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Ms Ann Palmer
Principal Research Officer
Senate Legal and Constitutional Committee

Dear Ms Palmer

Re Questions of Senate Committee into Stolen Wages

I have provided short responses to the Senate Committee's questions on notice below. Unfortunately time constraints prevented any detailed research being undertaken. I would be very happy to assist the Committee if they require further advice.

a) What were the trusts on which funds were held, in particular were they administrative or statutory arrangements?

This would differ from state to state, however from my research in Northern Territory during the 1920s and 30s, this was a function of the Aboriginal Protection Acts (which had various titles and amendments, and also listed regulations for such accounts), it was one of the duties of the Chief Protector to set them up and to administer their expenditure.

Regulations were often attached to Amendments to Aborigines Acts that also included pro-forma documents relating to such administration. John McCorquodale's guide to legislation relating to Aboriginal Australians is a valuable tool. (John McCorquodale, *Aborigines and the Law: A Digest*, Aboriginal Studies Press, Canberra, 1987)

There was often some confusion about whether the powers of Aboriginal Protectors over-rode other relevant legislation. The Chief Protectors often had to seek advice from the Attorney General on such matters.

Mission administrators in government-run reserves also played a role, following regulations set out and agreed to by government. Private religious-run missions also took over control of trust funds in various states. Some such mission and reserve Regulations are available in the relevant state archives.

b) Where is the archival material in relation to these records? (Where are the records of payments made into the trust (or other account) for an individual?)

In my submission, *Reconciling the Historical Accounts: Trust Fund Reparations & New South Wales Aborigines*, the range of archival sources and content is discussed at length under **Section 7 Evidence**, pp18-25. This pertains to NSW but some of the principles relating to Repositories and kinds of evidence would apply more generally.

These are available in Commonwealth and State Archival authorities for most of the 20th Century, and for more recent decades, they are held by the relevant Commonwealth and state departments administering Community Services and/or Aboriginal affairs. Some states have Indigenous research officers/specialists who can assist with finding guides and tools. In some cases, Data bases have been established, eg the Department of Queensland Aboriginal and Torres Strait Islander Programs in collaboration with the Queensland State Archives. To cover the twentieth century, a changing range of records from a variety of responsible state and federal departments will require investigation. My edited book may be of assistance in summarizing changing legislation for each state. (Ann McGrath, ed., *Contested Ground*, Sydney, Allen & Unwin, 1995; Ann.McGrath, Kay Saunders, J Huggins, eds., *Aboriginal Workers*, Labour History, 1995 also contains relevant articles on Aboriginal employment policy.)

Other pertinent records would be held by banks or bank archives– eg the Commonwealth Bank, and other Banks in New South Wales and other states. The Noel Butlin Archives of Business and Labour (Australian National University), the private company records eg Australian Investment Agency, Australian Agricultural Company, and a range of other records will provide vital information.

Adequate research into these complex arrangements need to be undertaken by qualified researchers with historical training, working in collaboration with experts in the history of administration, in accounting, book-keeping practices and law. Where the answer to key process issues is not clear from the available records, in many cases, (depending on the time period in question) public servants involved in administering the Aboriginal departments or Trust funds could also be consulted. They can be identified by various public lists held in state and Commonwealth Archives.

c) What happened to the trusts or funds in the trusts?

In the Northern Territory, the Chief Protector administered the Act; during the 1920s and 30s, he was required special permission to use these funds for general purposes. However, little effort went into notifying the holders of these trust funds. The fact that Aboriginal people changed their names for cultural reasons and traveled to new places of residence created difficulties.

I also have evidence from archival research that the individuals with Savings held in trust believed that these moneys (or goods, as sometimes another person such as a protector (mainly police or welfare officers) had to purchase the items for the individual were given as part of a reciprocal kinship relationship. Police and protectors stayed at particular stations for short periods, so once they left, those entitled to the funds believed they could not ask them of another police officer. These cultural approaches to individual relationships along kinship and reciprocal lines meant Aboriginal people did not understand their rights and entitlements. No education program was installed to cater for this factor. (see A. McGrath, *Born in the Cattle: Aborigines in Cattle Country*, Sydney, Allen & Unwin, 1987)

Drovers and domestic apprenticeships in the NT (usually of mixed descent, called at the time 'half-castes') had their wages paid into trust funds during the 1920s and 30s. I am not sure if any specific research has been carried out on these cases. In the NT archives, I have read of several Chief Protector's Files which showed that individual trust funds (unclaimed) had been returned to Consolidated Revenue.

In NSW, general Commonwealth payments could be redirected towards the costs of mission management. In such cases, there was apparently no obligation to expend funds on individuals.

Re Commonwealth Benefits, it is important to include the Maternity Bonus as well as Pensions, Returned Soldiers Payments and all other Commonwealth entitlements. Aboriginal mothers were denied the Maternity Bonus unless they met unspecified criteria for being 'responsible mothers'. I am not aware if this criteria was ever applied to non-Aboriginal mothers. For those who did receive payments, I am not sure whether these went into their hands or into Trust accounts. This

requires proper research regarding the administration of these benefits in regard to all States and Territories.

The National Archives Australia should have these documents and research needs to be carried out by the relevant Commonwealth authorities, as private researchers have too many access obstacles to search the 1000s of files required. (Special authorization could also be investigated.)

Advice on different States

On Qld, Dr Ros Kidd is the acknowledged expert; on WA, Professor Anna Haebich; Associate Professor Peggy Brock has good knowledge on SA, while a range of people may assist on the NT and Tasmania. The Reparations Committee in NSW and specialist archivists and library officers may be able to assist the Senate Committee.

My Submission *Reconciling the Historical Accounts: Trust Fund Reparations & New South Wales Aborigines*, outlines the RESEARCH ISSUES involved in information gathering on the topic of the Stolen Wages. It also identifies the RISKS in developing new policy.

I wish you the very best to the Senate Committee responsible for this important initiative.

Yours sincerely

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Professor of History