



The Australian Journal of **INDIGENOUS EDUCATION**

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I particularly enjoyed Phillip Morrissey's unpacking of Inga Clendinnen's book *Dancing with strangers* (2005). Morrissey exposes the failure of Clendinnen to recognise that her own non-Indigenous background undermines her attempt to achieve an objective view of 1788 and its aftermath.

Similarly, I was struck by Irene Watson's powerful opening that begs one to examine where we are as Indigenous people today. This insightful piece delves deeply into the power structures of this country. Historically and continuing to the present day, Indigenous people have been co-opted either knowingly or unknowingly into undermining positive Indigenous directive, and factions, division and in-fighting have become entrenched and encouraged. This is then feed through the media to enshrine negative stereotypes of Aboriginal people that are the staple of the wider ignorant community. Whether it is sovereignty, treaty, land, children, health, education or any Indigenous issue in this country, we will only effect change when we become a unified people. The Watson paper challenges us all to identify the constructions that have been imposed around us.

Aileen Moreton-Robinson unmasks the total unease and guilt that this country continues to carry in relation to the invasion, dispossession and continuing assault upon Aboriginal people and culture. She explores the directives of John Howard, tying this Prime Minister's action to "patriarchal white sovereignty as a regime of power" (p. 87) that seeks misguidedly to impose that we are all one people of equal standing. It is race that remains as the underlying instrument that shapes and directs the "politics of possessive investments in particular white sovereignty, which are often invisible and unnamed in everyday discourse and academic analyses" (p. 101).

Morton-Robinson's critique of John Howard is timely, particularly given the Northern Territory intervention into Aboriginal communities, an imminent election and his confession that it has been his upbringing and age that has handicapped his flawed understanding of Indigenous people and issues. He now argues that only he, if re-elected could bring about a referendum "to see a new statement of reconciliation incorporated into the preamble of the Australian constitution" (*Sydney Morning Herald* 12 October 2007, p. 17).

This latest announcement and its timing seem rather hollow and hypocritical in relation to the man's track record. Reading Morton-Robinson's piece helps unravel some of the complexities of this man and his actions.

In conclusion I have no hesitation in giving this publication a very high recommendation to students, academics and the wider public reader as it is informative, well-researched and most importantly a very good read!

References

Clendinnen, I. (2005). *Dancing with strangers*. Melbourne: Text Publishing.

TRUSTEES ON TRIAL: RECOVERING THE STOLEN WAGES

Rosalind Kidd

Aboriginal Studies Press, Canberra, 2006, xii+212pp, ISBN 9780855755461

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Ros Kidd's new book *Trustees on Trial: Recovering the Stolen Wages* is a much-needed contribution to the debate about the treatment of Aboriginal people by the Queensland government for most of the twentieth century and the failure to date to redress past wrongs. It tells a detailed and comprehensive story about mismanagement and gross incompetence in the husbanding of Aboriginal moneys over a long period, right up to the current government.

It's not only what this book says that is valuable, it's what it helps to explain in relation to current Aboriginal disadvantage. If Aboriginal people had had control of their own money, if they had been paid the same as whites, if they had benefited from the various funds set up ostensibly for their benefit, would the situation of gross disadvantage which now exists have occurred? Ros Kidd does not address these questions, but she provides a great deal of detail about the role of the government and the public service in creating today's situation which helps the reader to place current disadvantage in context. It also helps explain the refusal of many Aboriginal people to accept the \$2000 or \$4000 offered by the Beattie government to workers who had never received money earned by them due to government intervention in their lives. Such an offer was an insult, a denial of the extent of Aboriginal losses, individually and as a community, throughout the whole "protection" period during which government supposedly acted as a parent or guardian to Aboriginal people.

What rankles most for me, I think, is that the government (by which I mean both politicians and public servants) acted irresponsibly, negligently, maliciously or just plain incompetently while at the same time taking away Aborigines' power to run their own lives on the grounds that they were not capable of looking after their own interests. These sins were

compounded by continual refusal of those in positions of power to correct mistakes and cease illegal use of power when such matters were brought to their attention by well-intentioned but powerless public servants. Kidd's book provides all the information we need to roundly condemn all Queensland governments between the early twentieth century and the 1990s for their actions towards Aboriginal Queenslanders.

Kidd's main purpose is to examine the question of whether the Queensland government owed a fiduciary duty to Aboriginal Queenslanders, and if so had it fulfilled this duty. A fiduciary duty is one owed to people whose affairs are entrusted to a fiduciary or trustee to act for the benefit of the other and not to abuse the power so entrusted. To answer the question, she examines precedent cases from British, US, Canadian and Australian courts, and tracks the evidence from the Queensland government's own records to show how that government, over an extended period, failed in its duty.

Some of the material and discussion is complex, dealing with legal concepts which will be unfamiliar to most non-legal readers. However, the argument is well-structured, the evidence is clearly presented, and the conclusions are well-established. Kidd argues that, through the *Aborigines Protection and Restriction of the Sale of Opium Act 1897* and its subsequent amendments, the government had established a statutory regime designed "to control Aboriginal peoples' lives for their own protection and in their interests", thus intending or implying the imposition of "a fiduciary duty to protect or safeguard the interests of those it 'alienated' from freedom of movement, employment and financial access" (p. 58). The government took to itself the sole discretion to impair or abolish Aboriginal interests, which:

were commonly surrendered unknowingly, unwillingly and without confidence ... Deprived of the right to control their own circumstances, Aboriginal people were entirely at the mercy of government. That vulnerability, the undertaking by the government to act on their behalf, the reasonable belief that it would do so, all suggest an enforceable fiduciary obligation (p. 58).

The book continues with a litany of abuse, mismanagement and incompetence, to show how and to what extent the government failed in its fiduciary duty.

In relation to employment, the government continued to send young girls into domestic service even when it knew they were subjected to physical and sexual abuse. It continued to control Aboriginal wages even though it knew Aboriginal workers and their families were left with insufficient money to feed, shelter and clothe themselves at a reasonable standard. Even when the man in charge, Chief Protector Bleakley,

was forced to resign because of inefficiency and incompetence, the government continued to control Aboriginal workers and in fact extended controls over Aborigines while providing inadequate funding to missions and settlements. The extent of this underfunding is illustrated by the case of Palm Island where in 1943–1944 "doctors ascribed high infant mortality to chronic malnutrition, lack of clothes and blankets, and the complete absence of washing facilities" (p. 65). The government ignored reports of exploitation and breaches of its own regulations in the employment of Aboriginal men, women and children while by 1946 it was "managing" £400,000 of Aboriginal wages (p. 67) and in 1965 the Department was unable to do anything about recovering wages for those under its protection because it lack sufficient information (p. 77). As Kidd concludes, "In maintaining a flawed system the government was party to the massive losses sustained by its contracted work force. It knew of the risks, but it allowed them to continue" (p. 81).

The government felt justified in managing Aboriginal bank accounts because, in the government's own words, Aboriginal people were "illiterate and unable to comprehend the system of recording and investing their funds" (cited p. 84). In 1935 a system was established whereby Aboriginal workers verified transactions relating to their accounts by providing a thumb-print. Kidd comments further on the risk and actuality of abuse of this checking process. However, she does not comment on the curious fact that no consideration appears to have been given to another possible solution to the problem of misappropriation of Aboriginal money: the education of Aboriginal people so that they could sign for transactions done on their behalf. In fairness, the focus of her examination is the fiduciary duty of the government to Aboriginal people, which in Australia is interpreted to have an economic focus. However, not to even comment on the lack of any attempt to bring Aboriginal people in the government's care to even a basic level of literacy is an unfortunate omission, especially as from 1934 an amendment to the *Aboriginal Protection and Restriction of the Sale of Opium Act 1897* gave the Queensland government the responsibility for "the education, instruction and training of aboriginals and half-castes". Clearly the government failed in this duty too.

Despite this omission, Kidd presents a strong case to show government failed in its fiduciary duty. Not only did the government take money from Aboriginal wages and fail to manage that money properly, it used the money so accumulated to its own advantage, not to the benefit of the Aboriginal people for whom it had assumed responsibility. Much of the money in the various Aboriginal funds was used to offset government expenditure on Aborigines. For instance, the government took the child endowment money payable to mothers and used it for programmes it should have

been providing out of normal budget allocations. The programmes established with Aboriginal money left Aboriginal families "mired in sickness and poverty" (p. 94) but the government continued to ignore the problems caused by its parsimonious funding of Aboriginal settlements and missions. At the same time, the government was underpaying Aboriginal workers and charging them for their own incarceration in settlements knowing that the cost of goods on those communities was much higher than elsewhere. All that could result from this, for the Aboriginal people, was poor living standards and poor health.

Government benefited from its misuse of Aboriginal money in other ways. For instance, money was taken to support public hospitals in which Aboriginal people were not welcome. In effect, the health of the wider community came at the expense of the well-being of Aboriginal people. But when staff of settlements asked for enough money to stop the malnutrition and disease rife in communities by simple measures such as providing fruit juice, the government claimed it was too costly to do so. It was profiting from the interest of Aboriginal money invested, saving money from consolidated revenue by charging the costs of Aboriginal settlements to Aboriginal accounts, grossly underpaying Aboriginal workers, in general mismanaging Aboriginal money, while at the same time providing insufficient money to keep the communities and their residents at a reasonable standard.

The Queensland government's mismanagement didn't stop there. It went so far as to misuse Commonwealth money intended for housing for Aboriginal people at an appropriate standard. Instead of following guidelines, the Queensland government used the Commonwealth funding to build houses with no laundries or toilets and no internal water and refused to build houses for those most in need as they were considered a bad risk. It understaffed the area responsible for managing the collection of rents and failed to pursue rents owing, causing considerable losses which were transferred to the Aboriginal Welfare Fund. The Welfare Fund was drained of resources by other cases of bad investment and mismanagement enumerated by Kidd, leaving the Fund with grossly less money than it should have retained. And at least from the 1970s the government was aware of these problems, but did nothing to redress them. Kidd concludes that her "analysis of the Welfare Fund suggests there is now a wealth of evidence of abuse of trust, including improper charges against the Fund, failure to implement standard checks and balances to prevent losses and failure to amend identified systemic defects" (p. 163).

The losers, of course, were the Aboriginal people whose money was put into that fund in trust. Not only did previous governments break that trust, but the current government compounds the problem by refusing to adequately compensate Aboriginal people

for their losses, individually and as a community. What Kidd does not articulate, but what is clear from the evidence, is that the poverty, poor health, lack of skills, low educational levels and all the other disadvantages experienced by Aboriginal Queenslanders today are the results of deliberate actions and inaction by the Queensland government over many decades. What she does make clear is that the misuse of Aboriginal money in a whole range of ways was in breach of its fiduciary duty to the Aboriginal people of Queensland.

This is a crime that someone should be called to account for, and this is the great value of Kidd's book. The evidence she has meticulously accumulated and presented in a readable, well-argued book, will be invaluable to those Aboriginal people who continue to pursue their rights through the legal system.

ABORIGINAL DARWIN: A GUIDE TO EXPLORING IMPORTANT SITES OF THE PAST AND PRESENT

Toni Bauman

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For some, Darwin is the end of the earth, for others it is the beginning of a new life, while for the Larrakia, it has been the centre of a society for thousands of years in which economic, social and political systems were generated and sustained locally and not at the periphery.

White Australia came late to the Northern Territory and to Darwin. As the ongoing campaign for statehood reminds us, the Northern Territory is still an outpost of a modern state, rather than a modern state in its own right, leaving Darwin an administrative centre, a branch office town, a military town to which people came and from which they leave with monotonous regularity. The foundations of the town to which White Australia came, however, was a diverse and multiracial community built around the Indigenous population, the Larrakia.

If Darwin does become a capital city of a modern state, it will be a state which reflects continental diversity more than any other. The current Indigenous population of the Northern Territory is usually estimated as close to 30% of the total population and growing. The Indigenous population provides