JOURNAL OF AUSTRALIAN INDIGENOUS ISSUES

Volume 13, Number 2, June 2010

The *Journal of Australian Indigenous Issues* (*JAII*) is a quality interdisciplinary academic journal publishing refereed articles in all areas of Australian Indigenous Studies. It was formed in 1998. It invites submission of manuscripts for both the double-blind refereed articles section and for the commentaries section.

The *JAII* is published four times a year. These four issues constitute one volume. The views expressed by contributors do not necessarily reflect the views of the Editor, Australian Indigenous Editorial Board or Publisher. The *JAII* is published by the Centre for Australian Indigenous Studies, School of Humanities, Communications and Social Sciences, Monash University. The ISSN is 1440 – 5202.

Please address all correspondence and submissions to:

Andrew Gunstone
Editor - Journal of Australian Indigenous Issues
Centre for Australian Indigenous Studies
Monash University
Churchill, Victoria 3842

Phone: +61 3 9902 6348
Fax: +61 3 9902 6218
E-mail: Andrew.Gunstone@arts.monash.edu.au
Webpage: www.arts.monash.edu.au/jaii

Table of Contents

Articles

Commentaries

A History of Exclusion: Indigenous People and Social Security

*by Andrew Gunstone**

Abstract

This paper analyses the history of a number of Commonwealth governments during the twentieth century explicitly excluding Indigenous people from a range of social security benefits. The paper specifically discusses invalid and old-age pensions, maternity allowances, war and service pensions, child endowments, widows' pensions and unemployment and sickness benefits.

Introduction

For two-thirds of the twentieth century, between 1901 and 1966, successive Australian Commonwealth governments passed racially discriminatory legislation that prevented many Indigenous people from accessing a range of social security benefits. The benefits that were not paid to many Indigenous people during this period included invalid and old-age pensions, maternity allowances, war and service pensions, child endowments, widows' pensions and unemployment and sickness benefits.

The paper discusses this history of racial discrimination through the analysis of government legislation and bureaucratic records. This paper reviews the above-mentioned social security benefits and details the decades-long failure of Commonwealth governments to pay these benefits to Indigenous people. It is acknowledged though that these 'formal' records are often inadequate and do not reveal the actual experiences of Indigenous people in a way that other sources, such as Indigenous oral history, can reveal.

Invalid and Old-age Pensions

In 1908, the Commonwealth government enacted the *Invalid and Old-age Pensions Act* 1908 (Cth). This Act excluded "aboriginal natives of Australia" from accessing invalid and old-age pensions (*Invalid and Old-age Pensions Act* 1908: 130-131). However, in practice, the government only excluded certain categories of Indigenous people. The government defined an 'aboriginal native' as "a person in whom aboriginal blood predominates"; this definition thus allowed those Indigenous people the government defined as "half-castes", or who had "less than 50% aboriginal blood", to be eligible for these pensions (DSS 1941-1944: 7; see also Prime Minister's Department 1936-1947: 137). Further, the government excluded all Indigenous people who lived on State and Territory reserves from being eligible to access invalid or old-age pensions (Brennan 2006: 18). This exclusion was justified by the Department of Social Services (DSS): "Half-castes who elect to live on reserves set apart for the exclusive use of Aborigines should not be placed in

**** Dr Andrew Gunstone is a Senior Lecturer in Australian Indigenous Studies in the School of Humanities, Communications and Social Sciences at Monash University.***

a more favourable position in regard to pensions than natives with a preponderance of Aboriginal blood" (DSS, quoted in CAR 1959: 3; see also DSS 1941-1944: 7). This policy forced many elderly Indigenous people to move away from the reserves, where they had often lived all their lives, and leave behind families and friends, in order to receive invalid or old-age pensions (CAR 1959: 3). One such example was prominent Indigenous leader, William Cooper, who left Cumeroogunga reserve in 1933 in order to be eligible to obtain an old-age pension (Attwood and Markus 2004: 4).

Further Commonwealth legislation was enacted in the 1940s that enabled more Indigenous people to access invalid and old-age pensions. The *Invalid and Old Age Pension Act* 1942 (Cth) allowed for Indigenous people to receive these pensions as long as they were "exempt" from State or Territory legislation "relating to the control of aboriginal natives" or, if they lived in a State or Territory that "does not make provision for such exemption", the Commissioner determined the eligibility, subject to "the character, standard of intelligence and development of the aboriginal native" (*Invalid and Old Age Pension Act* 1942: 3-4). This Act marked a significant change in the approach of Commonwealth governments to Indigenous people. The Act provided "for the first time in the history of the Commonwealth, for the payment of pension to an aboriginal native of Australia who was living under civilised conditions and whose character and intelligence qualified him to receive a pension" (Kewley 1973: 218). Despite this advance though, the Act continued to discriminate against those Indigenous people that were deemed ineligible to receive the pensions. Further, the Act discriminated against those Indigenous people who were eligible to receive the pensions. The Act allowed for the Commissioner to "determine that the rate of pension payable to an aboriginal native of Australia shall be less than the maximum rate of pension" and to "direct that payment of the pension of an aboriginal native of Australia" could be made to an authority or person "for the benefit of the pensioner" (*Invalid and Old Age Pension Act* 1942: 5).

The *Social Services Consolidation Act* 1947 (Cth) legislated on several social security benefits, including invalid and old-age pensions. Unlike previous legislation, the Act didn't allow pensions to be paid at a lesser rate to Indigenous people; however, it still allowed pensions for Indigenous people to be paid to "an authority of a State or Territory controlling the affairs of aboriginal natives, or to some other authority or person" (*Social Services Consolidation Act* 1947: 212). The Act also allowed Indigenous people to obtain invalid and old-age pensions in the same manner as did the *Invalid and Old Age Pension Act* 1942 (Cth), that is, if an Indigenous person was exempt from State or Territory legislation regarding the control of Indigenous people, or, if the State or Territory legislation did not allow for exemptions, the Indigenous person received the approval of that jurisdiction's Director-General (*Social Services Consolidation Act* 1947: 203). The Act also removed all disqualifications based on race, with the exception of Indigenous people, that had been stated in previous legislation (Kewley 1973: 304).

Although the *Social Services Act* 1959 (Cth) enabled more Indigenous people to access invalid and old-age pensions, it still ensured that some Indigenous people were unable to access these pensions. The Act did not allow pensions to be paid to "an aboriginal native of Australia who follows a mode of life that is, in the opinion of the Director-General, nomadic or

primitive" (*Social Services Act* 1959: 272). The phrase 'nomadic or primitive' was not defined. The Council for Aboriginal Rights (CAR), an organisation that advocated for Indigenous rights in the 1950s and 1960s, stated "all attempts to get an official interpretation of the terms 'nomadic' or 'primitive' have been unsuccessful" (CAR n.d.: 4). The Act also still allowed for pensions, including pensions for Indigenous people, to be paid to third parties (*Social Services Act* 1959: 270). CAR argued that this power was used "in a minority of cases" with non-Indigenous recipients, but with Indigenous recipients, the power was "used frequently as a general policy for large groups of people" and "direct payments of benefits to Aborigines is avoided wherever possible, and they are treated like irresponsible children" (CAR n.d.: 1; see also AWB 1961-1962: 122). Further, Indigenous residents at government reserves often not only had their pensions paid indirectly to State and Territory Indigenous Affairs authorities, but substantial amounts, up to two-thirds of the pensions, were often deducted for the 'maintenance' of the reserve; this practice was often extended to other social security benefits and continued until the mid-1960s (AWB 1958-65: 60; AWB 1960-63: 17-18). Finally, the practice of paying multiple amounts of various pensions to the managers of reserves often resulted in confusion, mismanagement and underpayments regarding the amounts then paid to Indigenous people (AWB 1960-62: 9; AWB 1958-1962: 55-59).

In 1966, the exclusion of 'nomadic or primitive' Indigenous people from accessing invalid and old-age pensions was abolished by the *Social Services Act* 1966 (Cth) (*Social Services Act* 1966: 478). This meant that there was finally no formal discrimination against Indigenous people receiving invalid and old-age pensions (Brennan 2006: 17).

Maternity Allowance

In 1912, the Commonwealth Government passed the *Maternity Allowance Act* 1912 (Cth). As with the *Invalid and Old-age Pensions Act* 1908 (Cth), this Act excluded "aboriginal natives of Australia" from accessing the maternity allowance (*Maternity Allowance Act* 1912: 17). However, this Act also allowed for maternity allowances to be paid to certain groups of Indigenous people, namely, "half-castes and persons with less than half aboriginal blood ... because aboriginal blood does not predominate" (Commonwealth Treasury 1938: 2; see also Prime Minister's Department 1936-1947: 137). Further, maternity allowances were paid to those Indigenous people, whose "aboriginal blood does not predominate", who were "living on State reserves or stations" (DSS 1941-44: 2).

In the 1940s, two Acts were passed that related to maternity allowances. The *Maternity Allowance Act* 1942 (Cth) broadened the accessibility for Indigenous people to obtain maternity allowances in the same manner as did the *Invalid and Old Age Pension Act* 1942 (Cth). The Act enabled Indigenous people to access the allowance if they were either exempt from State or Territory legislation regarding "the control of aboriginal natives" or if they lived in a State or Territory that did not have such exemptions and the Commissioner was "satisfied" regarding "the character, standard of intelligence and development of the aboriginal native" (*Maternity Allowance Act* 1942: 6-7). The Act also allowed for maternity allowances for Indigenous

people to be paid to "an authority of a State or Territory of the Commonwealth controlling the affairs of aboriginal natives" or to another body or person "for the benefit of the aboriginal native" (*Maternity Allowance Act* 1942: 6-7).

The *Social Services Consolidation Act* 1947 (Cth) legislated over several social security benefits, including maternity allowances. The Act maintained the same eligibility criteria for Indigenous people being able to access the maternity allowance as did the *Maternity Allowance Act* 1942 (Cth) (*Social Services Consolidation Act* 1947: 224). However, unlike the previous legislation, the Act did not require allowances to be used for the 'benefit' of Indigenous people when enabling the allowances of Indigenous people to be paid to a third party (*Social Services Consolidation Act* 1947: 225).

As it did with invalid and old-age pensions, the *Social Services Act* 1959 (Cth) widened the accessibility for Indigenous people to access maternity allowances, yet also continued to discriminate against certain groups of Indigenous people. The Act did not allow the allowances to be paid to "an aboriginal native of Australia who follows a mode of life that is, in the opinion of the Director-General, nomadic or primitive" (*Social Services Act* 1959: 272). Further, the Act allowed for the maternity allowances for any person to be paid to a third party (*Social Services Act* 1959: 271). As with invalid and old-age pensions, maternity allowances for Indigenous residents at government reserves were usually paid to State and Territory Indigenous Affairs authorities and up to two-thirds of the amount of the allowance were often retained for the 'maintenance' of the reserves (AWB 1958-1963; AWB 1960-1963: 17-18). Kidd (2007: 122) argued that this method of paying a range of social security benefits possibly "constituted a profitable source of income which was not fully expended for the benefit of [Indigenous people]".

For over fifty years, from the early twentieth century to the mid-1960s, this history of exclusion of many Indigenous people from accessing maternity allowances is critiqued by Haeblich (2000: 160) as "they [Indigenous people] were officially discouraged from producing offspring – for example, Aboriginal women ... were deliberately excluded from the benefits of the maternity allowance". This exclusion finally ceased in 1966 with the *Social Services Act* 1966 (Cth) removing all discriminatory sections regarding Indigenous people and maternity allowances (*Social Services Act* 1966: 478).

War and service pensions

The *Australian Soldiers Repatriation Act* 1920 (Cth) and subsequent Commonwealth legislation regarding war and service pensions did not legislate against Indigenous people accessing the pensions (*Australian Soldiers Repatriation Act* 1920; Brennan 2006: 41). In 1956, the Secretary of the Attorney-General's Department stated that, "there is nothing in the Repatriation Act which excludes aborigines from its operation. Accordingly aborigines who satisfy the requirements as to eligibility [which were the same as for non-Indigenous people] are entitled to receive the benefits set out in the Act" (Attorney-General's Department 1955-1956: 10-12). Further, the several Acts that concerned war and service pensions did not allow the pensions for Indigenous or non-Indigenous recipients to be paid to third parties (Brennan 2006: 41).

However, despite the non-discriminatory nature of these Acts, there were several practices of discrimination that occurred in the administering of war and service pensions for Indigenous people.

One practice concerned the non-payment or partial payment of war and service pensions to Indigenous people. In Victoria, "there is anecdotal evidence that dowries were never paid to many Indigenous returned service men and women in Victoria" (Wampan Wages 2006: 4). Further, there are many instances of Indigenous people throughout Australia only receiving partial payments of their war and service pensions (Senate 2006: 39).

There were also incidences of State and Territory governments failing to grant soldier land settlements to Indigenous people (Senate 2006: 39). In one example, in 1919, the Victorian Board for the Protection of Aborigines refused to grant land at Framlingham reserve to Indigenous returned soldiers, whose ancestors had cleared the land, but rather leased land at the reserve to non-Indigenous farmers (Barwick 1981: 191).

Indigenous returned soldiers living on reserves also often faced discrimination. For example, in 1917, the Victorian Board for the Protection of Aborigines banished an Indigenous man, who was receiving a war pension, from Lake Condah reserve because the man "refused to defray the cost of rations for himself and family from his military pension" (BPA 1907-1921: 397-398).

Another discriminatory practice involved governments indirectly paying the war and service pensions of many Indigenous peoples into several government Indigenous Trust Funds. Gilligan, Janke and Jeffries (2004: s.2.5.2) found that in New South Wales, "returned soldiers may have had pension entitlements paid in to the Trust Fund, although this was clearly contrary to the Aboriginal Welfare Board's written policy [as well as Commonwealth government legislation]".

Child Endowment

In 1941, the Commonwealth government implemented the *Child Endowment Act* 1941 (Cth). The Act allowed some Indigenous people to access child endowments. However, if an Indigenous person was "nomadic" or the Indigenous child relating to the claimed endowment was "wholly or mainly dependent upon the Commonwealth or a State for his support", then the child endowment was not payable (*Child Endowment Act* 1941: 39). This second restriction prevented Indigenous people living on many government reserves from receiving child endowment (AWB 1957-67: 3; BPA 1938-1941: 38). The Act also enabled child endowments to be paid to a third party under certain conditions, including the "age, infirmity, ill-health, insanity, or improvidence" of the recipient (*Child Endowment Act* 1941: 40). The Act also required recipients of the child endowment to use the endowment for "the maintenance, training and advancement of the child" (*Child Endowment Act* 1941: 40).

In July 1941, the Commonwealth government stated that, in regard to paying child endowments to Indigenous people, if "any of these people are capable of conducting their own affairs, they will be paid direct", otherwise "payment will be made through the State Protector of Aborigines or the

Aborigines Welfare Board" and the payment should "be used in the best interests of the children concerned" (DSS 1941-44: 116).

The *Child Endowment Act* 1942 (Cth) did not amend the previous 1941 legislation requiring recipients of the endowment to use it for specific purposes (*Child Endowment Act* 1942: 7-11). The Act also allowed for the endowment to be paid to Indigenous reserves that were also institutions, defined as "a charitable institution or organization ... approved by the Minister", for any Indigenous children "supervised and assisted by, although not mainly maintained by", the reserve for a certain period (*Child Endowment Act* 1942: 8-9).

The *Social Services Consolidation Act* 1947 (Cth) maintained the restrictions outlined in previous legislation regarding the accessibility of child endowments for Indigenous peoples. These were when the Indigenous person was "nomadic" or when the Indigenous child for whom the endowment was being claimed was "wholly or mainly dependent upon the Commonwealth or a State for his support" (*Social Services Consolidation Act* 1947: 228). The Act also continued to allow child endowment for Indigenous children to be paid to institutions, defined as "a charitable or religious institution or organization ... approved by the Director-General", when the "institution supervises and assists children ... but the children are not inmates of the institution" (*Social Services Consolidation Act* 1947: 226-227). Further, the Act required "the person or institution to whom it [the child endowment] is payable" to use it for "the maintenance, training and advancement of the child in respect of whom it is granted" (*Social Services Consolidation Act* 1947: 231).

The Commonwealth government decided in the late 1950s to pay child endowment to those Indigenous people who were living on reserves (AWB 1958-1965: 37). However, in many cases, these endowments were not paid directly to Indigenous people, but were instead paid to the State authorities responsible for Indigenous Affairs (CAR 1959: 2; AWB 1958-1963: 38). The endowments were often forwarded to the managers of the reserves who generally determined what goods could be purchased from the endowments (CAR n.d.: 2; AWB 1958-1962: 55).

Child endowments for Indigenous people were also sometimes paid indirectly to the employers of Indigenous people. CAR (n.d.: 2) argued that "Aborigines constitute the only group of Australians who have their social service payments channelled through their employers". This process often resulted in employers misusing the child endowments. "Child endowment payments have been made in this manner for some years and it is common knowledge that money has been misappropriated in some cases and mishandled in many" (CAR n.d.: 2).

Although the *Social Services Act* 1959 (Cth) enabled more Indigenous people to access invalid and old-age pensions and maternity allowances, it did not similarly broaden the accessibility of child endowment, instead restricting certain groups of Indigenous people from being eligible in the same manner as the *Social Services Consolidation Act* 1947 (Cth) (*Social Services Act* 1959: 271-272). The Act though did broaden the *Social Services Consolidation Act* 1947 (Cth) to include an "authority" in addition to an individual and institution (*Social Services Act* 1959: 271). The Act also continued to enable child endowments, and other social security benefits, for

Indigenous people living on reserves, to be paid indirectly to the managers of the reserves (*Social Services Act* 1959: 270).

By the mid-1960s, eventually child endowment was usually being paid directly to Indigenous people living on reserves (CAR 1963: 3; CAR 1965: 3). However, even when Indigenous people directly received their child endowments, they often had to pay "a portion of the benefit" to the managers of the reserves for "their maintenance" (Chief Secretary's Office 1965: 1). The actual mechanisms for this process were often unclear. For instance, Irwin (1965: 1-2) raised several queries with the Victorian Government's Chief Secretary's Office regarding the process: "Do the Aborigines receive the full cash in their own hands and then pay their contribution to the Lake Tyers management? What portion in cash do they retain? And how many of the women receive the full child endowment cash in their own hands? If special arrangements are made, why are they deemed necessary?"

The *Social Services Act* 1966 (Cth) removed all discriminatory sections regarding the payment of child endowment to Indigenous people. The Act removed references outlined in previous legislation to excluding child endowment being paid to 'nomadic or primitive' Indigenous people or to those Indigenous people who were fully or mainly supported by government authorities (*Social Services Act* 1966: 477-478).

Widows' pension

In 1942, the Commonwealth government implemented the *Widows' Pensions Act* 1942 (Cth). The Act stated that the widows' pension would not be paid to "an aboriginal native of Australia" unless that person is exempted from State or Territory laws "relating to the control of aboriginal natives" or, if their State or Territory has no such laws, "the character, standard of intelligence and development of the aboriginal native", is judged to be appropriate by the Commissioner (*Widows' Pensions Act* 1942: 37-38). These exemptions are the same as for the *Invalid and Old-Age Pensions Act* 1942 (Cth) and the *Maternity Allowance Act* 1942 (Cth). The Act also discriminated against those Indigenous people who could receive the widows' pension. Like the *Invalid and Old-Age Pensions Act* 1942 (Cth), the Act allowed for Indigenous recipients to be paid "less than the maximum rate" (*Widows' Pensions Act* 1942: 44). Further, the Act enabled the widows' pension to be paid, under certain circumstances, such as "age, infirmity, ill-health, insanity, or improvidence of a widow" to "some other person for the benefit of the pensioner" (*Widows' Pensions Act* 1942: 44). Finally, the Act enabled the widows' pensions of Indigenous peoples to be indirectly paid to "an authority of a State or Territory of the Commonwealth controlling the affairs of aboriginal natives ... for the benefit of the pensioner" (*Widows' Pensions Act* 1942: 44).

The *Social Services Consolidation Act* 1947 (Cth) was similar in certain respects to the *Widows' Pensions Act* 1942 (Cth). The Act restricted the payment of widows' pensions to Indigenous people in essentially the same manner (*Social Services Consolidation Act* 1947: 217). Further, the Act likewise allowed widows' pensions, in general, to be paid indirectly to a third party and Indigenous widow's pensions to be paid indirectly to State and Territory authorities (*Social Services Consolidation Act* 1947: 220-222). The

Act did not though maintain the discriminatory capacity outlined in the *Widows' Pensions Act* 1942 (Cth) to pay widows' pensions to Indigenous people at a lower than maximum rate (*Social Services Consolidation Act* 1947: 214-223).

As it did with invalid and old-age pensions, the *Social Services Act* 1959 (Cth) broadened the availability of widows' pensions to Indigenous people. The Act enabled all Indigenous people to access the widows' pension, with the exception of those defined as "nomadic or primitive" (*Social Services Act* 1959: 272). As stated earlier though, the government did not define the phrase 'nomadic or primitive'. The Act also enabled widows' pensions to be paid indirectly to third parties, such as "a person, institution or authority" (*Social Services Act* 1959: 271). However, the Act did not allow, as the *Social Services Consolidation Act* 1947 (Cth) allowed, for widows' pensions for Indigenous people to be paid indirectly to State and Territory Indigenous Affairs authorities (*Social Services Act* 1959: 271).

Prior to this Act, widows' pensions, as well as invalid and old-age pensions, were not payable to Indigenous people living on reserves "with a resident supervisor" (CAR 1959: 3; see also AWB 1957-1967: 3). Although the passing of the *Social Services Act* 1959 (Cth) enabled Indigenous people living on reserves to access widows' pensions, often up to two-thirds of the pensions, as with invalid and old-age pensions, were paid "to the [reserve] manager for their keep" (CAR n.d.: 2-3; see also AWB 1958-1965: 60).

As it did with the other social security benefits discussed in this paper, the *Social Services Act* 1966 (Cth) removed all discrimination regarding the payment of widows' pensions to Indigenous peoples. The Act abolished the previous restriction against 'nomadic or primitive' Indigenous people accessing widows' pensions (*Social Services Act* 1966: 478).

Unemployment and sickness benefits

In 1944, the Commonwealth government enacted the *Unemployment and Sickness Benefits Act* 1944 (Cth). This Act allowed unemployment and sickness benefits to be paid indirectly to third party individuals, but not to authorities (*Unemployment and Sickness Benefits Act* 1944: 79). This therefore ensured that payments for Indigenous peoples could not be paid to State and Territory Indigenous Affairs authorities (Brennan 2006: 39). The Act also discriminated against Indigenous people by stating "an aboriginal native of Australia" could not receive unemployment or sickness benefits "unless the Director-General is satisfied, by reason of the character, standard of intelligence and development of the aboriginal native, that it is reasonable that the aboriginal native should receive benefit" (*Unemployment and Sickness Benefits Act* 1944: 76).

The *Social Services Consolidation Act* 1947 (Cth) maintained this restriction on Indigenous people accessing unemployment and sickness benefits. The Act stated that "an aboriginal native of Australia shall not be qualified to receive an unemployment benefit or a sickness benefit", except if the Director-General was "satisfied … of the character and of the standard of intelligence and social development of that native" (*Social Services Consolidation Act* 1947: 233). The Act also maintained the previous legislation's requirement that only allowed indirect payments for

unemployment and sickness benefits to be made to third party individuals and not to authorities (*Social Services Consolidation Act* 1947: 238).

The *Social Services Act* 1959 (Cth) broadened the eligibility criteria for paying unemployment and sickness benefits to Indigenous people. The Act stated that Indigenous people are eligible to access unemployment and sickness benefits, except if Indigenous people were "nomadic or primitive" (*Social Services Act* 1959: 272). As stated earlier though, the phrase 'nomadic or primitive' was not defined by governments. Also, this Act extended the capacity to indirectly pay third parties from just individuals to institutions and authorities (*Social Services Act* 1959: 272).

This provision resulted in unemployment and sickness benefits often not being directly paid to Indigenous people but rather being indirectly paid to trustees. CAR argued that "while it is realised the Social Service Act does provide that an unemployment benefit can be paid to an institution, or authority on behalf of a beneficiary, so far as we are aware, this is rarely done unless the beneficiary is incapable of managing their own affairs or is an Aborigine" (CAR 1962: 1; see also CAR 1963: 1).

Further, many Indigenous people still were unable to even access unemployment and sickness benefits. "Since the new [1959] Act came into force, it is still very difficult for unemployed Aborigines in country areas in W.A. and other States to get unemployment benefits" (CAR n.d.; 3; see also CAR 1965: 3). An example of this discrimination occurred in 1962, when the Victorian Board for the Protection of Aborigines, in discussing that "the high rates of Social Service benefits they [Indigenous people] receive are encouraging them to live in indolence rather than seek casual work", decided "that Welfare Officers be instructed to furnish reports on the position in the various districts and, in the meantime, to exercise discretion in initiating applications for Unemployment Benefits" (AWB 1961-1962: 157).

Governments also rarely acknowledged the difficulties many Indigenous people had in securing appropriate documentation to obtain unemployment and sickness benefits, due to factors such as limited educational opportunities and casual and intermittent employment (CAR n.d.: 3).

In 1966, the *Social Services Act* 1966 (Cth), as it did with other social security benefits discussed above, abolished all discrimination regarding Indigenous people being able to access unemployment and sickness benefits (*Social Services Act* 1966: 478).

Conclusion

For much of the twentieth century, a range of social security benefits, including invalid and old-age pensions, maternity allowances, war and service pensions, child endowments, widows' pensions and unemployment and sickness benefits, were systematically withheld from many Indigenous people by racially discriminatory legislation passed by successive Commonwealth governments.

This paper analysed this appalling period in Australia's history through examining government legislation and bureaucratic records. As well as revealing the substantial exclusion from social security benefits imposed upon many Indigenous people, this analysis also illustrated the level of racism and

paternalism that was felt towards Indigenous peoples by many non-Indigenous politicians and bureaucrats.

This history of excluding generations of Indigenous people from accessing these social security benefits significantly impacted upon the ability of Indigenous people to participate in the Australian economy and develop an economic foundation. Further, the effect of this history continues to the current day, as evidenced by the abysmal socio-economic conditions experienced by many Indigenous people in areas such as health, poverty, education and housing.

References

Attorney-General's Department. 1955-1956. *Aboriginal natives – Application of Commonwealth laws – Marriage*. National Archives of Australia (NAA), A432/1955/3765.

Attwood, Bain and Markus, Andrew. 2004. *Thinking Black: William Cooper and the Australian Aborigines' League*. Canberra, ACT: Aboriginal Studies Press.

AWB (Aborigines Welfare Board). 1957-1967. *Correspondence – Policy*. National Archives of Australia (NAA), B357/12.

AWB (Aborigines Welfare Board). 1958-1962. *Social Services - Current endowment dockets*. National Archives of Australia (NAA), B354/11.

AWB (Aborigines Welfare Board). 1958-1963. *Child endowment - monthly schedules*. National Archives of Australia (NAA), B354/9.

AWB (Aborigines Welfare Board). 1958-1965. *Lake Tyers Social Services benefits – policy*. National Archives of Australia (NAA), B356/51.

AWB (Aborigines Welfare Board). 1960-1963. *Lake Tyers Pensions*. National Archives of Australia (NAA), B356/52.

AWB (Aborigines Welfare Board). 1960-1962. *Pension deductions*. National Archives of Australia (NAA), B354/8.

AWB (Aborigines Welfare Board). 1961-1962. *Board meetings 1961-1962*. National Archives of Australia (NAA), B335/4.

Barwick, Diane. 1981. 'Equity For Aborigines? The Framlingham Case', in Troy, Patrick (ed.). *A Just Society: Essays on Equity in Australia*. Sydney, NSW: George Allen and Unwin.

BPA (Board for the Protection of Aborigines). 1907-1921. *Minutes of Meetings of the Board*. National Archives of Australia (NAA), B314/6.

BPA (Board for the Protection of Aborigines). 1938-1941. *Lake Tyers - Social Services. Pension Deductions & Maintenance*. National Archives of Australia (NAA), B356/49.

Brennan, Sean. 2006. *'Eventually they get it all … ': Government management of Aboriginal Trust Money in New South Wales*. Sydney, NSW: Indigenous Law Centre, University of New South Wales.

CAR (Council for Aboriginal Rights). n.d. *Shirley Andrews, Hon. Secretary, Social Service benefits still denied to Aborigines*. State Library of Victoria (SLV), MS12913, Box 8.

CAR (Council for Aboriginal Rights). 1959. *Bulletin 11, June 1959*. State Library of Victoria (SLV), MS12913, Box 5/4.

CAR (Council for Aboriginal Rights). 1962. *Annual report 1961-1962*. State Library of Victoria (SLV), MS12913, Box 7/3.

CAR (Council for Aboriginal Rights). 1963. *Annual report 1962-1963*. State Library of Victoria (SLV), MS12913, Box 7/3.

CAR (Council for Aboriginal Rights). 1965. *Colin Tatz, Information delivered to the AGM 23/10/64*. State Library of Victoria (SLV), MS12913, Box 8.

Chief Secretary's Office. 1965. *J.V.Dillon, Undersecretary, Letter to Irwin in relation to Lake Tyers, 19/1/65*. State Library of Victoria (SLV), MS12913, Box 7/5.

Child Endowment Act 1941 (Cth).

Child Endowment Act 1942 (Cth).

Commonwealth Treasury. 1938. *Payment of Maternity Allowances to Aborigines*. National Archives of Australia (NAA), A6006/1938/06/09.

DSS (Department of Social Services). 1941-1944. *Child Endowment for children of Aborigines - Introduction of Scheme - Payment through State Depts. of Native Welfare - Replies to Queries and Representations.* National Archives of Australia (NAA), A885/B39PART2.

Gilligan, Brian, Janke, Terri and Jeffries, Sam. 2004. *Aboriginal Trust Fund Repayment Scheme: Report of the Aboriginal Trust Fund Repayment Scheme Panel.* Sydney, NSW.

Haebich, Anna. 2000. *Broken Circles: Fragmenting Indigenous Families 1800-2000.* Fremantle, Western Australia: Fremantle Arts Centre Press.

Invalid and Old-age Pensions Act 1908 (Cth).

Invalid and Old Age Pension Act 1942 (Cth).

Irwin, Dorothy. 1965. *Reply to Dillon's letter, 9/2/65.* State Library of Victoria (SLV), MS12913, Box 7/5.

Kewley, T. H. 1973. *Social Security in Australia 1900-72.* Sydney, NSW: Sydney University Press.

Kidd, Ros. 2007. *Hard Labour, Stolen Wages.* Sydney, NSW: Australians for Native Title and Reconciliation (ANTaR).

Maternity Allowance Act 1912 (Cth).

Maternity Allowance Act 1942 (Cth).

Prime Minister's Department. 1936-1947. *Invalid and old age pensions for Aborigines.* National Archives of Australia (NAA), A461/N382/1/1.

Social Services Consolidation Act 1947 (Cth).

Social Services Act 1959 (Cth).

Social Services Act 1966 (Cth).

Unemployment and Sickness Benefits Act 1944 (Cth).

Wampan Wages. 2006. *Submission to Standing Committee on Legal and Constitutional Affairs.* Melbourne.

Widows' Pensions Act 1942 (Cth).