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*Kathleen Fitzpatrick Lecture,
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During 2003 the 'Stolen wages' began a seismic shift from local Queensland concern about unpaid Aboriginal wages to an industrial wage justice issue of national significance encompassing a swag of discriminatory practices. Litigation and a national public awareness campaign are in process and a national report documenting the history and legacy is in the pipeline.

An historic breakthrough came in 1996 when the Human Rights Commission (HRC) ruled that between 1975 and 1986 the Queensland government had contravened the federal *1975 Anti Discrimination Act* by paying below award wages to Aboriginal workers on government settlements. The 'Palm Island Case' had gone ahead despite attempts by the Queensland government seeking to impound and possibly destroy crucial evidence documenting legal advice to government and decisions to endorse mass sackings rather than budget for proper wage payments. It was only in 1986 with the introduction of Aboriginal community control that award rates were paid. The HRC instructed the Queensland government to make a formal written apology and to pay compensation of \$7000 to each claimant. However, the government only complied when former workers began federal court action in 1997. To date around \$50M has been paid out to claimants.¹

This success spurred action in Queensland for the return of all wages 'robbed' from Aboriginal workers. Hoping to curb further litigation and costs, the Queensland government announced in 2002 a reparations package offering two to four thousand dollars to living claimants on proof of eligibility and on condition of signing an indemnity forfeiting rights to any future legal action. The state Aboriginal Coordinating Council called the offer an insult. The package total of \$56.5M was a mere fraction of all wages due. In fact, with interest owed and consequential damage for decades of exploitation calculated in, some Aboriginal

organisations estimated that between one and three billion dollars should be returned. The offer was also unjust because of the obligatory legal indemnity and refusal to pay families of deceased workers. At best it could be considered a down payment. It was particularly insulting since the sum of 56.5 million dollars was not significantly greater than the total paid out to Palm Island claimants to compensate them for under award wages paid over one decade. This offer was meant to compensate workers who were robbed of their wages over several decades.² The Aboriginal Coordinating Council acknowledged that desperate circumstances would force people to accept – activist and artist Gloria Beckett, dying of cancer, told the press that she was owed far more after decades of domestic service, but that her family had to take the money to pay for her funeral.³ The Queensland government has since sacked the Aboriginal Coordinating Council.

The offer backfired on the Beattie government. By mid 2004 only a quarter of eligible claimants had applied, and litigation continued. Descendants of deceased Aboriginal boxing champion Elley Bennett lodged a writ in the Queensland Supreme Court in 2003 to reclaim winnings of 3.5 million dollars. The Lutheran Church and Queensland government were also in court for payment of under award wages to mission workers. Local protest escalated into a nation-wide campaign led by the Stolen Wages Working Group supported by Australians for Native Title and Reconciliation, the Queensland Council of Unions, Victoria Trades Hall and others.⁴

A decisive moment came in New South Wales in early 2004 when the *National Indigenous Times* published a leaked cabinet document revealing that for several years the Department of Community Services had lobbied Cabinet to return 69 million dollars to 11,500 Aboriginal people whose wages, pensions, inheritances, lump sum entitlements and child endowment payments were placed in government trust accounts between 1900 and 1969.⁵ Premier Carr was forced to make a formal apology and a commitment to identify and reimburse all claimants. Despite lack of official records, he insisted that written evidence would be required and announced the appointment of a three-person panel to develop a scheme for

repayment to claimants including families of deceased workers from a kitty of 70 million dollars.⁶ At the same time, Aboriginal leaders backed by ATSIC began plans for a class action to recoup the 350 million dollars of stolen wages that they claimed was owed.

In his 2002 *Price of Reconciliation* speech, former Australian High Court judge and international human rights lawyer Justice Marcus Einfeld had made an impassioned call for justice for the stolen wages:

We stole their land. We stole their children. Now we admit to stealing their money too. Is there anything left to take? Only the souls of a proud and defiant people have been spared – and I think they too would have been taken if our governments knew how.⁷

He then called for a national independent inquiry 'to get to the roots of the matter'. Preliminary research for a national report has exposed systematic economic deprivation, exclusion and neglect, often associated with mismanagement and even official fraud, implemented by governments under policies of protection and assimilation. With the exception perhaps of Tasmania, Aboriginal workers everywhere experienced this 'special treatment'. Practices investigated have included non-payment, under-payment and withholding of wages, welfare benefits and deceased estates, as well as government failure to fulfil its fiduciary duty to ensure sufficient training, wages, protections and conditions for Aboriginal workers.

Trapped in their own *illogic*, successive Australian governments claimed that these 'special conditions' would liberate Aboriginal people from poverty and dependency. In fact they actively contributed to the 'consequential poverty' referred to in the title of this paper. By denying generations of Aboriginal people the right to decent and productive work, proper wages, sufficient services and 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'

Consider this case from Western Australian history. When the wheat belt was developed early last century, prospective farmers were given cheap freehold land and easy credit in return for improvements (residence, clearing, fencing) completed over a set period of time. Nobody expected that Aboriginal families would apply, but they did and after some hesitancy the government agreed to grant them small reserve blocks with residency conditional on completing set improvements. These 'special conditions' were to quell white fears they would sell the land. By 1910 around 16 farms had been granted but by 1914 all had been resumed. At the time this outcome was taken as proof that Aboriginal people were not 'economic men'. However, it was the 'special conditions' that destined them for failure. They were in an impossible situation. Without freehold title they had no security to raise capital to finance improvements and the only way to get money was to work for other farmers at the very time they needed to improve their own land. Their absences and difficulties in meeting improvements were reported and finally the blocks were resumed and the families ordered to leave with no compensation for work done.⁸

This case from the past resonates down over the years. Governments' 'best intentions' become bogged down in a potent mix of inflexible government procedures, compromises forced by a multitude of stake holders – government, business, employer groups, white residents, unions and so on – and doubts about Aboriginal people's capacity to operate as responsible economic agents. Time and again this mix is translated into special interventions and controls, surveillance, tutelage, accountability and punishments and, paradoxically, neglect of 'Aborigines' real needs. These are applied like a grid to all Aboriginal people – 'one size fits all'. Processes that strangle initiative and make white expectations of failure into self-fulfilling prophecies absorb precious government resources. This can be seen in past administrations that transformed legislative powers to protect Aboriginal workers into practices that created a cheap unregulated Aboriginal labour force

confined to a narrow niche of domestic, farm or pastoral labour and lacking the infrastructure to negotiate their economic circumstances like other workers. A consequence was that Aboriginal workers were ruthlessly exploited by employers who paid minimal wages or rations for their labour and by some state governments who syphoned off wages to meet their own administrative costs. In addition families were denied proper schooling, housing, medical care and cash welfare payments taken for granted by other Australians. This left a legacy of consequential poverty and family break-up that continues to haunt Aboriginal families.

The Stolen Generations provides a tragic example of the fall-out from this mix of illogic and special conditions.⁹ Governments repeatedly asserted that the children were taken 'for their own good' to prepare them for a better life, that this was a humane strategy to train them to become self-sufficient workers. Yet practically everything governments did seemed pre-destined to have the opposite effect. For Aboriginal people caught up in this web, life became a trajectory of forced removal from family to the drudgery of institutional life and then out to work for pocket money in dismal conditions until finally, after years of back-breaking labour, they finished up with no family, no savings and nowhere to go. What sort of workers did this 'special treatment' produce?

Bleak institutions were the training sites for Aboriginal child workers. Authorities knew very well that institutions produced institutionalised adults, not competent workers, but since they fitted bureaucratic practice they remained the principal training instruments for generations of Aboriginal children. This initial fault was compounded by severe funding constraints resulting in sub-standard living conditions, poor diet and neglectful medical care that militated against development of fit and healthy workers. The standard of the children's schooling in overcrowded classrooms with untrained teachers was such that some never learned to read or write. 'Vocational training' meant doing unpaid jobs for the staff and strained conditions severely limited what they could learn for their future employment as servants and labourers. Girls learned to scrub and polish dormitory floors and dole out dripping and lumps of bread for meals but there were no

facilities to teach them finer domestic skills of home management and cooking or even how to shop. What the children did learn was subservience, obedience and how to follow orders and routines – and for many, a sullen and rebellious attitude to work.

The children were sent out placements arranged by government officers where they worked in conditions that were singularly repressive and punitive and that lacked most of the features associated with the positive experience of work – proper wages and living conditions, workplace safety, protection from abuse, personal security, leisure time, companionship and respect for work well done. For many employers these isolated and vulnerable children whose situations were rarely inspected and who could be severely punished if they tried to leave must have seemed the ideal workers. For their labours the children received bits of pocket money while their wages were kept in government accounts, largely inaccessible to them and, in this way, they were further denied the right to care for themselves and their families. All of this made a mockery of government claims to be forging economic independence for the Stolen Generations. Instead they were generating and perpetuating dependence and poverty.

Queensland provides a further telling example where claimed government 'best intentions' undermined Aboriginal workers' capacity for economic independence and their right to care for themselves and their families.¹⁰ Between 1904 and 1919 a system of compulsory 'wage saving' was developed to embrace over half the state's Aboriginal population, which grew from 15,000 in 1910 to 40,000 in 1960. This was based on the compulsory payment of minimal wages to all Aboriginal workers outside of missions and government settlements and the payment of up to 75 percent of these wages into the government's Queensland Aboriginals Account. The remainder was to be paid to workers as 'pocket money'. While no proper records exist one estimate is that a total of 560 million dollars of life savings were locked up in this way. Individual accounts could be quite substantial – in 1936 pastoral employee Johnny M had 645 pounds in savings, enough to buy a three-bedroom home on the outskirts of Sydney.¹¹ Workers had to

ask local police officers for cash from these accounts to pay for personal items, travel, medical care and so on. Police were under no obligation to assist nor were they or employers held accountable for how they handled Aboriginal wages.

In 1943 the government added a further tax of up to ten percent on Aboriginal wages to be used 'for the general benefit' of Aboriginal people. This was paid into the Aboriginals Welfare Fund along with surplus interest and profits from the Queensland Aboriginals Account, profits from settlement enterprises (worked by free Aboriginal labour) and unclaimed deceased estates. In practice the bulk of this money went towards operational costs of the settlements in which Aboriginal people were forced to live, and even the costs of transporting them there.

The story of injustice does not end here. Ros Kidd has compiled compelling evidence of negligent accounting, mismanagement and fraudulent use by Queensland governments of Aboriginal wages and savings in these accounts. Governments did nothing to stop the trail of fraud that led from employers, police protectors, institutional staff and workers in head office to highly placed government officials. Moneys were also diverted to cover other state expenses and to generate state profit. One particular payment continues to rankle Murri people in Brisbane – the use of their wages to pay for the building of the Redcliffe Public Hospital – a hospital that refused to admit Aboriginal patients until recent years.

Once again official claims to be forging Aboriginal economic independence were contradicted by actions that guaranteed and perpetuated dependence and poverty. Aboriginal wages were locked up, frozen in government accounts when the money was urgently needed to survive. Imagine your family's situation if over your working life you were forced, in addition to paying income tax, to pay up to three quarters of your wages into a government savings account and you never got the money back. This assault on the hip pocket is something that we would normally relate to with outrage and condemn as unacceptable and un-Australian.

What happened to the hundreds of millions of wage savings of individual people may never be known. At present the Aboriginals Welfare Fund holds only

8.6 million dollars. There are no proper records to account for what happened to the other millions of dollars channelled into the Fund. The Queensland government has decreed that this money will be used to fund 'support projects' such as an Aboriginal bank, history kits for schools and family tombstones. This despite Aboriginal protests that the money belongs to individuals and should be returned to them to use as they wish. Once again government has adopted special conditions for Aboriginal people.

When Australian governments adopted the policy of assimilation in the 1950s they promised a new level playing field and improvements across the board. Twenty years later they could rightfully showcase legislative and administrative reforms; however, outside of the statute books that equal playing field – a prerequisite for achieving assimilation – remained an elusive dream. So too was economic parity and independence. Governments failed to provide resources to relieve the consequential poverty of earlier policies. While access to federal cash welfare benefits and mainstream services, in particular state schooling, promised economic relief and advance, a further twist of government illogic allowed immediate employment needs to slip from the agenda. Rather than benefiting from new opportunities in the mainstream economy, many Aboriginal families became enmeshed in a vicious cycle of unemployment and welfare dependency, for which they were blamed, once again.

As with working class families at the end of the 19th century, the nuclear family became the vehicle and destination of Aboriginal assimilation into middle-class Australia. A 1964 West Australian government pamphlet *Citizens*¹² depicted the new dream with Aboriginal families acting as responsible citizens in various settings, but above all, living as nuclear families on typical suburban blocks with a brick house, garden, family car, interior furnishings and household appliances with a mum in the kitchen, dad coming home from work and the children from school with an older sister wearing the latest style frock. This imagery reinforced preconceptions that assimilation was inevitable and unproblematic and misled readers into believing that many Aboriginal families had already successfully

negotiated the transition. In fact they were being swept up in spiralling pressures to change and punishments for failing to adopt a new way of life that few had the means to achieve, whether or not they wished to take it on. Assimilation accelerated the 'special conditions' – deprivations, interventions, tutelage, control, surveillance, accountability and punishments – that once again limited and distorted responses, intentions and outcomes. Government practices and Aboriginal resistance, along with white racism and a new misguided altruism, all contributed to the complex outcomes of this policy.

Grossly inadequate government funding was a central stumbling block, along with stifling institutional inertia and entrenched resistance to change. Administrators seemed unable to break away from established 'practices of suppression' that severely disadvantaged Aboriginal communities and ultimately blocked the road to assimilation.¹³ There is a sadly familiar ring to the following list of their sins of omission and commission:

- Inability to re-form around new policy directives
- Lack of research and planning
- Grossly inadequate resources (financial and human)
- Programs of change imposed from above
- Inability to relinquish punitive controlling measures
- Blindness to the ethnocentrism of policy and practice
- Failure to appreciate the extent of white racism and its potential to obstruct initiatives, as well as Aboriginal resistance and agency.

Queensland epitomised the intransigence of government. In contrast to the other states it had remained committed to the state's network of segregated settlements and missions. Rather than improving conditions there following alarming reports linking negligent conditions and malnutrition to rates of infant mortality six times the state average,¹⁴ officials intensified punishment and surveillance. Residents with no incomes to purchase utensils, cleaning products or serviceable furnishings,

were punished for failing to meet official standards of cleanliness and hygiene. In 1966 superintendents were granted sweeping powers to punish residents for 'being idle, careless or negligent at work, refusing to work or behaving in an offensive, insolent or disorderly manner, failure to conform to reasonable standards of good conduct, exhibiting behaviour detrimental to the wellbeing of other persons, committing acts subversive of good order or discipline'. In 2002 the Cape York Justice Study commented that this was 'part of what was publicly claimed as a 'liberalisation' of State controls' under assimilation policy.¹⁵

Aboriginal resistance escalated over the decades as official goals clashed with Aboriginal cultural imperatives. Families had welcomed the promise of new conditions and rights, but many resisted pressures to abandon the support of their extended families, for the more precarious nuclear family unit. Official expectations of middle-class family living often clashed with accepted Aboriginal ways of doing things. Many resented pressures to uncritically adopt the ways of the people who had oppressed and rejected them for so long and, as anthropologist Diane Barwick¹⁶ observed at the time, white people and their ways 'simply weren't interesting'. With a combination of low irregular incomes and many dependants – the 1966 Census showed 50 percent of Aborigines were under the age of twenty-one – families had a 'special vulnerability' to the downturn in rural employment.¹⁷ In the past governments had responded by removing children from impoverished Aboriginal families, and once again, despite their avowed commitment to the intact nuclear family unit, they resorted to the same tactics, thereby perpetuating Aboriginal family break-up and resentments.

In southern Australia the intention was to empty institutions and town camps and relocate families to suburban housing estates, despite white opposition and lack of state housing. When Western Australia converted its larger settlements to farm training schools for children all adult residents – the elderly, sick and institutionalised who had lived there all their lives – were directed to move out, with only a train ticket to help them on their way. One woman I interviewed was a small child when she arrived at Moore River Native Settlement north of Perth in

1918 and, apart from a brief placement outside as a domestic servant, had lived there continuously, first in the dormitory, then working long hours without pay sewing garments for government departments and finally marrying and going to live in a tent in the settlement camp. With no alternative, she thought to return with her family to the same sort of fringe camp in the same district her mother had originally been taken from, with nothing to show for all their years away, to begin picking up the pieces of their disrupted lives. However, the fringe camps were being cleared and bulldozed and they had nowhere to go.¹⁸

The government's solution of 'transitional housing' was a cheap way to accommodate the many families rendered homeless in this way, while supposedly preparing them for life in the suburbs. Families living in shacks on reserves with shared shower and toilet blocks were to be rewarded with the privilege of moving up the housing ladder as their life style began to approximate white models and practices. However, progress was blocked by the dearth of Aboriginal housing: in 1967 Western Australia had just over 500 one-roomed huts and only 35 conventional homes.¹⁹ A consequence was overcrowding – in rural New South Wales in 1965, the average Aboriginal household group was double the state round.²⁰ Frustrated by lack of resources to effect change, government officers fell back on established practices and escalated household management and inspections.

The New South Wales Aborigines Welfare Board's adage that 'training for assimilation begins in the home' meant creating 'good wives' and 'responsible mothers' who would make a stable home for their husbands and children. An essential marker of assimilated households was scrupulous cleanliness and a correspondent wrote in the New South Wales government magazine *Darwin*²¹ that if mothers '[did] their part, this business of assimilation [could] be speeded up until in a few years time the colour bar will be ceased'. Aboriginal women were in a terrible bind: struggling to survive on incomes often below the minimum wage, they could not afford the necessities of home yet were held responsible for failing to meet imposed new standards. The government's response was to provide training

and monitoring through house inspections, both intrusions resented by most families. Training in homemaking and management and skills for dealing with shopkeepers, teachers, hospital staff, maternal and child welfare nurses, police was delivered by white female social workers, clinic nurses, counsellors, teachers and volunteers. The potential threat to families from home inspections is evident in the following comment from a welfare officer in Western Australia in 1968:

A thorough examination was not made, as the father was not present. From what I saw, however, I am satisfied that the children are 'neglected', if for no other reason than the shack they live in.²²

Compulsory school attendance, introduced in all states as part of the assimilation policy, brought further pressures to conform in the home. At the same time mainstreaming of child welfare services opened a new range of placements for removed children in Aboriginal hostels, child welfare homes, foster and adoptive families, and institutions for juvenile offenders. In Western Australia between 1960 and 1966 placements increased by over a thousand and by 1970 20 percent of all children in Department of Child Welfare institutions were Aboriginal.²³ This happened despite repeated official instructions that field officers were to 'no longer deal with children as a separate entity and the only part of the Aboriginal race worth saving' but to work with intact families since children were 'best reared with their parents under normal circumstances'.²⁴

At the same time, in a further twist of government illogic, employment was allowed to slip from the agenda, despite the fact that father's regular income was the lynch pin of the suburban home, a fact acknowledged in the creation of Australia's basic wage for working families. The 1966 Commonwealth Census²⁵ – the first to attempt to collect Aboriginal statistics – reported Aboriginal male unemployment at double the national rate, probably a woeful underestimate of the situation. In a shrinking rural labour market workers were left to fend for themselves. Those who did go out to work were told to leave their children behind

for school or face losing them. Many families who moved to the city in search of housing and work became trapped in a cycle of unemployment and deepening poverty.

Federal social security and other cash benefits, gradually extended to Aboriginal families over a thirty-year period from the mid-1940s, provided much needed relief for struggling families previously eligible only for rations of flour, tea and sugar and then often only in centralised settlements. But with limited access to paid employment in the mainstream economy this also created dependency on government welfare. Once again special conditions were introduced to calm white concerns about Aboriginals' capacity to act responsibly. These included the extended period of time taken to extend benefits to all Aboriginal people and the refusal initially to pay benefits directly to individuals, as was the case for other Australians. This continued in northern and central Australia into the early 1970s, largely without supervision, creating opportunities for mismanagement and abuse. In the early 1960s welfare officers in the Kimberley observed pastoralists paying workers out of pension moneys and issuing social security payments as rations of flour, tea and sugar.²⁶

Initially, administrators, missionaries and employers accustomed to dipping into Aboriginal moneys viewed these cash benefits as another source of 'funding'. In the early 1960s the Queensland government was planning to reduce expenditure by diverting Aboriginal pensions to state revenue. A particular injustice was the manipulation of child endowment payments due to Aboriginal families from 1942. Intended to assist Australian mothers to keep their families together, child endowment was to:

... ease the burden of the mother of the family. It relieves her at least of some of the fear that adversity may prevent her from giving to her children that adequate support which they deserve and which she desires to provide.²⁷

Prime Minister Menzies stated in Federal Parliament that the benefit was 'a redistribution of the national income' for the 'practical enjoyment and aid' of families and to relieve 'the economic pressures on parents'.²⁸ Introduced during the 1940s it was set at five shillings for the first child and ten shillings for each other child. Given the size of most Aboriginal families this should have constituted a boon for struggling parents. Instead it brought a new burst of special conditions.

In Western Australia police screened Aboriginal mothers applying for child endowment and those deemed 'incapable' of using the money 'properly' were instructed to place orders on local storekeepers. All mothers remained under police surveillance as welfare officers recorded their advance towards assimilation. Mothers who resisted these measures faced the threat of removal of their children.²⁹ The new Commissioner of Native Affairs, Stanley Middleton, stopped this practice in the early 1950s on the grounds that it was 'a most iniquitous and inequitable deal'.³⁰ However, as a matter of expediency, some employers in the north continued to distribute endowment payments into the 1960s with little supervision. Shirley Andrews of the Council for Aboriginal Rights commented at the time that it was 'common knowledge that [child endowment] money has been misappropriated in some cases and mishandled in many'.³¹

A further injustice was the channelling of child endowment to expand institutional facilities for Aboriginal children. For example, bulk endowment payments to missions and settlements in Queensland and the Northern Territory were used to finance capital works such as settlement schools, dormitories, hospital clinics and art workshops. In this way, child endowment contributed to the continued separation of children from their families, in contradiction to the stated aims of endowment and the policy of assimilation.³²

In 1971 a columnist in the Melbourne *Age* newspaper asked 'What motivations will [Aboriginal] people have for health, hygiene and better housing when their past has been destroyed, their present is lived in squalor and their future holds little hope?'³³ Thirty years later the Cape York Justice Study was asking similar questions after visiting house after house crammed with families of several generations surviving

on pooled welfare benefits and living without even basic furnishings such as tables and chairs. Thirty years after the *Age* article the Commonwealth census registered rates of unemployment calculated at 3 times the rate for non-Indigenous Australians, with unemployment of Indigenous youth peaking at 31.8 percent. Of employed Aboriginal people (which includes those on Community Development Employment Programs) 60 percent worked in low skill occupations. Only two percent of Indigenous people were listed as employers. Add to this the alarming statistics for health and life expectancy.³⁴ The children are paying the price of growing up in these poverty-stricken environments.

This is 'consequential poverty', the devastating legacy of the tragic illogic that has plagued decades of government planning as stated intentions to liberate Aboriginal people from poverty and dependency were translated into projects that limited and distorted outcomes and reinvigorated pessimistic self-fulfilling prophecies. As Ros Kidd stated in a recent public lecture on the Stolen Wages:

... governments ... institutionalised poverty, hunger, destitution, sickness and death to a degree unheard of in our 'free' country. It is government, which charted their failures and hid those records from the public; it is governments which must now be made accountable for the deeds of their office – deeds whose cost haunts and shames our nation today.³⁵

But it is not just government. We are all responsible. The interests, imaginings and fears that we hold within us as a nation that stem from our colonial past and present and the hypnotic and comfortable 'twilight of knowing' most of us inhabit all help to shape these ingrained patterns and bestow on them an appearance of normality. Surely the Stolen Wages issue is the ideal vehicle to finally snap Australians out of that hypnotic twilight zone and to create a common understanding of what Aboriginal people have had to endure in the past and the will to work together to create a better future.

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