

Submission
to the

Legal and Constitutional References
[Senate] Committee:

Inquiry into Indigenous Workers
Whose Paid Labour Was Controlled
by Government [Stolen Wages].

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Date: 24th July 2006

Action for Aboriginal Rights (AAR) fully supports the Indigenous Peoples in their fight for justice over Stolen Wages, which includes repayment of all the wages, child endowments etc that were withheld from their people by governments and institutions, together with interest the money would have earned, compensation for the hardship and poverty which the people endured as a result of these actions and a public forum explaining this injustice and its consequences on the welfare and the current economic status of the Indigenous Peoples.

a-b. Details of Stolen Wage Cases.

Our organisation is in no position to provide detailed information on the Inquiry's Terms of Reference topics in paragraphs a to h, other than to point out that the information has been well researched and is available from researchers, such as Dr. Ros Kidd of the Centre for Public Culture and Ideas at Griffith University, Nathan Campus.

One issue in particular, which does concern us is the compensation payment to the Torres Strait Islanders and mainland Aborigines employed by the army in the racially segregated units known as First Aust Army during the Second World War (see Appendix for copy of Minutes of the Conference held to discuss the employment of natives in the army, Melbourne, 1 Feb. 1944).

Though AAR is aware that some compensation has been paid, we would like the Committee to investigate whether all ex-servicemen of this unit were compensated and whether the compensation was adequate and just. We further consider that both the 1944 Conference's findings that the under-payments were illegal and its rationale for its decision to continue not to pay full rates to the Indigenous personnel should be publicised as an example of the extent of the injustice the Indigenous Peoples were subjected to.

i. The Need for National Forum.

AAR is of the opinion that a National Forum to publicly air the complexity and the consequences of mandatory controls over Indigenous labour and finances is urgently needed to dispel the persistence and governments' exploitation of the myths and misconceptions about the Indigenous Peoples' employment, economic status and welfare dependency as well as the constant referral to the Aboriginal Affairs funding as the non-Indigenous tax payers' money.

As has been pointed out by Professor C. D. Rowley in his book "Recovery", when Australia became a colony of Britain, the Aborigines, and not the whites, became the colonised people (pp. 11, 28, 106, 112). In the colonising process, the colonised Indigenous Peoples were not only subjugated to work for the colonisers in virtual slavery, especially in places where convict labour was not available (see for example Deborah Bird Rose, "Dingo Makes Us Human", chapter 1, section "Violence and Resistance"; Andrew Markus, "From the Barrel of a Gun, the Oppression of the Aborigines, 1860 to 1900", Part 2, section b, "Slavery in the North-West?"), but unlike in other colonies, they were also deprived by the colonisers of their main economic asset through the usurpation without compensation of their lands.

So while the colonisers build their wealth on the colonised Indigenous Peoples' lands and labour, the Indigenous people lived in poverty at the mercy of their colonial masters.

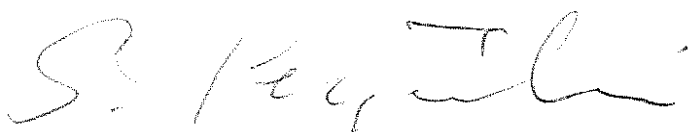
When in 1901 Australia ceased to be British Colony, the colonised Indigenous People were left out of the decolonising process with the result that they still continue to be colonised with the colonial authority having been taken over by the Australian Government (Rowley, *ibid*, p. 11), The Stolen Wages are part of the evidence of this post 1901 colonial control and administration of the Indigenous Peoples.

An open national forum on Stolen Wages is therefore crucial for debunking the myths and prejudices that still persist in our society, and for Australians to realise and come to terms with the fact that Indigenous Australia is still a colony, that the Indigenous Peoples, like the people of Papua and New Guinea, are entitled to a decolonising process and that the funds spend by the governments on Aboriginal affairs come from the wealth build on the Indigenous Peoples' lands and labour and are due to them as part of the decolonising process to which they are entitled as a matter of justice (Rowley, *ibid*, pp. 28, 106; Greta Bird, "Koori Cultural Heritage: Reclaiming the Past?", in "MAJAH", Edited by Greta Bird, Gary Martin and Jennifer Nielsen, the Federation Press 1996)..

Recommendations.

AAR submits that the Committee recommends that:-

- the Stolen Wages together with interest and just compensation be paid to the Indigenous people and their families;
- the illegal under-payments to the Indigenous personnel employed by the army in the First Aust Army during the Second World War be investigated and publicised;
- an open national forum be established to publicly air the injustices and consequences of the history of the colonisation of the Indigenous Peoples of Australia and of the mandatory control over Indigenous labour and finances during most of the 20th century under the colonial system.



Stanislaw Pelczynski,
on behalf of AAR.

Appendix

Subject :- EMPLOYMENT OF NATIVES IN THE ARMY

HQ First Aust Army (1F)
27 Jun 44

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1. From the early part of 1942 onwards, doubt as to the legality of the terms of service of Torres Strait Islanders and aboriginals was entertained by First Aust Army. This view was endorsed by CLO First Aust Army in Jan 44. The AAC had many conferences on this matter with the Director of Native Affairs, DFO, Qld L of C Area, Commissioner of Repatriation and the Public Services Commissioner, Qld. As a result of these conferences First Aust Army asked for a Departmental Conference, which was ultimately held in Melbourne on 1, Feb 44. The following attended this conference :-

Army

Mr F.R. Sinclair, Secretary
Mr J. Fitzgerald, Chief Finance Officer
Lt-Col Helford, Directorate of Personal Services
Lt-Col Dawson, Directorate of Organization
Lt-Col Allaway, Directorate of Legal Services
Major Todd, Directorate of Recruiting
Major Clarke, Directorate of Finance
Lt-Col O'Loughlin and
Lt-Col Irvine, First Aust Army.

External Territories

Mr R. Meirose, Director of District Services and Native Affairs, Territory of New Guinea

Interior Mr Chinnery, Commonwealth Adviser on Native Affairs

Navy

Mr H.S. McKay, DHA

Qld Government

Mr J. McCracken
Mr C. O'Leary
Mr Bennett

Repatriation

Mr. T. . Hooks

Treasury (Defence Section)

Mr J.P. Watt, Assistant Secretary (Chairman)
Mr F.J. Kelly
Mr A. Lawrie.

2. The main question discussed at the conference was that of pay of the above personnel. They were enlisted in the ordinary manner but were not paid at the same rate as white soldiers. It was considered that paying them at a lower rate was illegal and that serious repercussions might follow. An estimate of the amount of under-payment together with Repatriation liability was \$30,000,000. Strong dissatisfaction had been expressed by certain of the native personnel, on the ground that they were doing the same work as white soldiers, which culminated in a mutiny in the Islands.

3. The second matter of importance discussed was the employment, in the same areas, of different types of natives,

worked in conjunction with Torres Straits Islanders and the differing conditions caused dissatisfaction, particularly as prior to the war the standard of living of the Thursday Island Malaysians was not higher than that of the Torres Strait Islanders. Representations had been made by the Premier of Queensland asking that the rate of pay of the Torres Strait Islanders be increased.

4. The question of native personnel in Papua and New Guinea was also raised. It is not intended to further discuss this latter class of native, as it is not considered to be a matter for HQ, First Aust Army.

5. The third matter of general importance raised at the conference was the advisability of continuing to employ Australian aboriginals in the Army.

6. The conference decided that, although from a strictly legal point of view, the above personnel, both Torres Straits Islanders and Australian aboriginals, were entitled to full rates of pay, such payment should not, in fact, be made. There were two reasons for this :-

- (a) the sum involved; and
- (b) that if such natives were paid at such rates - far above the rates earned by them in civil life before the war - it would cause considerable trouble when they eventually left the Army.

It was decided, however, that these rates of pay should be raised.

7. The Torres Straits Islanders are subject to the general control and supervision of the old Department of Native Affairs under old legislation.

8. It was recommended that dependants' allowances should be granted, and that in the case of married natives there should be a compulsory dependants' allowance to be paid to the Director of Native Affairs. These increased rates of pay and of allowances would be retrospective to 1 Jul 43.

9. A compensation scheme based generally on the framework of the Repatriation Act with pension rates adjusted in accordance with rates of pay was recommended. The actual rates of pay recommended were :-

Active pay

- (i) Private and Lance Corporal, two thirds of full rate of active pay which would give a rate of 4/4 per day for a private and 4/8 per day for lance corporals.
Corporal 5/4 per day.
- (ii) deferred pay 1/6d per day
- (iii) Dependants allowance :
For wife or first dependant 1/6 per day
For first child or second dependant 1/6 " "
For each additional child or dependant " "

These rates are more than double the old rates of payment.

10. The conference recommended that the Malaysians then serving along the Torres Straits Islanders should be from these units and dispersed.

11. HQ wrote to this HQ on

Malayans then serving in Torres Straits Islands
The A F situated other than in the Torres Straits Area and requested
this HQ to inform them if this had been done and, if so, to what
units the Malayans had been transferred

12. HQ First Aust Army, referred the matter to 4 Aust Div.
Further informing that the decisions of the LHQ
conferences would be strictly adhered to.

13. 4 Aust. Div asked that these personnel be transferred to
Water transport Coy (MT Force) This request was forwarded
to HQ which approved such transfer by signal dated 22 Apr 44.
Approval has been notified to 4 Aust Div who state that at the
moment the seven Malayans in question are on leave but will be
despatched to the above unit on return. HQ First Aust Army has
still to notify LHQ when these transfers have been effected.

14. On 17 Feb 44 this HQ wrote 4 Aust Div detailing the
results of the Melbourne conference and informing them that the
following action was required of them :-

- (a) Arranging transfer of Torres Straits Malayans to suitable
units outside the Torres Straits Area;
- (b) The taking of a census, in conjunction with the Protector
of Islanders, of dependants of Torres Straits Islanders,
in anticipation of setting up a system of dependants'
allowances
- (c) Report as to the suggested disposal of mainland aboriginals.

15. On 4 Mar 44 HQ First Aust Army wrote to LHQ with reference
to the Melbourne conference recommending that special provisions be
made on the conditions of service of Torres Straits Islanders as
regards the establishment of a posting for corporal pilots. These
men are specially skilled in the work they are now doing. This HQ, at
that date, considered that added rank was preferable to trade grouping.
A proposal for the amendment to WE should be submitted to LHQ on
receipt of information from 4 Aust Div. It is further pointed out
that the recommendation of the Melbourne conference to pay native
corporals two thirds of the rate given to white equivalents would
be excessive and the Director is concerned by problems arising after
the war caused by excessive payments. Consequently, this HQ
recommends that a slightly lower rate of pay be given to native
corporals and suggests that six pence per day for Lance corporals
and 1/- per day for corporals over and above the pay of private
native soldiers would meet the case.

16. Copy of this letter was sent to 4 Aust Div asking that
they forward a recommendation for an amendment to WE of 2 Aust
Water Tpt Gp or any other unit handling small craft.

17. On 4 Mar 44 Supervising Engineer of the Allied Works
Council wrote to 4 Aust Div stating that Torres Straits and
mainland natives are employed at Thursday Island and Jacky Jacky,
some being enlisted as members of the CCC and some not - the CCC
members being paid in accordance with the CCC award. He further
stated that the services of these men could be dispensed with
without dislocating the work of his Council. At Thursday Island,
natives are also employed by the CCC and work under the same
award. Release, he states, of these men would cause temporary
inconvenience until their successors were trained to take their
places.

18. On 29 Feb 44 the OC 2 Aust Water Tpt Gp wrote to Torres
Straits Force stating that his unit had 41 mainland aboriginals on
strength, employed as lugger crews, pilots, etc., and that these
soldiers are all of good physique and quite the equal of Torres
Straits Islanders. He further states that the vessels in his

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have to make voyages to the southern end of the Gulf of Carpentaria and that the mainland natives have an excellent knowledge of these waters. In his opinion, lugger activities would be considerably curtailed if these natives were discharged. The Gp of the above unit further stated that he is most anxious to keep the Malayan personnel on strength. This report was forwarded to Hq First Aust Army by 4 Aust Div on 6 Mar 44. That Hq strongly urged that the personnel referred to be allowed to remain with 2 Aust Water Tpt Gp and does not consider that such a course would cause any discontent amongst the Islanders. It further endorsed the views expressed in report as to the employment of natives.

19. Comd 4 Aust Div agrees with the proposed removal of Torres Straits Islanders and mainland aboriginals from the CCC. The letter in which this view is expressed raises the question as to whether the census of dependants asked for by Hq First Aust Army is to include children of widowers serving in the Forces and wholly or partly dependent mothers or other relatives of single men. Comd 4 Aust Div states that he is in a position to take an immediate census when this position is clarified but requires, for this purpose, further staff and transport. He considers that such census should be taken at the same time as the Island election of Councillors, which is long overdue. Para 6 of such letter reads as follows :-

"I desire to impress most strongly that if the proposals in your AB/3355 of 17 Feb 44 are implemented in toto, the transport work in this area will be hamstrung. These are extremely tricky waters, abounding in reefs and shalls. Detailed local knowledge is essential. Navigation knowledge and standard of the white personnel here of 2 Aust Water Tpt Gp is insufficient for safe navigation. It is essential that Islanders and natives be employed. Water transport is the life blood of this area and even now it is difficult to successfully carry it on. It is regretted that an opportunity was not afforded an officer from this Hq to attend the Melbourne conference. This Hq had no intimation that it was to be held and permission to attend and represent the local picture would certainly have been requested."

AWM 54, Written Records
1939-1945 War

20. On 17 Mar 44 the Co-ordinating Engineer, Allied Works Council, wrote to 4 Aust Div stating the manner in which native personnel employed by the CCC would have to be discharged.

21. On 23 Mar 44 Comd 4 Aust Div also wrote to Hq First Aust Army with regard to the employment of the aboriginals and their discharge.

22. On 26 Mar 44 he wrote to the Co-ordinating Engineer, Allied Works Council, asking him to immediately discharge the natives employed by him.

23. On 30 Mar 44, 4 Aust Div wrote this Hq stating that in its opinion the method suggested by First Aust Army, referred to above, of rewarding skilled native labour used in navigation, e.g. pilots, was inappropriate and recommended that trade grouping was more appropriate than an increase in rank, and that no good purpose could be served by submitting amendments to the existing WE on the basis of First Aust Army memorandum. Paras 6 and 7 of 4 Aust Div letter read as follows :-

"6. It was decided that 2 Water Tpt Gp should submit to the Torres Straits Area an amendment to the existing WE (for onward transmission) on the basis of creating distinction between skilled labour and unskilled labour in trade grouping and rank where command is involved.

7. Conference agreed that suggestion made by Director of Native Affairs, namely sixpence per day for lance corporals and 1/- per day for corporals was adequate distinction between rates of pay and is recommending this

On 3 Apr 44, 4 Aust Div wrote to HQ First Aust Army stating that Qld. Records Office does not agree that Torres Straits Islanders, as members of the AVT, have the same legal responsibilities as other members of the AVT and may be required to serve in any prescribed area, and ask that the position be clarified.

25. On 6 May 44 Rear HQ First Aust Army sent a signal to 4 Aust Div asking for the amendments to the WE of 2 Aust Water Tpt Coy by 4 Aust Div and referred to above.

26. On 9 May 44, LHQ wrote HQ First Aust Army with reference to First Aust Army AS/2955 of 4 Mar 44 asking for further information regarding the pay of native corporals and lance corporals and also calling for a report as to the rate of pay to be given to native pilots and cooks.

27. On 11 May 44 Landforces signalled First Aust Army that they understood forty one mainland natives were being transferred from 14 Aust Water Transport Coy and pointed out that these natives had been carefully selected for specific duties as lugger pilots and ordered this HQ to suspend further action these personnel pending instructions from LHQ.

28. On the same date this HQ instructed 4 Aust Div to suspend further action in regard to the above transfers.

29. On 16 May 44, 4 Aust Div signalled this HQ acknowledging receipt of signal and stating that mainland natives had been carefully selected and that no action would be taken to discharge them.

30. On 17 May 44 this HQ repeated such information to Landforces by signal.

31. On 17 May 44 this HQ signalled 4 Aust Div asking them to advise full circumstances leading up to proposed transfers mainland natives from 14 Aust Water Tpt Coy.

32. On 18 May 44, AAG Rear HQ First Aust Army signalled to this HQ, stating that the transfer of the 41 mainland natives was an implementation of LHQ directions following on Treasury conference 1 Feb 44. Further mentions instructions from LHQ as to rates of pay dated 4 May 44 (60266). This is now to hand and is in the form of a draft routine order relating to pay of Torres Straits Islanders which LHQ request that this HQ promulgates as an order of our formation. The LHQ letter also encloses a copy of letter from them to DFO 1d relating to the above subject. This draft sets out rates of pay for natives of all ranks and lays down the conditions for :-

- (a) Deferred pay,
- (b) Allotments
- (c) Dependents' allowances.

The letter to DFO is an instruction to make payments at the rates indicated in the draft routine order.

33. On 31 May 44, AAG forwarded a report to this HQ from Rear HQ First Aust Army. This report is general in nature and sets out matters referred to above. It states, inter alia, that NT Force is prepared to utilise the mainland aboriginals in question. It further states that there has been no reply by HQ First Aust Army to the letter quoted above from HQ 4 Aust Div (M.110/32/51) of 6 May 44 which letter encloses a memorandum from Civil Liaison Officer Torres Straits Area and the OC 2 Aust Water Tpt Coy both of which are referred to above. The report goes on to say that the matter was reopened through service channels by Col HERBERTSON, Director of Water Transport, with the Engineer in Chief at LHQ. This service communication, no

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doubt, prompted the LHQ signal of 11 May 44. The A.G. makes certain recommendations in para of his report which, so far as they are understood, would appear to amount to a reversal of this H. policy

34. On 5 May 44 this HQ wrote to 4 Aust Div attaching for its information LHQ 56845 of 27 Apr 44. This letter states that the war cabinet approves the proposed new rates of pay generally referred to above and authorises that action be taken by this HQ in terms of para 3 of letter AS/2555, of First Aust Army to LHQ of 4 Apr 44. That para reads as follows :-

"3 The following action is proposed at H. First Aust Army, subject to confirmation :-

(a) An official statement will be made to notify troops, informing them that the War Cabinet has approved of an increase in their rates of pay; giving an outline of the increases which may be expected, and the dates from which it is proposed that the increase starts.

(b) At the same time, native personnel will be informed that promulgation of a decision as to policy does not mean that they will receive immediate benefit but that a great deal of official action must be taken before increases become operative, as far as their paybooks are concerned.

(c) Notification will be made that their own officers were not withholding from them information which should be promulgated, but that earlier promulgation was not made until the Government decision had been reached. This course is considered necessary to maintain the status and the authority of the officers with their troops."

The letter from this HQ to 4 Aust Div of 5 May 44 further directs that action be taken by that latter Formation in accordance with para 3, quoted above.

35. The LHQ letter of 27 Apr 44 was preceded by a signal of 29 Mar stating that the rates recommended by the Treasury Committee had been approved. This HQ so informed 4 Aust Div.

36. It is advised that the higher rates of pay now duly authorised by LHQ were promulgated over the air on 21 Mar 44, more than a month prior to the official authority being received from LHQ. As this HQ instructions to 4 Aust Div were that the whole matter was Most Secret, complaints couched in strong terms were, naturally enough, received from 4 Aust Div that the matter had been promulgated over the air and in the press before that Formation had any notification that the same had been adopted by Cabinet.

37. On 15 May 44, there was a conference between AAG First Aust Army and the Director of Native Affairs Queensland. The Director stated that the increase of pay was a matter of moment to the Qld Government in that accumulated pay of natives would put them in a better position to buy drink and gamble than previously. The Government further thought that Natives should be encouraged to save their money with a view to purchasing homes and to re-equip themselves after the war.

The A.G. stated what action could be taken by the Army in further these views.

The Director stated, that to set up the necessary machinery, his department required the following information :-

(a) Deferred pay. Particulars of each soldier's date of enlistment and subsequent date of commencement of deferred pay

AWM 54, Written Records
1939-1945 War/...../.....

This is a copy of the original of this document.

(b) Particulars as shown in attached pro form

(c) Discharged native personnel information as to amount of deferred pay and arrears of active pay due to soldiers in question

AAG proposed that, with consent of the 4 Aust Div, the Director of Native Affairs deal direct with the Torres Straits Island personnel in all matters affecting native pay, to be referred to unless necessary. This course was to the Director.

The Director further considered that subsistence allowances for native personnel should be 2/6d per day unless the Army had issued the soldier with rations for his leave period, when no allowance should be paid.

The AAG informed the Director :-

(i) That the implementation of LHQ instructions and Army Orders would be published, and that he would be given a copy. Further that copies of correspondence to 4 Aust Div on questions of native pay would also be forwarded to him.

(ii) That particulars of soldiers dependants would be ascertained by the Army and would be checked with State Record of Child Endowment. The Director asked that this check be first taken between Mr Curtis, Director of Native Affairs - Thursday Island, and Depot Cash Office, and that it be subsequently verified by H. Torres Strait Area Department of Native Affairs and DFO Qld.

On 22 May 44, AAG sent to this HQ a letter stating steps still to be taken by 1st First Aust Army. This suggested action, shortly, was as follows :-

(a) 4 Aust Div to establish special rates of pay for pilots. LHQ desires this to be done by amendment to WE making such personnel extra corporals. 4 Aust Div considers that this course should not be adopted but that they should be trade grouped.

(b) 4 Aust Div to submit amendments to WEs of units to provide for cooks, clerks, etc., to be white or native personnel according to circumstances.

(c) The deficiencies in 14 Aust Water Tpt Coy after the discharge of aboriginals will have to be made good from Torres Straits Island personnel in other units. It is suggested by the AAG that these reinforcements be taken from the Torres Straits Light Inf Bn, which he considers need not now be kept at full strength.

(d) AAG suggests that the draft routine order sent by LHQ to this HQ for promulgation be published by HQ First Aust Army as a special order, to facilitate distribution to civil authorities.

First Aust Army Signals A5257 and A8521 in reply to LHQ A 3268 are referred to by AAG. Also documents referred to in paras 1(a), (b) and (c) of his letter. He points out that no provision as to conditions of service of Australian aboriginals protected by the Old Government has been made. This is an intentional omission as the Commonwealth and State Authorities agree that these personnel should not be used in the Army, and should have been discharged some time ago. Instructions to this effect have already been sent to 4 Aust Div in relation to personnel mentioned above. The Treasury Committee was, the AAG

strongly of opinion that protected aboriginals should be removed from the Army and Allies works Council. 8

39. On 1 Jun 44, a telephone conversation took place between Lt-Col McLELLAN, HQ 4 Aust Div, and Major SUNTER, HQ First Aust. Army, Lt-Col McLellan, was asked to advise on the following matters

- (a) The number of mainland aboriginals employed as pilots in water transport units who would be irreplaceable from 4 Aust Div resources in the event of their being discharged from the Army;
- (b) The progress of the census of dependents of Torres Straits Islanders, undertaken by 4 Aust Div in conjunction with Mr. Curtis of the Department of Native Affairs, Thursday Island;
- (c) Whether 4 Aust Div was asking for amendments to WE and/or recommending specialist pay in regard to pilots in water transport units and in regard to cooks and clerks etc in other units whose WE provides for Torres Straits Island personnel.

Lt-Col McLellan further states :

- (i) That the Islanders were not receiving their increased rate of pay;
- (ii) That he thought that the mainland aboriginals were also being paid at the higher rate. In this regard attention is invited to the record of the telephone conversation between this officer and Capt CURSANSKY of 15 Jun 44 in which Col McLellan states that the mainland aboriginals are NOT at present receiving the increased pay authorized for Torres Straits Islanders.

40. On 14 Jun 44 this HQ received a signal from Landforces ordering that the discharge of mainland natives be withheld pending submission by this HQ of new conditions for these personnel and also of native cooks and pilots etc and requesting that all details be forwarded at earliest. This signal refers to a telephone conversation between Major JOHNSTON, A Branch LHQ, and Major SUNTER, A Branch HQ First Aust Army, of 12 Jun 44. In such conversation Major Johnston stated that as far as he knew there was no change in LHQ policy regarding discharge of mainland aboriginals now serving in Torres Straits Area. Major Sunter informed Major Johnston that after receipt of LHQ signal directing this HQ to suspend action in regard to mainland aboriginals no further action had been taken by this HQ, and that Major Sunter considered it inadvisable to promulgate the orders of LHQ re increased rates of pay to Islanders (which does not provide for corresponding increases in the pay of mainland aboriginals) until the situation has been clarified. Major Sunter stated that LHQ Conference decision to discharge mainland aboriginals was based on the assumption that they were inferior to the Torres Straits Islanders in their usefulness to the Army and that this was not so, as they are coastal natives of high intelligence and competence, and had special knowledge of coastal waters, particularly in Australian waters. Major Johnston advised that HQ First Aust Army should submit this aspect to LHQ for further consideration, and that if previous decision is reversed, LHQ will take up the matter of fixing rates of pay etc. The above conversation was confirmed by signal.

41. Further to the above, a telephone conversation occurred on 15 Jun 44 between Lt-Col McLELLAN, HQ 4 Aust Div, and Capt CURSANSKY, Branch HQ First Aust Army, Col McLellan stated :-

- (a) 4 Aust Div did not wish to make any amendment to the WE for Water Transport Units.

- (b) That at present, there were 41 mainland natives employed in water craft units under 4 Aust Div command, and that their retention was strongly recommended on the ground of their special qualifications;
- (c) If (b) as above is approved, it is recommended that these personnel receive the same pay and allowances as do Torres Straits Islanders. At present they are on the old rate.
- (d) That in connection with dependants allowance to Torres Straits Islanders the Civil Liaison Officer (Capt D) communicates direct with the Protector of Island Natives (Mr Curtis) who, in turn, deals direct with Mr Brisbane, and recommends that this system should be adopted for mainland natives.

Lt-Col McLellan stated that the whole position was forwarded to this HQ by letter of 31 May 44 (AQL10/WLG/5).

ACTION TO BE TAKEN BY THIS HQ

1. Answer LHQ 45922 of 3 Apr 44 to this HQ - stating that the Malaysians in question are still on leave but that on their return they will be transferred to 15 Aust Water Tpt Coy (NT Force).

2. On 4 Mar 44, this HQ wrote LHQ asking that the WE of Water Craft Units should be amended to allow of the appointment of native corporal pilots and stated that such proposed amended WE would be forwarded. 4 Aust Div, on 30 Mar 44, wrote stating that they do not want these personnel appointed corporals but want them trade grouped.

On 5 May 44, First Aust Army sent a signal to 4 Aust Div asking for amendments to be forwarded.

On 1 May 44, LHQ wrote this HQ calling for a report as to the pay to be given to such pilots.

In telephone conversation of 15 Jun 44 between Lt-Col McLellan and Capt Cursansky, Lt-Col McLellan again stated that 4 Aust Div did not wish to make any amendment.

Action: A direction should be given to 4 Aust Div, in conformity with LHQ instructions, that these pilots be paid extra rates. This HQ must now decide whether that will be done by making them corporals or by trade grouping them.

3. By letter from 4 Aust Div to this HQ of 6 Mar 44 the query is raised as to whether the census of dependants asked for by First Aust Army is to include children of widowers serving in the Forces and wholly or partly dependent mother or other relative of single men.

Question of who are actually dependants is a difficult question of fact and could best be determined by the Director of Native Affairs than by the Army.

In conference between the AAG and Director of Native Affairs it was proposed by the AAG that the Department of Native Affairs deal direct with HQ Torres Straits Area and DFO Queensland.

Action: This HQ will now have to decide whether this course shall be adopted and, if adopted, will have to write 4 Aust Div and Director of Native Affairs giving result of such decision. It will be noted that the Melbourne Conference defined dependants.

4. In the above letter from 4 Aust Div commander states his willingness to take the census but further states that he will require extra staff and transport - This HQ to decide whether such transport and staff should be granted. Consider letter to LHQ necessary in this regard.

AVG 04, Written Records

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Certain requests have been made by 4 Aust Div to Allies Works Council in furtherance of the policy to have dismissed from the all native employees.

Action: This HQ should write to see whether this has been carried out and, if so, should so inform LHQ.

5. On 9 May 44 LNR wrote this HQ regarding the pay of native corporals and lance corporals. This letter is referred to above.

Action: Letter to be answered.

6. On 1 May 44 LHQ wrote this HQ enclosing a draft routine order to be promulgated as an order of First Aust Army.

This has not been done.

7. This HQ should answer letter of 6 May 44 from 4 Aust Div (1110/58/51).

8. The Director of Native Affairs, following on conference with AAC, desires the particulars set out in 37 of above memo.

Action: This information should be procured and sent to him.

9. Copy routine orders, when promulgated, to be sent to Director of Native Affairs in conformity with promise by AAC.

10. Consideration should be given to the request of the Director of Native Affairs set out in 37(ii) of above memo and to the desirability of forwarding correspondence from 4 Aust Div referred to in above memo para 57(i).

11. If any Aborigines are removed from 14 Aust Water Tpt Coy consideration should be given to the matters set out in para 38(c).

12. Report should be called for from 4 Aust Div on the matters set out in memo para 39(a) and (b) in due course.

13. On 10 Jun 44 this HQ received a signal from Landforces instructing that the discharge of mainland natives be withheld pending submission by this HQ of new conditions for these personnel and also of native cooks, pilots etc and requesting that all details be forwarded at earliest.

This should be regarded as urgent.

14. It was suggested in the telephone conversation between Major Sunter and Major Johnston that the routine order should not be promulgated as it does not include extra pay for aborigines, which aborigines are still working side by side with Torres Straits Islanders to whom the order does apply.

The view of the writer is that the order should be immediately promulgated and that permission be sought from LHQ to pay the aborigines the same rate as the Torres Straits Islanders while they are still there doing the same work. It should be noted that at present, although the order has not been promulgated, Torres Straits Islanders are, in fact, being paid the increased rates but the aborigines are not.

15. Major Johnson of LHQ advised that First Aust Army should submit a report on this matter. - This should now be done.

16. The proposal of 4 Div, as set out in para 41(d) of above memo must now be considered.