

Submission to the Legal and Constitutional References [Senate]
Committee: Inquiry into Indigenous workers whose paid labour
was controlled by Government

Table of Contents:

Introduction	1
Terms of Reference.....	2
Summary of Main Points of Submission.....	2
The Written Documentary Layer, WA	3
Best Source Material for Trust Accounts, Pensions, Child Endowment and other financial matters	3
Other Source Material	4
Brief Background to Archive	4
Where Aboriginal Archives are Located Today	6
Brief History of Trust Account/Savings Book System in WA	7
Transactions – Trust Account Balances	15
Destruction of Archival Material	19
Deliberate Destruction of Material	19
The Onus of Evidence	21
Appendix A – Examples of Destroyed Files	i-x

1 Introduction

I make this submission to the Senate Committee after attending the Public Hearings in Perth, 16 November, 2006, of the Inquiry into Aboriginal Stolen Wages. I am an independent researcher with approximately 18 years experience working in the field of Indigenous history in Western Australia. My work has involved considerable research utilising written archival sources, as well as conducting a large number of oral history interviews. My main areas of research/writing interest has been in Aboriginal domestic service 1900-1950, Aboriginal political movements of the post WW2 period, and in an analysis of the documentary record generated by the various government departments responsible for Indigenous Affairs throughout the twentieth century in Western Australia. I am co-author of *When The Pelican Laughed*,¹ and *Ghost Files; the Missing Files of the Department of Indigenous Affairs Archives*,² both of which have been cited as reference materials in submissions to the Inquiry.

During the course of the hearings the Senators asked several questions relating to the written documentary record in WA, and I anticipate this submission will provide both a general overview to archival material available, as well as a more specific picture of the trust account system for Aboriginal workers and pension recipients operated by the various Aborigines Departments. I also hope this submission will provide further clarification, and help to contextualise, some of the oral evidence given at the WA hearings.

¹ Alice Nannup, Lauren Marsh, Steve Kinnane, *When The Pelican Laughed*, Fremantle Arts Centre Press, 1992.

² Lauren Marsh and Steve Kinnane, 'Ghost Files; the missing files of the Department of Indigenous Affairs Archives', *History & Native Title, Studies in Western Australian History*, (ed) Christine Choo 7 Shawn Hollbach, UWA Press, 2003.

2 Terms of Reference

This submission provides information relevant to the following Senate Inquiry terms 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
- (c) what trust funds were established from Indigenous earnings, entitlements and enterprises; government transactions on these funds and how were they secured from fraud, negligence or misappropriation

3 Summary of Main Points Of Submission

- Provide clarification of the available written documentary records in Western Australia for research into 'Stolen Wages'. Suggest which are the best archival sources for locating such information.
- Provide a brief history of the Trust Account system for Aboriginal workers and pension recipients in WA.
- Outline an 'unofficial' system of transactions raised against trust accounts.
- Address the destruction of government archives with an emphasis on trust account information, wages, and matters relating to departmental finance.
- Strongly recommend the onus does not fall to individual Aboriginal people and families to produce written archival evidence of the financial status, mismanagement, or otherwise, of individual trust accounts.

4 The Written Documentary Layer, WA

The following deals with the sourcing of information relevant to the inquiry, a brief history of the archive generated by the Aborigines Departments, and states where these archives are held in WA today. The relevant records include:

- Aborigines Department Archives - These records consist primarily of administrative files, Annual Reports, and Personal files on Aboriginal individuals and families. The archive refers to the collection of written material generated throughout the history of government control of Aboriginal Affairs in Western Australia. The actual provenance of the department is as follows; Aborigines Protection Board (1886 -1905), Aborigines Department (1905-1936), Department of Native Affairs (1936-1955), and Department of Native Welfare (1955-1972).

4.1 Best Source Material for Trust Accounts, Pension, Child Endowment and Other Financial Matters

The best source material for research into issues relevant to the inquiry's terms of reference are located in the records of the department's responsible for Aboriginal Affairs 1898 – 1972. These can be broken down into four main sources;

- i Annual Reports,
- ii Administrative Files,
- iii Aboriginal Personal Files.
- iv Annual reports and administrative files of the old Child Welfare Department.

4.2 Other Source Material

- Other Government Departments. These are the administrative files of departments such as Police, Treasury, Crown Law etc. Whilst there is potential for some material relating to the terms of this Inquiry to be found in these sources, these records can only be considered a subsidiary source to the above main source. The exception to this are Child Welfare records post 1972.
- Private Archives - Church Groups etc – there was extensive involvement of religious organisations in Aboriginal missions throughout the twentieth century in WA. Church groups made their own records regarding management of missions. However, records were often poorly kept, and poorly archived. Often the remaining archives of smaller missions are held in repositories outside of WA, for example, Salvation Army records are held at the head office of the Salvation Army in Melbourne, Vic.

The following is a brief overview of the history of the various Aborigines Department sources, and locates where the archives are held today.

4.3 Brief Background to Archive

Throughout the operation of both colonial, and State government departments responsible for enacting Aboriginal Affairs policy and legislation, a markedly comprehensive written culture evolved. This written culture is characterised by the repressive nature of legislation controlling Aboriginal peoples lives, as well as the apparatuses developed by the department to maximise its abilities to undertake surveillance, monitoring, and data collection on Aboriginal individuals and families, to enforce its widespread legislative powers. However, prior to 1905 the internal written culture of the department was relatively poor. In the wake of Federation, and the setting up of State government departments a new system of filing documents relevant to the

operation of all departments was implemented. This system is known as the number on year system, and is still in operation today.

Within the Aborigines Department the main source of files opened in any one year were the general administrative files. The administrative files contain the day-to-day operations of the department, and form the backbone of historical research in Western Australia. Administrative files were produced by the Department of Native Welfare until it was decommissioned as a department in 1974. The administrative files were then stored in a warehouse in East Perth, until they were eventually sorted and transferred to the State Archives (then housed in Battye Library).

Up until 1915, with the appointment of A O Neville to the position of Chief Protector of Aborigines, record making within the department was fairly poorly maintained and organised. Neville's appointment greatly changed this, and under his administration (1915-1940), an emphasis was made on the collection of data on the Aboriginal community. In 1915 Neville instituted a card index system to record data on Aboriginal people under the Act. He intended the card system to be a 'complete record' on any given individual, recording personal details, parentage, any criminal convictions, as well as savings bank balances and employment details.³ Out of the system of personal cards grew the Personal files, or dossier files, on Aboriginal individuals and families. These files are distinctly different to administrative files being they are a centralised source of collected information on an Aboriginal individual or family. The collection of material on both the department's administrative role, and on Aboriginal people under its legal control, continued after Neville's retirement, and up until the Native Welfare Department was disbanded in 1972.

At the time of the disbandment of the NW Department (and the consequent creation of the Aboriginal Affairs Planning Authority), decisions were made in regards to the preservation of, and access to, archival files that had been generated since colonial times. Briefly, the personal files were separated from the main body of archives and transferred to the Child Welfare Department. This was in line with that department's new role of Aboriginal Welfare. The remaining files, that is the general administrative files, remained within the control of the newly formed AAPA, and files deemed archives where transferred to the care of the State Archives WA. These files joined the collection of other administrative files that had, over the years, been periodically transferred to the State Archives.

4.4 Where Aboriginal Archives are located today

The archival files of the generating bodies have been physically separated in recent times. The original administrative files are held in the State Records Office WA, Alexander Library Building, Perth. Access for research is both category open, and category restricted, and for restricted files access is granted through the Department of Indigenous Affairs. It is also possible to access online catalogues for some file listings of these holdings. Access to files can be a lengthy process. Whilst open access files can be ordered and viewed in the reading room of the State Records Office, files which are restricted, have to first be sourced through catalogue searches, and then applied in writing to the Department of Indigenous Affairs. This process can take a number of weeks, and it is particularly frustrating for Aboriginal families who are researching material held in files that relates specifically to themselves and their families. It is also not guaranteed that access to restricted material will be granted.

³ Inauguration of 'Card System' For Records Purposes, acc 652, file 1590/15.

Annual Reports are held on microfilm and stored at the J S Battye Library of Western Australian History, Alexander Library Building, Perth. As they were public documents they have open access.

The original copies of the Personal files no longer exist. The files were systematically microfilmed, and the originals destroyed. This was done without consultation with the Aboriginal subjects of these files. In 1997, in its response to the HREC 'Bringing Them Home Report' the Federal Government allocated funds to document preservation projects. Under this program the Department of Community Development digitised the microfilmed copies of Aboriginal Personal files to protect their archival survival. The microfilmed, and digitised, copies of files are held at the Department of Community Development, East Perth, and are subject to strict restriction. Only Aboriginal subjects of files, or their direct descendants, can apply for copies of a personal file. The process of applying for files, and receiving a copy, is made through the Family Information Referral Bureau, located at the Department of Community Development, Royal Street, East Perth.

5 Brief History of Trust Account/Savings Book System in WA.

The department's Annual Reports provide an extremely valuable insight into the policy making, and the internal culture or thinking of key departmental officers, in relation to Aboriginal employment and wages. In the first decades of the twentieth century tighter controls over the banking and expenditure of Aboriginal incomes were phased in. In relation to labour, and labour conditions, the department began recording statistics of numbers of permits issued per year, as well as a breakdown by district of Aboriginal people employed. This provides us with a pattern of employment for Aboriginal people throughout the State under permit. For example in 1913 the department recorded 2,827 Aboriginal people had been employed under

provisions of the Aborigines Act in 'various industries' across the State.⁴ The number of Aboriginal people employed under permit increased markedly by 1917, with 5,450 permits issued throughout the state.⁵ This growth in permit numbers does not reflect an increased level of Aboriginal employment, but rather a tightening up by the department in imposing its permit system on employers.

With the increase in permits issued, and the corresponding realisation of the level of employment of Aboriginal people, came a closer examination of monies earned by Aboriginal employees. In 1915, Chief Protector, A O Neville, turned his attention to the issue of cash wages paid directly to Aboriginal workers deemed under the jurisdiction of the Act. He determined that in the South west, and on some Northwest stations, 'it is becoming custom to pay capable natives weekly wages.'⁶ For Neville, it was the department's responsibility to take a greater role in the control and expenditure of these wages.

I consider that a system should be introduced, providing that wages earned by natives should, at all events in part, be paid over to the Department in Trust, to be devoted to the upkeep of the wage earner's dependants in a properly regulated manner. I see no reason why the admirable system at present in vogue in Queensland in this respect should not be at all events adopted here.⁷

Neville set about to invigorate a system of trust accounts for individual Aboriginal workers that had its precedent under a previous administration.⁸ In his Annual Report for 1916 he registered his displeasure with how poorly the scheme was operating. Describing it as 'unsatisfactory' he recorded the department's administration and regulation of Aboriginal savings of, 17 trust

⁴ Aborigines Department Annual Report, 1913.

⁵ Aborigines Department Annual Report, 1917.

⁶ Aborigines Department Annual Report, 1915.

⁷ *Ibid.*

⁸ Anna Haebich, *For Their Own Good, Aborigines and Government in the Southwest of Western Australia, 1900-1940*, UWA Press, 1988, p162.

accounts with a combined balance of 318 [pounds]. He advocated a 'greater effort' would be taken in the future to exercise the powers of Section 33 of the 1905 Aborigines Act in taking control of these monies.⁹ In addition, Neville turned his attention to other monies that Aboriginal people were entitled to.

I consider also that an amendment of the Act is desirable, in order to provide that unclaimed estates of deceased natives shall be placed to the credit of a Reserve Fund to be utilised for the benefit of aborigines generally in certain specified directions.¹⁰

By 1920 the department had increased its trust account system administering 63 savings accounts with a total balance of 1,948/2/9 [pounds].¹¹ The scheme was administered centrally from the Perth office with Aboriginal workers forced to apply to the department to draw against their savings balances. Oral history accounts by Aboriginal workers describe how difficult and demeaning it was to access the wages held in these accounts.¹² Personal files contain letters written by Aboriginal workers justifying expenditure on essential items such as shoes, underwear, and clothing.

One category of employment that particularly came under the trust account system was the domestic service workers in the South west. Prior to the government setting up the Carrolup Native Settlement, and Moore River Native Settlement, various church based missions in the South received children removed under the 1905 Act, and trained them in either manual labour, or domestic service. Institutions such as Swan Native and Half Caste Mission, Duhli Gunya, Ellensbrook Home, and the Kalgoorlie Girls Home all provided 'trained' domestic servants to homes in southern areas of the State.¹³

⁹ Section 33 (2) 1905 Aborigines Act invested power in the Chief Protector to '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...'

¹⁰ Aborigines Department Annual Report, 1916.

¹¹ Aborigines Department Annual Report, 1920.

¹² See, Nannup, *When The Pelican Laughed*, pp118-119.

¹³ Aboriginal boys were trained in farm labouring, shearing, manual labour etc at institutions such as Swan Native and Half Caste Mission, New Norcia Mission, and the Salvation Army Collie Boys Home.

Wage levels for domestic servants, the banking of a proportion of wages in trust accounts, and a system of receipting of the banking of wages, were outlined in a series of department regulations relating to employment.¹⁴ Neville proposed girls were paid an initial rate of 5 shillings per week, with an increase of 2 shillings 6 pence per week on the completion of every 6 months service.¹⁵ Not less than one half of the wage was to be remitted to the department for banking on the domestic's behalf, with the Commissioner acting as the trustee of her finances. It was also proposed that a 'receipt signed by the native being taken in a book supplied by the employer for such purposes.' The receipt book was to be forwarded to the Commissioner for 'inspection on demand.' However, in reality very little of these regulations were implemented. To my knowledge there was never a properly instituted system where domestic workers receive receipting for the payment of portions of their wages to the department controlled savings accounts. They were also not furnished with written statements of the financial status of their accounts. In the case of the Kalgoorlie Girls Home, the Matron had initially kept an accounts book detailing the wages paid to young women sent to domestic service, but had abandoned this procedure as the demands of caring for fifty inmates made it impossible for her to upkeep records.¹⁶ Instead, she had instituted separate money boxes into which wages were paid, and any amounts not used by the girls were then banked into their savings account. The Matron expressed her relief at the department's decision to take over the accounting of the domestic servants wages, but insisted that the department allowed the girls a portion for pocket money each week.¹⁷

Similarly, the fixing of wage rates was in practice uncertain and fluctuating, and bore no relation to the age or skill level of the worker. In the case of the mission schools, wages were primarily negotiated by the mission, and often

¹⁴ Regulation 17a Wages, Employment of Natives – Issues of Permits, Procedure and General, Vol 1 & Vol 2, acc, 752 file 21220/20, p4.

¹⁵ The minimum weekly wage for boys started at 7shillings and 6pence. *Ibid.*

¹⁶ Salvation Army Girls Home, Kalgoorlie, List of Inmates & Particulars of Girls sent out to Employment, acc 993, file 118/27.

¹⁷ Letter from Matron Kalgoorlie Girls Home to CPA, undated, *Ibid.*

catered to what the employers stated they were willing to pay. Under such arrangements an experienced domestic could find her wage being decreased from one situation to the next, despite the fact her age and experience increased. It was also a common practice to underwrite the a basic wage rate of 5 shillings per week with unspecified non-cash contributions. Neville outlines employer obligations and contributions under the permit system as the responsibility to supply clothing, as well as 'sufficient rations, blankets, medicines, and medical attention.'¹⁸ This general idea was adapted to domestic service workers to compensate for cases of low wages negotiated with individual employers. This system was open to abuse by employers, who did not have to account to the department for the monetary value of clothing, food, or accommodation they supplied domestics with. The Matron of the Kalgoorlie Home, drawing on her own experience of low wages to suit employers criticised the system, stating, 'the only person who benefited is the employer as the girls clothing usually consists of the Mistresses left off garments.'¹⁹ She cited the case of one girl who for nearly three years was paid only 3 shillings per week, with her employer supplementing her income by supplying clothing.²⁰ The Matron notes that the girl had considerably less in her savings account than girls who had been working less time, receive a slightly higher wage, and paid for their own clothing.

By 1921, Neville had effectively closed the smaller church based institutions, in favour of centralising Aboriginal people and the training of labour in government run settlement schemes. It was now Neville who determined the wage levels for all domestic servants, and this continued the unofficial system of negotiating wages with employers, based on what they were willing to pay, rather than in the interests of a viable, and consistent wage level for female domestic workers. The system of banking Aboriginal workers wages into savings accounts, and the departmental monitoring of access to monies continued in some cases into the early 1970s. This is evidenced by the

¹⁸ Letter CPA to Matron Kalgoorlie Girls Home, 23/09/20, *Ibid.*

¹⁹ *Ibid.*

number of savings bank accounts, and balances, at the time of dismantling the department. I refer to this issue in more detail later in this submission.

In conceptualising the department's attitude to Aboriginal labour in Western Australia it is apparent that Aboriginal workers were not seen as contributing in their own right to the overall capacity building of the State. Aboriginal employment, and the supply of a cheap labour force by the government was seen as meeting its responsibility to the wider community, and to tax payers in particular. In 1941 the Commissioner for Native Affairs, F I Bray wrote to the manager of Mount Margaret Mission after receiving complaints from surrounding station owners that the mission was withholding Aboriginal labour in the district. Bray's priority to tax payers was evident; 'In view of the amount spent on rations at your Mission it is surprising that I should receive these complaints about the non-availability of labour. If there is anything in these latest complaints it seems hardly fair to the taxpayer that labour is unprocurable from the Mission.'²¹ Similarly, the enforced banking of monies of Aboriginal workers was primarily a strategy to reduce potential financial burden to the department. Some years earlier, Neville wrote in relation to the banking of wages paid to Aboriginal girls and women domestics that should this procedure not be followed 'the Department would be called upon to assist stranded half-caste girls, generally speaking, who have no more regard for the value of money than the full blood native has.'²²

In 1954 the department was decentralised and district offices were set up in regions around the State. Each regional office operated its own system of filing, however, personal files were still centralised in the Perth office. As Aboriginal people became eligible for Federal pension payments a large percentage of pension payments, particularly age pensions, were filtered

²⁰ *Ibid.*

²¹ Letter Commissioner Bray to R S Schenk, Mount Margaret Mission, 13/02/41, Natives & HC Out in Employment From Missions, Supervision of, acc 993, file 151/34.

through the trust account system. Savings books were opened for individual pension recipients, referred to as 'warrantee pensioners' and the expenditure of monies in these savings accounts was controlled by Native Welfare Field Officers at relevant regional offices. The Field Officers were invested with authority under the Native Welfare Act to sign withdrawals at local banks on behalf of pensioners to purchase food and clothing, and distribute 'pocket money allowances.'²³ This system was eventually determined to be beyond the administrative capabilities of the regional offices, and if the system was to meet the requirements of the Audit Act, it would have to be centralised in Perth. As a result, on 1 January 1968 all field officers were instructed to cease acting as warrantees. Pension payments were either paid directly to the recipients themselves, or 'alternative warrantees' were arranged. The department recorded the number of savings accounts administered at this time as forty-seven, with a combined balance of \$4,888.13. In addition there were investments in Commonwealth Treasury Bonds amounting to \$34,340.00. It is not stated in the Annual Report what happened to the balances at this time, whether money was disbursed as pension payments began to be paid directly. Given the trust accounts predominantly held the monies of pensioners, this represents a considerable sum of money withheld from one of the most economically disadvantaged and vulnerable groups of society.

Annual Reports throughout the 1960s and into the early 1970s also record amounts of Aboriginal pensions and child endowment payments money being filtered through the mission system. Whilst missionary involvement in Aboriginal education, training, employment etc had been discouraged under the administration of A O Neville, it was actively encouraged with the appointment of S G Middleton. In the Annual Report for June 1967, a financial statement for each mission is published. At Balgo Hills Mission, on the edge of the desert in the Kimberley, \$8000 of child endowment money

²² Aborigines Department Annual Report, 1921, p2.

²³ DCNA Annual Report 30/06/67.

was received into the mission, as well as \$28,048 in pension payments. At Mogumber Mission, which was the old Moore River Native Settlement, \$8,696 child endowment payments were received. Mogumber did not receive pension payments as it was a training and education mission for young Aboriginal people, and did not have an adult population. At Beagle Bay Mission, where \$12,500 was received through child endowment, pensioners received their payments directly, and so no pension monies were administered by the institution. The annual sums of Federal benefit money channelled through the mission system is considerable, and further research is required to properly reveal the full financial picture, as well as to evaluate whether expenditure on inmates of the institutions is commensurate with the standard of living, education, training, health and accommodation they received.

By 1972 most pension payments were being paid directly to recipients, however, benefits such as child endowment were still being paid to institutions. **In 1972, the Department of Native Welfare was dismantled under the AAPA Act. Thirty-three savings bank trust accounts, with a combined balance of \$11,192.39, and forty-two Commonwealth Treasury Investment accounts, with a combined balance of \$66,670, were transferred to the Child Welfare Department.**²⁴ The Annual Report does not indicate that any monies were distributed to the individual account holders. Given that most of the records relating to the management of savings accounts under the Child Welfare department fall within the 30 year archive ruling, it is the responsibility of the Department of Community Development (ex Child Welfare Dept) to audit its records and provide Aboriginal people, and the Senate Committee, with clarification of what happened to these monies.

²⁴ DCNA Annual Report 30/06/72, p11. This is the last Annual Report produced for this Department.

6 Transactions - Trust Account Balances

Whilst a general pattern of trust account balances and payments of pension entitlements etc into trust accounts, and missions, can be gleaned from Annual Reports, it is from the administrative and the personal files that a more detailed picture emerges.

The material collated and stored on personal files by the department is often of an extremely intrusive and personal nature. Around 1988 the Department of Community Welfare began releasing copies of Aboriginal Personal files to Aboriginal individuals and families. The release of this material to individuals is subject to restricted access to protect personal and private information. Whilst files contain personal information relating to areas such as parentage, medical conditions, children, exemptions, etc, they also contain employment information, wage rates, permits issued, letters from employers, and some documentation of trust account transactions. Used in concert with information in the general administrative files it is possible to piece together a fragmentary picture of an individual's employment history. However, it is by no means a complete record, and could not be relied upon to fully represent the incomes earned (or under-earned) by Aboriginal workers and pension recipients.

What is possible to glean from the personal files is a pattern of transactions made from individual savings accounts. These are primarily debit transactions, as the files do not contain financial ledgers of an individual's account, or comprehensive details of bank balances as wages were paid into an account. The debits fall into three categories; requests from Aboriginal account holders themselves, transactions that account holders had some knowledge of, and a kind of behind-the-scenes 'unofficial' system of debits the department raised against accounts without the knowledge of the account holders. In my experience as a researcher I have never sighted paperwork demonstrating individual workers were aware of the third category of debits against their account balances. As an example, in 1922, domestic servant

Jessie Argyle left her employer for another position. The employer requested the department reimburse her a sum of 24 shillings; 15 shillings for Jessie's train fare, and 9 shillings for a bolt of material she claims to have given her.²⁵ The department does not require any receipting from the employer but raises the amount against Jessie's account. The transaction is made exclusively between the employer and the department, regardless of the fact that it is Jessie's funds they are dealing with. There are numerous examples of such transactions in Jessie's personal file.

Deductions were also made from the savings accounts of women domestic servants when they boarded in Perth for medical treatment, or on holidays. The department forced the women to lodge at a particular boarding house and the women were charged 1 pound per week, a considerably greater sum than many women earned in a week. Furthermore, the girls were required to perform housework and chores around the boarding house whilst they stayed there. At the end of their stay the total sum of lodgings was calculated by the boarding house owner, and accounts were forwarded to the department for payment. The department duly raised the stipulated fee against women's savings bank balances, without supplying the women with receipts of these transactions. It is unlikely the women realised these amounts were being drawn against their savings, assuming instead the chores they performed around the boarding house were in exchange for their keep.

The use, and abuse, of the portion of wages withheld from an individual for banking in their savings account needs to be investigated further. In my research I have seen instances where the level of the portion paid as 'pocket money' is used as a punitive measure; both to reward good behaviour, and to punish alleged bad behaviour. For instance, if a domestic servant left her employment before the duration of her contract (generally 12 months) she may find the amount paid directly to her from her employer in her next position

²⁵ Jessie Argyle Personal File, letter dated 04/10/1922, file 312/26. I quote from this file with the generous permission of Jessie's direct descendants, the Kinnane family.

has been reduced. Furthermore, any investigation into why she left her employment generally consisted of the department asking the employer. A departmental officer was rarely, if ever, sent to a place of employment to ensure accommodation, food, conditions etc were suitable, and the woman herself would rarely be asked for her version of why she left. In addition, often in these cases the department waived any outstanding wages due to a domestic servant's trust account, thereby not acting on her behalf.

Aboriginal domestic workers were not permitted to negotiate their own wages. In 1923 Jessie Argyle was sent to a country position and upon arrival learned her wage had been dropped from the 15 shillings per week, to 10 shillings per week. She informed her employer she would not accept the reduced amount. When the employer complained to the department they responded by stating it was 'not for her [Jessie] to discuss the question of wages.'²⁶ The employer was instructed to pay Jessie at the rate of 10 shillings per week, with 2 shillings 6 pence 'pocket money' paid directly to her. In addition, if Jessie did not settle down and accept the arrangement she would be sent to the Moore River Native Settlement.²⁷

In 1925 Jessie Argyle was working for an employer who contacted the department to request she be paid more than 5 shillings per week from her 15 shillings a week wage.²⁸ In the employers opinion the increase was justified as 'I don't think we could expect her to be happy & contented unless she has a little pocket money & is able to go to the pictures.'²⁹ The department's response was curt and authoritative; they were not prepared to increase the amount. Furthermore, if Jessie required any 'necessary articles' the employer should inform them and they would be purchased on Jessie's behalf.³⁰ At this

²⁶ Letter dated 18/07/1923, *Ibid.*

²⁷ *Ibid.*

²⁸ Letter dated 04/03/1922, *Ibid.*

²⁹ *Ibid.*

³⁰ Letter dated 12/03/1925, *Ibid.*

time Jessie Argyle was 23 years old, and had been working as a domestic servant for nearly six years.

The department constantly acted in a proprietorial, and economically disadvantageous way over the wages, trust accounts, and estates of Aboriginal workers it controlled. In 1932 a young Aboriginal mother passed away in Moore River Native Settlement, not long after giving birth to a child. The woman had worked as a domestic servant and her trust account held the small sum of 3 shillings and 11 pence.³¹ The Chief Protector, A O Neville, deemed the child could not inherit the money from his mother's account on the basis that the child was 'illegitimate, fathered by a white man', and therefore not eligible to inherit her estate.³² The money was paid into the general administration account awaiting the settlement of the estate. Some eight years later it was suggested from within the Aborigines Department that the amount of 3/11 be 'paid into [the] Native Administration Trust as a part recoup of expenses incurred during the deceased confinement at MRNS [Moore River Native Settlement] prior to her death.'³³ The request was made with the knowledge that it was 'not usual to charge for services at MRNS but suggest it in this case to enable the estate to be finalised in a reasonable way.'³⁴ Furthermore, as an adult, the son contacted the Native Welfare Department in 1971 regarding his mother's estate, and was informed that he was not eligible to be a beneficiary, and that the money had been transferred to a fund for the benefit of 'natives generally.'³⁵ Aside from the obvious injustice of the department's actions, this instance evidences that wages earned were redirected from an individual's account into a general operational account.

³¹ Nyungar elder Ken Colbung has deposited copies of personal files and papers relating to the Colbung family with the Australian Institute of Aboriginal and Torres Strait Islander Studies Library, Canberra, MS 3309.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

In my opinion the department abused its wide ranging legislative powers in raising debits against individual trust accounts. It acted out of its own discretion, never stated on record what its policy was in relation to items that could be debited, did not advise the account holders that debits were being raised against their accounts, and was able to operate an unofficial system without wider accountability. Under the auditing of its annual finances it provided information on account balances, but did not have to provide details of expenditures and debits it had authorised or raised against individual accounts.

7 Destruction of Archival Material

The Aboriginal Legal Service of WA, and Dr Ros Kidd, in submissions to the Senate Committee have both referred to a paper entitled 'Ghost Files', which I co-authored with Steve Kinnane. This paper outlines the findings of a case study on the level of destruction of administration and personal files for the period 1926-1959. The study found that for material created in this period approximately 50% of administrative files, and 20% of personal files had been destroyed by the Native Welfare Department. As it is my understanding that the Senate Committee has already been provided with a copy of this paper I will not duplicate information contained within it here. What is important to emphasis to the inquiry is the department destroyed material that would have been of potential benefit to both this inquiry, and further research that needs to be undertaken in Western Australia. I have also attached as Appendix A, a list of some of the destroyed files that I consider would have been potential research sources to demonstrate this point.

7.1 Deliberate Destruction of Material

During the course of the hearings in Perth the Senators sought to establish whether or not archival material relevant to the inquiry had been 'deliberately' destroyed.' It is my opinion that the files were all 'deliberately' destroyed. Our

case study only related to files that had undergone a process of selection for destruction, with card indexes being stamped that a file was marked for destruction. The actual extent of file destruction is no doubt larger than what has been indicated on the card indexes. Anecdotally I am aware that files were stored in the basement of the old Native Welfare Offices, and for a time after the disbanding of the department, in a warehouse in East Perth. The poor storage of these files led to many being in a damaged and degraded condition. It is likely that a number of these files were also destroyed in a bulk process, with the card indexes not updated.

The question of 'deliberate' destruction understandably leads into questions of whether the files were destroyed to disclose or destroy information relevant to this inquiry. It is unquestionable that the government department responsible for Aboriginal Affairs has destroyed material that would be relevant to both this Inquiry, and to Aboriginal people and families seeking to piece together their histories under repressive legislation. I think it is reasonable to assume however, that the destruction, for the most part, was not made to disclose sensitive information. It is more probable that the motive behind the destruction of material is bound up within the internal culture of the department at the time, and the general feeling across the board, that Aboriginal people's information wasn't important to the history of the State. This history until fairly recent times has been one dominated by European notions of development, nationhood, and 'progress.'

However, having said that, it should not be discounted that at the time when files were being selected for destruction advantage wasn't taken to expunge some information. That is, individual officers may well have thought there was some material they preferred not to send to archives. I think however, that in such instances what may have been sensitive would have been relevant to controversies of the day, rather than to the future. It would have been beyond the analysis of the department that Aboriginal people in the future would be calling for scrutiny of the department in the management of their incomes.

That said, it remains as an important issue today, that information which was relevant to Aboriginal people and families has been destroyed.

8 The Onus of Evidence

The amount of written archival information available for research into the 'Stolen Wages' issue is significant, even given the level of government destruction of material. However, it is my strong recommendation to Senate Committee that the onus of providing written evidence regarding wages and Federal entitlements does not fall to Aboriginal individuals or their descendants. Given both the department's attitude in not consulting, informing, or holding itself accountable in any way towards Aboriginal workers and pension recipients regarding their trust accounts, coupled with the level of destruction of archival material relating to trust accounts, it would be both an impossible and unjustifiable requirement for Aboriginal people to provide comprehensive written evidence. The best source for Aboriginal evidence in relation to matters relevant to the inquiry is oral history, and as was made very clear by Aboriginal witnesses at the hearings, there is an urgent need to record these stories now.

Lauren Marsh
Perth, November, 2006

Appendix A – Examples of Destroyed Documentary Material
Relevant to the Senate Committee Inquiry

Destroyed Files - Trust Account Information

- 670/26 Monthly return of balances held in trust for Aborigines
[File spans 1926-1936]
- 12/27 Establishment of a Government Savings Bank agency at Moola
Bulla
- 272/27 Trust Account - Monthly returns of expenditure
[File span 1927-1935. File also contained A&F 1096/16, CSO
2564/21]
- 303/27 Money Owing to Dept by Natives. Approval to apply their credits
in departmental accounts in reduction of outstanding amounts.
- 258/29 Natives at Shark Bay in receipt of high wages - Re payment of
portion of to CPA Trust Account.
- 267/29 Money Held n the State Savings Bank to the credit of A O
Neville and J P Walton - Disposal of
- 409/29 Finances - Commonwealth Loans, Bonds & other Investments
for Natives' Savings. [File span 1929-1940]
- 359/30 Mt Margaret Mission - Wages and Trust Account
- 219/31 Aborigines - Finances - Aborigines Trust Fund – Carrying
forward of unexpended Credit Balance from year to year
- 321/32 Finances - Officers empowered to certify vouchers, sign
cheques and operate on Trust Accounts - General File. [File
contained 10/20, 294/32, 1302/43. File span 1932-1947]
- 277/31 Finances - Ruling in regard to collection to be credited to
Consolidation Revenue & Trust Fund. [File also contained
NW 26/21,CSD2833/19]
- 374/31 Finances - Employment of Natives and Half-castes - re charging
interest on outstanding wages.
- 265/33 Half Castes & Natives in Employment - Circular to Employees re
Wages Outstanding

Destroyed - Bequests, Inheritances, Estates

- 228/26 Departmental - The Walsh Pitman Remembrance Fund –
Subscription list
- 533/26 Bequest of Mr H Dingle to Aborigines of WA
- 8/27 Death of Freddy @ Yumbobina Enquiry from E W Hetherington
re Disposal of Estate
- 62/27 Native Peter Wongi - Lands Dept Enquiry re land reserved for
- 167/27 Valuable Documents Held By Chief Protector On Behalf Of
Natives
- 232/28 State Savings Bank a/c Controlled by CPA for natives either
dead or missing
- 296/28 Native Jack of Karratha Station - Death of - Compensation of
widow of under Workers Compensation Act
- 138/30 Aborigines - Estate of Deceased Aborigines - Administration of
by CPA
- 313/30 Deaths of Aboriginal Natives and Half-Castes – General Corresp
File span 1930-1934
- 228/32 Establishment of a Gift Fund for natives who assisted in search
for lost German aviators

Destroyed - Dept Investigations re Wages

- 533/27 Winmar Boys (half castes) Defrauded of money by H E Harris, Enquiry re.
- 146/28 Native - POSSUM - Claim for wages owing by MONS & JEFFRIES. See also Law 167/29.
- 230/29 Native Commodore of Marilanna Station - Claim for wages owing by H/C A McKay (late employer)

Destroyed - Aboriginal Unpaid Labour – Govt Settlements, Revenue Schemes

- 383/26 Moore River Native Settlement - Register Of Inmates
[File span 1926-1928]
- 388/26 Moore River Native Settlement - Regulation 11 - Reports re
Return of Punishments. [File span 1926-1937]
- 390/26 Moore River Native Settlement - Reports from Superintendent
Vol One & Vol Two. [File span 1926-1932]
- 413/26 Moore River Native Settlement - Weekly return of hands
employed and hours worked
- 414/26 Moore River Native Settlement - Work performed for outside
Departments
- 597/26 Moore River Native Settlement - Sewing Machines [File
included CSD 412/21. File span 1926-1943]
- 55/27 Moore River Native Settlement - Quarterly Report on the girls
employed in sewing room; conduct and efficiency marks for
- 177/27 Moore River Native Settlement - Correspondence with Head
Office re Accounts. [File span 1927-1935]
- 258/27 Moore River Native Settlement - Employment of inmates on
Fancy work LA
- 445/27 Moore River Native Settlement - Weekly return of hours worked
and hands employed. [File span 1927-1934]
- 497/27 Moore River Native Settlement - Padded Cell
- 69/28 MRNS - Native Staff - Pay sheets and rate of pay
[File span 1928-1943]
- 76/29 League of Nations Union - Conference of Forced Contract
Labour - Invitation to CPA to attend
- 255/29 Information required by International Labour Office re Aboriginal
Natives, Employment, Training, Reserves etc
- 339/29 MRNS - Witnessing of Native pay sheets : Procedure re

- 338/29 Native Cat skins forwarded by CPA to Mr Peters, Fremantle for tanning purposes
- 422/29 Exploiting of interest in Australian natives' custom and curios for the purpose of attracting Tourists
- 201/30 MRNS - Non admission of natives and half castes who have given up jobs to return to Settlement, unless on holidays.
- 380/30 MRNS - Establishment of a Doll factory
- 42/33 Protests by Natives against removal from their Districts and internment in Settlements
- 392/33 MRNS - System of Rewards for good conduct natives

Destroyed Files - Rates of Pay, Wages etc

- 175/26 Munja Native CattleStation - Wages Staff
[File span 1926-1938]
- 563/26 General permission of the Hon Minister to allow natives to go
out and earn their own living at the discretion of the CPA
- 373/27 Ab Native Trackers : Enquiry by Police Department for
[File span 1927-1935]
- 328/28 Return of persons employed and salaries paid for the
information of the Taxation Department
- 334/28 Rates of Pay and conditions of employment for Station Hands,
cooks, shearers etc. 14/5/47. [File also attached 1/23. File span
1928-1943]
- 24/30 Half-Caste girls and boys in employment - Revision of wages
- 195/32 Payment of Wages to Native Drivers - Enquiry by Dept of
Interior
- 118/33 Natives employed casually as trackers by Police Dept. –
Payment for services

Destroyed – Employment; Policy, Permits, etc

- 675/26 Employment of native boys. [File span 1926-1933]
- 137/26 CPA Annual Report 1926 - Employment of natives –
Agreements, Recognisances (Regulation 29)
- 337/26 Employment of Half Caste Boys and Girls - Permits Outstanding
[File span 1926-1937]
- 396/27 Employment of Natives on Stock Routes by Drivers
- 409/27 Illegal Employment of Natives at North Perth
- 419/27 Inspector of Aborigines – Journal
- 420/27 Inspector of Aborigines Movements and Instructions
- 360/28 Half Caste Girls - Employment for [File span 1928-1931]
- 04/29 Employment of Natives at Mundrabilla Station
- 24/29 Beagle Bay Mission Farm at Mullewa. Employment of natives
from Beagle Bay at. 11/5/42
- 56/28 Moora - Employment of Natives At
- 99/28 Monthly Return of permits issued. [File span 1928-1938]
- 101/28 Employment of natives at Wyndham Meatworks. 29/7/34
- 381/28 Parliamentary - Questions by Mr Coverley MLA re number of
aboriginals within 100 miles of Broome
- 48/29 Employment of natives and Half Castes on Pearling vessels
[File span 1929-1938]
- 80/29 Natives employed by Postmaster General Department – Care
and welfare of - Reports re. [File span 1929-1935]

- 124/29 Native Employees in Kalgoorlie, Laverton and Leonora Districts - List of
- 198/29 List of Permits to employ natives in the Kalgoorlie, Leonora and Laverton Districts - Information supplied to Mr Schenk, Mount Margaret Mission
- 254/29 Departmental - Employees other than those engaged under the Public Service Act - List of & information re. [File span 1929-1938]
- 274/29 Parliamentary - Question by Mr Coverley MLA re employment of natives in the Kimberley laying poison baits
- 282/29 Moore River Native Settlement - Native Orderlies – Instructions and Equipment for. [File also attached 161/28]
- 359/29 Natives and Half-Castes Employed at the Whim Creek Hotel. Enquiry re
- 386/29 Native Cattle Stations - Comments by Mr Latham MLA re increased expenditure on temporary labour.
- 400/29 Permits, Recognisance, etc - General correspondence. [File span 1929-1931]
- 55/30 Aborigines - Information for Mrs Constance M Cooke, South Aust. re "The legal and social position of Australian Aboriginal Women."
- 62/30 Aborigines - Married couples - Employment for. 23/11/38 [File span 1930-1938]
- 213/30 Employment of Natives on Stations etc - Alleged Slave Conditions - Article in Daily News [note file had been accessed by Mosely 2/2/34]
- 267/30 Unlawful removal of Native Boys from their Districts by Station Owners and others in the Kimberley - Instructions to Protectors
- 231/31 Half Caste Girls - Employment for. [File span 1931-1934]
- 315/31 Parliamentary - Question by Hon Mr A Coverley re number of Aborigines employed on Stations in the Kimberley
- 307/31 Permits, Recognisances, etc - General Correspondence. [File span 1931-1933]

- 380/33 Half Caste Boys - Employment of. [File span 1933-1936]
- 447/33 Permits, Recognisances, etc - General Correspondence
[File span 1933-1935]

Destroyed - Expenses Potentially Impacting On Trust A/cs or General Operational Accounts

38/26	Transport of Natives - General
49/26	Departmental: Official Tram Tickets - Issue of
140/26	Port Hedland Native Hospital - Visitation to and treatment of patients by Dr Wilson DMO
420/26	Collection of Fares advanced to Natives LA: 21/05/44
87/27	Moore River Native Settlement - Visits of Dentist [File span 1927-1943]
106/27	Moore River Native Settlement - Visits of Medical Officer. See 920/19, Law 437/35
122/27	Moore River Native Settlement - Fees to Ministers for conducting marriage ceremonies
124/27	J C De Lancourt: Natives left stranded by - Payment of expenses
129/27	Gnowangerup Medical attention and supply of medicines for natives at.
135/27	Royal Commission on shooting of natives in the North West – Accounts to be recouped by
170/27	Cooking & Sleeping accommodation for natives at rear of Head Office Buildings
511/27	Departmental : Railway Pass & Ticket Order Books. [File spans 1927-1947]
525/27	Medical inspection of natives - General file
5/27	Williams Hospital - Medical treatment of natives at.
188/28	Railway Ticket Orders Issued & not used - Refund of Cost.
393/28	Medical Treatment of Natives in Pt Hedland & Derby Native Hospital (2) Responsibility of employers for fees. Part file made 26/1/43.

- 486/28 Medical Treatment of Natives at Norseman.
- 32/29 Medical attention to natives at Mullewa.
- 58/29 Railway passes issued to natives of Mulyie Station by Dr Davis, Pt Hedland, recoup of cost.
- 223/29 Burial of native woman Merritt & Counsellor at Mullewa - Claim by W Lucas for burial fee.18/8//31
- 345/29 Finances : Account 3/3/- [pound] Dr Bentley : administering anaesthetic to native patient at Port Hedland Native Hospital.
- 373/29 Medical Treatment to native boy, Murgoo Statio : Accounts rendered by Dr Rawlison Hobbs and Miss L D Harris.
- 118/30 Native Willie of Mount Augustus Station - - Payment of Account for hospital expenses.
- 36/30 Aborigines - Wagin - Medical attention to natives at.
- 212/30 Medical Treatment for Natives by Dr Rawlinson Hobbs – Accounts Outstanding.
- 399/30 Work performed by Police Department for Aborigines Department - Payment of travelling allowances.
- 320/30 MRNS - Monthly Return of Patients treated at Hospital.
- 01/31 Medical Treatment for Natives at Three Springs & Carnamah.
- 244/31 Complaint by Boans Ltd, re delay in payment of accounts for clothing supplied to natives
- 172/32 Medical Treatment of Natives at Woodanilling Hospital
- 185/32 Empire Trade Display - Natives engaged in - Recoup of Expenses
- 327/32 Wards of CPA - Railway transportation charges from institutions to employment etc.
- 140/33 Medical Treatment of Natives in the Albany District.
- 142/33 Medical Treatment of natives at Quairading.
- 112/33 Medical Treatment and supply of medicines to natives in the Narrogin District

461/33 Boys and Girls sent out to employment - Clothing & Equipment
for