



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

SENATE

STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL
AFFAIRS

Reference: Indigenous workers whose paid labour was controlled by government

THURSDAY, 16 NOVEMBER 2006

PERTH

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**SENATE STANDING COMMITTEE ON
LEGAL AND CONSTITUTIONAL AFFAIRS**

Thursday, 16 November 2006

Members: Senator Payne (*Chair*), Senator Crossin (*Deputy Chair*), Senators Bartlett, Brandis, Kirk, Ludwig, Scullion and Trood

Substitute members: Senator Moore for Senator Ludwig

Participating members: Senators Allison, Barnett, Bernardi, Bob Brown, George Campbell, Carr, Chapman, Conroy, Eggleston, Chris Evans, Faulkner, Ferguson, Ferris, Fielding, Fierravanti-Wells, Fifield, Heffernan, Hogg, Humphries, Hurley, Johnston, Joyce, Lightfoot, Lundy, Ian Macdonald, Mason, McGauran, McLucas, Milne, Murray, Nettle, Parry, Patterson, Robert Ray, Sherry, Siewert, Stephens, Stott Despoja, Watson and Webber

Senators in attendance: Senators Bartlett, Crossin, Payne, Siewert and Webber

Terms of reference for the inquiry:

To inquire into and report on:

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;
- 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 enterprise; government transactions on these funds and how were they secured from fraud, negligence or misappropriation;
- d. all controls, disbursement and security of federal benefits including maternity allowances, child endowment and pensions, and entitlements such as workers compensation and inheritances;
- e. previous investigations by states and territories into official management of Indigenous monies;
- 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;
- 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;
- h. what mechanisms have been implemented in other jurisdictions with similar histories of Indigenous protection strategies to redress injustices suffered by wards; and
- 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.

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Committee met at 9.00 am

CHAIR (Senator Payne)—Good morning, ladies and gentlemen. This is a hearing for the Senate Standing Committee on Legal and Constitutional Affairs inquiry into Indigenous workers whose paid labour was controlled by government—or, as it has come to be known, the stolen wages inquiry. The inquiry was referred to committee by the Senate on 13 June 2006 for report by 7 December 2006.

The inquiry will consider, amongst other things, the approximate number of Indigenous workers in each state and territory whose paid labour was controlled by government; the measures taken to safeguard Indigenous workers from abuses; what trust funds were established from Indigenous earnings, entitlements and enterprise; and commitments by state and territory governments to quantify wages, savings and entitlements missing or misappropriated under the official management of Indigenous moneys. The committee has received 124 submissions for this inquiry. All submissions have been authorised for publication and are available on the committee's website.

I remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee. Such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee.

The committee prefers all evidence to be given in public, but, under the Senate's resolutions, witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may, of course, also be made at any other time.

[9.02 am]

RAYNES, Dr Cameron Murray, Private capacity

Evidence was taken via teleconference—

CHAIR—Welcome. You have lodged a submission with the committee which we have numbered eight. Thank you very much for that. Do you need to make any amendments or alterations to that submission?

Dr Raynes—No, but I do have some further information that might be of use.

CHAIR—Certainly. We will come to that. I invite you to make an opening statement, with that information, as you have indicated, and then we will go to questions from members of the committee. We appreciate that you are appearing by teleconference. I understand that is not always the ideal way to do business. We look forward to hearing your opening statement and we will go to questions after that.

Dr Raynes—Thank you. I will start off by saying that I have a speech impediment, so, if there is a pause, just bear with me. In my original submission to the inquiry I wrote to four topics. The first topic was the approximate number of Aboriginal workers in South Australia whose paid labour was controlled by the South Australian government. I indicated that in South Australia the only Aboriginal people so affected were those who worked on the government stations at Point Pearce and Point Mcleay. I suggested that there were between 400 and 800 such workers.

I was not sure if archival records existed which could help to determine this number. I can now say that there are five groups of records which may shed light on this issue. I can supply the inquiry with notes on these if required. I also mentioned in my submission that there was much discontent among the Aboriginal residents of these two stations with the work and living conditions. I can also supply the inquiry with more information on this point if required.

The second topic in my original submission was the trust funds run by the South Australian government. The Aborigines Department in South Australia operated trust accounts on behalf of those Aboriginal people they considered incapable of looking after their own financial affairs. By 1953 there were 45 Aboriginal trust funds operated by the Aborigines Department containing £2,375 in total. These individual accounts were consolidated into one account known as the ‘trust fund—Aborigines Protection Board’. This information is contained in archival record GRG 52/1/1953/114. During research into the Aborigines Department in South Australia I made brief notes regarding 13 trust funds mentioned in the archives—these are 13 of these 45 Aboriginal trust funds. I can make this information available to the inquiry.

The third topic was maternity allowance and child endowment in South Australia. In my submission I noted that the Aborigines Department controlled the child endowment of certain Aboriginal people. They did this where they thought that doing so would allow them some measure of control over the payee. I also mentioned irregularities in the child endowment regimes at Koonibba Mission and the UAM’s children’s homes—UAM stands for the United

Aborigines Mission. As indicated, I can provide more detail on the following issues: (a) Aboriginal women were required to pay their maternity allowance to the hospital in which their baby was delivered, (b) the Aborigines Department used child endowment money as a means of controlling Aboriginal people, (c) the staff of the Koonibba Mission withheld child endowment money with the knowledge of the South Australian government and (d) the United Aborigines Mission did not spend child endowment money appropriately. I have information on all of those points.

The fourth topic of my original submission was access to records by Aboriginal people in South Australia. I gave the context behind the South Australian Attorney-General imposing a blanket ban on the most important record group relating to Aboriginal people in South Australia—GRG 52/1. This was done in 2004, and as far as I am aware the ban is still in place. This rich record group is still virtually useless. That concludes my extra remarks.

CHAIR—In relation to the further information you say you can make available, the committee would be grateful for any of that that you can provide us with. As you know, information is king, it seems to me, in this process. So that would be very helpful. Thank you for the offer.

Senator CROSSIN—I am interested in whether any of your research has any implications for Indigenous people in the Northern Territory. I will put that into context. The Northern Territory was actually part of South Australia for a number of the years we are looking at. We are having difficulty either accessing records or locating Indigenous people in the Northern Territory who may have been affected by this. Can you shed any light on that for us?

Dr Raynes—Most of the records that I have looked at did not relate to Aboriginal people from the Northern Territory. The NT was formed in 1911 and my period of research really focuses on the 1930s, 1940s and 1950s. Having said that, though, there are records held in the South Australian archives which do relate to Aboriginal people in the Northern Territory and there are even some for the period around the 1940s, when Aboriginal people were evacuated from the NT and were camped at various locations in South Australia. But as to whether there is in any information in those records on wages, child endowment or trust funds, I could not say for sure.

Senator CROSSIN—Thank you for that. Can I just ask then about the maternity allowance. Is there a general pattern in cases where the maternity allowance was withheld or was that really a decision made on a case-by-case basis?

Dr Raynes—There seems to have been an arrangement in place between the Aborigines Department in South Australia and Queen Victoria Hospital whereby any Aboriginal patient who was having a child in that hospital was expected to pay a flat rate of £7 10s, which I think is exactly half of the maternity allowance that was paid to Aboriginal people. There seems to have been an arrangement that was struck possibly in the early 1950s or late 1940s under which that arrangement held.

Senator CROSSIN—I am assuming your research shows that non-Indigenous people got £15?

Dr Raynes—£15 is correct, yes.

Senator CROSSIN—They were never asked to keep half of their component at the Queen Victoria Hospital if they had a child there?

Dr Raynes—I cannot answer that question. I am not sure of that. I have not looked into that.

Senator CROSSIN—Can I just ask you then about the ban that is in place in relation to accessing records held by the South Australian government. You believe that that is still in place?

Dr Raynes—As far as I know it is. I have not heard anything that would suggest otherwise. I have not been back to try to get access to any documents for about 12 months now, so I cannot be sure of that, but I do have quite a few contacts who would have advised me if the ban had been lifted. It is not an official ban and I do not think it is well known outside the circle of people who are interested in accessing GRG 52/1. Does that answer your question?

Senator CROSSIN—Yes, but I have a few more that follow from that.

Dr Raynes—Sure.

Senator CROSSIN—Do you know when the ban was put in place, why there would be reservations about accessing these records and whether is it related to any freedom of information legislation in South Australia?

Dr Raynes—As far as I know the ban was pretty much put in place as a direct result of investigations that I was making between 2002 and 2004, when I had access to GRG 52/1 as a private researcher. As I wrote in my submission, I became aware of some very interesting facts around the custody and guardianship of Aboriginal children. I knew that some of the records that I needed to consider were in the possession of the Attorney-General, so I applied for access to see these particular records.

After about six months of trying to get access to them, I finally received a letter from the Attorney-General advising me that the records I wanted to look at were subject to legal professional privilege and furthermore that he was going to ask the head of the department of Aboriginal affairs in South Australia to stop my access to GRG 52/1. That happened in April 2004 and, very soon after, it was extended to everybody else who wanted to look at GRG 52/1. The regime in place is that you have to put in requests on a file-by-file basis.

The problem seems to be that the Crown Solicitor has realised that in GRG 52/1 there are occasional correspondences between his office and the Aboriginal affairs department and that these constitute legal advice. The attitude of the government seems to be that any correspondence from the Crown Solicitor to the Aboriginal affairs department is subject to legal professional privilege. Freedom of information will not work in this sort of situation because legal professional privilege is one of the things that are specifically excluded, as far as I know, from freedom of information.

Senator BARTLETT—Thank you for your evidence and submission. You mention in your submission that GRG 52/1 is a fairly significant source of information covering the sorts of

things the committee is inquiring into. Are you aware of many other people apart from you who have read through significant parts of it?

Dr Raynes—Yes, I do know of other people who have read through GRG 52/1. I could probably name three or four people who have spent quite a few hours in there.

Senator BARTLETT—I am trying to get a sense of just how much awareness there is, even at a researcher level, about the sorts of questions we are looking at and whether people have looked at them and know about this resource or whether nobody has really systematically dug through it all.

Dr Raynes—I do not think that much has been done on these particular questions. GRG 52/1 is an extremely rich resource, but it surprised me, when I first came to South Australia, that more work on it had not been done. There do seem to be huge gaps in the research work on Aboriginal affairs in South Australia between 1900 and 1950, and part of my work was an attempt to fill in those gaps.

Senator BARTLETT—Do you know if individual people or descendants or families have tried to access personal records through this file and how they have fared in trying to do that?

Dr Raynes—Up until 2004 they did have access to GRG 52/1. I actually worked at State Records of South Australia, which housed this resource. A couple of Aboriginal people would come in each month and ask for access to 52/1, and access would generally be given. I cannot tell you what has happened since April 2004 because I do not work with State Records any longer—and I have not worked with them since about 2003. I presume that Aboriginal people are still going to State Records and asking to see GRG 52/1 and still being referred back to the department of Aboriginal affairs to get permission on each file they would like to see. That makes it very hard for people to do any significant research.

Senator SIEWERT—So all the records that would provide useful information on this issue are contained in that file?

Dr Raynes—No. GRG 52/1 is one of 93 record groups that directly pertain to the running of the Aborigines Department of South Australia. It is the most important one, but there are several others that impact on the question of how many people may have been employed at Point Pearce and Point Mcleay stations, including GRG 52/53, GRG 52/65, GRG 52/71 and GRG 52/86. I think I have one other that I can supply as well.

Senator SIEWERT—Are there bans on those ones, that you know of?

Dr Raynes—No, I think it is pretty much just GRG 52/1, which contains most of the correspondence between the Crown Solicitor's Office and the Aborigines Department. Even with GRG 52/1, I have read through possibly 60,000 items of correspondence in that series and I have come across about eight items of correspondence from the Crown Solicitor's Office. So there is not much in there either.

Senator SIEWERT—So, if people want to get a full picture of what happened in South Australia, getting access to these other records will help but GRG 52/1 is the most important file?

Dr Raynes—Absolutely; it contains virtually everything you would need to answer these questions.

Senator SIEWERT—My understanding, from your submission, is that there were 45 trust funds and that they were pooled in 1953.

Dr Raynes—Yes.

Senator SIEWERT—What happened to them after that?

Dr Raynes—I cannot answer that. My period of research went up to about 1954. There was no other mention of it in 1954, and I really do not know what happened to it after that. Somebody would have to go through GRG 52/1 to find that out.

Senator SIEWERT—So we do not know if those funds were even given back to—

Dr Raynes—No.

Senator SIEWERT—We do not know, or they were not?

Dr Raynes—I do not know if they were or not. I cannot say that they were not given back but I have not come across any piece of correspondence that says they were given back. But that may exist; I did not read very many files after 1954.

Senator SIEWERT—So you think that those records would be in GRG 52?

Dr Raynes—If those records exist, they will be in GRG 52/1.

Senator SIEWERT—When we were in Queensland we were trying to find out if Treasury records were available, or records on the trust fund up there when they pooled theirs. Has anybody looked at the Treasury records?

Dr Raynes—No, I have not thought of doing that and I do not know of anyone else who has thought of that either.

Senator SIEWERT—What is the general level of community awareness on this issue—the stolen wages issue—in South Australia?

Dr Raynes—I think it is very low. It does not seem to be a topic that would get much airplay in South Australia and I do not think, amongst the general population, many South Australians actually know what went on even as recently as the 1940s and 1950s. There were lots of things that went on that have not been discussed or written about at all and it is mainly due to the way that the Aborigines Department in South Australia worked. They were extremely secretive and

tried to clamp down on any dissent. I do not think there is much awareness of Aboriginal issues generally in South Australia.

Senator SIEWERT—That is in the general community. What about in the Aboriginal community? Has there been much work done within the Aboriginal community on trying to chase this down? Are they also banned from looking at the records?

Dr Raynes—Yes, they are. As far as I know, they are effectively banned from accessing these records. I think, from my time at state records, that the Aboriginal people who came in and wanted to have a look at the archives were, by and large, interested in just their own family. As far as I can recall, there was not a single Aboriginal person in the 2½ years that I worked there who came in and asked to go through GRG 52/1 to uncover issues like this. It was more that people would come in to find out about their own family, and there were not that many of those people coming in either.

Senator SIEWERT—Thank you.

CHAIR—Dr Raynes, thank you very much for speaking to the committee this morning and for your submission. You have indicated in relation at least to my question and perhaps to some others that you can provide the committee with further information, and we would be very grateful to receive that. Our secretariat will be in touch with you about that.

Dr Raynes—That is great.

[9.32 am]

DAVIES, Ms Tahnee, Managing Solicitor, Civil and Human Rights Unit, Aboriginal Legal Service of Western Australia Inc.

EGGINGTON, Mr Dennis, Chief Executive Officer, Aboriginal Legal Service of Western Australia Inc.

SKYRING, Dr Fiona Mary, Historian, Aboriginal Legal Service of Western Australia Inc.

FRANKS, Mr Arnold, Private capacity

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Mr Franks—My name is Arnold Franks, but that is a given name; it is not my proper name. I was born at Moore River settlement in 1930. I have all those papers here, including my drivers licence. I worked on stations. I was first sent east of Kalgoorlie. I was sent to Edjudina and Menangina. Tonkin took over there. I worked there for two years shearing. When I got to Perth I got 25s and my pass back to Moore River settlement. They get you to sign this and sign that, and you do not know what you are signing. I learnt to read after that. I am not really good at it, but I can read a little bit.

Also, I have not had a drink for 43 years. I could not handle alcohol. I joined Alcoholics Anonymous. Jimmy Taylor, an auctioneer who lives in Belmont, can tell you. He was one of my blokes. He helped me. Joe Quiggly, who worked at the Royal Perth Hospital, is dead and gone. I had to give up drinking, so I stopped drinking. I stopped smoking as well.

CHAIR—Thank you very much for that introduction. In the formal sense of proceedings, the Aboriginal Legal Service has lodged a submission with the committee, which has been numbered 30. Do you need to make any amendments or alterations to that?

Mr Eggington—No.

CHAIR—What I would like to ask you to do—and I will be guided by you and Mr Franks as to how you would like to do this—is to make an opening statement. I do not know whether all of the representatives of the ALS wish to speak—

Mr Eggington—We do, Chair. I am going to make an opening statement, then Tahnee will give some evidence, then Fiona, and then we will finish off with Mr Franks giving some personal details on the issue.

CHAIR—Okay. I will just draw your attention to the fact that we have about 45 minutes to go through the discussion and we are very keen to ask questions, so we need to balance the time that way.

Mr Eggington—No worries. Thank you very much, Chair, and let me thank you all, at least for doing two things: one is getting the inquiry going and the other is allowing the ALS to come here and have a talk about it. The thing for me is to impress on the committee the way we as the Aboriginal Legal Service, through our thousands of members and boards, feel about and the importance we give this kind of inquiry. It comes out of what I call a second wave of taking resources from our community. The first, of course, was land and then the second was the labour. It has a direct impact on the poverty that Aboriginal people face today.

One of the other most important things for us is that we believe that a true history of this country needs to be told, and that is for two reasons: to give the recognised and rightful place to the role that Aboriginal people played in the early economy right across this country and to help educate the modern-day citizen about that contribution to somehow counter some of the anger and discontent that people feel about our mob and the prejudice and racism that exists. For those two reasons, we think it is very important that the inquiry is held.

We also believe that it needs to be done in a way that helps free up records. We found it very difficult to get access to some records. Without that information it is going to be difficult. We would not have the ability to get people like Arnold Franks, who is with me, and other elders, who are very old and invalid and do need some help from time to time to get from A to B, to finally come and give evidence, and that is very important. I would think that a proper facilitation of the process of getting our elders to give oral evidence is very important. They are the main points that I wanted to kick off with. Thank you.

Ms Davies—Thank you very much for the opportunity to come along today. I would also like to recognise the traditional owners of the area that we are in at the moment. Hopefully from our submissions you have been given some idea of the extent of the number of people who have been affected by this issue. Obviously the most effective submissions are going to be coming, I hope, from people affected directly themselves. I am really glad that we have someone here today and that you have given the chance for some people to speak by phone as well. I certainly support Mr Eggington's comments that it is really important that every effort, and greater effort, be made to get in contact with those people who are directly affected by this issue.

I want to very briefly speak directly to one small part of our submissions—namely, the obtaining of records. I have heard that this has been an issue around the country. From some of the archival documents obtained by our historian here, Dr Skyring, it is obviously clear that Aboriginal people were denied wages or given token stipends for their work. It also appears that there was significant transfer of trust funds, pension payments and child endowment payments without the consent of the intended recipients.

We believe that there is clear documentary evidence of this and that it is held in the archives managed by the Department of Indigenous Affairs. However, despite numerous attempts, the most important information has not been made available to us. It is considered closed. We have been offered access to it, but only on the basis that we sign a confidentiality agreement, which would have meant that we could not actually have presented that information to you today anyway. This is despite the fact that a lot of that information has been included in published works, so we would have thought it would be considered to be in the public domain at this stage.

Obviously, we are very unlikely to know the full extent of the money, either in wages, pensions or endowments, that should have been given to Aboriginal people living in Western Australia in the 1900s. Many of the papers documenting this information have been destroyed, so we really consider it to be of vital importance that the documents that are remaining and that we know to exist are made available to this inquiry and any future inquiry, if one is held. This is going to provide the clearest forensic evidence of where the money came from and where it went to. We are continuing our efforts to obtain access to this information, but we really urge the committee to also try to seek access to this information as we do consider it very important in answering some of the terms of reference of this inquiry. Finally, I endorse the committee's final term of reference. I believe there is a need to set the record straight, through either a national forum or, as I would submit, a royal commission, if possible, to thoroughly investigate the issues in this matter. Thank you.

Dr Skyring—I would like to begin by acknowledging the Nyungar traditional owners of this place. Following on from my colleagues Ms Davies and Mr Eggington, I would endorse a national inquiry or some sort of national forum to investigate this issue. A royal commission would certainly be an option that I think would be useful.

One of the general points I would like to make is that this definitely is a national issue. There are some major differences between the situation in Queensland and the situation in Western Australia, but there are also some significant parallels. The first and most obvious difference is the fact that there really has only been fairly intermittent investigation into this issue in Western Australia. There have not been the court cases and extensive historical research that you would have seen in Queensland and in the evidence that would have been presented before this committee.

There certainly has been some historical research done here in WA, but on all counts there needs to be a lot more. The nonpayment of wages has been covered to a certain extent, but I would suggest—and I say this in the submissions—that there actually needs to be a lot more investigation into the number of people who were affected. Also, we need to actually quantify the value of the labour that was withheld from the Aboriginal community right through much of the 20th century in terms of wages which they were not paid.

The mismanagement of trust accounts is also issue here in Western Australia. Again, it has not been nearly as thoroughly researched as it has been in Queensland. I would endorse Dr Ros Kidd's recommendation for a forensic audit to be undertaken because that is what really needs to happen. Similarly, the misappropriation of government benefits such as old age pension, child endowment and maternity allowance, which I touch on at the end of the second submission, need to be investigated.

My colleague Ms Davies has already referred to the difficulties that we have had in accessing some of this information in the archival collection controlled by the Department of Indigenous Affairs. What I can provide to the committee, if you are interested, is a footnote-by-footnote description of the information from a particular restricted access file that we know is there and which relates specifically to misappropriation of old age pension moneys by warrantees in the Kimberley in the mid-1960s. From work already published, we know that there were investigations in 1965 and 1966 into the way that station warrantees and mission warrantees as well accepted these cheques on behalf of Aboriginal people and were supposed to pass on the

benefits in terms of cash and improved living conditions and housing but never did. We know that there are results of official investigations to actually show that. I am happy to provide that to the secretariat.

I notice that, in the recommendations from the Indigenous Women's Congress, they suggest that there needs to be a completely independent national secretariat to house, manage and generally look after all of these records that are associated with mandatory controls over Indigenous labour and finances. I would certainly endorse the need for an independent secretariat, given our experience with the government agency here that is in charge of controlling those records. The independence of such a body really needs to be assured. Thank you very much for conducting this inquiry.

CHAIR—Thanks very much, Dr Skyring. Mr Franks, you started to tell us some things before and we would be very keen to hear more of your story.

Mr Franks—This lady was just talking about pensions. When I was a young man they never had pensions. People got tea, sugar and flour. The tea leaves were mixed with the sugar and they had to yandy it. We had to yandy for tin or go prospecting with our eyes. There were no metal detectors in those days. We had to yandy. We never got doles or anything in those days. No old people in my time got a pension. Everybody got no money. You got a ration. The old people got a ration and we would get tucker off them. We would get tea and sugar from the aunties and the old grannies. They were not really our aunties, but we called them that out of respect.

Everything we signed we could not read. I could not read in those days. I can read a bit now. I can read when the writing is done properly. I ran away from every home in Western Australia, even Cosmo Newbery. I walked from there to Wiluna. Old Tony Green died. It was in the paper last week or something. He was in the paper as being 107. He saw the coffin too early. I got into mining. Roy O'Connor and a few blackfellas got me to talk, because I know a few different languages. So they got me to talk for them. We fought for mining. We fought Bobby Bropho down here at the Swan Brewery, making waggles. He had never been through law. We had to take our trousers off and go to the doctor. He would not go to the doctor. He said he had never been to law. We were not educated enough.

I got 25s and a pass back to Mogumber. Then the same happened all over again. A lot of those fellows were at Dalgety's. Jackie Braceheart died not long ago. A lot of those blokes—Reggie Yorkshire and Ernie 'Faulkie' Roberts—are all dead. They were my age and they are all dead. There are not many of us left to tell the story now. If you tell the story, straight out properly like it was, people do not believe you. It is the truth. Native affairs give you a pass. They gave me 25s. That lasts a long time out in the bush. Two shearing seasons and I took off. I ran away. I jumped a train in Kalgoorlie. I jumped out at Southern Cross. This side of Southern Cross there is a pub on the road. That is how I got a job on a farm there. I worked there six months and then I went to Bruce Rock. An old auntie of mine married Jimmie Gija. I heard that when I was in Southern Cross. An Aborigine travelling through told me, so I cleared out there and got a job in the shearing shed, picking wool. I got good money there. Other than that we got nothing. Stations gave you nothing. They would give you a hit in the ear. That was about all they would give you.

I can laugh now. I gave up drinking and gave up smoking. I believe in a power greater than myself, which I call God. The whitefellas taught me that. So I learnt something. I thought I would come along to this because my sister asked me. I have two half sisters: Marie McPhee, old Jack McPhee's daughter, and Daphne Sheppard who lives in Kelmscott, Westfield. My father was AJ Neal from Moore River Native Settlement. Marie was his other daughter. Jack came down to marry his missus but she was in the family way with Marie. Jack brought her into the world at Meekatharra. I have three white half-sisters. One, Eileen Asbestos, recognises me. She is a good lady. She is 94. She lives just out of Moora. Her mind is gone. I ring and talk to her boys. The two other ones live in Dalkeith and are millionaires. And that old Neil left me a house and I never got it. They sold the house. All the truth should be brought out. If that old lady loses her memory, I am gone. She is my last hope. She is wonderful. She married Milton Asbestos. He died at 92 years of age. He was a lovely bloke. He called me in. This old fellow was dying, this AJ Neal. He was dying and he wanted me to talk to him. I said: 'I shouldn't be talking to him. I don't want to talk to him.' I went back to the station and Willina Sharps told me. All the Dans come from there. My mother came from down there.

Wooleen, Bogu. Fred Lefroy from Ballidu—he did something. He worked that home for Sister Kate's. Us kids—I was four; I have all this on paper. I have it in black and white on paper. I did not write it. I was four when it happened—Gerry Winmar and Geoff Parfitt. Gerry is there now; he was about two, and Geoff Parfitt was three. He is in the hospital. He is still alive. And Richard Wheeler was seven. Richard Wheeler went to the Second World War. I could tell a good story, if I wanted to; anyhow, I have five minutes!

CHAIR—I think that is Mr Eggington's timetable there!

Mr Franks—All right then. I know I want to tell you the truth. You fellas work out yourselves what you want to believe; that is your business. I can just tell you the truth, because I believe in a strong power that stopped me drinking. If I pick up a drink, I am gone, so that is it: I do not touch it. For 43 years I have never had a drink. I give tea, sugar and all that sort of thing away, because I make bush medicine. I am going to Kalgoorlie, probably—working to get a house up there. A lot of people are tell me things on the phone: 'Oh, granny, they cut them off, you know. They cut off the toes—the foot.' Too much sugar. They are dying from sugar.

A bloke called Graham Thomson—he is a counsellor bloke up there; he is a white fella—is a good friend of mine. He is going to help me get this going. I do not want money out of it. I want to get something for tucker, but I want to see those fellas get better. I have a medicine cure. Arthritis, sugar diabetes. And I have a couple. I have three white people in my book—cancer too. Phyllis Bin Bakar from Broome—she has a son called Mark: Mary G on the TV. I cured her cancer, but she never sent me a letter of thanks. She is after me now, so I have to go today. She is looking to get my bank number. She rang Pat Hurst up in Derby. Pat was talking to me yesterday. Pat said: 'She wants your number. I haven't got your number. Shall I give her the number?' I said: 'No, don't give her the number. I'll give her the number.' She puts the money in the bank, and I will send my number to her. She will forget to give me the money for the medicine otherwise. I fixed her cancer; she still wants to drink it, though. The cancer is gone.

That is the thing. It would save a lot of people. Every country in the world has a remedy, and God gave us a remedy. I still drink it. I am supposed to have gallstones, but I have no pain. You are supposed to have a pain. They are going to take it out—Dr Raj down at Kelmscott. She is

going to get it out on the 21st of next month or something, but I have no pain, so I want to go—I think the medicine cured it. I am not sure yet. You have to be sure.

CHAIR—Indeed.

Mr Franks—Anyway, thank you.

CHAIR—Thank you, Mr Franks. Thanks very much for coming; we really appreciate it.

Mr Franks—I could talk a lot about Aborigines, you know, because I do not drink and do not smoke.

CHAIR—I think that is probably true. I think you could.

Mr Franks—You tell the truth, my word, or you go to jail!

CHAIR—Yes!

Mr Franks—I went to jail for being in the street after six o'clock at night. Old people cannot go down; they are frightened. They say: 'You go down, brother. You go down, and uncle will go down, cousin. Get sugar or tea for me. I'll give you a good feed.' You go down and the policeman catches you: six months; you are gone! The old JP looks at you over the glasses: 'Six months. Stand down.' You do not even plead guilty or not guilty! This is all a true story.

CHAIR—I know. I understand that.

Mr Franks—I may be struck dead by the Lord. I believe in the Lord.

CHAIR—What we might do, if it is okay with you Mr Franks, is to ask you and everyone else who is here with you today a few questions.

Mr Franks—Yes, certainly.

CHAIR—I will start with a question, if that is okay, to Ms Davies, I think. How would you characterise your engagement with the Western Australian government in your efforts to obtain information and to pursue the issue of stolen wages, as they are described?

Ms Davies—We have had mainly contact with the Department of Indigenous Affairs. We have, I think, contacted the Premier in subsequent times to try and ask for his involvement and support. I am not sure what exactly his involvement has been in this process.

Dr Skyring—We urged the Premier to support our initial calls for the Senate committee to come to Western Australia, because initially there were not plans to have hearings in WA. So we wrote a letter of protest to the Premier, asking that he support our efforts in that instance. In terms of the issues that we have had with gaining access to this particular group of restricted files in the DIA collection, we have not really gone much beyond the Director General of the DIA. We have not taken that lobbying further.

CHAIR—So do you characterise it as good, bad or indifferent?

Ms Davies—Well, there is no-one here today.

CHAIR—I have noticed that.

Ms Davies—So I would—

Senator WEBBER—I was going to come to that.

Senator SIEWERT—If I didn't get to it first!

CHAIR—As it happens, happily for me, I am the chair. That is notwithstanding invitations being issued and requests for submissions—

Ms Davies—We assumed that that would be the case.

CHAIR—I do not characterise our communications as poor; they were not. It was fine; everybody was talking, but it just did not result in anything. That is also the case in relation to New South Wales, which is even more ironic, given that New South Wales have taken quite significant steps in this regard. So we are surrounded by irony. Mr Eggington?

Mr Eggington—I might just clarify: I actually personally talked to the Minister for Indigenous Affairs, Ms Sheila McHale. At that stage, the minister thought the issue might be resolved by me and the Director General of the Department of Indigenous Affairs sorting it out.

CHAIR—The issue being access to records?

Mr Eggington—Access to the records. But that was far too late in the day. The submissions needed to be completed and in on time, and that just did not work.

CHAIR—Of course, that does not take account of what you do after that—once you get access to records, what steps government takes to address the matters which we are discussing.

Mr Eggington—That is right.

CHAIR—Thank you very much for that. Senator Bartlett.

Senator BARTLETT—I might make sure I leave space for local colleagues, but I suppose this is the issue I am trying to get a handle on: it seems there is at least a suspicion that there is a lot of information there that could demonstrate the extent of past practices and consequences, and basically the research has not been done, in part because people cannot access the records. Is that correct?

Ms Davies—I believe some research has been done—for instance, for prior inquiries for prior reasons. So there has been access in the past to some of this documentation, but for the purpose of this particular inquiry we were only given very restricted access—in fact, as far as we are

concerned, no access—to those documents. So the content of a lot of that documentation is known, not all of it, though.

Dr Skyring—There has been a considerable amount of research done in relation to gathering historical evidence for native title claims. I think I mentioned in the first submission that that was my introduction to the history of this. Obviously, for expert historical reports for native title claims, the whole issue of stolen wages was not at all central to the brief, so it was not an area of research that was really pursued in any of the reports. I just know, from many years of experience researching in the archives here in Perth, that the records are full of references to the sorts of wages that people were not paid at all, the very limited wages that they were paid and the misappropriation of pension moneys. That is at least in the records that I encountered in the Kimberley, and I am sure that once the entire state documentary collection is properly investigated there will be a lot of similar information that will come to light.

I would also like to endorse what Mr Franks says about the urgency of conducting these investigations because a lot of people are very elderly. Just a short while ago, I was given the very sad news that one of the gentleman from the East Kimberley who responded to our questionnaires that we sent out has passed away since the submission of the second ALS submission. A lot of these people, particularly in the Kimberley and in the Pilbara and in other areas of the state, are now very elderly. I think there is a particular urgency to get any sort of national inquiry under way really quickly, primarily because of that. As Mr Franks says, a lot of the story can only come from the people themselves.

Senator BARTLETT—I am thinking about Queensland, where I am from and where the sense of the size of the issue and the detail of it—as opposed to just a general statement that this sort of thing happened—only got a roll on once somebody got in and really dug around. To some extent, they were doing that before government realised what they were finding.

It seems reasonable to assume similar sorts of things happened in other states, with some variations because of the different laws. But I do not like to operate just on the assumption that that has happened; it is good to have it verified one way or the other. It seems that the effort really has not been made to even verify it one way or the other in a systemic way and this lack of access to records is basically preventing that from happening. Is that correct?

Mr Eggington—Some of the conditions were just unacceptable. For instance, should we have access to some files for this purpose—

CHAIR—For this inquiry?

Mr Eggington—for this inquiry, then we could not use the same information for any other matter later on. That is completely unacceptable, considering that there might need to be some further action later on.

Dr Skyring—In answer to your query just then, there has not been anywhere near the level of investigation undertaken here in WA as there has been in Queensland, but it seems that many similar financial and employment abuses occurred and that, as far as we can see, the information is there to be accessed.

Senator BARTLETT—Sufficient to make a prima facie case, I guess.

Dr Skyring—I do not know. I am not a lawyer.

Senator BARTLETT—I am not either. I throw around fancy words like that to make me sound like I know what I am doing!

Dr Skyring—A considerable amount of this archival collection has been deliberately destroyed by previous state government regimes, so that is a factor that needs to be taken into account. We mentioned in the first submission the patterns of archival destruction. North-west files, trust account files—all the information is gone, which is why it is so important to get the evidence before it is too late from the Aboriginal people themselves who lived through it.

Ms Davies—The trail may be difficult to follow but we suspect that at least there is going to be portions of good evidence where you could—

Dr Skyring—It is highlighted by a published work, which I refer to quite a few times in the second submission, by Mr Steve Kinnane, who I see is going to be a witness later on this morning, which has documentary evidence and stories from his family that combine to tell the complete picture. Unfortunately, his grandmother passed away before he was born.

Senator WEBBER—I will continue with the issue of access to records. Following on firstly from Senator Payne's questioning, I want to place on record, as a Labor person from Western Australia, my disappointment in the state government's inability to make a submission or to appear. It is something I will pursue with them. One of the issues that was raised with us about Western Australia when we had the hearing in Queensland and that may be a reason why it is a bit hard to get hold of some of the records was the knowledge of the Commonwealth government way back in the fifties having concern about what the Western Australian government was doing with pension payments and what have you and they went to the trouble of placing that on record. Is the ALS aware of that?

Mr Eggington—I am not, but I have a 10-year history in an organisation with a 30-year history. It may be in our archives or somewhere in the collective memory of the ALS, but I am not aware of that.

Dr Skyring—As far as I can tell from the research I have done for this inquiry, the complaints from the federal department really started to become a lot more emphatic in the 1960s. Commonwealth legislation, as stated in our earlier submissions, was racially discriminatory and openly so up until 1960 when at least the Old Age Pension Act, as it was then called, changed to allow Aboriginal people who had previously been excluded to access old age pensions. Those who remained excluded up until 1966 were those deemed to be living, in the words of the legislation, a 'nomadic or primitive' life. The change in 1960 meant that a lot of Aboriginal people in places like the Kimberley, the Pilbara and, I think, even the Goldfields—my colleague can clarify that later—all of a sudden were eligible to get old age pensions.

Many of them, particularly those living on pastoral stations, did not have their own bank accounts and many of them could not read. So the money—the cheques—were sent to the stations. The local state native welfare department administered the approval of who would get

this authority. Once that approval was granted the social security department were happy and they would send the cheques there. But in the 1960s there was a lot of evidence coming forward that this system was being misused, and that is when the social security department insisted on a formal investigation. That was the 1965 investigation that we would like to look at.

I have not done much research into complaints in the 1950s, but I did review a file where the argument was actually the other way around: the state native welfare department was arguing with the Commonwealth that the old age pensions of particular types of Aboriginal people who ended up in native hospitals—because then the hospitals were segregated, so they ended up in what were called native hospitals—were cut as soon as they went into these institutions. The state government wanted them to be continued, but the Commonwealth argued that, under the terms of the legislation, they became ineligible. I think it was more an issue of who was going to fund the care of these elderly Aboriginal people; I do not think it was particularly an issue of justice or injustice.

Senator WEBBER—If one jurisdiction was concerned about the behaviour of the other it could explain why sometimes records are a bit hard to access or mysteriously disappear and are destroyed.

Dr Skyring—Just following on very briefly from that, on the issue of child endowment, I have not done much research into this at all but on the little bit that I have done child endowment was paid directly to institutions like missions such as Moore River native settlement. In fact, at the end of the submission I note a file in the archival collection called exactly that—‘Moore River Native Settlement Child Endowment Scheme’. That was actually happening in the 1940s, so whether or not there were similar concerns on the part of the Commonwealth in relation to the administration of that at a state level I not am sure. I think further investigation would certainly answer that question.

Senator WEBBER—Given the difficulties in accessing information, informally I have been led to believe that the depth of the problem in Western Australia is as significant as in Queensland, and we do know a lot more about the issues in Queensland. Would that be your informal understanding? I am not going to hold you to it.

Mr Eggington—Certainly it is from the talks I have had with many of our elders and other people who are interested in the area. I have had a number of phone calls from people over the last three or four years since things started to be talked about on the east coast. Many people have contacted me and have given stories. I would think just from that that what you are saying is probably correct.

Senator WEBBER—Okay. I will leave it there. If we have time at the end I will ask more questions.

Senator CROSSIN—I really only have one question and then I will leave it to Senator Siewert. Just let me put this in context. I am pretty keen to investigate the extent of this situation in respect of the Northern Territory as I am from the Northern Territory. There are a couple of things. It seems that we are still trying to get a handle on exactly what legislation applied to whom and how money was paid—such as in the example of the child endowment. That is one issue. The second issue is that I think a lot of people are not even aware that other legislation

might have applied. Indigenous people in the Territory tell me they got £5 a month. Have you done any research that might show that £5 was absolutely what they were due? When we talk about the payment being substantially less than award rates, what was the expected payment back then? I know that would have varied from decade to decade. Have you done any research about that?

Dr Skyring—It did change, over time. In 1950, as far as I can tell, the payment of wages was always a state issue. The Commonwealth did not step in and have any involvement at all. Mr Franks might be able to talk about the money he was paid when he was working on the stations but, from what I can tell, a minimum payment was introduced in the Kimberley in 1950. It varied in scale from, I think, £3 down to £1, depending on the kind of work and whether it was a male worker or a female worker. Throughout that period, in the 1950s and 1960s, the more skilled workers, often the people referred to in the documents as half-caste, were paid full award rates. Other workers were not paid anywhere near award rates. In fact, I suspect that a lot of Aboriginal workers in the Kimberley were not paid any money at all. In the Native Welfare reports—I have encountered many of them; I have included them not so much in this submission but in previous native title reports—people’s wages are listed in the station reports that had to be submitted to the Department of Native Welfare, but the people themselves told the Native Welfare patrol officers that they never saw any money. They occasionally got bits of cash to go to the pictures or at the end of droving, but many people existed in an entirely cashless economy. Even when they got a pension cheque or a child endowment cheque, because they did not have bank accounts—many of these people did not even go into town—the only way of redeeming the value of that cheque was through the station store. Native Welfare patrol officers argued that this was a system open to abuse.

Senator CROSSIN—Given that it is a bit like a jigsaw puzzle and we do not really have all the pieces—some state governments are reluctant to even talk to this committee—what benefit would there be in a national forum as opposed to a royal commission? A national forum may not get state governments there; it probably will not. A national forum will not get a lot of Indigenous people there because a lot of people out there still do not know about this. Would a royal commission have more clout—more power to fill in the missing jigsaw pieces?

Mr Eggington—That is our submission. The evidence is that, without the Royal Commission into Aboriginal Deaths in Custody, much of what we now know would not have come forward. So I would think a royal commission is what is needed, and that is certainly our submission.

Ms Davies—I think that, in the wider public consciousness, the term ‘royal commission’ has prestige and delivers to the wider community the necessary message of the importance of the issue. It alerts them to the fact that it really is a significant issue.

Dr Skyring—The advantage of a royal commission would be, as far as I am aware, that you could compel certain documents to be brought forward and insist on certain evidence being presented—evidence which, as I said, we know is there; it is just that I have not been able to get to it for the purposes of this inquiry.

Senator SIEWERT—I want to go back to the issue of no wages. It seems that the situation here in Western Australia was different from Queensland in that, in Queensland, the wages they

should have got were documented in records but held in trust—they did not get them. But it seems to me that, in Western Australia, we do not have records; there just were not wages.

Dr Skyring—The records say that there were no wages. The Chief Protector said in 1925 that many Aboriginal people in Western Australia lived in a state of semi-slavery. It was openly acknowledged that many Aboriginal workers, throughout much of the 20th century, were not paid any money at all—and, as we argue in this submission, that system was not only known by the state government but also supported by the state government. There were, of course, protests by Aboriginal people themselves and by other activists who knew that this was wrong. The system of essentially forced labour, where labour costs were kept so low that they were negligible, made so much money for the pastoral industry and for other industries. I do not think the pastoral industry across the north—and, Senator Crossin, this applies to the Northern Territory as well—would have even started were it not for this vast pool of unpaid Aboriginal labour.

Senator SIEWERT—I am very conscious of the time and I have a whole lot of things that I would like to pursue. Your submission is quite substantive, which is really good, but it is only substantive to the point where we actually have records that you can get access to. In Queensland, for example, we viewed ledgers where there were records of what people held. We actually saw a copy of a register where there had been a substantial amount of money taken out not by the person who was owed the money. It seems to me that in WA we do not even have that, do we?

Dr Skyring—From at least the research that I have done for the Kimberley, those records start to appear in the 1950s. Prior to that, they did not even bother keeping such records because there was no money exchanged.

Senator SIEWERT—They did not think that they needed to, I suppose.

Dr Skyring—With the station patrol reports that started to be more systematically compiled and collected from the mid-1950s onwards when there was a change to the legislation and a fairly substantial increase in the number of staff employed by the Department of Native Welfare. As I said before, these wages were recorded for people but, from other evidence—indeed other documentary evidence—it seems that they never got that money in cash. Things from the station store were booked up against their £3 a week or whatever it was. So there are records but, again, they need to be really carefully scrutinised.

Mr Eggington—I would not like to think that that would be a reason why we would not want to look in case there are no records. We have seen some. Dr Skyring, please tell me if I am wrong, but some of the files we want to access pertain exactly to the trust fund.

Senator SIEWERT—Yes, do not misunderstand me. I was not trying to use the argument for that.

Mr Eggington—No, I know you were not. I just wanted to put that on the record.

Ms Davies—One of the reasons why we have not brought them forward is simply a resourcing issue. Obviously Dr Skyring has spent a lot of time on these submissions, as have

many people. We have spoken to the general community. We just did not have the time and resources to actually do this justice as we should have done.

Senator SIEWERT—This leads me to my next question. I know that you have been doing surveys, and you have sent us some examples of what you have been getting returned. It seems to me that this may be one of the first times, if not the first time, that anybody has gone out to talk to people about what happened and to get their evidence and their stories.

Mr Eggington—That is correct. We live and learn as well—for example, with people like Mr Franks, who is finding it difficult to read my writing that says ‘work for no pay’ there. There are probably many people who saw the surveys and could not respond to them in the way that they wanted to anyway.

Senator SIEWERT—Which goes on to the issue that you brought up before about the need to collect oral evidence.

Mr Eggington—And I can put it on the record that since things happened in the eastern states information has started coming through the *Koori Mail* and other sources. I cannot comment on the quality of the work, of course, but work was done by organisations such as NAILS and QAILSS. Certainly in the last years Aboriginal people have started to tell stories about this for the first time.

Ms Davies—I will add to that. Lawyers travelling through especially the Kimberly land for the last few years have had people approach them on a very ad hoc, sporadic basis. The lawyers did not really know what to do with that information. So people knew that it was an issue but did not really know what to do with that information—both the people who underwent these experiences and the lawyers who received the information.

Mr Eggington—And we tread lightly too, Senator, because the expectation will be that people will get their money back. When you look at some of the records you might see that there is £1,200 owing to people, and if those people are still alive the expectation will be that the ALS will get that back. So it is really difficult, especially after the *Bringing them home* report.

Senator SIEWERT—There are another couple of issues I would like to raise. I am very conscious of the time, so I want to touch very quickly on the 1965 inquiry. My understanding, from what you have said, is that we would need to go to the Commonwealth as well to get some of that information.

Dr Skyring—I suspect that the records for that 1965 inquiry by the Department of Social Security are on some files somewhere in the National Archives office. I started looking but I just did not have time to locate those files, if they do exist. It would be better to get to see, uncensored, the records housed in the State Records Office, but I suspect that since it was a Department of Social Security investigation there would be a copy of that somewhere in the National Archives. That may be something that this Senate committee can assist with; I am not sure.

CHAIR—We do not have a resident historian either, Dr Skyring.

Senator SIEWERT—Also of interest, obviously, would be the response to the inquiry. What is your take on the response both from the Commonwealth and from the state?

Dr Skyring—Going on the information that has been published in the history by Dr Mary Anne Jebb, it seems that the response was initially a little bit of buck-passing. The social security department complained to the native welfare office that there were these anomalies and that they should do something about their system of approving station warrantees and mission warrantees. The Department of Native Welfare, right through to when the department was closed in 1972, never seemed to be able to actually force some of the more obstreperous station managers to comply with the law, essentially.

In this document that I will be able to give to the secretariat, and it is in Dr Jebb's book, there was one station in the Kimberley run by the Emanuel brothers where they simply refused to let the Native Welfare officers look at the records that they kept of old-age pension cheques they received, because at the time they were receiving cheques on behalf of about 14 elderly people, and what they actually did with the money. So the native welfare department were not particularly effective in enforcing the law. And I guess because the social security department, as far as I know, did not have people permanently in places like the Kimberley they could not really take steps to enforce it. One of the ways it seems that they addressed it was by threatening simply to stop the pension cheques, effectively withholding the pension cheque from an eligible Aboriginal person, rather than prosecuting the abuse that was going on through the middle person.

Senator SIEWERT—When we were in Queensland Dr Kidd presented evidence and she touched on Western Australia. We got the impression from her evidence that there was a different situation in the south than in the north. Is that an accurate understanding?

Dr Skyring—My understanding is that it is. Certainly in terms of the whole issue of mismanagement of trust accounts that were set up by the department and managed on behalf of Aboriginal individuals it does tend to be more of an issue for Aboriginal people in the south-west whose employment was directly controlled by the department, in the sense that with, say, people from the Moore River settlement the department said, 'You will go to that station and work,' or 'You will go to that household and work as a domestic servant,' and a proportion of their wage was put into the trust account. This is where my own documentary research is very patchy, but from what I have read in secondary sources and from what I know of anecdotal evidence, when people went to get their money it was always less than what they would have expected for working for wages for many years. Mr Franks might like to talk about that.

Mr Franks—If you could not read too well and you had to sign a paper for over £1,000, you needed to sneak someone in with you, some young fella who could read a bit, or you could come out with 10s. If you are like me, with no schooling, you do not know. It was my own fault. I ran away from every home, including Sister Kate's. Fred Lefroy had half-Aboriginal brothers like Ike Simpson's father—Olabundi, we called him. Fred Lefroy—all of us boys at Mogumber had to call her Aunty. Sister Kate, she was from the Murchison. She was lovely. She bought that ground and gave the deeds to Sister Kate—I was still there then—and it was never to be sold. It was for the half-caste children who were not wanted. Now we have to fight for that land. We have a little bit top side—the school with the gate—and all the other side has been taken by the Uniting Church. I helped to build that church with a wheelbarrow. Richard Wheeler, who was

older, went to the Second World War. This is all true. They would make us sign something. They are doing that now with land rights. When you have to sign something they have a lawyer bloke there who is putting anybody in the thing. I won the case with Judge French on land registration rights. George Irving was another native affairs man. These things have been going on and on, and I am just sick of them.

I believe we should work together to put our kids in school and give them a chance. I have a granddaughter who will be a lawyer next year. Another one is a top accountant. They are Tucker girls. Bernie Ablett married Patti Tucker, Les Tucker's daughter. Those two girls go to school. They help me as much as they can with the paperwork. I have been to the legal service and told one lady there—and you would know her—to check up on the wages for us. I thought we had no chance because we signed for anything. Old Beazley finished up on an alcoholic diet. Those who are left still say, 'You worked for Beazley.' There are not many old fellas over 75 left now; they are all gone. They have names like Jackie Braeside, from Braeside. If you could not say your name in English, you said, 'Gracie Milli Milli, from Milli Milli, or Gracie Jigalong, from Jigalong.' Another one, Jackie Nullagine, is dead. If you could not say your name, you had to say where you came from—Braeside, Nullagine, Milli Milli or Jigalong. I got the name Franks because he chased the bitumen blondes. My mother was one, and they brought me into the world. Marie McPhee is another one. I have a half-sister this side of Armadale. She married a Sheppard, a whitefella. She has a big family. I am in town with her now.

I want to go back to Kalgoorlie to do something for the sick people. We have a lot of remedies in this world. Every country in the world has remedies made by God. Those remedies can cure people, but the white fellas have taken them all now. If they ask me, I will not tell them anything anymore; otherwise I will be back here looking for a job. I want to get up there to help people. There is one white fella up there who is a good bloke. He got us tribal elders together because he wanted to help us go to Canberra to ask for some farmland. We said it was no good if it was cleared, that we wanted the bush to be there so we could get our medicine out of it and save people's lives. I have a lot of white fellas interested in these things too.

CHAIR—Thank you. We need to wrap up now. But I was going to ask you if you wanted to say any more, Mr Franks, so I am glad you had that chance. Thank you very much for coming.

Mr Franks—I just want to tell the truth about tea and sugar and flour and all of that. And as for this business about pensions, we never got any pension money—no way. We get it now. Things have changed a lot.

CHAIR—Indeed.

Mr Franks—But we are still behind.

CHAIR—And we are trying to have a look at the reasons for that and where to from here, really. I want to thank everyone for coming today and particularly for the effort you made in relation to your submission, which the committee values very much and appreciates. We will explore our options in relation to communicating with the government of Western Australia on these matters. We will see where we are left in that regard. I am not sure where that will take us, but they will be matters of public record, so you will see that as it develops. I thank you particularly, Mr Franks, for coming today.

Mr Franks—We are only going to tell the truth. Whether it is with broken English or whatever, you just tell the truth and if they do not listen to it then you cannot do anything about it. You can tell the truth about how half-castes come into the world and all of these sorts of things. You are not a citizen until you get your citizen rights, you see.

CHAIR—I understand.

Mr Franks—How are you going to get the money to get that?

CHAIR—Mr Eggington, Dr Skyring and Ms Davies, thank you very much.

[10.33 am]

MULLER, Mr Craig, Private capacity

CHAIR—Welcome. Could you please state the capacity in which you appear before the committee today.

Mr Muller—I am appearing as an individual historian who has worked in the field of Indigenous history for nearly a decade and as a representative of the Goldfields Land and Sea Council.

CHAIR—You have lodged a submission with our committee which we have numbered 25. Do you need to make any amendments or alterations to that?

Mr Muller—I noted in that submission that I did not have very many specific examples of the sorts of abuses that are referred to in your terms of reference. I have now gathered some of that evidence. I was going to summarise it today and perhaps present the bulk of it as an amendment to that submission.

CHAIR—All right. Thank you. We might take that from you as a further tabled document when you are ready. Can I ask you to make an opening statement? You can, of course, refer to that material you have just mentioned if you wish to, then we will go to questions from members of the committee.

Mr Muller—As I noted in my original submission, I have not at any time addressed these issues specifically. I have gathered the evidence ad hoc while I have researched native title reports and done other Indigenous history. My evidence is restricted to the Goldfields region of Western Australia—in other words, the state's south-east. I do not know how well this is going to follow on from the previous evidence. Perhaps the senators might guide me here. I am initially addressing items (a) and (g) of the committee's terms of reference, looking at employment conditions on the pastoral stations in the Goldfields region.

I would like to note first of all that all historians have drummed into them not to judge people in the past by our own standards. However, in terms of the abuses of Aboriginal employment, it is quite clear from the evidence I have seen that the state government departments, firstly, were legislated to be responsible for the welfare of Aboriginal people; secondly, reported that they were aware of abuses; and, thirdly, did very little about them. So I think in some ways they have condemned themselves.

The legislation to protect Aboriginal people was initially under sections 4 and 6(6) of the Western Australia Aborigines Act 1905 and in an amendment to the act in 1936. These provisions were essentially repeated in the 1954 amendment to the act and in the Native Welfare Act 1963. In each case, the Aborigines department and its successor departments were charged with protecting the welfare of Aboriginal people.

In 1953, the Commissioner of Native Affairs, Stanley Middleton, claimed that about 90 per cent of the state's Indigenous population was 'under the surveillance and general supervision of field welfare staff'. Again, there is an acknowledgement that the government was apparently fulfilling its obligations to monitor the welfare of Aboriginal people, yet there are continued and widespread references to the abuse of Indigenous employees in the Goldfields region from the 1920s onwards. I have examples of these references in my submission but I will not quote them now.

In the most extreme of these cases, the Aborigines department ordered a police investigation of a station. This was the only time, to my knowledge, that such an investigation took place in the Goldfields region. The investigation was initiated because of allegations—and I would suggest they were proven in the statements taken by a detective—of physical abuse, sexual abuse, nonpayment of wages and other abuses. Despite the detective's recommendation that prosecutions be laid, the only prosecution was against the station manager, who was fined for supplying alcohol to natives. It is the only prosecution over several decades that I am aware of.

During the 1950s and 1960s, pastoral employment accounted for almost all the work available in the Goldfields region, as Indigenous people were essentially shut out of employment in the mining industry and there were very few opportunities for them in other industries. Allegations of abuse became more prevalent in the 1950s, but I would suggest that this was due to an improvement in the reporting system. Inspections of remote areas by department officers prior to the 1950s meant that this rarely, if ever, took place in most of the Goldfields region. In my submission I again give examples of the kinds of abuses that took place.

In addition, at various times throughout the 1950s, the Department of Native Affairs and then the Department of Native Welfare made adverse comments about the conditions that prevailed at the pastoral stations. These comments were made in the department's annual reports, so they were fairly widely distributed and known. For example, in 1953, a patrol officer noted that at the stations east of Wiluna, 'There is every reason to believe these stations are guilty of exploiting, bashing and utterly degrading the natives.' This summary did not mention the allegations of sexual abuse which he had earlier commented on. He recommended prosecutions take place, but I found no evidence that there was a further investigation. Two years later, the department's annual report noted that Indigenous employment in the Goldfields region remained a major concern and that wages and conditions were poor for Aborigines on many stations. In a watered down version of a report he submitted, the district officer responsible for the Goldfields region said that Indigenous people in the area:

... were forced to accept employment at near slavery conditions. They are at the "mercy" of employers who are beyond comprehending the meaning of that word. They are exploited, badly treated and cast off when of no further use. There are employers in this area ... who are not fit and proper persons to be in financial control of the very means of existence of the Aborigines they work.

Such reports continued throughout the 1950s. So the department was well aware of the situation and had a legislative responsibility to do something about it but failed to. There is a pattern of underpayment, provision of poor conditions and serious assault over a wide area and for a long period of time—at least four decades but probably longer. The records prior to the 1930s are very scant. During that entire period, from the 1920s into the 1960s, I am only aware of two

prosecutions having taken place despite these allegations—the one I referred to and a second for assault, which was successful and resulted in a three-month jail term.

I might move on to the other section of the terms of reference which I feel qualified to address in some way, which is section (d), referring to distribution of moneys. I noted earlier Senator Webber's comment that the Commonwealth was concerned about the state government's behaviour. I am sure the senators will be pleased to know that the state government blamed it on the Commonwealth.

Senator SIEWERT—Nothing changes!

CHAIR—I think the phrase is 'la plus ca change', yes.

Mr Muller—Again, I have various examples in my submission of concerns expressed by the Department of Native Welfare about financial irregularities, particularly at missions. For example, in 1951 McLarty—again, the district officer for Kalgoorlie—referred to a policy of so-called 'supervised' child endowment. He did not explain his obvious scepticism at the way the program was being administered.

In 1953 Commissioner Middleton stated his belief that the federal government was obliged to provide benefits that were being denied. His reasoning was that the benefits were being denied because of a stand-off between Commonwealth and state where the Commonwealth referred to the state legislation requiring that the state provide for people who 'would otherwise be destitute'. The state argued that they would not be destitute if they were receiving their pensions. He was referring to maternity allowances and old age, invalid and widows pensions, which Commonwealth legislation denied to any person with more than half Indigenous ancestry. Middleton also referred to the fact that these people were still required to pay social service contributions, which were then in vogue, if they were receiving wages, and yet they were denied the benefits.

Middleton also took aim at what he saw as an iniquitous taxation policy where those Indigenous people who were receiving wages were taxed at the source. Very few of them, and perhaps almost none, submitted tax returns and therefore were denied any return benefits that they would have been entitled to, as many had large families. Middleton claimed in 1953 that he had made repeated approaches to the Commonwealth government to have this situation corrected, without success. At some stage I presume correcting legislation was passed—I don't know when.

Regarding mission inmates, Middleton noted in the mid-1950s that the 2,000 or so people then in missions in WA were kept living in inferior conditions to non-Indigenous people because the government paid a lesser subsidy to the institutions for Indigenous inmates. This anomaly was removed in 1956. Another problem was created for Indigenous people because, convinced that Indigenous children could be more easily assimilated than their parents, missions were paid a much higher subsidy for child inmates than for adults. The results in practice were that adult inmates at missions, despite the mission receiving some subsidy for them, received largely nothing. For example, it was noted that in 1960 Cundelee mission, east of Kalgoorlie, was receiving subsidies for 26 adults, yet the adults were living in bush shelters with no toilet

facilities, away from the mission. Furthermore, contact between mission authorities and the adults for whom they were being paid was often quite minimal.

Many mission properties were also paid for under the state government's grants-in-aid scheme, where ownership automatically went to the respective missions. There was no legal documentation of these grants—only what Middleton called, clearly disparagingly, 'an unwritten gentleman's agreement' that they would be made available for the common benefit of Indigenous people. There was no guarantee of this, and clearly in some cases the adults in particular received very little benefit.

Federal pensions were granted to Aboriginal people in 1960. Most recipients lived part of their time near missions, and the pensions were paid to the missions, which then had the discretion in how much was passed on to the intended recipients. I am not certain whether the individual Indigenous people ever provided permission for their moneys to be withheld.

As another example, at Cundeelee mission again, the mission kept two-thirds of the 1960 pension rate—in other words, 65 of the 100 shillings. The initial legislative change saw two dozen of Cundeelee mission's inmates granted age pensions. When the mission was inspected 15 months after the pensions were granted, it was noted there had been an initial issue of tents to the pensioners but they had received no further benefits in the 15 months. In addition, the pensions had continued to be paid to the missions during the sometimes extended periods when the pensioners were away on ceremonial and other business. That is particularly relevant to the goldfields missions, which are on the edge of the settled frontier.

In summary, it is clear from the archival information I have seen that the department was concerned that moneys that were due to Indigenous people were not being paid and that at times, with some of the missions, moneys that were paid were not handed on to the intended beneficiaries. I am sorry for the rather stilted presentation.

CHAIR—Not at all. Thank you very much for your additional written document and for your remarks this morning. They are very helpful to the committee. In the first material you provided us you refer to files which contain inspection reports of Department of Native Welfare officers in relation to wages, in relation to child endowments and, further, in relation to lost mortgage payments and things like that. What is the nature of accessibility to that sort of information—how difficult have you found it to get access to that? If an individual, for example, wished to pursue their own or their family's situation, how difficult do you think they would find it to get access to those files?

Mr Muller—I have had very little difficulty because I have gained access through native title research and the department here has agreed to make the files available for that purpose. Otherwise, access is very difficult.

CHAIR—So, as an individual, if Mr Franks, for example, whom you saw here earlier this morning, and members of his family—he mentioned pride in his granddaughters—took it up as an issue they wanted to pursue, how difficult do you think they would find it to get access to those files?

Mr Muller—It is entirely at the department's discretion. If the department decides they do not want Mr Franks to see a particular file, they just deny it and that is it.

CHAIR—Thank you very much. That gives us a bit of a picture.

Senator CROSSIN—Thanks, Mr Muller. You talk about the missions, especially at Cundeelee. Are they church missions?

Mr Muller—Yes.

Senator CROSSIN—So it would be relatively easy to track which particular church would have had control over those missions?

Mr Muller—Yes.

Senator CROSSIN—What is the situation at Cundeelee—what was it then and what is it now?

Mr Muller—There is no longer a mission there. It was the Australian Aboriginal Evangelical Mission. Whether or not that organisation still exists, I do not know.

Senator CROSSIN—That will be part of the difficulty, no doubt, in trying to access any records that would have existed at the time.

Mr Muller—I would imagine so, particularly with Cundeelee. My evidence comes from Department of Native Welfare records, from that end, and I suspect the mission records were probably poorly kept. That was the department's opinion.

Senator CROSSIN—If not destroyed, even, if the mission no longer exists.

Mr Muller—Possibly, yes. I do not know.

Senator CROSSIN—How difficult is it going to be to (1) identify people and (2) try and connect them with any relevant past records?

Mr Muller—It is relatively easy to identify people because the Department of Native Welfare was paying subsidies and insisted on lists of residents, and those lists are on department files being held at the State Records Office now. But, again, I do not know about mission records themselves.

Senator CROSSIN—All right. Can I just ask you about the scheme to purchase houses through the State Housing Commission. How did you come across that? We have not heard of any of those sorts of examples before.

Mr Muller—I did not have time to address that in my submission today. I was employed under contract with the Department of Indigenous Affairs about a decade ago, doing some research for them in another field. At the time, they were approached by a person who said that their grandfather had purchased a house under this scheme and had lost the house, and the family

wanted to know what had happened. So I was asked to do some investigation. I found, in particular, one detailed file at the State Records Office and alerted the department to that. I was thanked for that, and I assumed that they were going to deal with the family inquiry. I do not know what came of that.

Very briefly, as I understood it, the scheme was that, through the State Housing Commission, Aboriginal people could purchase homes. They would pay the mortgage, but if they at any stage defaulted in the mortgage they were evicted and received nothing. The person who approached the department claimed that her grandfather had paid the mortgage for 12 years, so you would expect that that would have paid off some of that mortgage, and yet he received nothing.

Senator CROSSIN—You are not sure if this is widespread or just one case?

Mr Muller—My impression was that there were definitely other cases. Sorry, yes, there were definitely other cases, from the file I saw. I am just trying to remember it. The reason that I could not take it any further was that I could not find any evidence of the case of the person who was making the request, but I did find evidence of other cases. So the scheme definitely took place.

Senator CROSSIN—And they would have signed something legal, I am assuming, to become the purchaser of that house?

Mr Muller—I do not know.

Senator CROSSIN—Okay. Thanks.

Senator SIEWERT—Can I just clarify that the evidence you are presenting in your second submission is evidence that you have gathered mainly through your native title research?

Mr Muller—That is correct.

Senator SIEWERT—So you have done what you can through access to the records when you are actually doing other—

Mr Muller—That is correct, yes.

Senator SIEWERT—At the very end of your first submission, you talk about the need for further work, and you talk about our last term of reference about a forum. I think you were here when the ALS were here—

Mr Muller—Yes.

Senator SIEWERT—and they were saying that they think we need a royal commission. What is your opinion on that? Do you think we need something with those powers of investigation and research?

Mr Muller—When I first heard about this inquiry, I contacted the Department of Indigenous Affairs to talk to them about access to records and so on. At the end of a phone conversation, I asked them whether they were making a submission. After being quite helpful, the person said,

‘No,’ and that was the end of the conversation. I just thought, considering that they are the department that have the corporate history, I suppose, of responsibility for these matters, they seem to be dragging their feet somewhat. Yes, I guess just on the issue of compelling access to the records and so on, whatever level that can be achieved at is perhaps the level that is required.

Senator SIEWERT—Can I just jump back to the records again. Again in your first submission, you talk about the child endowment and you comment that research on this should start with those Department of Native Welfare files held at the SRO.

Mr Muller—Yes.

Senator SIEWERT—Those files are also files that people are being denied access to?

Mr Muller—Yes.

Senator SIEWERT—But, basically, do all the files that are needed that relate to anything to do with stolen wages seem to have limited access?

Mr Muller—Yes, because the department will give people access to records that they can demonstrate are relevant to their family, but most of these files are general files that refer to institutions and so on, so they are naming a lot of people. So then the department says, ‘Well, that’s got information about other people; you can’t see it,’ even though it contains information about the person applying.

Senator SIEWERT—Going to the lost mortgage payment issue, it seems to me that the housing records would also be important.

Mr Muller—Yes.

Senator SIEWERT—Are they also restricted?

Mr Muller—The state housing commission records?

Senator SIEWERT—Yes.

Mr Muller—I do not know. They would definitely be important, and the level of restriction on those is probably less.

Senator SIEWERT—We might see if we can follow those up. I have not had time to read your supplementary submission. In which year was the first prosecution?

Mr Muller—1935.

Senator SIEWERT—As early as that. And the second one?

Mr Muller—1953. It is perhaps worth noting that, at the station at which the first prosecution occurred, very similar allegations were being made 20 years later. It is a long pattern of abuses.

Senator SIEWERT—I think it was Dr Skyring who said pastoralism in the north would not be where it is today if it were not for the fact that people were being employed as virtually slave labour. Could the same be said for the goldfields?

Mr Muller—Absolutely.

Senator BARTLETT—I want to get a sense of what you feel about the state government's attitude on this issue. It is always easy to assume that governments deliberately attempt to prevent access because they do not want things to be uncovered. Is that a reasonable interpretation, or is it more to do with the bureaucracy and getting access to people's records? Is there a sense that to look at this whole area properly would take a significant amount of time and resources, and that is not justified in the circumstances?

Mr Muller—I do not know if I really want to answer that.

Senator BARTLETT—You do not have to.

Mr Muller—It is probably the latter. I am not sure whether senators are aware of the State Records Act 2000, which insisted that records of more than 50 years old be opened. DIA was given a five-year moratorium, which is obviously up this year. The last time I looked, which was a few weeks ago, records as old as 1908 under DIA control are still restricted. I do not think there is any legislation that would allow records that are nearly 100 years old to be locked up. So, in theory, by some stage this year, all records up to the mid-1950s have to be opened. I do not think that has yet been done.

Senator BARTLETT—I know you are appearing in a private capacity but, in the work you do, I guess there are a range of priorities about where the attention needs to be focused. Do you think this is high enough up the list that it merits a thorough examination?

Mr Muller—Yes, definitely.

Senator WEBBER—Thank you for the additional information you have given us. It really does assist the committee in understanding some of the specific cases of abuse that have happened in Western Australia. I have one question about the records, to clarify it in my non-legal mind. I am getting the distinct impression that if you want access to state government records to establish ongoing connection to the land—that is, native title—that is not a problem, but as soon as you want access to state government records to establish economic loss, fraudulent behaviour or what have you, then, all of a sudden, they are not cooperative. Is that a fair impression?

Mr Muller—Access for native title has been forced upon DIA. Otherwise, they remain reluctant to open their records.

CHAIR—Mr Muller, thanks very much for attending today. The committee has found it very helpful and, as Senator Webber just said, we find those additional comments that you have brought us today in your written material particularly helpful. We will, as I said to the previous witnesses, continue with our exploration of these matters. That will be done on the public record, so it is available there for you to see. I want to thank you again for attending this morning.

Our next witnesses are appearing by teleconference. I note for the record that it is important that it is on the public record that the committee secretariat has tried very hard to ensure that we have as much participation from people in Western Australia who wanted to tell their story as we could in the circumstances of this hearing. There has been a little toing and froing on that. Some people were not able to attend at the last minute and not even able to participate by phone, so we will make the most of the opportunity we have with our next two sets of witnesses and take it up from there.

[11.07 am]

GRIFFITH, Mr Alan, Private capacity

CARLTON, Mr Ted, Private capacity

CHULUNG, Mr Frank, Aboriginal Legal Service of Western Australia Inc.

JONES, Mr Button, Private capacity

NULGIT, Ms Pansy, Private capacity

Evidence was taken via teleconference—

CHAIR—Welcome. Thank you all for participating in this teleconference. Mr Chulung, you are at Kununurra with three others, I understand.

Mr Chulung—Yes. I work with the Aboriginal Legal Service and I have been involved in this issue for the past month or so. I got some of the fellows with me who filled out the questionnaires. There were several more but they will not be able to make it. Ms Nulgit is down in the Derby office.

CHAIR—It is very nice to have you all here on the telephone this morning. We have the submission of the Aboriginal Legal Service which has some of the questionnaires and answers attached, so we thank you very much for those. The committee would like you to tell us your story about your experience, particularly of working in the Kimberley. That would be very helpful. I will ask Ms Nulgit to go first and then we will move back to Frank and your colleagues.

Ms Nulgit—We were working when I was 14, and we were just working for food. We were working for food and we used to have a week off and have tea, flour, sugar and a little bit of meat. We came back from holiday. We used to go on holidays. We used to have flour, tea and sugar but no tinned meat, so we had to look for our own food and go fishing and hunting. We would come back to the station and start working for tea, bread, meat, clothes, tobacco and no money. We used to cook, make damper. We got a little bit of food from the station and then we had to go out and look for our own food and go fishing and hunting again. That was the food that we got for working.

CHAIR—Thank you. We will not ask a lot of questions, because it is hard to do it with a teleconference but could you give us some idea, Ms Nulgit, of how long you worked like that for?

Ms Nulgit—We were working when I was young.

CHAIR—From when you were 14 to when?

Ms Nulgit—Fourteen, 15 and 16. Somewhere around 16 we had one pound, a dollar—money. We were just living on one pound and so we were thinking, ‘How come we got this money—little one?’ The old people and us young people were talking about that money and saying, ‘We can’t buy clothes with one pound.’ We were getting one pound. The other money we got was that \$2 green note. We got \$2 and then \$4 to buy a little stuff—soap, biscuits and little things. I had my first daughter, Ella Nulgit, and we got \$2 notes. We had no money from that time.

CHAIR—Can you tell us when you worked at Mount Hart? What year?

Ms Nulgit—I was working at Mount Hart when I was young. There was no food and no money. We worked for clothes and tobacco—no money. When we started working there was no money, only that stuff—food, clothes, tobacco. We used to get food from the station manager but not enough. They used to give us a slice of bread, meat and tea. They used to boil tea and pour it into billycans and that was not enough, so we had to go out again—our own way. We used to go out to get food from the bush—hunting.

CHAIR—Thanks very much for that.

Ms Nulgit—That was Old Mount Hart Station and then we moved to New Mount Hart Station. I think we were still working for no money but for food and clothes—the same.

CHAIR—At New Mount Hart Station.

Ms Nulgit—Yes.

CHAIR—Would one of the other men like to start by telling the committee your stories?

Mr Carlton—I was born on Carlton Hill Station back in 1954. I also went to school from Carlton Hill. I got sent away to Lombadina Mission and, at the age of 13, I started work on Carlton Hill Station as a jackaroo and stockman doing mainly stock work and some work later on involved droving cattle into the Wyndham Meatworks. The main type of work we got involved in was stock work—mustering cattle, working with horses and cattle and all those sorts of things. When I was a young jackaroo back then, I think I used to only get about \$30 once a month—30 quid they used to call it back then. There was other stuff. We were allowed to book up stuff in the old store there. We booked tobacco up and got boots, hats and some clothes. They used to take that stuff out of my wages I think—out of my pay. We used to receive some money. We used to get paid every month. It was never big money. Like I mentioned before, in the hand I think I was only getting maybe \$30—in the new money. It came out something like that back then.

I am just reading from my paperwork. What food did we receive back then? We used to in the wet season time go for holiday breaks maybe for two months or something like that down to the river. We used to get a lot of flour and sugar and some salt beef. Some of the older people in our community back then used to hunt for bush tucker as well like goanna, kangaroo, porcupine—all that sort of stuff. We had a lot of bush food and a lot of bush fruit as well. From an Aboriginal perspective, the living conditions on these stations were that we lived in tin sheds, sort of humpies with damp floors. There were no windows. We had no proper swags. I think we shared pit toilets outside in the community at Carlton Hill Station and there were also some showers in

a shared facility where everyone used to go—maybe a male toilet and a male shower and so on. I think it was pretty rough back then.

I never saw my father until I was 19 years old in 1974, I think. But my mum was there on Carlton Hill and she made clothes, made beds, cooked, ironed clothes and did some gardening mainly for the management. Those old ladies did a lot of work for the management on these places, and I think they sometimes found it really hard to do their own work with their own mob back in the community, in the camps. I think in the stock camps the main food we had was salt beef, damper, black tea and all those sorts of things. It was really rough back then I think. Is that all? I might wait for some questions.

CHAIR—Thanks very much.

Mr Griffiths—I have got it in my mind what time I started work. I was born in 1933 in January but I do not know what the date was. I started work in 1944. From 1956 or 1957 we were on wages. From 1944, we were only working for bread, beef, damper and tobacco. We used to get it in the store. When we finished the camp we used to get all our clothes in the shop. In 1957, we were on the payroll—£2 a week. We used to work and book down some clothes, tobacco and stuff in the shop. We used to keep going until a proper holiday. There were a lot of horses in the paddock. We would put on the saddles and pack everything on the horses and we would finish up with £3 or £4 and all the rest of it was food. We used to get rations—two sticks of tobacco, a little bit of flour in the bag, a little bit of sugar, a little bit of tea and a little bit of milk. Every Saturday we used to go out bush hunting our own tucker, beef. We used to go back every Friday on foot—no horses. We used to walk so many miles. We used to go from station to station carting the rations. We used to walk so many miles for no wages, just a stick of tobacco.

CHAIR—Thanks very much for that.

Mr Jones—I worked at Carlton Hill back in the sixties and seventies. We got a little bit wages—\$300 or \$400. We used to book all the clothes and a pound of tobacco. In holiday time, we used to go out bush, down to the river and do some fishing. We would hunt goanna, kangaroo—on foot. We used to go back to work and get damper, beef. That is all.

CHAIR—Thanks very much. Thank you to everyone. As I said, we will not have a lot of questions because it is quite difficult to do in a teleconference environment. I invite my colleagues to ask some minor questions.

Senator CROSSIN—I am Trish Crossin. I live in Darwin in the Northern Territory. Mr Griffith or Mr Carlton, did you ever see the patrol officers?

Mr Carlton—That used to come out to the stations—the people they used to call Native Welfare?

Senator CROSSIN—Yes. Did you ever see them?

Mr Carlton—Yes. They used to come out sometimes but I never saw them. I was told by my mob that they used to come out to Carlton sometimes.

Senator CROSSIN—What happened when they came out? Did you get a chance to meet with them or talk to them? Did they mainly just go to see the cattle station people?

Mr Carlton—They used to talk to the management mainly—only to the kardiya people, the non-Aboriginal people.

Senator CROSSIN—So they never really talked to you about how you were being treated, whether you were getting looked after?

Mr Carlton—No.

Senator CROSSIN—They always went and talked to the boss.

Mr Carlton—They just went and spoke to the boss—that is all. They never came and talked to the Aboriginal people—nothing.

Senator CROSSIN—Did you ever complain? I suppose you wanted to but you did not.

Mr Carlton—No-one at Carlton Hill wanted to complain. Blackfellas were frightened of kardiya people back then. We never had the opportunity to complain. We did not know anything about it.

Senator CROSSIN—So people were too frightened to complain. They did not—

Mr Carlton—We did not know how to complain. No-one every approached us and told us anything about being allowed to make a complaint.

Senator CROSSIN—If you had known, would you have complained or would you have still been too frightened at 12 and 13 years old?

Mr Carlton—I do not really know. I cannot imagine it. I think maybe back then a lot of blackfellas were frightened of kardiya people and maybe they would have been too frightened to complain.

Senator CROSSIN—Mr Griffith, I think you said that you might have started working in 1944 or 1945. You would have worked for about 12 years before you got £2 a week. What happened in those 12 years? Did you work and just get fed and looked after by the station?

Mr Griffith—We only got tucker, rations.

Senator CROSSIN—You just got your tucker.

Mr Griffith—We got rations every Saturday.

Senator CROSSIN—How did you all get to hear about this issue? I take it, Mr Carlton, that you did not complain because people probably thought that was about as good as it got. When

did you first start to hear that you might have been missing out on conditions? How did you get to know about this?

Mr Carlton—Through Frank Chulung, I think. He is an ALS lawyer here.

Senator CROSSIN—He came out and found you and talked to you.

Mr Carlton—Recently—that is all. I am not talking about back then.

Senator CROSSIN—I know—that would make Frank pretty old too, hey Frank?

Mr Chulung—I am 67 years of age. I was born on 24 July 1939.

Senator CROSSIN—I just wanted to know how people got to know about this.

Mr Chulung—I got some information from my directors down in Perth about the stolen wages questionnaire. Obviously, they sent me up a copy. I got it and went out and looked for people who worked on a lot of cattle stations for very little or no money. I have known Button for 50 years, Mr Carlton since the day he was born and Mr Griffith from about 1963. I am very familiar with what they have told me. I worked on Newry Station in 1956. Mr Jones was only about 10 or 12. I worked on Moolaboola Station in 1955 and I also worked on Victoria River Downs Station in 1956. I kind of got wages. I was getting \$10 a week at Moolaboola. When I was working on Newry Station in 1956, I was getting £9 18s 10d a week. That was the award wage. On Victoria River Downs I was getting £1 a day. I did not last very long on a lot of those stations. The longest I lasted was out at Newry Station for a little over 4½ months—something like that. I went out there in June and left on about 20 October 1956.

I am very familiar with what Mr Carlton has said about cattle stations and the native affairs patrol officers who visited those stations. I know quite a few of those guys pretty well. I attended Wyndham from 1949 to 1955—that is when I left school. I also went to the old Forest River Mission school. As a result of the war years, it started to get a little hard for people to attend school. After the war, in 1948, my family relocated to Kununurra where we attended the Wyndham state school. I did not get too much—

CHAIR—That is okay.

Mr Chulung—education but I achieved high school level by correspondence.

CHAIR—Thanks very much, Mr Chulung. We are a little tight for time.

Senator SIEWERT—Ms Nulgit, I want to ask you about child endowment. Did you get child endowment? If you did, were you able to spend it? How were you able to use it if you got it?

Senator CROSSIN—Only if she had a child.

Ms Nulgit—I got child endowment. I got a cheque for something like \$4.

Senator SIEWERT—Were you able to bank that?

Ms Nulgit—No. We used to cash it at the shop at Mount Hart Station.

Senator SIEWERT—At the Mount Hart store.

Mr Carlton—Mount House Station.

Senator SIEWERT—And you bought—

Ms Nulgit—The welfare mob came up and talked to me. I did not know what money was. The welfare told me, ‘That’s your kid money’—that was a cheque. I got that money and asked more questions. I said: ‘We don’t know money. What is it for? I can’t buy clothes for my kid with that money.’ He said, ‘Use it for powder, oil or little things.’

CHAIR—We do not have any more questions but I want to say to Mr Carlton, Ms Nulgit, Mr Jones, Mr Griffith and Mr Chulung: thank you all very much for talking to the committee today. We are sorry that we were not able to come and see you but you talking to us here in Perth is really helpful for the inquiry. The Aboriginal Legal Service has helped us with some of the questionnaires that some of you have filled in, so we have quite a bit of information. We thank very much all of you for joining the telephone conference with us today.

[11.36 am]

GREEN, Mrs Oriel Joy, Member, Indigenous Women's Congress of Western Australia

KOPUSAR, Mrs Patricia Alice, Member, Indigenous Women's Congress of Western Australia

CHAIR—Welcome. In what capacity do you appear?

Mrs Green—I am a member of the Indigenous Women's Congress of Western Australia. While I am supporting our submission, I would also like to speak about some personal issues.

CHAIR—Certainly, Mrs Green; we will come to those.

Mrs Kopusar—I appear as a member of the Indigenous Women's Congress of Western Australia. I live in Middle Swan, in Western Australia. I was born on 9 December 1938 in a place called Morawa, which is up north. I am here today to make a statement about my personal history. I will talk about my life. I would like to take a minute to include a little bit about my mum's and dad's work histories. Dad was born in 1895 and Mum was born in 1901. The other part of my appearance is supporting the recommendations that the congress has put up.

CHAIR—Thank you both very much. We have a submission from the Indigenous Women's Congress of Western Australia, which we have numbered 122. Do you need to make any changes or alterations to that?

Mrs Green—No.

CHAIR—I ask you to make an opening statement to the committee on the issues that you have indicated you would like to address and then we will ask some questions of you.

Mrs Green—In the late forties I was about 14. I was employed in a little store, Canna Store, which was not far from Morawa. I was employed as a shop assistant. It was my first job. I had it after school. Canna was a very isolated little country siding. I had been working for a short time in that job when my employer received notification.

My employer received a letter from the Department of Aboriginal Affairs to say that because he had an Aboriginal person working for him he would have to pay whatever the wage was at that time. If I remember rightly, it was something like £1 10s. It was suggested that part of that would be sent by him to the Department of Aboriginal Affairs as savings. The employer thought it was a great idea for me to have a savings plan—at the time I think I probably did too; at the age of 14, money was money—but my mum performed a bit. She said that if I was old enough to work and earn a living then I should be able to take care of my own affairs, open a bank account for myself and look after my own money. I do not know how my employer actually replied to the Department of Aboriginal Affairs. I have no documents to say that he did pay that amount to them. My salary remained at that amount until I left when I was about 17½.

Senator CROSSIN—Was that £1 10s?

Mrs Green—It was £1 10s. I think they suggested that 5s or 10s should be sent to the Department of Aboriginal Affairs. I also have documents at home saying that the letter was received by the owner of the store and that a reply was sent back to the Department of Aboriginal Affairs, but I have no documents to say that he decided not to send that amount. By the time I left my salary had gone up to £2, I think. I then moved to Morawa and worked at the hospital where I felt the salary I was getting was fair for that time. I was able to save money.

My parents were living in the Morawa area at that time. I have documents that say that my father was employed at different agencies where an amount was taken out of his salary. It was dependent on how much his daily or weekly salary was going to be, so it might have been 30s or £2 or whatever. My dad did a whole range of different jobs. He was a shearer, he cleared land and he did all of those things. There was a certain amount that was paid by the employer to employ my father at those jobs. I guess I am questioning what happened to that money, what it was used for. I am sure that there are other people in the same situation, where there is a question mark as to what that money was used for and whether we ever received it back in some way. I think that is about all I want to say unless you have some questions.

CHAIR—Thank you, Mrs Green. We will come back to those after we hear from Mrs Kopusar.

Mrs Kopusar—I would just like to point out that my life and the lives of my parents—as I said, they were born in 1895 and 1901—were impacted by the 1905 act and the 1936 act. We had no rights and we had no citizenship. That coloured how well you could look for what you were entitled to and how you got information that might help you to sort something out if you thought it was not fair. The other thing is that you did not know whether things were fair or not, so you just carried on.

My father's life as a boy was spent living and working carrying wood and water for this lady who owned a farm over in Northam, not far from here—it is only about 60 kilometres from here. He told me how hard he had to work. I do not know if he was paid or whether he just worked for food; I cannot say. But it gives me great pleasure to tell people about this at this point in time.

I saw more of my mum. She worked as a washerwoman around Geraldton when I was young girl. She fed us by doing washing and ironing for I cannot say anything but white women. She was paid maybe sometimes a pound, sometimes 30s, and the ladies gave her tea and cakes. I took a day out from school sometimes to hang out the clothes for her. Most things were dependent on how kind the people were to you. There was nothing set there about what you should be paid.

My work experience started in the 1950s. I had gone to school in Perth here. It was a Native Welfare hostel called Alvan House. They arranged the job for me. It was private employment as a secretarial person. Then I left that and I worked with the Hospital Benefit Fund—not very long, because I was away from home. I worked on stations as a housemaid and I was a factory worker. That was in the 1950s and 1960s. Then 1967 came and people became a bit more aware that maybe there were people here that were not as equal as others and maybe they should count

them and put some money towards their upkeep instead of the sort of money that they put towards fixing the Aboriginal question.

During that period I married and had six kids. I left my husband and I went to Port Hedland and I did some training as an enrolled nurse. That was in the 1970s. There I knew what I was entitled to because I had colleagues that were paid the same as me. That is sort of the first time you really know some of your rights. After that, I worked in the hospital up there in the 1980s. Then I went back and did some more study because my kids had grown up. I came down to Perth and did some study at Edith Cowan University, for administration. Then I worked in Aboriginal organisations.

One of the things I want to mention—two things really—is that in the 1950s I do not know whether I was taxed or not. I do not know whether I was getting a fair wage, but I do know that the old Native Welfare had to subsidise my accommodation as I stayed down here—so they helped me survive, I suppose. I was only 16 years old, and that £3 did not go very far. I have always had a gripe about that—was I taxed when I had no rights and had no say? That is the sort of thing that I feel very badly about.

The other thing was that I did have a working life in the 1980s when I was working in the hospital—in the 1970s, 1980s and 1990s—but I did not have any superannuation scheme. The superannuation schemes were suitable for the wider community rather than probably a single parent and certainly an Aboriginal person. I took up private superannuation. I paid \$10 a week I think and was hoping that at the end of my working life I might be able to afford a flat or a house, but that did not work out.

In the 1990s I started working in government departments and finally somebody showed me how to access superannuation that people were accessing. It did not cost so much, he said. So I got on a superannuation scheme from that time onwards. I am not going to go into to any more detail about that, because this is not really an inquiry into that. This is just about whether there should be an overall inquiry—is that right? No?

CHAIR—I will come back to that when you are finished. I do not want to interrupt you.

Mrs Kopusar—People talk about economic independence and the papers are always talking about superannuation. I know there are hundreds of people like me who worked in places where there was no superannuation scheme. It was something that was for other people and not you. That affects people later. I am an aged pensioner now. I was just lucky that I got my own house in the end, anyway, because I married somebody.

The thing that affected my work experience was that I had to work any job I could find that suited me and my situation with my family. I worked under permits. I could not get a job in Geraldton when I left school—that was in the 1950s; I could not get a job in my hometown. I told one person I rang up I was Aboriginal. They said, ‘We could employ you, but we will put you down the back so nobody can see you.’ I did not take that up. I went to a station and worked. I was a very proud woman. My mother made me very proud. So I would not take that sort of thing. You would rather walk out—maybe cut your nose off to spite your face, I do not know.

Anyway, I got a job in a hotel just over from Geraldton. A lady from the old Native Welfare came across. She did not discuss it with me—she went and told the boss that I should not have been employed because I did not have a permit. When she spoke to me she told me the same thing. I knew there were permits around but I had never had to confront that. So when I spoke about the permits she said it was okay and that she would fix it up for me. I did not like paternalism and I never have. I left not long after that.

I suppose it was the conditions you lived under—the social climate of having no rights, living in reserves and camps and having to have decent clothes to keep up with other employees. I have a list of where I have worked, but if I wanted something to be done about it I would need to get more details about it. I do not know where I would start, because I am going back a long way. One was the Hospital Benefits Fund. That is still around. Graeme Modes is not around any more. That was over in Stirling Street, Perth, when I was 16. I did all the office work there: all the typing, all the tax, I think—all the bookkeeping anyway. I collected all the parcels and made tea for everybody. You did not object to it because you did not know what you were supposed to have anyway.

I worked in a lot of places and it is only in the few last years, since the 1990s, that I have ever been able to save a little bit of money towards my old age when my kids got older. I worked in AMSs, and the government did not give them money when I worked there for superannuation schemes. That is how it was at that time anyway. It was only when I came to the government departments like DCD—where I worked in Port Hedland—and one other Aboriginal organisation that they had money for superannuation.

CHAIR—Thank you very much, Mrs Kopusar—and Mrs Green; we appreciate your evidence. In relation to the nature of the inquiry, we have a long list of terms of reference thanks to Senator Bartlett in the Senate and we are doing our best to explore those here, in Queensland, in New South Wales and with other witnesses. Then it is our job to make recommendations in a report to the Senate. Those recommendations may be relevant to state and territory governments. They may be relevant to the federal government. There may be other aspects of this inquiry. Then it is very much up to governments, by and large, as to where they take that.

I think what we are finding, and I do not wish to speak on behalf of all of my colleagues, is that these are issues which at least in the broad political arena have not been loudly vented until now. There is some excellent work which has been done by historians and other researchers which we are benefiting from enormously, but in terms of the Australian parliament and the parliamentary and political discussion it has not been an issue that has attracted a lot of attention and interest. So we are trying to work through those terms of reference, come to a resolution amongst ourselves about the best recommendations we can make to address the sorts of issues that you, Mrs Green and the other people we heard from before—the dozen people we heard from in Queensland who represent so many people across Australia—are bringing to us. So that is the nature of the inquiry. Mrs Green, you have given us a document which I gather relates to your husband's father.

Mrs Green—I could not find my father's one. I have documents similar to that regarding my father's salaries. It is very similar to my husband's documents.

CHAIR—What I would like to ask you to do is, if you would not mind, to give this to us as a tabled document for the record and then all of my colleagues can have a copy.

Mrs Green—Yes.

CHAIR—Thank you. We will take that as a tabled document. It relates to Mrs Green's husband's father—the nature of his employment and the nature of the payments relating to his employment. I have one question before we go to everyone else—there is a number of us, as you can see. On your own behalves—and, Mrs Kopusar, you have kind of answered this in your statement—have you ever tried to or thought about approaching government in this state to see what you might be entitled to? Has in fact the Indigenous Women's Congress of Western Australia, on behalf of its members and the people it represents, tried to approach government to talk about what people might be entitled to?

Mrs Kopusar—The congress has only been around for three or four years, and when it is made up of people from all around the state and from all the different regions it is very hard. It is an Aboriginal organisation. We have all the issues involved there. So we have only got to the stage where we were developing strategies so that we could be more focused.

We have given advice to governments and different ministers, including our own minister, the Minister for Women's Interests, but this is one issue that has come up and they came to see us about it. With the experience that we have out in the regions, although I live in Perth, we came up with these recommendations that have come from the congress. So we have not done anything about it, but we are hoping that there will be an opportunity to address some of the issues that we as Aboriginal people have suffered throughout history and so that things are not done in a tunnel vision way to deal just with what is there as part of the reconciliation that people talk about. It is 10 years, and there are still so many people out there who have never ever had the opportunity to say what they are unhappy about. They will go their grave with that. I am just telling you this anyway; I know you cannot do anything about it but it is an opportunity to say this.

CHAIR—Thank you, Mrs Kopusar. It is certainly on the record. Mrs Green, did you want to say anything?

Mrs Green—No, I think Pat has replied.

Senator WEBBER—Mrs Green, thank you for the documentation from your husband's father. You talked before about your work as a shop assistant and how the department approached your employer to send them some of your wages for a savings plan. I have looked at this documentation from your husband's father. Did the department then just keep that money?

Mrs Green—I guess that I am hoping that that will come out when—

Senator WEBBER—But to your knowledge they did not make any effort to give you that?

Mrs Green—To my knowledge they did not make any effort, except that there was a document in my father's files—actually, his last name was Bartlett. I collected some of his files because we were doing a family tree. There was a mention of the amount that was being taken

out at each job he had. Sometimes my father worked for someone for three days and an amount of five shillings was taken out. I noticed on one of his files it said that it was for a medical fund or something. If he had to go to the doctor or he was hurt on the job or whatever then the account would be sent to the Department of Aboriginal Affairs and paid, hopefully. That was the only time I saw something to say where that money might go. To my knowledge there were lots of instances. Also, because my father moved from quite a lot of jobs and he did not always fall down and break his leg or whatever medical reasons, there would surely be moneys still around that were unspent at that time or that he perhaps would not have used for whatever reason.

Senator WEBBER—That would belong to your family?

Mrs Green—Yes, that is the way I am looking at it. But it might be quite different in their files; it might have been used for something else.

Senator WEBBER—Do you know of anyone that has approached the department to try and access the files, to have a look at the documents from their family? Do you know whether it is easy to do?

Mrs Green—I received files from the Department of Aboriginal Affairs. It took a long time, months and months, before I got them. I had to go in and fill in a form to say why I wanted these files. As I said, we wanted to do a family tree and we did not know a lot of my father's background. That was the reason, I guess, they gave us the files. But I do not know of anyone else and I certainly do not know of anyone fronting up to the department and asking, 'Where's all this money gone to?' or 'Where's my money?'

Senator WEBBER—We are not having much luck working that out!

Mrs Green—If it was used for medical attention, or whatever it might have been, I guess that is fair enough, but we were stuck out in the bush and had to travel long distances for doctors. When I was a child we lived in Three Springs, and there was an excellent doctor there and we did get medical treatment from that doctor. Aboriginal people from as far away as Mount Magnet, Perenjori, Paynes Find and all of those station areas used to come to that doctor—quite often they would come and stay with my mum and dad until they had received medical attention. A lady might have had a baby and then they would go back to where they had come from. So I do know that Aboriginal people did have medical attention, but whether it was paid for or not I do not know.

Senator WEBBER—You say you got some files about your father. Do you think you got all the information that the department has about him or was it just enough to do your family tree?

Mrs Green—It is a huge file, so I sort of assumed that it was everything. They were photocopies; they were not originals, and I have been told that if there were photographs we would be entitled to the originals. I did not receive any photographs. I plucked up enough courage to ask for a photograph, particularly of my grandmother, because I had never seen one of my grandmothers—I do not remember her at all. I knew they were holding a photograph because there is a copy of the photo on our files. I wanted that particular photograph and they said they did not know where it was. They could not find it. I suspect they destroyed them or they just went astray—or they do not want to give them to me.

Senator WEBBER—Thank you.

Senator SIEWERT—I have a couple of questions. We have not really talked today about property. In Queensland we heard of cases where property and money held in specific trust accounts had not been passed on to heirs. Are you aware of cases in Western Australia where proceeds from property or money held has not been passed on?

Mrs Green—My father's files say that he bought two blocks of land in Three Springs. Through the Department of Aboriginal Affairs, he applied for a workers home to be built on one of the blocks—the blocks were adjacent—and we lived on the block. It was more of a shed than a house, but it was a roof over our heads, I guess. They just say that an application was sent to him to fill in. Whether the application was filled in and sent back, I do not know. There is no reference to what happened to the application, except that he did apply. My father had a limited education so maybe he thought that the application was too hard to fill in and it did not go back, or maybe he sent it back and nothing was done.

Senator SIEWERT—You do not know what happened to the property after that?

Mrs Green—We did live on the property, but I am not really sure what happened to that application. We also had property in a little place called Koolanooka. I do know about that because, not being able to afford to pay land rates, the block went back to local government, I think.

Senator SIEWERT—This morning we heard from Mr Muller, from the Goldfields Land and Sea Council, of evidence—and it related more to mortgages but it could be a similar example—where some mortgages were not paid and the houses were taken back but the owners who had already paid on the mortgages did not get anything as a result of that mortgagee sale, presumably. Do you know if your father got any money when he could not pay the rates and the land went back?

Mrs Green—Not that I know of. I feel sure that he did not. I would have been in my 20s at that time, so I think I would have known about the block in Koolanooka. I would have been a lot younger when we were in Three Springs, so I do not know what happened there. But certainly in Koolanooka I was old enough to know whether he had received anything, and I feel sure that he did not.

Senator SIEWERT—And it is not in the records that you have?

Mrs Green—No.

Senator SIEWERT—You make three recommendations in your submission about an inquiry and an independent secretariat. What do you feel about the recommendation from ALS about the need for a royal commission into these issues? Do you support that recommendation from ALS?

Mrs Kopusar—I am not clear about which recommendation you are referring to. Is it on the last page?

Senator SIEWERT—Yes, on the last page you have suggested that there is a need to set the record straight. I presume you are responding there to the last point of the committee's terms of reference where we ask about the need for a forum. You then go on to say that you think there is a need for an independent national secretariat to house the records. Another witness also spoke about that this morning, but the ALS have suggested that a royal commission be held. Do you support that; do you feel there is a need for that?

Mrs Kopusar—I would certainly support that. I would like to see other people get the opportunity to have an input. The state is so big that people only visit certain places and then move on, and there are people out there who have something really important to say.

Mrs Green—Because of that question mark at the back of all our minds about this issue, I think there should be, yes.

Senator SIEWERT—Thank you.

CHAIR—Mrs Green and Mrs Kopusar, thank you both very much for attending today and for representing both yourselves and your own stories and the Indigenous Women's Congress of Western Australia and its submission. If there is anything else that you think might be of assistance to us in examining these issues and you feel able to pass on copies of—for example, Mrs Green, you referred to records that you have—then by all means do so. We would be very grateful for that. Thank you both very much for appearing today and telling us your stories and for representing the Indigenous Women's Congress.

Mrs Kopusar—Thank you very much for the opportunity to say something.

[12.17 pm]

KINNANE, Mr Stephen John, Private capacity

Evidence was taken via teleconference—

CHAIR—I welcome you as a witness to this inquiry. In what capacity are you appearing before the committee today?

Mr Kinnane—I come from Mirruwong country in the east Kimberley. I am appearing before the committee as a researcher who has recorded many interviews with other Indigenous people about the experiences of people who were alive at the turn of the century through into the 1950s. In particular, I am keen to discuss the way in which trust accounts were utilised by the government. These trust accounts used wages that were earned by Indigenous workers.

CHAIR—Thank you very much for that. We note that you have not lodged a specific submission, but we do have a copy of the paper of which you are a co-author, *Ghost files: the missing files of the Department of Indigenous Affairs archive*. We thank you for that and note it for the record. I would like to ask you to make an opening statement and then we will go to questions.

Mr Kinnane—In terms of an opening statement, I will give you a little bit of information on my background. I have worked in oral history. I worked as a cultural heritage officer at the Moore River Native Settlement, which was handed back to the community in the 1980s. In much of the work that I have done in oral history I have found that many people from that particular time, particularly south-west Aboriginal people, have talked about the issue of their wages. Many complained that they did not know what happened to the money that they earned. Through the research that I was doing—which was mainly focused on sharing the experiences of people with the wider community but also focused on removal—a key issue, of course, was what happened to people who were imprisoned at Moore River Native Settlement, where they would go afterwards, the kind of work that they would do and what would happen to their wages.

In particular, for many of those people, when we looked into what was happening with their wages that they did earn, and as you would have found through some of the submissions that you have already received, people were able to have anywhere between 50 per cent and 75 per cent of their wages withheld by the department. Generally, through the ghost files paper that you have received, we found that a large amount of material dealing with that was actually destroyed over the years. So there is not a lot of information in the administrative files about that practice. There are some particular files. I understand that Dr Fiona Skyring has tracked a number of those down and has used them for her submission.

Where we did find quite a bit of information was in people's personal files. In my particular case, that was in my grandmother's personal file. My grandmother was taken away from Mirruwong country and raised in the south through the Swan mission, which was in Middle Swan. She was sent out as a domestic servant until 1930, when she married. What her files showed was that, whereas under the act it was required that an employer pays for things such as

clothing, medical benefits, transport and various other things like board and keep, often what would happen was that a person's trust account, which would take anywhere between 50 per cent and 75 per cent, would be used by the department without that person's knowledge to pay for things like medical expenses, clothing and transport to and from that place. Also, if that person was removed under section 12 to a place like the Moore River Native Settlement, their wages would be used without their knowledge to pay for things such as the police escort to that institution. These are the sorts of things that we witnessed in the personal files. I would just recommend that the personal files represent a clear example of how that system used to operate.

CHAIR—Thank you very much. You mentioned your grandmother's personal file.

Mr Kinnane—That is correct.

CHAIR—What was the difficulty for you with getting access to that file?

Mr Kinnane—The personal files only really became available to community members from about 1987 or 1988. The files had been transferred to the then department of community welfare. A number of researchers—I think Mary Anne Jebb, who is a researcher whose work you have probably looked at, as well as Anna Haebich—were involved in making people aware that their files were available and they could access them through this department. I would not say that there was difficulty accessing the file other than that there were not at the time the resources to enable people to access their materials. There was not what is now known as the family information referral bureau exchange. FIRBE was not around to aid people in tracking down that information. So it was very much a hit-and-miss affair. I would not say that it was difficult to obtain; it was just a case of working through the bureaucratic structures at the time.

But there was no backup and no counselling about what to expect. In a way, for many families who received those early files—and I have also viewed a number of other families' files; of course, only family members can allow other people to see that information and the government cannot—there was no real understanding given of the context in which those files had been created.

CHAIR—Thanks for clarifying that for me.

Senator CROSSIN—You just sparked something, which was why I was keen to jump in first. If, in fact, archival records have been made available for members of the stolen generation, perhaps people would have been using those to try to link up with their families. Do you think that some of the employment records or wages records or lack thereof might also be on those files?

Mr Kinnane—In WA generally the trust accounts were administered on people's personal files. In WA there were two systems of files. There were the administrative files and there were the separate personal files. The personal files are all currently held by I think the department of community services or whatever its current name is. The others are administered through the State Records Office and the Department of Indigenous Affairs.

The personal files held the information about trust accounts—in particular for Aboriginal men and women who were employed as bonded labourers under the various guises of the Department

of Native Welfare. It was the Department of Native Welfare in 1954—I think it was the Department of Native Affairs in 1936 and the Aborigines Department before that. The personal files certainly would have information on trust accounts.

The trust account system, from what I have been able to gather from my grandmother's experience, started from the mission. The missions used to have a system, and it was similar to that of other industrial schools, where, once a person reached a certain age of, say, 15 and they had been trained up in a certain area—it might be as a farm worker or a domestic servant, depending on their gender—they would be sent out to a local family. This is my experience of looking at the files for the Middle Swan mission, which was an Anglican mission that my grandmother was taken away to. They would generally be placed with a family that the mission trusted and knew, and they would work for them for 12 months. During that time they would receive a very low wage. It might be as low as 5s, or it could be 7s 6d. If it was 5s they would receive 2s and 6d, and that would be put in a bank account on their behalf.

This was operating from about the turn of the century and certainly up until 1921 in Western Australia, when most missions were closed down by the Aborigines Department under Mr Neville. So they would work for 12 months, they would be checked on regularly by the head of the mission and then they would go out and work for another family. Up until they were 21 they would have bankbooks. Employers would regularly pay 50 per cent of their account or an agreed amount into those bankbooks. Once they reached 21, those bankbooks, which were, if you like, the foundation of the trust accounts, would be given to that individual because they were no longer under the jurisdiction of the industrial school or the mission.

When Mr Neville came into power in 1915, and in particular in 1917 through to 1918, when he was looking at the employment regulations for WA, he specifically requested that those trust accounts come under the control of the department. There are a number of files covering correspondence to mission authorities requesting that those bank books come under the control of the department, and they were provided to the department. They really formed the basis of the trust accounts.

Of course, under that older system they were only meant to be a means of an indentured labourer—let's call them that—reaching a point where, at maturity, at 21, they would have savings, they would have had a period of solid employment and they would essentially be adults on their own out in the workforce. That, of course, never really happened under the Aborigines Department, where essentially people were treated as children well into their mature years and the trust accounts were administered often even to the point where people died and the funds were returned to the department.

Senator CROSSIN—The actions of Mr Neville in relation to the missions came under the Western Australian department. Did the Commonwealth government have any role at all to play at that time?

Mr Kinnane—No, none at all. The Commonwealth government had no role to play in WA until probably the 1940s, when people were looking at things like child endowment and pensions. But really the administration of those sorts of issues, personal files and so on, was down to the Western Australian jurisdiction, officially after 1967, until the Aboriginal Affairs Planning Authority Act in 1972.

Senator CROSSIN—I am going to ask you something you might not know about, but I will give it a go. It seems that there was an arrangement whereby people's salary or some contribution of it was paid or should have been paid to a trust account, particularly in places like WA and, say, Queensland. Do you have any knowledge of what might have happened in the Northern Territory during that time?

Mr Kinnane—No, sorry, none whatsoever. I have not accessed those files or spoken to people about their practice.

Senator CROSSIN—So no-one you have been doing research for moved across the border and worked in the Northern Territory at the time?

Mr Kinnane—I think most of the people who I have had contact with who would have done that were working on stations and, particularly at the time that they were working on stations, people generally did not receive wages anyway, unless of course they were head stockmen. And often head stockmen received wages outside of those kinds of arrangements because they were valued workers. From my knowledge, for most women working on stations there would not have been any official recognition of their service other than their receiving rations, basically.

Senator CROSSIN—On the ghost files paper that you have written: do you believe that files were being deliberately destroyed?

Mr Kinnane—I think it is very interesting that 71 per cent of the staff files were destroyed. I do not personally believe that they were deliberately destroyed on the basis that there may be future interest in a claim. I do not think that people believed that Indigenous community members would eventually be delving into these files or seeing what was written on them. I think, though, that often files, particularly files dealing with cohabitation or with complaints against employers, were destroyed.

There was a culture, if you like, that came out from reading a large number of files. I have probably viewed, with my coresearcher Lauren Marsh, over 600 administrative files in Western Australia, ranging in size from three folios to 300, depending on what they were about. I have probably viewed about half-a-dozen personal files, each the size of a telephone book, and the culture that comes across is that the department was reluctant to pursue any complaints that Indigenous employees had against their employers. Often, those kinds of files dealing with employment were destroyed. I have no proof to say that they were destroyed for that reason, but I would say that there was a culture of not wishing to rock the boat as far as dealing with white employers went.

Within the files that I have come across, if ever there was a dispute where an Indigenous employee was complaining about treatment or wages, generally the department would back the non-Indigenous employer and they would quite simply either terminate that employment and shift that employee elsewhere, or they would tell that person they would just have to stay there and deal with it.

There were a couple of cases—one particular file was for Mrs Jean Hill, who has since passed away—where the then acting chief protector, Fred Aldrich, did stand by a complaint that an employee made against a particular employer. Mrs Hill always spoke very highly of Aldrich for

that reason. Other than that, I am not aware of any instances where the department came to the aid of Aboriginal workers.

Senator BARTLETT—I am from Queensland. This issue of stolen wages, just to give it a very general label, basically came about through people doing a lot of research in files and the like, and I guess the more they researched the more they found to flesh out longstanding assumptions held by Indigenous people. One of the questions I am trying to get a clearer answer to is whether there are sufficient indications of inappropriate practices to justify the fairly extensive investment in time and resources that would be required to try and determine the extent of it in other places, including, in your case, Western Australia.

Mr Kinnane—Okay.

Senator BARTLETT—My broad question is: do you think there is sufficient evidence available, from what you and others know, to justify a good, thorough examination? I am continually struck by just how labour-intensive that sort of task would be.

Mr Kinnane—Yes.

Senator BARTLETT—There is also the question of the raising of expectations. If you create the expectation that there has been this massive injustice and that people might be able to get some recognition and compensation for it, then people could do a whole lot of digging but not necessarily find all that much. That would not necessarily be terribly productive in a whole lot of ways.

Mr Kinnane—There are two parts to that. Firstly, in terms of expectations, I believe that for most community members—certainly of the people that I have spoken with, and not only those from a much older generation, many of whom have since passed away, but also their children, who have often talked about these issues—the most important factor would be to know what happened. While there may be some consideration of potential compensation from this—and not just in monetary terms but around the issue of justice—most people would still see that it would be very valuable to know exactly what did happen and why. It would help to make people understand the systems that led to, for instance, much of the disadvantage that is currently prevalent across the Kimberley region, where I am working, particularly around issues of employment, capacity and skills. There is a disparity that has affected the Indigenous community up here.

That knowledge itself would be very worth while, as well as any potential benefits to come from it. In terms of whether or not it is worth while or how arduous it would be, you can look at the work that Ros Kidd has done in Queensland and at the work of people such as Mary Anne Jebb, Fiona Skyring and Anna Haebich in Western Australia and Christine Choo in the Kimberley. There is a large body of secondary work but also a large amount of expertise that would enable a very focused fact-finding mission, let us call it, into this process that would yield valuable knowledge. By that I mean I do not think it would come out with inconclusive evidence; it would come out with a very clear picture of what did take place. It does exist within the archives. It is difficult that a large number of files have been destroyed, but I believe that there would be sufficient evidence to piece together a clear understanding.

I think another reason for doing it is that, while perhaps not many Indigenous witnesses have come forward for this current phase of the inquiry, particularly for the sitting in Perth, due to the short notice, I think that many people would strongly welcome the opportunity to share their story and to give their opinions—but share their story particularly—about the labour that they did for employers but also for the development of this state and to have it recognised that they played a role in the development of this state. So I think it would be valuable in those two terms. Of course, if there were the potential for, if not compensation, even some kind of fund that led to further development of protection of workers' rights for Indigenous workers across the country, I think that would be a valuable thing.

The only way I can put it is this: imagine if for a period of roughly 100 years an authority structure such as the government was taking your superannuation and not telling you what it was doing with it and then not allowing you to have access to it and not allowing your family members to know what had happened to the thousands of dollars that you had paid into that account for your entire working life. I think it would be, for the majority of Australians, a subject well worth looking into.

Senator BARTLETT—My other question relates to your own experience in the west. Do you have a view about the political attitudes of not just the state government but political parties in general? I have gained some indication from evidence that there has been less than full cooperation with regard to access to archives, whether that is just bureaucratic processes being bureaucratic or something more hostile. What is your view of the attitude to date from government in particular and political parties in general about this issue? Is it being actively blocked or just not seen as something worth paying any attention to?

Mr Kinnane—I would say, from my experience of working with the archives early on, from the mid- to late 1980s, when I started working and researching in this area and accessing much of the restricted material that was held, mainly to do with the issue of removal of children and Link-Up services and work that was taking place at Moore River, that there was certainly a resistance to anyone working in this field. It was in part probably latent paternalistic racist attitudes within certain bureaucracies, but it was also, I think, quite simply fear of what people would find in the archives—and also perhaps a lack of value of anything that was about Indigenous stories, Indigenous knowledge or Indigenous history.

Politically, I do not know exactly where the government currently sits on this issue, but I think there is a precedent in native title research. The Department of Indigenous Affairs would be one of the primary sources of information about this issue. It has a policy of making all files open to claimants and the state for native title research and, therefore, there is a precedent for them to follow that policy for this particular research.

Senator SIEWERT—You mentioned that some categories of files would be particularly useful for research being done now. What categories of files have been destroyed?

Mr Kinnane—Yes. Of the 148 station files dealing with the north-west in 1947, 107 have been destroyed. Station files usually hold those sorts of records. So clearly there would be station files, and the damage to those is very serious. Also, a large number of files dealing directly with employment were destroyed. Since 1988, a large number of people have accessed their personal files through Family Services, the Department for Community Development or

wherever they are currently held. They have probably returned hundreds of such files to community members. It would be a good collaborative research project to contact those people to see if they would be willing to participate in a study looking into this—I doubt that anyone would not be interested. I think that would be a very rich source of information to understand exactly how the accounts were administered and where the money went. That would provide evidence on a case-by-case basis and also across the board on a number of different themes such as stock workers, domestic servants, people in private employment, people in government employment and so on.

Personal files are still a rich area for information. Only 20 per cent of them have been destroyed—as opposed to the administrative files, of which up to 50 per cent have been destroyed—so they would clearly be of value. I will read from a paper that Lauren Marsh and I wrote some time ago for the Australian Institute of Aboriginal and Torres Strait Islander Studies. It states: ‘Specific files relating to the management and expenditure of trust accounts, savings books, maternity allowance et cetera have been heavily destroyed. Whilst it may be possible to extract some information from personal files regarding individual cases, it will be unlikely to shed much light on the internal practices of the department in managing these funds.’ I still believe that the personal files would hold a vast amount of personal information about the accounts.

Senator SIEWERT—So people never got the money that was held in the trust accounts?

Mr Kinnane—The money would go into your account. You would not be told how much money was in your account, and it would bank up. If my grandmother wanted to buy a frock and shoes she would have to write to the chief protector—my grandmother’s file is filled with this—and say: ‘I have no shoes. I have no dress. They have been stolen or damaged. Can you please get me these things?’ The chief protector would then write an order for someone in the department—they would have her size on file—to go down to Foy and Gibson or some other department store, buy them for her and post them out to wherever she was working. If, while you were in town, you wanted to get cash for, say, hospital treatment, you would have to front up to the department and get in a line which ran around to the back of the building in Murray Street. You would wait in the line and eventually you would get to see Miss Stitfold, the secretary to the chief protector, who would grudgingly hear your account of why you wanted the money. You would then fill out a withdrawal form and she would take it to Mr Neville, who would decide whether you got access to that money.

People learnt through that process not to ask for too much, but to ask for just enough. As Mrs Alice Nannup told us, sometimes five women would get together and say, ‘Let’s all go and get 2s 6d and then we’ll pool that money together and have a day going out, get some food and do some things.’ So people realised that there was a system that was withholding their money. They knew they could access their money, but they had no real control over that money; they could just as easily be denied that money.

In my grandmother’s case, because she left a number of employers before her contract of employment—which was usually for 12 months under permit—ended she would be penalised by having to pay for her transport from that employer. Let us say that it was out in a country town, back to the city, where the department had a house known as Mrs Mulvale’s in the 1920s through to the 1930s where women had to stay. If you were in town, you had to stay at this place. The

board charged in that place was £1 a week. Not many women earned £1 a week. They might have earned half a pound a week. Certainly they did not get that cash in their hand. So that would come out of their account. I doubt that they had any idea how much they were paying for that.

Likewise, if my grandmother was sent to the Moore River Native Settlement for imprisonment, she would have to have an escort on the train. That escort on the train was a police officer who would be paid by the department—so it was like a fee for service between departments—and that would come out of my grandmother's account. I can guarantee you that she had no idea that that police person who was escorting her to Moore River was being paid for by her.

So people could access their account. They knew that it was likely that they would get knocked back. They knew that there was a power over that account. They could not actually deal with that account and make financial decisions for themselves. They could not withdraw all of it at any one time; they could only really grab what they could and use what they could. For some people when they passed away their children might have had an expectation that the moneys that they had accrued as workers would be returned to them, but of course that generally was not the case. That is why many people of subsequent generations have asked, 'What happened to the wages of my grandmother or my mother?'

CHAIR—I think we are just out of time really. Mr Kinnane, I thank you very much for your evidence to the committee today and for the material that you have provided to us on the other matters that you have discussed with us today. I will say for the record that I think the committee's procedure from here in relation to seeking information from the government of Western Australia will be to place questions on notice to the government and hope that we get some assistance with responses on those. Any answers received will of course, as I have reiterated during this morning's proceedings, be on the public record.

The committee will also endeavour to hold a further hearing, probably in Canberra. Based on the timetable between now and the reporting date, the committee is obliged to attend at least two sitting weeks in Canberra, so that really does restrict our capacity. Hopefully we can hear from further witnesses. That is certainly our intention. I thank all the witnesses who have given evidence to the committee today, particularly those witnesses who came here to this hearing to tell us their stories and those who appeared by teleconference and told us their stories. They make the committee's appreciation of the issues we are pursuing much more tangible and it is very important for us to have that opportunity. I declare this hearing of the legal and constitutional affairs committee adjourned.

Committee adjourned at 12.48 pm