby New Norcia's authorities would mask conditions like diet for the day of the inspection.

Departmental reports from the 1950s indicate that the education system used by New Norcia was considered ineffective. Despite having a Departmental duty to provide for the education of Aboriginal children there was no recorded action aimed at addressing education needs at New Norcia. Several reports over a number of years note no improvement in this situation.

While no evidence has been found linking New Norcia's ex-residents or employee's monies to a system of Department controlled trust accounts, there is evidence that the mission had control over monies earned by female residents who had worked at Bindoon Boy's Town and that the Department absorbed any money made from selling the older girls needlework.

There is documented evidence that the Department controlled the child endowment monies of New Norcia's employees through trust accounts. Furthermore, there is oral evidence indicating that while a New Norcia employee was directly caring for his/her child/ren they did not receive child endowment payments. However, if the child was placed under the direct care of the mission then the mission would receive this payment on behalf of the Aboriginal child.

### CONCLUSIONS and FINDINGS

The situation at New Norcia raises questions about the Department's responsibility to monitor non-Government institutions with relation to the expenditure of entitlements and subsidies paid in respect of the Aboriginal children residing within. The case study provides evidence of Government control over Aboriginal people's entitlements.

## JIGALONG MISSION

### CONTEXT

Jigalong is located approximately 100 km east of Newman in the Great Sandy Desert. Jigalong was originally established as a camel breeding station but by the 1920s had become a ration depot for the area's Aboriginal people. From 1945 to 1969 the site became an Apostolic Mission. From this time until now it has been run by the Aboriginal community who have traditional ties to the land. Jigalong has had an effect on the lives of both Aboriginal children and adults of both genders, particularly during 1946 to 1969. There is strong oral and written evidence surrounding the story of Aboriginal people's experiences of under payment and non-payment of wages at Jigalong, as well as the control of Aboriginal people's Commonwealth entitlements.

### LEGISLATIVE PROVISIONS

Relevant State Acts include the *Native Administration Act 1936* and the *Native Welfare Act 1963*. The Mission was able to claim Commonwealth entitlements under the *Child Endowment Act 1941*, the *Consolidated Social Services Act 1947* and associated amendments.

### GOVERNMENT CONTROLS

Departmental reports indicate that Aboriginal people were regularly employed at Jigalong and that the Mission often performed the role of an employment agency for local stations but it is unclear what amount and form of wage were being received. There is no evidence to suggest that residents of Jigalong had wages controlled through Government trust accounts, or if the Department had any say in wages to be paid to Jigalong residents or where they would work. It is apparent that the Department attempted to exercise direct control on the employment of Jigalong residents through use of the permit system. There is evidence that Jigalong used the 'training' of Aboriginal children as a form of non-paid labour, and that several adults receiving wages on the Mission were underpaid. There is further evidence that the Mission directly controlled Commonwealth entitlements paid to inmates and viewed these entitlements as a way of legitimately reducing their own expenditure on the Mission. As such Department subsidies to the Mission decreased as receipt of Commonwealth entitlements increased. Commonwealth reports indicate that Jigalong withheld amounts of pension money from pensioners and failed to inform these pensioners that they were doing this. Furthermore, the Mission continued to withdraw money from pensions to be placed into a general housing account after the pensioners had already been provided with housing. While the Department had responsibilities to supervise all matters that would affect the interests of Aboriginal people, it is questionable as to whether they fulfilled this prescribed duty.

### CONCLUSIONS and FINDINGS

The Jigalong case study provides evidence of the under and non-payment of wages to Aboriginal employees. It also demonstrates private control of Aboriginal people's entitlements and an apparent lack of Departmental monitoring as to the proper expenditure of entitlements by the Mission.

## BEAGLE BAY MISSION

### CONTEXT

Beagle Bay Mission is located some 100km north of Broome on the Dampier Peninsula. The French Trappists Order originally founded the Beagle Bay Mission in 1890. By 1899, due to climatic and financial troubles, the Trappists had left Beagle Bay and in 1901 the Mission was officially transferred to the Catholic Order of the Pious Society of Missions (Pallotines). Beagle Bay had established a school by 1907 and was instrumental in the implementation of church and State policy towards Aboriginal people from this time. The Mission has been influential in the lives of many Aboriginal people, with high numbers of male and female adults and children, working adults and pensioners coming under its control, although the children were the most represented age group at Beagle Bay.

### LEGISLATIVE PROVISIONS

State acts affecting the control of Aboriginal people at Beagle Bay were the *Aborigines Act 1905*, all amending legislation and the *Native Welfare Act 1963*. Commonwealth legislation regarding entitlements to Aboriginal people was the *Child Endowment Act 1941*, the Consolidated *Social Services Act 1947* and subsequent amendments to this Act.

### GOVERNMENT CONTROL

The Government used Beagle Bay as an assimilation centre for Kimberley children who were part of the Stolen Generations. The aim was to train the children to fulfil low paying menial labour positions that would benefit elements of the wider community. The Mission received Departmental subsidies and grants in aid and the Department had a responsibility to supervise the welfare of the mission's Aboriginal population, as well as provide them with food, clothing and medicines if they would otherwise be destitute. Records from the first half of the 20<sup>th</sup> Century indicate the Department's refusal to provide Beagle Bay with medicines necessary for treatment of the Mission's population. For a long time after the Mission's inception Beagle Bay had difficulty in becoming a self-sustaining operation. During this time the Mission residents often suffered from a lack of food, shelter and medicines. They were often ignored by the Department despite consistent requests as to the provision of medicine, rations and allowances. Patrol reports from the police and Department staff are often limited with information, sporadic in their timing and little more than a recital of the information received from the Beagle Bay Annual Report. Evidence indicates Beagle Bay treated pension payments as a schedule payment and only issued pensioners with a small amount of pocket money. The pensioners at Beagle Bay were supposed to be receiving a direct pension payment, which would have enabled them to handle their own money.

### CONCLUSIONS and FINDINGS

Evidence shows that while a number of people had positive experiences at Beagle Bay many did not. There are questions as to the fulfilment of the monitoring role by the Department, and as to whether the Department adequately provided for Beagle Bay's population when they would otherwise be destitute.

Additionally, there are issues concerning the Mission's control of Commonwealth pensions against Department of Social Services wishes. It is questionable as to whether the Department adequately supervised the Mission's control and expenditure of this money.

## **GOLDFIELDS MISSIONS**

### **CONTEXT**

Mt Margaret, Norseman and Wongutha Training Farm Missions were located in the Goldfields region of Western Australia. Mt Margaret Mission commenced operation in 1921, Norseman in 1941 and Wongutha in 1954. All three missions catered primarily for male and female children, with some adult Aboriginal people employed at the missions, and at Mt Margaret some lived within the mission grounds, but not as inmates. Experiences at the missions varied with many inmates experiencing trauma and isolation as a result of being removed from their parents. A number of former inmates of Norseman Mission spoke of suffering abuse.

### **LEGISLATIVE PROVISIONS**

Relevant Acts were the *Aborigines Act 1905* and subsequent amendment in 1936 which extended departmental controls over employment and wages.

### **GOVERNMENT CONTROLS**

All three missions sent inmates out to work on farms and as domestics in neighbouring districts. Training was provided to equip the children for this employment. Many children also carried out unpaid chores daily. Some also undertook paid work at Norseman and Mt Margaret as 'helpers', domestics and casual labourers. Aboriginal peoples' wages varied across missions in the absence of an award wage.

Child endowment for inmates was paid in bulk to all three missions, and in accordance with the Commonwealth Child Endowment Regulations was to be applied to the general maintenance, training and advancement of the children.

### **CONCLUSIONS and FINDINGS**

Records indicate that Government monitoring of the missions was infrequent and often failed to identify or result in timely improvement in general conditions, overcrowding and sanitary facilities. No evidence was found that workers at the missions were covered by an employment permit or that trust accounts were used to control the wages of Aboriginal people. Accounts of female workers were reportedly poorly kept.

Records show that from 1948 Norseman Mission established trust accounts to manage the wages of men sent out to work from the mission but no evidence was found of account details or their supervision.

Mt Margaret wages were controlled by the Superintendent, and his wife, who kept accounts of earnings from which purchases at the mission store were deducted.

No evidence was found of Government control of wages at Wongutha Mission.

From the limited information available in government records it is difficult to determine whether Commonwealth entitlements were applied in accordance with the Commonwealth legislation.

## KIMBERLEY STATIONS

### CONTEXT

European settlement of the pastoral areas in the Kimberley region occurred from early in the 20<sup>th</sup> century. Pastoralism remains a main component of the Kimberley's economy today. This case study examines Aboriginal pastoral workers, and their dependents and with particular emphasis on pensioners residing on pastoral stations after 1960. This case study was chosen due to the frequent mention of pastoral employment by oral sources and the high proportion of Aboriginal people still living in the Kimberley. The study also offers an opportunity to compare conditions on pastoral stations between and within regions.

### LEGISLATIVE PROVISIONS

The *Aborigines Act 1905*, subsequent amendments and the *Native Welfare Act 1963* all detail the Department's responsibilities towards providing for the welfare of the State's Aboriginal people. These Acts did not provide for a wage to be paid to Aboriginal employees and this did not change until the introduction of equal wages in 1972. Commonwealth legislation examined includes early versions of the Old Age Pensions Act, Maternity Allowance, Child Endowment, Widows Pension and Unemployment Benefits. These Acts were consolidated under the *Social Services Consolidation Act 1947* and were amended in 1959 and 1966 to be more inclusive towards Aboriginal applicants.

### GOVERNMENT CONTROLS

Wages were generally not paid in the Kimberley until the introduction of a wage scheme by the Pastoralists Association of WA in 1950. From this time until the inception of equal wages, cash wages were generally paid at £1 a month plus keep for Station hands and 10 shillings a month plus keep for domestics. However, this rate varied between types of employment and stations. Prior to the inception of cash wages some Aboriginal employees were paid in store credits. This system was open to abuse and many employees finished up owing money to their employer instead of vice versa. No evidence was uncovered of Kimberley pastoral workers having their wages controlled through trust accounts unless they had been sent out to work from the Government pastoral station of Moola Bulla.

From February 1960 all Aboriginal people not considered 'nomadic' were eligible to claim Commonwealth entitlements. Due to Government perception about 'the risk' associated with direct payment to pensioners who had little familiarity with money, these payments were often made to a pastoral manager who acted as warrantee for the pensioner. Complaints about how entitlement monies were being used led to several Commonwealth inspections of the region. The reports painted a picture that varied immensely, but identified several stations in the area that were using the pension money as a form of station subsidy instead of providing for the pensioner. Several stations were criticised for the diet, accommodation, ablutions, clothing and lack of pocket money provided to the pensioners as well as having excessively high maintenance costs. Departmental reports on these stations remain sporadic or non-existent. However, where pensioner conditions were identified as being suspect prior to the Commonwealth inspections of the area, there was little effort to effect improvement until the Commonwealth reports of the area.

### CONCLUSIONS and FINDINGS

Kimberley Aboriginal station workers were unlikely to experience direct control of their monies by the State but they were likely to experience private warrantee control of their monies. The State had a responsibility to ensure that Aboriginal people's were protected from injustice and fraud and to exercise a general supervision over their interests and welfare. Commonwealth reports from the 1960s raise questions as to whether the Department exercised adequate supervision of private warrantees expenditure of pension money, and to whether they fulfilled their above duties of protection.

## MURCHISON GASCOYNE STATIONS

### CONTEXT

Pastoral activity has been in operation on the Murchison Gascoyne region since the 1860s. Aboriginal people have a long relationship with pastoralism in the area, and were arguably the driving labour force behind the establishment of the industry in this area. The stations examined in detail from these regions were Austin Downs and Boolardy Stations in the Murchison, and Minilya Station in the Gascoyne.

Minilya Station was originally predominantly a sheep station (now it is a cattle operation) and is located 150km north of Carnarvon. Austin Downs was a sheep and cattle station and is located near Cue. Boolardy Station was also a sheep and cattle station and is located 178km north west of Cue. All three stations were established in the late 1800s and are still operating today.

This case study addresses male and female workers within the pastoral industry, as well as dependents/family members residing on the station. The Murchison Gascoyne region is an administrative region of the Department, the borders of which have changed over time, and this case study shows the variation in employment conditions across the regions and within a region. These stations all had accessible private records which complemented the often sporadic Government record trail.

### LEGISLATIVE PROVISIONS

Acts of relevance are the *Aborigines Act 1905*, all subsequent amending legislations and the repealing *Native Welfare Act 1963*. Commonwealth Acts include the *Child Endowment Act 1941*, the *Social Services Consolidation Act 1947* and all subsequent amendments up until 1966.

### GOVERNMENT CONTROLS

The evidence demonstrates that some Aboriginal workers in the region had their wages controlled by the Government and held in trust accounts, and these were primarily those who had previous contact with the Department at Government settlements. Records indicate that these workers had up to 75% of their wages controlled through trust accounts. Many others also experienced other forms of control over their wages at the hands of the Department and/or their employers. The evidence also shows that the Department controlled the monies of some deceased Aboriginal people from the region via the use of trust accounts.

### CONCLUSIONS and FINDINGS

Documentary and oral evidence demonstrates a range of employment conditions on Murchison Gascoyne stations, including variety in wage rates. Oral evidence provided by Aboriginal people makes clear that many Aboriginal workers were not informed of their rate of pay, nor the balance of their account at a particular station. This account system was open to abuse by pastoralists and there is evidence that employers were not always truthful to their employees about the balance of their accounts. While some Aboriginal workers were paid award rates at certain times, the archival records and information provided by Aboriginal people shows that many Aboriginal workers were paid far less than their non-Aboriginal counterparts, if they were being paid at all.

Conditions throughout stations in the Murchison Gascoyne differed from station to station. There as a wide range of accommodation, dietary and medical conditions experienced by Aboriginal workers at different stations. The Department did not conduct regular patrols of stations in the region and was therefore unable to sufficiently determine whether employers were meeting their obligations under the legislation relating to the welfare of Aboriginal employees. As such, the Department was not able to consistently fulfil its duty to exercise benevolent supervision over the interests and welfare of Aboriginal people in the region.

## **GOLDFIELDS STATIONS**

### **CONTEXT**

The Goldfields pastoral industry has been in existence since the first decade of the 20<sup>th</sup> Century and continues to this day. Aboriginal labourers were integral to the creation and sustaining of stations within the region. This case study was chosen due to comments from public consultations, and in order to complete a representative sample of pastoral stations throughout WA. The study is reliant on Departmental inspection reports, and as such covers a chronological period from 1950 to 1972. Labourers of both genders are examined, as is the control of entitlements by private warrantees.

### **LEGISLATIVE PROVISIONS**

Relevant state Acts relating to provisions Governing the employment of Aboriginal people are the *Aborigines Act 1905*, subsequent amending legislation and the *Native Welfare Act 1963*. For the time period covered all entitlements were Governed by the *Social Services Consolidation Act 1947*, and subsequent amendments in 1959 and 1966.

### **GOVERNMENT CONTROLS**

This case study examines the under payment and non-payment of wages to Aboriginal employees as well as the diversion of wages by the Department. It also examines the control of Aboriginal people's entitlements by warrantees. While the permit system was in effect up until 1954, the isolation of the region, and Aboriginal people's preference to move through their country and participate in cultural activities meant that permits were the exception rather than the rule.

Wages paid to Aboriginal workers on Goldfields pastoral stations varied according to individual stations. Some were able to claim award wages from the early 1950s. However, a major theme emerging from Department inspection reports relates to Aboriginal employees' belief that they were being underpaid. There is further evidence that young Aboriginal people working for some stations received no wages and were paid in keep only.

While there is no evidence of Goldfields pastoral workers having their wages controlled through a trust account there is evidence that the Department often collected 'sundry' debts by having part of an individual's wage forwarded to the Department. Sundry debts included attempted collections for bus fares paid to get workers to a particular station and the recoup of funeral costs.

Station managers often acted as warrantee for pensioners from 1960. There is documented evidence that one manager was authorised by the Department to remove £4 from the pension schedule paid to pensioners on his property as payment for delivering rations and clothing to the pensioners. It is not known whether these pensioners authorised such an arrangement. A Commonwealth report indicates that by 1966 these pensioners were being regularly visited by a Department of Native Welfare representative, but fails to mention if the Department had assumed warrantee responsibility or if the payments were made direct to individuals.

### **CONCLUSIONS and FINDINGS**

The Goldfields station case study reveals that while the Department did not directly control the wages of Aboriginal people in this sector, there were often attempts to recoup amounts spent by the Department on such things as bus fares and funerals. Furthermore, there are questions arising as to the thoroughness of Departmental monitoring of both Aboriginal employee's working conditions, and the proper use of Commonwealth entitlements by private warrantees.



## PILBARA STATIONS

### CONTEXT

Pastoral activity, primarily sheep and cattle, began in the Pilbara from the 1860s. The labour, skill and local knowledge of Aboriginal people was pivotal to the development and working of these properties. Aboriginal people often moved freely between stations and were able to continue many traditional practices connected to country. By the end of the 1960s employment opportunities for Aboriginal people in the Pilbara pastoral industry had decreased due to mechanisation of labour, the implementation of award wages and the struggling economic position of the industry.

This case study has focused on the examination of a representative group of Pilbara stations and their practices from the period of 1949 to 1972. The Pilbara pastoral industry is of high significance for many Pilbara Aboriginal peoples in terms of past employment, connection with country and by virtue of being the location for the key industrial action carried out by Aboriginal people in WA .

### LEGISLATIVE PROVISIONS

State legislation which influenced employment practices and Departmental duties for the care and welfare of Aboriginal people were the *Aborigines Act 1905*, and amending legislation, the repealing *Native Welfare Act 1954* and the implementation of the *Native Welfare Act 1963*. Commonwealth legislation that controlled Aboriginal peoples' access to entitlements includes the *Child Endowment Act 1941*, the Consolidated *Social Services Act 1947* and the amending legislation of 1959 and 1966.

### GOVERNMENT CONTROL

No evidence has been uncovered linking the use of Government controlled trust accounts with the wages of Pilbara Station workers. However, this can in part be related to a Departmental policy of non-intervention with the affairs of pastoral stations in the area. Furthermore, limited staff meant that the permit system was not effectively enforced and as such the Department would have been unaware of the conditions and wages provided to many workers. On occasions the Department attempted to control the estates of workers through the use of the deceased workers fund. One such example involved the recovery of £100 from a deceased Aboriginal person's employer, which was being used to provide for the maintenance of the worker's elderly Mother.

Although the Department had responsibility for the welfare of Aboriginal people it appeared unwilling to either prosecute employers who failed to meet minimum employment requirements, or to press for the implementation of a minimum wage in the region. Available patrol reports are often very limited in the information offered and where they do describe instances of neglect it is impossible to identify whether any action was taken to remedy the situation.

There is evidence that by the mid 1950s, town based bank accounts had been created for Aboriginal mothers residing at pastoral stations and receiving child endowment. These accounts were not under the direct control of the mothers, though it is unknown whether the Department or the pastoralists controlled access to these accounts.

### CONCLUSIONS and FINDINGS

Low, or non-existent wages and poor living conditions were characteristic employment conditions for many Pilbara Aboriginal workers, although there was variation between stations. The Department had limited direct control over the wages paid to Pilbara station workers. In spite of legislation which allowed for the stipulation of working conditions, it is apparent the Department enabled pastoralists free reign in the provision of these conditions. There was a wide range of conditions in the area, but where the Department identified unsatisfactory conditions they rarely sought to resolve the issue. This case study raises questions as to the Department's fulfilment of their monitoring duties and their effectiveness in implementing positive change for Aboriginal workers in the area. There are also questions about the Department's recovery of deceased estates.



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