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DEPARTMENT OF SOCIAL SERVICES
CENTRAL ADMINISTRATION

D512

PART No. ONE

REFERENCE TO OTHER FILES

SUBJECT

A55. ABORIGINES--ELIGIBILITY
FOR S. S. BENEFITS

ABORIGINES--ELIGIBILITY FOR U. S. B.

FILE CLOSED

LATER PAPERS ON
EACH OFFICER TO ENTER INITIALS WHEN CLEARING FOLIO.
SENDING OFFICER MUST NOT INITIAL HIS OUTWARD ENTRY.

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POST EXAMINED

FILE CLOSED

INSTRUCTIONS

- (1) Insert in column (1) number of the Folio on which action is to be taken; in column (2) the name of the officer required to take the action; and in column (3) the date the file is forwarded to him.
- (2) When a folio is cleared, the officer dealing with the file shall insert his initials and date in column (4) and indicate on next vacant line to whom the file is to be referred and the date.
- (3) All entries to be in ink.

J. E. A. A.

A55 (95)
4186
87

THE FEDERAL COUNCIL FOR ADVANCEMENT OF
ABORIGINES' AND TORRES STRAIT ISLANDERS.

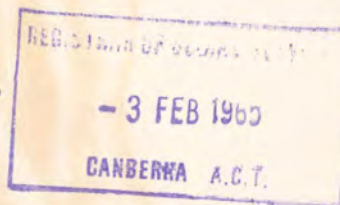
"All human beings are born free and equal in dignity and rights . . . and should act towards one another in a spirit of brotherhood."
(Article 1. Declaration of Human Rights)

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Treasurer:
Mrs. J. HORNER (N.S.W.)

General Secretary:
Mr. STAN DAVEY
409 Mountain Highway,
Boyswater, Vic.

29/1/65.

The Minister for Social Services,
Department of Social Services,
CANBERRA. A.C.T.



Dear Sir,

It has been brought to my attention that the West Australian Director of Social Services, who in so many ways has shown a keen sensitivity to the needs of Aborigines, declined to pay unemployment benefits to Aborigines who had refused work offered at under award rates.

I would personally register the strongest possible protest against this form of coercion, maintaining cheap Aboriginal labour.

Aborigines in the Roebourne area, in which the above ruling was specifically given, are employed for as little as £5 per week. During a recent visit I made to the area, one Aboriginal claimed he had been butchering for some 20 to 25 years and was being paid £5 per week plus 2 issues of meat. Another worked at a garage for £9 a week. Others were employed gardening at £1 a day. And these men were working a full 40 hour week.

Union influences so far North are limited; Aboriginal labour is in plentiful supply, consequently the Social Services Department policy ensures a continuation of a cheap Aboriginal labour market.

Further south at Carnarvon employment is readily available and Aboriginal labour in demand. Basic and award rates are paid. Employers do not make the plea that because a person is an Aboriginal he is not sufficiently skilled and therefore not worth the basic wage. North of Carnarvon employers appear to set their own wage scales for Aborigines and basic award rates are the exception rather than the rule. Low rates are paid on racial grounds not on measured work ability, as claimed.

I would urge that this matter be immediately reviewed and that unemployment benefits be made available to Aborigines refusing employment which may be offered at less than award rates, unless there has been a specific agreement between the Aboriginal, a

(94)
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86

union official and the employer that a "slow worker rate" should apply because of lack of skill in the work undertaken.

Yours sincerely,

Stan Davey

STAN DAVEY. (Hon. General Secretary).

REGISTRATION OF SOCIAL SERVICES
= 3 FEB 1965
CANBERRA A.C.T.

[109] #204
100

RFB/EJR
A.55(20)/5004

22 FEB 1965

DIRECTOR-GENERAL
23 FEB 1965
OF SOCIAL SERVICES

Dear Mr. Davey,

In my letter of 10th February I promised to write to you again about the payment of unemployment benefit to Aborigines in the Roebourne area of Western Australia.

I am informed that no claims for unemployment benefit have been received from the northern area of Western Australia and consequently no claims have been refused.

It may be added, however, that if claims are received from Aborigines in this area (or from persons in any other area for that matter) the question of payment would be determined in accordance with the provisions of the Social Services Act.

Under that Act an unemployment benefit shall not be granted unless the claimant is capable of undertaking, and is willing to undertake, work which, in the opinion of the Director-General, is suitable to be undertaken by that person.

However as I have already indicated, this question has not yet arisen in the cases to which you refer.

Sincerely yours,

(Sgd.) R. W. Swartz
(R. W. Swartz)

Stan Davey, Esq.,
Hon. General Secretary,
The Federal Council for Advancement
of Aborigines and Torres Strait Islanders,
409 Mountain Highway,
BAYSWATER. Vic.

Int'd
H. J. G. FEB 1965

DEPARTMENTAL COPY

F. C. A. A.

(11)
#231
104

THE FEDERAL COUNCIL FOR ADVANCEMENT OF
ABORIGINES' AND TORRES STRAIT ISLANDERS.

"All human beings are born free and equal in dignity and rights . . . and should act towards
one another in a spirit of brotherhood."
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Mr. S. COOK (N.T.)
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Mrs. J. HORNER (N.S.W.)

General Secretary:
Mr. STAN DAVEY
409 Mountain Highway,
Boyswater, Vic.

4th March, 1965.

The Hon. R.W. Swartz, M.P.,
Minister for Social Services,
CANBERRA, A.C.T.



Dear Mr. Swartz,

Thank you for your letter of the 22nd of February.

I thought I must admit from the information I had received that there had been actual cases where Aborigines had been refused unemployment benefits. - My error was publicly acknowledged in this morning's "Australian".

However the fact that no claims have been made does not alter the stated position enunciated by Mr. Humphreys that Aborigines would have to accept the "local wage for native labour" "to qualify for unemployment benefit". Is it possible that Aboriginal labourers have failed to test this position because they know the attitude of the Department?

I hope it will not be too long before this situation may be adequately tested.

Would you please advise as to the resources the Director -General uses to formulate an opinion whether the claimant is capable and willing to undertake work suitable to a particular person? Does this also take into account the wage offered by an employer and a fair assessment of the employees ability?

Yours sincerely,

Stan Davey.
Hon. General Secretary.

Unemployment Benefit - Aborigines

First A.D.G. (Policy).

Please see the letter from Mr. Stan Davey on folio 4231 hereunder. He asks, in effect, what factors influence the Director-General in forming an opinion whether any particular claimant is capable of and willing to undertake suitable work and whether the wage offered and an assessment of the prospective employee's ability are taken into account.

2. The letter of course arises from the statement appearing in a letter signed by Mr. Humphreys to Don McLeod as follows :-

"..... few of the Roebourne natives have the application or the skill to be worth the basic wage" (folio 4196).

Unfortunately this statement, which is an expression of opinion, which it was not necessary to offer, has led to some publicity in the press and to charges of discrimination against aborigines.

3. The relevant instructions on this matter are as follows :-

"2/F/3 (a) A claimant must be capable and willing to undertake work of a class which he normally follows or be capable and willing to undertake some other work of a suitable nature that he could be expected to perform".

"2/F/2(c) A claimant will generally be regarded as having refused or failed without good and sufficient reason to accept an offer of employment if he is unwilling to accept and perform work offered to him which, having regard to his abilities and qualifications, it is considered would be suitable in its nature, conditions and location, to be undertaken by him."

4. I suggest that the reply to Mr. Davey paraphrase the above instructions with the explanation that they apply to all claimants irrespective of their racial origin and that any claims received from the Roebourne area will be considered on their merits in the light of the above.

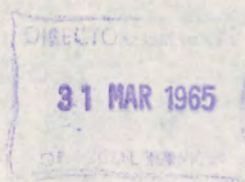
Yes. Could I see how it looks in draft please.
M.C.T.
19/3/65

I. Prowse
(I. PROWSE)
A.D.G. (P. & B.).
18/3/65.

IP/EJR
A.55(20)/4234

(120)
24 MAR 1965

4236
107



Dear Mr. Davey,

On 16th March, I acknowledged your further letter to my predecessor, the Hon. R.W.C. Swartz, M.P., concerning the eligibility of aborigines for unemployment benefit.

It is noted that you corrected your earlier statement to the press concerning the position at Roebourne and your attitude in this connection is appreciated.

Following the amendments to the Social Services Act in 1959, which came into operation on 2nd February, 1960, all Aborigines, other than those who are nomadic or primitive, are eligible for social service benefits at the same rates and subject to the same conditions as apply to other persons in the community.

In order to qualify for an unemployment benefit, the Act provides that the claimant must be unemployed, must be capable of and willing to undertake suitable work and must be taking reasonable steps to obtain such work.

In determining a claim for unemployment benefit, the Director-General is required to satisfy himself that the claimant is capable and willing to undertake work of a class which he normally follows or some other suitable work which he could be expected to perform.

Benefit would not be refused if a claimant declined an offer of work which was quite beyond his capabilities but, generally speaking, a claimant would be expected to accept an offer of employment for which his abilities and qualifications would fit him. The nature, location and conditions of the proposed employment are also factors which are taken into account. For example, if a person normally employed in the pastoral industry became unemployed, he would be expected to accept an offer of work involving similar conditions to his previous employment.

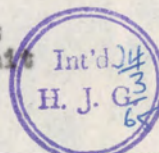
It is again emphasised that these qualifications apply to all claimants for benefit irrespective of their racial origin. If any claims are received from Aborigines in the Roebourne area, they will be determined on their merits in the light of the above.

Yours sincerely,

(Sgd.) Ian Sinclair

(Ian Sinclair)

Mr. S. Davey,
Hon. General Secretary,
Federal Council for Advancement
of Aborigines' and Torres Strait
Islanders,
409 Mountain Highway,
BAYSWATER. Victoria.



DEPARTMENTAL COPY

AD (Bar)

F. C. A. A.

(151)
138

THE FEDERAL COUNCIL FOR ADVANCEMENT OF
ABORIGINES' AND TORRES STRAIT ISLANDERS.

"All human beings are born free and equal in dignity and rights . . . and should act towards
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Mrs. J. HORNER (N.S.W.)

General Secretary:

Mr. STAN DAVEY
409 Mountain Highway,
Bayswater, Vic.
Phone: 729-1339

29th September, 1965

The Hon. I. Sinclair, M.P.,
The Minister for Social Services,
CANBERRA, A.C.T.



Dear Mr. Sinclair,

Thank you for your letter of 23rd of August enclosing a copy of the reply sent to the Hon. A.A. Calwell concerning the facilities available to Aborigines in remote areas of Western Australia in applying for unemployment benefits.

Your reply states, "Aborigines living in remote areas are assisted in making application for social service benefits by officers of the State Department of Native Welfare stationed in those areas."

In a reply written on 22nd February 1965 your predecessor, the Hon. R.W. Swartz stated, "no claims for unemployment benefit have been received from the northern area of Western Australia and consequently no claims have been refused."

One hardly needs to comment that some Department is falling down in its responsibilities to the Aboriginal community in the area. Not only are there scores of unemployed Aborigines in the locality but many more are employed at sub-standard rates whose low income would still entitle them to register for unemployment benefit.

If there is a working arrangement with the W.A. Department of Native Welfare, as suggested by your letter, why have the officers failed to carry out their responsibilities in this matter?

Has the Department of Social Services failed to make it clear to the Native Welfare Department that they are expected to take the initiative to see that the provisions of the Social Service Act are conveyed to Aborigines who due to being illiterate would have no other way of learning of their entitle-

ments?

Or do the Native Welfare Department officers consider it useless, in the light of the ruling of the W.A. Director of Social Services, conveyed to Mr. McLeod, 12th January, 1965, to make application? You will recall Mr. Humphreys stated, "Eligibility for unemployment benefit depends on the applicant being normally a worker and capable and willing to undertake any work ~~regarded~~ regarded as suitable for him to do. If an unemployed person refuses to accept work offered under these circumstances he cannot receive unemployment benefit. There is a local wage for native labour in the various districts in the North West and members of your group would have to be prepared to accept employment under local conditions if they desire to qualify for unemployment benefit."

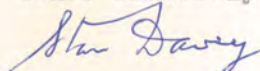
Apart from any adult who may refuse to work for less than the basic or award wage, there would be numerous adult Aborigines with dependents whose income according to "local wage for native labour" would entitle him to receive unemployment benefit. For instance an Aborigine with 3 dependents, (wife and 2 children,) earning the "local wage" of £5.12.6 according to the schedule of rates of Social Service Benefits and Pensions issued November 1963. - Such a situation is not merely hypothetical. In January while briefly in the area I met at least 2 families some how managing to stay alive on the "local wage" and the local Welfare officer assured me this was commonly the situation.

Has Mr. Humphreys ruling deterred the officers from encouraging Aborigines to apply for unemployment benefit?

The failure of the Department of Social Services and/or the W.A. Native Welfare Department to take action on these matters leaves both the Commonwealth and State Governments wide open to the accusation that they support a form of coercion maintaining a pool of cheap Aboriginal labour in the area.

It is now exactly 8 months since this issue was raised with your Department and though courteous answers have been received no constructive action has been implemented to see that the Aboriginal people receive the benefit to which they are entitled, consequently it is intended to air this question once again, publicly.

Yours sincerely,



Stan Davey.
Hon. General Secretary.

142 (156)

D.512/

15th October, 1965.

Dear Mr. Davey,

Your further letter of 29th September concerning the facilities available to Aborigines in remote areas of Western Australia in applying for unemployment benefits is acknowledged.

Before commenting on the specific issues raised by you I would like to make one or two general observations.

The Commonwealth unemployment benefit scheme and, indeed, similar schemes in other countries, are designed to meet the needs of an industrialised society. This does not mean that rural workers are excluded from the scheme but its chief purpose is to assist members of the work force whose earnings have been temporarily interrupted by unemployment. It does not extend to persons who are not unemployed or to persons who are not normally employed.

The second relevant observation is that, as you know, the welfare of Aborigines in the States is the responsibility of the State Governments. This does not preclude Aborigines from receiving Commonwealth Social Service Benefits where they are so qualified. However, the Commonwealth's view is that where any person is unable to satisfy the conditions for a Commonwealth Benefit, his welfare and maintenance remain the responsibility of the State Government.

Turning now to the specific points raised in your letter, the first essential qualification for unemployment benefit is that the claimant must be unemployed. A person who is employed, even though his wages may be low by urban standards, cannot be said to be unemployed. Consequently such persons are not qualified for unemployment benefit and there would be no point in obtaining claims from them. The officers of the Western Australian Department of Native Welfare are aware of this position and my Department would not suggest that they obtain claims from persons who are employed.

The position is different in the case of a person who in fact becomes unemployed. If he wishes to lodge a claim for unemployment benefit, he may do so and where necessary will be assisted in completing the application form. When the claim is lodged it is investigated in the normal manner and determined on its merits in accordance with the provisions of the Social Services Act.

On the other hand, a person who is not normally employed and who is taking no steps to obtain employment cannot be granted unemployment benefit. As mentioned earlier, the scheme is not designed to cover such persons and their maintenance and welfare is a State responsibility.

Becoming more specific still, if an Aborigine leaves a job at £5 a week and refuses the offer of another position at a similar wage (where that is the wage normally applying to the area and the occupation) he cannot be said to be willing to undertake work which is suitable to be undertaken by him and consequently would not qualify for unemployment

.../2.

143 [155]

benefit. My Department is not responsible in any way for wages policies and its concern is to see that claims made under the Social Services Act are determined in accordance with the law expressed in that Act.

Should you wish to take up the question of maintenance and welfare of Aborigines who are not qualified for assistance under the Social Services Act the proper Western Australian authority is the Department of Native Welfare.

Yours sincerely,

(Sgd.) Ian Sinclair

(Ian Sinclair)

Mr. Stan Davey,
Hon. General Secretary,
Federal Council for Advancement of
Aborigines and Torres Strait Islanders,
409 Mountain Highway,
BAYSWATER, VICTORIA.

N.B. Copy of the above reply and Mr. Davey's letter to the Minister forwarded to Director, Dept., for his information
P. 19/10

Copy sent to Director (Brisbane) who requested it in c/w file 206/7
P. 28/1/62.

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F. C. A. A.

THE FEDERAL COUNCIL FOR ADVANCEMENT OF
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General Secretary:

Mr. STAN DAVEY
409 Mountain Highway,
Bayswater, Vic.
Phone: 729-1339

RECEIVED

- 5 NOV 1965

In Minister's Office

28th October, 1965

The Hon. I. Sinclair, M.P.,
Minister for Social Services,
CANBERRA, A.C.T.

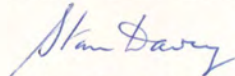
Dear Mr. Sinclair,

Thank you for your letter of the 15th October.

It is obvious from its contents that our discussion has done little but clarify my original proposition that Aborigines in the N.W. of Western Australia are being denied unemployment benefit. Consequently there appears to be no other action possible but to focus attention of Parliament and the Australian public on the situation until the discriminatory/interpretation of the Act is dropped and Aborigines receive in fact equality of treatment in the application of Unemployment Benefits with other Australians.

Enclosed is a copy of a statement which is being circulated to all members of the Federal Parliament.

Yours sincerely,



Stan Davey.
Hon. General Secretary.

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FEDERAL COUNCIL FOR ADVANCEMENT OF ABORIGINES AND
TORRES STRAIT ISLANDERS

NORTH WEST ABORIGINES DENIED EQUAL ACCESS TO
UNEMPLOYMENT BENEFIT

Commonwealth Social Services Department Policy Assures Cheap
Labour Pool.

The Department of Social Services through its Minister has consistently claimed that -

"Following the amendment to the Social Services Act in 1959, which came into operation on 2nd February, 1960, all Aborigines, other than those who are nomadic or primitive, are eligible for social service benefits at the same rates and subject to the same conditions as apply to other persons in the community." (1)

Originally (29th January, 1965), the Department was accused of refusing unemployment benefits to the scores of Aborigines in the North West of Western Australia who were known to be unemployed or semi-employed.

The Minister's reply to this was simply -

"I am informed that no claims for unemployment benefit have been received from the northern area of Western Australia and consequently no claims have been refused." (2)

How Do Illiterate People Apply for Unemployment Benefit?

When asked what provision was then made to assist illiterate persons in country areas to acquire the assistance to which they were entitled the Minister assured his questioners -

"The present position is that Aborigines living in remote areas are assisted in making application for any social service benefit by officers of the State Department of Native Welfare stationed in those areas." (3)

Why Have Welfare Officers Neglected To Assist Eligible Aborigines?

The answer is not clear until it is realised that the Department requires a different qualification for Aborigines than other Australians. Welfare Officers, obviously aware of this distinction, apparently consider it useless to fill in forms for Aboriginal applicants.

Different Conditions for Aborigines.

1. They are required to accept employment at below basic or award rates of pay.

In a letter to Mr. Don McLeod, European advisor to an Aboriginal prospecting group, Mr. F.W. Humphreys, W.A. Director of Social Services stated -

"There is a local wage for native labour in the various districts in the North West and members of your group would have to be prepared to accept employment under local conditions if they desire to qualify for unemployment benefit." (4)

(162 a)

The Hon. I. Sinclair, Minister for Social Services gave explicit support to this ruling -

".....if an Aborigine leaves a job at £5 a week and refuses the offer of another position at a similar wage (where that is the wage normally applying to the area and the occupation), he cannot be said to be willing to undertake work which is suitable to be undertaken by him and consequently would not qualify for unemployment benefit." (5)

The Minister further washes his hands -

"My Department is not responsible in any way for wages policies and its concern is to see that claims made under the Social Services Act are determined in accordance with the law expressed in that Act". (5)

In other words the Department accepts a standard of wage rates for Aborigines which are set by employers who ignore awards set by the Arbitration Court applying to other persons in the community. (N.B. Aborigines are excluded only from the Pastoral Industry Award. They are entitled to the same award rates as other Australians in any other occupation covered by an award.)

Here is an admission that unemployment benefits are not in fact available to Aborigines "at the same rates and subject to the same conditions as apply to other persons in the community".

2. It would appear from the ruling of the Minister they are excluded from the provision of the "Special Benefit".

The provision concerning a special benefit states -

"A special benefit may be granted to a person not qualified for an unemployment sickness benefit if, because of age, physical or mental disability or domestic circumstances, or for any other reason, he is unable to earn sufficient livelihood for himself and his dependent. The maximum rate for this benefit is the same as for unemployment or sickness benefit." (6)

The Minister ruled with regard to the N.W. Aborigines -

"A person who is employed, even though his wage may be low by urban standards, cannot be said to be unemployed. Consequently such persons are not qualified for unemployment benefit and there would be no point in obtaining claims for them. The officers of the Western Australian Department of Native Welfare are aware of this position and my Department would not suggest that they obtain claims from persons who are employed". (5)

(It had been pointed out that a person with a wife and 2 dependent children may have a permissible income of £2 while still receiving a full benefit of £8.12.6. If this benefit is reduced by the amount in excess of the £2 a family with a weekly income of £5 - the "local wage for native labour in the district" - would still be entitled to a benefit payment of £5.12.6.)

In a district where cost of living is at least 50% higher than metropolitan areas now can the Department justify that a wage of £5 per week is a "sufficient livelihood for an Aboriginal and his dependents"? - unless they accept different conditions for Aborigines than apply to other persons in the community!

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Does the Social Services Act in fact discriminate against all Rural Workers?

The Minister in further defence of the Department's policy stated -

"The Commonwealth unemployment benefit scheme and indeed similar schemes in other countries, are designed to meet the needs of an industrialised society. This does not mean that rural workers are excluded from the scheme but its chief purpose is to assist members of the work force whose earnings have been temporarily interrupted by unemployment." (5)

It must be respectfully suggested that the Minister needs to do some homework on the history and theory of social services.

However, if the Minister's assessment is correct and the purpose of the provision of social security is mainly urban the Act requires immediate amendment to make benefits as readily available to rural workers "whose earnings have been temporarily interrupted by unemployment".

Aborigines make up a large percentage of the work force in many rural areas and by inference the Minister suggests limitation on the availability of unemployment benefits to them which do not apply to the bulk of the community.

NEITHER THE COMMONWEALTH GOVERNMENT NOR THE DEPARTMENT OF SOCIAL SERVICES MAY HONESTLY CLAIM THAT ABORIGINES ARE "ELIGIBLE FOR SOCIAL SERVICE BENEFITS AT THE SAME RATES AND SUBJECT TO THE SAME CONDITIONS AS APPLY TO OTHER PERSONS IN THE COMMUNITY" UNDER THE PRESENT CIRCUMSTANCES.

The Department must be called upon -

- (a) to eliminate all discriminatory qualifications;
- (b) to provide a programme of education to inform illiterate persons of their full entitlements under the Social Services Act; and
- (c) to establish adequate machinery to assure that isolated and illiterate persons are in fact able to make use of the facilities as readily as "other persons in the community".

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- (1) From a letter to F.C.A.A. Gen. Secretary, from the Hon. I. Sinclair, 24th March, 1965.
 - (2) From letter to F.C.A.A. Gen. Sec., from the Hon. R.W. Swartz, 22nd February, 1965.
 - (3) From letter to the Hon. A.A. Calwell, M.P., from the Hon. I. Sinclair, 23rd August, 1965.
 - (4) From letter to Mr. D.W. McLeod, Port Hedland, from Mr. R.W. Humphreys, W.A. Director of Social Services, 12th January, 1965.
 - (5) From letter to F.C.A.A. Gen. Sec., from the Hon. I. Sinclair, 15th October, 1965.
 - (6) Page 10 "Commonwealth Social Services".

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