

**Reconciling the Historical Accounts:
Trust Funds Reparations & New South
Wales Aborigines**

Ann McGrath

Australian Centre for Indigenous History

Australian National University

8 July 2004

Copyright @Australian National University 2004

Reconciling the Historical Accounts

(i) TABLE OF CONTENTS

- 1. Executive Summary**
- 2. Key Recommendations**
- 3. Introduction**
- 4. The NSW Aboriginal Trust Funds Reparation Scheme**
- 5. Difficulties of Proof**
- 6. Indigenous Opposition to Trust Funds**
- 7. Evidence**
- 8. Can the Claims be substantiated?**
- 9. Advisory Committee for Documentary Substantiation**
- 10. Time Frame**
- 11. Lists of Outstanding Trust Fund Balances**
- 12. Infrastructure for Documentary Research**
- 13. Work Required to Support Reparations Strategy**
- 14. Research Team and Tasks**
- 15. Risks**
- 16. Conclusion and Future Directions**
- 17. Abbreviations**
- 18. Acknowledgments**
- 19. Endnotes**

1 EXECUTIVE SUMMARY

Past NSW governments did not properly reconcile the trust accounts in which Aboriginal wages and welfare entitlements were paid. Hopefully the NSW Reparations Scheme and others following it will prove a positive and tangible step towards reconciling the historical accounts.

The NSW Trust Funds Reparations package needs to be adequately researched and funded. Financial control and consequent disadvantage suffered by NSW Aborigines under the control of government-led Boards are now to be addressed. If the scheme is hinged entirely upon the chance existence of ‘proof’ amongst poorly kept, patchy Records, this historical lottery will introduce a new layer of inequity. The infrastructure, professional expertise and staff resources required to probe into individual financial records will be costly and such expenditure cannot be guaranteed to deliver the just outcomes intended. For many cases, a less rigorous criterion of proof other than specific moneys owed might need to be considered. For example, a payout to all those who can demonstrate that themselves or their ancestors have endured the control of the Aboriginal Protection Board or Aboriginal Welfare Board, would be money better spent than years of research into a poor archive.

Accounting for the Trusts and trusting the remnant records presents many difficulties. Scant scholarly work on the Indigenous history of New South Wales has been undertaken, due primarily to difficulties of access. Consequently, we have inadequate knowledge of the NSW history of government administration, including Aboriginal Protection, Welfare and Trust regimes. The NSW governance of Aboriginal lives and work was not nearly as comprehensive as in Queensland, and far fewer records remain. Trusting the remnant NSW accounts – financial and narrative – presents, however, as many difficulties as accounting for the Trusts themselves.

In addition to a Reparations payout, many Indigenous people in NSW would appreciate an opportunity to air personal perspectives on the historical injustices in an authorized setting. A process akin to a *Truth and Reconciliation Tribunal* or another kind of *public non-adversarial* setting would provide an important venue in which Indigenous people of NSW could tell their stories and obtain a respectful hearing.

This could work as a companion to an inclusive and non-divisive Reparations formula. Understanding of this vital component of NSW history will enhance deeper understanding of the present position of NSW Aborigines. In conjunction with a Reparations model that is equitable and adequate, NSW could set the national benchmark that leads to a more promising collaboration and reconciliation between Indigenous and non-Indigenous Australians.

2 **KEY RECOMMENDATIONS**¹

Reparations Scheme

- That the NSW government develop a workable Reparations formula and delivery model that becomes the national benchmark.
- That the panel be assisted by an Advisory Committee of experts to inform the historical research policy development and process.
- That research trials be conducted into the feasibility of researching case histories.
- That the variability of the historical record is not cemented in policy as a cause of inequity
- That, in the light of problems of proof, the option of a standardised but adequate payback scheme, and other more cost-effective options, is considered.

History Never Repeats?

- That the costs for the research and delivery infrastructure is not taken from funds allocated to repay private individuals owed money, but would be a separate line from the Reparations Budget.
- That the Reparation scheme adopts a strategy for assessing claims and making decisions about entitlement, which is as inclusive, independent, and identifiably distinct from government as possible.
- That Lists of trust funds owing be identified and made available.
- That lost financial opportunities and consequential cross-generational poverty be taken into account when calculating payouts.

Records and Historical Evidence

- That a strategy for oral history collection and usage be developed in liaison with experts in the field.
- That the NSW government considers a cross-governmental strategy to better support access to Indigenous History records held by government.
- That a better balance be achieved between accessibility of Records held in government Repositories and the need to preserve confidentiality and privacy.
- That the NSW government provides an accessible and inexpensive means for Aboriginal claimants to research the data in its official records, if they choose to undertake their own research.
- That the NSW Government and/or the Panel investigate the Queensland model for collaboration between DAST and QSA.
- That the NSW Government and/or the Panel investigate Western Australian Indigenous history support services.
- That the NSW government holds talks with the ACT government on a common Trust Fund Reparations Package.
- That current copying and digitalization by DAA of all relevant records held at State Records of NSW be expedited.
- That a special incentive scheme be introduced to encourage private record holders to allow records to be copied or held in safe keeping.

Addressing the Missing Information

- That high quality background papers be prepared, including:
 - -A paper on the twentieth century accountancy practices regarding trust funds
 - -A full study of the administration of Aboriginal affairs in NSW, with an emphasis on economic and financial management
 - -A background paper on Board policy and practice in regard to the conduct of the Trust Fund scheme generally, including what happened to moneys owing of deceased wards.
 - -A study of the history of Indigenous people in the workforce and economy in NSW for the twentieth century.

Historical Research for the longer term

- That family and scholarly historical research permission and delivery structures be reviewed.
- That family history research support services be strengthened.
- That an oral history project on NSW Aboriginal workers be initiated as soon as possible.
- That special scholarships for Indigenous history research are supported

Reconciliation further to Reparations

- That the Indigenous people of NSW are consulted about the possibility of a Truth & Reconciliation Tribunal to air their histories of injustice to a wider audience.

3 INTRODUCTION

Reconciling the Historical Accounts: Trust Funds Reparations & NSW Aborigines investigates the feasibility of obtaining the historical documentation likely to be required by the state government's Reparations initiative for NSW Aborigines. Throughout Australia, many Aborigines involuntarily had their wages, pensions, family endowments, inheritances and lump sum payments paid into Trust accounts. Momentum is gathering for a national Reparations strategy for Trust Funds. The NSW government-appointed Panel has been charged with conducting consultations with Indigenous communities throughout New South Wales. The Aboriginal Trust Funds Reparations Panel appointed by the NSW government may have already identified some of the issues and strategies discussed below. While I hope this Report's recommendations will be of value to the Panel, it is not intended to pre-empt their important work, and I hope this Report will also inform initiatives in other states and Territories.

Although *Reconciling the Historical Accounts* concerns historical evidence as proof, wider issues of NSW records delivery systems and administrative infrastructure demanded consideration. In order to facilitate the historical research necessary to provide documentation of Aboriginal claimants for wage and welfare reparations, I have compiled the recommendations at the beginning of this Report and then

discussed below. If implemented, these recommendations would facilitate Reparations research and delivery. While implementation may appear costly, the government has argued for documentation to prove the claimants' cases. Records and research infrastructure thus urgently needs to be put in place to make the government initiative feasible and to deliver a satisfactory result for the Indigenous people of NSW. Such improvements would also be of long-term benefit to community knowledge, historical understanding and potentially to reconciliation.

This report aims to survey the extent of available historical records and to assess the historical research required to identify individuals to whom 'lost Aboriginal wages and payments' are due. With reference to the significant contributions of the historian Dr Ros Kidd in Queensland, this Report was commissioned by the Aboriginal and Torres Strait Islander Service (ATSIS) in the last weeks of the agency's existence. The project was carried out in a very limited time-span. Ann McGrath, Professor of History and Director of the Australian Centre for Indigenous History in the Research School of Social Sciences at the Australian National University, took responsibility for conducting research and writing the Report. Dr Patricia Curthoys worked as a research assistant for this Report. Tim Moe identified significant primary source documents, facilitated the project, and liaised with NSW Departments. Special Access to the restricted records relating to Aboriginal people held by the State Records of New South Wales (SRNSW) was kindly granted by the Department of Aboriginal Affairs NSW on 21 June 2004. A confidentiality agreement regarding use of personal names applies when accessing such records; these were signed by the researchers.²

Professor McGrath conducted interviews and consultations and received invaluable advice from numerous people with a depth of experience and relevant expertise in Brisbane, Sydney and Canberra. Due to the time available, however, it was only possible to contact a small proportion of the people with knowledge of the topic. In collaboration with Dr Curthoys, Professor McGrath also surveyed an extensive range of historical records concerning trust funds and other payments to the Indigenous people of New South Wales. In addition, library, catalogue, web and database searches were conducted in Sydney and Canberra.

4 NEW SOUTH WALES ABORIGINAL TRUST FUNDS REPARATION SCHEME

On 5 May 2004 the Premier of NSW Bob Carr announced a Panel that would consult with Aboriginal communities about the ‘best way for the repayment scheme to operate’. He stated that the people ‘likely to seek restitution’ included:

- Children under the care of the Aborigines Protection or Welfare Board who were apprentices;
- Women who received family and child endowment;
- Recipients of Commonwealth pensions or possibly other Commonwealth benefits; and
- Beneficiaries of lump sum payments.’

Panel members are Brian Gilligan, former Director-General of the National Parks and Wildlife Service; Sam Jeffries, chairperson of the Murdi Paaki Regional Council in Western NSW and Terri Janke, an Aboriginal lawyer. Premier Carr explained:

‘The panel would focus on three criteria under which individuals will be able to make a claim for repayment:

- Whether documents establish that a person is owed money; or
- Whether documents show that money was paid into a trust fund but where there is no evidence of the money being paid out; or
- Whether other evidence can be produced showing that money was likely to have been paid into a trust account and never paid out.’

In the NSW Legislative Assembly on the 11 March 2004, Premier Carr dubbed the Aboriginal trust funds as ‘another legacy of misguided paternalism.’ He formally apologized, stating: ‘I want to assure the Aboriginal community that if we can establish any individual is owed money they will have it returned’.³

Anticipating difficulties with establishing the facts, however, Premier Carr acknowledged that ‘the records are inconsistent and incomplete, and many of the beneficiaries are now dead.’ While he referred to the ‘*miserable nature*’ of the records, the NSW government will require documentary or other proof to substantiate claims. Premier Carr stated ‘the need to discover the truth’, promising: ‘the

Government certainly will do all it can to help find evidence that will support claimants' cases'. While Premier Carr thus implies that documenting the claims will be done at the government's expense, he did not specify who will bear the burden of proof or the precise nature of assistance that the government intends to provide.

In any scenario, historical research requires adequate resourcing. A variety of background information papers and specialist working groups would be required. In order to research the very complex and often inaccessible records that remain, strong interdisciplinary research expertise and a range of staff and additional infrastructure are essential.

Premier Carr stated: "Those funds were held in trust, and our predecessors failed that trust.' Any NSW reparation scheme must therefore be transparent, be of high integrity, and avoid any risk of reinforcing or deepening the broken trust between Indigenous people and the government of New South Wales. A populous and wealthy state, New South Wales is in a unique position to set the national benchmark.

5 DIFFICULTIES OF PROOF: whose proof?

Ostensibly, the Trust Fund system was established to promote the work ethic and thrift. In practice, the failure to return trust moneys to workers who worked hard and long in a coercive labour arrangement was counterproductive. While some managed to spend their earnings, hard work often came with the lesson that the government would take your money and keep it. Saving thus became associated with losing all control over your own finances. Attempting to spend one's savings required government permission, thus bringing added surveillance and intrusion into personal lives and financial decision-making. As in other states, aspirations for acquisitions such as cars, boats and fashionable clothing were thus not encouraged, being considered luxuries above the designated station of Aborigines. Wards and welfare beneficiaries lost opportunities to gain experience in financial management, budgeting and other wealth accumulation strategies. Lost financial opportunity had long term results that also affected their descendents' capital base, resulting in consequential poverty.⁴

The pressing question for this restitution project remains: how will the specific historical facts concerning individuals be ascertained from piecemeal evidence? What records are available and who will go about accessing, researching and interpreting them? In the first instance, would this be the claimant, an assessor, another government officer or an independent advisor? Who would conduct the follow up research substantiation? What special infrastructure, specialist skills and interpretive expertise is required to get as close as possible to the truth?⁵ This report attempts to address some of these questions.

According to the principles behind trust accounts, the onus of transparent record-keeping should be on the parties responsible for administering the trust accounts and not upon their rightful recipients. It is the financial trustee's responsibility to 'keep proper books of account' and they 'must not profit from the trust or have conflict of interest.' A fiduciary duty applies when 'one person is in a position of trust to act for or on behalf of another. A fiduciary 'must not profit from relationship; must not act for own benefit; must have no conflict of interest or intent to gain.'⁶

Given the missing records, for many people, there may be no single document that proves their trust account even existed. Where documentary evidence does not exist, oral history evidence seems the logical alternative. However, many difficulties would arise, as oral history is often not reliable when it comes to figures, financial matters and dates. Old financial records are rarely kept by individuals or families. And in this case most of them were not retained by government authorities.

The oral history of an individual's work history, employers, types of job and entitlements to welfare is more likely to be reliable, and can to be cross-checked with other people or other records. In the case of specific earnings and entitlements in the time-frame under review, the oral history would be coming from descendents or from people who did not necessarily know of their balances in the first place. For the NSW Reparations strategy, a methodology might be developed for collecting, cross-referencing and substantiating oral histories and a trial sample conducted. Comparable methods were applied in collecting information for the Palm Island Under-award case and it was considered that satisfactory tests of reliability introduced.⁷ However, this

would be a complicated research project in itself; prior to implementation, oral history experts should be engaged and techniques trailed.

Recommendation: That a strategy for oral history collection and usage be developed with experts in the field.

Because Aboriginal wage earners or welfare beneficiaries did not usually know their savings balances, they did not have an opportunity to learn to budget, to review their bank balances or to access their own records freely. Wards' wages were below the usual wages for equivalent workers⁸ and it appears that their moneys were often spent by employers or Board representatives on their behalf. During the period under review, New South Wales Aboriginal people were prevented from having access to clear information about their earnings and savings. The employment contract was between the Aborigines Protection Board (APB) or Aboriginal Welfare Board (AWB) and employer, not between employer and employee. It was not possible for wards to check to see if their statements were correct or to check if any errors, malpractice or fraud had occurred. As they were not usually supplied with their own financial details, Aboriginal Trust fund holders were therefore unaware of the total amount owing to them.⁹ This is not to dismiss the value of oral history altogether; valuable facts and contextual insights will be provided by claimants and relatives.

The nature of documentation and other proof suggest that there is much work needed to assess a variety of alternative formulas and methods for assessing and measuring entitlement other than either the documentary record or oral memory. Discussions of existing known records and possible additional sources are provided below.

In order to ascertain the amount owing for a descendent of a trust fund holder, probate records and other evidence would need to be researched and the relevant laws of inheritance applied.¹⁰ What happened to the funds when a ward or former ward passed away is not clear. Many Aboriginal wards died during their apprenticeship and before they reached eighteen. For example, between 1916 and 1928, one in every 12 Aboriginal girls admitted as wards died, which was seven times greater than the rate of premature death for white girls in a similar age group. Despite strict surveillance and restricted access to outside activities, the pregnancy rates for these young girls

were slightly higher than rates for the white population. Of these, 14% of those who gave birth died in childbirth, and rates of infant mortality among their offspring were extremely high.¹¹ Tuberculosis was the other killer, although there is also evidence of deep psychological stress and poor medical attention that exacerbated ill-health.¹² Given the girls had been taken away ‘for their own good’ and denied family links, the APB or AWB lacked the records to inform severed kin of their fate.

Abusive conditions of employment and the punitive nature of Board and police control were strong disincentives against claiming wages owing. Employment conditions of the domestics were often harshly exploitative, and they missed their families, so many domestics absconded.¹³ Once they made contact with police, they would be either immediately returned to their previous posting or sent to another employer. Fear of punishment or being returned to an abusive situation deterred them from going to authorities to claim wages. When people did so, the Board often inexplicably refused their requests for basic necessities such as clothing, or longer-term investments such as housing.

Some employers, such as Joan Kingsley-Strack, refused to pay wages to the APB in the 1930s as they were suspicious about its accountability and inhumane treatment of the girls, especially regarding sexual exploitation, medical attention and financial management.¹⁴ Kingsley-Strack had to pull strings, use her political networks, and concoct numerous strategies to ensure one of her servants received her trust account funds from previous employment. A lone Aboriginal domestic, with poor education, plus a sense of social inferiority often drummed into her, was far less likely to engage in such efforts. Agitating for rights risked worsening their experience of a system in which Indigenous peoples’ characters were so easily tarnished by comments by Board staff.

The long term impact of financial ‘protection’ and consequent disadvantage demands further investigation. Lost economic opportunity had cross generational impacts, reinforcing poor living standards and poor educational and employment opportunities. Reserve-based housing was often condemned as uninhabitable. A range of serious diseases including plague, dengue fever and tuberculosis were rife on NSW reserves. The Trust money could also have been the difference between life and death.

Recommendation: That a background paper should be prepared to ascertain APB and AWB policy and practice regarding moneys owed to deceased wards and the conduct of the Trust Fund scheme generally.

Recommendation: That the lost financial opportunities and consequential poverty down the generations be taken into account when calculating payouts.

6 INDIGENOUS OPPOSITION TO TRUST FUNDS

This documentation survey and research scoping project focused upon the wages banked into trust accounts held in the name of the Aborigines' Protection Board and the Aborigines Welfare Board covering the years 1900-1969. These funds are often referred to as the 'stolen wages'. This term reflects the sense of injustice experienced by Indigenous Australians of New South Wales, who argue that not only was their land stolen, and their children stolen away, but also that their hard-earned wages were taken by government. These policies and actions were endorsed and carried out by New South Wales governments during the period under scrutiny.

Many of the government trust funds were set up to ensure savings during periods of a ward's employment, with expenditure often not permitted until they reached 18 or 21. Under the APB and AWB, for example, an account was set up in a government bank – initially the Government Savings Bank - a NSW government bank - and later at the Commonwealth Bank.¹⁵ Annual interest was paid into these savings accounts. Wage-earners were not provided with passbooks or other statements of their accounts, although a pocket money book was signed by some wards. Aboriginal people resident on reserves or stations sometimes had their wages paid into trust accounts. Paternalistic policies applied, and in order for the money held in trust to be released, permission had to be granted from a government representative.

Many Indigenous people considered this process demeaning and believed they should have the same rights to their earnings as other Australians. Aboriginal people had no choice about placing their earnings and other entitlements in trust. For almost all the period under review, they were forced to do this by state employees acting under state legislation.

Aboriginal resistance to government initiatives to hold their children's earnings and their own earnings in government trust accounts commenced early. From the 1890s, Aboriginal parents refused to permit their children's savings to go into the hands of the Board. Only in Brewarrina could the Aboriginal Protection Board collect the wages of employed Aboriginal children and place them in trust accounts.

According to the Aborigines Protection Board Report of 1906, 'parents of the aboriginal servants and apprentices sent out from the Board's stations will not consent to the wages being banked, showing the necessity for legislation to enable the Board *to control such matters in the interests of the children.*' The Aborigines Protection Act of 1909, which took effect on 1 June 1910, provided the APB with broad powers over children.¹⁶ According to the Act, the Board, under the Inspector General of Police, and with ten other members had to 'exercise a general supervision and care over all matters affecting the interest and welfare of Aborigines and *to protect them against injustice, imposition and fraud.*'¹⁷ [my italics] The Board had no Aboriginal representatives. The Board instigated a child removal policy into various government run institutions and non-Indigenous homes. Once the child reached 14 years, the girls were 'apprenticed' or indentured as cheap domestic labour for middle-class white homes and the boys placed as general hands in rural situations.¹⁸ They were paid very low rates of pay, and were entitled to a small 'sixpence' or pocket money allowance. Many Aborigines complained about not even receiving the pocket-money. The rest of their wages was banked into an Aboriginal Protection Board Trust account.

In 1937, the Aborigines Protection Board was investigated by a Select Committee of the NSW Legislative Assembly and in 1938, the Public Service Board held a wide ranging enquiry into its operations.¹⁹ The Evidence of this Enquiry is available in the Elkin papers at the University of Sydney and at other locations.

Since the 1920s, the removal of Aboriginal children, the apprenticeship scheme that was enforced by police, and the pay and conditions were repeatedly likened to slavery by Indigenous and non-Indigenous activists.²⁰ At the 1938 Day of Mourning speech, Aborigines Progress Association President JT Patten argued for the abolition of

Protection and its Board, for equality in labour conditions, and for financial autonomy for Aborigines:

We ask for full citizen rights, including old-age pensions, maternity bonus, relief work when unemployed, and the right to a full Australian education for our children...As regards the Aborigines' Protection Board of New South Wales, white people in the cities do not realize the terrible conditions of slavery under which our people live in the outback districts. I have unanswerable evidence that women of our race are forced to work in return for rations, without other payment. Is this not slavery? Do white Australians realise that there is actual slavery in this fair progressive Commonwealth?

Indigenous activist Bill Ferguson argued for the abolition of the Aborigines Protection Board 'The Aboriginal is producing wealth, but not for himself. Yet he is not even allowed to have money with which to buy clothes, and food.'²¹

Without the status that full citizenship, political agitation could endanger Aborigines' limited rights, but it was their only hope of ensuring the trust payments to those who had earned them. In the 1941 meeting of the Aborigines Progressive Association, Ferguson was appointed to head a deputation to the Premier of NSW to argue for the appointment of Aboriginal managers on stations and missions and to demand that 'all moneys of Aborigines be taken from the Board and paid direct to the people themselves...' They demanded the disclosure of financial information: 'that a complete list of all moneys held in trust by the Board be sent to the General Secretary of the Aborigines' Progressive Association'.²²

The fight continued throughout the entire period of the trust fund scheme. During the 1930s and 40s, Aboriginal activists worked hard, but often unsuccessfully, to have Trust Funds released for women who had formerly worked as domestic apprentices. In 1991, Walden interviewed a woman who explained that the APB's salary registers stated she was owed 80 pounds for seven years' work, although she stated that she never received any of it. In 1991, a Link-Up worker noted that: 'one of the most common queries of clients, who were ex-apprentices under the APB or AWB, is whether outstanding trust moneys can be recouped.' The Kingsford, Redfern and Aboriginal legal services attempted to assist numerous people to recover APB and AWB wages, but 'the whereabouts of the trust monies remain a mystery.'²³

A cursory survey of government reports reveals large sums accumulating in the Aborigines Protection Board Trust Accounts. In 1897, the APB held over 107 pounds in the Government Savings Bank: 'being wages received in trust from employers of aboriginal children apprenticed from the stations'. In 1899 there was over 245 pounds, and in 1904 about 284 pounds. By 1917, the Account had reached 1,999 pounds. The 1926 Report stated:

Some hundreds have substantial amounts standing to their credit with the Board's trust account-...they are thus in a better position upon the expiration of the term of employment than they would be if allowed to handle their own earnings, which would doubtless invariably be squandered.

The 1927 Report explained: 'Portion of their wages is banked for them [indentured Aborigines] and earns ordinary rates of interest. Most of them have credits ranging from 40 pounds to 100 pounds, and this money is available for them when they attain their majority.'²⁴

Missing Welfare Entitlements

Indigenous people were denied welfare benefits designed for the Australian population as a whole.²⁵ The maternity allowance of five pounds was introduced in 1912, but Aboriginal women were usually excluded from payments. After 1942, payments were made to those considered 'suitable' and by 1959 to most Aboriginal mothers, unless 'nomadic or primitive'.²⁶

In 1927, the NSW government introduced child endowment, but the APB soon used the reason of under spending (or some might say, saving) by some Aboriginal mothers to take over their Family Endowment money. Tests of their 'maternal competence' allowed some to have direct payments made.²⁷ Although many NSW Aborigines were eligible, the Commonwealth's Child Endowment Act of 1941 required special qualifications for Aborigines.²⁸ When NSW introduced old-age pensions in 1901 and the Commonwealth in 1908, Aborigines classed by whites as 'civilised' or 'intelligent' were entitled to benefits, whilst others missed out. After the 1942 amendments, many more Aboriginal people qualified to be paid. Invalid pensions, introduced by the Commonwealth in 1908, were more accessible to Aborigines after 1942.²⁹ War widows' pensions were introduced by the Lang government in 1927 and

in 1943 by the Commonwealth; access by Aborigines was conditional upon the 'civilisation' criteria, and the 1959 amendments excluded only 'nomadic and primitive', a contemporary category not applicable to NSW Aborigines for most of the twentieth century. NSW Aborigines were also largely eligible for Commonwealth unemployment, sickness and special benefits from 1944. However, due to the Trust fund system and other state policies, many NSW Aborigines did not receive these payments.

Child and Family Endowment moneys due to Aborigines often made up over 40% of the APB's annual budget. From 1931, the NSW Reports accounted for child endowment spending. As the APB Chair stated: 'The taking over of Family Endowment has resulted in a very large increase of work, but the results amply repay the effort, and must result in a saving of public expenditure.'³⁰ In 1938, the Board had a total budget of 48,126 pounds, with family endowment representing 41% of its income. The following year, the family endowment was 44% of the Board's total income. Only individuals who could prove that they spent their money wisely were permitted to receive their family endowment directly. Although Reports suggest that the Board were required to account for its use of Family Endowment, its wording admits that funds were spent on basic service provision and many items 'of direct and *indirect* benefit to the children.[my italics]'³¹

Unpaid Wages & Unfair Employee Expenses

Although the APB and AWB were responsible for collecting wages of wards, the Board would not recompense an employee if employers had not paid the wages. Our research identified two cases where trust account holders were refused requests to purchase goods because the employers' payments were in arrears. Only their request seemed to alert the AWB of previous non-payment by employers and the likelihood of recouping such wages often looked poor.

In the 1960s, the Employment Inspection Contract recommended a range of equipment including clothing be supplied to the girls by the employer and the Board. However, it sometimes appears the apprentices themselves had to pay for basic clothing (even uniforms for housecleaning) out of their own savings. In order to obtain a warm dress, one girl had to explain details about snow on the mountains and

her need to wear a good outfit for church. It is noteworthy that employers liked to see themselves as treating the young girls ‘as one of the family’, yet required them to purchase their own outfits to attend family events. One girl who had not seen her brothers since their removal to a boys’ home felt it was her duty to visit them. Despite her meagre allowance, in order to fit this into her short break, she had to purchase a plane ticket and pay for her own board in the town.³²

Many Aborigines in NSW were involved in the wider employment system and economy, however many missed out on the wage entitlements to which other Australians were due. It would be worth investigating whether another round of Reparations should apply more generally to underpaid NSW Aboriginal workers. And whether Reparations should also compensate for the low wages and poor conditions of young apprentice wards under the ‘care’ of past NSW governments.

To sum up, since the 1890s, Aboriginal people distrusted the APB and past state governments with their and their children’s wages and welfare entitlements, but they had little choice but to tolerate a system forced upon them.

- **Recommendation:** That, given the history of trust fund administration, the Reparation scheme adopts a strategy for assessing claims and making decisions about entitlement, which is as inclusive, independent, and identifiably distinct from government as possible.

7 EVIDENCE

Consultation with Experts

Various experts and specialists and a range of people with knowledge in related fields were consulted in Canberra, Brisbane and Sydney. These included Indigenous and non-Indigenous archivists, historians specializing in NSW Indigenous history; oral history; biographers; historians of accounting; accountancy experts, librarians, lawyers and senior retired and current public servants with relevant experience.

Survey of Records

A survey into relevant records in archival repositories and libraries was conducted. Institutions visited and/or collections inspected included the National Australian

Archives, the State Library of NSW, AIATSIS, the National Library, the Noel Butlin Archives, the State Records New South Wales, Sydney Records Centre, The Rocks and Kingswood Repository. Given the time constraints, this survey was by no means exhaustive and further bibliographical research is required on this subject. Studies of the lengthy campaigns for Aboriginal justice in New South Wales have been provided by Andrew Markus, Jack Horner, Heather Goodall, Bain Attwood, Alison Holland and others. Goodall and Read provide the best surveys of government practice and community response in NSW and Walden and Haskins provide useful analyses of the history of Aboriginal female wards in domestic service.³³

Privately Held and Employment Records

A rich array of pastoral and other employer and business records are held by the Noel Butlin Archives in Canberra that provide information on private employment of NSW Aborigines. These include records of the Australian Agricultural Company, Elders, Elders Smith, Goldsborough Mort, AML&F and several other companies with NSW holdings during the period 1900-1960. However, the records are not indexed fully and it would be time consuming to identify the records especially relevant to the Reparations process.³⁴ The National Library of Australia's *Mura Gadi*, a searchable database on Indigenous Resources, provides a pathway into all categories of its collection including company manuscripts.

Regarding personal records, a sense of fear, especially monetary loss, can encourage holders of important historical records to seek to destroy them. It would be important to create public awareness that this is a reparations package involves payback by government and will therefore not involve private compensation. A special incentive scheme for holders to allow records to be copied or held in safe keeping may need to be introduced.

Recommendation: That a special incentive scheme be introduced to encourage private record holders to allow records to be copied or held in safe keeping.

National Archives of Australia

Information about National Archives records can be found in Ros Fraser, *Aboriginal and Torres Strait Islander People in Commonwealth Records: A Guide to Records in*

the Australian Archives ACT Regional Office, AGPS, Can, 1993. Relatively few of the records held at the National Australian Archives concern New South Wales administrative matters. However, the Commonwealth of Australia distributed welfare benefits, including Maternity Allowances, Child Endowment, War and Invalid Pensions and various other payments. The CRS A1 files contain some records that appear relevant, although several are restricted access. Various records concern Aboriginal Administration in NSW, the Board for Protection of Aborigines, including the Wreck Bay Aboriginal Settlement, the Aborigines Welfare Board, pensions and benefits. The Commonwealth was approached to supply labour or to settle disputes about domestic employees from the Northern Territory who had been sent by New South Wales or vice versa. The records on Commonwealth administration of social security benefits are not in alphabetical or name order and would be very cumbersome to research. Many volumes require conservation treatment. These records may contain important files on individual's efforts to obtain payments.

State Library of NSW

Ronald Briggs and Melissa Jackson's *Black Routes through the Library: A Guide to Aboriginal Family and Local History Resources relating to NSW*³⁵ is an excellent starting point. Since this was published, a collection of previously privately held records of NSW pastoral properties is now available and *picman* allows entry into the pictures database on-line. Useful NSW government photographic collections and other historical materials are held on NSW Aborigines. Through its Indigenous Services unit and special exhibitions, the library has a reputation for providing a supportive environment for Indigenous family history researchers. *Infokoori* is a digital resource with an excellent index to several Indigenous newspapers and magazines, some of which published lists of outstanding trust funds. The Mitchell Library holds the Australian Aboriginal Fellowship records which cover the 1950s through to the 1970s.

Elkin Papers

These contain records about Aborigines of NSW during the 1930s and 40s. They contain non-government perspectives on the operations of the Board, including insights from employers who took an interest in the wards' welfare. Elkin campaigned against the APB operations and supported the new structure of the AWB. These

papers are relevant to general politics but also to the workings of actual trust accounts under APB.

AIATSIS and Scholarly collections

Many scholarly sources are available in the AIATSIS collection. The Tindale genealogies are available in the State Library of NSW (SLNSW) and other repositories detailed on the AIATSIS website. Historical studies by Peter Read, Heather Goodall, Victoria Haskins and Inara Walden provide extensive documentary and statistical evidence which verify the often inhumane state control that wards endured.³⁶ Don Elphick's *Aborigines mentioned in the Minutes of Meetings of the NSW Aborigines Protection Board 1890-1939 and the Aborigines Welfare Board 1939-69*³⁷ is a useful guide to those people governed by the Boards. The AIATSIS Family History Unit³⁸ is experienced at facilitating Indigenous history research. Regional libraries such as Moree Library and Muda Aboriginal Corporation also hold relevant records. The records of FCAATSI (Federal Council for the Advancement of Aborigines and Torres Strait Islanders) are another rich source on Indigenous grievances and activism over trust funds.³⁹

Oral Histories

The Bringing Them Home (BTH) oral history project (National Library of Australia) is a rich resource for oral history evidence on NSW Aborigines life and family histories. Easily accessible sources and transcripts make its databases searchable to the general public although some restrictions apply.

A special purpose project to undertake the collection of oral history for the Reparations project should be scoped for NSW. As the name suggests, the BTH project focused upon child removal. An oral history project about working lives that includes memories of financial control would be informative and provide a useful historical resource for future researchers.

Recommendation: That an oral history project on NSW Aboriginal workers be initiated as soon as possible.

Autobiographies and Biographies of Indigenous Australians of NSW

A rich collection of books, films, video recordings, and other materials are available at the State Library of NSW, at the National Library, Canberra, and at AIATSIS. It is fairly easy to access and research these items, so they are not detailed here. James Miller's *Koori: a Will to Win*⁴⁰ provides a richly textured study of Indigenous life in NSW. Autobiographies by Indigenous people of New South Wales highlight the suffering endured by child wards. Margaret Tucker's moving autobiography *If Everyone Cared* and the film *Lousy Little Sixpence* illuminated the tragedies of child removal and child labour exploitation.⁴¹ First-hand Indigenous evidence sheds a crucial and different perspective from a narrow reading of the Archives.

Banking Records

During the 1910s the Government Savings Bank of NSW was the main repository for Trust funds, but for most of the period under review, the Commonwealth Bank managed the Trust accounts. During the 1890s, the Aboriginal stations also used a special account at the Commercial Banking Company of Sydney (Limited) While the Commonwealth Bank Archives should be extremely significant, previous researchers have not identified trust account records there, and for this Report, there was insufficient time to investigate these Archives. Presumably files from the Government Savings Bank of NSW were transferred to the Commonwealth or Rural Bank. Family Endowment was paid into the Rural Bank. The Commonwealth Bank Archives in Sydney are recommended for further research and to obtain advice.⁴²

State Records NSW

The Aboriginal records held by the State Archives NSW are known to be poor, with many types of key evidence and time periods missing, yet they are nonetheless the most significant and most extensive documentary coverage of the trust fund issue. Scrappy evidence is in part explained by the late introduction of the Archives Act into NSW in 1960. Lack of legislative protection led to unsuitable storage and poor maintenance. When leaving their posts, managers of Aboriginal stations were permitted to destroy records. The APB's record keeping in regard to Wards and other matters was criticized in the 1930s. Many people wonder about the missing Aboriginal administration files and whether they will turn up one day. Although

Linkup and various researchers have made efforts to find them; State Records NSW has actively searched and so far has been unsuccessful.

A Guide to New South Wales State Archives relating to Aboriginal People provides an excellent pathway into state records specific to Aboriginal administration. It contains a summary of legislation regarding Aboriginal people in New South Wales and a chronology of significant events.⁴³ Summaries of the administration of Aboriginal affairs have been included with reference to the relevant Acts and their amendments. These are especially crucial in demonstrating the powers of the Protection and Welfare Boards. A basic understanding of legislative changes and responsibilities is required to research these archives.

In our State Records (SRNSW) research, we sampled over 49 files and records (including bound volumes and indexes) and found that these contained much instructive material on the administration of Trust accounts and other payments. Important insights into the workings of Trust Funds might be gleaned from these records but in order to interpret them, they require diverse interdisciplinary expertise and the preparation of background papers. *Aborigines Welfare Board: Manual of Instructions to Managers and Matrons of Aboriginal Stations and Other Field Officers* (NUA 180, container 1, item [14] was published in 1941 and was still in use in 1963. It contains the specific instructions about the management of Family Endowment and the Maternity Allowance (for ‘aborigines not possessing a preponderance of aboriginal blood’ p 39). It also details arrangements for employment of wards and the management of trust accounts (p 52). *The Minutes of the Select Committee on the Administration of the Aboriginal Protection Board 1938* (available at AIATSIS and elsewhere⁴⁴) and the record of the Public Service Board Enquiry of the same period,⁴⁵ contains useful information about the conduct of everyday business, including critiques of the APBs that led humanitarians and administrators to call for this level of scrutiny. The Report criticized the APB’s incomplete record keeping: ‘The records of the Department in respect of apprentices are not as complete as they should be. The follow up, especially in the country...leaves something to be desired.’⁴⁶

A range of financial records were also inspected. These included Brewarrina Trust Accounts for Apprentices Fees for 1893-5 and the Government Auditor's reports from 1915⁴⁷ and 1920. The Auditor urged the clearing of some accounts still outstanding; explanations followed by Mr Pettitt, the Secretary of the APB.⁴⁸ Trust Account details, including Reconciliation Statements for 1939-1942 were available and there were a long list of unpresented cheques. Most payments were made to local businesses and were posted out. At the time of some Audits, many were undrawn. Circular Books contain a variety of instructions regarding Accounts of the 1950s.⁴⁹

Trust Account Ledgers from 1897-1921 contain lists of individual transactions, savings and interest, with annotations on employers, wages and expenditure. Different initials, ticks and other symbols indicate auditing procedures, but signature matching and accountancy expertise⁵⁰ would be required to interpret the meanings of these details. Salary registers exist under individual names for 1922-32. These also appear to be audited but the whereabouts of receipts and other documentation is unknown. There is no sign of matching correspondence, receipts or other records that substantiate expenditure on behalf of the ward. Signatures or other authorizations by the ward are occasionally found in correspondence relating to other time periods.

The Correspondence Files represent the greatest bulk of information; they are vast and will take years to fully index, let alone to fully research their contents. Restricted to the years 1949-69, these vast records will be very significant to potential claimants and their descendents. They contain AWB forms including work agreements stating pay rates for wards and payment arrangements, the division of pocket money and savings. They also detail essential items that the Board was to supply the ward up to the age of 17, after which they had to use the pocket money to buy their own. There are records that revealed that the required pocket money, 'the lousy little sixpence', was not being paid by employers. Records relating to trust accounts and endowment include individual financial details with many personal names. In 1958, lists contained the names of individuals and funds owed to them, some with details of cheque numbers paid out. These would need to be checked against Bank records to prove receipt. This huge Collection will prove an important source of information, including for cases of Aborigines whose funds were transferred from Queensland and other states.

Admission Registers to Aboriginal Schools document children who were wards of the state. There are a couple of examples of 'Girl's Receipt Book for Pocket Money Received'.⁵¹ Correspondence reveals cases where wards requested withdrawals after completing their terms of employment, to find employers had been in arrears or had not paid their wages at all. The Board consequently refused to allow withdrawals. There are various decades not well covered by the records. All the Inward correspondence is missing until 1949. Other correspondence is patchy. There is no continuity in the financial records or in the types of lists that were kept. An extensive research project may fill in more pieces of the jigsaw, but we cannot predict whether the final picture will be recognizable.

Records pertaining to Aboriginal people are in a range of government records. Treasury Records and the Chief Secretary's Office files require research. The Chief Secretary files demand laboriously following through old filing and numbering systems and would require months of work to find anything. They are likely to contain vital information but the time required is difficult to estimate. Child Welfare Authorities held records about many 'stolen children' who were not taken under the auspices of the APB or AWB. It is difficult to ascertain which records pertain to Indigenous children from these files.

Re SRNSW: A new index to the Correspondence files is currently being compiled. Other indexes are available, but this new one will be more comprehensive and searchable. It is crucial that this product can be delivered electronically with user-friendly search tools. A fast-track delivery of digitalization is required. As I understand it, the first phase of the indexing is almost completed, but at the current rate of progress, it is estimated that another 8 years of work could be required. The project may well stall due to lack of funding. It is important to ensure an adequate budget is allowed to complete the indexing and digitalization projects.

Recommendation: That current copying and digitalization of all relevant records held at State Records of NSW be expedited. This would apply especially to the records as outlined in *A Guide to New South Wales State Archives relating to Aboriginal People* 1998.

8 CAN THE CLAIMS BE SUBSTANTIATED?

While there is a bulk of evidence held by the State Records Authority NSW that pertains to individual wards, trust accounts and account administration, 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 spent, or where the unspent moneys went. Why did the funds transferred to NSW Department of Community Services (DOCS) amount to so little? Did the funds go to Consolidated Revenue? If so, how many times did this occur? Why did the lists of funds owing suddenly contract from very long lists in some years to the shorter lists of the 1960s?

While more sustained research will deepen the picture of how Aboriginal policy in NSW was administered and how it impacted upon Aboriginal people, it is unlikely that it will unearth the full facts about what happened to the Trust Funds, especially in the individual cases.

Although ascertaining an individual's entitlement to trust funds is pivotal to the current Reparations project, I am not aware of any test cases having been researched in NSW to see how long this would take or indeed, if it is possible to track the amount owing for any one individual. Even with the far more extensive Queensland records, efforts to track any one individual's work history have proved impossible. In my own searches in APB records for a matching time period, I noted no reference to two specific female apprentices whose identity I knew from other records.

Professor Peter Read of the Australian National University has conducted extensive research in the NSW records for his Doctoral thesis and during the early 1980s for Linkup, the organization which assists the 'stolen children' and their parents to locate their families. He was therefore highly motivated to identify evidence, however piecemeal, of personal histories. Of his estimated 10,000 children removed from their parents, he only found individual files for 650 state wards. Where are the remaining files? He suspects many children were admitted under the broader Child Welfare regimes, but it would be difficult to ascertain if they were Aboriginal children. He believed 'a dot or a cross' may indicate an Aboriginal child, but even this potential

clue is uncertain, and few of these files have been viewed. Read was not permitted access to these records at all, which he believed amounted to approximately 80,000 files and which, during the 1980s, he attempted to have made more accessible with a data base project.⁵² These matters are also discussed in the *Bringing them Home* Report.⁵³

Read cited two high profile cases, one a NSW litigant, and another one of the founders of Linkup, who had never found a single file about their personal history. This was certainly not for want of trying or for want of enthusiastic research teams assisting their efforts.

Although a NSW project, the TFRS would also have to address the movement of Aboriginal people across state borders. Aborigines moved interstate under the orders of the APB and AWB and of their own initiative. NSW Aboriginal apprentices were sent to be domestic servants to the ACT and Northern Territory, whilst Northern Territory Aborigines were sometimes sent to NSW. In some cases, substantial Trust Fund accounts of Queensland Aborigines (Qld Aborigines under the Act were obliged to have wages paid into trusts as adult workers) were transferred to NSW. Queensland Aborigines residing in NSW then had to request permission of the NSW authorities to access their funds. The ACT case is unique in that the Territory was previously part of New South Wales and Aborigines from around the district often lived in both the ACT and NSW at different times of their lives.⁵⁴ Interstate movement cases would require liaison with other state, Territory and Commonwealth records authorities. Due to administrative overlap and residence patterns, the ACT government might wish to work with the NSW government on a common package.

Recommendation: That the NSW government holds talks with the ACT government on a common Trust Fund Reparations Package.

Due to the piecemeal nature of existing financial records, the lack of substantiating and complementary records renders it almost impossible to detect cases of ‘fiddling the books’ or to disguise poor record keeping down the line. The detection of accounting malpractice, outright fraud and deception would be difficult.⁵⁵

Child removal policies that completely broke up families will obviously create gaps in family history knowledge that impacts upon the return of moneys. It is only recently, with the assistance of Link-up and the heightened awareness brought about by the Bringing Them Home Enquiry, that many people have been able to locate their kin.

A past history where wards experienced premature death, where families were broken up and connections often completely lost, plus the lack of Indigenous financial experience and education, greatly complicates the process of gathering sufficient knowledge and evidence of Trust Fund entitlements. The difficulty of scrutinizing the remaining records presents serious obstacles to reconciling the historical accounts.

Recommendation: That the feasibility of researching the Archives for individual documentation be investigated with a view to considering more cost-effective options such as the granting of lump sum payments to the broader group affected by 'Protection' policies.

9 ADVISORY COMMITTEE FOR DOCUMENTATION

Recommendation: To assist the panel on documenting claims, it is recommended that the panel be assisted by an Advisory Committee of experts who could usefully inform the policy and process of researching historical records. Its membership might include:

- an experienced archivist;
- a senior historian with special expertise in NSW Indigenous history
- an Indigenous family and personal history expert
- an expert in oral history collection and critique;
- an expert in the history of accountancy and/or banking
- an expert in NSW administrative history and/or practice.

Additionally, a range of people from other organizations that have insights into available records and their use could be invited onto the panel in an ex-officio or specialist capacity. These may include one or more representatives from:

- the State Records Office of NSW
- the Department of Aboriginal Affairs
- the Department of Community Services
- a University-based Indigenous Research Centre
- a Link-up officer
- an AIATSIS Family History Unit representative
- a SLNSW Indigenous Services officer
- ATFRS Claimants or their Representatives

Substantial Indigenous representation on such an Advisory Committee would be anticipated.

Some of the pertinent issues about which this Committee could provide advice of use in Panel's report of October 2004, would include:

- an appropriate time-frame
- a method of compiling cumulative lists of outstanding balances
- equity issues arising from variability of remnant historical records

10 TIME-FRAME - 1900-1969 OR 1890-1979?

The historical Advisory Committee should investigate the chronological cutoff dates to weigh their appropriateness for the project in the light of the historical record. The period cited by the government for reparations is 1900-1969. Although there was no legislation formally supporting a trust account policy, in the 1890s, there are numerous references to trust accounts held by government agencies including in the Annual Reports tabled in Parliament.⁵⁶ The Aborigines Act, 1969, established a new administrative body. Section 7(i) of this Act took over responsibility for debts, moneys and claims. Section 20(2) also stated 'Where any moneys in the Aborigines Assistance Fund were received subject to a condition to which the corporation or the Board has agreed, the moneys shall be carried to a separate account in the Aborigines Assistance Fund and shall be applied in accordance with the condition.' Although the Act does not suggest this to be the case, it would be worth investigating whether wages and other funds continued to be collected by the new Directorate.⁵⁷ Further administrative changes followed during the 1980s and 1990s, which I will not attempt to document here.

11 LISTS OF OUTSTANDING TRUST FUND BALANCES

Available lists should be brought together and made available. Various lists of Outstanding Trust Funds exist in a range of sources. The ATFRS website refers to a list from Unclaimed Moneys in 1970 and refers to lists from 1938, 1940, 1958 and 1969.⁵⁸ Lists were published in the Aboriginal newspaper, *The Dawn* and the *New Dawn*, some details of which can be searched at *Infokoori*.⁵⁹ Linkup has been researching a range of lists of trust funds balances of which it holds copies. Private individuals also claim to have lists. During the State Records NSW survey we conducted for this report, we uncovered a number of lists in Correspondence Files of the APB and in other archival records. Other lists could be compiled from ledger books and various financial records. One of the most substantial lists of outstanding trust fund accounts was published as an Appendix of the 1938 investigation into the operations of the Aboriginal Protection Board, NSW Legislative Assembly Papers. Over the decades, outstanding trust fund lists vary significantly in length and dimensions, in some years contracting to small lists that do not seem to match up with the earlier lists.

At times, often following with departmental reviews or political agitation, officials engaged in a flurry of activity to attempt to contact individuals entitled to moneys. Many vital details are at this stage unknown. For example, did the APB or AWB write off unclaimed balances after a certain amount of time passed? Were funds transferred to Consolidated Revenue in particular years? Did the APB and AWB transfer moneys from private accounts to fund its general business? Did they pay out the amount in full when a trust account holder died? Of the files available, it is difficult to know what was going on in the book-keeping. It is by no means transparent. Who made the deductions? To whom were they paid? What were they for? Who authorized the expenditure and did the ward consent? It is unclear whether their consent was even required. In any case, we do not have the corroborating evidence.

There was no one pattern. The regulations and administrative procedures varied according to changing managers and bureaucrats and new instructions in departmental Circulars.

Recommendation: That Lists of funds owing be identified and made available to potential claimants. (Some privacy issues will apply.)

12 INFRASTRUCTURE FOR DOCUMENTARY RESEARCH

Research Gaps

Substantial research work to ascertain basic facts is required before any individual cases can be researched. NSW is lacking a general, chronologically broad history of Aboriginal administration. There is nothing of comparable length to Ros Kidd's *The Way We Civilise: Aboriginal Affairs – the untold story*, University of Queensland, Brisbane, 1997. While Heather Goodall has produced a reliable overview history of Aboriginal administration⁶⁰, further closely detailed work is required. In order to understand individual cases, it is necessary to have a solid understanding of the operation and administration more generally and more specifically. Little is known of the concrete details of how the trust funds operated, let alone the even less researched histories of family endowment, maternity and pensions for Aborigines in NSW.

An up to date history of the Aborigines in the workforce in New South Wales, where they played such a vital role in the general economy, would provide a useful record

and extend public awareness of the significant role of Indigenous people in the development of the New South Wales economy. The records of the Australian Agricultural Company are a rich resource, as Mark Hannah has demonstrated⁶¹, and a range of pastoral and other business records are available at the Mitchell Library and the Noel Butlin Archives at the Australian National University. Important studies of Aboriginal participation in the labour force in southern NSW have been conducted by J. Hagan and R. Castles.⁶²

A history that focuses on Indigenous struggles for wage equality and financial autonomy would be useful. Historical analyses published to date have stressed the history of struggle for land and histories of institutionalisation. A sustained study of employment, wages, financial paternalism and its long term impact would be valuable.

The topic of Aboriginal history in New South Wales has been under-researched. Although a range of valuable autobiographies and biographies are available, since the 1980s, there has been limited sustained scholarly research. Consequently many of the basic facts are not known and the processes have not been analysed. The history of Aboriginal affairs in New South Wales is therefore poorly understood.

Queensland has set up a support infrastructure to enquire into individual Reparations cases that appears to work quite well in providing relevant historical documentation. It would be advisable for the Panel to consult at length with the Work and Savings Histories Branch (WSH) of the Department of Aboriginal and Torres Strait Islander Policy (DATSIP) housed in the impressive Neville Bonner building. They are administering the Queensland Work and Savings Reparation Process (1890s-1980s; QWSR) scheme. They are aware of what strategies have worked, what could be improved, the difficulties, risks and pitfalls in the historical research process and the ways in which such schemes can be administered and value added. They are especially sensitive to the disappointments that can follow claimants' often high expectations. They are knowledgeable about the problems involved in researching probate and other records relating to deceased people and the difficulties of applying laws of inheritance over multiple generations.

Queensland's situation is different in many ways to NSW, both historically and in relation to the remaining records. Aboriginal child apprentices in NSW had money placed in trust accounts, as did many other Aborigines entitled to government benefits. NSW Aboriginal adults, however, generally found their own employment and were paid their wages directly. Under its Aboriginal Acts, Queensland Aborigines were far more comprehensively under state control and surveillance than NSW Aborigines. The government controlled employment agreements and a portion of wages were paid into Aboriginal administration and government Trust Fund accounts throughout their adult working lives.⁶³ This led to vastly more records being kept, including 1000s of Ledger cards and receipts, and in comparison with NSW, the records were maintained far more satisfactorily. Name indexes and photocopied records are available. While completing the digitalization project for relevant Aboriginal records has been much slower than anticipated, most records were electronically searchable by the research team.

Despite their records being so extensive, when Queensland officers conducted trials to attempt to document one person's full work history, they found that it was not possible to obtain a complete history. An experienced staff member worked on what was predicted to be a relatively well-documented case study; yet after six months intensive research, a gap of several missing years remained. The Work & Savings Histories Branch currently employs two highly trained and experienced historians as well as senior administrators and a range of staff at different levels with diverse research, assessment and educational responsibilities.

Prior to the introduction of the Reparations scheme, the Queensland Aboriginal records infrastructure was already well advanced. They had developed a strong and effective collaborative strategy for co-operative links between DATSIP, the State Archives Authority and community-based research clients. Unlike Department of Aboriginal Affairs in NSW, DATSIP had already established a well-staffed Unit known as the Personal and Family Histories Unit [PFHU]. They had established a streamlined and responsive access system that is well supported by expert archival advisors. DATSIP collaborates closely with the Queensland State Archives. PFHU upgraded file numbers and created various systems and guides to enable greater accessibility to the records. The Queensland State Archives provides a large room at

the Runcorn Archives for a permanent office which is attended by PFHU staff. Their staff - a substantial team of researchers and qualified archivists, including an Indigenous archivist - rotate to spend part of their week at the Runcorn repository. They work with Archives staff where clearances and confidentiality agreements are required and in the case of sensitive records, they 'mask' the names and provide usable photocopies for the researchers. This Unit supports both community and family researchers doing their own research. An important function is that they will actually undertake research for Indigenous individuals and families. Government agreed for them to take on this role for various reasons. Many Indigenous people live far from the urban center of Brisbane. Travel and record copying would prove expensive. Importantly, most people are not trained or skilled in the complex process of archival research. The PFHU has made the Wages and Savings Reparations a priority and work very closely with the Queensland Work and Savings Reparation Process Unit. While the PFHU is unfortunately experiencing a backlog of up to two years, this reflects both the pressure created by the prioritized demands of the Wages and Savings Reparations, in conjunction with the strong ongoing demand for general research services by Aborigines.

In Queensland, research into the history of Aboriginal-white relations is quite lively and healthy. Academic researchers have consequently been producing a steady stream of quality theses on Aboriginal history. These include work on the government role in its administration based on the Queensland archives, and several projects are in progress.⁶⁴ Many Indigenous people are reportedly pleased with the services provided and the Research room at Runcorn is frequently buzzing with research activity by Indigenous people investigating their own family histories.

In NSW, it is a widely-held perception by both Indigenous and non-Indigenous people, scholars and public alike, that it is extremely difficult if not impossible to undertake research on NSW records relating to Aborigines. Clearly there are serious concerns about public access to these records, especially as they are often of a highly personal if not an insulting nature. While caution must be exercised to control access to and later use of private information, procedures such as the masking of names and the implementation of access agreements can be put in place to ensure reasonable privacy.

Due to the NSW records legislation and special requirements regarding privacy and confidentiality for Aboriginal records, it is currently very difficult for Indigenous family historians and academic researchers to obtain permission to inspect files. Academic colleagues have reported waits of eighteen months to three years for a decision.⁶⁵ If permitted, access is then restricted to specific and limited file requests, thus curbing the scope of research. At repositories, only one file may be used at a time. It is important for historians to view a range of cases to ascertain general patterns and the big picture, as was effectively done in the earlier broad studies of the APB and AWB undertaken by Goodall and Walden. Archival records present a maze for experienced historians, let alone untrained interested parties. The Kingswood repository, where nearly all the records are now held, is not well served by train, bus or taxi. If traveling from Central station, return public transport and multiple connections require up to four hours per day, which would prevent those suffering ill-health and the elderly from inspecting records. For Indigenous people from outside Sydney, return travel and accommodation and transport within Sydney are expensive. Photocopying at 45c per page is prohibitive. (Births, deaths and marriages records are more expensive to access.) Requiring claimants to undertake research would introduce equity problems, for some claimants would have the knowledge, time and money and many others would not.

Many records are closed and only in exceptional circumstances is special access gained to restricted documents. A digital data base, accessible from the Rocks City office of the SRNSW, would make research easier. Special spaces would need to be set aside which allowed for privacy and the personal impacts of often distressing information. Counseling services may be required on site. Data base access from regional libraries or Indigenous Councils or Offices might be considered, although a high level of specialist expertise is still required and the confidentiality requirements could be difficult to scrutinize. Another suggestion, especially if data bases of SRNSW records were available, would be the Mitchell Library, with its lively Indigenous Services unit, and its status as a popular destination for Indigenous history researchers. If available for a new use, the former manuscripts reading room of the Library, a discreet space currently closed, could be ideal.

Under present conditions, for many reasons, it would not be feasible or advisable for claimants from around NSW to undertake their own documentation. Yet they may not be entirely happy about sensitive research into a failed Trust arrangement being entirely in the hands of government.

The scant scholarly projects undertaken on Indigenous history in New South Wales, especially pertaining to government administration, may be partly explained by permission and access difficulties, especially due to restricted access to personal records and the ethical responsibility to preserve privacy. The process of gaining permission to access records is thus viewed as too high a hurdle by many researchers, especially early career scholars who often undertake the most significant research into new subjects. While changes have been made in the last ten years to improve this situation, the system needs to become more researcher friendly to both community-based and other historical researchers.

Opponents may need to be reminded that knowledge of history can be empowering. Only with more quality research into the full records will we understand the full picture of what happened to the Aborigines of New South Wales. The lack of research activity using the State Records is a troubling trend, for continuing ignorance of history will deter deeper understanding of the present position of NSW Aborigines.

Consequently, there is an urgent need for greater balance in the NSW approach to records access – privacy and confidentiality issues versus value of access to information for a range of user groups. Decisions often need be made quickly, for the research process can be unpredictable. Inspecting files on one theme can present clues to other sources, so researchers then require access to a range of other files to follow up. The permissions regime needs to be responsive in such cases. And the process should be more readily understandable and transparent. The individuals involved in the difficult, highly sensitive process of administering the permissions process are conscientious and committed to ensuring access principles are upheld. The process, however, must be supported with increased staff resources. A protocol should be developed so that user groups are not discouraged or dissuaded from their research.

The NSW archivists are highly qualified and several have acquired deep knowledge of the collection. Some have a superior understanding of certain records and are skilled at lateral approaches to identifying information. The Indigenous Liaison officer and qualified archivist Kirsten Thorpe plays a crucial role. However, it is clear that such specialist archivists are stretched and have no time capacity to undertake development tasks in addition to their current duties.

For the Stolen Wages Reparations, an improved historical research infrastructure should be formulated to ensure an enlarged and effective collaborative model between departments. These would include the Department of Aboriginal Affairs, the Department of Community Services, the State Records Office of NSW, and the State Library of NSW.

Recommendations:

- That a research delivery system for Reparations be developed that provides a sense of transparency and a level of independence from government.
- That the NSW government provides an accessible and inexpensive means for Aboriginal claimants to research the data in its official records.
- That the NSW government considers a cross-government strategy to better support access to Indigenous history records held by government.
- That a better balance be achieved between records access and the important need to preserve confidentiality and privacy.
- That the NSW Government and/or the Panel investigate Western Australian Indigenous history support services.
- That the NSW Government and/or the Panel investigate the Queensland model for collaboration between DAST and QSA.

13 WORK REQUIRED TO SUPPORT REPARATIONS STRATEGY

Many of the State Records Authority records are not indexed and therefore difficult to access. A current indexing of AWB Correspondence needs to be expedited. Many records are photocopied but they are not yet digitalized. In order to cross-reference files, to access them easily and to allow multiple researchers to research the files simultaneously, the digitalization and indexing must be completed and a searchable

data base set up. These projects would all have to be scoped for timing and budgetary implications.

Basic knowledge and information on a range of topics of crucial importance to the history of savings and welfare schemes is not available. Consultation with former public servants who worked in Treasury, for the last years of the APB, the AWB and the Directorate, or the Premier's Accounts Department, and former managers of stations would shed light on government clerical and accountancy practices during the period up to 1969. Procedures and everyday record-keeping practices require inside knowledge. The 'Blue Books', available at major libraries and the State Records Office, contain lists of names and positions of government employees, and their dates of birth. In order to locate some of these individuals who may have worked on accounts relating to Aboriginal people or in a related area, telephone and other searches could be undertaken and newspaper advertisements posted. Staff of the Commonwealth Bank Archives should also be able to offer interpretative insights as well as knowledgeable contacts.

Recommendation: Funding is required to ensure the above projects are undertaken urgently. While full analytical research projects cannot be completed in time to inform the reparations project, some high quality background papers on the above topics are essential.

- A paper be compiled on the workings of twentieth century accountancy practices relevant to trust accounts
- A study of the history of Indigenous people in the workforce and economy in NSW for the twentieth century.
- A study of the administration of Aboriginal affairs in NSW, with an emphasis on economic and financial management

As noted above, to support research the NSW government should:

- Review research delivery structures
- Review support services

- Consider ongoing joint approaches to digitalization projects (such as the one currently funded by DAA)
- Fast-track development of data bases relevant to Aboriginal administrative records

In order to make such studies feasible in the short and long term, new strategies and support structures should be put in place to enable scholars, family and community historians to access the NSW Records.⁶⁶

14 RESEARCH TEAM AND TASKS

A team of senior managers, administrators, specialist researchers and assistants would be required to form an effective management, research and assessment team. Possibly one section of the Reparations History Research Unit (RHRU) would be based at the State Records Office and another at DAA and DOCS. If the work is to be carried out by a government agency, a cross-divisional Unit with assessors and researchers would be preferable to separate units. Much of the primary research would have to be conducted by a government-funded Unit, but public access for individual research, scrutiny and cross-checking would also be required.

In order to research individual cases, preliminary background research information is necessary. Otherwise it is not possible to interpret the evidence, which can only be understood with knowledge of the broader context and more insight into the specifics of the government's administration of the process.

A researcher should be engaged to attempt to research the account records of ten individuals. Such a feasibility project would enable the government to predict the staff numbers and time required for research to be conducted.

Recommendation: That research trials be conducted into the feasibility of researching case histories.

Given the cross-departmental nature of the work, arguments for an authority independent of government may be prominent. There are other reasons for this,

including the Indigenous community's suspicions that will naturally arise, given past history, about government accountability and motivation in identifying expensive payouts. Existing independent organizations such as Linkup may be willing to undertake such research, but while it certainly has the experience, it has other priorities. The AIATSIS Family History Unit and NLA's Indigenous Services have rich expertise and library resources. University based research centres would be unsuited to undertaking claims research but could establish a dedicated unit to provide high quality background papers. Professional historians contracted by government could offer their expertise in a range of capacities. These models need to be carefully thought through as they will be crucial to the success of this reparations initiative. If restitution for past injustice is the main goal, model strategies and implementation methods are essential. While decisions about research and delivery mechanisms would need to be balanced with administrative reality and smooth delivery, *trust and sustaining trust* via transparent processes and delivery mechanisms must remain a primary goal of the Reparations strategy.

If each claim has to be documented, a large team would be required to undertake work at an adequate pace. If the process was envisaged, say as a four year reparations scheme, at least eight months might be put into planning and scoping the delivery procedures, having administrative structures, data bases and other structures in place. Without knowledge of the potential number of claimants, it is difficult to scope the extent of the research project.

While poorer records may suggest less research time is required, this is not the case at all. Missing and inadequate records mean that more sources must be investigated, more files of tangential relevance trawled through in the hope of uncovering scraps of information. If claims were to be made and assessed over a four year period, I would envisage at least 6 researchers be engaged full time, under the direction of a senior manager and a deputy. Some of these researchers might also perform the role of assessors, but if they were to fulfill any dual role, matching additional staff would be required.

Archival research is not entirely predictable so it would be very difficult to estimate the research hours required. A finding of entitlement or non-entitlement to reparations

payment would have to be provisional, as it would depend on the lottery of whether material would turn up later to prove or disprove an entitlement. The level of documentation required to warrant and prove a claim will obviously impact upon the length of time required for the research process and later-follow up work. On the understanding that further information might be uncovered, payments might therefore need to be provisional, pending evidence.

15 RISKS

A Risk Assessment Strategy should be put into place during the project scoping phase. The NSW Reparations initiative is not just a strategy to avert litigation but one that aims to deliver justice. Nonetheless, given that politicians are still inclined to say ‘trust me’, and that the TFRS concerns government run ‘trust accounts’, unwelcome ironies arise.

One of the key traps for government in attempting to make reparations to the Indigenous people of New South Wales would be to repeat the mistakes or to compound the injustices of the past. This could well be the outcome if the government resorts to cheap or poorly researched options. The NSW government has established a Panel to make amends for past wrongs, to deliver an equitable and fair outcome. As with any ambitious and idealistic program, however, there are attendant risks. These might, for example include issues arising from the following factors:

- Skepticism about whether a more recent government could be trusted with finding proof of entitlement
- Distrust and lack of knowledge of records and/or of research process
- A sense of unfairness due to the lottery of being in the record, which has little to do with justice or even whether moneys are owed
- The disappointment of not appearing in the records
- The disappointment if a researcher could prove a full pay-out had been made
- The psychological impact of disturbing evidence being found as part of research process
- The sensitivity of others critiquing the cherished memory handed down by a loved one or a deceased relative.
- Distrust of original documenting and recording processes

- Poor information and false expectations
- Disgruntled people whose expectations were raised and not met
- Perceived or actual lack of parity between claimants
- One community or family member getting payment and not others
- Hard workers resent low entitlements
- Sense of differentials in current financial needs of recipients
- Problems of inheritance and succession law
- Missing children from child removal policy may mean missing relatives and missing funds
- A case of fraud that puts whole scheme into disrepute
- Difficulties in detecting fraud and inaccuracies in earlier account keeping
- A renewed sense of distrust in government
- An invigorated sense of injustice due to discriminatory policies and economic disadvantage that individuals hoped the reparations program would redress.

Some of these risks might be addressed by careful, concise, policy statements, by clearly set-out explanations of process, by high quality information sessions, education and consultations. The strategy may also require the provision of counselors and follow-up counseling. A range of highly trained advisors should be available to provide information about the process and to explain the ways decisions will be reached.

16 CONCLUSION & Future Directions

While the Premier of NSW acknowledged administrative difficulties in processing Reparations payments, the required historical records research and analysis demand a vast amount of research by a large team of well-qualified and experienced researchers. A range of structural initiatives and research infrastructure are required in order to make the research project feasible.

Given the paucity of records, it may not be possible to find individual documentation about most people. The likelihood of finding conclusive evidence for most claimants is very low. Then there is the problem of interpreting and scrutinizing available

evidence against few complementary sources. The remaining records of the 'trust funds' are piecemeal and it is very difficult to ascertain who earned how much money, how much was paid out to wage-earners, and how much was due to them. In many cases, an assessor may not be able to find evidence at all. The feasibility of critiquing the extant records without the verification, contextual and explanatory value of the missing complementary records, is uncertain. Difficulties will arise when Indigenous claimants are presented with an assessor's unfavourable interpretation of evidence or possibly the failure to identify any evidence at all. If the assessors do not appear entirely independent of government budgetary exigencies, claimants' disappointments will be exaggerated.

Before any implementation strategy is formulated, test cases need to be researched to investigate whether it is actually possible to research individual claims. The meaning of many early accounts statements and book-keeping documents are not easy to analyse because complementary records are destroyed or missing. Any oral history strategy should be carefully planned. Adequate planning, expertise and the preparation of well informed background papers would enable the historical documents to be more adequately interpreted.

Whilst one should not replace the other, in addition to financial Reparations to individuals, the Panel and the New South Wales government might consider a range of complementary and more far-ranging activities associated with airing and redressing historical injustices. Especially if divided amongst a large number of descendents, the eventual payouts may prove a disappointment in both their anticipated monetary and symbolic justice value. According to lawyer Bob Haebich, in the Queensland Under-award case on Palm Island, the simple public ceremony observed when the applicants received a letter of apology with their cheque was a valued acknowledgement.⁶⁷

A Truth hearing or tribunal would go further. When people such as stolen children or native title claimants who have suffered pain and injustice are obliged to prove their case by tests of evidence in adversarial legal settings, they often feel scrutinized, ridiculed and harshly judged. In other words, their sincere efforts to obtain a sense of justice or redress, and to have their cases taken seriously by the Australian court, often

result in further disappointment and disillusionment with the system. What brings these applicants to the courts is their desire to publicly tell their stories, and to have their painful life experiences formally acknowledged as a part of Australian history.

The difficulties of finding an equitable solution are surmountable. The Indigenous community of NSW, and all the many other people who similarly believe in the possibility of social justice, will continue the push towards a positive Reconciliation of the Historical Accounts.

Issues of justice and trust in delivering this government initiative are crucial. If the Panel is to follow a strategy of identifying specific historical records, a properly resourced infrastructure will be required. The assessment and decision-making process must be accountable, transparent, and function with some autonomy from government.

Since part of the problem of past financial injustice was poor record and account-keeping, accounting for the facts today will not be quick, easy or straightforward. But nor should a Reparations package be contingent upon a historical lottery where the claimants play an expensive game of chance and their likelihood of a win is too low.

17 ABBREVIATIONS

ATFRS	Aboriginal Trust Fund Reparation Scheme
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ATSIS	Aboriginal and Torres Strait Islander Service
APB	Aboriginal Protection Board
AWB	Aboriginal Welfare Board
BTH	Bringing Them Home
C of A	Commonwealth of Australia
DAA	Department of Aboriginal Affairs
DOCS	Department of Community Services
NAA	National Archives of Australia
NLA	National Library of Australia
NSW	New South Wales
TFRS	Trust Fund Repayment Scheme
PFHU	Personal and Family Histories Unit (Queensland)
Qld	Queensland
SLNSW	State Library of New South Wales
SRNSW	State Records New South Wales
QWSR	Queensland Work and Savings Reparation Process

18 ACKNOWLEDGMENTS

An enthusiastic thank you to Tim Moe, who originated the idea for this report and made it happen, to the elected ATSIC members who suggested further work on stolen wages, to Dr Patricia Curthoys, for excellent Research Assistance, and to the many other inspiring and generous people who promptly assisted with advice or practical help: Susan Greer, Inara Walden, Peter Read, Kirsten Thorpe, Richard Aldridge, Elizabeth Rice, Fabian Lo Schiavo, Christine Yeats, Carol Thomas, Deborah Johnson, Marilyn Hoey, Margaret Reid, Kathy Frankland, Christine Cuskelly, Helen Hamley, Beverley

Kingston, Ann Curthoys, Barry Higman, Anna Haebich, Bob Haebich, Ben Forshaw, Ros Kidd, Brian and Betty McGrath, Paul McGrath, Milton Cameron, Venetia and Naomi Cameron, Hilary Charlesworth, Ann Jackson Nakano, Kate Sands, Roger Benjamin, Ingereth McFarlane, Sigrid McCausland, Desley Deacon, Sean Downes, Michelle Searle, Kay Nantes, Ilona Crabbe, Frank Jackson, Frances Peters-Little. Warm appreciation to colleagues who generously read and commented upon drafts of this report: Professors Mick Dodson, Barry Higman and Ann Curthoys of the Australian National University and Assoc Prof Heather Goodall of the University of Technology, Sydney.

19 ENDNOTES

¹ These Recommendations summarise those made throughout the Report, so not all those mentioned later are included here, and to ensure stand-alone clarity, sometimes their wording has been altered slightly.

² The Australian National University's Ethics Committee, chaired by Professor Hilary Charlesworth, was consulted and fortunately they were responsive to an application at short notice.

³ Press Release: 'State Government announced new panel to develop repayment scheme for lost Aboriginal Wages and Payments' 5 May 2004; Extract from NSW Legislative Assembly Hansard, p 7163, attributed as 11 March 2004.

⁴ A. Haebich, 'Stolen Wages and Consequential Indigenous poverty: A National Issue', unpublished Kathleen Fitzpatrick Lecture, History Dept, Melbourne University, 20 May 2004.

⁵ Hal Wootten, 'Conflicting Imperatives: Pursuing Truth in the Courts' and Graeme Davison's 'History on the Witness Stand: Interrogating the Past' contain pertinent insights for this enquiry. See I. McCalman and A. McGrath, eds., *Proof and Truth: the Humanist as Expert*, Australian Academy of the Humanities, Canberra, 2003 contains a range of discussions from legal and humanities perspectives on the nature of proof and evidence in various contexts.

⁶ http://antar.dovenetq.net.au/05_involved/facts.html

⁷ Discussion with Bob Haebich, Brisbane, 15 June 2004.

⁸ For comparable wage rates, see Barry Higman, *Domestic Service in Australia*, University of Melbourne, Carlton, 2002, pp 172-3.

⁹ SLNSW A43/1747, File Relating to A Female Aboriginal Ward, Special Bundles, 1920-37.

¹⁰ For example, in the case of those entitled to payments from the 1900s, their descendents may now amount to hundreds if not more people. Inheritance legislation does not necessarily have provisions for more distant lines of descent that occur down the generations over more than a 100 years ago.

¹¹ I. Walden, 'Aboriginal Women in Domestic Service in New South Wales, 1850 to 1969', Bachelor of Arts (Honours thesis) University of New South Wales, 1991, pp122-124.

¹² H. Goodall, "'Saving The Children': Gender and the Colonization of Aboriginal Children in NSW, 1788 to 1990" in the *Aboriginal Law Bulletin*, vol 2 no 44, pp6-9, 1990.

¹³ Walden, 1991, p 111.

¹⁴ Joan K-Strack to Chief Secretary, 11 July 1938, in Elkin Papers Box 72, item 194; Walden, 1991, p 90; V. Haskins, 'My one bright spot : a personal insight into relationships between white women and aboriginal women under the NSW Aborigines Protection Board apprenticeship policy, 1920-1942', Doctor of Philosophy Thesis, University of Sydney, 1998; Strack and Elkin attempted to gain Dame Enid Lyons' support in ousting the oppressive APB; Strack to Elkin, 19 January c1938 and Strack to Elkin, 2 Mar c.1938; Elkin Papers P130 – Box 168 Item 66.

¹⁵ It is often assumed that the NSW Trust Funds were held in the Commonwealth Bank, however this bank was not established until 1911. Earlier ABP records refer to funds being held in the 'government savings bank'.. This Bank closed in 1931 when it defaulted on overseas interest in 1931. Its Rural Department became the Rural Bank of NSW and the Commonwealth bank absorbed most of its functions. (SJ Butlin, *Australia and New Zealand Bank*, Longmans, London, 1961, p 399, 403). See also CB Schedvin, *Australia and the Great Depression*, Sydney University Press, Sydney, 1970.

¹⁶ A brief history of NSW policies regarding child removal and NSW administration is available in *Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, C of A, 1997.

¹⁷ Cited SRNSW web page on 'Aborigines Welfare Board'

¹⁸ See Walden, "'That Was Slavery Days': Aboriginal Domestic Servants in NSW in the Twentieth Century" in A. McGrath, K. Saunders, J. Huggins, eds., *Aboriginal Workers*, Sydney, Australian Society for the Study of Labour History, 1995, pp 196-209.

¹⁹ 'Aborigines Protection: Report and Recommendations of the Public Service Board of NSW', 4 April 1940 in *NSW Parliamentary Papers 1938-40*, vol7 pp739-1611; *A Guide to NSW State Archives relating to Aboriginal People*, Archives Authority of NSW, Sydney 1998 p 63-64.

²⁰ See A. Holland 'Feminism, Colonialism and Aboriginal Workers: an Anti-Slavery Crusade' and I. Walden, in *Aboriginal Workers*, 1995.

²¹ B. Attwood and A. Markus eds, *The Struggle for Aboriginal Rights: A Documentary History*, Allen & Unwin, Sydney, 1999, pp 87-9

²² J. Horner, *Bill Ferguson: Fighter for Aboriginal Freedom*, ANZ book co, 1974; author 1994, p 120

²³ Walden, 1991, p 92.

²⁴ These Reports are published in the NSW Legislative Assembly Records, which are indexed.

²⁵ Information for this section is derived from a brief survey of secondary sources, Parliamentary Reports and Papers conducted by Dr P Curthoys. More sophisticated research and analysis is required not only to check secondary assertions, but to ascertain the exact workings of the system, which were not always as straightforward as the legislation might suggest. When it came to governing Aborigines, various levels of the state intervened and intruded in ways that did not apply to other Australians. The discussion in this section is primarily drawn from the following sources: Stephen Garton, 'Rights and Duties: Arguing Charity and Welfare, 1880 - 1920', in Michael Wearing and Rosemary Berreen (eds.), *Welfare and Social Policy in Australia: The distribution of advantage*, Sydney, 1994; Heather Goodall, "'Assimilation Begins in the Home': The State and Aboriginal women's work as mothers in New South Wales, 1900 to 1960s", in Ann McGrath and Kay Saunders (eds.), *Aboriginal Workers Special Issue of Labour History*, No.69, November 1995, pp. 75 – 101; Renate Howe and Shurlee Swain, 'Saving the Child and Punishing the Mother: Single Mothers and the State, 1912 - 1942', in Renate Howe (ed.), *Women and the State*, Bundoora, 1993; Fran Jelley, 'Child Endowment', in Heather Radi and Peter Spearitt (eds.), *Jack Lang*, Sydney, 1977; TH Kewley, *Social Security in Australia 1900 - 72*, Second edition, Sydney, 1973; Stuart Macintyre, *A concise history of Australia*, Cambridge, 1999; J. Roe, 'The end is where we start from: Women and Welfare since 1901', in Cora V. Baldock and Bettina Cass (eds.), *Women, Social Welfare and the State*, Sydney, 1988.

²⁶ Macintyre, 108, Howe & Swain p 31, Kewley, p 258.

²⁷ H. Goodall, 'Assimilation Begins in the Home': the State and Aboriginal Women's Work as mothers in NSW, 1900s to 1960s, p 93 in *Aboriginal Workers*, 1995; See also AWB Report, 1953.

²⁸ Howe & Swain, p 43, Kewley, p 195.

²⁹ Macintyre p 107; Roe p 6, Kewley p 76, Macintyre p 108, Kewley p 218.

³⁰ See APB Report, 1931.

³¹ 'Aborigines Protection: Report and Recommendations of the Public Service Board of NSW', 4 April 1940 in *NSW Parliamentary Papers 1938-40*, vol7. The PSB Enquiry criticised the APB accumulating child endowment funds rather than spending them. 'At the present time there is a large accumulation of family endowment funds in the hands of the Board. These accumulations should be reviewed regularly with a view to their reduction, having regard to the requirements and general interest of the families concerned.' See especially p16, p33.

³²SRNSW 8/2947A 18349.

³³H. Goodall, 'A History of Aboriginal Communities in New South Wales, 1909 - 1939', Uni of Sydney, 1982; P. Read, 'A History of the Wiradjuri people of NSW 1883-1969', Doctor of Philosophy, Australian National University, 1983; P. Read, *A Hundred Years War: the Wiradjuri People and the State*, ANU, Sydney, 1988; A. Markus, ed., *Blood from a stone : William Cooper and the Australian Aborigines' League*, Monash Publications in History, Clayton, 1986; Horner 1991; Holland 1995; B. Attwood, *Rights for Aborigines*, Allen & Unwin, Crows Nest, 2003; S. Taffe, 'The Federal Council for the Advancement of Aborigines and Torres Strait Islanders : the politics of inter-racial coalition in Australia, 1958-1973', Monash University manuscript, 2001.

³⁴ Discussion with Sigrid McCausland, Director and advised by Penny Pemberton, 29/06/04

³⁵ Ronald Briggs and Melissa Jackson, *Black Routes through the Library: A Guide to Aboriginal Family and Local History Resources relating to NSW*, State Library of NSW, 1996.

³⁶ V. Haskins, 1998, Walden, 1991, Goodall, 1982, Read, 1983.

³⁷ Don Elphick, *Aborigines mentioned in the Minutes of Meetings of the NSW Aboriginal Protection Board 1890-1939 and the Aborigines Welfare Board 1939-69*, Canberra 1998.

³⁸ <http://www.aiatsis.gov.au/>

³⁹ The Charles Perkins papers at NLA and a range of other sites have records relating to Indigenous activism. J. McGinness and F. Bandler have also written accounts of FCAATSI. J. McGinness, *Son of Alyandabu*, University of Qld, St Lucia 1991; F. Bandler, *Turning the tide : a personal history of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders*, Aboriginal Studies Press, 1989.

⁴⁰ J. Miller, *Koori: A Will to Win*, Sydney, A & R, 1985.

⁴¹ M. Tucker, *If Everyone Cared*, Ure Smith, Sydney, 1977.

⁴² R. Gollan, *The Commonwealth Bank of Australia: origins and early history*, Canberra, ANU, 1968.

⁴³ *A Guide to New South Wales State Archives relating to Aboriginal People*, Archives Authority of New South Wales, Sydney 1998, Appendix 1 and 2.

⁴⁴ 'Select Committee on the Administration of the Aborigines Protection Board Appointed during the session of 1937-38. Proceedings of the Committee, Minutes of Evidence and Exhibits', Government Printer, Syd, 1938. 1938 Legislative Assembly NSW, State Archives Office of NSW 6/4501.2

⁴⁵ This was published in NSW Parliamentary Papers, 1940. Aborigines Protection. Report and Recommendations of the Public Service Board of NSW, 1938-39-40, Parliament of NSW.

⁴⁶ Cited Recommendations of PSB NSW, transcribed by Dr A Holland, page numbers not supplied in this copy.

⁴⁷ SRNSW 10/10374

⁴⁸ JA Davis, Inspector of Public Accounts Report No 1257, 18 Nove 1920 in SRNSW, 10/10385.

⁴⁹ SRNSW 1/1078

⁵⁰ *Accounting History*, an international journal, is published in Australia and it is a field of growing interest.

⁵¹ SRNSW A43/1747

⁵² Interview with Professor Read, Brisbane 28th June 04

⁵³ *Bringing them home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, C of A, 1997.

⁵⁴ Ann Jackson-Nakano, *The Kamberri: A History of Aboriginal Families in the ACT and Surrounds*, Aboriginal History Monograph, 2001, outlines the impact of the protection board and welfare on families around the ACT & surrounding regions.

⁵⁵ Nonetheless, Susan Greer believes some ward receipt signatures might be scrutinized. Interview with Susan Greer, 18 June 2004.

⁵⁶ APB Annual Report of 1897, NSW Legislative Assembly papers.

⁵⁷ Professor Peter Read, who has undertaken numerous historical research and oral history projects and been active in Linkup, believed that this Directorate continued to hold if not collect funds until about 1978 or 9.

⁵⁸ <http://www.atfrs.nsw.gov.au/claim.htm>

⁵⁹ <http://www.sl.nsw.gov.au/find/infokoori/about.cfm>

⁶⁰ H. Goodall, 'New South Wales' in A. McGrath, ed., *Contested Ground: Australian Aborigines under the British Crown*, A&U, Sydney, 1995.

⁶¹ *Labour History* 82 (1) 2002 is online at:

<http://www.historycooperative.org/journals/lab/82/hannah.html>

⁶² For example, R. Castle and JS Hagan, 'Dependence and independence: Aboriginal Labour on the far south coast of NSW 1920-1975' in A. Curthoys and A. Markus, eds., *Who are our Enemies?* Hale & Iremonger, ASSLH, 1978, pp 158-171.

⁶³ Robert Castle and Jim Hagan, 'Regulation of Aboriginal Labour in Queensland: Protectors, Agreements and Trust Accounts 1897-1965', *Labour History*, no. 72, May 1997, pp. 66-76p; Shirleene Robinson, 'The Unregulated Employment of Aboriginal Children in Queensland, 1842-1902', *Labour History*, no 82, 2002, pp 1-16. <http://www.historycooperative.org/journals/lab/82/robinson.html>

⁶⁴ These include theses, for example, by Thom Blake, Nikki Henningham, Roslyn Kidd, Shirleene Robinson, C. Halse, Mark Hannah and ongoing work by numerous researchers based at University of Queensland, Griffith University and Universities in other states.

⁶⁵ In attempting to research her prize-winning book *Freedom Ride: A Freedom Rider Remembers*, A&U, Sydney, 2002. Professor Ann Curthoys had to wait three years for permission to access the records. Although the people involved in the Freedom Ride were actually willing to have the story placed on the public record, Curthoys was eventually only permitted access to a small selection of the desired records. I have been informed of numerous other examples from students based at Macquarie, University of New South Wales and University of Sydney and have not made enquiries regarding those based at other NSW Universities.

⁶⁶ The history of protest and struggle to improve Aboriginal rights and living conditions has been documented by Heather Goodall's *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770-1972*, A&U, Syd, 1996. Goodall, 1981 provides more detail of the social and economic impact of the protection board on Aboriginal people, in its complex economic and social context. Responding to current historical, legal and social justice agendas, recent studies including Attwood, 2003, have focused more on land and broader citizenship issues and have paid relatively little attention to economic citizenship and financial autonomy. On the other hand, the documentary history Bain Attwood and Andrew Markus, ed, *The Struggle for Aboriginal Rights* (Sydney, A&U, 1999) contains documents that reveal the history of indigenous struggles for financial autonomy.

⁶⁷ Discussion with Bob Haebich, Brisbane, 15 June 2004.