

Indigenous Stolen Wages: history and reparations

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Abstract

In this paper, I will analyse Indigenous stolen wages in Australia. I will detail the various stolen wages practices inflicted on Indigenous people by state and territory governments and their agencies and will analyse the history and impact of these practices. I will also analyse the several stolen wages reparation schemes that have been developed by the New South Wales, Queensland and Western Australian governments in an effort to address the legacies of the stolen wages practices on Indigenous people.

Keywords: Indigenous, stolen wages, reparations

Introduction

For well over one hundred and fifty years, the wages, savings and social security benefits of Indigenous people were controlled by Australian governments and their agencies, such as the Aboriginal Protection Boards. This history is now referred to as the stolen wages practices. In this paper, I analyse the history of these stolen wages practices and the impact of the practices on Indigenous people. I also examine the Indigenous-led political campaigns conducted in recent years for reparations for Indigenous people impacted by these stolen wages practices and the reparation schemes

concerning stolen wages developed by the New South Wales, Queensland and Western Australian state governments.

History

There has been significantly varying legislation concerning Indigenous affairs that has been passed by Australian state and territory governments during the 19th and 20th centuries. Therefore, the literature on stolen wages has largely focussed on the history and impact of stolen wages practices in specific Australian states and territories.

The literature on the history and impact of stolen wages in Australia has focussed mainly on Queensland (Kidd 2006; McDougall 2002; Mudaliar 2003), New South Wales (Banks 2008; Brennan 2006; Haskins 2005) and Victoria (Gunstone 2012; Gunstone and Heckenberg 2009; History Matters 2009a). There is also some more limited literature on the history and impact of stolen wages in other states and territories (Anthony 2007; Kidd 2007; Gray 2008).

The literature illustrates a significant diversity among the states and territories. For example, Victoria had only one staffed government reserve from the 1920s whereas other states and territories had many more staffed reserves. However, despite this diversity, the literature does reveal a broad range of stolen wages practices that were generally common throughout Australia. Indigenous workers were largely either not paid any wages or were paid substantially lower wages than other workers in comparable fields (Gunstone and Heckenberg 2009; McDougall 2002). Indigenous workers also

often had strict employment controls placed upon them by governments, government agencies and private employers (Gunstone 2009; Kidd 2008). Indigenous people were generally prevented by Commonwealth government legislation from receiving a broad range of social security benefits that were paid to other Australians, including invalid pensions, old age pensions, maternity allowances, child endowments, widow's pensions, tuberculosis allowances, war pensions and unemployment benefits (Gunstone 2010; Kidd 2006). When Indigenous people did occasionally receive wages or benefits, governments and their agencies largely compulsorily acquired these monies and paid them into trust accounts that they controlled which were often mismanaged, through neglect, incompetence and fraud (Haskins 2005; Kidd 2007). Indigenous people were often unable to access these trust accounts for years and if they finally were able to access their accounts, the accounts often held either no funds or less funds than they should have (Banks 2008; Mudaliar 2003). These various stolen wages practices were able to occur through the abysmal governance of Indigenous affairs administration by the states and territories and the appalling level of financial and management unaccountability by state and territory governments and their agencies (Brennan 2006; History Matters 2009b).

The stolen wages practices have significantly and detrimentally impacted upon generations of Indigenous people for well over one hundred and fifty years. The practices have been referred to by several academics as 'slavery' (Curthoys and Moore 1995: 4-5; Gray 2007: 30; Jones 2004: 7). The magnitude of monies stolen from Indigenous people under the stolen wages practices, including wages, benefits and savings, is very significant, with an

estimate of over \$500 million in today's terms stolen from Indigenous people in Queensland alone (Mudaliar 2003). The stolen wages practices also continue to have a significant impact on contemporary Indigenous socio-economic disadvantage, particularly in areas such as housing, health and education.

Reparations

Indigenous people have protested and campaigned against these stolen wages practices for many decades. In more recent years, their campaigns have been supported by other groups, particularly community reconciliation groups and trade unions. There have been several significant political campaigns conducted over the past two decades. These campaigns are part of a long standing tradition of social movements in Australian political and social history, particularly those relating to Indigenous affairs (Maddison and Scalmer 2006: 3; Attwood and Markus 1999). These campaigns, led by Indigenous people, have argued that state governments should address the appalling history of the stolen wages practices and provide reparations to those Indigenous people impacted by these policies. The campaigns have been most prominent in Queensland and New South Wales. There have also been less prominent campaigns in Western Australia and Victoria, while there has been very limited campaigning in the other states and territories. While the campaigns have differed between the states and territories, they have conducted a similar range of activities. These activities have included advocating to Commonwealth, state and territory governments to develop a

reparation scheme for those Indigenous people impacted by past stolen wages practices. The campaigns have publicised in both Indigenous communities and wider communities, through the media and political activities, the history and impact of stolen wages practices and the desirability of a reparation scheme. The campaigns have also constructed key connections with strategically relevant people and organisations, including Indigenous groups, individual parliamentarians, political parties, trade unions, academics and local, state and national reconciliation organisations.

There have been a variety of responses from Commonwealth, state and territory governments to both the expanding literature on the history and impact of stolen wages practices and the campaigns from Indigenous people and their supporters for reparations schemes. In 2006, the Commonwealth Senate Committee on Legal and Constitutional Affairs conducted an inquiry into stolen wages (Senate Committee 2006). There were 129 submissions from individuals and organisations, including Indigenous people, academics, Indigenous legal services, churches, trade unions, reconciliation groups, stolen wages groups and governments (Senate Committee 2006). The Senate Committee produced a report from this inquiry titled *Unfinished Business: Indigenous Stolen Wages*. Three of the key recommendations from the Senate report were: the Western Australian government should develop a reparation scheme similar to that developed by the New South Wales government; the Commonwealth (in regard to the Northern Territory and the Australian Capital Territory), Victorian, South Australian and Tasmanian governments should consult with Indigenous people and explore their archives to determine if they need to establish a reparation scheme similar to

that developed by the New South Wales government; and the Queensland government should revise their reparations scheme to more closely follow the New South Wales scheme (Senate Committee 2006: xiii-xiv).

None of these three key recommendations though has been addressed by the Commonwealth, state and territory governments. Western Australia has developed a reparations scheme, yet it is manifestly inferior to the New South Wales scheme. I will discuss the three state reparation schemes later in this paper. The Commonwealth, South Australia, Victoria and Tasmania governments have not genuinely consulted with Indigenous people and have not comprehensively explored their archives to investigate the necessity of a reparations scheme. The Queensland government has not modified its poor scheme to address the elements contained in the New South Wales scheme.

Currently, only the New South Wales, Queensland and Western Australian state governments have developed reparation schemes for those Indigenous people who were impacted by previous stolen wages practices. In 2002, the Queensland state government developed the *Indigenous Wages and Savings Reparations Scheme*. The main elements of this scheme were that it provided reparations of just \$2000 to \$4000 to Indigenous people who were born before 1957 and were still living at 9 May 2002, could prove their wages had not been paid to them and would agree to not pursue any other legal avenues regarding their stolen wages (DATSIP 2003; DATSIP 2004). In 2005, the New South Wales state government developed the *Aboriginal Trust Fund Repayment Scheme*. This scheme was a significant improvement on the Queensland scheme. Its main elements included providing reparations to Indigenous people, or their descendants, for lost or stolen trust funds, not

capping these reparations, allowing for oral evidence and not forcing claimants to waive their legal rights (Gilligan, Janke and Jeffries 2004; Tao 2005; Tebbutt 2004). In 2012, the Western Australian state government implemented the *Stolen Wages Reparation Scheme WA*. This scheme was a significantly worse scheme than the New South Wales scheme. Its main elements were that it provided payments of only up to \$2000 to those Indigenous people born prior to 1958 and still alive, who would waive future legal claims and would testify that they had not received wages (Australian Associated Press 2012; Western Australia Stolen Wages Taskforce 2008).

The Queensland and Western Australian stolen wages reparation schemes have been heavily criticised by Indigenous organisations as being significantly inappropriate in providing reparations to those Indigenous people who were affected by previous stolen wages practices. The Aboriginal Legal Service of Western Australia described the scheme as “a slap in the face and a cruel and heartless offer which offends the very notion of recompense ... a paltry amount ... [and] a disgraceful and insulting offer” (Aboriginal Legal Service of Western Australia 2012). A 2005 survey organised by the Queensland Stolen Wages Working Group revealed widespread concern and dissatisfaction among Indigenous people about the Queensland scheme, with findings such as “96% believed payouts should be calculated on the basis of what is owed. A full 100% believe that families of deceased workers deserve to claim their forebears' wages [and] 75% of Indigenous claimants felt that inadequate record-keeping should not affect a person's eligibility for claiming the current offer” (Queensland Stolen Wages Working Group 2005: 45).

It is interesting to look at the Victorian situation. There has been significant research conducted on the history and impact of stolen wages practices in Victoria (Gunstone 2012; Gunstone and Heckenberg 2009; Kidd 2007). However, successive Victorian state governments have not adequately examined the issue of stolen wages. Since the publication of *Unfinished Business: Indigenous Stolen Wages* (2006), no Victorian government has addressed a key recommendation to conduct archival research and consultations with Koori communities. This is despite several submissions to the Senate Committee inquiry from Victorian organisations advocating for archival research and consultations (NTEU 2006; VALS 2006; Wampan Wages 2006). Rather, in 2008, the Victorian government paid consultants to undertake a very limited review of the archives. The review was restricted to just a few months of research, excluded many areas, such as social security benefits and pre-1918 archives, was restricted in its archival sources to just the National Archives of Australia and the Public Records Office of Victoria and did not conduct consultations with Koori communities (History Matters 2009a; History Matters 2009b). The government then did not publically release this report until December 2009 despite it being completed in 2008. Based on this report, the Victorian Minister for Aboriginal Affairs, Dick Wynne, stated in 2009 that “the Report confirms that that [sic] there is no evidence of the systemic withholding of wages ... from Indigenous people in Victoria” (Wynne 2009). However, the report was substantially criticised for its limitations by a Public Interest Law Clearing House (PILCH) commissioned legal report (PILCH 2010). Further, significant archival research and Koori community consultations undertaken by Gunstone and Heckenberg in 2008

and 2009 clearly illustrated that a number of stolen wages practices had been inflicted on many generations of Victorian Kooris (Gunstone and Heckenberg 2009). Despite this overwhelming evidence though, the Victorian government continues to fail to acknowledge the history and impact of stolen wages practices in Victoria and implement a just and appropriate reparations scheme.

Conclusion

For much of the nineteenth and twentieth centuries, Indigenous people were significantly and detrimentally impacted by a range of destructive processes, now known as the stolen wages practices. These practices included underpaying or not paying wages to Indigenous workers, implementing strict employment controls on Indigenous workers, failing to pay a broad range of social security benefits to Indigenous people, paying wages owed to Indigenous people into trust accounts which were often mismanaged and incompetently managing Indigenous affairs. These stolen wages practices continue to substantially impact upon Indigenous people today as much of the monies owed to Indigenous people has not been returned.

The long-running campaigns by Indigenous people and their supporters, along with the significant amount of literature on stolen wages, has helped focus the attention of several Australian governments on stolen wages. However, the responses of Australian governments have been substantially disappointing. The 2006 Senate Committee inquiry has had the majority of its recommendations ignored by governments. The three state

government reparation schemes so far developed – New South Wales and particularly Queensland and Western Australia – have failed to genuinely address the legacies of the stolen wages practices. The other states and territories have failed to even introduce reparation schemes. This failure by the Australian Commonwealth, state and territory governments to implement effective reparation schemes has resulted in Indigenous people impacted by past stolen wages practices not being able to obtain reparative justice.

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