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19 October 2006

Mr Jonathan Curtis
Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Mr Curtis

Re: Inquiry into Stolen Wages

Please find attached our second submission to the Inquiry into Stolen Wages. We understand that the hearings for the Inquiry will be conducted on 25 and 27 October. Unfortunately we are unable to attend either of those days, as the dates coincide with the ALSWA Executive Committee meeting and our Annual General Meeting here in Perth. If any more hearings are scheduled for dates in early November, we would very much appreciate the opportunity to attend and present further information to the Inquiry.

If you have any queries regarding this submission, please do not hesitate to contact me or Fiona Skyring on 92656669.

Yours sincerely,

Dennis Eggington
Chief Executive Officer

Senate Legal and Constitutional Affairs Committee

Inquiry into Stolen Wages

Further Submission from the Aboriginal Legal Service Of WA Inc. (ALSWA), October 2006

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Introduction

This is the second submission ALSWA has made to the Senate Legal and Constitutional Committee's Inquiry into Stolen Wages, and we hope to have the opportunity to present further information to the Committee before Senators compile the final report. Like the first submission, this is not a comprehensive study of the issues relevant to the Inquiry's terms of reference. It is a further introductory response to questions concerning mandatory controls over Indigenous labour and finances.

To alert ALSWA's membership and constituent community to the Stolen Wages Inquiry, we prepared questionnaires in relation to the Inquiry's terms of reference. These were distributed through some of our regional offices in Western Australia, and the responses received so far are attached to this submission. Please note that ALSWA has not had the time or capacity to undertake a thorough State wide distribution of the questionnaires, so the response from community members has been limited to a few areas. We hope to be able to submit further responses before the Inquiry is finalised. We would like to suggest that the Senate Legal and Constitutional Affairs Committee publicise the Inquiry more widely in Western Australia, since it has received little media attention here. To our knowledge, ALSWA remains the only Western Australian organisation to have prepared a response to the Inquiry which is more substantial than a few pages. There are many Aboriginal people still alive who were directly affected by government controls over their employment and finances, and ALSWA urges the Senate Committee to give these people an opportunity to present their information to the Inquiry.

As stated in the first ALSWA submission, Fiona Skyring was going to conduct further research of the archival files in the Department of Indigenous Affairs (DIA) collection at the State Records Office, if given the opportunity to submit further information to the Inquiry. On 23 August 2006, ALSWA sought permission from DIA to access a number of their archival files classified as 'restricted'. On 12 September we were notified by DIA that the majority of the files were 'open' or 'open with exception', and available for review in the State Records Office in Perth. But a number of the files we requested remain 'closed', according to DIA policy and

guidelines. These include files with titles relating to trust accounts, such as 'Native Trust Account - Record of,' and a 1959 file titled 'Natives in Possession of Cash and Investments in Trust.' They also include an archival file which has been cited in a published work as containing information about the 1965 investigation into mismanagement of old age pension payments to elderly Aboriginal residents of Kimberley pastoral stations.[1] The information in this 'closed' file is directly relevant to the terms of reference for the Senate Committee's Inquiry. After our initial attempts to negotiate with DIA were unsuccessful, we are now waiting on legal advice in relation to using freedom of information procedures to access these 'closed' records. ALSWA hopes to be able to review the information in the 'closed' files and present it to the Stolen Wages Inquiry before the Senators make their final recommendations.

ALSWA is grateful to Ngarinyin, Karajarri and Yawuru Traditional Owners for their permission to refer to history reports prepared for litigation in relation to their respective native title claims: Wanjina Wunggurr Wilinggin, Karajarri and Rubibi. All three cases resulted in Federal Court determinations that recognised the existence of Traditional Owners' native title. ALSWA would also like to express our appreciation to Corrs Chambers Westgarth, Perth office, for their assistance in the preparation of this submission.

I finish by urging the Senate Legal and Constitutional Affairs Committee to endorse the final term of reference to this Inquiry into Stolen Wages:

> *(i) whether there is a need to 'set the record straight' through a national forum to publicly air the complexity and the consequences of mandatory controls over Indigenous labour and finances during most of the 20th century.*

As stated in our first submission, any such national inquiry should be conducted so that all Aboriginal people affected have the opportunity to recount their experiences. The responses to the ALSWA questionnaires so far received show that these individuals unanimously expressed their willingness to tell their story to a government inquiry. We suggest that any national inquiry would need to hold hearings in towns and regional centres as well as capital cities in

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[1] / See the first ALSWA submission, pp 15 – 18. Historian Mary Ann Jebb cites the file NDG 33/3/1a in footnotes 63, 65, 72-73, 79, and 81-87 in Chapter 7 of her publication *Blood, Sweat and Welfare: A history of white bosses and Aboriginal pastoral workers*, University of Western Australia Press, Nedlands, 2002.

order to consult widely with the Aboriginal and Torres Strait Islander community. We call for a Royal Commission to properly address the range of issues encompassed by mandatory controls over Indigenous employment and finances.

ALSWA knows from thirty years of fighting for social justice that the compilation and effective presentation of evidence of past human rights abuses is a crucial step in the process of redressing those abuses. We also know that evidence, however shocking and compelling, is not enough and that political will is required to implement reforms which will practically address Aboriginal disadvantage.[2] The cross-generational poverty referred to in the first ALSWA submission has its origins in past government policies and practice. Such policies did not ameliorate poverty, they reproduced it. The system was,

> a one-way transfer of economic resources, with far more money generated through Aboriginal workforce participation than was ever returned to them in terms of wages or government funding for second rate, and often segregated, housing, education and health services.[3]

ALSWA calls upon the Senate Legal and Constitutional Affairs Committee to take this historic opportunity to contribute to reconciliation, and to recommend a Royal Commission into mandatory controls over Indigenous labour and finances.

Yours sincerely,

Dennis Eggington
Chief Executive Officer

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[2] / Eggington, D. and Skyring, F., 'Preface' in forthcoming publication by Silburn, S. R., Zubrick, S. R., De Maio, J. A., Shepherd, C., Griffin, J. A., Mitrou, F. G., Dalby, R. B., Hayward, C., & Pearson, G. (2006). *The Western Australian Aboriginal Child Health Survey: Strengthening the Capacity of Aboriginal Children, Families and Communities*. Perth: Curtin University of Technology and Telethon Institute for Child Health Research.

[3] / *Ibid.*

Some of the language used in the documentary records cited in this submission is offensive. Such language includes the term 'natives', and references to 'blood' and 'caste' as a way of defining Aboriginal people. I do not intend to reproduce the offensiveness of this language in my writing, so where possible I paraphrase the information. When it is more appropriate to quote directly from the historical record, I identify these terms by using inverted commas. The extended quotes, shown as indented paragraphs, are copied verbatim from the original sources. In this submission I also refer to people who have passed away, in instances where they have been named in the historical record. I apologise for any distress this may cause.

Fiona Skyring

ALSWA, Perth

Wages

(a) the approximate number of Indigenous workers in each state and territory whose paid labour was controlled by government; what measures were taken to safeguard them from physical, sexual and employment abuses and in response to reported abuses;

(b) all financial arrangements regarding their wages, including amounts withheld under government control, access by workers to their savings and evidence provided to workers of transactions on their accounts; evidence of fraud or negligence on Indigenous monies and measures implemented to secure them; imposition of levies and taxes in addition to federal income tax;

I wrote in the first submission that the number of Aboriginal workers whose paid labour was controlled by the government would have been equivalent to the number of Aboriginal workers. This was so in theory since the sections in the *Aborigines Act 1905* and it successor the *Native Administration Act 1936*, which defined the nature of the contracts under which Aboriginal people were employed, were supposed to apply to all Aboriginal people who were subject to the Act. But as Professor Anna Haebich wrote in her submission to the Stolen Wages Inquiry 'in practice most employers preferred not to employ Aboriginal workers in accordance with the law'. She cited a figure of only 59 Aboriginal people employed under permits in 1913

in the south of the State.[4] By 1917, after A.O. Neville had been Chief Protector for two years, there were only 3% of Aboriginal people employed under agreement in Western Australia. But there was a much higher rate of people employed under permits. In the first few months of 1917, the Department had already issued 500 permits covering the employment of about 4,500 Aboriginal people.[5] The permit system was first referred to in the *Aborigines Act 1905*. The legislation allowed for employers to take out 'general permits' covering a number of Aboriginal employees. For a permit to employ a single Aboriginal person the fee payable to the Department was five shillings (abbreviated as 5/-) per year, and for a 'general permit' was two pounds (£2) per year. On places such as pastoral stations, the general permit was preferred since it was a cheaper option for the employer. The 1935 report of the Moseley Royal Commission commented that the system was in some cases abused, whereby permits would be issued without specifying the number of Aboriginal workers covered by the permit. Commissioner Moseley argued that this could be corrected by requiring names of those covered to be included on the permit, and that the permit system 'may be said to have worked well since its introduction.'[6] Although government control of Aboriginal employment conditions through the permit and agreement provisions of the Act did not extend to all Aboriginal workers, it affected a significant number, at least in the 1,000s.

As shown in the chapter below on trust accounts, government control over the employment and wages of Aboriginal people in Western Australia particularly affected those forcibly removed to government institutions and missions. For many of these people, their employment was dictated by the Department, which also regulated their wages and managed their personal finances for years after they had left the institution. For others, their paid labour was not directly controlled by the government. But government policy upheld a system in which many

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[4] / Prof Anna Haebich, Submission listed as number 19 on the Stolen Wages Inquiry website. Available at http://www.aph.gov.au/senate/committee/legcon_ctte/stolen_wages/submissions/sublist.htm, online access 16 October 2006. In her submission Professor Haebich cited for this information her 1988 publication, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1904,* first edition, University of Western Australia, Press, Nedlands, p 121.

[5] / 22 February 1917, A.O. Neville to Under Secretary, Colonial Secretary's Department, in State Records Office of Western Australia (SROWA), Cons 993; Item 1933/ 0451, 'Payment of wages to natives'.

[6] / Moseley, H.D., *Report of the Royal Commissioner appointed to Investigate, Report and Advise upon matters relating to the Condition and Treatment of Aborigines*, Government Printer, Perth, 1935, p 15.

Aboriginal people were paid wages substantially below the minimum wage, or were not paid wages at all. The government took no measures to safeguard these Aboriginal workers from such employment abuses, despite being fully aware of their widespread occurrence. It was not until the late 1940s that the Native Affairs Department introduced a small token wage payment for Aboriginal station workers, but even with this, the implementation of the policy was not thorough, nor was it rigorously policed. This history is addressed in more detail in the sections below.

From the early twentieth century most Aboriginal workers in the south west were paid wages. Others were paid in rations. Retired farmer George Harris recalled that he employed Aboriginal men as shepherds and corn reapers, and paid them between 15/-and £1per week 'in the form of rations'. Since the Aboriginal workers also paid for the rations of their dependent relatives, they usually ended up owing Harris money.[7] Aboriginal men worked for wages in back-breaking jobs such as land clearing and stump pulling, and making fences. Wages for these were up £3 per week, but often people were paid by the job, for instance 8/- per hundred fence posts or 12/6 (12 shillings and sixpence) per acre of land cleared. Once the work gangs paid for their equipment and stores there was often little left for distribution as wages. Aboriginal men also worked as shearers, from which some in the early twentieth century made a reasonable living.[8] By the 1920s, many employers in the southwest paid their Aboriginal workers the same wages as white workers, but the heavy labouring and land clearing jobs in which Aboriginal people had been employed became less available as farms in the wheat belt district were established. Such workers also confronted racial prejudice in hiring practices, and competed with other unskilled labourers for work. For these Aboriginal wages earners, the permit system which the Aborigines Department tried to enforce worked to their economic disadvantage, since employers were not prepared to pay the fee to the Department when they could hire non-Aboriginal workers instead.[9]

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[7] / *Moseley Royal Commission: Transcripts of evidence*, Perth, 1934, pp 470-471, in SROWA, AN 537; Acc 2922/1.

[8] / Haebich, Anna, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1904,* second edition, University of Western Australia, Press, Nedlands, 1992, pp 38- 41.

[9] / *Ibid.*, pp 226-227.

For many Aboriginal workers in other parts of the State, their labour was not paid with money at all. Chief Protector A.O. Neville stated in a report to the Minister for the North West in 1925 that many Aboriginal people in Western Australia existed 'under a system of semi-slavery'. A Departmental survey in 1923 showed that some Aboriginal workers, particularly those in towns and on some pastoral stations in the Pilbara and Gascoyne regions, were paid wages ranging from 10/- to £1 per week. Workers at Shark Bay were paid up to £2 per week, as were the 'best workers' on the larger pastoral stations in the Kimberley. Men referred to as 'half-castes' in some instances were paid the same wages as non-Aboriginal men. One such man who worked for the butcher in Derby was supposed to be paid 10/- per week, but 2/6 of this was taken by the Department for maintenance of his children at the mission on Sunday Island and the balance was never adequately accounted for, since he received only irregular payments of a couple of shillings. Women who worked as domestic servants in towns could earn up to 10/- per week, but the general rule was for women workers to receive no money at all.[10] The majority of station workers in the north and north-west of the State were not paid wages. They received food, tobacco and clothing only.[11]

Several Kimberley 'Protectors of Aborigines', those appointed by the Aborigines Department to exercise the powers and duties of the Department as prescribed in the Act, responded to the survey. One Protector regarded the payment of wages to Aboriginal workers as 'a source of trouble'.[12] He argued that once employers started paying wages, then all Aboriginal employees would come to expect payments beyond 'a few shillings a week for picture money'. Others argued that money in the hands of Aboriginal people was 'destructive to them', and made them vulnerable to shop keepers who would 'rob them', leaving no money for them to support their

[10] / 14 March 1923, Circular no 52/1923 sent by Chief Protector to Protectors throughout Western Australia and responses dated 27 March to 16 July, 1923 in Cons 993; 1933/ 0451, 'Payment of wages to natives'.

[11] / 3 October 1925, A.O. Neville to Hon Minister for the North West; also table of survey results undated, but handwritten notes show August 1923, in Cons 993; 1933/ 0451.

[12] / 4 June 1921, from Resident Magistrate, Broome to Chief Protector, in Cons 993; 1933/ 0451.

relatives.[13] In 1916 a station owner from Yandyarra, in the Pilbara, complained in a letter to the State government about the impact on his station's operations of the practice of paying wages to Aboriginal workers. He regarded the 'independence' of these workers as a problem, implying that enforced low labour costs were crucial to the economic viability of the station:

> they let one understand that they work only to oblige one, and on occasion ask for from 30/- to 40/- a week - and leave just when they like, with the result that they pass from station to station becoming more independent in the process, and placing the station manager in the humiliating position of either "begging them not to see them stuck" or leaving the work undone. This state of affairs does not exist in every district, some stations having more natives than they require (owing to locality of station being original head quarters of tribe) but in our district where there are gold and tin fields we are having an extremely bad time.[14]

The Chief Protector reported that he had given these matters 'a good deal of thought', and agreed that 'the present system of native employment requires some revisions or better regulation.' He suggested following the Queensland model, where all Aboriginal workers were 'compelled to be placed under agreement', and that their fixed wages were paid in whole or in part to the Department who then managed the money. Chief Protector Neville was hesitant, though, to 'disturb' the 'condition of affairs' on many stations in the Kimberley, whereby the relatives of station workers were provided with food rations by the station, and no one was paid wages.[15] In a report from 1925, Neville echoed the comments of Kimberley 'Protectors' and asserted that in some districts 'it is not advisable that the natives, not knowing the use of money, should be in its possession to any extent or even at all.' According to Neville, though, this did not preclude the payment of wages to Aboriginal station workers, and he reiterated his support for the Queensland system whereby 'all monetary transactions between natives and others shall be with the consent and approval of Protectors,' and the Department would control any earnings of Aboriginal pastoral workers.[16]

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[13] / *Ibid.*, also 9 April 1923 from Broome Resident Magistrate to Chief Protector; 25 March 1926 from Protector Holmes, Port George IV via Broome to Chief Protector; and 20 September 1929 from Ernest Mitchell, Derby to Chief Protector, all in Cons 993; 1933/ 0451.

[14] / 14 December 1916 from W Hamilton, Yandyarra Station, Whim Creek, to Hon G. Miles MLC - re 'the question of native labour' - copied to Dr Maunsell and Mr Olivey, Protector, in Cons 993; I 1933/ 0451.

[15] / 22 February 1917, Neville to Under Secretary, in Cons 993;1933/ 0451.

[16] / 3 October 1925, Neville to Hon Minister for the North-West, in Cons 993; 1933/ 0451.

Complaints from the Australian Workers Union (AWU) in 1933 showed that by this time little had changed in relation to employment conditions for Aboriginal station workers in the Kimberley. The union representative in Derby argued that 'native labour has displaced white labour on all stations in this district' and called for legislation to mandate that a specific number of white employees be hired. Though concerned primarily with the interests of white AWU members, he condemned the employment practices in relation to Aboriginal workers where 'all they get in return [for their labour] is food and clothes, and a stick of tobacco occasionally – practically slave conditions.'[17] The response from the Minister was that the government could do nothing to change conditions because they did not have,

> the legal power to proceed in certain desired directions, and such legal power would be absolutely necessary before we could introduce an improved and effective system relating to the employment of natives throughout the State. It is hoped that sooner or later we shall be able to do something in this way...[18]

For a Department 'charged with the duty of promoting the welfare of the aborigines', the claim that they needed 'legal powers' to compel station owners to pay wages to their workers was extraordinary. Aboriginal workers were specifically excluded in the definition of the term 'station hand' under the Federal Pastoral Industry Award, but this could hardly be used as a legitimate justification for paying no wages at all. The voices of Aboriginal people themselves were rarely included in the documentary records of this time, so it is difficult to assess the extent to which they voiced their complaints about not being paid wages. There was criticism from equal rights campaigners such as Mary Bennett, who condemned the 'fodder-and harness payment' as 'none other than the truck system which always leaves the poor the worst of the bargain ... it enslaves while it impoverishes and depopulates.'[19] Anthropologist Ralph Piddington argued that Aboriginal employment on pastoral stations 'virtually amounted to

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[17] / Letter from C. Groves, 2 September 1933, forwarded 21 September by ALP Branch Secretary A.G. Watts to ALP WA State Secretary, then 3 November 1933 forwarded by May Holman, Secretary of Parliamentary Labour Party to Hon Minister Aborigines Dept, in Cons 993; 1933/ 0451.

[18] / Reply 21 November 1933 from Hon Minister to May Holman, MLA, in Cons 993; 1933/ 0451.

[19] / Undated document, probably 1943 titled 'Australian Aboriginal Workers in Federal Territory and the State of Queensland and Western Australia' by Mrs M.M. Bennett of Mount Margaret Mission, Western Australia, in Cons 993; 1933/ 0451.

slavery', and that the conditions he witnessed at La Grange, south of Broome, in the early 1930s were representative of the Kimberley.[20] But the Aborigines Department and its successor the Native Affairs Department did nothing to address the abuses. In 1941 the Commissioner for Native Affairs wrote that Aboriginal workers in the far north of the State were 'mostly paid on a food basis for themselves, wives and children.' Some workers were paid small wages, and 'half-caste' stockmen received wages comparable to those of white stockmen.[21] Later, in 1944, the Commissioner wrote that Kimberley Aboriginal station workers were 'paid' in food and clothing, yet insisted that,

> There is no system of enforced labour here, but in the National crisis we do insist upon all natives working these days, and of course they retain all their own earnings.[22]

At this time, Aboriginal workers were not covered by the Federal Pastoral Industry Award, and the AWU sought to challenge their exclusion from the award in the Conciliation and Arbitration Commission. They were opposed in this by Graziers' Associations from various States. A decision by Kelly J in September 1944 upheld the exclusion. In the reasons for his judgment, Kelly claimed that Aboriginal people did not,

> need or desire the so-called standard of living claimed or enjoyed by Australians of European origin. Their values are different. In many cases – I refer particularly to the natives of northern Western Australia – the payment of money wages for their labour would prove a cause of embarrassment both to the native and to his employer. In most other cases, the receipt of award rates and conditions would add to the bewilderment of the "full-blood" concerning the ways and customs of the "whites". This is not to say that the native is not very adaptable to the requirements of any type of work associated with the pastoral industry. The evidence placed before me clearly indicates that he is.[23]

The AWU had argued in their submission that the exclusion of Aboriginal pastoral workers from the Award was 'unjust', and that Aboriginal station workers were being called upon to

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[20]/ Skyring, Fiona, *Karajarri Expert Report: History (Further Report)*, filed 10 May 2000 re WAG 6100 of 1988, John Dudu Nangkiriny and ors. v State of Western Australia, p 8.

[21] / 17 December 1941, Chief Protector to Director, NT Administration, Darwin, in Cons 993; 1933/ 0451.

[22] / 3 March 1944 response from Commissioner for Native Affairs to Miss Leeper, Victorian Aboriginal Group, in Cons 993; 1933/ 0451.

[23] / 'Extract from judgment given by Judge Kelly 1st September 1944 ...', in SROWA, Cons 1733; 1010/1946, 'Federal Pastoral Award - Employment of Natives'.

perform in some cases supervisory roles. But the Judge was more convinced by arguments such as those presented in the report from the Western Australian Royal Commissioner that,

> It would be inadvisable and even cruel to pay them for the work they can do at the wage standard found to be appropriate for civilized "whites". It has, on the other hand, been made clear that the natives should be encouraged to work in return for the goods and services with which they are provided by the authorities charged with their protection or by those who give them work.[24]

Criticism about the lack of wages for Aboriginal pastoral workers continued, and the Federal Director of Native Affairs, Mr Moy, met in Canberra in April 1948 with the Western Australian Commissioner of Native Affairs to discuss this issue, among others. Acting Commissioner McBeath argued that the focus in Western Australia was on improving the diet and living conditions of Aboriginal station workers, and that 'the question of monetary payments' would be addressed later. Director Moy and Professor Elkin disagreed, and 'stated outright that such a policy was only in fact assistance to station owners by providing cheap labour'.[25]

It seemed that the Native Affairs Department resisted for as long as they could the pressure to challenge the pastoral industry over the non-payment of wages to Aboriginal workers on pastoral stations. Stanely Middleton, appointed Commissioner of Native Affairs in 1948, was less willing than his predecessors to accept arguments against the payment of wages to Aboriginal station workers. Increased staff at the Department were directed to gathering information on the employment practices and living conditions on northern pastoral stations. While some stations in the west Kimberley claimed to pay wages, these were in many instances merely book entries. A Departmental patrol officer reported in July 1949 that he visited a number of stations where individual workers were credited with wages every two weeks, but then deductions were made for various items of food and clothing at inflated prices.[26] This was the case on Thangoo station south of Broome, where Aboriginal workers

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[24] / *Ibid.*

[25] / 1 April 1948, Acting Commissioner for Native Affairs McBeath to Minister, in Cons 1733; 1010/1946.

[26] / Extract from patrol report, D.L. Pullen, West Kimberley District, 20 June – 11 July 1949, in SROWA, Cons 993; 34/1949, 'Wages: Scale for Natives in the Kimberley District Implementation of.'.

complained to the patrol officer that they were only given cash on rare occasions when the station owner was there, or 'when they were allowed to go to the races.' The station records showed that all of the Aboriginal workers were classified as being on particular rates of pay.[27] In a further West Kimberley patrol report, officer Pullen wrote that,

> At none of the stations are wages being paid, the only money given to the workers being hand-outs at the end of droving trips or picture money when they are near a town.
>
> I explained that our ideas on wages were not extreme – that we were looking at every angle of the question and would then endeavour to work out a scheme which would introduce the idea of wages without any upset to the natives or the industry.
>
> There is no doubt at all that the natives themselves want wages and that this demand will continue to grow in strength. A major upset could easily be caused in the pastoralist areas if a mining or other company offered wages and good living conditions to the natives – there would be a general exodus by the natives from their present employment. Most of them are already "wage Conscious" but don't know how to outwardly express their views. They are not encouraged to do so on the stations and any white man who mentions wages in the vicinity of a station is branded a Communist.[28]

District Officer Pullen spoke on behalf of the Department when he assured station managers that the government had no intention of introducing award wages for Aboriginal workers, and that their proposals were for 'a modest wage plus a fixed issue of clothing, plus food and accommodation for all workers.'[29] The rates proposed by the Department were between £1 and £3 per month for adult male station hands and stock workers, depending on experience, and £2 to £3 for stockmen while droving. Men 'unable to do active stock work' but who were still employed as gardeners and general labourers, along with women who worked as domestic servants, were paid £1 per month. Unmarried domestic servants were to be paid £1.10.0[30] These wages were introduced in July 1950.

Station owners in the Kimberley submitted to the Department's wages policy under sufferance. At a meeting in Perth of west Kimberley station owners, including men such as J. Forrest, F.

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[27] / Skyring, Fiona, *Rubibi # 1 History Report*, re WAG 6006 of 1998 and filed with the Federal Court on 21 February 2003, p 140.

[28] / 9 August 1949 report from District Officer Pullen to Commissioner of Native Affairs, in Cons 993; 34/1949, 'Wages: Scale for Natives …'

[29] / Report 27 September 1949 to Commissioner of Native Affairs, in Cons 993; 34/1949.

[30] / Schedule 1, *Ibid.*

and E. Durack, K and L. Blythe and K. Rose, participants resolved to introduce the recommended wage scale for Aboriginal station workers. They recorded that,

> The consensus of opinion of the meeting was that the present system whereby working natives, their dependents and pensioners, were provided with all the necessities of life, virtually from the cradle to the grave, was the one best suited to the present stage of development of the natives in the area, and one moreover calculated to avoid the evils inevitably associated with the circulation of money, among the native people not generally educated to its value.
>
> The meeting nevertheless recognised that the pressure being brought to bear on the Department of Native Affairs by various interests and public opinion, even though for the most part entirely misinformed on the problem, made it inevitable, that sooner or later a departure from existing practice would have to be made.[31]

The wages rates introduced for Aboriginal station workers in 1950 were substantially less than award wages. Calculated on a weekly basis, the highest earning Aboriginal stockman under the scheme was still only getting 15/- per week. Some station managers complained about the 'flat rate' which had been introduced and that 'they were ashamed to offer their top stockmen' such a low wage. Higher payments to the most skilled workers seemed to be the norm, which the Native Welfare officer cited as an indication that the flat rate was too low.[32] Even with higher wages for some Aboriginal workers, the station managers were making huge savings on labour costs because Aboriginal wages were so minimal. In 1951, a circular sent to members by the Pastoralists' Association of Western Australia outlined the 1950 award wages for station hands. For adult men who worked around the homestead, the rate was £12.5.6 without 'keep', which was food and accommodation, and £9.13.2 with keep. For drovers and other stockmen who did not work around the homestead the rates were the same, but they could claim overtime at the rate of time and a half if they worked beyond the standard 44 hours per week. Award pay rates decreased incrementally with age, and the lowest rates were for fifteen year old station hands.[33] Compared to these award rates, the 15/- per week earned by skilled Aboriginal stockmen represented a massive subsidy for pastoralists. In 1950, even if the station owners

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[31] / 31 January 1950 meeting of west Kimberley station reps in Perth, in circular 13 March 1950 from Pastoralists' Association of WA, in Cons 993; 34/1949.

[32] / 19 June 1950, report by District Officer Pullen to Commissioner of Native Affairs, in Cons 993; 34/1949.

[33] / Pastoralists' Assoc. of WA, 6 November 1951 circular re Pastoral Industry Award 1950, in Cons 1733; 1010/1946, 'Federal Pastoral Award - Employment of Natives'

were providing rations to a number of elderly dependents of each adult male worker, the value of these rations per week would have come nowhere near the difference between 15/-and £9.13.2. The difference in these amounts was a little less than £9, which was equivalent to over three times the weekly old age pension in 1950.[34]

Station owners made a lot of money out of their Aboriginal workers. The unpaid and later low paid labour of Aboriginal station workers sustained profits in the pastoral industry, and it seems unlikely that stations would have been economically viable if they paid all of their workers minimum award wages. Through Departmental policy and practice, the State government endorsed and assisted private employers in maintaining employment practices specific to Aboriginal pastoral workers which set their income substantially below that of non-Aboriginal workers. Station owners seemed to expect and indeed to rely on enforced low labour costs, and the preliminary review of the archival records undertaken for this submission indicated that staff of the Aborigines Department, and its successor the Native Affairs Department, did their best to meet such expectations. Correspondence from 1949 suggested that station owners were well aware of the value they were extracting from their unpaid workers, and one Kimberley station owner even expected the Department to fully subsidise his labour costs by paying Aboriginal workers out of State funds. R. McGaffin wrote to the Commissioner of Natives Perth in relation to one of his Aboriginal employees Harry Skinner, who with his family,

> ... have been transferred to Thangoo Station as the manager offered Skinner 35/- per week. I did not want to lose his services, but as he was not receiving any payment for his work here I thought it only fair that I should let him go. Native Aubrey was offered the same wages, but I refused to let him go as he is the only assistance I have, in fact, he has been as much help to me as any white man would have been. I can assure you no white man would have done the work that Aubrey has carried out under eight or nine pounds a week and consider that your Department pay him £2 per week at least, payment commencing from March 1st. I can honestly say that if this boy had not been here I would not have been able to carry on without engaging white labour. I have

[34] / Department of Social Security Research Paper No. 20 'Developments in social security: A compendium of legislative changes since 1908', Research and Statistics Branch, Development Division, © Commonwealth of Australia 1983. Reprinted 2006, Table 1, p 115.

> given him money out of my own pocket to keep him contented, as I do not want to lose him, for I'm sure we would never be able to replace him.[35]

Details from expert reports prepared for native title litigation in the Kimberley illustrate the impact of government-endorsed pastoral station employment practices on Aboriginal workers and their families. Details are also provided in the evidence from the transcript of the Wanjina Wunggurr Wilinggin trial in 2001 and the Karajarri trial in 2000. Under the legislation, employers were supposed to provide their Aboriginal employees with 'substantial, good and sufficient rations, clothing and blankets', but this stipulation was regularly ignored. Increased patrols of pastoral stations by the Native Welfare Department in the 1950s and 1960s showed that living conditions for Aboriginal workers and their families were appalling, but no effective action was taken to force station owners to meet the requirements to provide their employees with minimum standards of housing and food. The 'recommended basic rations scale', compiled by the Health Department in 1951, included meat, tea, flour, sugar, jam or treacle, potatoes, vegetables, butter or dripping, pulses and milk powder or cheese.[36] The patrol reports showed that none of the stations in the Kimberley provided these recommended rations to their Aboriginal workers, and that usually the food was so inadequate people had to supplement their diet with hunting and fishing. Similarly with accommodation, Aboriginal workers and their families often lived in tents or humpies constructed from cast-off materials. The corrugated iron sheds constructed for some workers in the 1960s were usually single rooms with dirt floors. It was common for there to be no toilets, showers or laundry facilities for the Aboriginal workers and their families on the stations.

Native title holder Pansy Nulgit told the Court in the Wanjina Wunggurr Wilinggin trial how she washed clothes, cleaned the house, watered the garden and made bread for the manager at Mt Hart, Stumpy Frazier, and his family. She did not receive any pay but recalled, 'We just living on, working for meat and bread and tobacco, yes.' At Mount Barnett Pansy Nulgit was

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[35] / 2 June 1949, R.McGaffin to Commissioner of Natives Perth, in Cons 993; 34/1949.

[36] / 'Recommended basic ration scale (per head), compiled and issued by the Nutrition Section of the Commonwealth Department of Public Health, 1951', in Special Committee on Native Matters, *Report of the Special Committee on Native Matters (with particular reference to adequate finance)*, Government Printer, Perth, 1958, Appendix 6 pp 43-44.

paid for gardening, and she recalled that it was about £1 a week. Yvonne White helped her mother and other women who worked in the homestead kitchen for Fred Russ on Gibb River station, and she recalled how he was strict and 'put us on jobs straight away.' In the Gibb River station records for 1962, Yvonne White was listed as an eight year old child, and her mother Maudie was classified as a domestic servant, and was suppose to receive £1 per week, plus 'keep'. Yvonne White did not receive any pay when she worked as a child, but gave evidence that when she was older she was paid $10. The Gibb River station patrol report in 1970 showed that as a teenager Yvonne White was paid $10 per week for working as a domestic servant.[37] Mary Oreeri worked at Karungie station, both in the kitchen and mustering, and she did not receive wages, 'just work for meat and bread, that's all.'[38]

For the men and women who worked as drovers and stockmen on stations in their traditional country in the central Kimberley, it was a similar story of no pay or low pay. Native title holder Jimmy Maline Malayin told the Court that he was paid £1 per month working at Mt Barnett and at Mt House. Nugget Tataya Gurdurr first worked as a drover, and did not get paid. He recounted that 'we never get wages. We only been just working for clothes.' Later, employed at Mt Barnett station and then at Mt Elizabeth, he received wages, although they were nowhere near award.[39] In 1962, the station patrol report for Mt Barnett included a reference to Nugget 'Coodoot' (a mis-spelling of Gurdurr) who worked as a stockman and received £2 per week plus keep. On the report for Mt Elizabeth in 1967 he was being paid $10 per week.[40] Native title holder Tiger Moore, who has since passed away, worked at Speewah, in the eastern part of the determination area. He told the Court that his parents and others at the station did mustering and yard building, for which they did not receive any money. Their 'tucker' was a bag of

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[37] / Transcript of evidence given in proceeding WAG6016/ 96 by Pansy Nulgit at Mowanjum, 8 August 2001and Yvonne White at Mowanjum, 10 August 2001. This and subsequent transcript cited in this submission is copyright to the Commonwealth Government. See also Skyring, Fiona, *Wanjina Wunggurr Wilinggin Native Title Claim: Attachments relating to history report filed 17 May 2001, Supplementary History Report filed 24 December 2001 and Addendum filed 27 February 2202*, filed 27 February 2002 re WAG 6016/ 96 and 6015/99, Section 2.14 'Gibb River', excerpt from station patrol report 4 August 1970.

[38] / Transcript of evidence given in proceeding WAG6016/ 96 by Mary Oreeri at Mowanjum.

[39] / Transcript of evidence given in proceeding WAG6016/ 96 by Jimmy Maline Malayin at Mowanjum 7 August 2001, and by Nugget Tataya Gurdurr at Mowanjum on 20 August 2001.

[40]/ Skyring, Fiona, *Wanjina Wunggurr Wilinggin Native Title Claim: Attachments relating to history report...'*, Section 2.13 'Mt Barnett', patrol report for July 1962 and Section 2.15 'Mt Elizabeth', patrol report 4 July 1967.

flour, and some tea, sugar and tobacco. Barney Yu worked as a stockman at Beverley Springs station. For him and the other stockmen, each working day began before sunrise. He did not received wages, and said 'We work for tucker and – or trousers and blanket and tobacco.'[41] Gordon Smith also worked as a stockman, and in response to a question about the kind of pay he received, he replied,

> Nothing. I was just working for my pride, that's all.[42]

The Native Welfare Department station patrol reports for the central Kimberley showed that in the late 1950s through to the late 1960s, wages if paid at all were very low. At Kimberley Downs in 1959, Aboriginal stockmen all received £4 per month, which was only a fraction of the award wage at the time. It was about £1 per week, compared to 1950 award rates of £9.13.2. per week, with keep, so the fraction was almost as low as one tenth. By the early 1960s, £3 to £4 per week was the standard for male workers, with women receiving £1. By the late 1960s, domestic servants on these pastoral stations received as little as $3 per week.[43] Again, these payments hardly compared to minimum wages.

Despite extremely low pay or no pay, skilled stockmen such as Gordon Smith referred to his 'pride' in remembering the work he did. The Kimberley Aboriginal men who contributed their stories to oral history publications such as *Raparapa* also spoke of their skill in station work, and how in many instances they had trained the white men who were sent to manage them.[44] Karajarri native title holder Steven Possum characterised himself as the 'right-hand man' to the station manager at Frazier Downs, south of Broome.[45] John Dudu Nangkiriny, who has since

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[41] / Transcript of evidence given in proceeding WAG6016/ 96 by Tiger Moore at Mowanjum, 2 August 2001 and by Barney Yu at Mowanjum.

[42] / Transcript of evidence given in proceeding WAG6016/ 96 by Gordon Smith at Mowanjum, 3 August 2001.

[43] / Skyring, Fiona, *Wanjina Wunggurr Wilinggin Native Title Claim: Attachments relating to history report...* ', Sections 2.8 to 2.15.

[44] / Lawford, Eric, et al, edited by Paul Marshall, *Raparapa kularr martuwarra : all right, now we go 'side the river, along that sundown way: stories / from the Fitzroy River drovers,* Broome, W.A : Magabala Books, 1989.

[45] / Transcript of evidence given in proceeding WAG 6100 of 1988, by Steven Possum at Bidyadanga, 3 July 2000.

passed away, built fences along the coastline at Frazier Downs.[46] When asked whether he also built wells, John Nangkiriny replied, 'Yes, yes, all everything, windmill and all. ...Trough tanks, everything done.'[47] Women did station work as well, and Karajarri native title holder Edna Hopiga told the Court that she worked building fences at Frazier Downs, where her brother was the boss for that job.[48] These native title holders lived and worked on their traditional country, and comprised a skilled workforce upon which the station owners relied.

Recollections of station days were often positive. As a young stockman Yawuru Traditional Owner Paddy Roe, now deceased, worked on Roebuck Plains station which was his country. He remembered that working on the station was a 'hard life' but also a 'good life' because they had few worries.[49] Karajarri native title holder, Steven Possum, also had good memories of his working days on Thangoo station and Frazier Downs, but at the same time considered that he and his relatives were being exploited:

> Good work, yes. I liked that work – tucker, tobacco, that's all, trousers, shirt – no money ... I worked with Jack [Mulardy] Frazier Down, yes. ... He was teacher, yes, and work for nothing. We just had tobacco and clothes – slave.[50]

Aboriginal workers became increasingly willing to use industrial tactics, and to walk off the stations, which were in many cases on their traditional country, in protest at poor wages and conditions. The pastoral strike in the Pilbara in 1946 was the most well-known example, when in an organised event about 800 Aboriginal station workers and their families walked off stations in the region, effectively paralysing the industry. Many remained on strike until 1949 and, like Aboriginal station workers further south in the Ashburton and Murchison districts, turned to employment in the mining industry instead. The Native Affairs Department responded to the strike action with alarm, and sought to ensure that 'Communistic influences'

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[46] / Transcript of evidence given in proceeding WAG 6100 of 1988, by John Nangkiriny 5 July 2000, at Bidyadanga.

[47] / *Ibid.*

[48] / Transcript of evidence given in proceeding WAG 6100 of 1988, by Edna Hopiga, 5 July 2000, at Bidyadanga.

[49] / Skyring, Fiona, *Rubibi # 1 History Report*, re WAG 6006 of 1998 and filed with the Federal Court on 21 February 2003, p 128.

[50] / Transcript of evidence given in proceeding WAG 6100 of 1988, by Steven Possum, , 3 July 2000, Bidyadanga.

did not extent any further north.[51] But industrial unrest was already an issue in the Kimberley, and workers there used the familiar tactic of the walk-off. Decades after the event, members of the Edgar family told the Aboriginal Land Inquiry that they left Thangoo station, south of Broome, in 1946 over an argument with the managers at the station because they had been made to work too hard.[52] The Native Welfare Department patrol reports showed that employees continued to complain about their treatment, and about not receiving wages for their work. Conflict between workers and management came to a head in 1951 when most of the Aboriginal workers walked off the station. Their demands were wages of £4 plus food rations per week, which the station management refused. Most returned to Thangoo by the middle of the following year, but their wages remained low. By 1958 stockmen were paid between £2 and £3 per week and the women working as domestic servants were paid £1.5.0.[53]

Aboriginal station workers at Kimberley Downs in 1968 complained to the Native Welfare Department about being forced to work long hours, about not receiving pensions or endowment money, and being treated 'like early days'. It seemed that although the station manager was dismissed, workers' complaints about underpayment continued through to 1972. The records indicated that the Department made no effort to insist the station owners pay people the money they were owed, despite recording complaints about underpayment over a number of years.[54] In the mid 1960s, the manager at Mt Hart station, Jack Webber, was accused of ill treatment and violence against the Aboriginal workers, and of not paying their wages. There were continual walk-offs from the station, and in one instance in 1966 station workers complained to the Native Welfare Department that Webber had followed them with a rifle and 'persuaded' them to return with him in the truck. Once back at the station, one of the Aboriginal men had a bridle placed on his neck as punishment for leaving. The Native Welfare officers who reported on these events dismissed them as 'a staff problem'. Aboriginal workers

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[51] / Jebb, Mary Ann, *Blood, sweat and welfare*, p 207 and 214-215.

[52] / Skyring, Fiona, *Rubibi # 1 History Report*, p 139.

[53] / *Ibid.*, p 142 - 143.

[54] / Skyring, Fiona, *Wanjina-Wunggurr Wilinggin Supplementary History Report*, filed 24 December 2001 re WAG 6016 of 1996 and WAG 6015 of 1999, pp 65-66.

and their families did not return to Mt Hart until the manager was replaced after the station changed ownership in 1967.[55]

As well as intermittent industrial action on the part of Aboriginal people in the Kimberley in response to ill treatment, low wages and poor living conditions on pastoral stations, the Native Welfare Department in the 1950s received numerous complaints about Aboriginal workers in general being paid at substantially less than award rates. In April and May 1956, both the Western Australian branch of the ALP and the Municipal Road Boards, Parks and Racecourses Employees Union protested about the payment of wages to Aboriginal employees of the Broome Road Board which were 'at rates far below the prescribed minimum.' The union pointed out that all workers 'irrespective of nationality or colour must be paid the correct rates.'[56] The response of the Commissioner for Native Welfare was to point out to his district officer that,

> The [Broome Road] Board should be informed that beyond acting in an advisory capacity to natives and their employers it is not the policy of this Department to interfere in industrial arbitration matters, and it did not take the initiative in this matter.[57]

It was left to the union to argue with the Broome Road Board over the introduction of award wages for their Aboriginal employees, and one of their conditions was that retrospective payments be made to 1950, when the Road Board would have come under the jurisdiction of the award. This was later reduced to retrospective payment for the previous twelve months, but still the Road Board resisted. The union secretary, V. Ulrich, had little sympathy for the Board's arguments that it would suffer 'financial embarrassment' by having to pay the award retrospectively, and commented that they should have budgeted for payment of award wages in the first place. The Broome Road Board claimed that,

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[55] / *Ibid.*, pp 71-72.

[56] / 4 May 1956 from V Ulrich of the Municipal Road Boards, Parks and Racecourses Employees Union of Workers to the Secretary, Broome Road Board, and copied to the Commissioner of Native Welfare 4 May 1956, also 19 April 1956 from Chamberlain, General Secretary, ALP WA to Hon Hegney MLA, Minister for Native Welfare, in SROWA, Cons 993; 1951/0843, 'Natives in employment. Wages and working conditions. Awards affecting employment.'

[57] / 9 May 1956 from Commissioner to District Officer, Derby in Cons 993; 1951/0843, 'Natives in employment'

> any alteration in the present conditions of native employment would burden the working class, and I venture to say it would in no way improve the condition of the natives concerned, as they have no appreciation of money value, and would thoughtlessly dissipate any extra funds that they may receive weekly.[58]

The Minister for Native Welfare wrote to local Member of the Legislative Assembly, J.J. Rhatigan, and was apologetic that he could do 'nothing further and it would appear that these Road Boards will have to pay full union wages for any work performed in their district in the future.'[59]

While the Department appeared to be less willing than before to facilitate discriminatory wage systems for Aboriginal people in Western Australia, the change in policy direction was not radical. The Departmental notion of reform was one of 'improvement' in wages, rather than taking action against those who paid wages to Aboriginal people that were well below the minimum rates paid to other workers who performed the same job. It remained the role of unions and Aboriginal employees themselves to demand equal pay for equal work. In late 1956, the Minister wrote to the Commissioner stating,

> In view of the progress made elsewhere in these modern times and in view of the fact that natives in the North West, particularly in the Kimberleys, do not seem to have been treated as liberally as in the Murchison and South West Land Division, I am recommending to Cabinet that action be taken to improve wages and standards generally, more particularly in relation to accommodation, ablution facilities, etc.[60]

But discrimination in wages and employment remained. Employers either ignored the awards and underpaid their Aboriginal staff, or utilised 'slow worker' provisions in many awards which enabled lower rates pay for some workers. In 1965 Stan Davey, then head of the Federal Council for the Advancement of Aboriginals, complained that Aboriginal people in Western Australia were being denied unemployment benefits because they refused to work at under award rates. He argued that in the areas north of Carnarvon, award wages 'were the exception rather than the rule', and that, 'Low rates are paid on racial grounds and, not on measured work

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[58] / 12 June 1956 from Road Board to Union Secretary in Cons 993; 1951/0843.

[59] / 7 June 1956, from Minister to Rhatigan in Cons 993; 1951/0843.

[60] / 28 December 1956 from Minister to Commissioner, in Cons 993; 1951/0843.

ability, as claimed.[61] Davey condemned the denial of unemployment benefits to Aboriginal workers, and argued that it was a 'form of coercion maintaining cheap Aboriginal labour.'[62]

The exclusion of Aboriginal workers from the Federal Pastoral Industry Award was again challenged by the AWU in 1965. Along with a similar challenge to the racially discriminatory provisions in the Cattle Station Industry (Northern Territory) Award, the union campaign was eventually successful. On 15 September 1967 the Conciliation and Arbitration Commission decided to extend coverage of the Federal Pastoral Industry Award to all Aboriginal workers, and adopted 1 December 1968 as the starting date for its implementation in Western Australia outside the South West of the State. The delay was to 'allow a period of adjustment to the industry and to any native employees, displaced as a result of the award.' The Superintendent of Economic Development in the Department of Native Welfare did not predict 'any immediate mass displacement of people'. He suggested that, given the 'adverse publicity' in relation to 'bad conditions' for Aboriginal workers in the pastoral industry, the Pastoralists and Graziers' Association would probably avoid further public condemnation and facilitate, rather than resist, the introduction of the award.[63]

In the Kimberley the introduction of the pastoral award wage for Aboriginal workers meant that wages for stockmen and station hands was raised to between $38.90 and $41 per week, less $9.41 for 'keep'. [64] This was a substantial increase for stockmen on stations like Mt Hart and Mt House who were paid $20 per week in 1968, and those at Glenroy and Mt Barnett stations who received $15 per week in 1968. Equal wages represented a significant increase for stockmen at Gibb River station who in 1967 were being paid $6 per week.[65] Pastoral station

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[61] / 3 February 1965, *The Australian*, newsclip in SROWA, Cons 993; 1965/ 062, 'Employment of Natives: wages and working conditions. Awards affecting employment.'

[62] / *Ibid.*

[63] / 3 October 1968, G.E. Cornish report on 'Assessment of the probable introductory effects in W.A. of the Pastoral Industry Award', in Cons 993; 1965/ 062, 'Employment of Natives...'

[64] / 27 February 1969, *West Australian*

[65] / Skyring, Fiona, *Wanjina Wunggurr Wilinggin Native Title Claim: Attachments Volume*, Sections 2.12, 2.13 and 2.14.

owners complained that having to pay award rates would mean they could not employ the same number of people as before. One station owner claimed that paying award wages to staff of up to 30 men would use all of station's income.[66] There were provisions in the new award for lower rates for 'aged, infirm and slow workers', which was supposed to be by written agreement between employer and employee.[67] It appeared that this 'slow worker' provision was applied to a range of employees, such as younger stockmen at Gibb River who were only paid $20 per week in 1970, and all of the stockmen at Mt Elizabeth in who were paid $15 per week. Records from other stations in the Kimberley showed that these stockmen were being paid the award after 1969. At Mt Hart and Glenroy in 1971 stockmen earned between $30 and $50 per week, with 'keep', although all of the women who worked as domestic servants were only paid $15 and $5 respectively. Women who worked as domestic servants at Mt Elizabeth in 1970 were only paid $10 a week.[68] The new award did not cover domestic servants, and it seemed that a number of station owners took full advantage of this exclusion by continuing to pay their female staff well below minimum wages. Few station owners upgraded accommodation and other facilities for their Aboriginal employees to justify the value of 'keep' set by the award. Native Welfare patrol reports showed that stations in the Kimberley continued to provide their employees with sub-standard accommodation. A survey in 1971 found that living conditions remained grossly inadequate, with one third of stations having no sanitation facilities for their Aboriginal workforce. Further, many workers had deductions made from their wages for goods such as clothing and food so that they received little practical benefit from the increase in wages.[69]

Other station owners in the Kimberley responded to the introduction of equal wages for Aboriginal workers by sacking most of them. Aboriginal people on stations around Fitzroy

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[66] / 27 February 1969, *West Australian*

[67] / 4 October 1968, 'Circular to Pastoral Area members', Pastoralists and Graziers Association of Western Australia, in Cons 993; 1965/ 062, 'Employment of Natives'.

[68] / Skyring, Fiona, *Wanjina Wunggurr Wilinggin Native Title Claim: Attachments Volume*, Sections 2.10, 2.12, 2.15 and 2.14.

[69] / Altman, Jon and Nieuwenhuysen, John, *The Economic Status of Australian Aborigines*, Cambridge University Press, Cambridge, 1979, pp 63-70.

Crossing and Halls Creek were either evicted from or walked off the stations after disputes with station managers.[70] For many of these workers and their families, the impact of the introduction of the award was devastating, and they congregated in what were effectively refugee camps in Derby, Fitzroy Crossing and Halls Creek. Aboriginal people evicted from Christmas Creek, an Emanuel Bros station, camped on the Fitzroy River. In early 1969, in the middle of the northern west season, there were over two hundred men, women and children in the camp, with no money, no food, no toilets or showers, and many did not even have tents for shelter.[71] The refugee camp was still there, two years later, and conditions remained appalling.[72] Some of these Aboriginal people, within their own lifetime, had gone from no wage to low wage, and back to no wage and no place to live. At the annual conference of the Pastoralists and Graziers' Association in March 1969 members called on the government to 'exercise their obligations to Aborigines' and that 'the matter was out of graziers' hands.'[73]

Concluding remarks

The Western Australian government through legislation and administrative policy in relation to Aboriginal workers, particularly in the North West, upheld racially discriminatory employment practices. In the early 1920s, the Chief Protector openly admitted that many Aboriginal people existed in a state of 'semi-slavery', but rather than attempting to eradicate such a system the Department spent the ensuing decades aiding its continuance. The paltry payment introduced in 1950 for Kimberley pastoral workers was not a noticeable improvement in the government's approach, but was representative of the Department's ongoing acceptance of employment abuses towards Aboriginal workers. Pressure for reform came from unionists and equal rights advocates, and from Aboriginal workers themselves. A crucial point is that this history is recent. Native title holders in the Kimberley remember the operation of the rations for labour system since for many it was their introduction to the station workforce. Similar information

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[70] / See correspondence 1969 to 1971 in SROWA, Cons 1733; 116/1969, 'Pastoral Industry Award 1968 - Welfare of Unemployed natives ex. Pastoral stations'

[71] / 14 February 1969 report from Commissioner of Native Welfare to Minister and 21 February 1969 report from K.T. Johnson, Supt Northern Division to Commissioner for Native Welfare, in SROWA, Cons 1733; 116/1969.

[72] / March 1971, report by J D Motter, AIM Hospital, Fitzroy Crossing, in SROWA, Cons 1667; 791/ 69, 'Fitzroy Crossing - Aboriginal matters'.

[73] / 5 March 1969, *West Australian*

has no doubt been gathered from other areas of Western Australia where native title litigation has been undertaken. A comprehensive study of these employment abuses needs to be conducted so their scope and effects can be accurately portrayed, and the extent of Aboriginal workers' contribution to the State's economic wealth quantified. There is no question that this contribution was significant. What remains to be researched is the magnitude of that contribution.

Trust funds

(c) what trust funds were established from Indigenous earnings, entitlements and enterprise; government transactions on these funds and how were they secured from fraud, negligence or misappropriation; and

(f) current measures to disclose evidence of historical financial controls to affected Indigenous families; the extent of current databases and resources applied to make this information publicly available; whether all financial records should be controlled by a qualified neutral body to ensure security of the data and equity of access;

The *Aborigines Act 1905* introduced provisions for the Chief Protector to 'undertake the general care, protection, and management of property' of those Aboriginal people who were subject to the Act. The extent of the Chief Protector's powers in relation to Aboriginal peoples' property was defined in the following subsections:

1. Take possession of, retain, sell, or dispose of any such property, whether real or personal;
2. In his own name sue for, recover, or receive any money or other property due or belonging to or held in trust for the benefit of an aboriginal or half-caste, or damages for any conversion of or injury to any such property;
3. Exercise in the name of an aboriginal or half-caste any power which the aboriginal or half-caste might exercise for his own benefit;
4. In the name and on behalf of an aboriginal or half-caste, appoint any person to act as attorney or agent for any purpose connected with the property of the aboriginal or half-caste.[74]

[74] / *Aborigines Act*, No 14 of 1905, Section 33.

The legislation specified that these powers could not be exercised without the consent of the Aboriginal person concerned, and that the Chief Protector was required to 'keep proper records and accounts of all moneys and other property, and the proceeds thereof.'[75] Under the Act the Chief Protector was made a public accountant for the purpose, and he personally managed the individual trust accounts set up on behalf of Aboriginal wage earners. The power of the Department to manage the 'real and personal property' of Aboriginal people was transferred to the Commissioner of Native Affairs when the Act was substantially amended in 1936, and renamed the *Native Administration Act.* One of the main outcomes of this legislation was that even more people of Aboriginal descent came under control of Department because of expanded definition of those 'deemed to be natives' to whom the Act applied. The Commissioner of Native Affairs was made the legal guardian of all 'native' children to the age of twenty one, regardless of whether one or both parents were alive and caring for the child.[76]

While the *Aborigines Act 1905* conferred sweeping powers on the Chief Protector to intervene in the employment, residence, movement, property ownership and personal and family life of Aboriginal people in Western Australia, the *Native Administration Act 1936* entrenched and expanded these powers. The civil rights of Aboriginal people caught in the ambit of the 1905 and 1936 Acts were denied. For this reason, a number of Aboriginal witnesses at the Moseley Royal Commission in 1934 protested against being under the jurisdiction of the Act at all. People such as David Nannup complained that Chief Protector Neville's decision to incarcerate some of his children and grandchildren at Moore River Settlement was unfounded, and he hired a lawyer to argue that he and his family should not be subject to the *Aborigines Act.* Aboriginal witness John Egan also protested against coming under the control of the Department, and told the Commission that he wanted to 'live where I can get work as a free Australian.' Arthur Thompson wanted exemption from the Act so that he could get 'his Rita' out of Moore River Settlement.[77]

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[75] / *Ibid.*

[76] / *Aborigines Act Amendment Act (Native Administration Act)* No 43 of 1936. See also Haebich, Anna, *Legislation relating to Aborigines in the Statutes if Western Australia: An Introductory Guide*, 1990.

[77] / *Moseley Royal Commission: Transcripts of evidence*, Perth, 1934, in SROWA, AN 537; Acc 2922/1, pp 470-471, 574-575, 566-567.

But the Western Australian government's response to Aboriginal criticism of the effects of the legislation on them was to widen the definition of those subject to the Act. Under the *Native Administration Act 1936*, all people of Aboriginal descent except those referred to as 'quadroons' over the age of twenty-one were, with some exceptions, deemed to be 'native'. Some people of Aboriginal descent could apply to be exempt from the provisions of the Act, if they could show that they did not associate or live with those deemed to be 'natives', but these certificates of exemption could be revoked by the Minister at any time.[78] The arbitrariness of such decisions was particularly threatening for Aboriginal people who sought to be free of government intervention in their lives.

Departmental correspondence from 1910 indicated that all 'trust moneys' received by the Chief Protector on behalf of Aboriginal people were paid into an account in Perth called the 'Colonial Secretary's Aborigines Account'. Money was then drawn from this account in a lump sum as a cheque, and distributed into the individual savings bank trust accounts which were managed and monitored by the Chief Protector. This process was suggested by the accountant in the Colonial Secretary's office as providing 'a better trail than that existing and is in accord with our mutual arrangements.'[79] There was no indication that the Aboriginal individuals in whose names the savings accounts were administered were ever consulted about or approved of this accounting system. They could not access these accounts themselves, as all such administration was conducted by the Chief Protector's office. This accounting system was still in place in 1922, when the Under Secretary H.C. Trethowan suggested that having two Departments (the Aborigines Department and the Colonial Secretary's Office) operating the one Trust Account lead to 'unnecessary complication.' He proposed opening another account specifically for the 'south west section' of the Aborigines Department, and this was to be called the 'Deputy Chief Protector of Aborigines Trust Account.' The Acting Under Treasurer established another account, and £37.5.8 was transferred into this new account on the advice of

[78] / *Aborigines Act 1905*, section 63; also *Native Administration Act 1936*, section 34.

[79] / 1 September 1910 from Accountant, Colonial Secretary's Dept to Chief Protector, in SROWA, Cons 652; 1910/0916, 'Aborigines accounts. Trust Moneys received on behalf of individual Natives - re disposal of'.

the Under Secretary.[80] The operation of these trusts accounts - how money was deposited, transferred and withdrawn from them and distributed to the individual trust accounts - is an issue central to the current Senate Inquiry. Considerably more research needs to be undertaken in order to compile a complete model of the Department's processes in relation to the trust accounts, but in the paragraphs below I present some preliminary comments on the government's administration of money earned by Aboriginal people.

Aboriginal wage earners and employers could not be forced to establish trust accounts under the Chief Protector's control, but the Department's jurisdiction over the employment of Aboriginal people was one way it was able to persuade employers to participate in such arrangements. By 1919 there were 53 individual trust accounts with deposits totalling over £1,155, and in 1934 the number of trust accounts had increased to 173 with a total balance of £2,300. The Department had also invested a further £2,400 of Aboriginal wage earners' savings in government bonds.[81] Since at this time few Aboriginal workers in the Kimberley and the north-west were paid wages at all, the amount accumulated in trust accounts and investments held by the Department represented payments mostly to workers in the south west of the State.

It is questionable that Aboriginal wage earners consented to Departmental control over their money, particularly in the cases of Aboriginal children and teenagers who were taken from their families and sent to government settlements or missions, from where they were then sent to work. Examples from the historical record illustrate that these young people had little choice but to go where they were sent, and to relinquish control of their financial affairs to the Chief Protector. Under the *Aborigines Act 1905* the Chief Protector was the legal guardian of all Aboriginal children to the age of sixteen. Amendments in 1911 extended the Chief Protector's power to all illegitimate 'half-caste' children, overriding the rights of their Aboriginal mothers.

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[80] / 6 February 1922, Under Sec to Under Treasurer and 23 Feb 1922 Acting Under Treasurer to Under Sec, CSO in SROWA, Cons 1326; 1922/0647, 'Deputy Chief Protector of Aborigines - Trust account'

[81] / Haebich, Anna, *For their own good*, p 162, p 251.

As stated above, the age limit on the Chief Protector's guardianship was extended under the *Native Administration Act 1936* to when Aboriginal people turned twenty-one.[82]

Moore River Settlement, north of Perth, was established by the Aborigines Department in 1918 as a segregated government institution to which Aboriginal children and town camp residents were forcibly removed, under powers conferred on the Minister in the *Aborigines Act 1905*.[83] Evidence presented to the Moseley Royal Commission in 1934 by Aboriginal former 'inmates' and their relatives portrayed Moore River Settlement as a place of hunger, poverty and brutal punishment.[84] Aboriginal witness Alfred Mippy declared that he 'would not stop there', and that it was 'the last place' any Aboriginal person would want to go.[85] Even Commissioner Moseley, who was generally sympathetic to the Aborigines Department and its staff in his report, described the settlement as 'a woeful spectacle', and criticised the accommodation as 'vermin ridden' and that the 'boob' or prison shed should be pulled down.[86] Moore River was supposed to be an institution where Aboriginal children received a basic education, but its educative function was secondary to the settlement's role as a permanent pool of cheap labour. Teenagers from Moore River were sent out to work as soon as they were old enough.

A Departmental file from the early 1920s illustrated the official approach to employment of young Aboriginal people. It showed how the early incorporation of these Aboriginal teenagers into the workforce under the jurisdiction of the Aborigines Department also meant that their wages came under the control of the Chief Protector, whether they consented or not. In April 1921 the Deputy Chief Protector wrote to the Superintendent of Moore River Settlement

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[82] / Ibid., pp 123-24; also Haebich, Anna, *Legislation relating to Aborigines in the Statutes if Western Australia: An Introductory Guide*, 1990.

[83] / The *Aborigines Act 1905*, Section 12, stated that 'The Minister may cause any aboriginal to be removed to and kept within the boundaries of a reserve, or to be removed from one reserve or district to another reserve or district and kept therein'. It was an offence to refuse such an order. Section 13 outlined the possible exceptions to those who could be removed to a reserve, mainly those in 'lawful employment' and women married to non-Aboriginal men.

[84] / *Moseley Royal Commission: Transcripts of evidence*, Perth, 1934, see evidence of Mary Warmadean, John Egan Sr, John Egan Jnr, Melba Egan, Annie Morrison.

[85] / *Moseley Royal Commission: Transcripts of evidence*, Perth, 1934, p 461.

[86] / *Moseley Royal Commission Report 1935*, pp 11 – 12.

wanting to know how many boys and girls over the age of sixteen were there and whether they were 'suitable to send out to employment.'[87] A few months later the Department informed the Superintendent that, although they wanted to ensure the employment needs of Moore River Settlement itself were met,

> it is desired to place out in employment all eligible inmates who are able to earn their own living, and who are not required for service on the settlement.[88]

Correspondence on the file between the Department's head office in Perth and the Superintendent of Moore River over the ensuing twelve months concerned teenage girls who were 'old enough to do housework.' The letters suggested that consumer demand for 'half-caste girls' to work as domestic servants was the driving force in the Department's interest in the employment potential of these wards of the Chief Protector.[89] The girls' responses were not referred to in the correspondence, so it is difficult to assess whether or not they went willingly to work as servants. The Superintendent referred to one girl as having 'given trouble to employers', so she was returned to Moore River Settlement and the Superintendent wrote that she would not be sent 'out to service' again.[90] Teenage girls who had babies while at Moore River were sent out to employment as soon as they were 'recovered', as was the term used in the correspondence. The Department tried to find positions for 'girls with babies', but the records suggested that few people were prepared to employ these young women with their children.[91] Sexual abuse of teenage Aboriginal girls in domestic service was not uncommon. In 1931 the Chief Protector reported that thirty-two young domestic servants had returned to Moore River pregnant, mostly to white men.[92]

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[87] / 24 April 1921 from Deputy Chief Protector to Superintendent Moore River Native Settlement, in SROWA, Cons 1326, 1921/2090, 'Moore River Native Settlement: Placing of inmates in private employment'.

[88] / 2 August 1921, from Secretary to Superintendent Moore River Native Settlement, in Cons 1326, 1921/2090.

[89] / See correspondence in Cons 1326, 1921/2090.

[90] / 7 November 1922, Superintendent Campbell, Moore River Native Settlement to Colonial Secretary, in Cons 1326, 1921/2090.

[91]/ See 28 October 1921 from Sec A & F to Deputy Chief Protector of Aborigines for the reference to the girl who was 'all right' after having been pregnant; also 18 July 1922 from Secretary to Superintendent, Moore River Native Settlement, in Cons 1326, 1921/2090.

[92] / Haebich, Anna, *For their own good*, p 313.

The Departmental correspondence from the early 1920s showed that the Superintendent and the Department sought to meet the requests from people for Aboriginal domestic servants. From Moore River Settlement, girls who could be 'spared' were handed over to the Department, who then sent them to work in towns and on farms for people 'anxious to obtain' a domestic servant.[93] The Chief Protector's office acted as a recruitment agency, and they provided the personal details of girls at the Settlement to prospective employers. After one such description of a teenager at Moore River, a farmer's wife at Burracoppin decided that the girl 'would suit her nicely', and arrangements were made for her to be sent in a week's time. The young Aboriginal woman was to be paid 10/- per week and provided with 'various articles of clothing.' The Department endorsed this arrangement 'so that most of the girl's money could be paid into [the] trust account.'[94]

The employment recruitment function of the Aborigines Department, subsequently the Department of Native Affairs, was not restricted to the south west. Archival records from the late 1930s showed that the Department was expected to provide a similar service to prospective employers in the North West. In 1939 the order of Sisters who ran the Leprosarium in Derby, in the Kimberley, approached the Minister for help in obtaining domestic servants to work in the Leprosarium Superintendent's quarters. The Commissioner of Native Affairs raised no objection,

> so long as these girls come from centres where leprosy was more or less prevalent or had been prevalent recently ... In the circumstances I would have no objection to girls being sent from Beagle Bay if any there could be available for the purpose.[95]

As with the girls sent into domestic service from Moore River, it seemed that the teenagers from Beagle Bay mission had little choice in whether or not they were sent to work at the Leprosarium. The correspondence from the Department suggested that it was a decision made between government agencies, and the Commissioner in writing to the Officer in Charge of the

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[93] / Cons 1326, 1921/2090.

[94] / 20 July 1922 C/J to Secretary in Cons 1326, 1921/2090.

[95] / 20 September 1939, from Commissioner of Native Affairs to Under Secretary, Dept of Public Health in SROWA, Cons 993;1939/0877, 'Employment of native girls at Derby Leprosarium'.

Native Hospital in Derby referred to the application from the Medical Department for domestic workers, and that 'half-caste girls might be supplied by this Department.' The Leprosarium matron was advised to contact the Department 'with a view to securing the girls,' on the proviso that they came from Beagle Bay rather than a 'clean' area like Moola Bulla, in the central Kimberley.[96] The situation developed into a conflict between the couple who ran the Leprosarium and the matron of the Native Hospital in Derby, who wrote that,

> Whilst I regret the fact that they have domestic problems - who has not? - I still think it advisable that they should continue to obtain their domestic help from Broome or Beagle Bay. One could not truthfully say there is any part of the institution there that has not been in contact with lepers at some time or other as there is no marked effort to make a boundary. I could not bear to send any of my girls out there and I don't like the idea of any girls from areas that are not supplying many lepers being sent there either.[97]

In the end, a young Aboriginal woman from the Beagle Bay mission worked as a domestic servant at the Leprosarium. Her younger sister was there also, described by the matron as 'supposedly on holiday'.[98]

When teenage Aboriginal girls were sent into domestic service from government institutions such as Moore River or Moola Bulla, the majority of their wages were paid into trust accounts held in their names by the Aborigines Department. A letter from Chief Protector Neville in 1926 indicated that wages from these girls comprised the majority of money held in the accounts and that the Department had,

> numerous trust accounts in operation, mostly in respect to half-caste children sent out to service, whose wages are controlled by us.[99]

In the 1930s and through to the early 1940s, the weekly wage for Aboriginal domestic servants in their first year was 7/6 per week, of which they received 2/6 as pocket money with the rest

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[96] / 28 September 1939 from Commissioner of Native Affairs to O.I.C., Native Hospital Derby, in Cons 993;1939/0877.

[97] / 27 November 1940, from Matron Una Ulrich, Derby to Commissioner of Native Affairs, in Cons 993;1939/0877.

[98] / *Ibid.*

[99] / 30 April 1926 from Chief Protector of Aborigines to Protector Holmes, Port George IV via Broome, in SROWA, Cons 993; Item 1933/ 0451, 'Payment of wages to natives'

going to the Department. The wages increased to 12/6 after a year, but still the majority of this went to the Department with the domestic servant allowed 5/- pocket money.[100] Domestic servants could earn up to 25/- per week, most of which was deposited in their trust account, and from the trust accounts the young workers were 'permitted' to purchase clothes and shoes, and 'to receive advances for holiday purposes.'[101] Records addressed below suggested that such 'advances' from the girls' accounts were only rarely approved.

Other Aboriginal domestic servants received a lower rate. The girls who were suggested as potential recruits for the Derby Leprosarium in 1939 were to be paid only 5/- per week, and provided with food, boots and clothes. Half of their wage was to be banked in the Department's trust fund at 'Head Office', in Perth, and the other half was given to the girls as pocket money. This was the standard payment for girls sent from Moola Bulla to work as domestic servants in towns and on stations in the Kimberley. The rate was supposed to increase to 7/6 after the first six months of work, with the increase going into the trust account while the young workers received 2/6 in cash. Any subsequent wage increases were made 'periodically by arrangement with the Department.'[102] Boys sent to work on pastoral stations from Moola Bulla were paid 5/- per week, of which they received 2/6 and the balance was paid into a trust account.[103]

The practice of giving Aboriginal domestic servants only a portion of their wages in cash was illustrated in published accounts of the lives of two Aboriginal women, Jessie Smith, née Argyle and Alice Nannup, née Basset. In 1906 Jessie Argyle was taken from her family and her Miriuwung country in the East Kimberley when she was five years old and removed on the orders of the Aborigines Department to Moore River Settlement.[104] As a teenager Jessie Argyle

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[100] / Haebich, Anna, *For their own good*, p 213

[101] / 11 November 1941, Commissioner of Native Affairs to Director of Native Affairs, Darwin, in Cons 993; Item 1933/ 0451, 'Payment of wages to natives'

[102] / 28 September 1939, Commissioner of Native Affairs to McBeath, Inspector of Natives, Cons 993;1939/0877, 'Employment of native girls at Derby Leprosarium'.

[103] / 11 November 1941, Commissioner of Native Affairs to Director of Native Affairs, Darwin, in Cons 993; Item 1933/ 0451, 'Payment of wages to natives'

[104] / Kinnane, Stephen, *Shadow Lines*, Fremantle Arts Centre Press, Fremantle, 2003, pp 11-33.

was sent from Moore River to work as a domestic servant, first for a family at Bridgetown. By 1924, after having worked for several years, Jessie Argyle was earning 20/- a week. The Department took 75% of her wage and she was given 5/- weekly 'pocket money.'[105]

Alice Bassett was taken from her family in Yindjibarndi country near Roebourne on the pretext that she would be educated in the south. But she and two other children from the area – they would have been in their very early teens – were sent to work at a farm at Beeginup in the south west. Alice Bassett recalled how their employers, 'didn't have us there as kids, they had us there as slaves.'[106] Although the children went to school, they also were expected to do the housework, milk sixteen cows and separate the milk, clean the separator, put the cows back in the paddock and feed the poddie calves. For this they were paid two shillings per week, but the money was confiscated and put in a tin labelled 'Lady Lawley Cottage Fund' if they did not do their chores fast enough.[107]

The children were later sent to Moore River Settlement, and after two years there Alice Bassett was sent out to work as a domestic servant. In 1927 she was sixteen when she was sent to work for a policeman and his wife at Collie, where Alice did all the housework and the cooking, as well as bathing and assisting the policeman's wife who was confined to a wheelchair. For this work without any apparent limitation on her working hours, Alice was paid five shillings a week. Her employer told her that 'half goes to [Chief Protector] Mr Neville to put in the bank.' With her 2/6 'pocket money' Alice bought herself 'personal goods and things'. The case of clothes and possessions she had with her when she was sent to Moore River had been taken from her.[108] A number of years later Alice Bassett worked as a domestic servant for Mr Neville himself, in what she recalled was a 'cap'n'apron job', waiting on the family and their

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[105] / *Ibid.*, p 173.

[106] / Nannup, Alice, with Lauren Marsh and Stephen Kinnane, *When the Pelican Laughed*, Fremantle Arts Centre Press, Fremantle, 1992, p 52.

[107]/ *Ibid.*, pp 52-53.

[108] / *Ibid.*, pp 60-93.

family and their guests at the table, preparing the meals and cleaning. Here she was paid 12/6 per week, of which she received 5/- in 'pocket money'. The rest was banked by Mr Neville.[109]

The proportion of wages that was taken by the Department and banked in the trust accounts was not readily accessible to the Aboriginal people in whose names the accounts were held. All of the requests for money from the accounts were vetted by the Chief Protector. Historian Anna Haebich wrote that Neville, who was Chief Protector from 1915 to 1936, and then Commissioner of Native Welfare until his retirement in 1940, maintained 'strict control over how the money from these accounts was spent.'[110] Alice Nannup recalled that when she wanted money from her own trust account, she would have to go to the Aborigines Department office and fill out a request form, stating what the money was for. To purchase clothes, Alice was given coupons instead of money, and this was standard Departmental practice. When Jessie Argyle applied to the Department for money from her own account, she was invariably given coupons for goods at particular stores. Or the Department purchased the goods on her behalf, charging it to her account. [111] Aboriginal workers were given no choice in these matters, emphasised by the fact that an officer of the Department purchased such intimate items as underwear on behalf of Jessie Argyle rather than allowing her access to cash from her own account.[112]

Under Regulation 85 of the *Native Administration Act 1936*, the Commissioner could direct that 75% of an Aboriginal person's wage be paid into his or her trust account managed by the Department.[113] A government inquiry in 1948 found that such powers were used by the Commissioner 'in a comparatively small number of cases,' and the report recommended that the regulation be more widely applied, particularly in the southwest of the State. But even if the Commissioner did not regularly use the power to direct that 75% of a person's wage be

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[109] / *Ibid.*, p 121.

[110] / Haebich, Anna, *For their own good,* p 251.

[111] / Nannup, Alice, *When the Pelican Laughed,* pp 118-119; Kinnane, Stephen, *Shadow Lines*, pp 174-175, p 128-29.

[112] / Kinnane, Stephen, *Shadow Lines*, pp 128-129.

[113]/ Bateman, F.E.A., *Report on a Survey of Native Affairs*, Government Printer, Perth, 1948, p 36.

paid into the trust account, for the hundreds, at least, of Aboriginal children who were forcibly removed to institutions like Moore River, Carrolup and Moola Bulla, the extent of the Department's control over the wages they later earned was substantial. Once the money was in the trust account, the Department's management of it was subject to very little scrutiny. For young women like Jessie Argyle, the Department's administration of her wages provided no financial benefit for her. While she was earning 20/- and getting 5/- in cash, a range of deductions were being made from her trust account. As a young Aboriginal woman under the so-called protection of the Department, in between jobs she was forced to board in Perth at government approved establishments. One such boarding house at Maylands charged the exorbitant rate of £1 per week, which was more than half of what she could earn as a domestic servant. These payments were deducted from her account, as were the costs of second rate medical attention. Also charged to her account were the train fares on the occasions when she was sent to places for work, and the payments to the people who 'escorted' her on these often forced journeys.[114]

It is doubtful that Jessie Argyle herself approved such deductions from her own trust account. For her and other young Aboriginal workers the Department's control over their wages and personal finances meant that although they worked full time, they received very little economic benefit from their paid labour. To quantify the effects of this system on the Aboriginal workforce in the first half of the twentieth century would require a substantial amount of research. For young Aboriginal women it seemed to be a widespread experience. Alice Bassett estimated that during her last stay at Moore River Settlement, in the early 1930s, 'there would have been hundreds, easy, of girls sent out to work.'[115] She recalled that getting permission from the Department to marry was difficult since,

> I think housemaids were very scarce and they didn't want us to get married out, because they never had enough working girls. There were lots of girls in service but just as many people wanting them.[116]

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[114]/ Kinnane, Stephen, *Shadow Lines*, pp 168-175. See also Haebich, Anna, *For their own good*, p 252 for a reference to the Maylands boarding house.
[115]/ Nannup, Alice, *When the Pelican Laughed*, p 148,

[116]/ *Ibid.*, p 147

Aboriginal women in Broome, in a submission to the Moseley Royal Commission in 1934 made a similar complaint. They argued against the system whereby the Chief Protector could refuse permission for them to marry, because their employers lobbied the Department to keep the women single and under contract to work for them.[117]

The lives of Jessie Argyle and Alice Bassett and their contemporaries showed that Aboriginal women were not permitted by the Department to remain unemployed for long. When Jessie Argyle finished work in 1922 with her first employer, Mrs Sherwood, her services were quickly replaced and she was sent to another job. After three years the relationship between domestic servant and mistress had 'cooled', and Mrs Sherwood wrote to the Department requesting a 'half-caste girl'.[118] The Department obliged, and the Chief Protector wrote to the Superintendent of Moore River in 1922 instructing him to send two girls from Moore River to Perth to 'go out to work', and that 'the other girl I am reserving for Mrs Sherwood at Pingelly.'[119] Presumably the young Aboriginal woman was sent from Moore River to work for the family at Pingelly after Jessie Argyle left, and like Jessie Argyle most of her wages would have been paid into the trust fund account. Her working life of low paid domestic service would not stop until the young woman was married, and like the hundreds of other young women who worked under the Department's control she had little effective power to challenge the Department's management of her money. The exploitation of young women as domestic servants was systematic and linked to policies of child removal, as argued by Jessie Argyle's grandson and biographer:

> 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 Aboriginal labour force. Tracking my own grandmother's movements across the pages of her file reveals houses and dwellings far removed from the imagined mansions and manor houses that people generally associate with the sort of family that can afford to employ a servant.[120]

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[117]/ Atwood , Bain and Markus, Andrew (eds) *The struggle for Aboriginal Rights: A documentary History*, Allen & Unwin, Sydney, 1999, p 131.

[118] / Kinnane, Stephen, *Shadow Lines*, pp 144-45.

[119] / 21 September 1922 from Deputy Chief Protector to Moore River Superintendent, also 13 September 1922 from Campbell Superintendent to Secretary, in SROWA, Cons 1326, 1921/2090, 'Moore River Native Settlement : Placing of inmates in private employment.'

[120] / Kinnane, Stephen, *Shadow Lines*, p 170.

A central issue that requires further investigation in Western Australia is that of the fate of the money which was taken from Aboriginal people's wages and placed in Departmental trust accounts. The details from Jessie Argyle's personal file showed that until she married Englishman Edward Smith, after years of his attempts to persuade the Chief Protector to approve the marriage, money was regularly subtracted from her trust account for a range of enforced deductions under the authority of the Department. Alice Bassett recounted that one of the reasons she agreed to marry Will Nannup was to 'get away from the government, and I think a lot of women did that.'[121] Her white father, who had been prevented from contacting her through all the years she worked as a domestic servant under the jurisdiction of the Department, left her money in his will. He owned property in the Roebourne district, and Alice was his only child. Old family friends from Roebourne informed Alice that her father, who had been killed in 1933, had left £400 in his will for Alice. The money had been sent to the Aborigines Department, but Alice never received it nor was she ever officially told about it. She tried over the years to retrieve the money but without success. As she recalled,

> I could have really used that money my father left me, and it would have made the world of difference to my family.[122]

An archival file from 1940 indicated that there was a substantial amount of money held in the Department's trust accounts on behalf of Aboriginal individuals, and furthermore that the Department knew some account holders were unaware that the money was even there. Soon after A.O. Neville retired as Commissioner of Native Affairs, the new Commissioner Francis Bray sought to 'look into' the estates and trust accounts held by the Department. His memo on the subject summarises the situation and the Department's policy to management of money held in trust on behalf of Aboriginal wage-earners:

> I wish to look into some of our Estates and Trust Accounts. I refer to the larger estates and trust accounts, in which we hold large sums and render little assistance to the owners of the moneys even though they may be aged or infirm. Our policy at present is to allow the moneys to accumulate and make advances only when they are asked for by

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[121] / Nannup, Alice, *When the Pelican Laughed*, p 148.

[122] / *Ibid.*, p 179.

the owners. This policy raises the question as to whether we are truly recognising our obligations in the care, welfare and comfort of the natives concerned.

From our experience we know that a large number of natives are forgetful of their moneys, and possibly some of them struggle on in ignorance of their right to advances or assistance from their moneys. In the case of young and able-bodied natives it is no doubt as well to exercise strict control on their moneys, but I think we should relax a little in the case of aged or infirm natives by making inquiries from time to time as to how they are faring. If we do this we might be able to make advances for their better comfort.

When a native is old or infirm we could make advances even from principal moneys. I know this policy has not been followed in the past, but I think we could relax it a little in certain cases so long as moneys are usefully spent. Our trusteeship of moneys is a delicate matter, as we know that many natives have no knowledge of the value of money, so we must be extremely careful in all our actions. Therefore from time to time I should be pleased to have suggestions in regard to the handling of the moneys. 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 moneys and distribution. In some ways we are in a similar position to a guardian holding moneys for the maintenance etc. of a white child. The child is unable to indicate its wishes and so the guardian watches carefully over the child, and spends moneys as may be necessary.[123]

With regard to Commissioner Bray's last sentence in his memo, it is difficult to comprehend how he arrived at this characterization of the Aboriginal owners of the trust accounts as being like children 'unable to indicate [their] wishes', since the files held by the Department were full of requests by Aboriginal people for access to money in their accounts. The file on the trust account of Mrs Elizabeth Djiagween of Broome, the wife of Yawuru lawman Paddy Djiagween, contains numerous examples of such requests from just one person. Despite the fact that Mrs Djiagween had the substantial amount of £600 in government bonds in her trust account, which attracted interest payments of over £22 every six months, she had to apply to the Department each time she wanted to withdraw money. The Chief Protector instructed the Resident Magistrate that her withdrawals, always made on her behalf by the local Protector, were to be no more than £3 each time, since they were not to exceed the amount of interest paid to her account bi-annually. In Commissioner Bray's memo, the reference to 'advances even from principal moneys' was probably in relation to accounts like those of Mrs Djiagween,

[123] / 5 June 1940, from F. I. Bray, Acting Commissioner of Native Affairs to Acting Deputy Commissioner of Native Affairs, in Cons 993, 1940/0761, 'Finances - Natives Trust Accounts - Investigation into Financial Position of Native Concerned'

where trust account funds had been invested by the Department in interest bearing government bonds. There was no indication on Mrs Djiagween's file that she had consented that her money be used to purchase government bonds. Indeed, having her funds in government bonds proved to be an impediment for her when she wanted to purchase a house in Broome for £160. Mr Neville was unwilling to cash in the bonds to that amount, and wanted to know from the local Protector of Aborigines how Mrs Djiagween occupied her time. Chief Protector Neville eventually approved the release of the funds, after over a year.[124]

In the list of trust accounts compiled in June 1940 in response to Commissioner Bray's request for information, 'Lizzie' Djiagween was shown as having just over £16 in her trust account, and £610 in investments.[125] Several other Aboriginal people on the six page list of accounts had investments of over £100, and in one case up to £1,070 pounds. The trust account balances varied from a few shillings to over £20, with most of the deceased estate accounts containing substantial amounts, between £34 and over £200. The total of 'unclaimed balances' was £424.3.1. Several of the entries were indicated as 'current account – at work', but it seemed that most of the assets listed were for people no longer working and therefore not contributing regularly to their accounts with their wages.[126] This particular file finished in late July 1940, so it is unclear from this record what the Commissioner did with the information on trust funds which he had requested be compiled. According to Mrs Djiagween's trust account file, by 1942 she still had £600 in investments.[127]

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[124] / 22 August 1929 from Chief Protector, also 5 March 1930, telegram from Resident Magistrate Broome to Aborigines Dept Perth; 6 March 1930 and 23 December 1930 from Chief Protector to Resident Magistrate Broome, in SROWA, Cons 653; 519/1925, 'Trust fund - Mrs Djiagween'.

[125] / 30 June 1940, 6 page list titled 'List of assets held by the Department on behalf of the following Natives', in in Cons 993, 1940/0761, 'Finances - Natives Trust Accounts - Investigation into Financial Position of Native Concerned'

[126] / *Ibid.*

[127] / Correspondence from Chief Protector to Resident magistrate, 22 August 1929, 6 March and 23 December 1930, also 24 March 1942 in SROWA, Cons 653; 519/1925, 'Trust fund - Mrs Djiagween'.

The twelve deceased estate accounts on the 1940 list were mostly 'not finalised' according to the handwritten remarks in the final column. [128] Under Section 35 of the Native Administration Act 1936, any deceased estates which had no listed beneficiaries were paid into the 'Special Fund' held by the Commissioner. One of the officers who compiled the 1940 list of assets informed the Native Affairs Department that unless estate beneficiaries could be located, and the moneys distributed either to their trust accounts or as cash payments to the beneficiaries, the trust account amounts would be credited to the Commissioners' 'Special Fund'.[129] This was defined in the Act as 'a special trust account [to] be utilised by the Commissioner for the benefit of natives generally.' The Commissioner also had the power to 'obtain letters of administration' of the estate of a person subject to the Act, which meant that in the absence of any specific instructions in the will could take on the role of executor.[130] The 'Special Trust Account' remained in existence until the early 1970s, and money which had accumulated in this account was used at the discretion of the Minister for expenditure on items such as commemorative headstones for 'persons of Aboriginal descent whose service to their country has been recognised by an honour conferred by the Crown'.[131]

The Western Australian government's administration of individual trust accounts was resented at the time by the Aboriginal people whose money they controlled. Many people later claimed that they never received the value of the proportion of their wages which the Department forced them to pay into the trust accounts.[132] In the early 1940s equal rights campaigner Mary M. Bennett referred to the system as 'the most crippling of all disabilities' whereby the Aboriginal employee had to hand over part of his or her earnings to the Department. She argued that the employee had no right of appeal, and that the Department did not provide

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[128] / 30 June 1940, 6 page list titled 'List of assets held by the Department on behalf of the following Natives', in Cons 993, 1940/0761, 'Finances - Natives Trust Accounts.'

[129] / 24 July 1940 from E.S. Donovan to Brooks in Cons 993, 1940/0761, 'Finances - Natives Trust Accounts.'

[130] / Section 35 and 34, *Native Administration Act 1936.*

[131] / 9 November 1972, Asst Commissioner Liaison Officer to Regional Liaison Officer, Northern, in Cons 3412; NDG 05/8, 'Accounts. Commissioners Special Trust Account (Section 35 of AAPA Act)'.

[132] / Haebich, Anna, *For their own good*, p 162.

regular statements of the balances of the trust accounts.[133] But the Commissioner dismissed Mary Bennett's letter as a 'prejudiced statement', since she was critical of the Department generally. He claimed that the 560 trust accounts then in existence represented only a small proportion of the potential, since the entire Aboriginal population of Western Australia was estimated to be 26,000. The total amount in the trust accounts was £2,862.9.0, and there were a further £6,551 worth of investments administered by the Department. The Commissioner argued that the accounts were regularly audited and that people were able to review the balances of their own accounts.[134]

Concluding remarks

The 1958 *Report of the Special Committee on Native Matters* did not refer at all to the Department's management of individual trust accounts or to the 'Special Trust Account'.[135] To my knowledge there has been no attempt by the Western Australian government on a State wide basis to 'disclose evidence of historical financial controls to affected Indigenous families.' People can apply to the Family Information Records Bureau at the Department of Community Development for their own personal file or those of their parents or grandparents, if such files survived the 'patterns of destruction' referred to in the first ALSWA submission. Through their own research efforts some Aboriginal people would already have information about the operation of particular trust accounts, if such information was included on the personal file. But there has been no comprehensive review of the available evidence of Departmental administration of wages and trust accounts. Such a review is required to address the issue of how these funds were 'secured from fraud, negligence or misappropriation.' Substantial research resources need to be applied in order to assist Aboriginal individuals and families to retrieve their own or their relative's information from the archival personal records at the Family Information Records Bureau. It is important that such research only be undertaken if there is explicit consent by the Aboriginal people whose records they are. If

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[133] / Undated document probably 1943 titled 'Australian Aboriginal Workers in Federal Territory and the State of Queensland and Western Australia' by Mrs M.M. Bennett of Mount Margaret Mission, Western Australia in Cons 993, Item 1933/ 0451, 'Payment of wages to natives'.

[134]/ 3 March 1944 response from Commissioner for Native Affairs to Miss Leeper, Victorian Aboriginal Group re copy of Mrs Bennett's letter in Cons 993, Item 1933/ 0451, 'Payment of wages to natives'

[135] / *Report of the Special Committee on Native Matters*, 1958.

consent is not appropriately sought and obtained, then past abuses of the human rights of Aboriginal people will simply be repeated.

The personal financial transactions of many Aboriginal wage earners were closely monitored by the Department well into adulthood, although there was actually no legislative basis for control of the accounts after the workers turned twenty-one. Many young Aboriginal workers had very limited access to cash from their own trust accounts, which meant that their ability to participate in the mainstream economy and to accumulate wealth was marginal.[136] It is reasonable to suggest that the experience of Alice Nannup and Jessie Smith was representative of the hundreds of young Aboriginal women who were removed from their families and later sent out to work as domestic servants. For boys removed from their families and sent to work by the Department, it seemed to be a similar story. The 1940 list of trust accounts held by the Department showed roughly equal numbers of male and female account holders. The range of deductions made from their accounts without their consent was an abuse of their civil rights. Indeed the establishment of the trust accounts was generally without their consent, which was in contravention of the legislation until 1936. For young Aboriginal people like Alice Nannup and Jessie Smith , the Department's so-called 'protection' of their welfare meant that they were forced into low paid and hard work, vulnerable to a range of abuses from their employers, and after years of full time employment they were still poor.

[136] / Eggington, D. and Skyring, F., 'Preface' in forthcoming publication by Silburn, S. R., (et al), *The Western Australian Aboriginal Child Health Survey: Strengthening the Capacity of Aboriginal Children, Families and Communities*.

Commonwealth Benefits: Pensions and child endowment

(d) all controls, disbursement and security of federal benefits including maternity allowances, child endowment and pensions, and entitlements such as workers compensation and inheritances;

(e) previous investigations by states and territories into official management of Indigenous monies;

When the *Invalid and Old Age Pensions Act* was introduced in 1908, people referred to as 'Aboriginal natives of Australia, Africa, the Islands of the Pacific, or New Zealand' were specifically excluded from its provisions. Amendments in 1942 enabled Aboriginal people who had been granted exemption from State, Territory or Commonwealth legislation in relation to 'Aboriginal natives' to apply for the old age pension. Further amendments in 1960 removed restrictions on Aboriginal eligibility for the age pension (as it was renamed in 1947), but those who were considered by the Social Security Department to be 'nomadic and primitive' remained ineligible. This final restriction was repealed in 1966.[137]

In the first ALSWA submission, I referred to the 'flood of money' into the Kimberley that was the result of Aboriginal people becoming eligible for Commonwealth age pension payments, and how station managers and mission superintendents were often appointed 'official warrantees' by the Department to receive pension payments on behalf of Aboriginal people. I also referred to the 1965 investigations by the Commonwealth Department of Social Security into abuses in the administration of pension payments to elderly Aboriginal people on Kimberley pastoral stations.[138] Once ALSWA has obtained access to certain 'restricted' files in the DIA archival collection in relation to these investigations, I will review them and hope to have the opportunity to present the information to the Senate Legal and Constitutional Committee before the Inquiry into Stolen Wages is completed.

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[137] / Department of Social Security Research Paper No. 20 'Developments in social security: A compendium of legislative changes since 1908', 1983.

[138] / See ALSWA submission, 28 July 2006, pp 17- 18.

A related issue which also requires further research is that of the administration of maternity allowance and child endowment payments to Aboriginal people in Western Australia. As with Commonwealth legislation in relation to age pensions, the *Maternity Allowance Act 1912* and the *Child Endowment Act 1941* both contained racially discriminatory provisions excluding Aboriginal mothers. Under the *Maternity Allowance Act 1912*, a payment of £5 was made to the mother on the birth of a child and this payment was not subject to any income test or tax. Women referred to as 'Aboriginal natives' were not eligible for this payment. The Act was amended in 1942 to enable women who had obtained exemption from State, Territory or Commonwealth legislation in relation to 'Aboriginal natives' to be eligible for the maternity allowance. These allowances could be paid to a government agency or some other authority if such payment was 'considered desirable for the benefit' of the Aboriginal women concerned. In 1944 the eligibility criteria for the maternity allowance were widened to include Aboriginal women on stations, reserves and settlements. In 1960 further amendments made all Aboriginal women eligible to receive the maternity allowance, with the exception of those the Director general considered to be living a 'nomadic or primitive' life. This provision was repealed in 1966.[139]

Child endowment was paid from consolidated revenue on behalf of each child under the age of sixteen, and from its introduction in 1941 was payable to Aboriginal families except those who were considered to be 'nomadic', and those whose children were 'wholly or mainly dependent on Commonwealth or State government support'. The Act was amended in 1942 to enable payment of child endowment to missions and 'approved institutions' where children were maintained. As with the legislation in relation to maternity allowance, the racially discriminatory provisions in relation to child endowment for Aboriginal children were amended in 1960 and repealed in 1966.[140]

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[139] / Department of Social Security Research Paper No. 20.

[140] / *Ibid.*

For eligible Aboriginal recipients, these various Commonwealth benefits could be paid to an approved authority or 'approved institution', and in the case of child endowment it seemed that individuals such as station managers could be appointed as trustees for the payments. As with the administration of age pension payments, there is every possibility that abuses were perpetrated by trustees. Aboriginal people at Kimberley Downs station in 1968 complained of not receiving their age pension or child endowment payments. On the Emanuel Bros stations in the Kimberley, it was the practice to receive child endowment payments on behalf of their Aboriginal employee's children 'on a group basis', presumably going into the company account, before being distributed to Aboriginal families. The Emanuel Bros' policy changed in 1968 so that child endowment payments were 'made direct'.[141] More research needs to be undertaken to assess what actually happened with child endowment payments for Aboriginal people on pastoral stations, and to what extent these Commonwealth entitlements were regarded, like age pension payments for Aboriginal people, as a 'form of station subsidy' by some station warrantees.[142]

Church run missions were also substantial recipients of child endowment payments, and a brief search of the online catalogue of the State Records Office retrieved file titles relevant to child endowment payments to Mt Margaret, Beagle Bay, Kumunya, Lombardina, Wotjulum and Cosmo Newberry Missions. Government institutions to which children were forcibly removed also received child endowment payments. The online catalogue of the State Records office includes a restricted access file from 1941 titled 'Moore River Native Settlement - Child Endowment Scheme.' The lack of regard shown by the Settlement staff and the Department for the welfare of Moore River 'inmates', and the human rights abuses perpetrated by officials at the Settlement, suggests that investigation into administration of child endowment payments to institutions such as Moore River Settlement is long overdue.

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[141] / Appendix 'B' to 3 October 1968, G.E. Cornish report on 'Assessment of the probable introductory effects in W.A. of the Pastoral Industry Award', in Cons 993; 1965/ 062, 'Employment of Natives...'

[142] / See ALSWA submission, 28 July 2006, p 18.

Responsibility for abuses under so called 'protection' regimes

(g) commitments by state and territory governments to quantify wages, savings and entitlements missing or misappropriated under official management; the responsibility of governments to repay or compensate those who suffered physically or financially under 'protection' regimes;

The iniquity of the racism which underpinned the State government's human rights abuses against Aboriginal people is illustrated throughout the documentary records. An archival file from 1951 shows that acceptance of racial discrimination existed among those at the top levels of government. The documents from 1951 were created in the context of the inaugural national conference of the Australian Council of Native Welfare, which Western Australian Commissioner Middleton attended along with other representatives from government agencies around the country. In preparation for the conference, Middleton sought clarification from the Western Australian Crown Solicitor's office on the legal position in relation to citizenship status. The series of questions Middleton posed to the Crown Solicitor's Office suggested that he sought to use the opportunity to press for the recognition of civil and political rights for Aboriginal people on the basis of implied citizenship status under the Commonwealth Constitution. Middleton posed the question that even though 'Australian natives' were under Western Australian law excluded from exercising full citizenship rights and responsibilities, through legislation such as the *Native Administration Act* and the *Electoral Act,* did they not have 'by birth' the 'rights, privileges and immunities and duties and liabilities of a subject of His Majesty'? The response from the Solicitor General was that,

> There is, however, nothing to prevent a State from enacting legislation discriminating against natives. Section 117 of the Commonwealth Constitution provides that "a subject of the Queen resident in any State shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State." So long, therefore, as a law does not discriminate in favour of natives in Western Australia as distinct from natives in one or more other States, the law does not contravene Section 117 of the Constitution. We in Australia have no provision corresponding to the provision in the American Constitution that "the citizens of each State shall be entitled to all the privileges and immunities in the several States" which provision was inserted primarily because of the fear that the negroes would not be treated on the same basis as white persons in some of the States. Thus our natives have no constitutional right to equal privileges with white

people – there is merely a prohibition against discrimination by a State in favour of local residents.[143]

The Western Australian Solicitor General advised the Commissioner of Native Affairs that it was constitutional for the State to discriminate against Aboriginal people. He also considered that the discriminatory provisions of the Commonwealth Social Services Consolidation Act, which prevented Aboriginal people from accessing certain Commonwealth benefits, were also constitutional. Middleton suggested in his questions that since the Commonwealth government had no powers to legislate with respect to Aboriginal people, they could not be made liable to pay income tax. The response from the Solicitor General was that the 'pith and substance' of the Act meant that it applied to everyone, Aboriginal people included.[144] The Solicitor General displayed no concern about the apparent contradiction in his advice that Aboriginal people could be excluded from Federal government benefits, but still had to pay Federal income tax.

The legislative and administrative regimes which affected Aboriginal Western Australians until 1963 were racially discriminatory, and explicitly denied their civil and political rights. Under the label of 'protection and care' of Aboriginal people, the various Departments responsible for implementing the legislation withheld money earned by Aboriginal workers, endorsed and facilitated employment abuses in which Aboriginal workers were paid under award wages or no wages at all, and reacted far too slowly to repeated complaints and evidence that Commonwealth pension entitlements for Aboriginal people were being misappropriated by warrantees. Aboriginal people under the Department's jurisdiction suffered financially as well as physically, in terms of inadequate diet, dreadful living conditions and high rates of ill health; all due to poverty. As stated in the introduction to this submission, the system of governance imposed on Aboriginal people resulted in the reproduction rather than amelioration of poverty. It was a one way transfer of economic resources. Through the legislated exclusion of Aboriginal people from a range of government services and benefits, and through the specific

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[143] / 28 August 1951, Crown Solicitor to Commissioner of native Affairs, in SROWA, Cons 6815; 1951/4748, 'Nationality and Citizenship Act (Commonwealth) and Natives (Citizenship Rights) Act (State) opinion by Solicitor General that Aboriginal natives have no constitutional rights to equal status with white people under Commonwealth law'

[144] / *Ibid.*

denial of their property rights and continued perpetration of employment abuses, Aboriginal workers and their families were unable to share, like their fellow Western Australians, in the economic wealth of the State. Yet this was a wealth to which Aboriginal workers had substantially contributed. This history needs to be told, and restitution undertaken.

Fiona Skyring
ALSWA, October 2006