

Indigenous Women's Congress
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Jackie Morris
Committee Secretary
Senate Legal and Constitutional Committee
Department of Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Morris

Re: Stolen Wages Inquiry

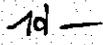
As discussed please find attached a Submission on Stolen Wages from the Indigenous Women's Congress of Western Australia.

The submission solely expresses the views of members of the Indigenous Women's Congress. It has not been endorsed by the Western Australian government and hence has no official status in relation to any position the WA government may take.

In regards to the Hearing in Perth on the 16 November 2006, members of the IWC have had direct experience of stolen wages, so it maybe beneficial for the Committee to hear directly from them. Denese Griffin, the Indigenous Women's Officer will be able to provide assistance in contacting members of the Congress.

If you require any further information or have any queries please don't hesitate to contact Denese on 08 6217 8212 or email Denese.Griffin@dcd.wa.gov.au.

Yours sincerely


Helen McNear
Chairperson
Indigenous Women's Congress

2 November 2006

**The INDIGENOUS WOMEN'S CONGRESS
OF WESTERN AUSTRALIA**

Submission to

**SENATE LEGAL AND CONSTITUTIONAL
COMMITTEE
INQUIRY INTO STOLEN WAGES**

October 2006

Introduction

The Western Australian Indigenous Women's Congress (IWC) was established in 2003 in response to the views expressed by Indigenous women across the state at the Women's Convention.

The *aim* of the IWC is to promote the participation of Indigenous women at every level of government decision-making on issues affecting them, their families and communities.

The *role* of the IWC is to:

- Consult with Indigenous women regarding the development of culturally appropriate government policy and programs to better meet their needs and aspirations;
- Maintain networks and partnerships with relevant state and national advisory groups, organisations and individuals to ensure that Western Australian Indigenous women's views are represented;
- Ensure that the Government is properly informed of Indigenous women's views in Western Australia on a wide range of issues and policy matters;
- Report and make recommendations to the Minister for Women's Interests on matters of importance to Indigenous women in Western Australia;
- Initiate community based research and consultation to assist the Congress in its deliberations;
- Promote equal opportunities for Indigenous women to access services, facilities and employment as well as participation in decision-making and community activities.

The IWC is supported by the Office for Women's Policy, Western Australia.

Economic independence and sustainability of women, families and communities is a chief concern of Western Australian Indigenous women. In our leadership and advisory capacity on economic independence, IWC has developed this submission to the Stolen Wages Inquiry.

Many members of the Indigenous Women's Congress of Western Australia were also active participants in the labour market in the 1940s, 1950s and 1960s. Many of them never received the full wages and government payments to which they were entitled.

This submission is based on a large body of research available on Indigenous labour in Western Australia from colonisation to present time. However, the time and expertise to conduct a thorough analysis of economic, social and cultural effects of the Stolen Wages on Indigenous communities is neither available to the Indigenous Women's Congress, nor a goal that a time-limited Inquiry could ever aspire to achieve.

We therefore urge the Committee to recommend a thorough national inquiry (for example, modelled on the Stolen Generations inquiry, in consultation with Indigenous communities) that investigates the full breadth of Indigenous participation in Australian workforce, its contribution to the economies of all states and territories, and the financial and social debt owed to the Indigenous peoples by the successive State and Commonwealth governments.

Scope of this submission

There are two issues that need to be considered by the Committee. Firstly, the availability of historical records, and, secondly, the time and resources available to produce an adequate research study based on these records. Both these issues influence the scope of this submission with respect to the numbers of Indigenous workers whose paid labour was controlled by successive governments in this state since colonisation to the present. In this submission the IWC comments to the extent of current availability of resources.

As stated in the submission to the Committee by the Aboriginal Legal Service of Western Australia (ALSWA),¹ records on Aboriginal labour are not scarce but access to them is limited. The following list summarises the numbers:

- 4 million pages of information about Aboriginal individuals and families created by the relevant state government departments, held at the Department for Community Development under restricted access;
- 5,539 personal history cards at the Family History Information Service, Department of Indigenous Affairs, whose access is restricted to the Aboriginal subjects of the files or their direct descendants;
- 16,000 (approximately) archival files housed in the State Records Office of Western Australia, which cover the period from the late nineteenth century to the early 1990s, and contain information about Aboriginal labour in pearling, pastoral and mining industries.

Files destroyed by the Aborigines Department and its successors between 1926 and 1959 include about 32% of personal dossier files on Aboriginal individuals and their families and about 55% of all administrative files, particularly those that contained '*both provocative and potentially important titles for contemporary areas of research*'.²

The destruction of the files further emphasises the importance of recording Aboriginal voices and preserving oral knowledge that is otherwise unavailable in written documents, particularly as it relates to injustices such as stolen wages.

¹ Aboriginal Legal Service of Western Australia (ALSWA), Submission to the Senate Legal and Constitutional References Committee Inquiry into Stolen Wages, 2006, pp.3-4.

² Lauren Marsh & Steve Kinnane, 'Ghost Files: The Missing Files of the Department of Indigenous Affairs', in C. Choo & S. Hollbach (eds), *History and Native Title, Studies in Western Australian History*, Centre for Western Australian History, UWA, 2003, p.121.

It would take at least a year of full-time work to properly research and analyse accessible records and make appropriate recommendations. It is for this reason that the terms of reference for the Inquiry, its format, and the time and other resources available to it, are inadequate and can only skim the surface of historical evidence on this subject.

Despite the limitations, Western Australian Indigenous and non-Indigenous historians and anthropologists have published a substantial number of books and articles that give a good indication of a number of Indigenous workers whose labour was controlled by the government. This needs to be supplemented with a full research project as part of a national inquiry into stolen wages.

Importantly, the IWC regards the consultative mechanism for this Inquiry grossly insufficient. The hearings' schedule that includes only Sydney and Brisbane will severely limit the findings of the Inquiry, particularly because there are no opportunities to hear from Aboriginal people themselves about their experiences of Stolen Wages. It is clear beyond any doubt that the Stolen Wages is a national issue. We therefore urge the Senate Committee to conduct hearings in all Australian capital cities and major regional centres. In Western Australia this could include, for example, Perth, Port Hedland and Broome.

Responses to terms of reference

Term of reference 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.*

It was only from the 1960s that a widely promoted view of Aboriginal people as being on the 'dole' and outside of the paid employment market took hold of the public thinking. The media has in no uncertain terms contributed to this stereotypical and racist view in ignorance of research which confirms that the majority of Aboriginal people have participated in the workforce since 1788 to the present.

Historical evidence is substantial and accurate about the consequences of Aboriginal participation in the labour market up until the 1960s:

From the earliest days of European settlement, WA has relied like other Australian states on the skills and labour of Aboriginal people. Without their expertise as guides and trackers, colonial expansion would have been severely restricted. Without their physical labour (both forced and voluntary), early industrial development would have been minimal. Indeed, without

*Aboriginal labour, some initiatives, like the north-western pearling industry, could scarcely have been established.*³

Historian Dr Fiona Skyring notes: 'At any given time from the late nineteenth century through to 1963, the number of Aboriginal workers in Western Australia whose labour was controlled by the Government would have been equivalent to the number of Aboriginal workers across the State.'⁴ This included the vast majority of adults and a large proportion of teenagers – both men and women who most frequently worked in same jobs. All the while Aboriginal people participated in the workforce, however, the basic human right to know about the wages they were earning was denied to them, as conveyed by one member of the Indigenous Women's Congress: 'One never knew what the right amount of dollars was anyway.'

In the early twentieth century, every facet of Western Australian Aboriginal peoples' lives was governed by the *Aborigines Act 1905 (WA)*, until 1963 when it was repealed. An internationally renowned and award-winning historian, Professor Anna Haebich, describes how Aboriginal workers were subject to pervasive regulation imposed by the 'protection' regime:

- Employers were obliged to apply to local 'protectors' for agreements or single or general permits for the right to employ any 'Aboriginal native' or 'half-caste' women, any 'Aboriginal native' men or any half-caste males under the age of 14;
- Employers and 'protectors' were to negotiate on working conditions, usually specified as sufficient rations, clothing, blankets and medical attention when necessary;
- 'Protectors', in cooperation with the police, were to supervise Aboriginal workers;
- 'Protectors' were obliged to initiate proceedings against employers or Aboriginal employees breaking terms of permits or agreements.⁵

The reserves set up under the 1905 Act became virtual rounding up depots for Aboriginal labour.

Western Australia had a sizeable Aboriginal population at the turn of the twentieth century, estimated at 24,000 people, or just over 1% of the population. In 1901, about 12,000 Aboriginal workers were participating in the expanding pastoral industry in the Kimberley region of Western Australian's north-west.

When pearling began in the north-west in the 1860s, Aboriginal people were employed as divers, sorters, beachcombers and loaders. In 1875, there were about 2,000 Aboriginal divers in the pearling fleet. *'It soon became evident*

³ John Host & Jill Milroy, 'Towards an Aboriginal Labour History', in J. Host, J. Millroy & T. Stannage (eds), *Wordal, Studies in Western Australian History*, Centre for Western Australian History, University of Western Australia, 2001, p.6.

⁴ ALSWA, p.10.

⁵ Anna Haebich, *Broken Circles: Fragmenting Indigenous Families 1800-2000*, Fremantle Arts Centre Press, 2000, p.220.

*that pearling paid high returns for a low outlay, and it was said that one man could secure “10 tons of shell valued at 1,000 pounds” with an investment of “three bags of flour to feed the natives”.*⁶

Pearlers were renowned for their brutality: they forced women to dive while pregnant, beat divers who surfaced ‘too soon’ and reputedly killed those who got ‘the bends’.⁷ Some of those who survived this treatment were taken by sharks or perished from European diseases. The ensuing labour shortage in the pearling industry was subsequently ‘solved’ with ‘blackbirding’ or kidnapping Aboriginal people and selling them to pearlers: the practice was so entrenched and uncensored that one newspaper was free to celebrate the success of a ‘*nigger diving expedition*’.⁸ The passage of legislation in 1884 enabled Asian divers, primarily the Japanese, to replace Aboriginal divers.

In the south-west of WA, European ‘exploration’ of Murrum people’s lands from the mid-1850s was dependent on Aboriginal guides’ participation.⁹ Aboriginal guides and trackers were also employed elsewhere in the early years of the Western Australian colony, and were indeed so essential that many ‘explorers’ admitted they would have perished without their help – and some did!¹⁰

Between 1900 and 1950, in the south-west, a small and declining Aboriginal population remained after massacres and diseases wiped out most of their kin. They ‘*worked as land clearers, bark strippers, ploughmen and women, hay carters, fruit pickers, shepherds, shearers, wool pickers, trappers, railway labourers, road builders and domestics*’.¹¹ At Albany and along the southern shores of Western Australia, ‘*Nyungar men crewed the pilot boat and performed other work in the whaling industry*’.¹²

During the two world wars, Aboriginal men and women filled jobs vacated by white Australians, and they also enlisted for the war effort, despite the prohibition on the basis of race.

Aboriginal casualties in the First World War were numerically equal to those of white Australians, but Aboriginal veterans were denied the recognition of their white ‘mates’; blocks of land that went to white veterans under the ‘soldier settlement scheme’ were denied to Aboriginal soldiers. In the 1920s and 1930s, Aboriginal veterans did not receive the food and work relief allocated to their white counterparts, and were subsequently forced into institutions

⁶ Host & Milroy, p.12.

⁷ B.W. Shepherd, ‘A History of the Pearling Industry off the North-West of Australia from its Origins until 1916’, unpublished PhD Thesis, UWA, 1975, pp.34-36.

⁸ Sue Hunt, *Spinifex and Hessian: Women in North-West Australia, 1860-1900*, UWA Press, 1983, p.??

⁹ Patricia Crawford & Ian Crawford, *Contested Country: A History of the Northcliffe Area, Western Australia*, UWA Press, 2003, p.54.

¹⁰ Host & Milroy, p.7.

¹¹ Host & Milroy, p.14.

¹² Crawford & Crawford, p.54.

controlled by the so-called Aborigines' Protection Board.¹³ The discriminatory treatment exacerbated the Aboriginal experiences of the Great Depression.

It is estimated that about 3,000 Aboriginal and Torres Strait Islander men enlisted for the Second World War effort and from 300 to 400 of these men were from Western Australia. Up to 5,000 Aboriginal men and women were employed as civilian labourers during the war in jobs previously performed by white labour for the armed forces.¹⁴ Following the end of the war, '*the Government was eager to return Aboriginal people to pre-war conditions as soon as possible and cultivated public ignorance of those conditions, and of Aboriginal people themselves, to facilitate its aim.*'¹⁵

This brief historical outline demonstrates that Aboriginal labour participation was comprehensive in all regions of the state and in all contemporary vocations, and that it was critical to developing Western Australian industry and society as we know it today.

Term of reference 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.*

One member of the Indigenous Women's Congress still has a copy of a letter from the Department of Aboriginal Affairs to her employer, saying that the employer would need to set up a fund for her payments. This was in the mid-1950s.

Evidence held in person by Indigenous claimants is nevertheless rare. The destruction of government records related to Aboriginal employment and the incompleteness of remaining archives, as well as the underpayment of Aboriginal labour throughout the country, make it impossible to make a precise calculation of the monies owed to the Western Australian Aboriginal people.

It is more likely to underestimate the size of the debt in these circumstances than to overestimate it, primarily due to the effects of consequential poverty in Aboriginal communities and interest that would have accumulated on the monies owed. Consequential poverty refers to generational effect of colonisation, as Anna Haebich states:

By denying generations of Aboriginal people the right to decent and productive work, proper wages, sufficient services and

¹³ Host & Milroy, p.15.

¹⁴ one account of an Aboriginal tracker employed to look for lost servicemen in the Kimberleys, is in Ian Crawford, *We Won the Victory: Aborigines and Outsiders on the North-West Coast of the Kimberley*, Fremantle Arts Centre Press, 2001, pp.255.256.

¹⁵ Host & Milroy, p.16.

adequate welfare, governments laid the basis for an Aboriginal underclass without sufficient land, property, capital, economic skills or employment prospects. This is a stark irony in a nation proud of its history as a “workers’ paradise”.¹⁶

When the Queensland Government announced its package of \$56.5 million in attempts to repay its debt, some Aboriginal organisations in that state estimated that the entire debt owed to the Aboriginal people in Queensland was between \$1 and \$3 billion.

The provision of food, clothing and medicines under the 1905 Act was not in addition to wages owed to Aboriginal workers, but was regarded as the substitute. It was not until 1965 (or 1968 or even later in the pastoral industry in the Kimberley) that Aboriginal workers were paid award wages.

There is an additional aspect to the Stolen Wages. As one member of the Indigenous Women’s Congress put it succinctly: ‘*We were taxed and we had no rights!*’ Any comprehensive inquiry into Stolen Wages would have to account for the monies deducted as taxes from wages earned by Aboriginal workers, as recognised by the terms of reference.

Term of reference d: *all controls, disbursements and security of federal benefits including maternity allowances, child endowment and pensions, and entitlements such as workers compensation and inheritance.*

Between the 1940s and 1970s, Aboriginal people became eligible to receive a range of Commonwealth government benefits which they were previously denied on the grounds of discriminatory regulations based on ‘race’. The eligibility rules are in themselves a source of much complexity and require a detailed investigation in order to determine the exact monies that were paid on behalf of the Commonwealth Government. For example, the maternity allowance was paid to Aboriginal mothers ‘with less than 50 percent Aboriginal blood’.

Initially, under the agreements between the Department of Social Security and state governments, the benefits were paid directly to state Aboriginal administrations and employers of Aboriginal workers. Administrators of the monies used the benefits as an excuse to cut back on rations they allocated to Aboriginal workers and their families. In this context, the misuse of these monies needs to be researched in detail.

One of the richest pastoral families in Australia, the Vesteyes, owned 5 pastoral stations and still received child endowment for 65 Aboriginal children in 1950, and 72 children in 1960.¹⁷ The Aboriginal children either worked or had parents working at the Vesteyes’ properties. It was a norm to pay bulk endowment monies to station owners, because the Commonwealth

¹⁶ Anna Haebich, ‘Stolen Wages and Consequential Indigenous Poverty: A National Issue’, Kathleen Fitzpatrick Lecture, University of Melbourne, 20 May 2004, pp.3-4.

¹⁷ Mary Ann Jebb, *Blood, Sweat and Welfare*, UWA Press, Crawley, 2002, p.230.

Government refused to pay the endowment directly to mothers with the exception of those who were 'detrified' and did not live on reserves or in institutions.

It was only after 1959 that Aboriginal women had control over the endowments paid by the Commonwealth Government. It is estimated that in 1962 alone, endowment revenue to the missions was about \$537,050 for 1703 Aboriginal children in 'care'.

In 1960 Aboriginal people became eligible for pension payments administered by the Commonwealth. In the Kimberley, for example, station managers were responsible for administering pensions and promptly began to deduct significant parts of a payment for 'maintenance and improvements in accommodation and general welfare'.¹⁸

As with the stolen wages, the stolen, misused and wrongly spent (by non-Aboriginal people) government entitlements amount to a substantial debt to Aboriginal people in Western Australia (as well as nationally). Any full inquiry into the Stolen Wages would also have to account for this aspect of Australian welfare history.

Term of reference 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.*

The Indigenous Women's Congress of Western Australia believes that a national forum to discuss the extent of the problem of stolen wages must be organised in a format agreed to by Australian Aboriginal peoples affected.

A national forum should not be a 'toothless tiger': without the Commonwealth, States' and Territories' governments' joint commitment to address and fully correct the injustice of stolen wages and repay the debt owed to Aboriginal people, there is no other way to 'set the record straight'.

Australia signed and ratified the 1956 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

"Slavery" means, as defined in the Slavery Convention of 1926, the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, and "slave" means a person in such condition or status.

It is a reasonable assumption to make, that control over the monetary and social reward paid to a worker for a job well done, and thereby control over the physical, emotional and social wellbeing of the worker, constitutes a

¹⁸ Jebb, *Blood, Sweat and Welfare*, pp.256-264.

power that is attached to the right of ownership. Working on this assumption, the status of Aboriginal workers was marginally better – if that much – to the status of ‘slaves’ throughout the twentieth century. One Western Australian parliamentarian commenting on the resistance of the pastoralists to set a minimum wage of 5 shillings for Aboriginal workers in the 1904 Royal Commission into Aboriginal Administration, described the current system as ‘another name for slavery’.¹⁹

Recommendations by the Indigenous Women’s Congress to the Inquiry into Stolen Wages

On the basis of this submission, the Indigenous Women’s Congress makes the following recommendations to the Senate Committee:

Recommendation 1: That there is a need to ‘set the record straight’ through a national forum to publicly air the complexity and consequences of mandatory controls over Indigenous labour and finances in both 19th and 20th century.

Recommendation 2: That the Senate Committee direct the Commonwealth, State and Territory governments to establish a joint inquiry modelled in consultation with Australian Aboriginal peoples.

Recommendation 3: That such an inquiry investigate the feasibility of establishing a fully independent national secretariat to house databases, historical information and other resources applicable to the issue of Stolen Wages and Stolen Entitlements and employ sufficient staff to determine the extent of monies owed to Australian Aboriginal peoples. The secretariat staff and management would be responsible for gathering oral submissions from Aboriginal workers, pertinent given the destruction of administrative government records.

¹⁹ Haebich, *Broken Circles*, p.520.