Submission to the Senate Inquiry into Indigenous Workers (Stolen Wages), by Dr. Cameron Raynes, 15 July 2006

My submission to the Senate's inquiry into Indigenous Workers (Stolen Wages) covers four main points:

(1) the approximate number of Aboriginal workers in South Australia whose paid labour was controlled by the South Australian government;

(2) the trust funds held by the South Australian government;

(3) maternity allowance and child endowment arrangements in South Australia; and

(4) access to records by Aboriginal people in South Australia.

In all of this, I write only of the period 1911–1953, as per my research interests. I hold a Doctorate in Anthropology from the Northern Territory University and have worked for State Records of South Australia in their Aboriginal Access Team. I wrote an administrative guide to Aboriginal records in South Australia, *'A Little Flour and a Few Blankets': An administrative guide to Aboriginal affairs in South Australia from 1834–2000*, which was published in 2002. I am in the process of writing an account of Aboriginal affairs in South Australia for the period 1939 to 1953.

1. How many Aboriginal workers in South Australia had their paid labour controlled by the South Australian government?

This is a difficult question to answer. Generally speaking, the South Australian government did not control the labour of Aboriginal workers in South Australia. There was no regulation of their employment conditions or rates of pay, and only a few sections of the *Aborigines Act 1911*, and subsequent legislation, touched on the question of labour at all. This deficiency in legislation was cause for great concern and some agitation, as some Aboriginal workers in South Australia, especially those on pastoral stations, were ruthlessly exploited throughout the mid-part of the twentieth century. Playford's government chose not to introduce any amending legislation to parliament.

However, at the government-run Aboriginal stations at Point Pearce and Point McLeay, Aboriginal men and some women were provided with paid employment. As a general rule, only married men were employed, with the rate of pay in 1941 being six shillings per day for those without children, increasing to a maximum of eight shillings per day for those with large families to support. At both Point Pearce and Point McLeay Stations, the resident nurse and the manager's wife were provided with Aboriginal maids, who were paid at the rate of about two shillings per day.

Regulation 4 of the Aborigines Act required the Superintendents of these stations to provide employment for 'as many aborigines as he can conveniently do'. Regarding this, the Secretary of the Aborigines Protection Board (APB) wrote: 'While it is desirable to find employment for as many of these men who are married as possible, there is no obligation on the department to do so.'[1]

There was much discontent among the Aboriginal residents of these stations regarding the amount of work provided to them and the wages they received. I have made substantial notes regarding this from my research on the history of the administration of Aboriginal people in South Australia. I can produce this research if required.

By 1950 there were 371 Aboriginal residents at Point Pearce Station and 320 at Point McLeay. Both stations were badly overcrowded, with the health of the residents suffering as a result. The stations were designed to accommodate between 200 and 250 residents each.

By 1951, at Point McLeay Station, 35 Aboriginal men were employed at between four and five pounds each per week, and five Aboriginal women employed at two pounds each per week. By 1952, there were 408 Aboriginal people at Point McLeay Station.

The provision of work was used as a form of social control by the State government, with 'troublemakers' and 'agitators' occasionally denied work, and so the means to support themselves and their families on the stations. I have material on this that I could present if required.

In 1939, the Chief Protector of Aborigines wrote: 'At Point Pearce the Superintendent inflicts punishment on working natives guilty of minor offences by

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[1] Penhall to Bartlett, 20 March 1946, GRG 52/1/1946/2.

fining them small sums [of money]. This practice has no regulation to support it.'[2] When, in September 1941 there was a strike by Aboriginal shedhands at Point Pearce Station, in protest at not being paid award rates, the manager of the station sent the Secretary of the APB the names of the strikers.[3]

In 1952, the APB requested an increase in the vote for Aboriginal wages, to allow 42 men to work all year at five pounds each per week.[4]

The Point McLeay and Point Pearce Stations came under government control in late 1915 and early 1916 respectively. If approximately thirty to forty men were employed at each station each year, until the stations ceased to come under government control in the 1960s, it is possible that at least 400 Aboriginal men and women came under government-controlled labour in South Australia, and perhaps as many as 800. I don't believe the records have been kept which would allow the exact number to be determined.

2. Trust Funds

Under section 35 of the *Aborigines Act, 1934–1939*, the APB could undertake 'the general care, protection and management of the property of any aborigine' and was required to 'keep proper records and accounts of all [such] moneys and other property'. Yet, in a 1932 case involving an Aboriginal man compensated for losing a leg, the Chief Protector failed to get control of the money involved. I believe there was a Crown Solicitor's opinion on the matter which advised against the forced holding of the money, but I am not entirely sure on this point and have no way of checking it as I have been effectively banned from looking at these records. I write more on this in point 4, below.

The Aborigines Department did establish trust accounts for certain Aboriginal people as the need arose. In 1940, the Secretary of the APB wrote:

> There are a number of accounts at the Savings Bank of South Australia in the joint names of the Chief Protector of Aboriginals and the person to

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[2] Penhall to Chinnery, 8 November 1939, GRG 52/8.

[3] Castine to Penhall, 18 September 1941, GRG 52/1/1941/1B.

[4] Penhall to APB, 6 August 1952, GRG 52/1/1953/123.

whom the money belongs. The accounts have been operated by the Head of the Department and the Accountant as need has arisen.[5]

Most of these accounts contained money received as a result of inheritance, compensation, or as gratuities payable to widows or children of Aboriginal men killed in World War II.

Generally speaking, these accounts appear to have been opened without the consent of the Aboriginal people involved. In late 1939, the Chief Protector of Aborigines in South Australia made arrangements with the Repatriation Commission for a returned Aboriginal serviceman's pension of two shillings and threepence per week per child to be paid into a trust account, to be controlled by himself and another member of the Aborigines Department.[6]

By 1953, there were 45 separate Aboriginal trust funds in existence. They contained £2,375 in total. They were consolidated into one, interest-bearing account, called 'Trust Fund—Aborigines Protection Board'. I can give information on some of the individual accounts which existed prior to this 'pooling' of funds, but can give no information on what happened to this pooled account after 1953, or how the 45 Aboriginal people involved were able to claim the money due to them. I am reasonably confident though that a further search of GRG 52/1—if that were possible (see point 4, below)—could shed light on these matters.

3. Maternity Allowances, etc

There was a standing arrangement in the 1940s and later, between the Aborigines Department and the major hospitals in South Australia, such that Aboriginal women who received the maternity allowance were required to pay some of this money directly to the hospital in which they spent their 'confinement'. I don't believe this was a requirement for non-Aboriginal women at the time. I have examples of this that I could make available to the Inquiry.

The APB controlled the child endowment money of certain Aboriginal people, but not as a general rule. They did so only in cases where they thought it would allow them to exert some measure of control over the recipients of the money, and in several

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[5] Penhall to APB, 24 September 1940, GRG 52/1/1940/48.

[6] Penhall to Deputy Commissioner, Repatriation Commission, 14 November 1939, GRG 52/1/1939/49.

cases they withheld money to do so. I have examples of this from Swan Reach and Finnis Springs Mission that I could make available to the Inquiry.

While the South Australian government had only a very small role in withholding Commonwealth payments to Aboriginal people, they turned a blind eye when certain religious organisations did the same. The cases of the Koonibba Mission and the United Aborigines Mission (UAM) bear some discussion.

The Koonibba Mission, operated by the Lutherans, near Ceduna on the west coast of South Australia, was very pro-active in separating Aboriginal parents from their child endowment money in the 1940s at least. I have several examples of them withholding such money from residents of the Mission, even when these residents left and attempted to live in nearby towns. The South Australian government knew this was happening and did nothing to stop it. I could make these examples available to the Inquiry.

The UAM in South Australia also had a very cavalier attitude towards Commonwealth entitlements payable to the Aboriginal residents of their Finnis Springs, Nepabunna, Swan Reach, Gerard and Oodnadatta Missions. At one point the UAM had an arrangement with the Commonwealth which allowed them to collect the child endowment money for all of the residents of these missions. The money 'raised' by each mission was supposed to be spent at the mission in question, but instead the money was pooled, and appears to have been spent as the UAM hierarchy saw fit. The missionary at Oodnadatta in particular was very concerned that *none* of the child endowment money raised on behalf of the children at that mission was ever spent on them. The South Australian government almost certainly knew that this was happening, but did nothing to stop it. I have more information on these matters that I could make available to the Inquiry.

4. Access to Records

Access to government records for people in South Australia has been severely curtailed since mid-2004, when a blanket-ban was put on the most important record series, *GRG 52/1— the correspondence of the Aborigines Department, 1868–1962*. I was very involved in the circumstances leading up to this ban, and so can provide background detail to it.

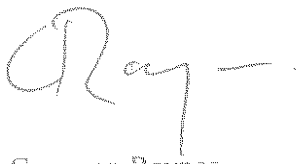
GRG 52/1 is the primary resource for anyone wishing to understand the history of the administration of Aboriginal people in South Australia. It consists of around 27 shelf metres of material—some 160-odd boxes—each containing many hundreds of items of historical correspondence generated or received by the Aborigines Department in South Australia.

From 2002 to 2004, I had access to this series as a private researcher, and did an exhaustive study of it for the period 1939 to 1953, reading through 65 boxes of correspondence containing more than 60,000 items.

During this study I became aware of some remarkable facts regarding the custody of Aboriginal children in South Australia. I was told of the existence of some very interesting and controversial documents within GRG 52/1 that were in the custody of the Crown Solicitor's Office in Adelaide. In late 2003, I applied to see these documents. In April 2004, Michael Atkinson, the Attorney-General, advised me that the documents I wanted would not be made available to me as they were subject to legal professional privilege, and further, that he had requested of the Department of Aboriginal Affairs and Reconciliation that they revoke my access to GRG 52/1.

Soon after this, a blanket-ban was put on this record series. Now, if anyone wants access to any of the hundreds of thousands of items within it, they must refer a particular file to Aboriginal Affairs. This department then vets the file for any material subject to legal professional privilege, and advises their CEO accordingly. The CEO then informs the Attorney-General and then a decision is made to either allow or deny access to the file.

As a result, it now takes many months to access any item within GRG 52/1. Worse still, the items can only be accessed on a one-by-one basis, making extensive research and the ability to 'browse' through the material completely impossible. A fundamental requirement for working through archival material like that held in GRG 52/1, which is organised only loosely by subject matter, is the ability to browse. Consequently, this rich resource is all but useless.



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