

# CHAPTER 5

## IMPACT OF WAGES CONTROL

I waited for so many years for the pay to come that was owed to me but that I never, ever received. I was living in a tent for 6½ years with some of the children from my marriage. Nobody seemed to care whether we had the right to have the things that we were entitled to. Although we were brought up decently by the government, we had hard times in our lives when we went through these institutions. They were not easy. We were not called out by our proper names, not as 'Marjorie'; we were always called out by numbers, like a person in jail. These are the sorts of things that have to be made known today – what we suffered in the past as young children brought up by the care of the government and what they did to us. It should be known all over the place that we had to tolerate this.<sup>1</sup>

### Introduction

5.1 One of the most valuable elements of this inquiry has been the opportunity for the committee to hear first-hand, through submissions and evidence, about how the control of Indigenous wages has impacted on the workers, their families, and their descendants.

5.2 Evidence to the committee indicates that the wages control system had direct and indirect impacts on Indigenous people. The direct impact relates to the consequences of withholding the wages and savings of Indigenous workers as well as the misappropriation of monies and the non-repayment of wages and savings. These controls not only related to monies earned by Indigenous people but also to the control of employment conditions, the ability to undertake paid employment (for normal 'white' wages) and the ability to pursue opportunities for an improved career.

5.3 The indirect, and also the most disturbing, impact of wages controls was the mistreatment and abuse of Indigenous workers. The majority of evidence relating to the impact of the wages controls received by the committee detailed personal experiences of abuse and the inappropriate treatment of Indigenous men, women and children during the time when wages controls were in place. The committee recognises that these are difficult experiences to share, and wishes to thank all of those people who told their story during the course of the inquiry. These personal stories gave the committee some insight into the betrayal, anger, hurt and frustration that Indigenous workers have felt for generations.

5.4 This chapter of the report examines the inadequacy of the safeguards which were intended to 'protect' Indigenous workers whose wages were controlled. Importantly, it shares some of the stories that were told to the committee about the impact of wages control on Indigenous workers. The committee received evidence of

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1 Mrs Marjorie Woodrow, *Committee Hansard*, Sydney, 27 October 2006, p. 25.

Indigenous workers experiencing physical, sexual and employment abuses as well as the creation of a poverty cycle through the denial of wages.

### **The inadequacy of safeguards**

5.5 The protection Acts of different states and territories provided varying levels of oversight in relation to Indigenous employment. For example, in Queensland from early in the 20<sup>th</sup> century, protection legislation included broad powers for protectors to supervise the employment of Indigenous people and to enforce minimum standards in relation to wages and conditions. Dr Ros Kidd noted:

Queensland's comprehensive system relied on local police to oversee employment conditions and handle Aboriginal access to savings. Inspections of stations rarely occurred unless there was specific direction to inquire or coincidental police business to cover the cost.<sup>2</sup>

5.6 By contrast in South Australia:

...[the] *Aborigines Act (1911)* made no provisions to protect workers' rights, particularly in the remote pastoral areas, other than a prohibition against Aboriginal women wearing male clothing, a weak attempt to combat the common practice of using women for stock and station work.<sup>3</sup>

In the absence of employment protection in South Australia the Northern Territory Chief Protector Herbert Basedow said in 1927 that pastoral workers 'are kept in a servitude that is nothing short of slavery'. In the 1930s Dr Charles Duguid reported that cruelty against Aboriginal workers was common practice, with many 'breaking in' their workers as though they were 'taming wild animals'. The Newcastle Protector stated that most stockmen's wage did not even cover the debts charged against them in station stores. The missionary at Oodnadatta said in 1939 workers got only 'what their employers care to give them' and without legal safeguards workers could only walk off unpaid or continue to endure exploitation. From Ernabella the missionary warned some pastoralists were so abusive they should be banned from employing Aboriginal labour.<sup>4</sup>

5.7 Also in relation to South Australia, the committee heard how the lack of provisions in legislation regarding the conditions and wages of Aboriginal workers, left them vulnerable to exploitation:

At times employment was forced – mothers were required to give up the care of their children so they could work as domestics etc. They were threatened with denial of rations to themselves and their children if jobs were not taken. This, in part, led to the creation of the 'Stolen Generation'.

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2 Dr Ros Kidd, *Submission 49*, p. 4; See also Mr Patrick Hay, counsel instructed by the Queensland Public Interest Law Clearing House (QPILCH), *Committee Hansard*, Brisbane, 25 October 2006, pp 12-13.

3 *Submission 49*, p. 3.

4 Dr Ros Kidd, *Submission 49*, p. 6.

Workers were forced to move to isolated areas (e.g. working on railways, on stations, at Woomera etc) where there were very poor living conditions, again leading to the removal of their children. Children were forced to leave their homes in order to get higher schooling. Conditions of employment seem to have been arranged by officers of Aborigines Department – but there is insufficient research to establish if workers were paid according to white mainstream conditions. Older children who had been placed in private homes (including those ostensibly brought to town in order to attend high school) report being treated as domestic slaves, and it is not clear if they were paid anything other than board.<sup>5</sup>

5.8 Similarly in relation to Western Australia, Dr Kidd noted:

In the absence of mandatory employment provisions, a 1904 Royal Commission into Aboriginal administration in Western Australia found Aboriginal groups were entirely at the mercy of station management: cruelty in the 'unsettled districts' was intolerable and police treatment of Aboriginal people 'brutal and outrageous'. Although most workers were not employed on contracts it was common practice to set the police to recapture absconders, including young child servants. Recommendations for a minimum five shilling monthly wage were successfully opposed by pastoralists, leading one parliamentarian to describe the current system as 'another name for slavery'.<sup>6</sup>

5.9 Even where there was provision in legislation for protectors to ensure that minimum wages and conditions were observed, this did not necessarily result in official action to safeguard Indigenous employees from abuses. For example, evidence in relation to later periods in Western Australia noted:

One of the [Native Welfare] Department's functions was to check that pastoral employers fulfilled their responsibilities to their Aboriginal employees in terms of the provision of adequate food, housing and health care, but Native Welfare Department patrol reports from the Kimberley for the 1950s through to 1972 suggested that the standards of rations and housing were usually poor and often appalling. Correspondence showed that the Department provided assistance to pastoralists to secure employment of Aboriginal workers, but rarely were pastoralists forced to meet their obligations to their workers in terms of housing living conditions and health care.<sup>7</sup>

5.10 Mr Ted Carlton recalled officers of the Native Welfare Department visiting Carlton Hill Station in Western Australia. His evidence supported the view that these visits did not contribute to effective enforcement of the obligations of employers to their Indigenous employees:

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5 Ms Joanna Richardson, *Submission*, 14 p. 4; see also Dr Cameron Raynes, *Submission* 8, p. 1.

6 *Submission* 49, p. 3.

7 Aboriginal Legal Service of Western Australia (ALSWA), *Submission* 30, p. 13; see also Professor Anna Haebich, *Submission* 19, p. 2.

They used to talk to the management mainly – only to the kardiya people, the non-Aboriginal people...They just went and spoke to the boss – that is all. They never came and talked to the Aboriginal people – nothing.<sup>8</sup>

5.11 In relation to the Northern Territory, the Castan Centre for Human Rights Law (Castan Centre) pointed to the employment of Aboriginal children from 12 years of age despite age minimums in the relevant legislation.<sup>9</sup> While Dr Thalia Anthony noted that:

The Federal Government was responsible for these workers by virtue of the protective measures stipulated in both ordinances and regulations. Until the late 1950s, the regulations gave the Chief Protector the power to exempt cattle station managers from the payment of wages where they maintained the workers and their families' independence. As a result the vast majority of cattle station workers went unpaid...The issue for the Federal Government is that the protectors failed to fulfil their statutory duty and duty of care by not ensuring that the workers were properly maintained and, where they were not maintained, ensuring that licences were cancelled and that the Commonwealth took over the responsibility for these Indigenous workers...Under regulations, they were required to be given certain health provisions; they were required to be given nutrition and accommodation of a certain standard. These were almost invariably violated. This is clear in both Aboriginal people's testimonies and the official reports of governments.<sup>10</sup>

5.12 It should be noted that there were well-intentioned administrators, protectors and patrol officers who endeavoured to report and address the abuses they encountered. These individuals often reported their concerns about the system of wage controls, the diversion of social security entitlements, and their inability to effectively police employment arrangements.<sup>11</sup>

5.13 However, as noted in Chapter 4, there is evidence to suggest that governments were not merely negligent in their administration of protection legislation: monies belonging to Indigenous people were also misappropriated.

5.14 There is also evidence that, rather than being driven by the perceived need to protect the interests of the Indigenous people, government administration of the protection Acts was primarily driven by financial concerns. For example, Professor Anna Haebich noted that the extension of Commonwealth welfare benefits to Indigenous people was viewed by state administrators as 'a new source of public revenue to promote policies of assimilation' and resulted in reduced expenditure on

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8 *Committee Hansard*, Perth, 16 November 2006, p. 36.

9 Castan Centre, *Submission 11*, p.16.

10 Dr Thalia Anthony, *Committee Hansard*, Sydney, 27 October 2006, p. 11; see also Dr Thalia Anthony *Submission 17*, pp 5-6.

11 See, for example, Dr Thalia Anthony, *Submission 17*, pp 5-6; and ALSWA, *Submission 30C*, pp 2-3.

rationing and facilities at missions and settlements.<sup>12</sup> Similarly Ms Lauren Marsh noted:

The enforced banking of monies of Aboriginal workers was primarily a strategy to reduce potential financial burden to the department.<sup>13</sup>

### **Employment and living conditions**

5.15 Indigenous workers were subjected to appalling work and living conditions. Workers were expected to work long hours doing physical labour. Young children, although not paid for their work, were expected to perform demanding jobs as either domestic workers or on farms. Accommodation for workers was poor, and often consisted of makeshift bedding set up in sheds and outbuildings.

5.16 Mrs Beryl Gambrill explained the work she was expected to do as a five year old, helping her father who ran the vegetable garden at Cherbourg:

The first time I started work was at five years of age when I first started school. I had to help my father because he was in charge of the farm. I had to get up at five o'clock in the morning, go and get the night horse, round up all the draught horses that they used to plough up the farms and everything, take them down and yard them and feed them before they started work, and then go back and milk a cow we had and take that home before breakfast. That was the job I had to do when I was five – and that was during winter and summer. I did not get any money for it and my father was only earning at the time £3 10s for a 14-day fortnight.<sup>14</sup>

5.17 Mr Melrose Donley described his living quarters at a dairy farm where he was sent out to work at the age of 14:

I was shown my sleeping quarters, which was on the end of the car garage, which was approximately 3 meters by 4 meters, I was given a chaff bag, told to fill it with oaten hay and a sugar bag filled with the same material, no sheets or pillow slips, my blankets were corn bags, sewn together with string.

It had a wooden shutter for the window, propped up with a prop, no door, a kerosene box, with a blackened kerosene lantern, had 3 inch nails in the studs to hang my clothes on and during the wet season I had to sleep in my wet clothes, because they would be wet next morning and cold to put on.<sup>15</sup>

5.18 As part of its submission to the inquiry, the ALSWA circulated questionnaires through its regional offices in Western Australia relating to the working and living conditions of Indigenous workers in that state. Respondents to this questionnaire, who

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12 *Submission 19*, p. 4.

13 *Submission 127*, p. 12.

14 *Committee Hansard*, Brisbane, 25 October 2006, p. 45.

15 *Submission 115*, p. 2.

were mostly stock and station workers, painted a grim picture of working conditions. The workers' accommodations were tin sheds with dirt floors, swags, humpies or tents. Rations consisted of flour, tea, sugar, jam, tinned milk, salted beef, sometimes fresh beef, and tobacco, but no fresh fruit or vegetables.<sup>16</sup>

### **Abuse of workers**

5.19 The committee was told of horrific physical abuses of Indigenous workers. The Public Interest Advocacy Centre (PIAC) provided the story of Mr Cecil Bowden who, while living at Kinchella Boys Home, would be sent out to work on the local farms:

If you made a mistake you were punished and most of the time you were flogged. They'd strip you off and line you up in front of all the boys and each kid had to belt you. If the kid didn't belt you then he would have to get belted. If the other kids didn't hit you hard enough to satisfy the managers they were sent down the line to get a flogging too. By the time you got to the end you were black and blue and bleeding all over. There was one incident I was involved in with cementing the laundry and someone put their footprint in the concrete. When the manager saw this he went crazy and lined all the boys up to ask who put their footprint there. He made us all place our foot over the print. Half a dozen boys would have fitted it but he blamed me so I was sent down the line and belted. He stripped me off and started belting me with a cane; all over my body. All I could do was cover my face up and my genitals. Later on it was discovered that it was the manager's son that had made the footprint in the wet cement.<sup>17</sup>

5.20 The Castan Centre provided evidence on the conditions in the Northern Territory and noted that physical abuse of Indigenous workers was seen as an acceptable means of disciplining Indigenous workers:

It was generally accepted that 'firmness' was a necessary ingredient of workplace relations on pastoral leases, since 'it was important to keep the Aborigine in his proper place [and] to stand no insolence or disobedience'. 'Firmness' was a euphemism for what today would be called physical abuse.<sup>18</sup>

5.21 Girls who went out to work as domestics were 'easy marks' for sexual abuse, and many girls became pregnant.<sup>19</sup> The committee gained some insight into the extent of abuse from Professor Anna Haebich who stated that, in 1931, 30 young women

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16 ALSWA, *Submission 30B, Attachment A*.

17 *Submission 76*, p. 9.

18 *Submission 11*, p. 10.

19 Dr Ros Kidd, *Submission 49*, p. 10, quoting a witness to the 1937 NSW Select Committee Inquiry and the *Bringing them Home Report*. The 1937 NSW Select Committee is discussed further in Chapter 6.

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workers were sent back to the Moore River settlement in Western Australia because they were pregnant.<sup>20</sup>

5.22 Mr Craig Muller's research of Western Australian Government archives revealed documents recording a police investigation of sexual abuse on one pastoral station, including a statement from a woman named 'Genevieve' who was forced to have sex with the station manager:

I always sleep in the tin shed near [the station manager's] room. When he wants me he calls me into his room. After he have connection with me he send me back to my place. He never sleep with me all night. He tell me to go away after he have connection with me.<sup>21</sup>

5.23 The station manager was eventually charged with co-habiting with an Indigenous woman, but the charge was dismissed. The women who were abused (and the children resulting from the rapes) were removed to Moore River.<sup>22</sup>

5.24 The committee recognises that the abuse Indigenous workers suffered is a difficult matter for witnesses to talk about, and is grateful to those who came forward to tell of their experiences. Ms Valerie Linow described her personal experience and how government officials responded:

I ran away from one employer where I was raped. I didn't know who told the police about the abuse. All I remember is the police arriving and they told me to pack up my clothes and go back to the station to meet the matron. When I got back to Cootamundra matron told me 'Don't tell anyone what has happened and tomorrow I shall take you down town and buy you a new dress'. They should have been protecting us but they didn't. Matron's response was to find me other work. One week later she put me out working with someone else. The only option was to run away, but even this was hard because we were so isolated on the properties and didn't even know which way to head.<sup>23</sup>

5.25 Mrs Lesley Williams described trying to secure the building she slept in, and defending herself from attack:

Every night before I went to bed I would lock the windows even in summer. Because there was no key to lock the door, I would drag a bag of sugar up to the door and also a golf club bag, as a form of security.

Late one Saturday night while I was asleep in bed, I woke to the sound of something being dragged across the floor – it was the bag of sugar which was leaning up against the floor to see a (white) drunken older man (about

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20 *Submission 19*, p. 2.

21 *Document tabled on 16 November 2006*, p. 2 quoting Genevieve, statement dated 12 January 1935, SROWA Acc993:506/1927.

22 Mr Craig Muller, *Document tabled on 16 November 2006*, pp 2-3.

23 Quoted in PIAC's submission, *Submission 76*, p. 7.

forty years old) standing next to my bed. He also worked there as a fencing contractor. I immediately jumped up out of bed, pushed him out of the way and took off outside. I ran crying and screaming into the main house where I woke up Mr and Mrs ....., I calmed down enough to tell them what had happened. Mr ..... immediately went to where the man had his room in the stables and told him to pack his bags.<sup>24</sup>

### **Fighting against employment controls**

5.26 The committee also heard from a number of witnesses who fought against the controls imposed by the protection Acts. Some did this by leaving their communities to try and start a new life. Others protested the unfairness of the regime, only to be jailed for their efforts.

5.27 Mrs Yvonne Butler, at the public hearing in Brisbane, explained how she ran away from her community in Mt Garnet rather than face the continuing humiliation and degradation of having her finances controlled:

I ran away ... in 1967, just two days after my father's funeral. I borrowed \$12 from my married sister rather than go to the police station and be interrogated about what I wanted my money for. Growing up, that is all you saw – our people, my parents, my sisters and other family members being questioned: 'What do you want your money for? You don't have any money.' It was humiliating and degrading. So I left, a 16½- year-old, and started a new life in Townsville. That \$12 was the best investment I have ever made. I educated myself.<sup>25</sup>

5.28 Mr Peter Bird also appeared at the Brisbane hearing and advised the committee of how he initially tried to run away from Cherbourg, before being thrown out of the town by the Superintendent:

My brother and I got sick and tired of this, of being under such a regime. We were supposed to be freeborn people but we became prisoners within our own country. My brother and I, we decided to run away, which we did. The government – the Department of Native Affairs – picked us up on a forestry station. We worked there for about three weeks and they picked us up. In fact two white police came out in a brand new Holden ute. There were about half-a-dozen of us working on this one forestry station. They handcuffed us and put us in the back of the ute. One of the young police sat in the back. I was sitting right on the tail of the ute. We had to travel 60 miles over rough roads – there was no bitumen in those days, just dirt track – and I was sitting right on the back, facing him. He sat there for 60 miles with his service revolver pointed at me. How do you think I felt? We were treated like common criminals. We were put into jail at Cherbourg and we were sentenced to six weeks on bread and water.

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24 *Submission 82*, p. 5.

25 *Committee Hansard*, Brisbane, 25 October 2006, p. 21.

...during that time my brother and I wrote a letter to the *Truth* – the Brisbane paper at that time was the *Truth*. The caption of our letter was, 'The iron curtains fall on Cherbourg'. The Superintendent got word that we wrote the letter. He sent for us and he said, 'Well, if you want to go out, you get out.' He just kicked us out.<sup>26</sup>

5.29 Mrs Alexandra Gater explained her experience of going on strike in order to get better conditions:

I worked in the hospital ... The hours were long and our wages were £2 10s a fortnight. The staff who came there said, 'We're being paid big money, and youse are doing all the work.' You name it, we did it. We looked after patients and we scrubbed the floor. We got on our hands and knees, we scrubbed, we cleaned and we polished – you name it. And one day I organised about six of us: we went on strike for more wages. So we were marched down to the Superintendent's office and he said to us in no uncertain terms, 'I'll give you 24 hours to go back to work or I'll put you in jail.' If you spoke up for your rights, you were sent to jail for three weeks. Your only diet was black sweetened tea and bread and jam. If you continued to speak out you were sent to Palm Island, which was referred to as a punishment island.<sup>27</sup>

5.30 Mrs Pat Kopusar pointed out the difficulties Indigenous people faced in resisting employment abuses:

We had no rights and we had no citizenship. That coloured how well you could look for what you were entitled to and how you got information that might help you to sort something out if you thought it was not fair. The other thing is that you did not know whether things were fair or not, so you just carried on.<sup>28</sup>

5.31 The committee also heard evidence of some isolated cases in which employers refused to abide by discriminatory protection Act requirements.<sup>29</sup> For example, Professor Ann McGrath noted in relation to New South Wales:

Some employers, such as Joan Kingsley-Strack, refused to pay wages to the APB [Aborigines Protection Board] in the 1930s as they were suspicious about its accountability and inhumane treatment of the girls, especially regarding sexual exploitation, medical attention and financial management. Kingsley-Strack had to pull strings, use her political networks, and concoct numerous strategies to ensure one of her servants received her trust account funds from previous employment. A lone Aboriginal domestic, with poor education, plus a sense of social inferiority often drummed into her, was far

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26 *Committee Hansard*, Brisbane, 25 October 2006, p. 48.

27 *Committee Hansard*, Perth, 25 October 2006, p. 46.

28 *Committee Hansard*, 16 November 2006, p. 40; see also Mr Ted Carlton, *Committee Hansard*, 16 November 2006, p. 36.

29 Professor Anna Haebich, *Committee Hansard*, Brisbane, 25 October 2006, p. 31.

less likely to engage in such efforts. Agitating for rights risked worsening their experience of a system in which Indigenous peoples' characters were so easily tarnished by comments by Board staff.<sup>30</sup>

### **The continuing impact of wages control**

5.32 A number of witnesses directly attributed the current poverty of some Indigenous Australians to the discriminatory treatment and control of wages that Indigenous workers were subjected to through the 19<sup>th</sup> and 20<sup>th</sup> century.<sup>31</sup> Mr Robert Haebich has coined the term 'consequential poverty' to describe this dynamic.<sup>32</sup> Professor Anna Haebich stated that in Western Australia:

...Aboriginal people played a major role in building the state economy in the pastoral and rural industries in the north and south of the state. It was the state government's discriminatory employment system that prevented Aboriginal workers from benefiting from the Australian labour system, which was hailed around the world as an exemplary model for protecting workers' wages and rights. Instead, Aboriginal people were subject to a disabling system which denied them proper wages, protection from exploitation and abuse, proper living conditions, and adequate education and training. So while other Australians were able to build up financial security and an economic future for their families, Aboriginal workers were hindered by these controls. Aboriginal poverty in Western Australia today is a direct consequence of this discriminatory treatment.<sup>33</sup>

5.33 The committee received evidence from many Indigenous people outlining how they would spend their money today, if it was returned to them:

I'd like to buy some lovely things for my flat which I'm living in at the moment and I'd like to buy a couple of tombstones for my family which is dead now and I would like to share some of my money with my children and grandchildren.<sup>34</sup>

5.34 Ms Theresa Blair also shared with the committee how she would spend her wages if they were returned:

We all would like to own our own homes and cars, buy things for our houses like white people but we don't. I would like to get my money

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30 *Submission 9*, p. 11.

31 See Dr Ros Kidd, *Committee Hansard*, Brisbane, 25 October 2006, p. 5; Professor Anna Haebich, *Committee Hansard*, Brisbane, 25 October 2006, p. 29; Mr Anthony Westmore, *Committee Hansard*, Sydney, 27 October 2006, p. 33.

32 *Submission 77*, p. 1.

33 *Committee Hansard*, Brisbane, 25 October 2006, p. 29.

34 Ms Mabel Ann Hopkins, *Submission 111*.

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because my son is buried in Denmark...I would like my son to come home to Cherbourg to be buried.<sup>35</sup>

5.35 The desire to provide tombstones for relatives, or to put aside money for a funeral for loved ones, was a recurring theme through many submissions.<sup>36</sup> Ms Tammy Williams explained this to the committee:

...the one thing that concerns me as a young person is that the cemeteries all look the same. Our grandparents, great-grandparents and aunties and uncles have worked most of their lifetimes to build the infrastructure of the state and country and all they have left in memory of them is just a white cross, sometimes with not even their name painted on it.<sup>37</sup>

5.36 This evidence generally reflected the modest aspirations of people who wanted to provide better for their families, but have been denied the opportunity to do so.

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35 *Submission 93*.

36 Mr Conrad Yeatman, *Submission 28*, p. 1; Ms Mabel Hopkins, *Submission 111*, p. 1.

37 *Committee Hansard*, Brisbane, 25 October 2006, p. 64.

