

Indigenous Stolen Wages Preliminary Investigation

STAGE ONE: ESTABLISHING THE LEGAL FRAMEWORK

Final report to Aboriginal Affairs Victoria
& Public Record Office Victoria

September 2009

History Matters *consulting historians*

Executive Summary

The purpose of the Indigenous Stolen Wages Preliminary Investigation is to undertake preliminary research into the issue of Indigenous stolen wages to ascertain if there is evidence of this having occurred in Victoria. The Preliminary Investigation was initiated by Aboriginal Affairs Victoria and Public Record Office Victoria in response to Recommendation 5(b) of the Commonwealth Senate Legal and Constitutional Affairs Committee's 2006 report *Unfinished business: Indigenous stolen wages*, which urged the Victorian government to conduct preliminary research of its archival material.

Stage One of the Preliminary Investigation has focused on whether it was legally possible for the Colonial/State government to garnish or withhold wages of Aborigines in Victoria, and whether this was government policy at the time. An assessment of the validity of a second stage, to research the actual implementation of any such legislation, was also required.

The project scope of Stage One was defined to the operation of the specific legislation governing Aboriginal people in Victoria, beginning with the first Aborigines Act in 1869 until the transfer of the responsibility for Aboriginal affairs to the federal government in 1974. The framework for the research has been defined to include the earnings and wages of Aboriginal people under the control of the Board for the Protection of Aborigines and its successors (the Board) that may have been controlled or withheld by the government, and not repaid. The scope encompasses those records held at Public Record Office Victoria (PROV) and the National Archives of Australia (NAA) at the time of research.

The scope of research therefore excludes other areas of possible relevance to the stolen wages issue, including: the period prior to the passage of the first Aborigines Act in 1869; the employment of Aboriginal people under private contracts not under the control of the Board; and the operation of other Commonwealth and State legislation that may have impacted upon the working lives of Aboriginal people in Victoria. Provisions in the Aborigines legislation from 1869 allowed for the Board to transfer children to the Department for Neglected Children (later the Children's Welfare Department). The operation of this Department in relation to Aboriginal wards of the State is beyond the scope of this project.

Background research was undertaken into the stolen wages issue more broadly, including a review of relevant reports and published research in other States. Research was undertaken into the Victorian Aborigines Acts and Regulations, as well as

information contained in Hansard and Victorian Parliamentary Papers. Supporting documentation relating to the development of legislation identified within the files of the Board for the Protection of Aborigines was also consulted. This included registered drafts and amendments of Parliamentary Bills, records of a number of related parliamentary inquiries, as well as selected items contained within the Board's correspondence series.

Existing publications on the issue of stolen wages in other States, particularly in relation to Queensland and New South Wales, highlight a number of potential areas whereby the various governments could control the work and wages of Aboriginal people: adults living and working on reserves; child workers apprenticed out by the Board; community workers (or those working for wages off missions or reserves); and recipients of Commonwealth social services benefits. The mismanagement of Aboriginal trust funds has also been highlighted.

A number of issues in relation to recordkeeping and accountability, and the nature of the government archives, have been raised in previous publications in relation to an understanding of stolen wages. For example, despite an array of recordkeeping requirements contained within the Aborigines legislation in other States, problems such as incomplete and complex financial and administrative records make it difficult to compile a complete history of an individual's financial dealings with the State, and to prove cases of accounting maladministration. It has also been highlighted that relevant records may have been destroyed or lost prior to the establishment of various archives legislation, or may exist outside the custody of the government archives.

Uniquely for Victoria, the indigenous records are split between the custody of two repositories, PROV and NAA, meaning that two different archival systems need to be understood. A dedicated liaison officer is jointly appointed by NAA and PROV to assist research of Victoria's indigenous records. NAA's Bringing Them Home Name Index can assist in accessing NAA records, although PROV was still developing a name index of its indigenous records at the time of research.

The 1869 *Aborigines Act* was passed in the spirit of care, protection and assistance, and to counter the negative effects of white settlement. The Aboriginal population was encouraged to congregate on six missions and reserves formally recognised as places of residence for Aboriginal people. The 1886 *Aborigines Protection (Amendment) Act* legislated a distinction between "Aborigines" and those of mixed heritage. "Half-castes" were now required to support themselves independently of Board assistance, children could be apprenticed or sent into the care of other institutions. The reserves were

gradually closed and from 1917 it was government policy to concentrate the remaining Aboriginal population at Lake Tyers reserve in Gippsland. Throughout the twentieth century the Board retained control over the living conditions, wages and employment of those who remained on the reserve, both adults and children. A policy of assimilation was introduced with the 1957 *Aborigines Act*, during which time families were rehoused and discouraged from returning to Lake Tyers. Children continued to be removed to institutions, often under general welfare legislation. Following considerable agitation, freehold title at Lake Tyers was transferred to the Aboriginal community in 1971.

A review of the legislative framework governing Aboriginal people between 1869 and 1974 has revealed that there were a number of ways in which the working lives, including wages and earnings, of Aboriginal people could potentially be placed under the control of the Board.

- From 1890, the legislation required “able-bodied” “half-castes” living on reserves managed by the Board to do a “reasonable amount” of work. From 1916 this provision was extended to all able-bodied residents on reserves, and work was to be remunerated at a rate determined by the Board. After 1931 these cash payments were to be made out of an Aborigines Board Produce Fund. Requirements for residents to work in exchange for rations and residence on Aboriginal reserves existed until 1967. Industrial awards and determinations were introduced in 1957 but the Board retained control of rates of pay where a relevant award did not exist.
- Between 1871 and 1957 the Aborigines legislation allowed the Board to control the employment conditions of Aboriginal people seeking work off reserves through the requirement for a work certificate. Prospective employers were required to apply to the Board for a work contract. The employer could establish rates of pay, and the Board could intervene to withhold an amount of those wages for the benefit of the recipient or his family. From 1931 any money withheld in this way was to be placed into individual trust accounts in the name of the Aboriginal worker for the “maintenance of his wife and children”.
- Legislation from 1886 allowed the Board to apprentice out “half-caste” children over the age of fourteen, and to place a portion of their earnings into a trust account to be paid out at the end of their apprenticeship. Minimum wages were established from 1890 to 1931; after that time rates were not regulated by the Board. These provisions continued until 1957.

The legislation therefore allowed for the creation of various individual trust funds. Preliminary research also indicates that the Board was involved in the administration of certain social services moneys on behalf of Aboriginal people at various times.

An Aborigines Board Produce Fund was established through the 1931 Regulations to receive income from the Aboriginal reserves through leasing and the sale of commodities. Authorised expenditure included reserve-related expenses and the payment of Aboriginal workers on reserves. The Fund was located in Treasury and subject to that Department's auditing requirements. In 1957 the Fund was replaced by an Aborigines Welfare Fund, through which all moneys involved in the administration of Aboriginal Affairs were directed. An Aboriginal Affairs Fund operated under the 1967 *Aborigines Act*.

The Victorian Aborigines Acts and Regulations passed between 1869 and 1974 required an extensive number of records to be kept, including financial and administrative records. This included records of money received and expended on behalf of Aboriginal people, detailed monthly statements and station reports. Despite this, the legislation lacks specific detail or guidance regarding the management of individual trust funds or the receipt of wages. It is also evident that during the middle decades of the twentieth century the Board went into virtual dormancy, hardly meeting and publishing few reports.

Recommendation

It is recommended that the proposed Stage Two of the Preliminary Investigation proceed, to determine the nature of the actual implementation of the legislation outlined in Stage One. A number of relevant records in custody at PROV and NAA have been identified for further preliminary research. A reviewed timeframe for Stage Two is also recommended in light of the scope of the proposed research and the complexities of the records.

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Warning

This report contains language from government records and legislation that reflects past attitudes held by government officials and other Australians. The language of the original records has not been altered so as to maintain the integrity and context of the historical record. This language may be disturbing or offensive to people of Aboriginal or Torres Strait Islander descent.

Abbreviations

1869 Act	<i>Aborigines Act 1869 (Vic)</i>
1886 Act	<i>Aborigines Protection (Amendment) Act 1886 (Vic)</i>
1890 Act	<i>Aborigines Act 1890 (Vic)</i>
1910 Act	<i>Aborigines Act 1910 (Vic)</i>
1915 Act	<i>Aborigines Act 1915 (Vic)</i>
1928 Act	<i>Aborigines Act 1928 (Vic)</i>
1957 Act	<i>Aborigines Act 1957 (Vic)</i>
1958 Act	<i>Aborigines Act 1958 (Vic)</i>
1965 Act	<i>Aborigines (Amendment) Act 1965 (Vic)</i>
1967 Act	<i>Aboriginal Affairs Act 1967 (Vic)</i>
1974 Act	<i>Aboriginal Affairs (Transfer of Functions) Act 1974 (Vic)</i>
ANTaR	Australians for Native Title and Reconciliation
ATFRS	Aboriginal Trust Fund Repayment Scheme (NSW)
Board	Board for the Protection of Aborigines or Aborigines Welfare Board (Victoria)
Bringing Them Home Report	<i>Bringing them home: report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families</i> , Human Rights and Equal Opportunity Commission, April 1997
FCAATSI	Federal Council for the Advancement of Aborigines and Torres Strait Islanders
NAA	National Archives Australia (Melbourne office)
Palm Island Wages Case	<i>Bligh & Ors v State of Queensland</i> [1996] HREOCA 28
PROV	Public Record Office Victoria
RFQ	Request for Quotation
Unfinished Business Report	<i>Unfinished business: Indigenous stolen wages</i> , Report of The Senate Standing Committee on Legal and Constitutional Affairs, December 2006

UAWP	Underpayment of Award Wages Process (Qld)
UNSW	University of New South Wales
VPDLA	Parliamentary Debates of the Legislative Assembly of Victoria (Hansard)
VPDLC	Parliamentary Debates of the Legislative Council of Victoria (Hansard)

1 Introduction

1.1 Background and Purpose

In its December 2006 report entitled *Unfinished business: Indigenous stolen wages*, the Commonwealth Senate Legal and Constitutional Affairs Committee made a number of recommendations relevant to the Victorian government in relation to the issue of Indigenous stolen wages. Recommendation 5(a) encouraged the Victorian State government to “urgently consult with Indigenous people in relation to the stolen wages issue”. Recommendation 5(b) urged it to “conduct preliminary research of their archival material”. In response to Recommendation 5(b), “The Victorian Government has committed to undertake preliminary research into the issue of Indigenous stolen wages to ascertain if there is evidence of this having occurred in Victoria”. As a result of this commitment the Victorian Government, through Public Record Office Victoria (PROV) and Aboriginal Affairs Victoria, issued a Request for Quotation (RFQ) in August 2007 for a Preliminary Investigation to be conducted into the stolen wages issue in Victoria. The RFQ identified three potential stages for the Preliminary Investigation.

Stage One of the Indigenous Stolen Wages Preliminary Investigation aims to “determine whether:

- it was legally possible for the Colonial/State government to garnish or withhold wages of Aborigines in Victoria, and
- this was government policy at the time.”

Stage One also required that an assessment be made for a potential second stage, to investigate the nature and impact of the implementation of any government policies affecting Aboriginal wages in Victoria. A further potential third stage to be assessed during the research for Stage Two would identify any individual case studies revealing evidence of wages withheld by the government under such policies.

1.2 Scope of Stage One

The objective of Stage One of the Indigenous Stolen Wages Preliminary Investigation is to conduct research into the broad legal framework governing Aboriginal people in Victoria since white settlement. The scope of this research has been defined to the operation of specific legislation governing the lives of Aboriginal people in Victoria. This officially began in 1869, when the first Aborigines Act was legislated in Victorian Parliament, and continued until 1974 when the responsibility for Aboriginal affairs in Victoria was transferred to the Commonwealth.

Given the potential complex definition of withheld or “stolen” wages, the framework for the research has been defined to include the earnings and wages of Aboriginal people under the control of the Aborigines Protection Board and its agents that may have been withheld by the government and never repaid.

The research has also been defined by the RFQ to include only those records created and/or owned by the government of Victoria, that are publicly available and held within the custody of PROV or National Archives of Australia (NAA) at the time of research.

The scope of this Preliminary Investigation therefore excludes potential further areas of research of possible relevance to the stolen wages issue, for example:

- The period prior to the passage of the first Aborigines Act in 1869;
- The employment of Aboriginal people under private contracts not under the control of the Board;
- Other Commonwealth and State legislation that may have impacted upon the working lives of Aboriginal people;
- Records not held within the custody of PROV or NAA at the time of research;
- Provisions in the Aborigines legislation from 1869 allowed for the Board to transfer children to the Department for Neglected Children (later Children's Welfare Department) as State wards – the operation of this Department is beyond the scope of this project.

In focusing on the written records created by the Board and other government departments/agencies held in the custody of PROV and NAA, the scope of the Preliminary Investigation does not encompass the evidence of oral testimony of those people who lived under the Acts and may have been affected by this issue.

1.3 Methodology

Research for Stage One of the Preliminary Investigation was carried out between October and December 2007. Background research was undertaken into the stolen wages issue more broadly, including a review of any relevant reports and publications of research conducted in other States. The project scope was defined and refined in liaison with the Manager, Archival Management and the Acting Manager, Koorie Records Unit, both at PROV.

Records consulted focussed on the relevant Aborigines Acts (1869-1974), together with published Regulations and Orders relevant to the requirements of the Stage One project brief. Research was also conducted of Parliamentary Debates (Hansard), and Victorian Parliamentary Papers of both the Legislative Assembly and the Legislative

Council for the same time period. These are all published and publicly available records and help to provide a context within which the legislation was enacted, highlighting the motivations and intentions behind government ministers in formulating new policy.

This research was supplemented by records held within PROV and NAA relating to the development of these Acts and Regulations. In PROV custody, this included registered drafts and amendments of Parliamentary Bills (VPRS 10265). Records relating to the McLean Inquiry into the 1928 *Aborigines Act* conducted in the mid-1950s (B408) are held within the custody of NAA, and some of the correspondence series of the Board for the Protection of the Aborigines/Aborigines Welfare Board contain items relating to the development of Acts and Regulations (B313 and B357). Both the 1877 Royal Commission on the Aborigines (NAA B353) and the 1882 Report of the Board of Inquiry into the Coranderrk Aboriginal Station (NAA B352) influenced government policy and attitudes towards possible solutions to the Aboriginal 'problem' during the latter half of the nineteenth century. Further details of the records accessed are provided in the Bibliography.

An assessment was also made for a second stage in the Preliminary Investigation, and a project plan drawn up highlighting potential sources for research to determine whether any policies to withhold wages of Aborigines were implemented and the nature of that implementation.

2 Background to the Stolen Wages

Indigenous stolen wages received recognition from the Commonwealth Government as a national issue in 2006 when the Senate Standing Committee on Legal and Constitutional Affairs was asked to investigate and provide a report "With regard to indigenous workers whose paid labour was controlled by Government".¹ Whilst acknowledging that the scope of the stolen wages issue was potentially ambiguous, the terms of reference for the Inquiry were "all wages, savings, entitlements and other monies due to indigenous people during the periods where governments sought to control the lives of Indigenous people".²

The Senate's report *Unfinished Business: Indigenous Stolen Wages* leaned heavily on

¹ Senate Standing Committee on Legal and Constitutional Affairs, *Unfinished Business: Indigenous Stolen Wages*, December 2006, p. 1.

² *Ibid*, p. 3.

evidence from Queensland and New South Wales where the majority of research has taken place to date and various reparation and repayment schemes have been implemented. However it does provide a background to the potential issues affecting wages and earnings of Aboriginal people under the control of government legislation. The Unfinished Business Report found that controls placed upon Aboriginal paid labour “both explicitly and implicitly” permitted “the non-payment of wages to some Indigenous workers, as well as the underpayment of wages, and the diversion of wages into trust and savings accounts”.³ The Report also highlighted evidence of the mismanagement of Indigenous wages and entitlements, such as social security and welfare payments, including “misappropriation by governments, fraud by protectors and employers, and non-payment or underpayment of wages by employers”.⁴ Research in Queensland and New South Wales revealed evidence of money being used for purposes other than those intended in legislation, and non-compliance of recordkeeping obligations. Individuals were also often unaware of their own financial details, did not have access to records of their accounts, and lacked details of how much money was owed to them.⁵ The Inquiry also found that a legacy of low wages and poor living standards created by the effects of wages control has contributed to systematic generational poverty within Aboriginal communities that continues to have effect today.⁶

Importantly, the Unfinished Business Report acknowledged the issue of stolen wages as one potentially affecting all States and Territories. The Inquiry received submissions from a few Victorian organisations, including the Victorian Stolen Wages Working Group (Wampan Wages), although very little information was available in relation to the potential Victorian experience. However it was established that a system of wage control was introduced through the *Aborigines Act* 1869, and that there were no known investigations by the Victorian government into the official management of Indigenous wages at the time of the Report.⁷ It was recommended that “substantial” research was required to “review the material currently in archives and determine the nature and extent of previous investigations, if any, into the official management of Indigenous

³ Ibid, p. 3.

⁴ Ibid, p. 49.

⁵ Ibid, p. 78.

⁶ Ibid, p. 68; T. Anthony, Submission No. 17 to Indigenous Stolen Wages Inquiry; A. Haebich, ‘Stolen wages and consequential indigenous poverty: a national issue’, Kathleen Fitzpatrick Lecture, University of Melbourne, 20 May 2004.

⁷ Unfinished Business Report, p. 77.

monies".⁸

The majority of the research into the issue of stolen wages to date has focused on the experiences of Queensland and to a lesser extent New South Wales, in particular the misappropriation of Aboriginal monies in trust funds and savings accounts by the various Aboriginal Protection Boards. The operation of the Queensland Aboriginal Trust Fund first came under the scrutiny of Aboriginal activists from the late 1960s, during which time Aborigines in Queensland were still seen as incapable of managing their own funds, leading to wide scale withholding of wages, payments and earnings.⁹ Dr Rosalind Kidd has conducted extensive research into the Queensland situation.¹⁰ Research has been conducted into the operation of the New South Wales Aborigines Trust Funds by academic historians¹¹, and reports produced by the UNSW Indigenous Law Centre and by the Aboriginal Trust Fund Repayment Scheme (ATFRS) Panel¹². There is a growing canon of work on labour relations and wages issues including the underpayment and non-payment of Aboriginal workers.¹³ However as has been highlighted in relation to New South Wales, little contextual research has been done in the field of indigenous history on the relationship with government administration and financial arrangements in particular, largely due to problems of permission and access.¹⁴ Information is now also known about the experiences of the Stolen Generations, including those children removed and placed into care and later sent into

⁸ Ibid, p. 78.

⁹ S. Taffe, *Black and white together. FCAATSI: the Federal Council for the Advancement of Aborigines and Torres Strait Islanders 1958-1973*, UQP, St Lucia, 2005, ch. 5.

¹⁰ For example R. Kidd, *The way we civilise*, UQP, St Lucia, 1997; *Trustees on trial: recovering the stolen wages*, Aboriginal Studies Press, Canberra, 2006.

¹¹ V. Haskins, ' "& so we are slave owners!": employers and the NSW Aboriginal Protection Board Trust Funds', *Labour History* 88, May 2005; A. McGrath, 'Reconciling the historical accounts: trust funds reparations and New South Wales Aborigines', Research Report, 2004.

¹² S. Brennan & Z. Craven, *Eventually they get it all: government management of Aboriginal trust money in New South Wales*, Research Report, Indigenous Law Centre, UNSW, September 2006; Report of the Aboriginal Trust Fund Repayment Scheme (ATFRS) Panel, October 2004.

¹³ For example, T. Anthony, 'Unmapped Territory: Indigenous Stolen Wages on Cattle Stations', *Australian Indigenous Law Reporter* 11(1), 2007; McGrath, Saunders, Huggins (eds), *Aboriginal Workers*, Australian Society for the Study of Labour History, Sydney, 1995; R. Broome, 'Aboriginal workers on south-eastern frontiers', *Australian Historical Studies* 26, 1994.

¹⁴ A. McGrath, 'Reconciling the historical accounts', p. 36.

service under the management of the various Aborigines Boards and other government and non-government organisations.¹⁵

Dr Kidd's extensive analysis of primary source material created by the Aborigines Boards in Queensland, has highlighted the various avenues of possible legal interception of Aboriginal wages and payments under that State's legislation. Kidd's research is based on an extensive state-owned archive and supporting church records that show the remarkable breadth of Queensland's governance over Aboriginal people in that State, as well as a highly detailed system of recordkeeping. She argues that as de facto guardian of Aboriginal people under the legislation, the State assumed control of money on behalf of individuals to be held in trust and to be used for their benefit. Her research revealed that apart from exploitation and discrimination through underpayment and non-payment for work, the system was open for abuse in that Aboriginal people often did not know the state of their finances, or their legal rights. Kidd contends that in Queensland fraud of these accounts occurred where in some cases Trust money was illegally redirected for other purposes to compensate for government funding shortfalls.¹⁶ Furthermore, numerous audit reports and investigations were carried out into the operation of the Queensland Aborigines Welfare Board throughout the twentieth century, creating knowledge within government of its mismanagement of Aboriginal trust fund money that was not addressed.¹⁷

A 2006 report published by the Indigenous Legal Centre (ILC) at the University of New South Wales highlights issues related to the government management of Aboriginal wages and earnings in New South Wales under both State and commonwealth legislation, with particular reference to trust fund accounts. The report shows that the wages of both adult and children workers, as well as social security entitlements, were controlled by the Aborigines Protection Board and therefore potentially and actually diverted into trust funds managed by the Board between 1883 and 1969. The report also highlighted that those Aborigines under Board control on reserves were required to

¹⁵ e.g. HREOC, *Bringing them home: national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, 1997; A. Haebich, *Broken circles: fragmenting indigenous families 1800-2000*, Fremantle, Fremantle Arts Centre Press, 2000 ; P. Read, *A rape of the soul so profound*, Allen & Unwin, Sydney 1999.

¹⁶ There is also evidence for this in New South Wales, where family endowment money represented 44% of the NSW Board's total budget in 1939, McGrath, 'Reconciling the historical accounts', p. 17.

¹⁷ Kidd's publication *Trustees on trial* (2006) provides an extensive discussion of the activities of the Queensland Aborigines Board in relation to the stolen wages issue.

work for rations often without cash remuneration, even though the legislation may have referred to payment, often with potential punitive implications.¹⁸ The experiences of child apprentices under control of the NSW Board were found to have included: non-payment of pocket money by employers, difficulties accessing information about their earnings held in trust funds, low wages, mistreatment including abuse and poor working conditions, and inadequate Board supervision of the conditions of employment.¹⁹

However the report also found that "although legislation gave the Board extensive powers, the NSW Government did not fund it in a way that matched its statutory duties and obligations, particularly in outlying areas on Stations and reserves".²⁰ This appears to have been the case particularly in relation to adult wages, where it was found that although a legal basis for control was established, the reality was not as widespread as in Queensland for example. Hence no evidence was found of the Board diverting money from adult wages into its own trust funds after 1936.²¹ Social security entitlements were in some cases legally able to be diverted to third parties, including the Aborigines Protection Board, although the full extent of the application of these provisions is not known.

To date, both the Queensland and New South Wales governments have addressed the issue of stolen wages through the establishment of various reparation and repayment schemes.

The Queensland government first acknowledged the possibility of government wage discrimination of Aboriginal workers through the establishment of an Underpayment of Award Wages Process (UAWP) in 1999. This followed on from the Human Rights Commission's historic Palm Island Wages Case finding that the Queensland government had contravened the federal *Anti Discrimination Act* 1975 by paying below award wages to Aboriginal workers on government settlements until 1986. The UAWP scheme offered reparation of a one-off payment of \$7,000 for cases of underpayment and total of 5,729 successful claims totalling over \$40 million dollars were paid.²² In 2002 the Queensland government broadened its recognition of withheld wages by introducing an Indigenous Wages and Savings

¹⁸ Brennan & Craven, *Eventually they get it all*.

¹⁹ *Ibid*, pp. 10-11.

²⁰ *Ibid*, p. 7.

²¹ *Ibid*. p. 44.

²² Queensland Government Submission no. 116 to Senate Indigenous Stolen Wages Inquiry, pp. 2-3, 22; Haebich, 'Stolen wages and consequential indigenous poverty', p.1.

Reparations (IWSR) Offer, providing for reparation for Aboriginal workers whose wages and savings had been under the control of the various Aborigines Protection Acts. The IWSR Offer, made in the “spirit of reconciliation” rather than as a repayment scheme, was a capped offer of \$55.4 million which allowed for one-off claims of \$2,000 or \$4,000 to an individual where evidence of withheld wages was found to have taken place.²³ To be eligible for a claim, the claimant had to be alive at 9 May 2002 (the date of the offer), born on or before 31 December 1956, have had their wages or savings controlled under a ‘protection Act’ under operation in Queensland between 1897 and 1984, and be prepared to relinquish any future legal rights under those Acts.²⁴ At the closure of the offer in January 2006, 8,761 claims had been received (at a 63% eligibility rate) and as at 9 October 2006 a total of 5,413 successful claims had been processed with \$19.11 million paid.²⁵ However, the Queensland government scheme has been widely criticised as not recognising the extent and injustice of the issue, and for a lack of consultation with the Indigenous community. The ongoing process for addressing the stolen wages issue in Queensland is undergoing review.

In 2004 the then Premier of New South Wales, Bob Carr, publicly acknowledged the issue of stolen wages for Aboriginal people under the control of successive Aborigines Boards, and apologised for the mismanagement of monies paid into the NSW Aboriginal Trust Fund. An Aboriginal Trust Fund Repayment Scheme (ATFRS) Panel was created that year to ascertain, through consultation with the indigenous community, the extent of the issue for the NSW government with a view to establishing a scheme for the recovery of unpaid debts to claimants in that State. The Panel’s recommendations included the establishment of a repayment scheme to reimburse money paid into the Aboriginal Trust Fund between 1900 and 1968, and not repaid.²⁶ Unlike the Queensland government scheme, repayment through the ATFRS is indexed at its current value, no cap is placed on claims, and claims are allowed for families of deceased relatives whose wages had been retained in the Fund. There are also no requirements on claimants in terms of future legal action. The Panel makes decisions about government liability based upon a number of principles, including at least “strong circumstantial evidence” of money paid into an Aboriginal Trust Fund, combined with

²³ Unfinished Business Report, p. 93.

²⁴ Unfinished Business Report, p. 94.

²⁵ Ibid, p. 95; Queensland Government Submission to Stolen Wages Inquiry, p. 7.

²⁶ Unfinished Business Report, p. 101.

“no evidence or weak circumstantial evidence” that the money was then paid out and received by the account holder. Importantly, in light of apparent gaps in the archives, the scheme allows for the admissibility of oral evidence in supporting and substantiating facts provided by the written record. The Unfinished Business Report highlighted the ATFRS as a potential model for other States and Territories where wages are found to have been “stolen”.

Hence the NSW repayment scheme defines stolen wages as monies placed by Aboriginals Boards into trust funds on behalf of Aboriginal people under their control and not repaid. These monies include adult wages, money earned by State wards under apprenticeship, and social security benefits. The ATFRS Panel identified four potential claimant groups based upon existing evidence of individual money withheld, including apprentices, recipients of endowments, pensioners and beneficiaries of lump sum payments, affecting an estimated 3,500 people between 1900 and 1968.²⁷ The Panel noted that permission was required for people to access this money and in some cases this was denied. Other associated issues highlighted during the Panel’s consultation process include: community debt, unequal wages, rations and housing provided in lieu of payment, payment of Aboriginal trackers, inequality in provisions for returned servicemen, potential social security recipients, and land not received in lieu of wages. However, these issues are not within the terms of reference for claims and any associated repayments made through the ATFRS process.

In mid-2007 ANTaR published *Hard Labour, Stolen Wages: National Report on Stolen Wages*, authored by Dr Rosalind Kidd. Alongside the Unfinished Business Report, the Hard Labour, Stolen Wages Report provides support for a focus on stolen wages as a national issue, of potential relevance to all States and Territories. Whilst not providing a definition of stolen wages, the Hard Labour, Stolen Wages Report does identify a number of key ways in which wages control was or could be experienced by Aboriginal people. These include the work and wages of adults living on reserves, child workers apprenticed out by the Board, community workers (or those working for wages off missions or reserves), the operation of Aboriginal trust funds, and the receipt of Commonwealth benefits.

Although very little detailed information existed in relation to wages and earnings withheld from Aboriginal people in Victoria, Kidd concluded that the situation in Victoria would most likely mirror that experienced elsewhere. The report states that “it is likely

²⁷ ATFRS Panel Report, pp. 25-6.

that part or all of the wages of adults employed under [Victorian Aborigines] Board work certificates were controlled by the Board" and that "There is no reason to assume that Victorian authorities and institutions did not intercept and exploit endowment and pensions as happened in other states."²⁸ Kidd also highlights the issue of underpayment for work carried out on reserves, and of payment through rations and clothing rather than cash wages at Lake Tyers reserve in Gippsland throughout the twentieth century. It is also noted that "Institutionalisation and indenture of Aboriginal children was a key component of the Board's assimilation objective" during the twentieth century, and that this happened under general child welfare legislation.²⁹

It is important to recognise that for the Aboriginal community the stolen wages issue has a close relationship with that of the Stolen Generations, as people were often forcibly removed under the same protection legislation that sought to control Aboriginal labour through control of work contracts, wages and savings.³⁰ The Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families found that removals of children took place over more than a 100-year period, initially to be placed on missions and reserves although legislation later allowed for the removal of 'neglected' children to the care of the Department of Neglected Children and Reformatory Schools, and into various institutions. Around the time of the McLean Inquiry into the 1928 *Aborigines Act* in the mid-1950s, children were also being removed under the *Child Welfare Act* 1954. Diane Barwick's research reveals that in 1956 and 1957 more than 10 per cent of the Aboriginal population of Victoria at that time were living in State children's institutions, some as a direct result of McLean's visits to Aboriginal communities.³¹

2.1 Access to Indigenous Records

The various reports available at the time of research that deal with the stolen wages issue have highlighted problems associated with the archival record in determining and substantiating potential individual claims. As the Unfinished Business Report notes, public records are in many cases incomplete, files are complex and it is often difficult to grasp the "full story". The report found that problems due to incomplete financial records would potentially make "The detection of accounting malpractice, outright fraud and

²⁸ Kidd, R. *Hard labour, stolen wages: national report on stolen wages*, ANTaR, 2007, p. 122.

²⁹ *Ibid*, pp. 120-1.

³⁰ www.humanrights.gov.au/social_justice/stolen_wages.html.

³¹ *Bringing them Home Report*, Ch. 4: Victoria.

deception ... difficult".³² In cases where numerous files may have been created in relation to one individual, there are difficulties in creating linkages between them to ascertain a complete record of a person's dealings with the Board.

Claims for repayment of unpaid wages received by the ATFRS Panel in New South Wales have in some cases been hampered as a result of problems locating records due to missing files, incomplete chronological series' and so forth. Rather than presenting a complete story of an individual, the records often can only reflect a moment in time. To address the issue of locating relevant files within State custody, the New South Wales government is currently working to index the extensive correspondence files of the Aborigines Protection Board/Aborigines Welfare Board, where most of the administrative records of the Board are located.³³ Importantly too, the process followed by the ATFRS Panel includes the admission of oral evidence alongside evidence contained within the official archival record.

The scope of possible records with the potential to provide further information of relevance to the stolen wages issue has also been identified. The Unfinished Business report noted the possibility that records in relation to this issue could be held privately, or in other archives.³⁴ The ATFRS Panel has also highlighted that records other than those created by the Aborigines Protection Board/ Aborigines Welfare Board and within State custody, both government and non-government, may assist claimants in establishing a case, although it was acknowledged that access may depend upon whether such records are legally owned by the State.³⁵

Each State has also had unique experiences in terms of the creation of Archives Acts and any statutory responsibilities around the retention of 'public' documents. In New South Wales, where the first Archives Act was legislated in 1960, it has been found that many of the records relevant to Aboriginal people remain "patchy" and "incomplete" due to "destruction, loss and damage".³⁶ Despite the scope of the potential evidence,

³² Ibid, pp. 51-2.

³³ ATFRS Submission to Senate Indigenous Stolen Wages Inquiry, p. 5; McGrath, 'Reconciling the historical accounts', p. 22.

³⁴ Unfinished Business Report, p. 78.

³⁵ ATFRS Panel Report, p. 12. Treasury and Chief Secretary's office files have also been highlighted for future research, however due to complex filing systems would take months to find any relevant information, McGrath, 'Reconciling the historical accounts', p. 25.

³⁶ Brennan & Craven, *Eventually they get it all*, pp. 60-1.

“these records do not necessarily amount to a comprehensive picture of how much money was paid into trusts, how much money was paid to individuals, how much was spend, or where the unspent moneys went”.³⁷

Victoria passed its initial *Public Records Act* in 1973, thereby creating a Public Record Office of Victoria (PROV) and allowing for the consolidation and development of a state collection of public archives. The creation of this legislation allowed for PROV to:

- issue standards regulating the creation, maintenance and security of public records including the selection and disposal of public records not worthy of preservation;
- advise and assist agencies in achieving compliance with issued standards;
- preserve public records of permanent value as the state archives;
- ensure that the archives are accessible to the government and the people of Victoria.³⁸

Records relating to Aboriginal people in Victoria are uniquely held within the custody of both the Public Record Office Victoria and the National Archives of Australia. This means that the archival systems of two different repositories need to be understood. For example, the correspondence files of the Board are split between both repositories. Both agencies have developed a number of publications, programs and initiatives to assist researchers locate indigenous records in Victoria. *‘My heart is breaking’: a joint guide to records about Aboriginal people in the Public Record Office of Victoria and the Australian Archives, Victorian Regional Office* was first published in 1993 and contains information about those records created by government held within the custody of both archives. In 2005 PROV produced a guide to locating and researching records of the Stolen Generations in Victoria, called *Finding Your Story: A Resource Manual to the Records of the Stolen Generations in Victoria*.

In response to Recommendation 23 of the Bringing Them Home Report, a Victorian Koorie Records Taskforce (VKRT) was established in 2001, which brings together representatives from a number of government organisations and community agencies to advise government and increase access to indigenous records. A report published by VKRT in May 2006 directly addressed the issue of accessibility to records relating to the

³⁷ McGrath, ‘Reconciling the historical accounts’, p. 26.

³⁸ www.prov.vic.gov.au/about/corporate.asp.

Stolen Generations and provided recommendations to increase this access.³⁹ Written records were acknowledged as being of vital importance in assisting people to “establish their family background and their place” and the report provides a framework for support and research through records created by a variety of public and private agencies.

The Koorie Records Unit, located within PROV, promotes Aboriginal records within PROV’s collection and provides training and assistance for people to increase the accessibility of these records. A reference officer is employed jointly by NAA and PROV to provide advice to researchers, and can conduct searches of the Bringing Them Home Name Index of much of the Aboriginal records held in NAA. PROV is currently implementing a similar project to produce a name index of all records in its collection relating to Aboriginal people. This work is being carried out by volunteers and is at present (late 2007) focussed on the correspondence files created by the Board for the Protection of Aborigines between 1867 and 1946 (VPRS 1694). A number of brief research guides have also been produced by PROV and NAA to assist researchers to access Aboriginal and family history records in the reading room.

3 The Historical Context

3.1 *The Aborigines Acts 1869-1974*

An Aboriginal Protectorate system operated in Victoria between 1838 and 1849, overseen by a Chief Protector of Aborigines. The Protectorate established a number of reserves and depots for the distribution of rations, overseen by local “protectors”. A Chief Guardian and a number of Crown Lands Commissioners acted as local guardians throughout the 1850s, and several private mission stations were established to varying success. In 1860 a Central Board Appointed to Watch over the Interests of the Aborigines was created, located within the Chief Secretary’s Department. Under the control of the newly created Board, local guardians and honorary correspondents administered seven stations and 23 ration depots across the State. By 1877, 486 people of a total Victorian Aboriginal population of 1,067 were residing on a mission or reserve.⁴⁰

³⁹ Victorian Koorie Records Taskforce, *wilam naling...knowing who you are: Improving access to records of the Stolen Generations*, May 2006.

⁴⁰ R. Broome, *Aboriginal Victorians: a history since 1800*, Crows Nest, NSW, Allen & Unwin, 2005, pp 126, 146.

In 1869 Victoria passed specific legislation governing the lives of Aboriginal people, the first Australian State to do so. The *Aborigines Act* 1869 solidified the reserve and rations system and replaced the Central Board with a Board for the Protection of Aborigines (the Board). The Board continued, through the passage of numerous Acts, to 'protect' and 'manage' Aboriginal Victorians until 1957, when it was replaced by an Aborigines Welfare Board and a change of focus to a policy of assimilation. This protection included the power to prescribe where people could live, the provision of rations including food, clothing and blankets, access to education, conditions of employment and the distribution of wages and the profits of Aboriginal labour, and provision for the 'care' and 'custody' of children. Violations of the Act or its Regulations could lead to a maximum fine of 20 pounds.

Although the Board appears to have been keen to reduce its expenditure, a Royal Commission on the Aborigines in 1877 recommended that the reserve system be retained for the benefit of all Aborigines, and further investment made to enable them to become self-sufficient.⁴¹ An Inquiry in 1882 recommended that "small wages be paid" to workers on reserves to encourage the development of a work ethic. Members of the Inquiry also thought that people of mixed ancestry over the age of 13 should be apprenticed out, albeit under Board supervision.⁴² Draft Regulations dated c1882 show that the government was also interested by this time in controlling the labour of Aboriginal young people through apprenticeships under terms subject to the full power of the Board.⁴³

In mid-1884 the Board revealed a radical change of policy in the treatment of Aboriginal people.⁴⁴ A distinction was now being made between the rights of "full blood" Aboriginal people and those of mixed heritage, and these ideas were encapsulated in the 1886 *Aborigines Protection (Amendment) Act*.⁴⁵ It was now legislated that "all able-bodied half-castes capable of earning their living should be merged as soon as practicable in the general population of the colony." This was seen to both reduce the reliance of mixed heritage people on government

⁴¹ Royal Commission on the Aborigines, VPP, 1877, no. 76, pp. xi-xii.

⁴² Report of the Board appointed to enquire into, and report upon, the present condition and management of the Coranderrk Aboriginal Station, together with the minutes of evidence, VPP 1882, no 5, p. iii.

⁴³ NAA, B313/1, Item 2.

⁴⁴ Statement, Board for the Protection of Aborigines, 7 May 1884, VPRS 10265/P0/266.

⁴⁵ VPDLA, 1885, v.49, 8 October, p.1387.

assistance and reduce future government expenditure for Aborigines.⁴⁶ Indeed in the years between 1887 and 1902 the Board's annual expenditure fell from £12,328 to £5,000.⁴⁷

A number of harsh clauses originally drafted in the 1886 Amendment Bill, although they were later removed, reveal some of the motivations of the Board in passing the new legislation. Most of the rejected clauses were disciplinary in nature and to control undesirable behaviour, such as spending wages on alcohol, working only for immediate gain, and "loafing" (defined as Aboriginal people of mixed heritage residing with, or in the company of, 'full blood' Aboriginal people).⁴⁸

In 1910 the government legislated for the inclusion of "half-castes" to allow the Board to provide assistance to needy individuals.⁴⁹ However the essence of this and subsequent legislation in 1915 and a consolidating Act in 1928 solidified the division between those of 'full blood' and those of 'mixed blood', primarily through controlling their places of residence and seeking to remove any person of mixed blood from the responsibility of the Board in favour of their absorption into the wider community.⁵⁰

An extensive 56 Regulations were passed in September 1916 under the *Aborigines Act* 1915. It was now stipulated that all male "quadroons", "octoroons", and "half-castes" were required to leave any Board reserve on reaching the age of eighteen without the right to reside there again, apart from short visits to relatives at the approval of the Board.⁵¹ 'Half-castes' could also to be expelled from a reserve for "misconduct"⁵² and children over the age of fourteen could be

⁴⁶ VDPLA, 1885, v.49, 8 October, p.1387; VPDLC, 1886, v.53, 15 December, p.2882; VPDLA, 1886, v.53, 15 December.

⁴⁷ C. McLean, 'Report upon the operation of the Aborigines Act 1928 and the regulations and orders made thereunder', VPP, 1956-58, v.2, p. 5.

⁴⁸ VPRS 10265/P0/266.

⁴⁹ VPDLA, 1910, vol. 125, 27 September; Broome, *Aboriginal Victorians*, p. 198.

⁵⁰ By the 1920s the Board had tightened the administrative interpretation of the Act so that "no person nearer a white than half caste standard is to receive assistance", Board Secretary to Police Officer, Colac, 18 May 1921, NAA, B313, Item 227A.

⁵¹ Regulation 56, *Aborigines Act* 1915, Regulations, 4 September 1916.

⁵² Regulation 34, 1916 Regulations.

licensed or apprenticed “in a lawful manner, to any trade or occupation”.⁵³ The Board could expel any person from the station who it determined “should be earning a living away from the station”.⁵⁴ Over the first decades of the twentieth century, approximately half of the total Aboriginal population lived independently away from the reserves.⁵⁵ This percentage rose throughout the twentieth century. At the same time, the Board retained control over the living conditions, food, wages and employment of those people who remained on the reserves, both adults and minors.

From the 1930s the Aboriginal “problem” in Victoria was no longer seen as a significant issue, mainly due to the relatively small numbers of Aboriginal people, and ‘full-bloods’ in particular.⁵⁶ Victoria participated in an initial meeting between the Commonwealth and the States in 1937, but did not take part in further State and federal conferences held to discuss the broader issues and policy implications around ‘native welfare’ over the next several decades. However, in line with broader federal objectives and following a review of the legislation in the mid-1950s by retired chief stipendiary magistrate Charles McLean, Victorian government policy towards Aborigines altered radically in favour of a policy of assimilation and welfare rather than protection and management. The 1928 *Aborigines Act* was deemed a failure and the Board was implicated through its virtual lack of activity from the late 1930s.⁵⁷

The resultant 1957 *Aborigines Act* created an Aborigines Welfare Board “to promote the moral intellectual and physical welfare of aborigines (which term for the purposes of this Act includes not only full-blooded aboriginal natives of Australia but also any person of aboriginal descent) with a view to their assimilation into the general community”.⁵⁸ The Board retained its function to manage Aboriginal reserves and their residents, however in practice Lake Tyers was the only reserve to receive any focus. A further *Aborigines (Houses) Act* in 1958 allowed the Housing Commission to erect houses on Board land, and the removal of families to new and transitional housing was a key objective of the

⁵³ Regulation 41, 1916 Regulations.

⁵⁴ Regulation 22(2), 1916 Regulations.

⁵⁵ Broome, *Aboriginal Victorians*, pp. 258-59.

⁵⁶ VDPLC, 1956-57-58, v.252, 4 June 1957, p.1259.

⁵⁷ C. McLean, Report on the Aborigines Act 1928.

⁵⁸ Section 6(1), *Aborigines Act* 1957.

Board. Children continued to be removed to external agencies for education and training under these aims. For the first time, the 1957 Act allowed for an Aboriginal person to become a Board member.

In 1967 a national referendum allowed for Aboriginal people to be included in the national census and gave the Commonwealth powers to intervene in Aboriginal Affairs.⁵⁹ In Victoria, new legislation abolished the Welfare Board to create a Ministry of Aboriginal Affairs “For the purpose of promoting the social and economic advancement of aborigines in Victoria”, with a focus on the provision of housing, health care and welfare, legal aid, education, employment and training, economic development programs, and the management of land vested in the Ministry. Additional funding was to be provided by the federal government. An Aboriginal Affairs Advisory Council was established to report, consult and advise the Minister.⁶⁰ The social welfare focus of the Ministry led to a number of specific programs for Aboriginal people, but also encouraged the population to access mainstream government services.

Regulations passed under the 1967 Act dealt almost exclusively with the operation and administration of the Aboriginal Affairs Advisory Council, as well as a cadetship program established in December 1969 for qualified young Aboriginal people to undertake a university degree in Social Studies alongside practical work experience within the Ministry during University breaks. A further *Aboriginal Affairs Act* in 1968 also allowed the Ministry to employ Aboriginals without having to comply with the provisions of the Public Service Act 1968. 26 per cent of Ministry staff employed during 1972-73 were of Aboriginal background.⁶¹

In the early 1970s the State government began negotiations with the Commonwealth government for the transfer of the full responsibility for Aboriginal affairs to the federal level. Legislation was formally passed in 1974 to this effect, as the *Aboriginal Affairs (Transfer of Functions) Act* 1974 (no. 8606).

3.2 The Aboriginal Reserves

From 1869 to 1974, the Aborigines Acts determined the places of residence

⁵⁹ A. McGrath, 'A National Story', in A. McGrath (ed), *Contested Ground: Australian Aborigines under the British Crown*, Allen & Unwin, St Leonards, NSW, p. 46.

⁶⁰ *Aboriginal Affairs Act* 1967, no. 7574.

⁶¹ Ministry of Aboriginal Affairs, Annual Report, 1972/73, VPRS 10265/P0/586.

recognised by the Board for the purposes of funding and assistance for the Aboriginal population of Victoria. Regulations in 1871 under the 1869 Act recognised six main mission stations or reserves operating in Victoria as official “places of residence” for Aborigines. These were the government-run reserves at Coranderrk (near Healesville), Framlingham (near Warrnambool) and Lake Condah (near Heywood), as well as the government-subsidised Christian missions of Ebenezer (on the Wimmera River at Lake Hindmarsh), Ramahyuck and Lake Tyers (both in Gippsland). The Act also provided for a number of ration depots across the State, providing rations of food, blankets and clothing to those people not residing on a reserve. On 13 February 1871, 48 Local Guardians were appointed, including police, clergyman and European landholders, covering the colony of Victoria from Gippsland to Mildura.⁶²

When the government decided to reduce the number of people under its control from the 1880s, through a redefinition of ‘aboriginal’ and the exclusion of all those people not so defined, the various Aboriginal reserves and depots were increasingly closed down. During the first half of the twentieth century portions of land set aside for the benefit of the Aboriginal population were revoked, for purposes such as soldier and closer settlement.⁶³ Framlingham was no longer recognised by the Board as a place of residence for Aboriginal people from 1889. Other closures followed: Ebenezer in 1904, Ramahyuck in 1908, and Lake Condah in 1917.

Lake Tyers was taken over by the government in 1908 and from 1917 it became Board policy to concentrate all those remaining Aborigines under the control of the Board there.⁶⁴ Despite this policy, many of those Aboriginal people who chose not to transfer to Lake Tyers, or were prohibited from doing so, continued to reside in or near their former homelands, particularly at Framlingham, around Colac, Lake Condah, and the Shepparton/Moroopna area. However, transfers from other reserves meant that there were 280 people residing at Lake Tyers in October 1928.⁶⁵

⁶² Victoria Gazette 1871, p. 335.

⁶³ VPDLA, 1928, v.177, 11 October, p. 2215; VPDLC, 1947-48, v.227, 14 July 1948, pp. 1643-47; Drafts of 1928 Bill, VPRS/10265/P0/266; C. McLean, Report on the Aborigines Act 1928, p. 5.

⁶⁴ e.g. VPDLA, 1918, v.150, 22 November, p. 2299.

⁶⁵ VPDLA, 1928, v.177, 11 October, p. 2215.

From the early 1960s Lake Tyers residents were encouraged into transitional housing elsewhere rather than remaining on the reserve. In 1961, 139 people or 7.7% of the total Aboriginal population of Victoria at that time were living at Lake Tyers, representing the lowest proportion of Aboriginal people living on reserves anywhere in Australia.⁶⁶ Despite agitation to return Lake Tyers to the Aboriginal people, Lake Tyers continued to operate under the control of the Aborigines Welfare Board until legislation formally transferred land at both Lake Tyers and Framlingham to the Aboriginal communities under freehold title in 1970.

4 The Legislative Framework

The purpose of Stage One of the Preliminary Investigation has been to determine whether it was legally possible for the colonial/State government to withhold wages, and whether this was government policy at the time. A review of the legislation governing Aboriginal people in Victoria between 1869 and 1974 has identified several potential areas of significance for further research into the issue of stolen wages. These issues are discussed in further detail below.

4.1 Adults Working on Reserves

All fit and healthy residents of reserves were required to work for rations, to help make the reserve self-supporting and because work was generally seen as a civilising tool. The *Aborigines Act* 1869 and subsequent Regulations in 1871 allowed for the Board to retain the proceeds of Aboriginal labour on reserves for the benefit and welfare of all aborigines.⁶⁷ This included the sale of marketable goods, produce or livestock produced on a reserve as a result of the work of Aboriginal residents. In 1931 the Aborigines Board Produce Fund was established, and it was into this Fund that any such profits were to be paid.⁶⁸ (Prior to this date, the legislation and Regulations imply a single central fund from which Board payments and expenditure was directed.) Acquisitions of stock and supplies for the benefit of the Aboriginal population remained the property of the Board,

⁶⁶ VDPLA, 1962-63, v.270, 30 April 1963, p.3172; VPDLA, 1962-63, v.267, 11 September 1962, p.67; VPDLA, 1964-65, v.277, 23 March 1965, pp. 2765-75; J.P.M. Long, *Aboriginal settlements: a survey of institutional communities in Eastern Australia*, ANU Press, Canberra, 1970, p.5.

⁶⁷ Section 2(iii), *Aborigines Act* 1869; Regulation 9, *Aborigines Act* 1869, Regulations, 13 February 1871.

⁶⁸ Regulation 9, 1931 Regulations.

although these could be purchased with money made through the sale of goods and produce as a result of Aboriginal labour.

Provision for payment to these Aboriginal workers was also contained within the 1871 Regulations, however the Board was given wholesale discretion in deciding the actual amount paid, or whether cash payments were made at all. Hence, the Board could from the “proceeds of sale pay to the aboriginals who have labored on the reserves such sums as the Board may deem right, having regard to the kind and amount of labor performed by each”.⁶⁹

Whilst further Regulations issued in 1916 under the consolidating *Aborigines Act* 1915 stipulated that workers on reserves were to receive cash remuneration in addition to rations, this was still paid at a rate determined by the station manager and the Board.⁷⁰ From 1931, these cash payments were paid out of the Produce Fund.⁷¹

Despite such provisions for cash payments being included within the legislative framework governing Aboriginal people, a work-for-rations system continued, and the legislation included punitive clauses for non-compliance of the ongoing requirement for all “able-bodied” residents of reserves to work for rations (in effect between 1890 and 1957). In addition, the requirement for remuneration seems to be potentially at odds with the ability of the Board to determine whether cash payments would be paid from the sale of marketable stock or goods produced through Aboriginal labour, “having regard to the kind and amount of labour performed”.

With the passage of the *Aborigines Protection (Amendment) Act* in 1886 those of mixed Aboriginal ancestry under the age of 34 were no longer classed as “aboriginal” and therefore excluded from the reserves and Board control, although they could apply for rations or equivalent in money, clothing and blankets, for a period not exceeding three, five and seven years respectively, “upon acceptable proof to the Board of necessity”.⁷²

Regulations were issued in May 1890 specifically to deal with ‘half-castes’ as defined under the 1886 Act. Section 7 of the Act had given the Board full powers

⁶⁹ Regulation 9, 1871 Regulations.

⁷⁰ Regulations 9 & 10, *Aborigines Act* 1915, Regulations, 4 September 1916.

⁷¹ Regulation 9, 1931 Regulations.

⁷² Section 6, *Aborigines Protection (Amendment) Act* 1886.

over the residence of 'half-castes', and the Regulations specified that a license to reside with 'aboriginals' was now required to live on a reserve. During the period of such a licence that person would be treated as 'aboriginal' for the purposes of the Act. 'Half-castes' experiencing "illness, infirmity, or other necessitous circumstances" could seek Board approval for such a license although further Regulations issued in September 1890, following the passage of the consolidating *Aborigines Act* 1890, discouraged this practice and licenses of residence only lasted for three months.⁷³

All "able-bodied" 'half-castes' living on reserves under such licences were required to do a "reasonable amount of work" under threat of having their supplies stopped. In September 1890 this Regulation was extended to all "able-bodied" 'aboriginals' (as defined by the 1886 Act).⁷⁴

The *Aborigines Act* 1910 extended the operation of the 1890 Act to 'half-castes' as defined by the 1886 Act, however subsequent Regulations continued to encourage those so defined to merge into wider society and make a living away from the reserves. The divisions between those of 'full blood' and 'half-caste' contained within the 1886 and 1910 Acts were further solidified by the 1915 and 1928 *Aborigines Acts* and associated Regulations. Whilst 'half-caste' people were still expected work for their rations if they were able to do so, the legislation determined that they were to be given less rations than 'aboriginals'. The Board retained the right to expel any 'half-caste' or child of a 'half-caste' from a reserve who was found guilty of misconduct.⁷⁵ Regulation 34(a), published in August 1927, introduced fines of no greater than two pounds for breaches of good behaviour and minor offences, with provision for the right to appeal.

Regulations in 1958 under the *Aborigines Act* 1957 made it clear that residence on a reserve was contingent upon all able-bodied people performing "a reasonable amount of work". Such employment was for the first time now subject to industrial awards and determinations, where they existed, and was otherwise to be remunerated "at a rate to be arranged by the manager and approved by the

⁷³ Although there is evidence that the Board did not continue issuing licenses after 1937 due to the administrative costs involved, C. McLean, Report on the *Aborigines Act* 1928, p. 12.

⁷⁴ Regulation 6, *Aborigines Protection (Amendment) Act* 1886, Regulations, 13 May 1890; Regulation 26, *Aborigines Act* 1890, Regulations, 8 September 1890.

⁷⁵ Regulation 34, 1916 Regulations.

Board”.⁷⁶ Despite the introduction of industrial awards, Aboriginal workers at Lake Tyers in 1963 were required to assist in the running of the station for “earnings” at a rate determined “according to the nature of the work done”.⁷⁷

References to the control of individual employment arrangements of Aboriginal people are absent from the *Aboriginal Affairs Act 1967* and subsequent legislation prior to 1974. The newly created Ministry of Aboriginal Affairs was to focus on the provision of services and assistance in the areas of housing, education, employment and training, although the Board was responsible for the management of the Lake Tyers station until 1970.

4.2 Adults Working under Licence

From 1871, Regulations under the 1869 *Aborigines Protection Act* made work certificates mandatory for any Aboriginal person living on a reserve who was “able and willing to earn a living by his own exertions” off the reserve. These certificates were effective for three months and were renewable at the discretion of any member of the Board, local guardian or member of a local committee. Prospective employers of Aboriginal workers were required to make an application to the nearest local guardian, for each individual they wished to employ. The local guardian was responsible for making inquiries, with a view to making a recommendation to the Board as to the suitability of the proposed employment arrangement. If an employer or other person was found to “harbor any aboriginal unless such aboriginal shall have a certificate or unless a contract of service...shall have been made on his behalf and be then in force” without the written consent of the Minister, then a maximum fine of 20 pounds or 1-3 months in jail could be ordered.⁷⁸ This requirement for a work certificate persisted through subsequent legislation until the passage of the *Aborigines Act 1957*.

The 1869 Act allowed for Regulations to control the earnings of any ‘aboriginal’ under any such contract. The 1871 Regulations used this power to enable the Board to “modify any such contract at the time of approving the same by directing *all or any part* of the money payment payable to the aboriginal to be made to some local guardian or other person specified in that behalf instead of

⁷⁶ Regulation 9, *Aborigines Act 1957*, Regulations, 26 August 1958.

⁷⁷ VPDLA, 1962-63, v.269, 3 April 1963, p.2688.

⁷⁸ Regulations 2-8, 1871 Regulations; Section 6, *Aborigines Act 1869*.

to the aboriginal himself”.⁷⁹ Further, “Any money to be received in pursuance of any such direction shall be applied at the discretion of the receiver for the benefit of the aboriginal or of any member of his family”.⁸⁰ This distribution of earnings was to be both overseen by, and accounted for to, the Board.

The 1871 Regulations did not specify a minimum wage to be paid to Aboriginal workers, nor did they require employers to provide a money payment for work done. The standard “Contract submitted for the approval for the Board for the Protection of Aborigines” allowed the prospective employer to make an offer of “Money payment as wages or otherwise” and to specify “the time or times when payable”. The wording of the contract also refers to “money payment (if any)”. Rations were mentioned, but were also not compulsory under the wording of the standard contract.⁸¹

Regulations in 1916 under the *Aborigines Act* 1915 reinforced the ability of the Board to make potential deductions from wages, allowing for an amount from any wages earned under a certificate to be directed to a person nominated by the Board “for the maintenance of his wife and children”. The Regulations did not determine an actual amount to be retained for this purpose, allowing for the amount to be established by the Board when issuing the certificate.⁸²

By the time the 1915 Act was passed, the government and the Board were showing a change in attitude to the reserve system. From the 1886 Act people of mixed Aboriginal blood were being defined differently to those of ‘full blood’, and being encouraged or forced to leave the reserves and to survive without assistance from the Board. The 1915 Act extended the Board’s powers of removal, allowing the Board to remove any person from a reserve who it felt “should be earning a living away from [a] reserve”.⁸³

Interestingly, the May 1890 Regulations suggest that for those ‘half-caste’ Aboriginal people who were granted licenses to reside on a reserve, finding work off the reserve was either made difficult or discouraged. The Regulations required all ‘half-castes’ to do “a reasonable amount of work” for their rations, with

⁷⁹ Regulation 6, 1871 Regulations, my emphasis.

⁸⁰ Regulation 7, 1871 Regulations.

⁸¹ Regulations 2-5, 1871 Regulations.

⁸² Regulation 8, 1916 Regulations.

⁸³ Regulation 22(2), 1916 Regulations.

“travelling [to be] discouraged and prevented as much as possible”.⁸⁴

The *Aborigines Act* 1928 and Regulations continued to allow the Board to control the conditions of employment for those people who remained on the reserves until that Act was repealed in 1957. Regulations in 1931 established that any amount deducted by the Board from wages and used by the Board for the benefit of that person and/or his dependents, would now be transferred to an individual trust fund in the name of the Aboriginal worker.⁸⁵

From 1957 Aboriginal employment became subject to the power of industrial awards and determinations. Whilst there was some debate within government about whether the Board should or could take responsibility for prescribing the conditions of pay for Aboriginal people, the final 1957 Act retained for the Board the right to determine the conditions of employment where an industrial award did not exist.⁸⁶

With the 1957 Act, any reference to the withholding of wages in trust funds or otherwise was removed. Various ‘protective’ clauses remained in Regulations issued in 1958. These included Board approval for employment of females, males under 18, or in conditions affecting the health, and that women were not to be employed unless a white woman was present at the place of employment. Employers were also required to house and feed the employee and his family for the period of employment.⁸⁷

4.3 Child Apprentices

The passage of the 1886 Act ironically resulted in greater regulation of those people now classified as ‘half-caste’, including children. Regulations published in May 1890 dealt specifically with the management of ‘half-castes’. These Regulations allowed the Board to license or apprentice “to any trade or occupation any male or female half-caste child over 14 years of age” and, in the spirit of protection, to prescribe the conditions of that apprenticeship or period of “indenture”. Those same Regulations specified a minimum wage for apprentices of between 4 and ten shillings a week. Half was to be retained by the Board, for

⁸⁴ Regulation 8, May 1890 Regulations.

⁸⁵ Regulation 7, 1931 Regulations.

⁸⁶ VPRS 10265/P0/586.

⁸⁷ Regulations 24 & 25, 1958 Regulations.

transfer to a savings account in the name of the individual child, which would be given to the child at the end of his or her apprenticeship. The other half was to be paid quarterly, directly from the employer to the apprentice.⁸⁸ After 1931 the Board could continue to control the apprenticeship arrangements as before, however reference to a minimum or actual wage was removed, and the frequency of payment to the child was no longer enforced.⁸⁹

With the passage of the *Aborigines Act* 1957, specific reference to the conditions of children under apprenticeship or of child employment under the control of the Board was removed. However as has been mentioned, Regulations in 1958 stipulated that the Board approve the employment of males under 18 and all females.

It is also worth acknowledging that from 1871, the Board had the power to make State wards and specify the place of residence of any child deemed “neglected” or “unprotected”, including their removal to an industrial or reformatory school. From 1886, this power was extended to ‘half-caste’ orphans. From 1890 children could be made to sleep and eat in a separate building on the reserve. After 1899, the wording of the Regulations changed and the Board was now able to arrange for the transfer of ‘half-caste’ or ‘aboriginal’ children to the Department for Neglected Children or the Department for Reformatory Schools (the Children’s Welfare Department from 1924), “for their better care custody and education”. Boys were sent to a training farm at Bayswater and the girls to a home for domestic service, and then sent out to service under the auspices of the Department.⁹⁰ The *Aborigines* legislation allowed for such transfers until the *Aborigines Act* 1957.

The legislation does not make clear whether the Board retained any ongoing responsibility for a child who was transferred under these provisions. The records relating to the Department for Neglected Children held within PROV have significant gaps and would require knowledge of an individual name in order to access potentially numerous files and records relating to an individual, as the racial or cultural background of each child were not necessarily indicated in the records.

⁸⁸ Regulations 13-24, May 1890 Regulations.

⁸⁹ Regulation 8, 1931 Regulations.

⁹⁰ C. McLean, Report on the *Aborigines Act* 1928, p.5.

4.4 Trust Funds

4.4.1 Aborigines Board Produce Fund

Regulations in 1931 under the *Aborigines Act 1928* led to the establishment of an Aborigines Board Produce Fund. Regulation 9 (1931) stipulated the purpose of the Fund:

When a number of aborigines are located on a reserve and cultivate fields and gardens, or raise and keep live stock, or otherwise by their labours produce marketable goods, the Board may from time to time order the sale of any produce, or live stock, or goods. All money so received shall be paid into a trust fund kept in the Treasury termed the "Aborigines Board Produce Fund." Any moneys received from the leasing of reserves, sale of timber, wattle bark, or contracts for the sale of any commodities shall also be paid into the above fund. The Board may from time to time from this fund pay to the aborigines who have laboured on reserves such sums as it may determine, having regard to the kind and amount of labour performed by each. The Board may also pay from this fund such accounts as it deems right for the purchase of stock, materials, goods, &c.

The 1957 *Aborigines Act* replaced the Aborigines Board Produce Fund with the Aborigines Welfare Fund. All moneys within the Produce Fund were then transferred to the Welfare Fund, also kept in Treasury.⁹¹ The Welfare Fund received "all moneys appropriated by Parliament for the purpose, all moneys received by the Board in connexion with aboriginal reserves, and all other moneys whatsoever received by the Board in the administration or for the purposes of this Act". These funds were to be "applied to the payment of expenses of the Board and the members thereof and the administration of this Act".⁹² Any specific mention of payments to Aboriginal workers from this Fund was not contained in the Act or its subsequent Regulations, although all "able-bodied" residents of reserves continued to be required to work for remuneration set either by an industrial award or determination (where applicable) or at a Board-approved rate.

With the passage of the *Aborigines Act 1967* and the establishment of a Ministry

⁹¹ Section 12, *Aborigines Act 1957*.

⁹² Section 7, *Aborigines Act 1957*.

of Aboriginal Affairs, the Aborigines Welfare Fund became the Aboriginal Affairs Fund.⁹³ No mention is made in the 1967 Act or its Regulations about the requirement of residents on reserves to work, either for rations or remuneration, although it was used to fund a variety of education and training, employment and economic development related programs.

When the responsibility for Aboriginal affairs was transferred to the Commonwealth in 1974, Section 8 of the *Aboriginal Affairs (Transfer of Functions) Act 1974* allowed for all money in the Aboriginal Affairs Fund to be paid to the Consolidated Fund.

4.4.2 Individual Trust Funds

From 1871 the Board could direct an amount from the wages of any Aboriginal working away from a reserve under a Board license, to a local guardian or other specified person to manage on their behalf. The 1931 Regulations stipulated that any such deductions from the wages of any Aboriginal worker under contract “shall be paid into a trust fund in the name of the aborigine concerned, and shall be applied and expended as may be directed by the Board for his benefit and/or the benefit of his dependants”.⁹⁴

From May 1890, half of the agreed wage (until 1931 the agreed wage was specified at between 4 and 10 shillings a week) of a child under an apprenticeship arrangement managed by the Board was to be transferred by the employer directly to the Board to be placed “to such child’s credit in a savings bank”, and paid at the end of their service.⁹⁵ A minimum wage for apprentices was removed from the legislation in 1931⁹⁶, although children could continue to be licensed out under the legislation until 1957.

Board responsibility for these individual trust funds was contained within the legislation until the passage of the *Aborigines Act 1957*.

4.4.3 Social Welfare Entitlements

Aboriginal Victorians became eligible for various welfare and social service

⁹³ Section 20, *Aboriginal Affairs Act 1967*,

⁹⁴ Regulation 7, 1931 Regulations.

⁹⁵ Regulation 17, May 1890 Regulations.

⁹⁶ See Regulation 8, 1931 Regulations.

benefits during the twentieth century, although initially residents of Aboriginal reserves were denied access to certain types by virtue of their “assistance” by the Aborigines Board. Research in other states has revealed that child endowment and pension payments were withheld in part or in full in trust accounts with varying degrees of access for the recipients.

Although these benefits were paid under the provisions of other (often Commonwealth) legislation, and their payment and regulation are not contained within the Victorian Aborigines Acts or associated Regulations, there is some evidence in the records that this money may have been diverted to the management of the Board in some cases. For example, the existence of a file in the Board archives held at NAA titled Endowment Account Books, chronological series, 1959-63 (B4699) suggests that the Victorian Board may have played a role in the management of endowment payments for some Aboriginal families under its control.

4.5 Recordkeeping and Accountability

The Board for the Protection of Aborigines and its successors were required under legislation to produce and retain records, including financial records, correspondence and minutes, and to provide reports to be tabled in Parliament. At various times the managers of reserves, local guardians and committees, and employers of Aboriginal workers, were also required to provide various reports and information to the Board. A number of the possible records emanating from these reporting requirements have potential relevance to any further investigation of the issue of stolen wages in Victoria.

From 1871, the Board was required to present a number of annual reports and statements to the Governor. In March each year the Board was required to seek approval for any proposed distribution and expenditure of funds, providing estimates of rations and other items of benefit for the Aboriginal population, including an estimate for salaries and wages. The Board was also to provide an annual statement of expenditure for the previous year, including the actual expenditure on salaries and wages. It was not specified whether this included Aboriginal wages. The Secretary of the Board was to certify all accounts approved by the Board.⁹⁷

⁹⁷ Section 19, *Aborigines Act* 1869.

The Secretary of the Board was to keep minutes of meetings and conduct all correspondence. The requirement for monthly Board meetings established by the 1871 Regulations was removed from the 1916 Regulations. However, the duties and aims of the Board, local guardians and managers of stations were outlined in greater detail and their reporting requirements, especially financial reporting, were significantly enhanced.

The duties of the Board included “with the consent of the Minister, to apportion, distribute, and apply as may seem most fitting, any moneys voted by Parliament, and any other funds in its possession or control, for the relief of aboriginals”, and “...to protect them [Aborigines] against injustice, imposition, and fraud”.⁹⁸

The 1931 Regulations established an Aborigines Board Produce Fund, which became the Aborigines Welfare Fund in 1957 and the Aboriginal Affairs Fund in 1967. In each case all money was transferred to the new Fund. Given that these Funds were kept in Treasury, they would have been subject to that department's audit requirements.⁹⁹

Regulations 2 through 8 of the 1871 Regulations required that any Aboriginal person wishing to work off a reserve obtain a certificate for that purpose, to be renewed every six months. Likewise, employers of Aboriginal workers were required to enter into a contract with the Board, renewable every three months. Regulation 11 in 1931 required employers of Aborigines to supply the Board with monthly statements of moneys received and disbursed. These requirements existed until 1957.

Any earnings intercepted by the Board under Regulation 7 of the 1871 Regulations and distributed by the local guardian for the benefit of the worker or any member of his family, was required to be accounted for. Regulation 12 of the 1871 Regulations required local committees, guardians or other agent of the Board to provide the Board with detailed monthly statements of all expenditure and funds received during the month. This included a requirement to show how any money received from employers of Aborigines was distributed, and the balance of any money unspent. From 1931 until 1957 any money intercepted for this purpose was to be paid into a trust fund in the name of the individual

⁹⁸ Regulations 21(a) & 21(e), 1916 Regulations.

⁹⁹ The Aborigines Welfare Fund appears to have been retained within Treasury partly to subject it to the accountability of the Auditor General, VPRS 10265/P0/586.

concerned.¹⁰⁰

Section 8 of the 1886 Act allowed for Regulations to determine the requirements for “periodical reports on the condition and progress of half-castes during the said period”. The Board could also inspect and report on individuals “in any way under the control of the Board”.

The 1890 Regulations required that any person wanting to hire or apprentice a child under Regulation 13 complete a standard “Form of Application”. The Board was required to complete an Indenture Contract, specifying the conditions of apprenticeship for the child. From May 1890, half of the agreed wage of a child under such an apprenticeship arrangement was to be transferred by the employer directly to the Board to be placed “to such child’s credit in a savings bank”, and paid at the end of their service. These processes were to be managed by the General Inspector, and later the Secretary of the Board until the Regulation was removed with the passage of the 1957 *Aborigines Act*.

From 1916 the Secretary of the Board was required to keep books of account, vouchers, reports, documents, plans and charts, and to give instructions to officers under the Act with regards the Act and its Regulations.¹⁰¹

Local guardians were required to visit stations at least once in every two weeks to address any needs or apparent offences under the Act or Regulations.¹⁰²

For managers of reserves, the priority was “moral and social welfare”, with records required to be created and maintained, including:

- monthly reports on the general conditions, including numbers residing, details of males, females, full bloods and half castes; numbers attending school, nature and extent of work done; work planned; births and deaths; general health; and other matters of interest;
- a diary of all occurrences and statistics;
- monthly accounts of money and supplies received and disposed of, to be forwarded to the Board;

¹⁰⁰ Regulation 7, 1931 Regulations.

¹⁰¹ Regulation 20, 1916 Regulations.

¹⁰² Regulation 23, 1916 Regulations.

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- money earned through sale of produce, with a statement showing each item, to be forwarded to the Board monthly;
 - a yearly stocktake of government property on the station; and
 - returns of rations and stores, to be forwarded to the Board.

Managers of reserves were also asked to ensure that residents did not “squander their earnings”.¹⁰³

The requirement for detailed monthly statements was reiterated by the 1931 Regulations, with the creation of the Aborigines Board Produce Fund. However it is worth noting that during the middle decades of the twentieth century the Board had gone into virtual dormancy, hardly meeting and publishing few reports.¹⁰⁴

1958 Regulations under the 1957 Act also required the new Superintendent of Aborigines Welfare to keep records and provide reports, as required, to the Board. This included financial statements detailing the “money, goods or materials” distributed.¹⁰⁵ The manager of Lake Tyers reserve was required to provide monthly written reports to the Board, including details of any work done on the station.¹⁰⁶ From 1958 the Board was empowered to regulate its own proceedings, subject to the Act and Regulations.¹⁰⁷

It is significant for this research that no specific detail or guidance is provided in the legislation for the management of the individual trust funds, particularly those created for apprentices. More stringent record-keeping requirements were introduced through the 1916 Regulations, however no accounting requirements were specified for the management of the funds and their transfer to apprentices at the end of their period of service. Nor was a formal system established for acknowledging receipt of payment of wages to be received directly from their employers. Arrangements were also not made clear in the legislation for amounts held in trust funds diverted from the wages from workers under licence. It is also significant that, unlike in Queensland, rates of pay or minimum wages over most of the time period discussed were generally never established in the legislation,

¹⁰³ Regulations 25 & 26, 1916 Regulations.

¹⁰⁴ VPDLA, 1943, v.215, 20 October, p.1060; McLean Report, p.13.

¹⁰⁵ Regulations 4 & 5, 1958 Regulations.

¹⁰⁶ Regulation 7, 1958 Regulations.

¹⁰⁷ Section 5(6), *Aborigines Act* 1958.

either for work on reserves or work under licence. Minimum rates for child apprentices were only in effect between 1890 and 1931.

As has been discussed, the Aboriginal records in Victoria are split between the custody of PROV and NAA. Some financial records created by the Board for the Protection of Aborigines are within the custody of NAA, particularly relating to Lake Tyers reserve between the 1930s and the 1960s. These records are a priority for further research into the issue of stolen wages. However these records on their own may be limited in that they appear to present lists and a snapshot of a specific time and place. In order to ascertain a more complete picture of the implementation of the legislation, the importance of the supporting records of the Board, such as correspondence files, annual reports and minutes, have been highlighted by equivalent research in NSW, as it is through these records that the main administrative functions of the Board were carried out. The correspondence files of the Board for the period in question total some 23 units (PROV) and over 450 items (NAA). The Board Secretary's letter books contain 1,745 pages of carbon copy correspondence. Some of these files have indexes or archival controls, whilst others (notably the Board correspondence files in PROV) do not.

Published Annual Reports, meeting minutes and files on individual people are likely to yield important insights into the operation of the Board. Parliamentary documents such as Inquiries and Royal Commissions also hold valuable information about financial matters such as the payment of wages and conditions of employment, as well as the intentions of the Board in interpreting the legislation.

Further records have been identified as having potential to provide additional context for these lists, including reports and records created by Treasury and the Chief Secretary. A search was made for likely relevant Treasury series in PROV, and it is possible that some information about the Aborigines Board Produce Fund may be contained with series such as Trust Fund Ledgers (VPRS 11334), Trust Fund Transactions (VPRS 12251) and Budget Statements (VPRS 12166). Although the information in these files is unknown at this stage, they are likely to contain summarised financial information rather than detailed transaction records. A preliminary search of published Annual Finance Statements of the Victorian Parliament revealed that statements of the Aborigines Board Produce Fund were not included until 1960. Indexes and registers are available to assist research into the files of the Chief Secretary's Office.

5 Recommendations

A review of the legislative framework governing the lives of Aboriginal people in the period 1869 to 1974 has revealed that there were a number of ways in which the working lives, wages and earnings of Aboriginal people could be placed under the control of the Board for the Protection of Aborigines and its successors through the various Aborigines Acts during that time.

It is recommended that Stage Two of the Indigenous Stolen Wages Preliminary Investigation proceed to enable research to determine whether these policies affecting Aboriginal work and wages were implemented, and the nature of this implementation. The objective will be to ascertain whether wages and earnings were likely to have been systematically withheld from Aboriginal people by the Colonial/State Victorian governments in line with the established legislative framework, as it was interpreted by the Board.

The scope for Stage Two of the Preliminary Investigation outlined in the RFQ allows for twenty days to undertake research and prepare a report addressing the objectives. It is recommended that the current scope for Stage Two be expanded to allow for the research of records identified as relevant to the stolen wages issue in Victoria. A period of 70-80 days is suggested as a more realistic timeframe for this preliminary research.

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Indigenous Stolen Wages Preliminary Investigation

STAGE TWO: DETERMINING IMPLEMENTATION

Final report to Aboriginal Affairs Victoria
& Public Record Office Victoria

September 2009

History Matters *consulting historians*

Executive Summary

Stage One of the Indigenous Stolen Wages Preliminary Investigation identified that the Victorian Aborigines Acts passed between 1869 and 1974 could potentially allow for the Board for the Protection of Aborigines (the Board) and its successors to control the working lives, wages and earnings of Aboriginal people in Victoria. This included the earnings of Aboriginal workers on reserves, those working in the community under Board licenses, and child apprentices. Stage Two of the Investigation involved the research of records in custody at the National Archives of Australia (NAA) and Public Record Office Victoria (PROV), "to determine whether any Colonial/State government policy to garnish or withhold wages of Aborigines in Victoria was implemented, and how this policy was implemented". The research focussed on evidence that the Board systematically withheld wages from Aboriginal people, particularly in trust funds, that were not repaid.

The Stage Two research was defined by the Stolen Wages Project Control Board to encompass the period after 1918, as this would take account of the experiences of any potential living claimants. With the intention of focussing on those people under the direct control of the Board, the research looked at the administration of Lake Tyers station in Gippsland, which after 1924 was the only government-staffed Aboriginal reserve in Victoria following a 1917 decision to concentrate the remaining Aboriginal population there.

The following areas were not included in the scope of the research: underpayment of work on Aboriginal reserves; low or non-payment of wages to Aboriginal people under privately arranged work contracts; the experiences of people not living at Lake Tyers under Board management; consultation of records not in custody at NAA or PROV; and information held within the Victorian Aboriginal community. The potential administration of social security payments, lump sum benefits or other earnings was also excluded from the research, as they were not within the scope of influence of the Aborigines Acts.

Stage Two of the Preliminary Investigation encompassed research of selected records created by the Board for the Protection of Aborigines (1918-57), Aborigines Welfare Board (1957-68) and Ministry of Aboriginal Affairs (1968-74). Priority was given to the Board's financial records, comprising ledgers, account books, wages records and financial correspondence files relating to the Aborigines Board Produce Fund (to 1957) and Aborigines Welfare Fund (1957-68). Selected general correspondence files as well as available annual reports and meeting minutes were examined for potential records of the Board's financial policies and administration. Supporting records of the Chief

Secretary and Treasury were scoped for audit reports, inquiries and records of government trust funds.

Trust funds and recordkeeping

Stage Two of the Preliminary Investigation has not revealed evidence in the PROV or NAA records viewed of the widespread, systematic establishment of individual trust funds to withhold or garnish the wages or earnings of Aboriginal people under the control of the Board between 1918 and 1974. There is evidence however that the Board and the Lake Tyers station manager received and managed money from or on behalf of Lake Tyers residents, and that money was held in trust on behalf of some individuals.

The research has highlighted a number of issues that make it difficult to accurately and comprehensively identify the actions of the Board in relation to its financial policy and administration. Not all records, including financial records, that were required to be kept by the Board or the station managers and other staff are in the custody of NAA or PROV. Existing Board records show evidence of poor, inadequate and often non-existent recordkeeping practices. A lack of indexes and archival control records make accessing the records difficult. Apparent discrepancies, inconsistencies and omissions within and between records pose potential difficulties for researching individual histories. Most of the financial record series are incomplete, lacking in detail, and can be complex to understand. There is little detail prior to the mid-1930s and there is virtually no record of the financial operation of the Ministry of Aboriginal Affairs between 1968 and 1975, apart from published reports which present high-level summary information only. Notably, the main record of moneys received by the Board Secretary only covers the period 1961-68, and there is no record of the Lake Tyers Revenue Account, into which revenue collected by the station manager was deposited from 1921. Whilst auditors checked transactions against Treasury records they do not appear to have been checked against station records. No internal Board audits of Lake Tyers administration were located although a rare State Audit Office report in 1962 was identified which highlighted confusing accounting procedures and inadequate bookkeeping practices.

A number of broader factors meant that the requirements of the Aborigines Acts were not fully implemented. The general inactivity and unaccountability of the Board for much of the period prior to 1957 is reflected by a lack of formal guiding policy decisions and associated administrative recordkeeping. A general policy of absorption was also pursued throughout the period of investigation, which removed the majority of the Aboriginal population from the reserves and hence from the Board's financial and legal responsibility. It is also apparent that the station manager, rather than the Board, played

a large role in the daily administration of life at Lake Tyers.

Adults working on reserves

The Lake Tyers manager administered individual wage payments from a regular lump sum advance transferred from the Produce Fund. Incomplete ledgers for the period 1933 to 1970 record wage payments, though discrepancies and omissions within and between the financial and administrative work records present difficulties in determining wages received, and whether all workers were receiving remuneration for work done. Wages sheets or vouchers verifying details of individual wages owing, paid and received, were not located. Auditors did not reconcile individual wages paid against lump sum amounts.

Despite the introduction of industrial awards and determinations for workers at Lake Tyers under the 1957 *Aborigines Act* a work-for-rations system persisted there until early 1967, allowing for some work to be carried out without remuneration or for nominal “pocket money”. Distinctions made between “reproductive” work, “domestic work”, and work as a form of “training” and return for benefits supplied at the station were used to determine whether and what wage payments would be made.

Under certain circumstances wages owing were reduced or not paid where workers were absent from the station, or as a punitive measure. Evidence indicates that at times the Board reduced the capacity of the paid workforce as a cost-cutting measure to avoid paying wages to all ‘able-bodied’ residents. Wage rates, drastically reduced during the 1930s Depression, remained low until the mid-1960s.

Adults working under licence

The requirement for work certificates and contracts for Aboriginal people working for periods away from Lake Tyers appears to have been inconsistently enforced, with many men organising their own work arrangements and those classified as ‘half-caste’ and/or ‘able-bodied’ encouraged to permanently leave the reserve. Nevertheless, men were required to seek permission to leave and re-enter the reserve, and to undertake a “reasonable amount of work” prior to their departure. They were also required to contribute a proportion of their earnings to the Board for their family’s “maintenance”. These contributions were not held in individual trust funds for the benefit of any dependents on the reserve, as specified for licensed workers in the 1931 Regulations, but were instead absorbed into the Produce Fund or, after 1957, into the Aborigines Welfare Fund. Family maintenance payments are difficult to trace in financial records, particularly prior to 1952, and are rarely itemised against individuals. There are no

records showing how these amounts were distributed.

From 1958 the Lake Tyers manager was authorised to hold and expend moneys on behalf of Aboriginal people, and was involved in the official administration of social services payments, including child endowment, and the collection of "maintenance payments" through the Aborigines Welfare Fund. The manager also managed trust accounts on behalf of pension recipients, although the Board saw these arrangements as personal and did not take responsibility for monitoring the administration of the accounts.

Child Apprentices

The extent to which the Board may have enforced the requirement for employers of apprentices or domestic servants to forward half of their wages to the Board to be held in individual trust funds is unclear. The financial records examined for this research did not reveal more than a few examples of wages held in trust on behalf of domestic servants apprenticed by the Board.

The Board actively organised domestic service arrangements for girls as well as women until at least 1930, although it is likely that it did not establish formal contracts in all cases. As a significant number of children were also transferred to the care of the Children's Welfare Department and other external institutions between 1900 and 1967, it is possible that these agencies were involved in the apprenticeship of Aboriginal children, including on behalf of the Board. The few required 'Application for an Apprentice or Servant' forms located, dating from the 1920s, indicate that employers intended to pay the minimum wage or equivalent as specified in legislation until 1931. The forms do not confirm whether an arrangement existed to forward half of these wages to the Board as legislated.

The Board was involved in the management of wages of a few girls and women in domestic service after 1918, although the nature of the records makes it difficult to trace complete financial histories. Annual Produce Fund statements and audit reports contain evidence of wages held in trust for two domestic servants that were paid out in 1921, although there is no detailed information about transactions against these funds and there appears to be an un-itemised amount not accounted for in the sums paid out. The part wages of a girl in domestic service forwarded to the Board by her employer in 1922 cannot be traced in Produce Fund statements, and it is not evident where this money may have been held or whether it was repaid to the girl in question. It is unclear whether this evidence indicates other examples that are difficult to trace in the available records.

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Cultural warning

This report contains language from government records and legislation that reflects past attitudes held by government officials and other Australians. The language of the original records has not been altered so as to maintain the integrity and context of the historical record. This language may be disturbing or offensive to people of Aboriginal or Torres Strait Islander descent. This report also refers to indigenous people who have passed away.

1 Introduction

1.1 Background and Purpose

The Stage One report of the Indigenous Stolen Wages Preliminary Investigation identified a number of ways in which the legislative framework governing Aboriginal people in Victoria between 1869 and 1974 allowed for the government, through the Board for the Protection of Aborigines and Aborigines Welfare Board (the Board), to manage the working conditions and wage payments of those people under its control. On the basis of these findings, the Stage One report recommended that a second stage of research be carried out.

As outlined in the Request for Quotation (RFQ) documentation, the aim of Stage Two of the Preliminary Investigation was to undertake research “to determine whether any Colonial/State government policy to garnish or withhold wages of Aborigines in Victoria was implemented, and how this policy was implemented”.

Stage Two also required that an assessment be made regarding a potential third stage, detailing case studies of individuals potentially affected by colonial/State government policies to withhold Aboriginal wages.

This report should be read in conjunction with the Stage One report, which provides background information and a discussion of the legal framework governing Aboriginal people in Victoria.

1.2 Scope of Stage Two

This report presents the findings from preliminary research into whether wages were systematically withheld from Aboriginal workers by the Victorian government under the various Aborigines Acts, and not repaid. The findings are based on records emanating from and relating to the Board for the Protection of Aborigines and its successors in custody at National Archives of Australia (NAA) and Public Record Office Victoria (PROV) at the time of research (2008).

Stage One identified the following relevant areas for further research:

- From 1916 work undertaken by “able-bodied” residents on Aboriginal reserves was to be remunerated, at rates determined by the Board. This work was subject to relevant industrial awards and determinations after 1957. Also contained in legislation until 1967 was the requirement to work for rations and supplies provided by the Board.

- Requirements for work certificates and work contracts regulated Aborigines working off the reserves between 1871 and 1957. The Board could intervene to withhold all or part of the wages of Aboriginal people working under Board work certificates. After 1931 withheld wages were to be placed in individual trust accounts for the benefit of the worker or his family.
- Between 1886 and 1957 the Board could apprentice or send into service 'half-caste' children over the age of fourteen. Employers were required to pay half of the child's earnings over the period of their apprenticeship to the Board, to be placed into trust accounts. Minimum wages of between 4 and 10 shillings a week were in place until 1931.

Under direction from the Stolen Wages Project Control Board, the scope of Stage Two was further defined throughout the research process in a number of ways. This included:

- to examine the period from 1918 to the transfer of the responsibility for Aboriginal affairs to the Commonwealth in 1974. This timeframe was identified as appropriate as any potential repatriation scheme would most likely be limited to living claimants;
- to include those Aboriginal people living directly under the control of the Board on Aboriginal reserves. In 1917 the Board decided to "concentrate" the Aboriginal population onto a single reserve, Lake Tyers in Gippsland, although Coranderrk was staffed until 1924. Lake Tyers was the only government-staffed Aboriginal reserve after 1924 and most of the Board's records from that time relate to its management;
- to exclude the potential management of social security payments, lump sum benefits and other earnings of Aboriginal people, as these areas were not covered by the Aborigines Acts.

2 Methodology

The research focus for Stage Two of the Preliminary Investigation was to examine the available financial information emanating from the Board and its successors, or relating to the Board's financial administration, held in custody at the National Archives of Australia (NAA) and Public Record Office Victoria (PROV). Records examined were selected based on an assessment of their ability to

provide information about the Board's financial administration, establishment of trust funds and evidence of any policy decisions and their implementation in relation to work and wages. The project scope therefore allowed for a survey of some potential supporting records emanating from key State government departments in relation to the operation of the Aborigines Board Produce Fund, the potential establishment of trust funds, and any audit reports that may have occurred.

A list of relevant record series in custody for the Stage Two research was compiled from a review of NAA and PROV holdings relating to Aboriginal people in Victoria, utilising the guide to Aboriginal records *My heart is breaking*¹, and in consultation with Simon Flagg, Acting Manager Koorie Records Unit and Charlie Farrugia, Manager Collection Management, both at PROV. These series were reviewed, a subsequent scoping exercise was carried out, and records were prioritised for research within the timeframe under the direction of the Stolen Wages Project Control Board, which oversaw the project.

Some records and parts of records relating to Aboriginal people in custody at NAA are classified as exempt from public access under paragraph 33(1)(g) of the *Commonwealth Archives Act 1983*. Information omitted under this privacy clause was not considered to be of material relevance to this research and access was therefore not pursued. All of the Aboriginal records in PROV custody are open to the public for research. Some files within the correspondence series at PROV from the Chief Secretary's Department, that potentially hold relevant records, are currently closed under Section 9 of the *Public Records Act 1973 (Vic)* and were not accessible.

The following is a discussion of the main series and records accessed as part of the Stage Two research, in relation to their relevance to the investigation of stolen wages in Victoria. A full list of the records accessed is included in Section 6.

2.1 Financial Records

NAA holds a number of financial ledgers and account books relating to the financial administration of the Board for the Protection of Aborigines and, after

¹ *'My heart is breaking': a joint guide to records about Aboriginal people in the Public Record Office of Victoria and the Australian Archives, Victorian Regional Office, 1997.*

1957, the Aborigines Welfare Board. The financial records are incomplete and often difficult to interpret, and would benefit from evaluation by a researcher with accounting expertise. There is little information to be found from the Ministry of Aboriginal Affairs from 1968-1974, apart from published information in Annual Reports.

Two items described as Collectors Cash Books are held in NAA B2058. Item 1 shows money received by the Board Secretary in his role as Collector of Imposts. Although dated 1921-1968, apart from a few entries for 1921, the period 1921-61 has been removed. Reference is made to a new book, but was not located. Item 2 shows receipts and expenditure between July 1939 and June 1961. Both items appear to have been audited and reconciled with Treasury.

NAA B2860 is a ledger showing receipts and expenditure under each reserve/depot and the "General Account". The book appears to have been used in two distinct periods of time: 1934-1951 and 1957-1963. Reference is made to a previous ledger and a new ledger from 1968, apparently not transferred. NAA B412 Item 7 is also an accounts book dated 1949-1956. NAA B4208 is a ledger that shows general level receipts and expenditure for 1962-1964.

NAA B2864 consists of a series of seven cash payments journals dated 1930-1965. The ledgers are titled "Register of Accounts", with itemised lists of expenditure showing the date, name of recipient, which reserve the expenditure related to, and amount expended. The series is incomplete, with periods of time missing and some pages removed. An earlier series, NAA B2862, covers the period prior to 1930 although information is missing between 1900 and 1930.

There is little information in custody reflecting the transactions that took place at Lake Tyers. NAA B2011 shows transactions on the Lake Tyers Advance Account. This ledger, dated 1921-1968 (although entries finish in 1958), records lump sum advances made to the Lake Tyers manager for the payment of wages to Aboriginal workers. Amounts are recorded as reimbursements from Treasury to the value of the advance. The ledger appears to have been seen by auditors.

Two series record details about workers and wage payments at Lake Tyers for the period 1933-1970. Two volumes of time books (NAA B2024) contain information for the period June 1933-May 1965. NAA B2863 comprises two volumes of wages books covering the period 1948-70. In both series entries are incomplete and information has not been consistently recorded.

Despite the series description, NAA B2059 Record of Debtors, 1956-60 may contain information about wage payments to Aborigines at Lake Tyers as well as amounts owed, although the details are difficult to interpret and cannot be said to constitute an official record of payments. Men and women are listed on separate, alternating pages. Included are fines for non-attendance at work, and details of debts owed to the Board. The book, originally a ledger for recording weekly milk yields, has been adapted for the purpose of debt description.

Audit reports: Research has located audit reports, for select years only, of the Board Secretary's books and accounts carried out by the State Audit Office under the provisions of the Audit Act. Those examined indicate that the reports were forwarded to the Treasurer, on to the Chief Secretary's Office (where the Board was administratively located) and then on to the Board. Copies of audit reports are therefore likely to be contained within the records of these three agencies.

The Board's archives contain copies of some of these reports including those resulting from audits undertaken in 1932, 1933, 1934, 1942 and 1959. Further audit reports were found by accessing the inward correspondence registers for Treasury and the Chief Secretary. Despite evidence that these reports were conducted regularly, this investigation has found that a complete set of audit reports is unlikely to be compiled. In some cases reports referred to in the registers have not been filed in the corresponding box or are recorded as referred to other agencies where they cannot be found. A search in Treasury correspondence registers revealed no mention of reports received between 1946 and 1948, and 1950 and 1956. Reports were located for the years 1921, 1937, 1939, 1943, 1944, 1945, 1963, 1969 and 1975.

Treasury: A brief examination was made of a number of records held at PROV, created by the Treasury department relating to government trust funds. These records contain summarised information at a very high level and do not provide information about individual cases. Information about the Aborigines Board Produce Fund and Aborigines Welfare Fund is available, however these records do not indicate the existence of separate trust funds held in Treasury on behalf of individuals.

Published Information: The Aborigines Welfare Fund began to appear in the Victorian Government annual finance statements and reports of the Auditor-General from 1959. These statements show the value of the annual Parliamentary Vote to the Board, appropriations from the Loan Fund and other grants. Items of revenue include the sale of stock and produce, rents, donations and moneys received from Aboriginal people at

Lake Tyers such as maintenance payments, and social welfare moneys paid to and administered by the Board on behalf of eligible residents. Once again, expenditure is summarised at a high level only.

2.2 Administrative Records

A number of supporting records of the Board for the Protection of Aborigines and the Aborigines Welfare Board were sampled in order to provide some context for the information garnered through the financial records.

There are a number of methodological issues associated with the use of these records. It is often impossible to follow a trail of correspondence or decision-making processes to their conclusion. A lack of indexes or control records for much of the time period under examination makes it difficult to access the records. There are also inconsistencies and omissions in the Board's own recordkeeping practices. This is largely due to the fact that the Board was virtually inactive for significant periods during the twentieth century, relying on the Board Secretary (who did not undertake the role full time) to carry out the administration of the Aborigines Act at a departmental level.

Annual Reports: The Board for the Protection of Aborigines issued only three reports after 1912: in 1922 (49th report), 1924 (50th report) and 1925 (51st report) (NAA B332). The Aborigines Welfare Board produced Annual Reports from 1959 (NAA B2014), and the reports of the Ministry of Aboriginal Affairs after 1967 can be found in Victorian Parliamentary Papers.

Meeting Minutes: A valuable record of the key decisions and issues facing the Board is its Meeting Minutes (NAA B314), although it is apparent that at certain periods during the twentieth century the Board did not meet regularly or at all, with many of the few scheduled meetings lapsing for want of a quorum.

Correspondence: There is a substantial collection of Board correspondence files in custody. The record description lists and scoping exercises identified focussed on potential financial correspondence and policy documentation.

NAA B412 comprises Board financial correspondence to 1957, including an incomplete series of Aborigines Board Produce Fund Balance Sheets for 1920-1957. In the absence of published annual reports for this period, these constitute the main record of the general operation of the Produce Fund. There is also a Produce Fund accounts ledger dated 1949-56, showing Treasury revenue from

Board assets including stations and closed reserves. Item 3 contains some audit reports dated between 1904 and 1956.

NAA B409 comprises correspondence relating to financial matters of the Aborigines Welfare Board c. 1957-1968. Selected items viewed included those relating to audit reports (item 4), Savings Accounts (item 5), Finance (item 11), Expenditure (items 6, 12, 14), and revenue vouchers and accounts 1959-1965 (items 40-48).

Lake Tyers Correspondence Files were scoped for titles of possible relevance including financial policy and reporting, work and wages. Files accessed in NAA B356 (covering the period 1865-1968) included administration and policy files (items 13-23, 42-44), manager's reports (items 53-58) and a few of the series of inspection reports (items 85-86). Files sampled in NAA B357, for the period 1957 to 1968, included correspondence regarding policy (items 111, 112), employment and institutions (items 105, 109, 170, 178), alleged human rights violations (item 16), and social worker's reports (item 166). Items relating to Coranderrk station for the period 1918-1924 in the Board's general correspondence series NAA B313 were also viewed.

Entries were viewed for Coranderrk (1918-1924) and Lake Tyers (1918-1941) from a register and index of inward correspondence to the Board covering the period to 1941 (PROV VPRS 10768).

The main correspondence series of the Board held at PROV, VPRS 1694 Correspondence Files 1867-1946, was not included in the Stage Two research. This was largely due to a lack of archival controls or a usable index to the 21 boxes of material, combined with time constraints. An attempt was made to sample records in VPRS 1694 based upon information recorded in VPRS 10768, although it was found to be virtually impossible to connect information between the two series due to a lack of apparent internal order and no archival controls for VPRS 1694.

A select number of files on individuals were accessed using NAA B337 Aboriginal Case Files. As the focus of this research has not been on examining the experiences of individuals however, extensive name searches were not conducted.

2.3 Researching Victoria's Aboriginal Records

Section 4.6 of the Stage One report highlighted the recordkeeping requirements of

the Board laid down in the Aborigines Acts and Regulations. Section 2.1 also drew attention to some of the difficulties for researching records relating to indigenous people in Victoria. A number of other issues have arisen during Stage Two in relation to the public records available for researching the possible incidence of withheld wages.

The records emanating from the Board that have been transferred provide evidence of poor, inadequate and at times non-existent recordkeeping practices during the period of investigation. The records are often incomplete and in some cases information simply does not exist. Given the apparent inactivity of the Board, and the limited time and funding dedicated to the administration of Aboriginal policy, for much of the period prior to the creation of the Aborigines Welfare Board in 1957 it is also likely that records were not created or maintained in the first place. It is difficult to determine the Board's policy on a wide range of issues as few detailed policy decisions appear to have been made or recorded at certain periods, and it is often difficult or impossible to follow through on decisions, actions or correspondence.

The Board's records do not present a full or comprehensive account of its financial dealings or its dealings with individuals for the period after 1918. Some of the financial records are very difficult to read and interpret. Apparent discrepancies, inconsistencies and omissions in the Board's financial records also reveal a lack of detail about individual transactions. Trust fund records maintained at Treasury show information only at a very high level. It is possible that these records would require evaluation by an expert in financial recordkeeping.

In the absence of a committed and functioning Board between the mid-1930s and 1957 full administration of the legislation languished. Aboriginal affairs in Victoria was largely overseen by the Board Secretary, an employee of the Chief Secretary's Office in Melbourne whose job remit included many other responsibilities. A manager and sub-manager supervised work at Lake Tyers. Apart from what appears to be regular auditing by the State Audit Office of the Aborigines Board Produce Fund, there were no apparent independent audits of the station accounts prior to 1962. In addition, no independent inquiries into the operation of the Board were conducted after 1882 until Charles McLean's report in 1957 on the operation of the 1928 *Aborigines Act*.

It is also evident that not all records kept by the Board or the reserve managers

and other staff have been transferred into custody at NAA or PROV. The Ministry of Aboriginal Affairs in its 1970/71 Annual Report identified the existence of “significant gaps” in the records of Aboriginal administration in Victoria.² At that time a collection of documents was already in the State Archives (then held at the Archives Division of the State Library) and the Ministry had assembled a number of other records dating from 1860.³ However it was “obvious” that “some pertinent papers”, particularly those emanating from the Aboriginal stations, “may be held privately”.⁴ Whilst the Ministry was keen to fill these gaps, in particular those in relation to the management at the various Aboriginal stations, given the passage of time it has to be assumed that these omissions remain in the indigenous records now in custody at NAA and PROV.

These gaps in the available record raise issues of interpretation and limit a full understanding of the Board’s administration. The nature and extent of the records in custody therefore reflect only part of the story of the administration of Aboriginal affairs in Victoria, and the experiences of those people under the control and care of the Board.

A unique split of indigenous records between NAA and PROV means that two different archival systems must be understood in accessing Victoria’s indigenous records. Not all relevant series have been indexed as part of NAA’s Bringing Them Home Name Index, notably the financial records and ledgers, and the time and wages books. PROV is currently developing a Koorie Index of Names, the first phase of which was launched in December 2008, after the completion of the Stage Two research. All of PROV’s indigenous records are on open access; some of NAA’s records are closed or part closed under various privacy clauses in the *Commonwealth Archives Act 1983*.

This report presents the results of a Preliminary Investigation into the issue of stolen wages in Victoria, focussing on the operation of Lake Tyers station and the Aborigines Acts between 1918 and 1974. Not all of the records created by or relating to the Board at NAA and PROV for this time period have been accessed during this research and there are likely to be additional records in custody with

² Victoria, Report of the Ministry of Aboriginal Affairs for the Year Ended 30th June, 1971, p 16.

³ These records are presumably those transferred to NAA after the function transfer for Aboriginal Affairs to the Commonwealth in 1974.

⁴ Report of the Ministry of Aboriginal Affairs for the Year Ended 30th June, 1971, p 16.

the potential to shed further light on this issue. Family history researchers may also be able to examine more closely the impact of the government's policies on the experiences of individuals at particular periods of time.

The Preliminary Investigation has not examined some areas highlighted in the Unfinished Business report of relevance to a broader discussion of indigenous stolen wages, including the apprenticeship of children through other agencies, and the possible administration of social services payments, lump sum benefits and other earnings under separate State and Commonwealth legislation. There is consequently scope for further research into the issue of stolen wages in Victoria.

It is also likely that records with the potential to provide further insight into the potential issue of stolen wages in Victoria are held outside the government archives, in other repositories and within the Victorian Aboriginal community. It is significant that, as experience in other States such as New South Wales has shown, even where researchers and archivists have conducted extensive research obstacles can remain including the incomplete nature of the records and the complexity of the files which make retracing an individual's complete financial history difficult.

3 Trust Funds

3.1 *Aborigines Board Produce Fund*

Most of the financial records in custody relate to the Aborigines Board Produce Fund, in operation between 1907 and 1957, and the Aborigines Welfare Fund 1957-68. In 1921 the Produce Fund was established as a public account in Treasury with a balance of £1,442.5.8.⁵ Alongside other reserve-related expenses, cash payments to Aboriginal workers on the reserves were to be made from this central fund, and station managers were required to submit wages sheets to the Board each month, including information about the kinds of work being performed by each person.⁶ Regulation 9 of the 1931 Regulations of the *Aborigines Act* 1928 reiterated the purpose of the Fund to receive money from "the sale of any

⁵ Under Treasurer to BPA, 22/2/1921, PROV VPRS 10768, Unit 12, p.242; PROV VPRS 3992/P0, Unit 1544, 1921/F4703; PROV VPRS 3992/P0, Unit 1549, 1921/E7038; Victorian Year Book 1921-22.

⁶ BPA, Annual Report, 44th, 1909, p.11; BPA Meeting Minutes 11/9/1907, NAA B314, Item 6; BPA Meeting Minutes 4/7/1907, NAA B314, Item 5.

produce, or live stock, or goods” produced on a reserve, and money “from the leasing of reserves, sale of timber, wattle bark, or contracts for the sale of any commodities”. Authorised expenditure included payment to “aborigines who have laboured on reserves such sums as it may determine, having regard to the kind and amount of labour performed by each” and for the purchase of “stock, materials, goods, &c.”

From 1921, two sub-accounts linked to the Produce Fund were operated by the Lake Tyers station manager at local Gippsland banks to enable the day-to-day administration on the reserve. Revenue collected by the manager was deposited into a Revenue Account, and then forwarded to the Board. Wages were paid from lump sum payments made into a Lake Tyers Advance Account. All expenditure was to be approved by the Board Secretary and receipts were required for payments of 5 shillings or greater for both Produce Fund and Parliamentary Vote moneys transacted through the Advance Account.⁷

The Aborigines Acts did not specify where individual trust funds to hold wages and earnings of Aboriginal workers were to be held, and it is unclear whether they would be managed by the Board Secretary, or the station manager. Money held in trust on behalf of individuals only appears on two Produce Fund statements from the early 1920s.

Aborigines Board Produce Fund Balance Sheets in custody (1920-1957)⁸ show that items of receipt to the Fund over this period included profits from the sale of stock, hides, wool, bark and timber, as well as grazing fees and the sale of other Board assets on the Reserves. Rent payments charged at former Aboriginal reserves, and payment of rent and rations by white staff at Lake Tyers were paid into the Fund. The Lake Tyers Sale Store was also operated through the Fund.

As the various station accounts were operated as sub-accounts of the Produce Fund, most of the expenditure for Lake Tyers was drawn from the Lake Tyers station account. Wages paid at Lake Tyers were therefore linked to revenue raised at that reserve, despite substantial profits earned from rental returns at the former Aboriginal reserves until 1947. The largest overall recorded item of expenditure against the Lake Tyers account for this period was for wage

⁷ Secretary, BPA to Manager, Lake Tyers Station, 12 Aug 1921, NAA B356/2, Item 13.

⁸ NAA B412, Item 1.

payments to Aboriginal workers.

From 1922 the Board was required to draw the costs of rations from the parliamentary Vote, not from the Produce Fund. However, statements show that the Fund was used for the purchase of stock as well as other rations until 1957.⁹ Following the 1917 decision to “concentrate” the remaining Aboriginal population on Lake Tyers reserve, the Produce Fund rather than the parliamentary Vote was used for infrastructure work, which saw revenue in the Fund decrease from £5,074 to £1,203 between 1 July 1918 and March 1922. This included the erection of at least 15 additional cottages at Lake Tyers (£3,102), purchase of furniture (£187), repairs to the church at Framlingham (£326) and drainage at Condah reserve (£160).¹⁰

With the *Aborigines Act* 1957, the Aborigines Welfare Fund became the sole fund through which the Aborigines Welfare Board was administered. Loan Fund and Revenue contributions as well as revenue from operations, child endowment, donations, maintenance payments from pension recipients and other revenue were now all directed into the Aborigines Welfare Fund.¹¹ By 1962, the Aborigines Welfare Board operated no less than 29 sub-accounts, overseen by the Accountant of the Chief Secretary.¹² These included a number of Board and Property related accounts, as well as 14 accounts relating to the management of Lake Tyers station including the ‘Sale Store’, ‘Aborigines’ Wages’ and ‘Social Services’ payments.

An Aboriginal Affairs Fund, retained in Treasury, replaced the Welfare Fund on 1 January 1968. A balance of \$327,538 from the Welfare Fund was transferred to the Aboriginal Affairs Fund on 30 December 1967.¹³ A separate Aboriginal Housing (Commonwealth) Trust Account, also in Treasury, held Commonwealth funds allocated for housing. Federal contributions for education and health were paid into the Aboriginal Affairs Fund. There are very few financial records in

⁹ BPA, Annual Report, 50th, 1923, p.4; NAA B412, Item 1; C. McLean, Report upon the operation of the Aborigines Act 1928 and the regulations and orders made thereunder, VPP, 1956-58, v.2, p.12.

¹⁰ Secretary BPA to Chief Secretary, 6 March 1922, NAA B412, Item 2.

¹¹ NAA B409, Item 9. A demarcation appears to have been generally maintained between the general account, loan account and an endowment account.

¹² Dissection of Aborigines Welfare Board Accounts, n.d. [c.1962-64], NAA B4208.

¹³ Victoria, Parliament, Annual Finance Statements.

custody from the Ministry of Aboriginal Affairs, apart from published high-level summary information.

The Ministry withdrew from the administration of Lake Tyers following the transfer of 1,600 hectares at Lake Tyers to the Aboriginal community on 1 July 1971. The station's National Bank Revenue Account at Lakes Entrance was transferred to Bairnsdale at the end of 1971 and then closed.¹⁴ The Advance Account was closed in January 1972.¹⁵

Following the transfer of responsibility for Aboriginal affairs from the State to the Commonwealth in 1974, a balance of \$174,358 in State funds was transferred to the Commonwealth Consolidated Fund on 11 January 1975. An additional \$225,601 in unspent funds in the Aboriginal Housing (Commonwealth) Trust Account was also repaid.¹⁶

3.2 Auditing

As it was located in Treasury, the Produce Fund was accountable under that department's auditing requirements. Section 40 of the *Audit Act 1890* (Vic) stipulated that the books and accounts of all Collectors of Imposts be inspected at least once a year. Audit reports located during this investigation suggest that the State Audit Office regularly examined the books and accounts kept by the Board Secretary at Head Office in Melbourne.

Audit reports examined indicate that the Board Secretary's financial records were checked against Treasury records, but not against records held at Lake Tyers. For example, a 1921 audit report refers to a Produce Account cash book, a statement of receipts and expenditure, receipt books and the £50 Advance Account which were 'reconciled with Treasury'. Savings bankbooks of trust accounts kept on behalf of two individuals were seen.¹⁷ A 1937 audit looked at the Advance and Revenue Account cash books, and Receipt Books as well as general statements of Produce Fund receipts and expenditure.¹⁸ For the 1944 and

¹⁴ NAA B356, Item LT70/44, Item LT70/12.

¹⁵ NAA B356, Item LT70/12.

¹⁶ Victoria, Parliament, Finance, Report of the Auditor-General, 1975, p. 43.

¹⁷ Report of Mr. A.E. Shields, Inspecting Officer, upon the Books and Accounts of the Board for the Protection of Aborigines, Melbourne [1921], PROV VPRS 3992/P0, Unit 1549, 1921/E7038.

¹⁸ Report of Mr. J.R. Fennell, officer authorised by the Auditor General, upon the books and accounts of Mr W.H.

1945 audits the advance account was examined and cash book and bank account balances reconciled. The Produce Fund was recorded as having been "examined".¹⁹

A report covering the period between July 1955 and the dissolution of the Board for the Protection of Aborigines on 30 July 1957 was conducted in 1959. Copies of receipts against the Collections Account (then closed) were apparently "traced to account". The Cash Book, showing monthly collections, matched declared returns. Produce Fund receipts and payments statements were examined. The Advance Account was found to be "in order".²⁰

There is some difficulty reconciling the records discussed in the audit reports, with those held in custody at NAA. An incomplete set of statements of receipts and expenditure for the Produce Fund for the period 1920-57 (NAA B412, Item 1) appears to have been a key record used during the course of the audit process. Statements between 1920 and 1943 have been signed by an auditor. The 1956 and 1957 statements are noted as having been "Checked with Treasury". References to a Cash Book may refer to a cash payments journal covering the period 1930-1965 (NAA B2864), although there is no indication in the volumes themselves that they were signed off by an auditor. The existence of various marks, signatures and stamps indicate that auditors regularly examined NAA B2011, a register of transactions on the Lake Tyers Advance Account between 1921 and 1958.

References to receipt books, a revenue account cash book and a collections account are more difficult to match with the extant financial records in custody. NAA B2058 Item 1 is a Collectors Cash Book, although the period 1921-1961

Rutherford, Secretary to the Board for the Protection of Aborigines, 24/12/1937, PROV VPRS 1207/P1, Unit 164, R1168.

¹⁹ Report of Mr. T.A. Comte, officer authorised by the Auditor General on the books and accounts of Mr. W.H. Rutherford, Secretary to the Board for the Protection of Aborigines, 15/7/44, PROV VPRS 1207/P1, Unit 194, 1944/2075; Report of Mr. T.A. Comte, officer authorised by the Auditor General on the books and accounts of Mr. W.H. Rutherford, Secretary to the Board for the Protection of Aborigines, 11/8/1945, PROV VPRS 1207/P1, Unit 204, 1945/2726.

²⁰ Report of Mr. E.S. Knight, Audit Inspector appointed under Section 31 of the Audit Act 1958, upon the books and accounts of Mr. T.N. Garnet, Collector of Imposts and Secretary of the Board for the Protection of Aborigines, 12/10/59, NAA B409, Item 4.

has been removed. No receipt or bank books are in custody for the period to 1957. There is notably no record of the Lake Tyers Revenue Account. No additional records containing information about money held in trust on behalf of individuals, including those mentioned in audit reports and Produce Fund statements from 1920 and 1921, were located during the research.

Most of the audit reports viewed were relatively brief, and do not indicate that the Audit Office suspected the mishandling of individuals' money or payments. The auditors generally describe the Board's books and accounts as "well kept" and "kept in a very satisfactory manner". In 1944 the auditor noted "All explanations and information required were promptly and courteously furnished."²¹ However the audit process appears to have concentrated only on those records kept and maintained by the Board Secretary in Melbourne, and whilst transactions were checked against Treasury records they were not necessarily checked against station records or accounts.

No internal Board audit reports of the books kept by the Lake Tyers manager were located, although the Board appears to have internally checked the accounts of the Aboriginal reserves.²² Likewise, although the station accounts were included in the Board's statements of receipts and expenditure, no evidence of independent audits of the station accounts was located for the period 1918-1962.

A reference in Board correspondence to an audit carried out by the State Audit Office at Lake Tyers in 1962 acknowledged evidence of a number of "time saving 'short-cuts'" in practice at Lake Tyers, including confusing accounting procedures in the operation of the station's store and the payment of wages. For example, it was found that "on occasions, canteen money to the value of wages cheques received has been used to pay the wages, and wages cheques were cashed over the counter at the bank instead of being paid in and drawn against".²³ An apparent deficiency in the available funds from the receipt of pension moneys, collected each fortnight, was linked to inadequate bookkeeping. The location of

²¹ Report of Mr. T.A. Comte, officer authorised by the Auditor General on the books and accounts of Mr. W.H. Rutherford, Secretary to the Board for the Protection of Aborigines, 15/7/44, PROV VPRS 1207/P1, Unit 194, 1944/2075.

²² In its 1904 Annual Report the Board stated that as the station accounts were separate from the government financial statements, the Board internally audited them.

²³ Secretary, AWB to Chairman, AWB, 8 June 1962, NAA B354, Item 4.

the station's bank account, some 50 miles away at Bairnsdale, was also seen to be detrimental to the management of approximately £4,500 funds operated through the account.²⁴ Nevertheless, the Board was satisfied that these problems only dated to the period covered by the audit report, and were not reflective of wider issues with the station's financial management.

Following the 1962 audit, work sheets or vouchers were to be signed as acknowledgement of fortnightly wage payments and forwarded to the Board. The amount was to be reimbursed to the Advance Account, with the National Bank at Lakes Entrance.²⁵ The Board Secretary or the clerical officer of the Chief Secretary's Department was to "visit the Station regularly each quarter to examine the record books and accounts, given any necessary advise [sic] and help, and correct promptly any mistake or irregularity which might be noticed".²⁶ In 1963 an auditor reported that "control over revenue moneys appears satisfactory".²⁷

The only independent inquiry into Aboriginal affairs during the twentieth century was carried out in the mid-1950s by retired chief stipendiary magistrate Charles McLean. In declaring the existing legislation a failure, McLean's 1957 report did not highlight any issues in relation to the mismanagement of Aboriginal moneys by the Board. McLean did not question the administration of pay or earnings at Lake Tyers station or indicate that Aboriginal wages were being systematically withheld in trust funds. The report however did point to the Board's general lack of interest and avoidance of responsibilities from the mid-1930s.²⁸

²⁴ Memo, Secretary, AWB, 2 November 1962, NAA B354, Item 4.

²⁵ Lake Tyers Aboriginal Station Manager's Report for period ending 28/7/62, NAA B356/2, Unit 57, p.105; BPA Meeting Minutes 12/7/62 (extract), NAA B335, Item 4; Manager, Lake Tyers to Secretary, Aborigines Welfare Board, 31 October 1961, NAA B354, Item 4.

²⁶ Memo, Secretary, AWB, 2 November 1962, NAA B354, Item 4.

²⁷ Audit of Mr B. Hamilton, Audit Inspector appointed under Section 31 of the Audit Act 1958, upon the books and accounts of the Aborigines Welfare Board, 23/12/1963, VPRS 1207/P4, Unit 386.

²⁸ C. McLean, Report on the Aborigines Act 1928, p.13.

4 Determining Implementation

4.1 Adults Working on Reserves

Regulations in 1916 stipulated the payment of wages to Aboriginal workers on reserves. The 1886 'Half Caste Act' had already dispersed much of the Aboriginal population from the missions and reserves, and most were closed by the early years of the twentieth century. The decision in 1917 to concentrate the remaining Aboriginal population under Board control on to Lake Tyers station in Gippsland "in the interests of economy"²⁹ led to a re-evaluation of the management there, including the payment of wages which had been made on a discretionary basis since 1871.

A formal wages scheme was introduced for the 128 residents at Lake Tyers from 1 August 1918, with working gangs operating under a "native foreman" at rates of between threepence and sixpence per hour³⁰, although there is also evidence that the Board continued to pay men for specific tasks rather than at hourly rates³¹ and that wages were being paid at around 1 shilling per day.³² Pressure from Treasury in 1921 to increase productivity and reduce expenditure, led to the employment of only small gangs of the best workers who were employed on defined contracts "for which a price is fixed beforehand".³³ Wages expenditure at Lake Tyers dropped from £208.19.2 during the 1920/21 financial year to £130.3.2 during 1921/22.³⁴

Wages were cut severely during the Depression, dropping by 25 per cent by 1 October 1932, and again during 1933 to threepence per hour for men, twopence for youths and 1 penny for boys. Wages would now only be paid if a minimum of 50 hours per month were worked. Women's wages were reduced by a further 25 per cent, and women were to be paid "by results such as washing etc". The

²⁹ BPA Meeting Minutes, 30/6/1922, NAA B314, Item 7.

³⁰ Annual Report Lake Tyers Aboriginal Station for the year ending 30th June 1918, NAA B356/2, Item 53; BPA Meeting Minutes, 12/10/1921, NAA B314, Item 7; BPA Meeting Minutes, 9/7/1919, NAA B314, Item 6; Manager, Lake Tyers to BPA, 10/9/18, VPRS 10768/P0, Unit 9, p.121.

³¹ VPRS 10768, Unit 10, p.107, n. 335, 10/5/18.

³² PROV VPRS 10768/P0, Unit 11, 1920, Coranderrk, p.50.

³³ Report on visit to Lake Tyers, 1-3 October 1921, BPA Meeting Minutes 12/10/1921, NAA B314, Item 7; Inspection of Lake Tyers Aboriginal Station, 13th and 14th May 1922, NAA B356/2, Item 13.

³⁴ NAA B412, Item 1; Victorian Year Books.

manager was instructed to not exceed £1,000 per year, or £83.6.8 per month, on wage payments.³⁵ “Able-bodied” residents continued to be required to work daily between 8am and 4pm, with extra hours worked in some cases; it was acknowledged that “to abolish or further reduce wages would affect discipline and work on the Station”.³⁶ In combination with other savings through ration reductions, a total saving to the government of £1,468 per annum was possible for the period 1929/30-1932/33.

Time Books (NAA B2024) show that despite improved conditions maximum hourly wage rates did not rise after the end of the Depression, remaining at threepence per hour at least until 1949 when hourly rates stopped being recorded. Although the Board reported in November 1943 that an average family (consisting of man, wife and 5 children) earned the equivalent of £6 per week including the cost of rations etc supplied by the Board³⁷, B2024 shows that the cash wage component of this amount was at around £1-3 per month. During 1953/54 men were said to receive an average allowance of £30.3.0 and women an average of £20.5.0 per year³⁸; NAA B2863 shows that wage rates could range from 15 shillings to £2.15.0 per fortnight, based upon gender and work performed. Wage payments during 1954/55 were recorded as amounting to approximately £10 per capita.³⁹ A visiting Board member described conditions at Lake Tyers in 1958:

The poor housing and living conditions, handing out of food, of clothing, of a few hours of work a week – and a pittance in payment for it – is not conducive to a happy institution nor to educating the inmates to take a place in the general community.⁴⁰

Payment of wages

Most of the Board's financial records and ledgers in custody contain evidence of wages paid to Aboriginal workers at Lake Tyers. Between 1921 and 1957 wages

³⁵ BPA Meeting Minutes 13/5/1931, 3/6/1931, 23/11/1932, NAA B314, Item 7; PROV VPRS 10768/P0, Unit 20, pp.54, 63; Under Secretary to Major Glen, 21 April 1933, NAA B412, Item 2; Vice Chairman, BPA to Mrs Bon, 10 July 1934, NAA B356/2, Item 17.

³⁶ BPA Meeting Minutes, 31/5/1933, NAA B314, Item 7.

³⁷ Notes of visit to Lake Tyers, 26/11/1943, NAA B314, Item 7.

³⁸ L.T. Wages 1953/54, NAA B412, Item 2.

³⁹ Aborigines Board Memo, 22/11/1955, NAA B335, Item 4.

⁴⁰ Report of JH Davey on visit to Lake Tyers Station, 4-6 March 1958, p.4, B356, Item 42.

were generally made from the Aborigines Board Produce Fund, although there were discrepancies.⁴¹ Monthly advances (made fortnightly after 1948, at the request of the manager in response to complaints from residents⁴²) were forwarded to the Lake Tyers manager via the Lake Tyers Advance Account.⁴³ Board correspondence notes that wages were paid once the manager had received the necessary wages sheets, completed them, and forwarded them on to the Board for approval. No wages sheets, which were to have listed a worker's name, amounts and job done⁴⁴, or vouchers acknowledging payment of wages were located during this research.⁴⁵

The Board's financial ledgers generally do not itemise payments made to individual workers, instead showing lump sum monthly or fortnightly figures paid to the manager for distribution. The Board's Lake Tyers Advance Account book (NAA B2011) records only whole amounts expended from and reimbursed to the monthly advance. Correspondence records and minutes sometimes detail payments to individuals, and some individuals are named as receiving wages in the Board's Cash payments journals.⁴⁶ These were usually for amounts over £1, and possibly indicate payment for contract or regular task-based work.

Two financial series at NAA provide information about individual workers and wage payments between 1933 and 1970. Two volumes of Time Books (NAA B2024) cover the period from June 1933 to May 1965 (albeit with significant gaps, most notably the period August 1951-May 1961). Two Wages Books (NAA B2863) are dated 1948 to 1970, also with gaps. Whilst the information contained in these series is patchy and inconsistent, they contain the most comprehensive record of people working at Lake Tyers, the tasks and duties performed, and eligibility for

⁴¹ In some instances wages appear to have been paid from the Lake Tyers Sports Club Fund, which contained money generated by the Aborigines themselves, or from members of the public through subscriptions, concert takings, donations etc., Secretary, BPA to Mrs Bon, 9 Sept 1931, NAA B356/2, Item 15.

⁴² BPA Meeting Minutes, 4/3/1948, NAA B314, Item 8.

⁴³ The monthly advance was £75 until August 1946, rising then to £100 and £120 in August 1947. £200 per month was allocated between June 1950 and August 1959. See NAA B2011 Aborigines Produce Fund/ (from 1957) Aborigines Welfare Fund advance accounts book, 1921-68.

⁴⁴ NAA B355, Item 1.

⁴⁵ What appears to be an incomplete wages sheet was found contained within B2024, Item 2, and indicates that the Victorian government Salaries Form L1 was adapted for the purpose.

⁴⁶ NAA B2864, Item 2.

payment. These series do not record the receipt of wages by the workers concerned. Neither do they explicitly indicate that wages were withheld from those workers.

The Time and Wages books indicate that these records were kept and maintained at Lake Tyers by the station manager to keep track of work done, and to enable the completion of wages sheets. This reflects that decisions about individual pay were taken on the station itself. It appears that although the Board monitored the payment of wages paid to individuals through the wages sheets, it did not keep its own records detailing names of workers, individual rates of pay, and any pay received.⁴⁷ This assumption is supported by the available audit reports, which do not appear to indicate that auditors saw such detailed records.

Entries in NAA B2024 Volume 1 for the period 1933-1949 contain the most detailed information for (male) workers, recording hours worked each day, total hours worked for the month, rates per hour, and total amount paid, although in some cases this information appears missing or incomplete. Volume 2, covering February 1949-May 1965, inconsistently records hours worked and total monthly/fortnightly payments, although in many instances either of these details are missing. Rates of pay are not recorded for this period and there are no entries between August 1951 and April 1961. After 1961, jobs assigned to individuals are sometimes noted, and information about female workers is included.

In some cases, the stated hours worked during any given month appears inconsistent with the calculation of the total hours worked and the total amount paid. A sample of wages paid between 1933 and 1950⁴⁸ indicated that the total hours paid for could be either higher or lower than a calculation of total hours worked, although the total pay appears to be commensurate with the rate of pay. In some cases the total hours worked column has been altered, with a new total written over the original calculated total, with no apparent explanation. Often there is no indication of hours worked, particularly where people are noted as

⁴⁷ In July 1934 the Lake Tyers manager declared himself too busy to supply a Board member with the names of those employed, weekly rates, number of skilled labourers, nature of remuneration etc. Vice Chairman, BPA to Mrs Bon, 10 July 1934, NAA B356, Item 17.

⁴⁸ Entries for selected individuals for the month of July in 1933, 1935, 1940 and 1945 were sampled for consistency between hours recorded as worked during the month, total hours worked, rate per hour, and wage payment.

performing a specific ongoing role such as butcher, groom or milking.

Entries in the Time Books (NAA B2863), used to record monthly wages to individuals, are also inconsistent. Volume 1 covers the period 1948-1955 although many details have not been recorded. Volume 2 records individual fortnightly wages, occupation, debts owing and details of fines between 1960 and May 1967. From May 1969 to September 1970, when entries end, the book records daily hours worked, like a sign in/sign out book, although information is not consistently recorded. Rates of pay or wages owing are not noted in Volume 2, apart from a brief period between February and May 1967.

The main periods of overlap between B2863 and B2024 are 1948-1951, and 1961-1965. Comparing entries for individuals during these times – including calculations of total hours worked, rates of pay or total pay – is complicated as these details have been either inconsistently or not recorded, making it very difficult to verify actual wages owing or paid.

Discrepancies between these records and Board correspondence files are also apparent. Between 1931 and 1935 the Lake Tyers manager submitted regular bi-monthly reports, showing the numbers of men and women in receipt of wages during each given period. The manager reported 71 males and 13 females in receipt of wages for the period ending 31 July 1933.⁴⁹ In comparison, entries in the Time Books for July 1933 record 76 men working, with 67 in receipt of wages. No women are mentioned.⁵⁰ 70 males and 12 females were reportedly in receipt of wages for the period ending 30 September 1933, although the Time Book records that only nine people received wages in September 1933.⁵¹ The Time Book shows 76 people in receipt of wages for November 1933, whilst the manager's report for that month mentions only 68.⁵²

Finding evidence of women's work and women's pay is difficult in the available records. The two main records of work and wages for the period under investigation exclude women prior to 1950, and their payments are notoriously difficult to follow through. This is despite evidence in numerous other records,

⁴⁹ Manager's report for period ended 31/7/33, NAA B356/2, Item 54, p.47.

⁵⁰ NAA B2024, Volume 1.

⁵¹ Manager's report for period ended 30/9/33, NAA B356/2, Item 54, p.48; NAA B2024, Volume 1.

⁵² NAA B2024, Volume 1; NAA B356/2, Item 54, p.50.

including Lake Tyers manager's reports⁵³, meeting minutes and correspondence files that women and girls worked on the station, often as servants for the station managers. Whilst some were in receipt of wages, others appear to have worked for little or no remuneration.

There are also inconsistencies between the Board's financial ledgers. NAA B412 Item 7 records only four fortnightly payments for the 1955/56 financial year, and NAA B2864 does not contain information about wage payments made between 1949 and 1957 despite other records of wages paid during this period.⁵⁴ There are also differences between lump sum wage payments recorded in NAA B2860 and NAA B2011, due to altered figures in B2860. However it appears that both records were seen and signed off by auditors.

These discrepancies reveal some of the difficulties associated with reading and interpreting the records. The records also indicate that the use of the word "employed" did not necessarily mean that that work was remunerated, and that the various station managers exercised a considerable amount of leeway in determining the wages paid.

Working for rations

The requirement to pay Aboriginal labour on the reserves presented a contradiction with the law that required "able-bodied" Aborigines to work whilst residing on a reserve, in exchange for rations and benefits supplied by the State. The continuation of a work-for-rations system, first introduced in 1869, was fundamental to the administration of the Victorian Aboriginal reserves and persisted at Lake Tyers until 1966.

Whilst it was acknowledged that residents would receive a "small wage" for the work required of them for the general maintenance of the station, the Board viewed this as a form of "training of half castes to enable their eventual absorption into the general community"⁵⁵, and some return for the benefits received from the State. While girls undertook sewing classes, boys and men carried out "light" tasks such as repair works, "growing the vegetables and fodder

⁵³ NAA B356, Items 53-58.

⁵⁴ NAA B2058 Item 2; NAA B412 Item 7.

⁵⁵ Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities', Commonwealth of Australia, Canberra, 21-23 April, 1937, p.12, NAA B331, Item 1.

required, and attending to the dairy herd and sheep flock from which milk, butter and fresh meat are obtained".⁵⁶ Heavier work, such as land clearing and road construction work, appears to have been eligible for payment.⁵⁷ Women received small payments "assisting in the hospital, the laundry or in cleaning work at the church, hall and other buildings".⁵⁸

Amidst criticism of the work-for-rations system and poor conditions at Lake Tyers, in 1955 the Board reiterated its policy: "Every able-bodied resident of an aboriginal reserve is required by the regulations to do "a reasonable amount of work, as directed by the manager". If the manager had difficulties getting the residents to work, he was authorised to provide them with "incentives".⁵⁹ Encouragement was given for the use of any earnings "to advantage in the purchase of ... clothing, home furnishings and recreation over and above what is provided by the Board".⁶⁰

Lake Tyers continued to run on a "system of handouts, dependence and prohibitions" after 1957, and even the Board's Secretary recognised that the "limited training" given on the station was designed "more to keep the able-bodied men occupied than to train them as farmers".⁶¹

The work-for-rations system encouraged a distinction between "reproductive" and other kinds of work in relation to wage payment. At Lake Tyers during 1925/26, there were reportedly 63 males working of whom 50 were paid wages for "reproductive work". A further 19 undertook "general upkeep and domestics" work.⁶² This makes it potentially difficult to determine the numbers of people actually working in relation to the total population, which of those workers were receiving wages, and what work was being paid.

The attitudes of individual managers could also play a part in the administration

⁵⁶ Statement regarding the care of aborigines at the Lake Tyers Aboriginal Station under the care of the Victorian Board for the Protection of the Aborigines, c. 1937, NAA B331, Item 1.

⁵⁷ 1937 Aboriginal Welfare Conference, p.12.

⁵⁸ Produce Fund, c. 1955, NAA B412, Item 2.

⁵⁹ BPA Meeting Minutes 26/1/1956, B335, Item 4.

⁶⁰ Secretary, BPA to Miss Howard, 16/3/1950, NAA B355.

⁶¹ Report by Mr. P.E. Felton for the month of May 1961, Report by Mr. P.E. Felton for the month of May 1963, NAA B357, Item 166.

⁶² Annual Report Lake Tyers Aboriginal Station for the year ending 30th June 1926, NAA B356, Item 53, p.74.

of wages and entitlements on the reserve. From at least 1932 the Board required workers to work a minimum of 50 hours per month to receive cash remuneration⁶³, a scheme that enjoyed the support of Major Ronald Glen (manager at Lake Tyers between August 1931 and April 1945).⁶⁴ Rations were frequently withheld as punishment for not working. Refusing to work was a sufficient reason for expulsion from the reserve under the 1931 Regulations. A license or permission to reside was often issued conditionally, in return for an appropriate amount of work.⁶⁵

The rations system itself appears to have been abused at times. In 1917 adults at Lake Tyers were supplied with 7 lbs of meat per week, in accordance with the Regulations, “if [they] behaved well”.⁶⁶ In 1922 and 1923 the manager, Mr Ferguson, was found to be charging residents for rations and produce grown on the station.⁶⁷ Between August 1925 and August 1927 (although there is evidence that this was occurring as early as 1917) rations were not issued to children under 4 years of age despite the fact that all children under the age of ten were entitled to a half issue of rations.⁶⁸ Dissatisfied workers undertook strike action during August and September 1927, partly in response to inadequate food rations.⁶⁹

A lack of guiding policy documents and the manager’s use of discretion in determining wages, means it is often unclear just how much work was being carried out in exchange for rations and supplies, and how rates of pay were calculated in relation to hours worked. For example, following a visit of Board members to Lake Tyers station in August 1961 it was reported that people were being employed for less than 3 hours a day for small rates⁷⁰, while entries in the Time Books for this period records that men generally worked between 5 and 7

⁶³ BPA Meeting Minutes, 13/5/1931, 3/6/1931, 23/11/1932, NAA B314, Item 7.

⁶⁴ Manager’s annual report 1931/2, NAA B356/2; Item 54, pp.18-19.

⁶⁵ PROV VPRS 10768/P0, Unit 10, 1919, Coranderrk.; PROV VPRS 10768/P0, Unit 9, 1918, Coranderrk.

⁶⁶ Return of meat issued to natives at the Stations, 17/424, PROV VPRS 1694/P0, Unit 4, bundle 9, p.105.

⁶⁷ Secretary to Manager Lake Tyers, 8 Aug 1922; Secretary to Manager Lake Tyers, 13 April 1922; Secretary to Manager Lake Tyers, 17 April 1923, NAA B356/2, Item 13.

⁶⁸ Secretary to Manager Lake Tyers, 26 Aug 1927, NAA B356/2, Item 14; Return of meat issued to natives at the Stations, 17/424, PROV VPRS 1694/P0, Unit 4, bundle 9, p.105.

⁶⁹ BPA Meeting Minutes 24/8/27, 21/9/27, 30/11/27, NAA B314, Item 7.

⁷⁰ Special meeting at Lake Tyers Station, 29/8/1961, NAA B314, Item 9.

hours a day.⁷¹

Payment of wages was broadly linked to the available profits of the station at any given time, regardless of overall Produce Fund balances, and could justify reduced or low wages. Audit reports and Produce Fund statements show that alongside sales of produce and stock, reduced wage payments led to increased Produce Fund balances and a reduction in gross expenditure between 1934 and 1937, and again between 1939 and 1944, despite comparative increases in population numbers.⁷² Whilst the Board argued that the station's debit balance subsequently increased from £20,921 to £29,063 between 1947 and mid-1956⁷³, Produce Fund records show net credit balances for the years 1953-1956.⁷⁴

Payment of award wages after 1957

The 1957 *Aborigines Act* and 1958 Regulations made Aboriginal work subject to relevant industrial determinations, although the Board was still able to determine rates of pay where no award was in effect. Despite this, a work-for-rations system persisted at Lake Tyers although there was acknowledgment that a "system of payment of normal wages may have to be introduced".⁷⁵

The population at Lake Tyers declined dramatically after a decision in 1958 to remove all "able-bodied" residents from the station.⁷⁶ To maintain essential services "a small number of aboriginal workers will be employed full time and paid award wages", with other "Unemployed" people "obliged to work ... 3 days per week in exchange for rations".⁷⁷ Most of the adults employed on the farm received a small wage as "pocket money" for a 34-hour working week, as well as "housing, food, clothing, blankets, medical treatment and other amenities".⁷⁸ Award wages were not introduced.

⁷¹ NAA B2024, Volume 2.

⁷² NAA B412, Item 1; Audit Report 24/12/1937, PROV VPRS 1207/P1, unit 164.

⁷³ Produce Fund' c. 1955, NAA B412, Item 2; Lake Tyers Policy, c. 1956, NAA B356/2, Item 19, p.119.

⁷⁴ Aborigines Board Produce Fund Summary of Balances as at the 30th June, NAA B412, Item 2.

⁷⁵ Report of the Aborigines Welfare Board 1960, NAA B2014, Item 2.

⁷⁶ BPA Minutes, 16/7/1958, NAA B314, Item 7.

⁷⁷ Lake Tyers Aboriginal Station Policy, 30 May 1958, NAA B356, Item 42.

⁷⁸ Superintendent of Aborigines Welfare to Director of Social Services, Melbourne, 8/10/1958, NAA B354, Item 11; NAA B356/2, Item 43.

The Board was criticised in Parliament in April 1963 for not paying award wages to workers at Lake Tyers despite the existence of relevant awards and determinations, and for not accounting to those workers the rates at which they were paid.⁷⁹ The Council of Aboriginal Rights argued that a prevailing rate of approximately 7/6 per hour existed for domestic help whilst “only 25/- to 30/- per fortnight was paid in cash” at Lake Tyers, and that other workers were paid at similarly low rates “from 7/6 to £4 per fortnight”.⁸⁰ The Superintendent of the Board believed that the lack of a “moneyed economy” at Lake Tyers did not teach individuals to earn a living and that wages should be paid.⁸¹

Aboriginal workers at Lake Tyers called for wages instead of “hand-outs”, to enable them to purchase their own food and clothing.⁸² Their petition to the Victorian parliament in May 1963 called for policy changes to take place, including “Full award wages and social service benefits to be paid directly to persons concerned”.⁸³

The Board however persisted in its view that as Lake Tyers was “conducted virtually as a benevolent institution where the residents are fully maintained by the Government” at a cost of “£30,000 per annum”, it “would hardly be practicable” to pay award wages.⁸⁴ Although appalling conditions at Lake Tyers were highlighted⁸⁵, discretionary “goods in kind” and “Earnings” of £2-£3 a week or an average of £3.5.6 per fortnight continued to be paid.⁸⁶

By November 1964, numbers at Lake Tyers had reduced significantly, with only three or four working families remaining. This amounted to a workforce of six in

⁷⁹ VDPLA, 1962/63, v.270, p.3172.

⁸⁰ Statement on the Lake Tyers Government Aboriginal Settlement, The Council for Aboriginal Rights (Victoria), NAA B356/2, Item 42.

⁸¹ Report by Mr. P.E. Felton for the month of May 1963, NAA B357, Item 166.

⁸² BPA Meeting Minutes 14/8/1964, NAA B314, Item 10.

⁸³ VDPLA, 1962/63, v.270, p.3943.

⁸⁴ Superintendent of Aborigines Welfare to Secretary, Department of Territories [Cth], 27 August 1963, NAA B357, Item 16.

⁸⁵ e.g. Notes regarding Policy on Lake Tyers Aboriginal Reserve, compiled by Mr J.H. Davey & Supported by Mr. A.G. Holden, presented to AWB 24/11/64, NAA B356/2Item 44, p.46.

⁸⁶ Under Secretary to Mrs Dorothy Irwin, n.d. [c March 1965], NAA B356/2, Item 44; VDPLA, 1962/63, v.269, p.2688; VDPLA, 1962/63, v.270, p.3172.

April 1965, and “two men available for pay” on 28 May.⁸⁷ No wage payments are recorded for the 1964/65 financial year, despite the fact that “up to 15 Aborigines” were reportedly working during that period “at the rate of £1.10.0 to £5.0.0 per fortnight for a 35-hour week.”⁸⁸

The ration system was terminated at Lake Tyers on 5 April 1966 and award wages introduced in early 1967.⁸⁹ Of a total population of around 60 people by late 1966, the Board formally employed only one worker as a full-time farm labourer at Lake Tyers station.⁹⁰ During discussions around the termination of the work-for-rations system, this man’s income was not considered sufficient to support his dependents although the family was also receiving child endowment.⁹¹ At £5 per week in 1964, his wage was at the higher end of the scale of payments made at Lake Tyers, with other workers in 1965 receiving between £1.10.0 and £5.0.0 per fortnight.⁹² There is evidence too that the Board increasingly began to employ external white labour in favour of employing Aboriginal residents, with an average of six men employed casually either by the Board or external contractors carrying out work on the station. Seven able-bodied men and four women were unemployed, and other families survived on pensions and social services benefits.⁹³

There are some difficulties reconciling financial records of workers and wages paid for the period after the introduction of award wages. No wages are recorded in the Time Books (NAA B2024) for the period between June 1967 and

⁸⁷ BPA Meeting Minutes 24/11/1964, NAA B314, Item 10; Lake Tyers Aboriginal Station Report for April 1965, NAA B356/2, Item 58; Lake Tyers Aboriginal Station Report for May 1965, NAA B356/2, Item 58.

⁸⁸ NAA B2864; NAA B356/2, Item 58; Under Secretary to Mrs Dorothy Irwin, n.d., B356/2, Item 44, p.84; Report on staff duty hours at the Lake Tyers Aboriginal Station, N Garnet, 17 March 1964, NAA B356/2, Item 77A.

⁸⁹ Lake Tyers Aboriginal Station Report for April/May 1966, NAA B356/2, Item 58, p.54; Ministry of Aboriginal Affairs, Annual Report, 1967/68, p.14.

⁹⁰ Superintendent of Aborigines Welfare to Miss Lorraine Rowe, 2 Sept 1966, NAA B356/2, Item 45. See also VPDLA, 1966-67, v.284, p.1059.

⁹¹ Lake Tyers Aboriginal Station. Proposed cessation of handout of food and clothing supplies to residents and an alternative, J.H. Davey, Chairman, AWB, 21/12/65, NAA B356, Item 44.

⁹² Re: Lake Tyers Aboriginal Station Cessation of Hand-Outs, P.E. Felton, c.23/11/64, NAA B356, Item 45; Under Secretary to Mrs Dorothy Irwin, n.d. [c March 1965], NAA B356/2, Item 44.

⁹³ VPDLA, 1966/67, v. 283, p.396; NAA B356, Item 45, Item 73; Aboriginal Welfare Conference-1967, Victoria-Aborigines Welfare Board Progress Report-July 1965 to June 1967, NAA B331, Item 17.

September 1970, when the series ends, although a Board file note indicates that cleaners were paid award wages in 1970.⁹⁴ Entries in NAA B2024 Volume 2 for the period 12 February to 25 May 1967 indicate that most men working on an hourly basis were receiving 85 cents per hour, based on the Pastoral Award.⁹⁵ Others were being paid at a weekly rate or on a task or contract basis. Residents continued to be expected to carry out unpaid “domestic duties” in addition to paid work, including “sanitary service, wood cutting, bath house preparation etc”.⁹⁶

Ministry of Aboriginal Affairs Annual Reports and published finance statements do not itemise wages for Aboriginal workers, although they continued to be paid through the Lake Tyers Advance Account.⁹⁷ 10 farm hands and a Leading Hand were employed during 1970 and 1971.⁹⁸ B2024 shows nine regular workers (men and women) during 1970. The Ministry continued to employ two full time and two part time staff after the transfer of Lake Tyers to the Aboriginal community in July 1971.⁹⁹

Unclaimed wages

Records indicate that at various times between 1918 and the 1960s, wages payable to Aboriginal workers on reserves were paid back into the Treasury Trust Fund. These are variously described as “unclaimed”, “uncollected”, “returned” or “refund” wages. An indication that this was a routine occurrence is evident in correspondence from early 1933 in which the Lake Tyers manager was directed to repay to the Bank “immediately any unpaid wages to be refunded” and to enter in the cash book the dates on which money was remitted to Head Office, including “refund of wages”.¹⁰⁰ In a few cases there is evidence that these moneys were repaid to the recipients of those wages. In some cases these wages were retained as a disciplinary measure, and for others the outcome is

⁹⁴ File Note, n.d., NAA B356, Item LT70/47.

⁹⁵ Lake Tyers Aboriginal Station Report for August/September 1966, NAA B356/2, Item 58, p.60.

⁹⁶ A. West, Social Worker to Superintendent, Aborigines Welfare Board, 21/11/66, NAA B356/2, Item 73.

⁹⁷ NAA B356, Item LT70/12.

⁹⁸ Ministry of Aboriginal Affairs, Annual Report 1970/71.

⁹⁹ Memorandum, Senior Social Worker to Accountant, 30 June 1970; Memorandum, Senior Social Worker to Director, 5 August 1971, NAA B356, Item LT70/47.

¹⁰⁰ Secretary, BPA to Major Glen, 16 Mar 1933, NAA B356/2, Item 16.

unclear.

Annual Reports show amounts of “unclaimed wages” at Lake Tyers returned to the credit of the Produce Fund during the early 1920s.¹⁰¹ NAA B2011 also shows instances of wages owing to individuals occasionally being refunded to the Advance Account. These are often itemised, and some appear to relate to absences from the station. Entries described as “Repayment of wages” are more difficult to decipher. They appear to relate to specific pay periods, and are generally amounts of less than £3. It is possible that this was another way of recording wages refunded to the account as a result of unauthorised absence or of amounts unspent. NAA B2864 and NAA B2057 have occasional entries described as “Refund wages” and “Wages Refund” and some are associated with specific individuals.

The station manager does not appear to have been authorised to retain wages unclaimed as a result of absence. In July 1935 the Board drew attention to the practice of paying unclaimed wages of workers at Lake Tyers into the Treasury Trust under the management of Major Glen, affecting eight men between 1931 and 1935. A letter to Glen from the Board Secretary directed that in order to avoid repayment of wages into Treasury, where possible arrangements should be made to pay Aboriginal workers from the Advance Account if it was known that they would be leaving the station. The advance would then be recouped from the next wages cheque and the details included on the wages sheet.¹⁰² A corresponding request in August 1935 for the signatures of the eight men concerned in order to refund their accounts supports an assumption that the Board intended to ultimately pay out the money withheld. As no wages sheets have survived the eventual outcome is not known.¹⁰³

The practice of returning unclaimed wages to Treasury provides evidence of withholding wages as punishment. Some of the thirty references to unclaimed wages refunded to the Advance Account in the Board's registers of inwards correspondence (VPRS 10768/P0) relate to men who were absent without leave or had “absconded”. Wages of £1.12.0 owing to Charles Green, who was absent

¹⁰¹ £4.1.4 was returned during the year ending 30th June 1921, and £9.3.9 for the year ending 30th June 1922. BPA, Annual Report, 49th, 1922, p. 6; BPA, Annual Report, 50th, 1923, p. 6.

¹⁰² Secretary, BPA to Major Glen, 26 July 1935, NAA B356/2, Item 17, p.110.

¹⁰³ VPRS 10768/P0, Unit 21, letter 275 dated 2/8/35.

without leave during July 1932, were banked and not included on the Board's list to reimburse in 1935. In 1936 the Lake Tyers manager supported the confiscation of unclaimed wages from men who had "absconded", or left the station without official approval.¹⁰⁴

The most common form of punishment for breaches under the 1958 Regulations was the issue of fines or a reduction or withholding of pay.¹⁰⁵ Withheld amounts were described as revenue and returned to the Revenue Account. The manager at Lake Tyers suggested in 1960 that men absent without leave should be taken off the pay sheet to "square accounts for the maintenance of their families during their absence".¹⁰⁶ Revenue vouchers and revenue accounts for the period June 1959 to December 1965 reveal instances of wages repaid to the Revenue Account.¹⁰⁷ B2860 shows that in addition to expenditure for wages for the period 1958/59-1962/3, amounts were received totaling £51.16.0. NAA B2863 also contains entries dated 1965 and 1966 showing money owed to individuals returned to the Fund, described as "Returned to Bank", "Reimb" or "away - not Paid".

4.2 Adults Working under Licence

Board records examined indicate that the requirements for Aboriginal workers to hold a work certificate to undertake employment off the reserves, and for employers to enter into a work contract with the Board stipulating the nature of the work and the payment of any wages or supply of rations, were inconsistently enforced during the period 1917-1957. A record of *Certificates issued to Aborigines under clause 8 of Regulations of 13th February 1871*¹⁰⁸ shows 151 work certificates issued between September 1871 and April 1916, most of which were issued in the first year and only four after 1900. No subsequent register or list of work certificates issued between 1918 and 1957 was located. This is despite evidence in the Board's administrative records that work certificates were

¹⁰⁴ PROV VPRS 10768/P0, Unit 20, 1932/33, p.57; Unit 23, 1938, p.59; Unit 22, 1936, p.58.

¹⁰⁵ Examples of fines issued between 1959 and 1965 are contained in NAA B409/0, Items 40-48.

¹⁰⁶ Managers report for month ending 30/9/60, NAA B356/2, Item 57, p.62.

¹⁰⁷ NAA B409, Items 41, 42, 44.

¹⁰⁸ NAA B313, Item 2.

being issued and leave to undertake work was approved during the time period under investigation. Similarly, no copies or lists of work contracts entered into between employers and the Board on behalf of Aboriginal workers were located. There is little evidence of the Board's dealings with external employers in the correspondence files viewed. This is despite the requirement in the 1871 Regulations for employers to provide monthly statements of all moneys received and disbursed, which was in part intended to provide a means of redress if wages were not paid.¹⁰⁹

The Board's ability to control the movement of Aboriginal people and others licensed to reside on a reserve under the 1915 *Aborigines Act* dictated a resident's ability to earn money away from the station. It was largely the station manager who determined the practical application of this law. During the 1920s applications for work outside were "generally recommended in view of previous promises made by the Board", on the proviso that residents did "a little work before leaving the Station".¹¹⁰ Whilst there is evidence that the Board and station managers took an inconsistent approach in issuing work certificates¹¹¹, it is apparent that requests for leave or a work certificate were often contingent upon adherence to the requirement to carry out a "reasonable" amount of work.¹¹²

Regulations issued for the Lake Tyers residents in around 1937 stated that no person licensed to reside on the station would be permitted to engage in outside employment without an approved Board contract.¹¹³ The practice of taking external seasonal work continued throughout the period under investigation. However both the station manager and the Board appear to have become increasingly reluctant to encourage movement on and off Lake Tyers, including with the intention of earning money elsewhere, although it was acknowledged that such movement "temporarily reduc[e] the Board wages bill".¹¹⁴ It was argued that as the

¹⁰⁹ BPA, Annual Report, 11th, 1875, p. 4

¹¹⁰ Lake Tyers Inspection 3 Oct 1921, NAA B356/2, Item 86.

¹¹¹ e.g. Report of Inquiry held in the Schoolroom, Lake Tyers Station by Members of the Board for the Protection of Aborigines on Saturday, 3rd March 1917, PROV VPRS 1694, Unit 3, p.172.

¹¹² BPA Meeting Minutes, 23/7/1924, 30/8/1928, NAA B314, Item 7.

¹¹³ Regulations for residents on Lake Tyers Aboriginal Station, n.d. [c.1937], NAA B356, Item 91; BPA Meeting Minutes, 8/12/1937, NAA B314, Item 7.

¹¹⁴ Secretary, BPA to Under Secretary, 5 September 1946, B2011, p.18.

government was paying for their upkeep on the station, residents leaving for outside work “must understand that they could not come back”.¹¹⁵ Aboriginal people continued to be removed from Lake Tyers if it was considered that they were capable of earning their own living independently of government assistance. Others left to undertake seasonal work and earn higher wages, regardless of Board sanction.¹¹⁶ The Board complained, but Police were relatively powerless “to deal with such Aborigines unless an offence has been committed or a breach of the law”.¹¹⁷ In such cases fines were the usual punishment. With the passage of the 1957 *Aborigines Act*, permanent relocation into the wider community became official policy.¹¹⁸

It is also apparent that employers did not always approach the Board for approval to employ Aboriginal people at Lake Tyers, and that Aboriginal people frequently entered into private employment arrangements. In 1926 the manager complained that farmers in the Orbest district organised Lake Tyers residents to work for them on specific jobs with inadequate conditions, and that appropriate action be taken against them to force them to officially apply to the Board for Aboriginal workers.¹¹⁹ In the majority of recorded cases of Board approvals for work certificates during the 1930s and 1940s employers do not appear to have obtained the required Contract of Service.¹²⁰ Even during the 1950s there does not seem to have been any serious ramifications for employer non-compliance with the Regulations, other than the worker being escorted back to Lake Tyers and a warning from police.¹²¹

It may also be significant that in 1937 the Board discontinued issuing licences to reside on the reserve to ‘half-castes’, as required under the legislation, due to the

¹¹⁵ BPA Meeting Minutes, Visit of Board members to Lake Tyers, 16/1/1936, NAA B314, Item 7.

¹¹⁶ e.g. Annual Report Lake Tyers Aboriginal Station for the year ending 30th June 1921, NAA B356/2, Item 53. Lake Tyers Manager’s report from 1/10/57 to 3/11/57, NAA B356/2, Item 57.

¹¹⁷ Lake Tyers Inspection 9/8/24 and 10/8/24, NAA B356/2, Item 14.

¹¹⁸ Lake Tyers Aboriginal Station Policy, 1 August 1958, NAA B356, Item 42.

¹¹⁹ Manager’s report for twelve months ending 30th June 1926, NAA B356/2, Item 53, pp.78-77.

¹²⁰ BPA Meeting Minutes, 8/12/1937, 5/7/1939, NAA B314, Item 7; BPA Meeting Minutes, 16/6/1946, NAA B314, Item 8.

¹²¹ For example, Manager’s report for period ending 30 November 1950, NAA B356/2, Item 54, p.82.

administrative costs involved.¹²² McLean interpreted this to mean that the full force of the legislation was not applicable to those residents, but it also indicates that other recordkeeping requirements could have been neglected for similar reasons. Population statistics show that the majority of residents at Lake Tyers between 1937 and 1957 were classified as 'half-caste', and that this proportion rose during that time from 251 of 296 residents in 1937/38 to 192 of 198 residents in 1957/58.¹²³

Payment of family "maintenance"

Regulations in force until 1957 allowed the Board to make deductions from the wages of Aborigines working in the community under work certificates, for the benefit of their dependants remaining on the station. The Board's correspondence files, meeting minutes and available financial records make it clear that despite inconsistencies in the enforcement of work certificates, applications from men to leave the reserve to undertake outside employment between 1918 and the late 1960s were generally only approved on the condition that an amount was paid for the "maintenance" of their family.

Whilst the issue of "maintenance" payments was discussed at various periods after 1918, the exact rate charged over time is often unclear. Nor do rates appear to have been indexed according to earnings. A rate of 5 shillings per week for a wife and 1 shilling per week for each child had been charged since at least 1890, and appears to have still been in place at least until the late 1920s.¹²⁴ Fifteen shillings for the maintenance of a worker's wife was requested in 1952.¹²⁵ £5 was collected from Edward Moffatt for the maintenance of his son Laurie while he was away earning for four weeks in 1961.¹²⁶ From March 1962 the Board decided upon a family maintenance rate of £4 per week during his absence¹²⁷, with amounts to be receipted by the manager and forwarded monthly

¹²² C. McLean, Report on the Aborigines Act 1928, p.12.

¹²³ Victorian Year Book.

¹²⁴ BPA Meeting Minutes, 1/10/1890, NAA B314, Item 4; PROV VPRS 10768/P0, Unit 17, 1927/28, p.80.

¹²⁵ Secretary, BPA to Manager, Lake Tyers Aboriginal Station, 26/2/1952, NAA B355.

¹²⁶ Manager, Lake Tyers to Secretary, AWB 14/2/61, NAA B409, Item 43, pp.19, 84.

¹²⁷ BPA Meeting Minutes 8/3/1962, NAA B314, Item 10. This contradicts Board correspondence in June 1962 that family maintenance was charged at a rate of approximately £50 per annum; Secretary, AWB to Chairman, AWB, 8 June 1962, NAA B354, Item 4.

to the Board.¹²⁸

The Board sometimes required married men to take their wives (and families) with them if their leave was approved. It is also evident that despite the requirement for payment of maintenance, men may have taken families with them to avoid the requirement, or were simply unable or unwilling to comply. During the 1930s Depression many licensed workers were reported to be not paying maintenance to the Board for their families remaining on the station.¹²⁹ In October 1942, during the Orbest pea-picking season, the manager complained that whilst “those not taking their families with them are expected to pay for the upkeep of their dependants...the task of collecting the money is a difficult one”.¹³⁰

Individual bank accounts

This research has not revealed any evidence that the Board established or maintained individual trust funds to hold the proceeds of money collected as “family maintenance”, as legislated between 1931 and 1957. The Regulations specify that money withheld in this way was to be used for the benefit of the worker or his family, however the Board appears to have seen this ostensibly as a source of revenue and directed the amounts into the Produce Fund as a contribution to the government’s expenditure at the station.

It is very difficult to trace family maintenance payments in the Board’s financial ledgers and statements for much of this time period. Very few entries described as family maintenance appear as itemised transactions in financial records or station accounts, particularly prior to 1952, despite evidence that they were being collected.

There are also inconsistencies between records, even where it is apparent that maintenance payments had been made. Itemised entries in the Board’s Cash payments journals¹³¹ show that between July 1952 and February 1957 the Board collected “family maintenance” from a number of Aboriginal men to the credit of

¹²⁸ Memo, Secretary, AWB, 2 November 1962, NAA B354, Item 4.

¹²⁹ Manager’s report for period ended 29/2/36, Manager’s report for period ended 31/10/1936, Manager’s report for period ended 4/6/1938, NAA B356/2, Item 54.

¹³⁰ Lake Tyers Aboriginal Station Manager’s Report for period ended 31st October 1942, NAA B356/2, Item 54, p.87.

¹³¹ NAA B2864, Item 3.

the Produce Fund. The amounts credited varied, and all appear to have been receipted. However the Collector's cash book¹³², showing receipts and expenditure for the same time period, does not appear to replicate these entries.

There are no records showing how these maintenance payments were distributed, or indicating balances unspent. Reconciling amounts received by the Board as maintenance payments with expenditure using financial records held in custody at NAA and PROV is almost impossible, partly because payments were initially directed through the station Revenue Account (no records of which are in custody) and on to the Board, and individual amounts were often not itemised. Without the clarity of individual accounts, it appears that maintenance payments were effectively absorbed into the Produce Fund. The Superintendent of Aborigines Welfare was himself unsure what proportion of a balance of \$103,000 carried forward from the 1965/66 financial year came from Loan, Vote or Revenue money.¹³³

The requirements for work certificates and contracts for private work were removed with the 1957 *Aborigines Act*. However, it is clear that the Board continued to require that men pay maintenance from wages earned through community work until 1967. Revenue receipts record maintenance paid between 1959 and 1962¹³⁴ but no rates charged are specified in these vouchers, with only whole amounts and often lump sums shown as credited to the account.¹³⁵

Finance Reports published by the Victorian Government also show that between 1958 and 1967 more than £8,300 was credited to the Aborigines Welfare Fund as "Maintenance Payments".¹³⁶ This terminology is potentially confusing, as from 2 February 1960 resident pensioners were required to contribute two thirds of their allowance to the Board as "maintenance" and Aborigines residing temporarily on the station were also being charged for rations at a rate of £20 per annum.¹³⁷

¹³² NAA B2058, Item 2.

¹³³ Superintendent of Aborigines Welfare to Under Secretary, 19 October 1966, NAA B409, Item 10, f. 156.

¹³⁴ NAA B409, Items 41-45.

¹³⁵ Secretary, AWB to Accountant, Chief Secretary's Office, 5 October 1962, NAA B409, Item 45, p.104.

¹³⁶ This included £142 in 1958/59; £378 in 1959/1960; £916 in 1960/61; £953 in 1961-62; £1,243 in 1962/63; £1,450 in 1963/64; £1,464 in 1964/65; £1,778 in 1965/66, and \$188 during 1966/67.

¹³⁷ Report of the Aborigines Welfare Board 1960, NAA B2014, Item 2; Secretary, AWB to Chairman, AWB, 8 June 1962, NAA B354, Item 4.

However, a dissection of Board accounts for the year 1961/62 makes it clear that both pension deductions and “family maintenance” payments were credited to the Lake Tyers Provisions account (used for the payment of rations and foodstuffs, for example).¹³⁸

Instructions to the Lake Tyers manager in 1958¹³⁹ indicated that it was “proper” for the manager to hold and expend certain moneys on behalf of Aboriginal people at Lake Tyers, such as maternity allowances, salaries and savings, “provided proper records are kept”. These proper records included a ledger for each individual noting relevant transactions, and “where necessary” the relevant dockets and receipts of purchase. Although no such ledger appears to have been transferred into custody, other records indicate that from 1959 until approximately 1965, the manager was involved in the administration of child endowment payments and maternity allowances of Lake Tyers residents, which were paid directly to the Board through the Aborigines Welfare Fund.¹⁴⁰ It is also recorded in 1962 that the Lake Tyers manager personally managed trust accounts on behalf of recipients of social services payments, apparently at their own request. It was not made explicit where these savings were held, and the Board itself seems to have not taken any responsibility for monitoring the administration of the accounts, considering that the arrangement was a “personal one between the pensioners and the Manager”.¹⁴¹

4.3 Child Apprentices

Despite evidence that the wages of some girls and women in domestic service were forwarded to the Board and a number of trust accounts established on their behalf, there is no indication in the Board’s financial statements or available audit reports that individual trust funds were systematically established to withhold apprentice or servant wages. However there are discrepancies and omissions within the records seen that make it unclear whether other earnings may have been withheld that are difficult to

¹³⁸ NAA B409, Item 12.

¹³⁹ Instructions to Manager, Lake Tyers, 30 May 1958, NAA B356/2, Item 42.

¹⁴⁰ e.g. NAA B354, Items 8, 12, 29-40; NAA B4699; NAA B2058. Recipients of child endowment received their payments directly from 23 September 1963, Superintendent of Aborigines Welfare to Director of Social Services, 4 Sept 1963, NAA B356/2, Item 50.

¹⁴¹ Secretary, AWB to Chairman, AWB, 8 June 1962, NAA B354, Item 4.

trace in the available record.

No register or list was located in the Board's records viewed to show how many 'half-caste' children over the age of 14 years were apprenticed or sent out to service by the Board between 1918 and 1957. Likewise, no copies of the required Form of Indenture were located during the research. However, administrative records show that, at least until 1930, the Board was actively placing girls and boys in service to white employers as part of its policy to absorb the 'half-caste' population into the general community. The Board was not only placing 'half-caste' girls into service, as specified in the *Aborigines* legislation, but also those deemed 'Aboriginal' under the Act¹⁴², as well as adults over the age of 18 years.

Determining the Board's decisions in many individual cases appears potentially complex. Even where individual people or circumstances are mentioned, it is often difficult to locate final decisions being made or the eventual outcome of decisions affecting individuals. For example, in March 1919 a local constable recommended that three youths aged around 15 years be apprenticed to a trade.¹⁴³ Although referred to a number of times around that time, the final outcome for these individuals is not fully recorded and it is unclear whether they were eventually apprenticed by the Board under formal arrangements determined by the *Aborigines Act* 1915.

There is evidence to suggest that there was a gender bias in apprenticeship arrangements, with more instances of females being placed into service than males. In some cases it appears that the station managers did not always seek the Board's formal approval when placing girls in service¹⁴⁴, and it is unclear from the records viewed whether the Board insisted upon the establishment of formal apprenticeship arrangements, including the required Form of Indenture, in all relevant cases.

Whilst the Board's general policy was that an apprenticeship "agreement is usually drawn up between the Board and the Employer"¹⁴⁵ only two examples of applications to the Board for an apprentice, both dating from the 1920s, were

¹⁴² Victorian Year Book, 1927-28.

¹⁴³ PROV VPRS 10768/P0, Unit 10, pp.193, 196, 197, 199, 201.

¹⁴⁴ PROV VPRS 10768/P0, Unit 11, 1920, p. 42.

¹⁴⁵ Secretary, BPA to Secretary, Neglected Children Department, 11 May 1921, NAA B337, Item 56.

located in NAA files during this research.¹⁴⁶ The “Application for an Apprentice or Servant” mirrors that specified in the Regulations, requiring information from the prospective employer regarding the type of work to be performed, sleeping accommodation to be provided, and a clergyman's reference. As it was the Form of Indenture that specified the payment of wages, in the absence of any extant examples it is difficult to determine whether the Board insisted that employers specify wage rates, or if board and rations were also supplied. However, in both cases the Applicants have indicated an intention to pay an agreed wage, within the established range of between 4 and 10 shillings a week. Other evidence suggests that at least in the early 1920s employers were generally willing to pay minimum wages or equivalent, usually around 4 or 5 shillings a week.¹⁴⁷ However, no evidence of the Board investigating instances of non-payment of wages to apprentices or those in service under Board agreements was located during this investigation.

Employers were required to forward half of the wages of licensed apprentices or servants to the Board, to be held in trust on their behalf until the end of their indenture. Two clear cases of wages being held in individual trust accounts were located during this investigation, both occurring during the 1920s.

The statement of receipts and expenditure of the Produce Fund for the year ending 30 June 1920 shows an amount of £10.10.0 wages held in trust. Itemised station accounts show that £5.10.0 was held in the Lake Condah account and £2.0.0 at Lake Tyers.¹⁴⁸ The 1921 audit report shows that savings bank books for trust accounts were kept in the name of Winnie Austin (comprising £7.10.0) and Annie Harrison (£2).¹⁴⁹ The 1921 Produce Fund statement shows that wages of £7.10.0 were transferred to Winnie Austin, and £2 was paid to Annie Harrison.¹⁵⁰

Winnie Austin from Lake Condah was placed into service at least twice, initially in February 1919 and again in October 1920 to a farmer at Purnim, an employer

¹⁴⁶ NAA B337, Item 56; NAA B337, Item 768.

¹⁴⁷ NAA B337, Item 768; BPA Meeting Minutes, 8/2/1922, NAA B314, Item 7; PROV VPRS 10768/P0, Unit 13, 1922.

¹⁴⁸ NAA B412, Item 1.

¹⁴⁹ PROV VPRS 3992/P0, Unit 1549, 1921/E7038.

¹⁵⁰ BPA, Annual Report, 49th, 1922, p. 6; NAA B412, Item 1.

recommended by the Neglected Children's Department.¹⁵¹ Although Annie Harrison was a "full blood" Aboriginal woman and already over 30 years old, she entered a Board approved arrangement with a Mrs Duncan McArthur at Hillside at 10 shillings per week and keep.¹⁵² It is unclear how long each remained with their respective employers and there are no records that verify the total amount of money initially received by the Board. As the wages for each do not appear in future statements of the Produce Fund, it is reasonable to assume that the amounts paid out in 1921 represent those wages in trust referred to in the 1920 statement and 1921 audit report. However, there is an additional un-itemised amount of £3 wages held in Trust on the 1920 statement that is unaccounted for in the sums paid out.¹⁵³

There is evidence that the Board received wages on behalf of another girl in domestic service, which do not appear in available financial records. Over a ten-week period half of the wages of a 19-year-old 'half-caste' girl apprenticed in August 1922 was sent to the Board.¹⁵⁴ No indication was found in the Board's financial records and statements or audit reports that this money was paid into an individual trust fund, or into the Produce Fund. The girl remained in service at Bacchus Marsh until January 1923, although no evidence was located during this investigation to indicate whether any further wages were forwarded to the Board for the remainder of her time in service.¹⁵⁵ It is also not clear from this research whether the girl in question ever received these wages.

Given that the Board was overseeing the placement of other girls in service, it is possible that there were instances of money being received from employers (and potentially withheld) for which official records were not kept, or that potentially cannot be traced through the Board's records held at NAA and PROV. Given that the process was to be managed by the Board Secretary, it seems likely that he would have created any associated records, however the exact location of any potential savings accounts

¹⁵¹ BPA Meeting Minutes, 19/12/1918, NAA B314, Item 6; BPA Meeting Minutes, 26/2/1919, NAA B314, Item 6; PROV VPRS 10768/P0, Unit 10, p.12; VPRS 10768/P0, Unit 11, pp.82, 162, 186.

¹⁵² PROV VPRS 10768/P0, Unit 9, pp.111, 115.

¹⁵³ BPA, Annual Report, 49th, 1922, p. 6. The Board's Annual Report for 1922 shows that the Aborigines Board Produce Fund accounts for the year ending 30th June 1921 were examined and found correct by the Inspecting Officer, A.E. Shields on 18th July 1921.

¹⁵⁴ NAA B313, Item 223, p.55; PROV VPRS 10768/P0, Unit 13, 1922, see entries on folios 30, 31 and 228.

¹⁵⁵ NAA B313/1, Item 223, p.58.

established for holding apprentice wages in trust is uncertain from the records viewed.

There is little evidence of Board-organised apprenticeship or service arrangements in the Board's records examined, after the passage of the 1928 *Aborigines Act*. None are listed in statistics published in the Victorian Year Book after 1928/29, and as the Board did not publish any Annual Reports between 1925 and 1959 it is difficult to get a sense of official figures in this regard. It is also unclear to what degree the Board's policy towards apprenticeship may have changed from the 1930s. As early as mid-1918 the Board stated that young girls "should not be allowed to go from [Lake Tyers] Station to earn a living, but should be taught sewing, cooking or other useful employ" and be encouraged to marry men of "their own blood".¹⁵⁶ On a general level however, the Board favoured a policy of self-reliance whereby the growing 'half-caste' population would be given "training" in domestic and farm skills to "enable their eventual absorption into the general community".¹⁵⁷ Addressing the first joint Commonwealth State Aboriginal Welfare Conference in 1937, Victoria's Chief Secretary (who acted as Chairman of the Board) spoke of his disillusionment with a policy of sending girls out into domestic service, as the girls' relationships with "degenerate whites" and subsequent return to the station threatened the Board's absorptionist aims.¹⁵⁸ The Chief Secretary's comments also indicated that it was common practice for Aboriginal girls to be removed to various welfare institutions prior to being sent into service, and the fact that the issue was being discussed in this forum seems to indicate that the policy continued to be implemented.

It is beyond the scope of this investigation to examine the role of the Department for Neglected Children and Reformatory Schools (Children's Welfare Department from 1924) in relation to the apprenticeship of Aboriginal youths. However it is evident that these departments, also located administratively within the Chief Secretary's Department, were closely involved with the Board in this regard. Changes to the Regulations in 1899 expanded the original 1886 provisions to allow the Board to transfer *any* Aboriginal child to the Department for Neglected Children or the Department for Reformatory Schools.¹⁵⁹ On this basis, from September 1900 the Board began transferring all 'half-caste' children on stations to industrial schools at the age of 12 years, "for useful training" before being

¹⁵⁶ BPA Meeting Minutes, 28/5/1918, NAA B314, Item 6.

¹⁵⁷ BPA Meeting Minutes, 30/8/1928, NAA B314, Item 7; 1937 Aboriginal Welfare Conference, p.12.

¹⁵⁸ 1937 Aboriginal Welfare Conference, p.12.

¹⁵⁹ BPA, Annual Report, 36th, 1900, p.4.

apprenticed or sent into domestic service.¹⁶⁰ A significant number of children were removed on completion of their compulsory schooling into the care of the Department and on to industrial schools, homes for neglected children and orphanages throughout the twentieth century.¹⁶¹ Boys were commonly sent to the Bayswater Training Farm run by the Salvation Army, and the girls to a number of homes for domestic service. Children not under Board care were also removed under general welfare legislation until 1967, including the *Child Welfare Act* 1954. Aborigines Welfare Board Annual Reports indicate that during the 1950s a significant number of Aboriginal people – 130 in 1958/59 – were resident at various “Institutions, etc.”¹⁶² The Board continued to place children in external homes to receive training and education for future employment into the 1960s.¹⁶³

Any reference to the Board overseeing apprenticeship or service arrangements of young Aboriginal people was removed from the 1957 *Aborigines Act*. The Superintendent of Aborigines Welfare was authorised to incur necessary expenses in arranging employment of Lake Tyers kids on attaining school-leaving age.¹⁶⁴ On 14 March 1963 the Board approved a new “sponsorship of teenagers” scheme, through which the wages of apprentices would be withheld as a contribution to Board subsidisation.¹⁶⁵ The Board’s Annual Reports show that whilst the scheme was initially unpopular, by 1967 the Board was assisting some apprentices through the provision of living allowances.

A number of individual savings accounts for Aboriginal children were established in 1963, to safeguard moneys donated or received for the benefit of the education of children attending schools elsewhere. NAA B409 Item 5 contains evidence of accounts established by the Board for five children. Cancelled bank books survive in the Board’s files for two of these accounts¹⁶⁶, one at the National Bank Savings Bank and the other at the Lakes Entrance Branch of the State Savings Bank of Victoria. Both show that the balances were paid out in full in June and September 1963 respectively.

¹⁶⁰ BPA Meeting Minutes 5/9/1900, NAA B314, Item 5; BPA, Annual Report, 37th, 1901.

¹⁶¹ e.g. 1937 Aboriginal Welfare Conference, p.12; NAA B331, Item 1.

¹⁶² AWB, Annual Report, 1959, Appendix I.

¹⁶³ BPA Meeting Minutes, 13/12/1962, NAA B314, Item 10.

¹⁶⁴ BPA Meeting Minutes 13/5/1959, NAA B314, Item 9.

¹⁶⁵ BPA Meeting Minutes, 14/3/1963, NAA B314, Item 10.

¹⁶⁶ NAA B354, Item 28.

5 Recommendations

The Indigenous Stolen Wages Preliminary Investigation project brief required that a recommendation be made regarding a potential third stage of research, highlighting individual case studies.

During the Stage Two research the Stolen Wages Control Board decided not to proceed with a further research stage, on the basis of the nature of the available records in custody and in light of the findings of stages one and two.

6 Records Accessed

The following is a list of those record series viewed at NAA and PROV during Stage Two of the Preliminary Investigation, covering the period 1918-1974. In cases where only selected items and units within a record series were researched, the relevant items or units have been listed. Where individual units or items are not listed it can be assumed that the whole series was viewed.

Further details about indigenous records held at NAA and PROV can be found in the publication *My heart is breaking: a joint guide to records about Aboriginal people in the Public Record Office of Victoria and the Australian Archives, Victorian Regional Office* (2005) as well as online at www.naa.gov.au and www.prov.vic.gov.au.

Published material

Victorian Year Book

Parliamentary documents

McLean, C. Report upon the operation of the Aborigines Act 1928 and the regulations and orders made thereunder, Victorian Parliamentary Papers, Session 1956-58, v. 2, no. 18, pp. 1-22.

Ministry of Aboriginal Affairs, Annual Reports, Victorian Parliamentary Papers, 1968-1972.

Victoria, Legislative Council and Assembly, Parliamentary Debates (Hansard).

Victoria, Parliament, Annual Finance Statements and Reports of the Auditor-General.

Archival Material

National Archives of Australia (NAA)

CA 2013 Central Board for the Protection of Aborigines 1869-1957

CA 2014 Aborigines Welfare Board 1957-1968

CA 2015 Ministry of Aboriginal Affairs 1968-1975

B2058 Aborigines Board Produce Fund/(from 1957) Aborigines Welfare Fund Collectors cash books, 1921-68

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- B2860 "Ledger" (accounts book), 1934-68
- B2864 Cash payments journal, 1930-1965
- B2011 Aborigines Produce Fund/(from 1957) Aborigines Welfare Fund advance accounts book, 1921-68
- B2024 (1) Rolls of work attendance ("Time books"), chronological series (2) List of family members, alphabetical series, 1933-65
- B2863 Wages books of Lake Tyers Aboriginal Station, chronological series, 1948-1970
- B2059 Record of Debtors, 1956-60
- B4700 Record of Payment cards, 1963-67
- B4208 Ledger books, 1957-68 (1962-64)
- B332 Annual Reports, 1921, 1923-24, 1925
- B2014 Annual Reports Aborigines Welfare Board 1959-1967
- B314 Minutes of Meetings 1860-1967
Items 6, 7, 8, 9, 10, 11
- B2012 Subject/name index book to minutes of meetings 1946-60
- B335 Agenda items for Board Meetings 1860-1968
Items 2, 3, 4, 5
- B331 Correspondence, agenda, transcripts of proceedings and resolutions of Welfare Conferences 1937-67.
- B409 Correspondence files relating to financial matters handled by the Aborigines Welfare Board 1957-1968
Items 1, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 40, 41, 42, 43, 44, 45, 46, 47, 48
- B412 Correspondence files relating to financial matters handled by the Central Board for the Protection of the Aborigines 1876-1957
Items 1, 2, 3, 5, 7
- B356 Lake Tyers Correspondence Files 1865-1968

Items 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 28, 32, 33, 41, 42, 43, 44, 45, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 73, 74, 75, 77A, 85, 86, 91, LT70/9, LT70/12, LT70/41, LT70/44, LT70/47

B357 Correspondence Files 1957-1968

Items 16, 99, 105, 109, 111, 112, 147, 166, 168, 170, 172, 176, 178, 181

B313 Correspondence files 1869-1957

Items 222, 223, 224, 225, 226, 230, 245, 247

B354 Lake Tyers Manager's files relating to administrative matters and record of personal details of aboriginal residents 1959-1969

Items 1, 4, 8, 9, 10, 11, 12, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40

B355 Lake Tyers Manager's general correspondence ("Miscellaneous correspondence") 1950-67

B2055 (1) Manager's diaries, chronological series (2) stock record, chronological series 1962-67

B337 Aboriginal Case Files, lexicographical series 1893-1968

Items 35, 56, 99, 118, 188, 244, 253, 377, 381, 472, 476, 544, 557, 578, 768

Public Record Office Victoria (PROV)

VA 515 Board for the Protection of Aborigines 1869-1957

VPRS 10768/P0 Register of Inward Correspondence 1909-1939

Units 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

VPRS 1694/P0 Correspondence files 1867-1946

Units 3, 4

VA 865 Department of the Treasurer

VPRS 1207/P1 Inward Registered Correspondence 1856-1983

Units 164, 188, 195, 204, 243, 280

VPRS 1207/P4 Inward Registered Correspondence 1856-1983

Unit 386

VPRS 1212/P0 Self-Indexing Register of Inward Correspondence 1856-1967

Unit 240

VPRS 11334/P1 Trust Fund Ledgers 1858-1963

Units sampled for study period

VPRS 11334/P2 Trust Fund Ledgers 1960-1979

Units sampled for study period

VPRS 12251/P1 Trust Funds – Journal of Monthly Transactions 1889-1937

Units sampled for study period

VPRS 1995/P0 Trust Fund Registers 1902-1937

Units sampled for study period

VPRS 12228/P1 Journal of Revenue Collector of Imposts 1933-1964

Units sampled for study period

VPRS 11333/P1 Provisional Ledgers: Trust Funds and Special Appropriations
1857-1974

Units sampled for study period

VPRS 11335/P1 Public Account Ledger 1856-1963

Units sampled for study period

VA 475 Chief Secretary's Department

VPRS 3992/P0 Inward Registered Correspondence III 1884-1959

Units 1544, 1549, 2089, 2137

VPRS 4723/P0 Inward Registered Correspondence IV 1874-1972

Unit 509

