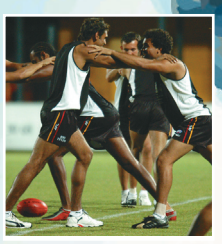
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OUR SLAVE PAST

A Senate inquiry, a stolen wages scandal and a debate Australia is too scared to have.

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THE BIG READ

STOLEN WAGES

OUR SLAVE PAST

STOLEN WAGES

Late last year, the federal Senate handed down its findings from an inquiry into the stolen wages issue. But the report's long-overdue completion sparked the sort of political response you might expect from a Senate inquiry into navel lint. CHRIS GRAHAM explores one of the biggest Indigenous issues facing this country and why, as a nation, we seem so scared to face it.

December is a tough month to get the attention of the Australian people. But last December was even tougher than usual. Notwithstanding the impending retirement from cricket of Shane Warne and Glenn McGrath, Kim Beazley was in the final death throes of his ALP leadership battle with Kevin Rudd.

It was a big month for news.

While these media frenzies continued, on the last sitting day of 2006 the federal Senate quietly handed down a lengthy report into the lost and stolen wages and savings scandal.

It followed a whirlwind inquiry by the Legal and Constitutional Affairs Committee, which had spent a day each in Brisbane, Sydney, Perth and Canberra taking oral evidence from Aboriginal victims.

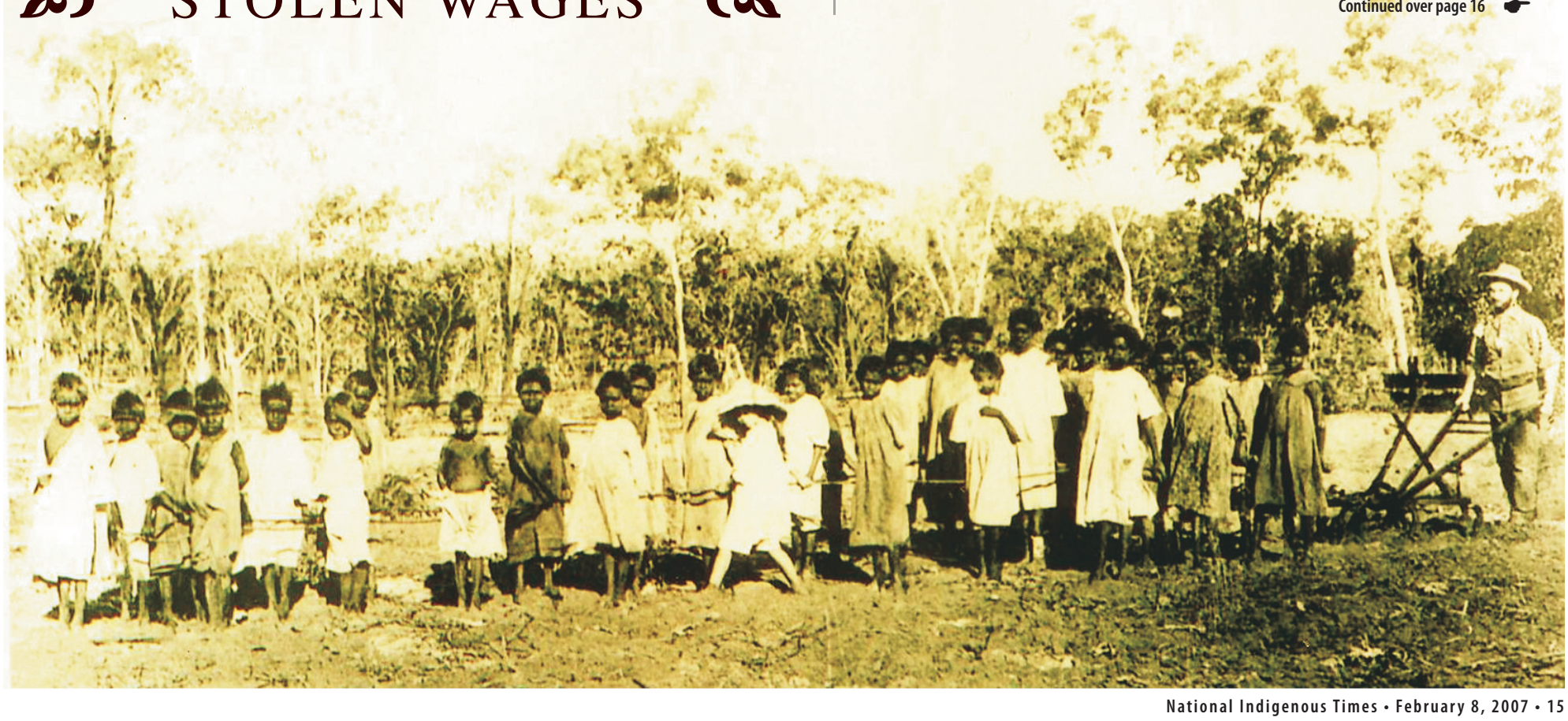
The final report - entitled *Unfinished Business: Indigenous stolen wages* - runs to 160 pages and was completed within a month, a marathon effort considering how much information had been gathered (in addition to the oral evidence, it attracted 129 written submissions).

It is by far the most complete and concerted effort yet undertaken to get to the bottom of the stolen wages scandal at a national level.

The report lays bare the massive moral and financial debt owed to Aboriginal people by this nation, a fact not lost on the participating senators from both major political parties, the Greens and the creators of the inquiry, the Democrats.

"The committee has received compelling evidence that governments systematically withheld and mismanaged Indigenous wages and entitlements over decades,"

Continued over page 16



the committee reported. "In addition, there is evidence of Indigenous people being underpaid or not paid at all for their work.

"These practices were implemented from the late 19th century onwards and, in some cases, were still in place in the 1980s."

A recurring feature of the recommendations of the report - of which there are six - is a call to the federal and state governments for more research into the stolen wages issue.

"The committee recommends that the Commonwealth government provide funding in the next budget to the Australian Institute of Aboriginal and Torres Strait Islander Studies to conduct a national oral history and archival project in relation to Indigenous stolen wages."

The inquiry also recommended that the "Commonwealth Government in relation to the Northern Territory and the Australian Capital Territory, and the state governments of South Australia, Tasmania and Victoria urgently consult with Indigenous people in relation to the stolen wages issue and conduct preliminary research of their archival material."

In addition to this, the West Australian government is specifically targeted in the recommendations - the Senate inquiry found WA has a compelling and urgent case to answer. It also called on the Queensland government to abandon the current course of its compensation offer, which has been widely condemned by Indigenous and non-Indigenous leaders.

"Indigenous people have been seriously disadvantaged by these practices across generations. Many of those affected are now elderly and in poor health.

"It is therefore imperative that governments take immediate action to address these injustices.

"It would be an abrogation of moral responsibility to delay any further, particularly with the knowledge that the age and infirmity of the Indigenous people affected by these practices limit their capacity to pursue claims."

OUR SLAVE PAST

Yet 'abrogation of responsibility' appears to be exactly the path the federal and state governments are heading.

NIT sought comment from every state government (with the exception of NSW) about what they would do given the recommendations of the Inquiry.

No government, save for Tasmania, responded.

"There is no evidence of wages of Aboriginal workers being withheld or stolen in Tasmania," replied Michelle O'Byrne, the Tasmanian minister for Community Development, which takes in Indigenous affairs.

"However, if the Tasmanian Aboriginal community has any concerns regarding this matter it should contact my office."

For the record, the Senate inquiry doesn't quite share O'Byrne's optimism - while the report acknowledges Tasmania was the only state or territory not to introduce a 'Protection Act' to govern the lives of Aboriginal people, the Senate committee still recommends Tasmania properly investigate the issue.

Also for the record, O'Byrne's electorate office number is (03) 6336 2685.

The lack of enthusiasm to own up to - or even to investigate - the past theft of vast sums of Aboriginal monies came as no surprise to those already familiar with the Senate inquiry process.

Most governments ignored that too.

"The committee did not receive submissions from the Western Australian, South Australian, Tasmanian or Victorian Governments," the inquiry noted, although Tasmania and Victoria both wrote to say they wouldn't be participating.

"The committee believes that state governments would have been able to provide valuable assistance to the inquiry and is disappointed that these governments did not participate."

Even the federal government came in for a serve.

"The committee acknowledges that representatives from FaCSIA [the Department of Family and Community Services and Indigenous Affairs] did appear before the committee.

"Nonetheless, the committee is disappointed that FaCSIA has not pursued the issue of stolen wages, instead adopting a more reactive approach.

"The committee notes that FaCSIA did not provide a formal submission to the committee. However, FaCSIA did provide limited information on Commonwealth legislation."

The word 'limited' is perhaps an understatement - FaCSIA's 'submission' was two brief letters to the Senate committee, one telling the inquiry FaCSIA knew virtually nothing about stolen wages, and the second telling the inquiry it preferred not to comment on specific matters because... it knew virtually nothing about stolen wages.

So why won't governments take the issue seriously? Why has the Labor Party not acted to force governments in power to tackle the issue? Why don't the Liberals exploit the ALP on an issue that could potentially plague all state Labor premiers?

And why doesn't the media leap on the story? How can the Australian Wheat Board scandal capture the imagination of a nation, but a story about thousands of real 'Aussie battlers' who'd been 'ripped off by the system' go virtually untouched?

The answer lies in the fact that Australians have 'better things to worry about'. And ironically, that's what created the stolen wages scandal in the first place.

The key might also lie in the 's' word - slavery. Because essentially, that's what the stolen wages issue is all about.

But don't just take our word for it.

One of the central themes in Keith Windschuttle's controversial book, *A Fabrication of Aboriginal History*, is that left-leaning historians have tried to re-write history by putting words into the mouths (and actions into the hands) of past settlers and officials.

Windschuttle argues, for example, that people alive in the 1800's are best qualified to commentate on the events of that era.

That perhaps goes some way to explaining why conservatives like Windschuttle haven't weighed into the debate around stolen wages - over the course of the last two centuries, there have been a host of people inside and outside Australia who were prepared to call 'a spade a spade' when it came to Australia's treatment of black workers.

Submissions to the Senate inquiry are literally littered with historical references from credible figures of history accusing Australia of slavery.

The submission to the inquiry by historian Dr Ros Kidd, unarguably the nation's leading expert on stolen wages, is by far the most detailed.

Dr Kidd writes: "Recommendations for a minimum five shilling monthly wage (in Western Australian in the early 1900s) were successfully opposed by pastoralists, leading one parliamentarian to describe the current system as 'another name for slavery'."

A few years later, in South Australia, an Aboriginal protector was also in no doubt what to call it.

"Under the South Australian Aborigines Act (1911) the government empowered police to inspect workers and their conditions, but it did not introduce licenses as for the Northern Territory nor did it provide for minimum wages, leading the protector at Innamincka to comment, "I think it is about time that slavery is put a stop to among the natives of Australia"."

And there's this, from the Chief Protector in the Northern Territory: "In the absence of employment protection in South Australia the Northern Territory Chief Protector Herbert Basedow said in 1927 that pastoral workers "are kept in a servitude that is nothing short of slavery".

Dr Kidd's submission was by no means the only one to the inquiry to touch on the issue of slavery.

Dr Fiona Skyring from the Aboriginal Legal Service of Western Australia also provided a lengthy submission, including this excerpt: "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... that system was not only known by the state government but also supported by the state government."

Dr Thalia Anthony, a lecturer in law at the University of Sydney told the Senate inquiry that: "It could be argued that the Commonwealth government violated its obligations under international law. Relevant conventions of the International Labour Organisation (ILO) and the Office of the High Commissioner for Human Rights, which Australia has ratified, include [the] Slavery Convention 1926, which Australia ratified at the time and then again in 1953 when the Convention was amended. Article 2(b) stipulates that contracting parties shall endeavour 'to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms'."

But it's a 29-page submission from Monash University law lecturer Stephen Gray, on behalf of the respected Castan Centre for Human Rights Law, that really nails the issue of slavery.

In his submission, Gray uses the word 109 times. Whatever side of the political fence you sit, it makes for compelling reading.

"...'Slavery' did not merely become a criminal offence when the Commonwealth enacted new laws on the issue in 1999," Gray writes.



PULLING A PLOUGH: The photo on the previous page was taken in 1930 in Far North Queensland. The caption accompanying the image reveals a local farmer had wanted to know how many Aboriginal children it would take to pull a plough, so he borrowed a group of kids from the Weipa orphanage and put them to work. The white girl in the centre of the photo is the daughter of the farmer. You'll note, she's not attached to the plough.

"... Chief Protector Herbert Basedow said in 1927 that pastoral workers 'are kept in a servitude that is nothing short of slavery'."
- Historian Dr Ros Kidd.

"Slavery was outlawed in the British Empire, including Australia, by 1833. From the 1860s, religious and humanitarian bodies began to invoke "charges of chattel bondage and slavery" to describe aspects of north Australian conditions for Aboriginal labour.

"While initially such charges were confined to Melanesian indenture or the 'Kanaka traffic', this changed in 1891 when a 'Slave Map of Modern Australia' was printed in the September-October edition of the British Anti-Slavery Reporter.

"This map, reprinted from the English journalist Arthur Vogan's account of frontier relations in Queensland, showed most of central and north Queensland, the Northern Territory and coastal Western Australia as areas where "the traffic in Aboriginal labour, both children and adults, had descended into slavery conditions"."

The map "represented colonial race relations as rampant cruelty, slavery and extermination".

The accusations from within and outside Australia of slavery weren't just limited to the late-1800s. They dragged well into the 20th century.

Dr Kidd notes in her submission that a 1929 Commonwealth report probing conditions in Northern Australia found the pastoral industry was "absolutely dependent on the blacks for the labour" and "most of the [farms]... would have to be abandoned" without them.

"Yet the 2,500 Aboriginal workers and 1,500 'camp dependants' on the stations were forced to suffer in shelter cobbled together from waste materials, "mere kennels and most unsanitary".

"The chief protector said contracted employment in central Australia was 'analogous to slavery'....."

The 1929 report Dr Kidd is referring to is called *The Aboriginals and Half-Castes of Central Australia and Northern Territory*.

It was commissioned by the Australian Prime Minister Stanley Melbourne Bruce in the face of ongoing criticism of Australia's treatment of Aboriginal people.

Bruce asked then Queensland Chief Protector of Aborigines JW Bleakley, to report on Aboriginal policy in the Northern Territory.

The report upped the pressure on Australia, but Aboriginal people continued to be exploited.

By the early 1930s the British Anti-Slavery Society in London was alleging that Aboriginal people in northern Australia worked in conditions "no better than slavery".

Dr Kidd's submission reveals that over the next few decades, not much changed.

In 1942 the Queensland Government successfully applied to have its Aboriginal missions defined as 'institutions'.

The reason? So it could receive bulk quarterly child endowment payments direct from the federal government, money which was supposed to go to Aboriginal mothers (like it did all over the nation to white mothers).

The Queensland government then "profited by immediately cutting grants to missions by the same amount as incoming endowment revenue".

By the 1950s, it was still legal in Queensland to contract children under 12 years of age into work, provided you got the approval of the chief protector/director.

"The director admitted there was still 'a fair amount' of child labour in the pastoral industry with many suffering injuries and broken limbs. Rather than banning the practice he reminded the pastoral lobby: 'We try to look on these people as human beings ... Nobody is going to put his own child out too young and we have to think of that with these people."

By the mid-1940s, the practice of non-payment of wages for Aboriginal workers became increasingly unsustainable (although it unarguably continued for many years in many locations, either sponsored by government or helpfully ignored).

But by and large, most employers were being forced to pay at least something to their workers.

But thanks to our famed 'Aussie ingenuity', our forebears found ways and means around the regulations.

Dr Rod Kidd's submission to the inquiry reveals: "In 1947 Aboriginal workers in Darwin went on strike, demanding full wages and full access to their wages and savings. Despite further strikes in 1948, 1950 and 1951 the minister for the Interior refused to intercede in the operations of the Aboriginals Ordinance."

It was not until 1953 that minimum wages and conditions were specified for Northern Territory pastoral workers, but the wage was one-fifth the white rate, annual leave was half, and the range of rations less than 35 percent the minimum requirements for white workers, Dr Kidd notes.

In the Northern Territory, Dr Kidd reports, there were "6000 Aboriginal people reliant on pastoral work for their survival, yet between 1959-64 not one cattle station was prosecuted for failing to comply with mandatory wages, shelter, rations and work conditions".

"Skilled Aboriginal stockmen of many years experience were still getting only £1 plus keep in 1961, compared with £14 for their white counterparts."

Not that the blackfellas either (a) necessarily received the money in the first place (fraud by employers and officials was widespread), or (b) got to keep it when they did actually receive money.

A standard practice throughout the nation was to charge Aboriginal people inflated prices (in some cases up to 300 percent) at local stores, including those run by station owners.

Thus Aboriginal workers and their families lost whatever they earned, and remained dependent on their employers.

"In 1965, when 51 percent of general station hands (in the Northern Territory) were paid around one-quarter the white rate and 34 percent around one-third, the director admitted only 20 stations had even attempted to meet their legal employment requirements."

In the Territory, it all came to a head in 1966, when Vincent Lingiari lead the now famous Wave Hill walk off. At Newcastle Waters, Aboriginal workers also went out on strike.

A year later, 90 percent of Australians voted 'Yes' in a national referendum to include Aboriginal people as citizens. And then got back to the business of ripping off the blackfellas.

When equal wages were finally implemented in the Northern Territory, an 'out clause' was kept which enabled pastoralists to pay a much reduced rate to 'slow workers', who were young or infirm. It was routinely used to legitimize the continued underpayment of wages.

Minimum wages in the Territory in the early 1970s, including clothing, were less than half the unemployment benefit.

In Queensland, it wasn't until a 1968 federal ruling that Aboriginal pastoral workers gained equal wages (although the slow worker clause, which was also embraced by Queensland, was also maintained).

Black government workers, however didn't fare so well.

By the mid 1980s, the Queensland government under Joh Bjelke-Petersen was still refusing to pay black workers on government-run missions award rates.

That was despite legal advice sought by the government seven years earlier (in 1979) which explicitly stated the practice was illegal.

In 1984, Bjelke-Petersen was given a Knighthood for "services to parliamentary democracy".

Two years later, he begrudgingly agreed to pay Aboriginal workers award rates, but not before he had sacked more than 1,500 Aboriginal workers in the previous decade, thus ensuring the inevitable wage increase would not actually cost Queenslanders any extra money.

But even into the 1990s, Australia wasn't quite ready to end the horrendous treatment of Aboriginal workers.

In 1996, the Queensland Borbidge

Need more slaves? Blackbirding the South Sea Islanders

By Amy McQuire

WHETHER or not you accept the term slavery to describe the working conditions of Aboriginal people, most Australians at least know some of the history of the terrible abuses suffered by black workers at the hands of Europeans.

But a far lesser known part of our past is the history of the largest non-Indigenous black minority group in Australia - the South Sea Islanders.

They didn't just turn up out of the blue one day looking for a holiday or a job or even an opportunity to invade and conquer. They were brought here.

And although there is much debate as to whether they were brought here forcibly or willingly, the fact remains that when on Australian soil they were subjected to exploitative conditions and racial discrimination.

In 1859, Queensland had emerged as a separate colony from New South Wales and was using its lucrative sugar and cotton industries as a way to strengthen its economy.

But the state's small population coupled with a reputed inability of Europeans to work effectively in the oppressive tropical heat opened up a commercial opportunity for cheap black labour.

Within 40 years, an estimated 62,000 Islanders from South Pacific islands like the New Hebrides (Vanuatu) and the Solomon Islands were 'black birded' (or kidnapped) to work in Queensland sugar plantations.

Whether the traders forced the Islanders or convinced them is the subject of much contention but official records often conflict with South Sea Islander oral history, which recites dreadful tales of boys being lured off beaches by European traders and young men being kidnapped from their homes.

Once in Australia, the Islander labourers were required to sign contacts, which legally bound the employers to return them to their Islands after three years.

However the contracts also laid out conditions, which placed the labourers at both economic and social disadvantage.

The Islanders may have signed, but the large majority were illiterate and did not properly understand the conditions laid out.

Early accounts of life on these plantations often detail disturbing instances of physical and mental violence against the Islanders.

As well as beatings and lashings (with some cases citing the use of whips and chains), the labourers were also subjected to inferior health care and the withdrawal of food as punishment.

The effects this had on the Islanders is evident in the death rate among the South Sea population, which was considerably higher than for Europeans.

But it didn't stop there.

After the South Sea Island labour industry was shut down (a few years after federation in 1901), the Australian government used its new legislative powers to introduce the Pacific Island Labourers Act, a predecessor to the White Australia Policy.



BLACKBIRDERS: A photograph from the 1830s, showing a Blackbirding crew with their white masters. The rifles were often used to protect the crew during operations to gather more workers.

The Act originally aimed to deport all South Sea Islanders back to their Islands, but was later amended to apply to only 7,670 Islanders out of the population of 9,324.

But the 'lucky' 1654 who were allowed to keep their Australia residency were to face racial discrimination due to their inferior status in society.

Many Islanders could no longer work in the wool, sugar, pearl shell, dairy and banana industries because of a rigorous English test (introduced as part of the White Australia policy) designed in part to keep them out.

Ironically enough, with limited jobs available and with no governmental support at all, many Islanders began to claim their Aboriginal ancestry (which came about due to inter-marriage) in order to survive.

Recognition of the oppression of South Sea Islanders finally came in 2000 when the Queensland government acknowledged the state's injustices and recognised them as a distinct cultural group.

Continued page 20

Stolen wages: How the governments compare

NIT has produced a comparative guide to the stolen wages issues in each state, along with a comparison of responses by the various governments. This table contains information that is general in nature only - for more detailed information you can download the federal Senate Inquiry into stolen wages from http:/www.nit.com.au/downloads . The statements expressed in this table do not necessarily reflect the views of the Senate committee, rather they reflect submissions given to the inquiry and evidence accept by the Inquiry.

	QUEENSLAND	NSW	ACT/TASMANIA	VICTORIA	SOUTH AUSTRALIA	WEST AUSTRALIA	NT
EMPLOYMENT CONTROLS	Wage control was implemented in 1897 under the Aboriginal Protection and Restriction of the sale of Opium Act. Torres Strait Islanders were subject to a similar control. The legislation imposing employment controls was amended and replaced over time, however, controls continued in place for more than 85 years until the mid-1980s. Workers could only be employed under a permit granted by a protector. Dr Ros Kidd noted that up until approximately 1970, children were indentured to work from government settlements. She noted: "...boys were sent to farm work and pastoral stations and girls to fill the insatiable demand for domestic servants. As in the NT and WA, however, the government left 'full-blood' boys on the stations, many less than 10 years of age, reasoning that they were already instructed in labouring and the stations would suffer without their input."	The Aborigines Protection Board was founded in 1883. The Board (under a new guise) was abandoned in 1969. Initially, the Board had a policy of removing Aboriginal children from their families, so employment controls focused on the apprenticing (or indenturing) of young Aboriginal workers. Like Queensland, boys were sent to farms and girls were used as domestics. Children were sent to homes (such as the Cootamundra Girls Home, founded in 1911) to be trained, and then indentured out.	The Senate Inquiry received extremely limited information about Tasmania and the Australian Capital Territory. TASMANIA: The state did not enact a protection Act. However, evidence provided in submissions noted that, in Tasmania, Aboriginal children could be apprenticed under general child welfare legislation. The Senate Inquiry noted that there is a need for further research and investigation into what happened to the wages and savings of these children. It added the income of working child wards and reserve inmates was likely to have been controlled as it was in mainland states and territories. "Those trust funds, and government transactions upon Aboriginal money including workers compensation and inheritances, should be investigated," the Inquiry reported. AUSTRALIAN CAPITAL TERRITORY: From the time the ACT was established in 1911, until 1954, the 1909 NSW Act (as amended from time to time) applied in the ACT. The Indigenous Law Centre commented that, until 1968, when the responsibility for placing Aboriginal children in the ACT was transferred to the Commonwealth Department of Interior, Aboriginal children in the ACT were removed under the Child Welfare Ordinance 1954 (Cth) and were placed in foster homes or NSW institutions under the supervision of the NSW Board. The committee was also told that NSW Aboriginal apprentices were also sent to work as domestic servants in the ACT.	Little is publicly known about Victorian controls of Indigenous workers - the Victorian government ignored the Senate Inquiry. But there is believed to be substantial information contained in state and Commonwealth archives which could assist. Some of that information is already publicly know. From 1869 under the Aboriginal Protection Act 1869 (Vic), the Victorian government implemented a system of employment control of Aboriginal workers through work certificates and contracts. Each contract had to be approved by the Board for the Protection of Aborigines, the local guardian or an authorised agent of the Board. Approval of the contract was in the form of a work certificate. The Victorian employment controls continued largely in place until 1957, when new legislation, the Aborigines Act 1957, was introduced. The power to prescribe employment conditions was subject to applicable industrial awards and determinations. However, from 1958, the approval of the Aboriginal Welfare Board was required in order to employ a male Aboriginal worker under 18 years of age, or any female Aboriginal worker. In terms of the indenture or apprenticing of children, the Aborigines Protection Act 1886 (Vic) and the regulations introduced pursuant to this Act provided that, from the age of 13 years, 'half-caste' boys were to be apprenticed or sent to work on farms and girls were to work as servants.	South Australia was one of the first states to put in place legislation to control the employment of some Aboriginal children. From 1884 legislation enabled a protector to be declared the guardian of any child of Aboriginal descent whose parents were deceased or unknown. A protector could apply to indenture the child until they were 21. Evidence provided to the committee suggests that the practice of children being sent into service continued until at least the 1970s. There appears, however, to have been little regulation of the employment of adult Aboriginal workers. However, on government-run stations employment controls were exercised through other means. For example, the rules for the management and government of the Point Pearce Station, included that: "Work will be provided on the Station for as many of the inmates as practicable preference being given to married men. All able-bodied men, and youths and girls over 14 not required for work on the station, will be required to seek work elsewhere."	The Aborigines Protection Act 1886 (WA) (the 1886 WA Act) introduced employment contracts between employers and Aboriginal workers over the age of 14. In 1905, under the Aborigines Act 1905 (WA) a permit system was also introduced, allowing employers to take out permits to employ Aboriginal workers. Permits could be either for a single worker, or a 'general' permit, which covered a number of workers. The requirement for contracts and permits between employers and Aboriginal workers continued until 1954, although the workers to which the controls applied varied over time. From 1874, Aboriginal children were also subject to the provisions of mainstream legislation which provided for institutionalisation and indenture to service.	The Northern Territory was initially under the governance of South Australia, and subsequently under the Commonwealth. The 1910 NT Act and its successor, the Aboriginals Ordinance 1911 (Cth), implemented a system of employment licences for Aboriginal workers in the Northern Territory. In order to get a licence an employer applied to the protector, setting out the nature of the employment, the conditions of employment and the proposed wages. From the early 20th century, the administration in the Northern Territory also pursued a policy of removing children of mixed race from their parents and 'indenturing' them to white families. From 1918, under the Aboriginals Ordinance 1918 (Cth), a person wanting to employ an Aboriginal worker in a town district needed to enter into an employment agreement as well as obtain a licence. Employers in country districts were only required to obtain a licence to employ Aboriginal workers. From 1953, the employment of Aboriginal workers was controlled through the Welfare Ordinance 1953 (Cth). Although these ordinances were applicable to people who were declared 'wards', the requirements for declaring a person to be a ward were such that, at a practical level, only Aboriginal people could be declared wards. Like earlier legislation, the Wards Employment Ordinance required that an employer hold a licence to employ an Aboriginal worker.
CONTROL OF WAGES, SAVINGS AND PROPERTY	From 1904, all wages paid by employers had to be given directly to protectors. Wages were meant to be deposited in individual accounts, with records kept by protectors. Some employees also received part of their wages as 'pocket money'.	Apprentices were paid a small amount of pocket money, with the remainder held in trust by the Board. These accounts were supposed to be paid out when the apprentice was no longer under government control (for example, when they turned 21). NSW legislation dealt primarily with the control of apprentices, but there was also legislation controlling adult wages and savings, particularly of Aboriginal people on missions (who were under the control of the NSW government).	TASMANIA: No information available ACT: In 1954, the Aborigines Welfare Ordinance 1954 (Cth) was introduced (the same Act in force in the NT) and this allowed for the control of wages of Indigenous workers by providing that the worker's wages could be paid to a person other than the worker.	From 1871, regulations made under the 1869 Victorian Act provided for the wages of Aboriginal workers to be paid directly to the local 'guardian'. The money could then be used for the benefit of the worker or any member of their family, and had to be accounted for to the Board. From 1890 the wages of every 'half-caste' child who was licensed, and of all apprentices, was to be paid quarterly by the employer to the general Inspector of the Board, who in turn was to place the money in the child's credit into a bank. Half of the wages were to be paid to the child quarterly, and the remainder at the end of the service or apprenticeship. From 1931, the Board could direct that monies payable to an Aboriginal person could be paid to the Secretary of the Board, and subsequently paid into a trust fund set up in the worker's name.	The 1911 SA Act provided for the Chief Protector to take control of the property and finances of any Aboriginal or 'half-caste' and to receive property and wages owed to any deceased person. Under the provisions of the Aborigines Act 1934-1939, the Aboriginal Protections Board had the power to undertake the 'general care, protection and management of the property of any Aborigine'. Rules in place at the Mission Station were: "The wages to be paid shall be at a rate to be fixed from time to time by the Trustees, and shall be paid monthly. All rations, stores, provisions, rent, firewood, medical attendance, medicines, paddocking, and all other supplies and benefits, shall be paid for, or deducted from wages, at the end of each month, and shall be charged for at the following rates..." Governments have since been accused of charging exorbitant fees for substandard services.	Legislation did not provide the Aborigines Department or the protector with the power to direct Aboriginal people to hand over their wages and property to be held in trust. Nonetheless, this practice became widespread. Dr Kidd noted that from 1909 people contracted through the Aborigines Department (and its successors) and those indentured from children's homes and missions were pressured into putting part of their wages into trust accounts supervised by the Aborigines Department. From 1954, although the permit and contract system had been removed, station managers were still required, under the Native Welfare Act 1954 (WA), to keep records of goods sold in lieu of wages.	The Castan Centre for Human Rights Law (Castan Centre) noted in its submission that, although the 1910 NT Act provided that the amount of proposed wages be specified in an application for an employment licence for Aboriginal workers, there was no provision in the legislation that actually required wages to be paid. Under the 1910 NT Act, a protector also had the power to take possession of, retain, sell or dispose of the property of an Aboriginal or 'half-caste' person. The regulations under the 1918 Commonwealth Ordinance set out the wages for Aboriginals and 'half-caste' apprentices in town districts. Part of these wages were to be paid directly to the worker with the remainder to be paid to a trust account held in the Chief Protector's Office in Darwin. Licence applications for Aboriginal employees in the country districts required that the worker be paid wages at a rate of five shillings a week, and be provided with food, clothing and tobacco. At the request of a protector, a proportion of a worker's wages were to be held in trust for the worker. From 1933, the Aboriginals Ordinance 1933 (Cth) provided the Chief Protector with the power to authorise protectors to direct an employer to pay a portion of Aboriginal workers' wages to the Chief Protector, who would subsequently hold the wages in a trust account. Under the provisions of the Welfare Ordinance, the Director of Welfare held the property of wards as trustee and could pay debts, judgements, payments, allowances or other costs from the ward's property.

	QUEENSLAND	NSW	ACT/TASMANIA	VICTORIA	SOUTH AUSTRALIA	WEST AUSTRALIA	NT
WAGE LEVEL	In 1901, workers were paid five shillings per week ($24 in today's terms). This represented less than one-eighth of the white wage. In 1983, minimum wage levels were phased into some communities, but up until 1987, Aboriginal people under government control were still paid far less than whites.	In 1910, wages ranged from one shilling six pence for 1st year apprentices to five shillings for fourth year apprentices, which represented less than one-eighth of the white wage.	VICTORIA: No information available. ACT: No information available.	No information available.	The Mission Station rules specified the amount of wages to be paid, and indicated that the amount was dependent on the age of the worker and their marital status.	There was no provision in the 1886 WA Act for contracts to include wages. However, employees were to be provided with 'substantial, good and sufficient rations', clothing and blankets. The Aboriginal Legal Service of WA (ALSWA), in its submission to the Senate, noted: "... the weekly wage for Aboriginal domestic servants in their first year was 7/6 per week, of which they received 2/6 as pocket money with the rest going to the Department. The wages increased to 12/6 after a year, but still the majority of this went to the Department with the domestic servant allowed 5/- pocket money." Dr Kidd noted that limited wages and conditions were introduced in 1944 under the State Farmworkers Award, although this only applied to workers in the south-west of WA.	The 1933 legislative amendments allowed for employers of Aboriginal workers in country districts to be exempt from the payment of wages where the Chief Protector was satisfied that the employer was maintaining the relatives and dependants of his Aboriginal employees. This led to the widespread practice of employers over-counting the number of relatives, and under counting the number of employees. The 1953 legislation provided for minimum wages and conditions for Northern Territory pastoral workers. However, the wages were one-fifth the 'white rate' and the rations were less than 35 percent of the minimum requirements for white workers. Further, the Wards Employment Ordinance allowed for an employer to pay a ward less than prescribed wages where it was demonstrated that the ward was "slow, aged or infirm". Despite the Equal Wages decision in 1966 (which resulted in the widespread sacking of Aboriginal workers) the 'slow worker' clause was retained and allowed employers to continue to underpay Aboriginal workers.
NUMBER OF PEOPLE AFFECTED	Between 4000 - 5500 pastoral workers annually from the 1920s-1960s; around 2500 waged workers on missions and settlements in 1979, which reduced to 765 in 1986; over 600 girls and women domestics in 1915, around 588 in the late 1930s. These figures, however, are likely to be hugely understated.	The number of workers cannot be determined with any great certainty due to patchy government records but the number was certainly in the thousands. Kidd records that: "300 children were sent to work from Warangesda by 1909; 570 girls sent to work between 1916-1928; 400 boys sent to work from Kinchela (an infamous boys home in Kempsey) to the 1970s. A NSW government panel established in 2004 to investigate the issue claimed the number was unlikely to exceed 3,500.	VICTORIA: No information available. ACT: No information available.	The Senate Inquiry did not receive any information about the number of Indigenous people who may have had their employment and wages controlled by the Victorian government. However, the effect of the Aborigines Protection Act 1886 was to remove 'part-Aborigines' from the government reserves and, subsequently, from the control of the Board. During the period 1886 to 1923, the number of Aboriginal stations reduced from six to one, namely Lake Tyers. By 1957 there were fewer than 299 Aboriginal people under the control of the Board at Lake Tyers.	The true numbers are not yet known, but are likely to run into the thousands. Dr Cameron Raynes estimated that the number of people working on the Point Pearce and Point McLeay Stations from 1915 until the 1960s was between 400 and 800. Dr Ros Kidd noted that, in the period 1943-1972, 350 girls were processed through Colebrook Home and into domestic service.	In its first submission, the ALSWA stated that the number of Aboriginal people who had their labour controlled by the government would have been "substantial, certainly more than 20,000". The ALSWA noted that this was a theoretical figure, and acknowledged that many people were employed outside of the controls. Professor Anna Haebich also noted the preference of employers to employ workers outside of legislative controls. Professor Haebich found that in 1913 there were 59 Aboriginal people employed under permits in the south of WA. By 1917, 500 employment permits had been issued, covering the employment of approximately 4,500 Aboriginal workers. Dr Kidd estimated that in 1918 the Aboriginal work force in the Kimberley region numbered almost 2,300.	Dr Ros Kidd estimated that, in 1919, there were 2,500 licensed Aboriginal workers in the Northern Territory and 1,500 dependants. Dr Thalia Anthony told the Inquiry that in 1953 all but six of the NT's 15,700 "full blood" Aboriginal people in the NT were registered as wards. However, many Aboriginal people on remote stations were not registered as they did not come under the official purview.
FRAUD AGAINST ACCOUNTS	There was massive fraud against individual Aboriginal accounts and group accounts (like the Provident Fund and the Welfare Fund). The government routinely used Aboriginal accounts to build infrastructure around the state (not related to Aboriginal welfare) and ignored repeated warnings over many decades to stop the practice.	Little research has been done into fraud against NSW accounts, but in a leaked 2001 report, then Minister for Community Services, Faye Lo Po conceded there was likely to have been fraud against the accounts. Lo Po warned that record-keeping had been so poor that where it could be proved an Aboriginal person had money held in trust, but not proved the money had been paid out, it should be assumed government kept, lost or stole it.	VICTORIA: No information available. ACT: No information available.	Little is known, however Wampan Wages (Victorian Stolen Wages Working Group) noted that returned servicemen and women 'generally received a dowry for their services'; however, 'there is anecdotal evidence that dowries were never paid to many Indigenous returned service men and women from Victoria'.		Not well researched, although anecdotally there was widespread fraud. The Senate inquiry recommended further investigations into fraud in WA.	There is circumstantial evidence of widespread fraud against Aboriginal accounts in the NT. In addition to this, the 'book down' system in operation in the NT was widely abused. Dr Thalia Anthony noted to the Inquiry: "... station stores were marked up to 300 percent over town prices... Government officials were aware of 'booking down', but did not seek to ensure that station prices were kept at market levels. Patrol officer Evans noted that the system 'was open to all kinds of abuse as you can well imagine, and with only one or two visits a year, which was the most that I could make, it was pretty hard to police.'"
THE POLITICAL RESPONSE	In 2002, the Queensland government offered Indigenous workers a maximum of $4,000 to compensate for (in some cases) a lifetime of wage theft. The Queensland offer has been widely condemned not just by Aboriginal people, but by the Human Rights and Equal Opportunity and politicians from all persuasions, including the Senate Inquiry into stolen wages. It does not allow the families of deceased workers to make a claim and requires claimants to indemnify the government from future legal action. The government has never made any real attempt to quantify what its exact liability might be, instead it plucked a maximum figure of $55 million out of thin air. At the same time, claimants have been prevented from accessing archives which would reveal how much is owed. To add insult to injury, the government offer came shortly after under-performing teachers in Queensland were offered pay-outs of $50,000 if they retired early.	The NSW government began researching its stolen wages liability as early as 1997. An explosive 2001 report which revealed a liability of up to $69 million was promptly suppressed, until it was leaked by NIT in 2004. The government responded with a inquiry into the issue, finally resolving that only around $15 million was likely to be owed. But a second report, again leaked to NIT, revealed further government studies in 2004 increased the potential liability to almost $80 million. The government has refused to budge, although the terms of its offer to workers is far better than Queensland. Aboriginal people can claim on behalf of deceased relatives and oral evidence is considered, due to a paucity of government records. Even so, the NSW government has never made any allowance for the generational poverty inflicted by past controls.	TASMANIA: The Tasmanian government claims there is no outstanding issues in relation to stolen wages in its state. However, the government did not disclose what research, if any, had been undertaken. ACT: Liability for any past practises by the ACT rests with the Commonwealth government and, to a lesser extent, with the NSW government. The Commonwealth has never made any attempt to ascertain its stolen wages liability and the Department of Family and Community Services and Indigenous Affairs (FaCSIA) was criticised in the Senate inquiry for not providing a formal submission and for not taking a pro-active role in researching the issue.	The Victorian government has flatly ignored the stolen wages issue, along with ignoring the Senate Inquiry into stolen wages. It was rumoured in 2004 that the Victorian government was researching the non-payment of wages to Aboriginal drovers, but this has never been conceded by the government. The Victorian government ignored attempts by NIT to gain comment.	Like the Victorians, the South Australian government has ignored the stolen wages issue, and the Senate inquiry. No attempt has been made to research the issue or provide access to archives for Aboriginal people and researchers. The South Australian government ignored attempts by NIT to gain comment.	The West Australian government has ignored the stolen wages issue, despite the fact the state is widely regarded as having the largest liability (legally), behind Queensland. The West Australian government ignored attempts by NIT to gain comment.	Any liability for stolen wages rests not with the NT government, but with the federal government (which administered the NT until the 1980s) and with the South Australian government, which administered the NT at the turn of the last century. The South Australian government and the federal government both ignored attempts by NIT to gain comment.

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government refused to abide by a Human Rights Commission ruling that workers on Queensland's Palm Island who had been underpaid during Bjelke-Petersen's reign should be compensated.

The government only capitulated in 1997, when it faced the prospect of a complete and utter humiliation in the courts.

And speaking of humiliation...

William John Grayson is one of America's most infamous 'anti-abolitionists'. A South Carolina lawyer, politician, and author, Grayson argued passionately against the abolition of slave labour.

His arguments by today's standards would probably result in him being committed for psychological evaluation.

"Slavery is the negro system of labour. He is lazy and improvident. Slavery makes all work, and it ensures homes, food and clothing for all. It permits no idleness, and it provides for sickness, infancy and old age. It allows no tramping or skulking, and it knows no pauperism," wrote Grayson.

"If Slavery is subject to abuses, it has its advantages also. It establishes more permanent, and, therefore, kinder relations between capital and labour....

"It draws the relation closer between master and servant. It is not an engagement for days or weeks, but for life....

"I do not say that Slavery is the best system of labour, but only that it is the best, for the negro, in this country.

"Among slaves there are no trampers, idlers, smugglers, poachers, and none suffer from want.

"Every one is made to work, and no one is permitted to starve....

"The master is a Commissioner of the Poor, on every plantation, to provide food, clothing, medicine, houses, for his people.

"He is a police officer to prevent idleness, drunkenness, theft, or disorder. I do not mean by formal appointment of law, but by virtue of his relation to his slaves. There is, therefore, no starvation among slaves."

Grayson is clearly an idiot. But what's most striking about his comments is that after reading the Senate inquiry's Unfinished Business, you can't help but suspect one of America's most renowned rednecks might be more than a little appalled at the treatment of slaves in Australia.

The level of cruelty to Aboriginal workers documented in countless submissions to the Senate inquiry - and accepted by the Senate - almost beggars belief.

Dr Kidd notes that legislation enacted in WA in 1901 "... excluded Aboriginal workers from Masters and Servants laws, extending its maximum penalty of three-months' gaol for breach of contract to a five-year term and the option of a whipping for absconding boys and men.

"... A 1904 Royal Commission into Aboriginal administration in Western Australia found Aboriginal groups were entirely at the mercy of station management: cruelty in the "unsettled districts" was intolerable and police treatment of Aboriginal people "brutal and outrageous".

"Although most workers were not employed on contracts it was common practice to set the police to recapture absconders, including young child servants."

In South Australia in the 1930s, "... Dr Charles Duguid reported that cruelty against Aboriginal workers was common practice, with many "breaking in" their workers as though they were "taming wild animals"," Dr Kidd writes.

"From Ernabella the missionary warned some pastoralists were so abusive they should be banned from employing Aboriginal labour."

Back in the Northern Territory, "... Records show the Commonwealth government failed to intervene despite knowledge of starvation and deaths among workers and their families.

"In 1934 the government was notified that on one station ex-workers were starving to death, but it refused to supply rations arguing this was the responsibility of station management.

"In 1938 anthropologist W E H Stanner again reported workers and dependants on several stations were at high risk of diseases caused by deficient diets; he said on one station only ten children survived from 51 births between 1925-1929."



'The raking up of atrocities that may have occurred in the early days of settlement in Australia and the featuring of them as an indication of the state of affairs existing today is unfair.'
- Prime Minister Joseph Lyons (pictured above with wife Enid) in 1933. His comments came five years after the infamous Coniston Massacre.

"Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control."
- Prime Minister John Howard in 1997. He had already served 12 years in parliament, six as federal treasurer, while black workers in Queensland were still being underpaid.



"In 1942 a patrol officer reported at one station workers 'finished in a state of exhaustion due to the hard labour on the diet of flour only', there was 'not a vestige of food' in the camp of twelve women in 'wretched' emaciated condition who fell upon a piece of unleavened damper 'like starving dogs'. He cancelled the employer's licence, but was overruled by his Canberra superiors who laid no charges against the owner.

"In the mid-1940s a survey reported all ration recipients were forced to labour, including the aged, women and children; and many stations in the central-west ruled their workers through violence and fear. The survey confirmed endemic malnutrition was endemic and excessive maternal and infant deaths were 'destroying the race'; of four births at Wave Hill during a two-month period three of the babies and two of the mothers died."

A submission by Craig Muller, a West Australian historian, to the Senate inquiry reveals documents in the West Australian government archives which record a police investigation in the 1930s into sexual abuse at a pastoral station.

It includes a statement from a woman named 'Genevieve' who was forced to have sex with the station manager.

"I always sleep in the tin shed near [the station manager's] room. When he wants me he calls me into his room. After he have connection with me he send me back to my place. He never sleep with me all night. He tell me to go away after he have connection with me."

At this juncture, it's hard to determine which is more offensive - the fact that the station manager was charged with "co-habiting with an Indigenous woman", or the fact that the charge was dismissed.

Either way, the woman was removed to Moore River, the mission made infamous in the movie Rabbit-Proof Fence and the stomping ground of the infamous 'protector' A.O. Neville.

It was standard practice in Western Australia to remove to Moore River not only women who were raped, but also the children born as a result.

Stephen Gray argued unsuccessfully for the Senate to broaden the scope of its inquiry to include a probe into slavery.

"[My] submission addresses the issue of unpaid Indigenous labour by considering whether such unpaid labour should be regarded as 'slavery'," Mr Gray writes.

"This is not an attempt to be provocative. Rather it is an argument that the term should play a legitimate part in any national debate on the issue.

"Indeed, it has played a prominent role in such debate in the past.

"Government officials amongst others regularly applied the term to discussions of Aboriginal labour in the Northern Territory and elsewhere until the 1970s, when it unaccountably dropped from sight."

Gray also argues that "... an attempt to trace misappropriated money is only likely to identify a limited proportion of money paid into trust funds or accounts over the previous hundred years".

"In any case an exclusive focus upon this issue does not fully address the broader Indigenous sense of grievance at having been underpaid or unpaid.

"While *under*-payment was usually legislatively authorised, at least prior to 1975, the complete non-payment of wages was less clearly legal, particularly in the light of anti-slavery laws.

"Whether redress ultimately occurs through political or legal means, the notion of slavery must be recognised, its presence acknowledged as part of the debate.

"Otherwise the 'great Australian silence' surrounding the truth of Aboriginal dispossession - a silence pilloried by anthropologists and historians since the 1960s and once thought to have disappeared from debate - will once again be allowed to prevail.

"This will be to the detriment of any prospect of lasting resolution of this least-recognised of the great running sores of Aboriginal-European relations in Australia."

Even so, Gray acknowledges that the term will not sit well with most Australians.

"The term 'slavery' carries a social stigma equalled by few other terms in debate about Aboriginal issues," Gray says.

"While popular understanding of its meaning has varied over time, its association with the African slave trade has contributed greatly to its "long held strongly emotive and moral associations."

"Arguably, like the term 'genocide' - a term whose use and misuse has helped fuel a backlash against Aboriginal people during the so-called 'culture wars' - the term 'slavery' has come to be, "above all else, a marker or register of excess".

"Like 'genocide', the term 'slavery' is dangerous, and to be handled with care.

"Nevertheless, according to Raymond Evans [a retired Associate Professor with the Department of History at the University of Queensland], the term 'Aboriginal slavery' "may be applied not simply as a loosely analogous term of opprobrium, but as one which may be defended with academic precision and rigour".

Unfortunately, "academic precision and rigour" have nothing to do with the political process, which is where the best chance for a solution to the stolen wages issue - and a confrontation of our slave past - currently lies.

"Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control."

That was the excuse Prime Minister, John Howard now infamously used in 1997 to escape a national apology to members of the Stolen Generations.

Even the briefest glance back in history puts the lie to Howard's claims.

The comments by the Queensland Chief Protector about children under 12 being contracted into labour were made in 1957.

That was the same year John Howard joined the Liberal Party of Australia.

While minimum wages for Aboriginal workers in the Northern Territory in the early 1970s, including clothing, were less than half the unemployment benefit, Howard had entered federal parliament.

So had Philip Ruddock.

And by the time Joh Bjelke-Petersen finally capitulated in 1986 and agreed to pay black government workers the same as whites, Howard and Ruddock had both been in office for more than a decade and Howard had served a six-year stint as federal treasurer.

In Howard's defence, his refusal to face not just the distant past, but the very recent past, is by no means unprecedented.

When international pressure about Australia's treatment of Aboriginal people began building again in the 1930s, then Australian Prime Minister Joseph Lyons went on the offensive.

He told the *Sydney Morning Herald*: "The raking up of atrocities that may have occurred in the early days of settlement in Australia and the featuring of them as an indication of the state of affairs existing today is not only unfair to the Governments of today, but is extremely detrimental to the good name of Australia."

Lyons made those comments in 1933, five years after at least 17 Aboriginal people (but more likely triple that number) were slaughtered by Northern Territory police in the Coniston Massacre.

It's not like Lyons didn't know about the massacre - it was reported around the world.

Seventy years on, we remain a nation in denial.