
INDIGENOUS STOLEN WAGES AND CAMPAIGNS FOR REPARATIONS IN VICTORIA

by Andrew Gunstone

INTRODUCTION

During most of the nineteenth and twentieth centuries, Australian governments developed a number of practices that ensured they and their agencies controlled the wages, savings and benefits of Indigenous people. Today, these practices are known as the stolen wages practices. They have substantially impacted upon generations of Indigenous people and have been referred to as 'slavery'.¹ Many Indigenous people throughout Australia never received the monies owed to them, due to government mismanagement and fraud.² The overall amount of wages, savings and benefits owed to Indigenous peoples throughout Australia is extremely substantial. Ross Kidd noted that 'in Queensland alone, it has been estimated that as much as \$500 million in today's value was lost or stolen from Indigenous families'.³

This short paper focuses specifically on stolen wages in Victoria. The paper is divided into three sections. Firstly it outlines the research that has been conducted on the history of stolen wages practices in Victoria and the impact of these practices on Indigenous Victorians. This section also briefly discusses the level of research conducted on stolen wages practices in other states and territories. Secondly, it looks at the general political campaigns for justice for those impacted by stolen wages that are being conducted in some states and territories before examining the campaign being run by Indigenous Victorians and their supporters in more depth. Finally, the paper looks at the reparation schemes to address the legacies of stolen wages developed by the New South Wales ('NSW'), Queensland ('Qld') and Western Australian ('WA') governments and the failure of the Victorian government to develop a Victorian reparation scheme.

STOLEN WAGES RESEARCH

In recent years, there has been considerable research conducted on the history and impact of stolen wages practices in Australia. The research on stolen wages practices has mostly focussed on specific states and territories, as they have had considerably different Indigenous affairs legislation throughout the stolen wages period and have thus had different histories of stolen

wages practices. There have been two broad research studies in Victoria.

The first study was conducted in 2007 when the Victorian government commissioned an investigation into stolen wages by consultants History Matters.⁴ This study was completed in 2007 but was not released publicly by the Victorian government until December 2009. This research was limited in its scope: it did not look at archives prior to 1918; it excluded an analysis of social security benefits; it focussed on a limited range of archival sources; and it did not consult with Indigenous Victorians. This report was criticised for this limited scope by a 2010 legal report commissioned by the Public Interest Law Clearing House ('PILCH').⁵

The second study was conducted in 2008 and 2009. This study, led by academic Andrew Gunstone and funded by an Australian Institute of Aboriginal and Torres Strait Islander Studies ('AIATSIS') Research Grant, was conducted on the history and impact of stolen wages in Victoria. This project researched a broad range of archives, avoided many of the limitations of the earlier study and conducted a small number of community consultations (the number was constrained by funding). It clearly demonstrated there had been a range of stolen wages practices imposed upon numerous generations of Indigenous Victorians.⁶

There is also a third study that is currently being undertaken. This study is being funded by an Australian Research Council ('ARC') Linkage Grant and is expected to be completed in 2015. The study is extending the AIATSIS funded research by conducting a larger number of community consultations and analysing a wider range of archival sources.⁷

These studies have uncovered a range of stolen wages practices in Victoria. Indigenous people often received either no wages or were systemically underpaid for their employment. They worked under harsh employment controls imposed by governments, their agencies and private employers. Any monies paid to Indigenous people were often compulsory paid into trust accounts by

governments and their agencies. These trust funds were generally mismanaged, through incompetence and neglect, and were largely inaccessible to Indigenous people. Indigenous children were often forced to work with their monies being compulsorily placed in the mismanaged trust funds. Indigenous people were mostly excluded from accessing social security benefits available to other Australians, such as old-age pensions, widow's pension, invalid pensions, maternity allowances, child endowments and tuberculosis allowances. Many of these practices were facilitated through the lack of government and agency accountability and poor governance in the administration of Indigenous affairs.⁸

The Qld and the WA schemes have been significantly criticised as being manifestly inadequate in providing appropriate reparations to Indigenous people.

In regard to research on the history of stolen wages practices in other Australian states and territories, the literature has predominantly examined the history of stolen wages in Qld⁹ and NSW.¹⁰ There has been research conducted on the history of stolen wages in other states and territories,¹¹ however this research is more limited than that conducted on NSW and Qld. The significant research conducted in Qld and NSW over many years has been influential in the governments in these states developing reparation schemes for Indigenous people impacted by stolen wages. In WA, despite more limited research, the WA government has also developed a reparation scheme. Despite the research on stolen wages that has been conducted in Victoria though, the Victorian government has failed to develop a reparation scheme. I will discuss the reparation schemes later in this paper.

STOLEN WAGES POLITICAL CAMPAIGNS

Indigenous people and groups such as trade unions have campaigned against stolen wages practices for decades. Over the past 20 years, there have been a number of significant political campaigns advocating that governments should address the legacies of the stolen wages practices. These political campaigns have been led by Indigenous people and organisations, with considerable support from several other groups such as trade unions and community reconciliation groups. The histories of these campaigns differ across the states and territories in a similar way to the varying levels of research that have been conducted in the states and territories. The campaigns in Qld and NSW, and to a more limited extent, the campaigns in Victoria and

WA, are more advanced than campaigns in the other states and territories. These political campaigns have undertaken a broad range of strategies. The campaigners have lobbied federal, state and territory governments and individual politicians to address the legacies of the stolen wages practices. Further, they have developed strategic relationships with key groups and individuals that can assist in the campaigns, such as trade unions, academics and community reconciliation groups. The campaigners have also publicised the stolen wages campaigns through Indigenous and wider community media and through political activities.

In Victoria, the campaign for recognising the impact of stolen wages practices on Indigenous Victorians is being led by the Wampan Wages Victorian Stolen Wages Working Group ('Wampan Wages'). This is the peak body on stolen wages practices in Victoria. The word 'Wampan' means 'pay back' in an Indigenous language from the south western region of Victoria. The group has been granted permission to use this word from the South Western Aboriginal Language Committee. Wampan Wages is publicising the issue of stolen wages practices and is campaigning for the Victorian government to implement an appropriate stolen wages reparation scheme. The reparation scheme would be intended to deliver reparative justice for those Indigenous Victorian who have been impacted by past stolen wages practices in Victoria. However, as mentioned previously, the Victorian government has failed so far to implement such a reparation scheme.

Wampan Wages is an umbrella organisation that consists of representatives from a broad range of groups. It has representatives from a number of Indigenous community organisations, such as the Victorian Aboriginal Legal Service ('VALS') and the Victorian Aboriginal Child Care Agency ('VACCA'). Wampan Wages also have representatives from several trade unions, including the Construction, Forestry, Mining and Energy Union ('CFMEU'), the National Tertiary Education Union ('NTEU') and the Australian Services Union ('ASU'). Further, community groups are represented in Wampan Wages, such as the Public Interest Law Clearing House ('PILCH') and Australians for Native Title and Reconciliation Victoria ('ANTaR Victoria'). There are also a number of individual members of Wampan Wages, including Indigenous Victorian community members and university academics.

Wampan Wages undertakes a range of critical activities. They publicise and develop an awareness of the history of stolen wages practices among both Indigenous Victorians and the wider Victorian community. Wampan Wages also meets and negotiates with Victorian government department officials concerning appropriate government responses to stolen wages practices. They have developed—both as a collective and also as individual

member organisations—a number of comprehensive submissions for the 2006 Federal Government’s Senate Committee on Legal and Constitutional Affairs Inquiry into stolen wages.¹² Wampan Wages has also developed an effective and productive research partnership with academics on several research projects, such as the AIATSIS funded project investigating the history of stolen wages in Victoria, another AIATSIS funded project to investigate stolen wages reparation schemes operating elsewhere in Australia and internationally and the current ARC Linkage funded project on the history and impact of stolen wages in Victoria.

COMPENSATION SCHEMES

Australian governments have responded in several ways to the research conducted on stolen wages practices and the Indigenous-led political campaigns for reparation schemes. At a Federal Government level, the Senate Committee on Legal and Constitutional Affairs examined the issue of stolen wages in a 2006 inquiry.¹³ There were a number of submissions to this inquiry from individuals and organisations involved in the political campaigns, including several from Victoria, such as the NTEU, VALS and Wampan Wages. The Inquiry released a report entitled *Unfinished Business: Indigenous Stolen Wages* in 2006. In this report, the Inquiry argued that more research needed to be conducted regarding stolen wages and recommended that governments needed to consult with Indigenous people and conduct archival research.¹⁴ However, South Australia, Victoria and Tasmania, along with the Federal Government (in regard to the Australian Capital Territory and the Northern Territory) have largely failed to address this recommendation. The archival research and community consultations needs to be conducted urgently, given the poor health and older age of many Indigenous people that have been affected by the past stolen wages practices.

At a state and territory level, the NSW, Qld and WA governments are the only governments to have made formal offers of reparation to Indigenous people affected by the stolen wages practices. The Qld process, entitled the *Indigenous Wages and Savings Reparations Scheme*, initially provided only between \$2000 and \$4000 to those Indigenous people born before 1957; who were still alive when the Qld scheme started on 9 May 2002; could prove they had not received their wages and who would waive any future legal entitlements.¹⁵ The NSW process, entitled the *Aboriginal Trust Fund Repayment Scheme*, enabled Indigenous people, or their descendants, to claim monies that they never received from trust funds. This scheme was not capped, enabled claimants to give oral evidence regarding their stolen wages and did not require claimants to waive any future litigation.¹⁶ The WA process, entitled the *Stolen Wages Reparation Scheme WA*, provided amounts of up to just \$2000 to those Indigenous people born before 1958 and

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who were still alive; could testify that monies had been not paid to them and would surrender any future legal claims.¹⁷ These three schemes, in particular the Qld and the WA schemes, have been significantly criticised as being manifestly inadequate in providing appropriate reparations to Indigenous people impacted by stolen wages practices.¹⁸ There are also examples of reparation schemes relating to stolen wages that have been developed in other countries, such as a 2009 \$US3.4 billion settlement for Native Americans in the United States of America.¹⁹

However, in Victoria, despite the significant evidence of stolen wages practices and the substantially negative impact of these practices on Indigenous Victorians, successive Victorian governments have failed to address the legacies of stolen wages. They have not addressed the recommendation from the 2006 Senate Committee Inquiry into stolen wages to conduct archival research and consult with Indigenous people. Instead, they have paid consultants to conduct a very limited archival analysis, both in the scope of the analysis (short time period and exclusion of social security benefits) and in the places of archival sources (only looked at National Archives of Australia and Public Records Office Victoria). They have also failed to consult with Indigenous people regarding stolen wages practices. In 2009, the Victorian Minister for Aboriginal Affairs stated ‘the [History Matters] Report confirms that that [sic] there is no evidence of the systemic withholding of wages ... from Indigenous people in Victoria.’²⁰ Since this time, successive Victorian governments have failed to implement any form of reparation scheme for Indigenous Victorians impacted by past stolen wages practices. The Victorian government needs to urgently follow the lead of the NSW, Qld and WA governments in developing such a scheme.

CONCLUSION

Throughout Australia, stolen wages practices have had a substantial impact upon Indigenous people. For well over one hundred years, state and territory governments and their agencies have implemented a number of repressive and destructive stolen wages practices upon Indigenous people. These included non-payment or underpayment of wages to Indigenous people, excluding Indigenous people from social security benefits, forcing any

wages to Indigenous people to be paid into trust accounts, mismanaging the trust accounts and Indigenous affairs more generally and enforcing oppressive employment controls.

These stolen wages practices have significantly affected generations of Indigenous people. The failure of successive state and territory governments to halt the stolen wages practices have directly and significantly contributed to the extremely poor socio-economic conditions faced by many Indigenous people in Australia, in areas such as housing, employment, health and education. Even today, with three state government reparation schemes having been developed, the amount of wages, trust funds and social security benefits still owed to Indigenous people over Australia, given Kidd's analysis of \$500 million in Qld alone, must run well into the hundreds of millions of dollars.

This paper has discussed stolen wages in Victoria. It has explored the research being conducted on the history and impact of stolen wages practices in Victoria and has briefly looked at research being conducted in other Australian jurisdictions. An analysis of the political campaign being conducted by Wampan Wages in regard to stolen wages in Victoria has been conducted, as well as a brief look at the political campaigns being conducted in other states. Finally, it has explored the existing stolen wages reparation schemes in NSW, Qld and WA and discussed the absence of a reparation scheme in Victoria.

The failure of Victoria and other state and territory governments to implement a reparation scheme, along with the limited effectiveness of the three existing reparation schemes in NSW, Queensland and WA, has ensured that Australian governments have been unable to genuinely address the historical legacies of past stolen wages practices. Indigenous people and their supporters will continue to campaign for governments to implement appropriate and equitable approaches to deliver reparative justice to those Indigenous people impacted by the past stolen wages practices.

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- 1 Ann Curthoys and Clive Moore, 'Working for the White People: An Historiographic Essay on Aboriginal and Torres Strait Islander Labour', (1995) 69 *Labour History* 1-29, 4-5; Stephen Gray, 'The Elephant in the Drawing Room: Slavery and the "Stolen Wages"

Debate', (2007) 11(1) *Australian Indigenous Law Review* 30-53, 30; Jilpia Jones, 'Working for the White People' (2004) 6 *Balay: Culture, Law and Colonialism* 1-8, 7.

- 2 Ros Kidd, *Hard Labour, Stolen Wages* (ANTaR, 2007).
- 3 Ibid 9.
- 4 History Matters Consulting Historians, *Indigenous Stolen Wages Preliminary Investigation, Stage One: Establishing the Legal Framework, Final report to Aboriginal Affairs Victoria and Public Record Office Victoria* (Victorian Government, Melbourne, 2009a); History Matters Consulting Historians, *Indigenous Stolen Wages Preliminary Investigation, Stage Two: Determining Implementation, Final report to Aboriginal Affairs Victoria and Public Record Office Victoria* (Victorian Government, Melbourne, 2009b).
- 5 Public Interest Law Clearing House (PILCH), *Indigenous Labour Denied – Stolen Wages in Victoria, A Response to the Victorian Government 'Indigenous Stolen Wages Preliminary Investigation': Stage One and Two Reports* (PILCH, 2010).
- 6 Andrew Gunstone, 'A History of Exclusion: Indigenous People and Social Security', (2010) 13(2) *Journal of Australian Indigenous Issues* 34-44; Andrew Gunstone, 'Indigenous Peoples and Stolen Wages in Victoria, 1869-1957' in Natasha Fijn, Ian Keen, Christopher Lloyd and Michael Pickering, M. (eds), *Indigenous Participation in Australian Economies II* (ANU Press, Canberra, 2012), 181-195; Andrew Gunstone and Sadie Heckenberg, *'The Government Owes a Lot of Money to Our People': A History of Indigenous Stolen Wages in Victoria* (Australian Scholarly Publishing, Melbourne, 2009).
- 7 This project is being led by Associate Professor Andrew Gunstone from the David Unaipon College of Indigenous Education and Research at the University of South Australia.
- 8 The references for this paragraph are: History Matters, 2009a, above n 5; History Matters, 2009b, above n 5; Gunstone, 2010, above n 7; Gunstone, 2012, above n 7; Gunstone and Heckenberg, above n 7.
- 9 Scott McDougall, 'A Certain Commonality' Discriminating against the discriminated in the compensation of Queensland's underpaid workers', (2002) 5(14) *Indigenous Law Bulletin* 11-14; Sanushka Mudaliar, 'Stolen Wages and Fiduciary Duties: A Legal Analysis of Government Accountability to Indigenous Workers in Queensland', (2003) 8(3) *Australian Indigenous Law Reporter* 1-11.
- 10 Robin Banks, 'Stolen Wages: Settling the Debt', (2008) 12 *Australian Indigenous Law Review* 55-67; Sean Brennan, *'Eventually they get it all...': Government management of Aboriginal Trust Money in New South Wales* (Indigenous Law Centre, University of New South Wales, Sydney, NSW, 2006).
- 11 Thalia Anthony, 'Unmapped territory: wage compensation for Indigenous cattle station workers', (2007) 11(1) *Australian Indigenous Law Review* 4-29; Ros Kidd, *Submission to Senate Committee on Legal and Constitutional Affairs* (Brisbane, Qld, 2006); Ros Kidd, 'Wealth and Poverty', in Andrew Gunstone (ed.), *History, Politics and Knowledge: Essays in Australian Indigenous Studies* (Australian Scholarly Publishing, Melbourne, 2008), 148-167; Stephen Gray, 'Holding the Government to Account: The 'Stolen Wages' Issue, Fiduciary Duty and Trust Law' (2008) 32(1) *Melbourne University Law Review* 115-140.
- 12 Australians for Native Title and Reconciliation (ANTaR), *Submission to Standing Committee on Legal and Constitutional Affairs* (Melbourne, 2006); National Tertiary Education Union (NTEU), *Submission to Standing Committee on Legal and Constitutional Affairs* (Melbourne, 2006); Victorian Aboriginal Legal Service (VALS), *Submission to Standing Committee on Legal and Constitutional Affairs* (Melbourne, 2006); Wampan Wages Victorian Stolen Wages Working Group (Wampan Wages), *Submission to Standing Committee on Legal and Constitutional Affairs* (Melbourne, 2006).
- 13 Senate Committee on Legal and Constitutional Affairs, Parliament

of Australia, *Unfinished Business: Indigenous Stolen Wages* (Canberra, 2006).

- 14 Ibid xiii-xiv.
- 15 Department of Aboriginal and Torres Strait Islander Policy, *Indigenous Wages and Savings Reparation Process Information Sheet* (DATSIP, Queensland Government, 2003); Department of Aboriginal and Torres Strait Islander Policy (DATSIP), *Queensland Indigenous Wages and Savings Reparation Process* (DATSIP, Queensland Government, 2004).
- 16 Brian Gilligan, Terri Janke and Sam Jeffries, *Aboriginal Trust Fund Repayment Scheme: Report of the Aboriginal Trust Fund Repayment Scheme Panel* (Sydney, 2004); Carmel Tebbutt, 'Aboriginal Trust Fund Repayment Scheme Announced' (15 December 2004) *Minister for Community Services, Ageing, Disability Services and Youth Media Release*.
- 17 Australian Associated Press, 'WA to make stolen wages reparations' (6 March 2012); Western Australia Stolen Wages Taskforce, *Reconciling the Past: Government control of Aboriginal monies in Western Australia, 1905-1972 Report* (Perth, 2008).
- 18 Aboriginal Legal Service of Western Australia, 'Stolen wages a 'slap in the face' says ALSWA' (6 March 2012) *ALSWA Media Release*; Queensland Stolen Wages Working Group, 'Survey results call for further negotiation and access to inheritances', (2005) 8(2) *Journal of Australian Indigenous Issues* 44-48; Aileen Teo, 'Stolen Wages Update: Establishment of the NSW Aboriginal Trust Fund Repayment Scheme', (2005) 6(9) *Indigenous Law Bulletin* 12-14.
- 19 Barack Obama, 'Obama: A full partnership with Indian country' (24 October 2008). *Indian Country Today* <<http://www.indiancountrytoday.com/opinion/33211544.html>> accessed 5 January 2011; Nicholas Ricciardi, 'Native Americans win \$3.7b settlement' (10 December 2009) *Sydney Morning Herald*.
- 20 Dick Wynne, *Statement to Victorian Parliament, Legislative Council* (13 October 2009).

How To Vote Part 2, 2009

Bindi Cole Chocka in collaboration with
Jirra Lulla Harvey and Lorraine Connelly
Northey

Pigment print on rag paper
Courtesy of the artist and Nellie Castan
Projects

How To Vote Part 1 & 2 seeks to identify the ways that Aboriginal women were allowed to vote when women were given the right to vote in Victoria. Aboriginal women in Victoria were only allowed to vote if they married white men, left the missions, stopped associating with family and ceased practising language and culture. If at any point they started to do these things again, they had to move back to the missions and were no longer allowed to vote.

