



Aboriginal Legal Service
of Western Australia, Inc

Perth Head Office
Piccadilly Square
7 Aberdeen Street
Perth WA 6000
ABN 61 532 930 441

PO Box 8194
Perth Bus Ctr WA 6849

T 08 9265 6666
F 08 9221 1767

Toll Free
1800 019 900

28 July 2006

Mr Jonathon Curtis
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Sir/Madam

Please find attached ALSWA submission in to the Inquiry into Stolen Wages.
If you have any queries regarding the submission please do not hesitate to contact me.

Yours faithfully

Dennis Eggington
Chief Executive Officer



**Senate Legal and Constitutional Committee
Inquiry into Stolen Wages, 2006**

Submission from the Aboriginal Legal Service Of WA Inc. (ALSWA)

Table of Contents:

<i>Introduction</i>	<u>2</u>
<i>The documentary records in Western Australia</i>	<u>3</u>
<i>Patterns of archival destruction</i>	<u>5</u>
<i>ALSWA recommendation</i>	<u>7</u>
<i>Attachment to ALSWA submission: response to Inquiry terms of reference (a) to (g)</i>	<u>9</u>

Introduction

The Aboriginal Legal Service Of WA (ALSWA) welcomes the opportunity to make a submission to this inquiry. While many Aboriginal people in Western Australia today exist on the fringes of the mainstream economy, their marginalisation is historically a relatively recent phenomenon. In the nineteenth and for much of the twentieth century, the labour of Aboriginal workers was the main contributor to the wealth of the State's pastoral and pearling industries. The Aboriginal workforce in regional centres was also fundamental to the operation of local economies. But many Aboriginal workers in Western Australia through to the 1960s were either paid low wages or no wages at all. The cross-generational poverty embedded as a result of this inequitable system is one of the main challenges facing our society today.

The appropriation of the wealth created by Aboriginal workers is a historical issue of great importance to the Aboriginal community in this State. We commend the Senate Legal and Constitutional Committee for establishing an Inquiry into Stolen Wages. However, we wish to express our grave concerns at the unreasonably short time frame allowed for preparation of submissions to the Inquiry. The terms of reference for the Inquiry are comprehensive yet the current deadline date for submissions (28 July 2006) ensures that the vast majority of relevant information will not be presented to the Committee. This would seem to defeat the purpose of conducting an inquiry, for there can be no accurate findings made from such a cursory investigation.

On 21 June 2006 ALSWA was invited to participate in the Inquiry into Stolen Wages, which gave us little more than a month to draft our response. The extent of research required to adequately address the Inquiry's terms of reference would entail many months of archival research, in addition to the work involved in assisting our members to prepare submissions based on their own or their parents' or grandparents' personal dossier files. I

detail in the following paragraphs the extent of information in Western Australia that is relevant to the Inquiry.

The documentary records in Western Australia

There are over four million pages of information about Aboriginal individuals and families in the existing archive of personal dossier files created by the Native Welfare Department, and its precursors the Native Affairs Department and the Aborigines Department. These files cover the period from the early twentieth century through to 1972. Information in relation to the Department's administration of wages and Commonwealth social security payments to Aboriginal individuals during this period would be contained in these personal dossier files. Most of the archival files are held in Perth at the Family Information Records Bureau, which is part of the WA Department for Community Development. There are also 5,539 personal history cards at the Family History Information Service at the Department of Indigenous Affairs containing extracts from the personal dossier files. Access to these personal history cards and to the personal dossier files is restricted to the Aboriginal subjects of the files or, if they are no longer alive, their direct descendants. Written permission from an elderly Aboriginal person must be shown if they want their child or grandchild to access their personal file on their behalf. When the Native Welfare Department was disbanded in 1972 there was no requirement for the Department to return these dossier files to the individuals concerned, and many Aboriginal people still do not have their own or their parents' files and indeed may not be aware that such files exist. For ALSWA to assist its members to retrieve their personal files, if they do not already have them, would be a major undertaking. To then assist people to prepare their submissions to the Inquiry into Stolen Wages would be a task requiring substantial time and resources.

In addition to the personal dossier files which the Department kept on Aboriginal people, there are approximately 16,000 archival files housed in the State Records Office of WA (SROWA) that are referred to as the administrative files of the Department. These files

cover the period from the late nineteenth century through to the early 1990s. The personal dossier files and administrative files were sent to separate repositories when the Department of Native Welfare was disbanded in 1972, and the files of the Aboriginal Affairs Planning Authority were subsequently archived along with the collection of Native Welfare administrative files in SROWA. Many of these administrative files contain personal information about Aboriginal people, and would be relevant to the research for the stolen wages inquiry. For instance, almost all of the files in Consignment 3412 which relate to Kimberley pastoral stations in the decades after World War II contain information about the leaseholders' administration of old age pension payments to Aboriginal people resident on the stations. Native Welfare officers in the late 1960s and early 1970s identified anomalies in the management of old age pension payments for Aboriginal people, whereby the cheques were paid into accounts held by the Kimberley station owners, through their head offices in places sometimes as distant as Sydney. These files also detail information about Aboriginal workers' wages and their complaints that station managers withheld all but 'pocket money' amounts of cash from the wages. It is likely that files in this series which relate to pastoral stations in other regions of Western Australia would include similar information.

A brief search of the SROWA online catalogue of administrative files retrieved approximately 300 titles which appear to be directly relevant to the terms of reference for the Senate Committee stolen wages inquiry. Such titles include a file from 1910, 'Aborigines account - Trust Moneys received on behalf of individual Natives - re disposal of', also 'Gold obtained from Aboriginal reserves - Percentage to be held in trust for natives', from 1934, and 'Employment of Natives, wages and working condition - Awards affecting employment', from 1965. A keyword search using the terms 'employment' and 'native' retrieved about 225 titles from the online catalogue. Clearly, such information would be relevant to the terms of reference for the Inquiry. In addition, the information contained in archival files in relation to pastoral stations, missions, and government-run Aboriginal settlements and stations would most certainly be significant

to questions about the administration of Aboriginal wages and social security payments. Given the vast archive of records in Western Australia relevant to the Senate Committee Inquiry into Stolen Wages, ALSWA considers the time frame allowed for preparation of submissions to the inquiry to be totally inadequate. It is clear that any response to the Inquiry would entail a far greater program of documentary research than is even remotely possible in the space of five weeks.

Patterns of archival destruction

I also suggest that oral testimony from Aboriginal people about their own or their relatives' experiences would be necessary to establish the facts of the matter, since the documentary record is incomplete. In previous decades, the various government departments with statutory responsibility for the so called 'protection' of Aboriginal people in Western Australia destroyed many of their own files. The patterns of destruction of Departmental files in relation to Aboriginal people – files which were destroyed without the subject's knowledge or consent - are particularly relevant to the terms of reference for the Inquiry into Stolen Wages.

Recent research into the records of the Aborigines Department and its successors shows that of the 15,400 personal dossier files created between 1926 and 1959 in relation to Aboriginal individuals and families, which are listed in an existing card index, about 21% were deliberately destroyed.¹ These records would likely have contained, among other material, information about the Department's management of individual trust accounts, the person's employment history and any real or personal property the Chief Protector held in trust for the person who was the subject of the file. Under Section 33 of the *Aborigines Act 1905*, the Chief Protector was empowered to hold property in trust for

¹ / Marsh, Lauren and Kinnane, Steve, 'Ghost files: The missing files of the Department of Indigenous Affairs', in *Studies in Western Australian History*, Vol 23, 2003, pp 111- 127, p 121.

Aboriginal individuals. Although the legislation stipulated that this required the person's consent, the existing Departmental records suggested that the Chief Protector made the decisions based on his own priorities and Aboriginal people had no practical avenues for appeal.

During the same period, from 1926 to 1959, approximately 55% of the administrative files created by the Department were destroyed. The selection of these files suggested it was more than just routine culling, since the list of destroyed files contained 'both provocative and potentially important titles for contemporary areas of research.'² Such titles referred to protests by Aboriginal people against their removal and internment in government settlements, and information on the parentage of children who were made wards of the Department. Files relating to north west pastoral stations were heavily purged, as were files containing registers of Aboriginal 'inmates' on missions, and files relating to Aboriginal residents of reserves and ration depots. These destroyed files would probably have contained information on the employment of Aboriginal workers and the administration of their wages, or the distribution of the food and tobacco rations they received for their labour instead of wages. Files with titles that specifically referred to Aboriginal employment and living conditions on pastoral stations and missions also seemed to be targets of Departmental file destruction.³

The file disposal policies were graphically illustrated in the recollections of Mr Norman Harris, a Noongar elder, who had worked for the Department as a junior officer. He recalled being told to burn personal dossier files in a 44 gallon drum, out the back of the office, and that he and another employee were 'throwing the files in' as the documents were incinerated. In retrospect, Mr Harris believed it was a deliberate attempt by the Department to destroy documentation, and he was convinced the information on the incinerated files would have been particularly relevant for Aboriginal people trying to

² / *Ibid.*, p 121.

retrieve their family history.⁴ As addressed above, these files would also have contained information about people's employment and financial affairs which would be relevant to the Inquiry into Stolen Wages.

ALSWA recommendation

ALSWA urges the Senate Legal and Constitutional Committee to acknowledge the limitations of the timeframe allowed for submissions to the Inquiry into Stolen Wages. ALSWA also asks the Committee to recognise that any findings made after reviewing submissions prepared under such restrictions can only be of a preliminary and incomplete nature. ALSWA responds emphatically 'yes' to the final term of reference for the inquiry:

- (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.

ALSWA encourages the Senate Legal and Constitutional Committee to recommend that Parliament establish a national Inquiry into Stolen Wages. ALSWA suggests that it be modeled on the Stolen Generations Inquiry. For a national Inquiry into Stolen Wages, there should be hearings in capital cities and regional centres around Australia so that all Aboriginal people affected by government controls over their paid labour have the opportunity to recount their experiences. ALSWA's calls for a national inquiry are given particular urgency by the fact that many of the Aboriginal people who lived through past discriminatory regimes are now elderly. Their knowledge is irreplaceable. Given the incompleteness of the documentary record in relation to the governance of the Aboriginal population in Western Australia, their personal testimony will be needed to fill some of the critical gaps in the Departmental archives. The national inquiry should also be supported by a permanent team of qualified researchers, since the amount of relevant

³ / *Ibid.*, pp 121 – 126.

⁴ / *Ibid.*, p 116.

information to be retrieved from the existing archival record in Western Australia alone is enormous.

Comprehensive investigation of these records is beyond the resources of organisations such as ALSWA, but we would welcome the opportunity to participate in a national Inquiry into Stolen Wages, an event we believe is an important stage of the reconciliation process in Australia. It is essential that all Australians learn about the significant contribution Aboriginal workers made to our nation's economic wealth.

Yours sincerely,



Dennis Eggington
Chief Executive Officer
Aboriginal Legal Service Of WA

Attachment to ALSWA submission: response to Inquiry terms of reference (a) to (g)

The following part of this submission has been written by ALSWA historian, Dr Fiona Skyring:

I, Fiona Skyring, am currently researching a history of ALSWA which last year celebrated three decades of incorporation as a legal service. I worked as a historian from 1999 to 2005 for the Kimberley Land Council Aboriginal Corporation (KLC), the Native Title Representative Body for the Kimberley region. In this role I prepared a total of fifteen expert witness history reports for various Kimberley native title claims. Most of these reports were filed in the Federal Court as part of native title litigation in which the KLC represented the applicants for a determination of native title. Five of these applications have subsequently been successfully determined by the Federal Court. ALSWA will be seeking permission from the Executive Committee of the KLC to cite details from the native title reports written by me, in order to illustrate the impact of government controls over Aboriginal labour and financial affairs in Western Australia. Due to the short time frame for the preparation of submissions to this inquiry, ALSWA was unable to make such an application. ALSWA hopes by the end of August to have secured permission from the KLC Executive Committee to quote details from the native title reports, and to include this information in further submissions to the Inquiry. I would like to emphasise that my responses to the terms of reference are of a preliminary nature only. I hope to have an opportunity to submit further and more detailed information on behalf of ALSWA so that the Senate Committee has before it all of the relevant information upon which to base its recommendations.

My knowledge of Western Australian history has a Kimberley focus, which may be apparent in the following paragraphs. But the Western Australian legislative framework

applied throughout the State. Even though in terms of employment practice there were differences between, for instance, the remote north and the urban centres in the southwest of the State, Aboriginal people in Western Australia for much of the twentieth century were subject to laws which did not apply to other Western Australians. The identification of 'Aborigines' or 'natives' in the statute was by notions of 'caste' and fractions of 'blood' descent. Such definitions were imposed by colonial and later State legislators through to 1972. This legislative regime was overtly racially discriminatory. Until major amendments to the *Native Welfare Act* in 1963, it underpinned an administration that imposed segregated housing, education and health care on Aboriginal people throughout Western Australia. From the introduction of summary justice for Aboriginal offenders in the 1849 *Aboriginal Native Offenders Act* through to the *Native Administration Act 1936*, various legislative instruments specifically denied Aboriginal people's civil and political rights, and paid little regard to their human rights.

Please note that many of the terms used in previous legislation and other documents which refer to Aboriginal people are now considered to be offensive. In the text I place these words in inverted commas, except when I quote verbatim from the documents. In my responses I use the term Aboriginal instead of Indigenous, since this is the term preferred by the Executive Committee of the ALSWA.

With regard to Indigenous workers whose paid labour was controlled by Government:

(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;

At any given time from the late nineteenth century through to 1963, the number of Aboriginal workers in Western Australia whose paid labour was controlled by government would have been equivalent to the number of Aboriginal workers across the State. Since this figure was never accurately calculated it is difficult to quantify, but it would include the majority of Aboriginal adults, most of the teenagers and some of the

children. Legislation in 1886 enabled Aboriginal children to be apprenticed in a 'suitable trade' until they were twenty-one years old, and such indentures made before a Resident Magistrate were binding.⁵ On pastoral stations in the Kimberley children as young as eleven were listed in the archival records from the 1950s as working.

At the turn of the twentieth century, the total number of Aboriginal people in Western Australia was estimated to be 24,000.⁶ Today, Aboriginal people comprise a little less than 3.5% of Western Australia's total population. The estimated resident Aboriginal population in 2001 was 65,931.⁷ So the number of Aboriginal people whose labour was controlled by the government would have been substantial, certainly more than 20,000 for the decades before and after the Second World War. But many of these workers were not paid in the ordinary sense, and received rations of food and tobacco in return for their labour.

Under the *Aborigines Protection Act 1886*, employment contracts between employers and Aboriginal individuals over the age of fourteen were supposed to be in writing, fully explained to the Aboriginal person concerned (who more than likely could not read or write), and be witnessed by a Justice of the Peace or an appointed 'Protector of Aborigines'. The term of the contract could not be more than twelve months. The Act made no mention of wages, but referred to the 'substantial, good and sufficient rations', and clothing and blankets, that the employer was supposed to provide.⁸ Rations consisted of flour, tea, tobacco, and sometimes meat and sugar. In practice, the employment contract system was widely abused by non-Aboriginal employers and there was no protection for Aboriginal workers against physical violence or exploitation. In the 1904

⁵ / *Aborigines Protection Act*, No 25 of 1886, Section 36.

⁶ / Haebich, Anna, *Broken Circles; Fragmenting Indigenous Families 1800-2000*, Fremantle Arts Centre Press, Fremantle, 2000, p 210.

⁷ / from <http://www.aihw.gov.au/publications/ihw/rdcatsihws05/rdcatsihws05-x01.pdf>

⁸ / *Aborigines Protection Act*, No 25 of 1886.

Royal Commission into the treatment of Aboriginal people in Western Australia, Commissioner Roth found that,

there is nothing to prevent the greatest scoundrel unhung, European or Asiatic, putting under contract any blacks he pleases.⁹

Roth also commented on the ‘unjust inequality’ of punishment for breach of employment contracts. For an Aboriginal person, the penalty for breach was up to three months imprisonment, but for the employer it was only a fine. Roth found that there was nothing in the legislation to stop employers making Aboriginal people work without a contract, and that collusion between police and pastoralists meant that many station owners could illegally force Aboriginal people to work for them on the stations. Based on evidence the Royal Commission gathered in hearings held throughout the State, no Aboriginal workers in the north west were paid wages, despite the fact that at the time they comprised the overwhelming majority of workers in the region.¹⁰

The *Aborigines Act 1905* extended the definition of those subject to the legislation to include all ‘half-castes’, and as a result of this many people of Aboriginal descent in the south of the State came under the jurisdiction of racially discriminatory legislation when previously they had not been. These people not only lost civil rights with this reduction in their legal status, they became vulnerable to Departmental control over their personal lives and their property as well. Although the Department did not have the legislative power to force Aboriginal people to hand over their wages and property to be held in trust by the Chief Protector, this became an increasingly widespread practice.¹¹ In terms of government control over paid labour, the *Aborigines Act* did little to improve conditions for Aboriginal workers who continued to be bound by contracts similar to those outlined in the *Aborigines Protection Act*. The *Aborigines Act* introduced breach of contract as an

⁹ / Roth, Dr Walter E., Commissioner, *Report of the Royal Commission on the Condition of the Natives*, Government Printer, Perth, 1905, p 6.

¹⁰ / *Ibid.*, pp 7-8.

¹¹ / Haebich, Anna, *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1904*, second edition, University of Western Australia, Press, Nedlands, 1992, pp 83 – 122.

offence, and for Aboriginal people this extended to refusing ‘without reasonable cause’ to ‘enter upon or commence his service.’ There was nothing in the Act which enforced the payment of wages to Aboriginal workers, and the only reference to any kind of exchange for their labour was that they be provided with ‘substantial, good and sufficient rations,’ along with clothing, blankets and medicines.¹² Aboriginal people were far more likely to be charged for breach of contract than were their employers, and the archival records contain countless references to police pursuing ‘absconding’ Aboriginal servants. These police were often the same individuals who were also the local appointed ‘Protectors’ of Aboriginal people. There was a fundamental conflict between the dual roles of so called ‘Protectors’ of Aboriginal people and enforcers of the punitive provision of the Act. In this conflict the interests of employers invariably overrode that of Aboriginal workers.

Specific provisions for the employment of Aboriginal workers were repeated in the *Native Administration Act 1936*, and were not repealed until reforms under the *Native Welfare Act 1954*. Although this 1954 Act was still a legislative basis for government intrusion into Aboriginal people’s lives, it repealed the sections in relation to employment contracts. The archival files indicate that the Native Welfare Department continued its central involvement in the control of the Aboriginal pastoral workforce in the north west. One of the Department’s functions was to check that pastoral employers fulfilled their responsibilities to their Aboriginal employees in terms of the provision of adequate food, housing and health care, but Native Welfare Department patrol reports from the Kimberley for the 1950s through to 1972 suggested that the standards of rations and housing were usually poor and often appalling. Correspondence showed that the Department provided assistance to pastoralists to secure employment of Aboriginal workers, but rarely were pastoralists forced to meet their obligations to their workers in terms of housing, living conditions and health care.

¹² / *Aborigines Act* , No 14 of 1905, Sections 25 and 22.

(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;

The provision to Aboriginal workers of food, clothing and lodging on many pastoral stations was not in addition to wages, nor deducted from a standard or award wage. For many Aboriginal pastoral workers in Western Australia during the prosperous post-World War II decades, food and clothing rations in exchange for their labour was the norm. Until late 1968 Aboriginal pastoral workers in the Kimberley were not paid award wages. This was legal at the time, since under the Federal Pastoral Industry Award Aboriginal people were specifically excluded in the definition of the term 'station hand.' On many Kimberley pastoral stations, working stockmen received only pocket money amounts of cash while their wages were little more than ledger entries, credited to the station store. Native Welfare patrol reports showed that on some stations until 1970, Aboriginal women who worked as domestic servants were not paid at all and were recorded as being 'kept' in food and clothing.

As mentioned in my introduction, ALSWA will seek permission from the KLC Executive Committee to quote from KLC native title reports, with the intention of including this information in further submissions to the Inquiry. Although I am the author of all of the history reports filed in the Federal Court as part of native title litigation in which KLC was involved, the reports are the intellectual property of the KLC. I hope that I am able to submit excerpts from these reports to the Inquiry, since the chapters which I titled 'Station days' in several of the reports contain a considerable amount of information on the employment and living conditions of Aboriginal people in the Kimberley, and the events leading up to the introduction of equal wages for Aboriginal pastoral workers. This information is directly relevant to term of reference (b) for this Inquiry. What I can quote here is the assessment by former Commissioner of Native Welfare, Stanley

Middleton, who sought in 1952 to estimate the value of Aboriginal labour to the pastoral industry. He acknowledged that calculating the value was difficult, but that,

... the measure of native contribution towards our State economy is in direct ratio to the value of pastoral and some rural produce which at the lowest estimate must still be expressed at a very high percentage. According to the 1951 W.A. Year Book, the nett value of pastoral production for the year 1949-1950 was £26,000,000.¹³

For a summary discussion of Commonwealth social security payments to Aboriginal people and evidence of misappropriation of these payments by pastoral station owners, see my response to (e) below.

(c) what trust funds were established from Indigenous earnings, entitlements and enterprise; government transactions on these funds and how were they secured from fraud, negligence or misappropriation;

The extent of relevant information about the trust funds established and administered by the Department on behalf of Aboriginal people is substantial. There is information in the administrative files of the DIA archive at SROWA. A keyword search retrieved file titles such as 'Native Trust Accounts - Bank Deposits', 1966-1972, and 'Finances - natives trust accounts', 1940. There is also information in the personal dossier files of the archival collection at the Family Information Records Bureau. A comprehensive response to this term of reference would require considerable research, which was not possible within the limited timeframe for preparation of submissions to this inquiry. I hope to have the opportunity to conduct further research and submit more detailed information on behalf of ALSWA to the Inquiry in the future.

¹³ / SROWA, AN 1/25, Acc 1733, 803/ 1945, 'Native Policy in Western Australia', 25 August 1952, S.G. Middleton, Commissioner of Native Affairs to Minister for Native Affairs.

(d) all controls, disbursement and security of federal benefits including maternity allowances, child endowment and pensions, and entitlements such as workers compensation and inheritances;

See my response to (e) below.

(e) previous investigations by states and territories into official management of Indigenous monies;

As far as I am aware, the only official investigation of this kind undertaken in Western Australia was an inquiry in 1965 by Special Magistrate Davies into the management of old age pension payments to Aboriginal people by pastoral leaseholders in the Kimberley. Although there are a number of archival files in the collection at SROWA which detail this investigation, given the time constraints under which this submission was prepared I was unable to review the information. These particular files are listed in the index as restricted, which means that to review them entails seeking permission in writing from the Department of Indigenous Affairs and waiting for that request to be assessed. This process can take up to three weeks. I therefore can only base my response in this instance on secondary sources, and hope to have a further opportunity to present more detailed information to the Senate Legal and Constitutional Committee on the issue once I have reviewed the relevant archival files.

Because of discriminatory provisions within Commonwealth legislation relating to social security benefits, many Aboriginal people living on missions, stations and reserves in the Kimberley were excluded until 1960 from receiving Commonwealth benefits such as old age and disability pensions, maternity allowances and child endowment. In 1960 they became eligible to receive Commonwealth benefits (except for unemployment benefits, from which Kimberley Aboriginal people were specifically excluded until 1964). But since many elderly Aboriginal people could not read and write English and did not have their own bank accounts, the social security cheques were paid to the stations and

missions on which they resided. Station managers and mission superintendents were appointed as official warrantees.¹⁴

The legislative reforms which made Aboriginal people eligible for old age pensions and maternity allowances resulted in a 'flood of money' into the Kimberley economy, according to a Native Welfare officer in Derby in 1960. It had a positive impact on living and working conditions on the stations, and for the first time some of the elderly residents who had worked under the food rations for labour system now had the resources to live beyond a subsistence level. They had money to purchase their own clothes and food. But under the management of some station owners, many old age pensioners in the Kimberley received only 'pocket money' amounts from the total fortnightly pension payments of £9 10s, since station managers took out a proportion for food and lodging. The Pastoralists' and Graziers' Association protested to the Minister for Native Welfare that pension money was being misused to support 'hangers-on', and they argued that station managers should be empowered to manage the entire pension payment without any cash payments to the pensioners themselves.¹⁵ Kimberley station patrol reports by Native Welfare officers in the 1960s showed that many Aboriginal people, particularly the elderly, continued to live in appalling conditions. Accommodation was often little more than a humpy or a shed with a dirt-floor, and the diet provided was substandard.

The Department of Social Security became less willing to entrust Kimberley station managers with administration of pension payments, and a formal investigation was launched in 1965. Special Magistrate Davies from Social Security was accompanied by Native Welfare officer Kevin Johnson as they travelled to stations around the Kimberley. They encountered widespread abuses, and the argument by pastoralists that the money was being used to generally improve standards of living for pensioners was not supported

¹⁴ / Jebb, Mary Anne, *Blood, Sweat and Welfare: A history of white bosses and Aboriginal pastoral workers*, University of Western Australia press, Nedlands, 2002, p 255-257.

¹⁵ / *Ibid.*, pp 258-263

by the evidence on the stations themselves. Davies recommended that Aboriginal pensioners be given 'guidance' about the value of their pensions and their entitlements, to prevent their social security payments being 'absorbed by the stations.' As a result, the Director of Social Security warned the WA Minister for Native Welfare that he had to address the problem of old age pension mismanagement by station managers, and bring the practices in line with other States. The Director argued that some station warrantees regarded pension payments as 'a form of station subsidy', and that pension money was 'undeservedly and unnecessarily benefiting the station to the extent to which value is withheld from the pensioner.' The Native Welfare Department responded with further surveys of Kimberley stations, which uncovered further anomalies. In one case, at Gogo station which was part of the Emanuel family pastoral holdings, the station owners simply refused to let the Native Welfare officers to view their books containing information about pension payments.¹⁶ A directive from the Department of Social Security in 1966 stipulated that at least \$9 of the \$23.50 fortnightly payment was to be paid in cash to individual pensioners. The Native Welfare Department publicized this new ruling that 'pocket money at the rate of \$4.50 per week in cash' should be paid to all warrantee pensioners. The Department instructed their officers to investigate this on each station, and report any non-compliance to the Department of Social Services.¹⁷

The archival files to which I referred in the paragraph above would contain details of the Davies' investigation and subsequent Native Welfare surveys and reports. I also know, from my research for expert witness history reports for Kimberley native title claims, that there is a considerable amount of relevant information on the station files of the SROWA archival collection. I hope to have the opportunity to revisit these records and submit more detailed information on behalf of ALSWA to the Inquiry.

¹⁶ / *Ibid.*, pp 264-269.

¹⁷ / *Ibid.*, p 270. See also 'File memo', 25 Nov 1966 from K.L Broomhall, District Officer – Fitzroy Crossing, WA, in SROWA, WAS 46, Cons 3412, NDG 36/94, 'Stations: Millijidee via Derby.'

(f) current measures to disclose evidence of historical financial controls to affected Indigenous families; the extent of current databases and resources applied to make this information publicly available; whether all financial records should be controlled by a qualified neutral body to ensure security of the data and equity of access;

The access procedures for personal dossier archival files with the Family Information Records Bureau are outlined in the first part of this submission. Many of the administrative archival files of the Department housed at the SROWA are also restricted, but the application process is open to general researchers and those involved in the preparation of expert evidence for native title litigation. The Department of Indigenous Affairs manages the access procedures for the files in this archival collection. For information on the extent of current databases and resources available, I suggest the Committee seek further information from the WA Department of Indigenous Affairs and the Family Information Records Bureau at the Department of Community Development.

To separate the financial from non-financial information in the existing archive in Western Australia would be impractical, since there are financial records, including details of wages, pensions, trust accounts and government policy in relation to the management of these, throughout the archival collection. As stated above, this collection is vast.

(g) commitments by state and territory governments to quantify wages, savings and entitlements missing or misappropriated under official management; the responsibility of governments to repay or compensate those who suffered physically or financially under 'protection' regimes;

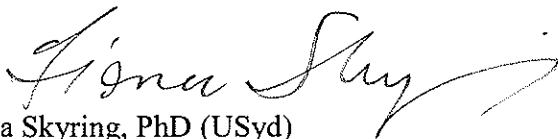
In Western Australia, there have been no such commitments and to my knowledge the Western Australian government has not given any undertaking to repay or compensate Aboriginal people. Yet it was the various Departments responsible for so called

¹⁷ / *Ibid.*, p 270. See also 'File memo', 25 Nov 1966 from K.L. Broomhall, District Officer – Fitzroy Crossing, WA, in SROWA, WAS 46, Cons 3412, NDG 36/94, 'Stations: Millijidee via Derby.'

'protection' of the Aboriginal population in Western Australia which endorsed and facilitated exploitative and racially discriminatory employment practices. These practices continued to operate in the Kimberley and other remote regions of the state until the late 1960s, and affected many people who are still alive today. In addition, there needs to be adequately resourced interrogation of Departmental and existing company records to ascertain the extent and details of leaseholders' misappropriation of old age pension payments to Aboriginal people. The records suggest that misappropriation of these Commonwealth benefits was widespread on pastoral stations in the Kimberley, and this was probably the case for other remote regions in Western Australia.

Substantially more research is required into the Western Australian government's management of the finances of Aboriginal individuals and families. I argue that there needs to be a detailed investigation to trace the history of the many trust accounts referred to in the archival file indexes. Such investigation would also need to identify from the index records, as far as practical, trust account files deliberately destroyed by the Department. The oral testimony and personal records of Aboriginal people who were affected by Departmental control of Aboriginal trust accounts would necessarily be a central part of the investigation.

I fully support ALSWA's assertion that there needs to be a properly resourced national Inquiry into Stolen Wages. The decades of unpaid wages and withheld benefits represent a massive economic resource that was taken from Aboriginal people in Western Australia. I urge that a national inquiry be established to begin to redress this historical injustice.



Fiona Skyring, PhD (USyd)

28 July 2006

fskyring@als.org.au